

# NHS Scotland Public Benefit and Privacy Panel for Health and Social Care (PBPP)

## 2019-20 Review of Tier 2: Summary of Capacity Audit

### Background

Applications approved by PBPP at Tier 1 go through an audit process to ensure that applications were appropriately approved at Tier 1. Thus far no audit has been carried out for applications approved at Tier 2.

There needs to be some transparency of the Tier 2 process. Resourcing of Tier 2 has been highlighted as not being adequate, with the result that there have been perceived delays in the scrutiny and decisions relating to applications that have been referred to Tier 2. The aim of this audit is to determine the resilience and capacity of the PBPP Tier 2 Committee meetings and Tier 2 Out of Committee reviews of referred applications, between June 2015 and March 2019. This information will be used to identify ways in which this can be improved and suggest recommendations for consideration by the Tier 2 Committee.

Questions to be assessed:

1. Committee meeting attendance from June 2015 to April 2019.
2. Tier 2 Out of Committee (Tier 2 OOC) application review participation from June 2015 to end of March 2019.
3. The time taken for the above Tier 2 OOC reviews of referred applications.

### Results

#### Q1: Committee attendance

- Between June 2015 and April 2019 there were 20 committee meetings.
- Individual committee member attendance varied. The longest-serving (original) committee members have attended 60-85% of all meetings and there has been attendance from each of the different representative groups at 60-95% of the meetings.
- There were 7/20 (35%) committee meetings that were not quorate, due to insufficient Lay or NHS representation at specific meetings. This has been particularly the case when there were vacancies for these representatives on the committee.
- The highest turnover in committee membership has been in the Caldicott Guardians. Those that have resigned, have cited pressure of work as their reason for leaving.
- There has not been any Social Care representation at any PBPP committee meeting.

#### Q2: Tier 2 OOC application reviews

- Between June 2015 and March 2019, 67 applications were referred to Tier 2. Of these, 61 had decisions by March 2019: 58 were approved and three were not approved.
- In total 15 people have reviewed applications at Tier 2 OOC. The participation in the review process ranged from none to all their eligible applications; the median at individual level was that each reviewed 70% of their eligible applications

### **Q3: Time-lines for Tier 2 OOC reviews**

- It is requested that first reviews by Tier 2 OOC are returned within a (calendar) fortnight of sending the review request. This is an arbitrary time-frame but is the same as that requested for reviews at Tier 1, and is designed to help maintain momentum.
- Analysis of the time-scales for returning the review used two categories: i) returned within the deadline or within four days after the deadline (“on time”); ii) returned five days or more after the deadline (“late”). There was a wide range of responses returned but these differed across individuals. For some Tier 2 OOC members, overall, up to 66% of applications have had late responses.
- The time taken to review applications by Tier 2 OOC has increased over the years.

### **Implications and recommendations**

- Vacancies on the PBPP committee increase the likelihood for PBPP committee meetings not being quorate and delays in Tier 2 OOC reviews.
- Delays in the reviews of applications leads to frustration at the time the review of their application is taking, with the consequent reputational damage to PBPP.

A number of recommendations were made to address the PBPP committee vacancies and the delays in the Tier 2 Out of Committee reviews.

### **Conclusions**

The PBPP Tier 2 committee is under-resourced, which has caused problems in terms of committee attendance and quorum, as well as delays in applications reviews and responses. In turn this has caused reputational damage in various quarters. This is an ongoing problem and there is an urgent need for this to be addressed and solved.

PBPP was set up to improve and streamline the approval processes for use of data for research and other *bona fide* purposes but, due to lack of capacity, currently this is not working to its full potential.