**Management of the Confidentiality Advice Team Caseload**

**Introduction**

This paper presents the management of the Confidentiality Advice Team (CAT) caseload of initial applications, amendments and annual reviews that built up between April and June 2020. There were a number of staffing issues during November 2019 to April 2020 with the service most seriously compromised between February and April, as identified through corporate issue logs, and raised with the Board. This resulted in delays in processing a significant proportion of submissions, particularly those submitted in March and April, as seen in the below figure for the number of submissions and outcomes for initial applications, amendments and annual reviews.

These staffing issues meant that some applications received in the period prior to November were not progressed appropriately. There has been a long-standing concern that CAG does not have an adequate case-management system, which we have not been able to rectify due to the lack of funding for replacement of research systems. This has meant that the team have been reliant on individuals managing their own workload, with consequent problems when staff have left or been off sick, and there has been no mechanism for organisational visibility of the caseload.

However, these staffing issues were resolved between April and June, with the recruitment of new staff and return of experienced staff. In June 2020, with a full complement of staff, we were able to assess the level of outstanding (i.e. those over timelines) caseload of work that had built up over the preceding months. An action plan was developed and introduced to process the work that had built up. As seen above this has resulted in a significant spike of outputs during July, returning to near normal levels in August once the work had been completed.

## Reducing the Caseload

We identified all the responses to provisional outcomes, amendments and annual reviews that had been submitted by applicants but not processed by the team. As well, we also noted a number of submissions where we were waiting on a response from other parties before we could issue an outcome, but where we had not followed up.

Reducing the Caseload involved the whole team to:

* contact all applicants with outstanding submissions, apologising advising that these would be processed by 31 July 2020.
* review all older submissions that were awaiting REC Favourable Opinion and/or NHS Digital security assurances to see if these were now in place and could be issued an outcome.
* work with the CAG members to use already arranged meetings to take amendments to these meetings for consideration in batches to reduce the impact on the CAG Chair Team.

**This approach, and the hard work of staff, has seen us meet our target of processing all outstanding submissions, submitted before 30 June 2020, being processed by the team by 31 July 2020. This is demonstrated in peaks in April and June in the graph below due to clearing of all outstanding applications.**

As such, we consider that the management of the historical, overdue caseload from applications prior to April is now closed and lessons learned for service improvements. It should be noted, that although CAG processing of applications has been completed, some applications are still awaiting external assurances before a final outcome can be issued (e.g. REC favourable opinion or Data Security Protection Toolkit assessment by NHS Digital) and therefore some outliers may affect future data as these are closed in due course.

## Impact on Timelines

The below graph shows the timelines for full (KPI 60 days) and precedent set (KPI 30 days) initial applications and amendments (KPI 35 days) between January and July 2020.

## In April and June, the KPIs were not met due to the closure of long-standing applications. NB: the median in April is extremely high for full applications (at 287 days) as this data point is for one application only which encountered delays for a range of reasons and is not representative of the general work.

## The KPIs were met in July showing a progression in managing the work as staff capacity and development were put in place. The below table shows the total number of initial application and amendment outcomes issued each month, with the number outcomes that met the KPI, were within 10 days of the KPI, and were more than 10 days outside the KPI.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Jan** | **Feb** | **Mar** | **Apr** | **May** | **Jun** | **Jul** | **Aug** |
| Total number of outcomes | 22 | 13 | 10 | 4 | 7 | 25 | 46 | 25 |
| Within KPI | 13 | 9 | 8 | 3 | 3 | 11 | 25 | 22 |
| Less than 10 days outside KPI | 6 | 2 | 1 | - | - | - | 4 | 1 |
| Over 10 days outside of KPI | 3 | 1 | 1 | 1 | 4 | 14 | 17 | 2 |

**Table showing outcomes and KPI timelines by month for initial applications and amendments.**

The data demonstrates the reduced volume of outputs in March to May, and how the team worked to increase these outputs in June and, particularly July. Whilst this work in June and July has actioned the outstanding caseload that has built up (the reason for the numbers outside of KPI targets increasing), we have also continued to manage the new work coming in a timely manner, reflected by the increasing number of outcomes being issued within KPI targets.

The August data demonstrates that this progress is continuing. The median timelines are reducing, as well as the majority of the outcomes being issued within the KPI timelines. All three outcomes that were outside the KPIs in August were part of the caseload process where the outcome could only be issued once an external assurance had been received. This also impacted the median timelines for precedent set applications, where 2 out of 3 outcomes issued were part of the caseload process – nevertheless these outcomes were issued in 31 and 41 days, with the remaining precedent set outcome, not within the caseload process, issued in 14 days.

## Moving forwards

Processes are now in place for the newly established, complete team to manage the caseload effectively:

* Admin assistant produces twice weekly reports on clocks for team to prioritise work, as research systems do not provide visibility of this for staff.
* Weekly caseload meetings to discuss the caseload and deadlines and agree priorities for the week.
* Service manager has worked with the team to clarify processes and responsibilities for the flow of submissions.
* Admin Assistant to review every two weeks older submissions which cannot be issued an outcome because of reasons outside our control, to determine whether it is now possible to issue an outcome.
* Once new members of the team are fully trained this will provide further capacity.
* The Data Driven Technology programme provides the resource and framework to make improvements to Management Information and Research Systems to support processes, which will themselves be subject to refinement. This will significantly reduce risk, combined with caseload meetings of outstanding work and approaching deadlines being missed. It will also reduce the current significant administrative burden that the team have when processing submissions to free capacity within the team, which can then be applied to functions such as pre-application advice, to improve quality of submissions, reducing burden on team and CAG and getting studies in place sooner.

## Exiting the COPI Notice

The COPI Notice has been extended to 31 March 2021. HRA, NHSX and NHS Digital are in the process of collating known activities operating under the COPI Notice in order to identify, prioritise and manage handling in conjunction with DHSC. The intention is to stratify into short, medium and long-term reliance on the Notice and identify the legal basis relevant activities should transition into so applicants are clearly supported into the correct pathway (via CAG, PHE, or de-identifying information).

There are currently circa 70 applications known to be operating under the COPI Notice; just over 50% relate to HRA-handled activity Note this is an estimation as NHS Digital have yet to provide specific details (due 27 August).  Currently up to 10 activities have been identified as not requiring transition post-COPI Notice expiry. Initial reviews indicate therefore circa 60 activities will need to transition to Regulation 5 support via the CAG. The CAG considers around 130 new applications a year, delivered through up to 20 quorate and 20 precedent-set review meetings. Should activities come to CAG within a short timescale, CAG would be unable to process these within short timescales.

Figures above are based upon known activities, and it is accepted there is also likely to be an unknown number of activities that have not been managed that may place additional demands upon the CAG and staff. As an interim measure, information has been published to encourage applicants to contact CAG by December so advice can be given on the way to proceed; NHSX are also keen to support any future communications through their guidance and supporting HRA communications.

Discussions are underway with CAG and Service Manager to identify any flexibility in approach and options to manage within current capacity. Initial thoughts are that supporting and advising applicants in advance of submission will be critical so there are likely to be implications on resource to avoid potential influx and negative detrimental impact. We are also actively mitigating any potential influx of applications by recruiting some temporary support for the team to handle submissions to the CAG during this period. This process has started to enable any temporary support to be suitably trained in the handling process. We are working with the CAG to implement a new precedent set category to manage these applications; this proposal and supporting criteria will be considered at the CAG away day 30 September as part of developing guidance.