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| **Agenda item:** | **11** |
| **Attachment:** | **D** |

**HRA BOARD COVER SHEET**

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| **Date of Meeting:** | 15 April 2015 |

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| **Title of Paper:** | Extension of Chair/membership to enable broader member recruitment:   1. CAG and CAG 2 – Chairs, Officers and Members 2. NREAP |
| **Purpose of Paper:** | To consider and seek approval from the Board for the extension of current Chair/membership for   1. Confidentiality Advisory Group (CAG) 2. NREAP |
| **Reason for Submission:** | For review and approval |
| **Details:** | See supporting information.  EMT approved the proposal at its meeting on 1st April 15. |
| **Suitable for wider circulation?** | Yes |

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| **Recommendation / Proposed Actions:** | **To Approve** | | **Yes** |
| **To Note** | |  |
| **Comments** |  | |

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| **Name:** | Natasha Dunkley & Clive Collett |
| **Job Title:** | Confidentiality Advice Manager/ HRA Ethics Guidance & Strategy Manager |
| **Date:** | March 2015 |

1. **Confidentiality Advisory Group**

**Background information**

* Dr Mark Taylor is currently a member and the establishing Chair for CAG and his term of appointment expires 31 March 2015. He will have held the position of CAG Establishing Chair for two years upon term expiry. At that time the post was not subject to open competition. He is separately seconded to the HRA as Data Policy Advisor, supporting the HRA Approval IG work programme until at least September 2015.
* Under the Care Act 2014 the HRA must appoint a committee for the purposes of providing advice to the HRA and SofS (via the Department of Health) on access to patient information without consent. The HRA may also appoint additional committees/sub committees.
* CAG has new statutory responsibilities to advise the HSCIC on their data dissemination policies and will provide specific advice on ‘edge cases’ including developing advice on areas such as disclosure to commercial entities, information intermediaries and where there has been poor organisational track record in handling patient data. These aspects are likely to attract external scrutiny. New legislation, the HRA CAG Regulations 2015 are expected to be developed in parallel; these will set out factors and matters the CAG must have regard to when providing advice to the SofS, HRA and the HSCIC. This new function is not expected to be operational until October 2015.
* The additional responsibilities will be provided as part of a package of safeguards over disclosures made by the HSCIC and will require an increase in CAG and CAT resources.
  1. **Case for extension**
* The intention is to recruit ten new CAG members and also to undertake public recruitment for two CAG Chairs at the same time to enable full transparency. Public appointment of the CAG Chair is the preferred option due to the high profile and complex nature of the role and it is preferred that the current Chair appointment is not continued without open competition. The high level timetable set out below means that due to the need to recruit new members and Chair there will be an intervening period where Chair involvement will be needed to maintain continuity without destabilising the existing CAG, support ongoing application activity, contentious national application activity and support the changes needed to develop the new CAG advisory function.
* It is important to maintain stability in the short term to support the people, knowledge and procedural changes required to support development of the CAG role. It is expected that there will be considerable scrutiny of CAG processes and advice as the function prepares to deliver the new service, and in the subsequent advice. The current nature of the HSCIC data releases means that this activity poses risks to CAG advice credibility and the current Chair is well-respected within this environment and contributes significantly to this development. This is a challenging time for the CAG in that there is increased external scrutiny e.g. through Health Select Committee meetings, and broader researcher interest in potential streamlining of processes within the HSCIC.

**The request is for the Establishing CAG Chair term to be extended until Spring 2016** to allow sufficient time for recruitment and appointment of the Chair via a public recruitment process, and to allow continuity of the appointment panel for new CAG members.

CAG high-level recruitment timetable

Recruitment advert placed April 2015

Interviews for CAG Chair June 2015

Interviews for CAG membership June 2015

N.B. Please note the HRA already has a process in place for the appointment of members and Chair / Vice Chair to CAG which is consistent with the process for Research Ethics Committees. The Board do not need to approve this process.

1. **National Research Ethics Advisors’ Panel (NREAP)**

**Background information:**

* Prof. Andrew George is the Chair of NREAP and his term of appointment expires **30 September 2015**. He will have held the position of NREAP Chair for six years upon term expiry.
* Prof. Peter Heasman and Dr Simon Woods are both National Research Ethics Advisors (NREAs) and both their original terms of appointment expire **23 September 2015. (N.B. Peter Heasman was granted formal leave of absence for a period of six months from 1 September 2014, thus his term has been extended until 1st March 2016.** They will both have held the position of NREA for six years upon term expiry.
  1. **Case for extension:**
* In light of the extension of HRA remit as an NDPB to include Adult Social Care, and horizon scanning functions, together with need to deliver HRA assessment and approval, changes are likely to be required to both NREAP membership and terms of reference. These changes will need to be considered thoroughly, informed by experience as the HRA moves forward and not pressured by NREA membership timelines.
* Recruitment of an additional member to cover the new HRA remit with regard to Adult Social Care will likely be required however the HRA is currently conducting a listening exercise and will be able to consider NREAPs requirements after this stage. Therefore to keep recruitment costs to a minimum it would be beneficial to recruit to the expiring posts and the potential new position at a similar time.
* The loss of three highly experienced and valued NREAs, including the Chair, at this time would potentially threaten the effective functioning of NREAP and the advice it provides to the HRA.
* In addition, the statutory basis for HRA guidance provided by the Care Act, much of which will need to be developed through NREAP, will be subject to greater external scrutiny together with the processes by which that guidance has been developed. Thus, the retention of Andrew as Chair along with Peter and Simon will allow for continuity and stability of NREAP over this challenging period, retain their considerable experience and expertise (both with regards their academic fields and knowledge of the context within which the HRA and RECs operate) at this crucial time and will help facilitate a smooth transition to a revised panel (in terms of membership and remit) better able to meet the needs of the HRA in carrying out its statutory duties as an NDPB.

**The request is for Andrew George, Peter Heasman and Simon Woods’ terms to be extended until end September 2016** to allow continuity business during the challenging year ahead and to allow sufficient time for review of membership and terms of reference and subsequent recruitment and appointment of new NREAs including a Chair via a public recruitment process (summer 2016).

**It is further requested that all three NREAs would be eligible to reapply to join the panel** (and (re)apply for the Chair) at such time as new members/Chair are sought and, if successful, would be appointed to a term adjusted to bring their total time as an NREA to 10 years.

**Current NREAs and Terms:**

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| **NREA** | **Term End Date** | **Appointment date** |
| **Andrew George (Chair)** | **30th September 2015** | September 2009 |
| **Peter Heasman** | **1st March 2016** | September 2009 |
| **Simon Woods** | **23rd September 2015** | September 2009 |
| **Søren Holm** | **23rd September 2017** | September 2012 |
| **Ros Levenson** | **23rd September 2017** | September 2012 |
| **Mark Sheehan** | **23rd September 2017** | September 2012 |
| **John Keen** | **23rd September 2017** | September 2012 |
| **Malcolm Boyce** | **31st December 2018** | December 2013 |