

Confidentiality Advisory Group

Minutes of the meeting of the Precedent Set Review Sub Committee of the Confidentiality Advisory Group held on 21 August 2023 via correspondence

Present:

Name	Capacity	Items
Dr Tony Calland	Chair	
Dr Patrick Coyle	Vice Chair	
Dr Murat Soncul	Alternate Vice Chair	
Ms Clare Sanderson	Alternate Vice Chair	
Professor William Bernal	Alternate Vice Chair	

Also in attendance:

Name	Position (or reason for attending)
Kathleen Cassidy	Confidentiality Advisor

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. NEW PRECEDENT SET REVIEW APPLICATIONS FOR CAG CONSIDERATION

2a	23/CAG/0095	Non-statutory Medical Examiner System – second phase in Wales
	Contact:	Andrew Evans, Director, Medical Examiner Service for Wales
	Data controller:	NHS Wales Shared Services Partnership
	Application type:	Non-research

The Group reviewed the above application in line with the CAG considerations.

Summary of application

This application from NHS Wales Shared Services Partnership set out the purpose of the implementation of the medical examiner system in Wales.

The National Medical Examiner system forms part of the NHS Wales's Quality and Safety Framework and is an important component of improving patient safety. Medical examiners provide independent scrutiny of causes of death and the care before death and facilitate feedback from the bereaved. The Government's proposals for medical examiners, and for a new rigorous, unified system of death certification for both burials and cremations in England and Wales is part of the response to several independent inquiries into deaths, including the Shipman Inquiry, the Francis Inquiry into Mid Staffordshire, the Morecambe Bay Inquiry and the Gosport Inquiry. This application concerns the implementation of the medical examiner system in Wales. This application has been submitted to extend the support given to implement the Medical Examiner system within England (21/CAG/0032).

The programme is being rolled out in two phases. The first phase of the programme, set-up of the Medical Examiner Service in Wales, operated by NHS Wales Shared Services Partnership on behalf of the organisations that make up NHS Wales, is complete. Medical examiners in Wales are operating in a single, Wales wide, service, reviewing deaths that occur in NHS Wales health board and trust settings. Medical examiners and medical examiner officers currently access health board and trust clinical records to provide independent scrutiny of the causes of death for deaths occurring within that care provider's services.

Support is requested for the second phase of the programme where the medical examiners will undertake an independent scrutiny of non-coronial deaths which occur in settings outside NHS Wales health board and trust settings, e.g. at home or in the care of other healthcare providers. Specifically, support is requested to allow the disclosure of confidential patient information for deceased patients who were cared for by other health care providers, e.g. hospices, independent providers and private hospitals, and additionally NHS Wales health boards and trusts which do not host a medical examiner office, from these providers to the medical examiners within host trusts. The contact details for the next of kin of the deceased patients will also be processed, so that the medical examiners can contact the next of kin to ask if they have questions about the causes of death or concerns about care before death.

Confidential information requested

Cohort	All deaths in Wales, not referred directly to a coroner, around 30,000 death per annum in total. This will include independent scrutiny of around 15,000 deaths per annum that occur outside of health boards and trust environs.
Data sources	Electronic and paper records held at healthcare providers, such as GPs, independent healthcare providers, e.g. hospices and private hospitals, and NHS Wales health boards and trusts which do not host a medical examiner office
Identifiers required for linkage purposes	1. Name 2. Date of birth 3. Date of death 4. Place of death

	<ol style="list-style-type: none"> 5. NHS number 6. Contact details of next of kin, likely to include name and telephone number, and in some cases, address and/or email address
Identifiers required for analysis purposes	<ol style="list-style-type: none"> 1. Name 2. Date of birth 3. Date of death 4. Place of death 5. NHS number 6. Contact details of next of kin, likely to include name and telephone number, and in some cases, address and/or email address

Main issues considered, discussed and outcomes

The CAG noted that this activity fell within the definition of the management of health and social care services and was therefore assured that the application described an appropriate medical purpose within the remit of the section 251 of the NHS Act 2006.

Having reviewed the application and considered the risks and benefits involved, the CAG was also assured that the proposed activity was in the public interest.

The Precedent Set Review Sub Committee agreed that this was a well-presented application.

The Precedent Set Review Sub Committee requested that the specific conditions set out below (action 1) should be complied with.

Confidentiality Advisory Group advice: Conditionally supported

The CAG agreed that the minimum criteria under the Regulations appeared to have been met, and therefore advised recommending support to the Secretary of State for Health and Social Care, subject to compliance with the specific and [standard conditions](#) of support as set out below.

Number	Condition	Response from the applicant
1.	Undertake public and patient involvement work in Wales and report findings back to CAG in 3 months. This patient and public involvement work should include views on there being no option to opt out of data being used for this activity.	

The Group delegated authority to confirm its final opinion on the application to the Chair and reviewers.

Insert name of member that chaired the meeting

Dr Tony Calland

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Signed – Chair

12 September 2023

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Date

Insert name of minute taker(s)

Ms Kathleen Cassidy – Confidentiality Advisor
Mrs Emma Marshall – Confidentiality Specialist

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Signed – Insert job title

18 September 2023

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Date