

# Why Caldicott Principles and Caldicott Guardians are still relevant in 2020

Today we have [published the outcomes of a consultation](#) that we held earlier this year about the Caldicott Principles and the role of Caldicott Guardians. The consultation response contains a revised – and expanded – set of 8 Caldicott Principles. It also confirms our intention to issue guidance in 2021 that will increase the number (and type) of organisations which should appoint a Caldicott Guardian.

I am coming to the end of my term in March as National Data Guardian for Health and Care in England, and also my career in the NHS. In this period of reflection, I look back with some satisfaction that 23 years after their inception, Caldicott Principles and Caldicott Guardians are still considered valuable and useful. It still seems strange to me that they bear my name, as that was definitely not my recommendation or intention.

The principles were introduced in 1997 as part of a [review I led into patient-identifiable information](#), which was motivated by concerns about patient confidentiality at a time of rapidly expanding use of information technology in the service. We proposed six principles based on common sense to safeguard confidentiality.

The same review also introduced Caldicott Guardians in the NHS, and subsequently in local authorities. We thought that all organisations handling patient and service users' health data should have a senior person with a specific responsibility for protecting the confidentiality of that information. Today this role is very well-established; there are now more than 18,000 Caldicott Guardians – and not just in health and care: some organisations in other sectors, such as prisons, police and the armed forces appoint them too.

There has been much change since the role was first established, and we wanted to obtain a clear understanding of people's current views on its value. In particular, the introduction of additional information governance (IG) roles into health and care settings, such as data protection officers (DPOs) and senior information risk owners (SIROs) has changed the landscape. Considering this, we wanted to 'test the temperature': did people on the ground still feel the role was as helpful? And did people feel that patients and service users across a broader range of settings would benefit from the services of Caldicott Guardians?

What we heard was a resounding 'yes'. This reinforced my firm belief that where health and care data is being used, Caldicott Guardians can bring something nuanced and very specific to discussions and decision-making. Their deep understanding of how health and care data is different to other data (in many cases because they are clinicians and care providers themselves) positions them as knowledgeable advocates for patients. Whilst the other IG roles are equally valuable in terms of ensuring that the legality and

technical protections are as they should be, Caldicott Guardians have a different 'flavour' and, rightly, are often referred to as the conscience of their organisations.

I believe that even well-established principles and conventions should be reviewed from time to time. It has been seven years since we last revised the Caldicott Principles by adding a seventh principle to encourage better information sharing, and so this seemed a good time to reconsider them. Many discussions in recent years had led my Panel and me to conclude that the principles would benefit from an addition – a new tenet that would serve as a simple guide for frontline workers making data sharing decisions.

This new principle focuses on ensuring that expectations of patients and care users are considered and met when decisions about data sharing are made. Working with them and the public to ensure that data use aligns with expectations has been a mainstay of my work.

It was this belief, for instance, that led us to develop the proposal for the National Data Opt-out. We listened carefully to what people said they wanted and recommended an opt-out scheme because we heard that an important element of building trust was to give people a real choice about the use of their data.

And only by demonstrating that health and social care can be trusted to be respectful and do the right thing with people's data will we earn the goodwill to use their data.

The roll-out of the National Data Opt-out across health and care organisations is on pause until March. This is so that health and care organisations which had not yet implemented it could concentrate on tackling the pandemic, rather than introducing this change. But the reasons for the opt-out remain as important as ever. I am a keen advocate of data use and have not opted out myself. However, by providing people with a mechanism to do, we show that we uphold the commitment that we made and respect people's decisions.

The remaining months of my term as NDG fall in a period when it will be important for the system to consider how to deal with the emergency measures that were introduced in response to the pandemic. No assumption should be made that what is put in place during a public health crisis will be appropriate when the level of threat to public health recedes. There are many innovations and changes that should be kept. Equally, others do not remain appropriate outside of the context of a pandemic.

For example, to slow the spread of coronavirus, the Government has passed a law that makes failing to isolate when required, or giving false information to contact tracers, a criminal offence. Regulations have been introduced so that NHS Test and Trace may set aside the duty of confidence to share information with police to enforce this law in individual cases. It is vital that we all obey the rules to control the spread of the virus, and I understand that this is the purpose of these newly identified offences. We were glad to see that a memorandum of understanding sets out that minimum

information should be passed to law enforcement, and that no data is passed to the police from the COVID-19 app. Nonetheless, I am concerned that the current arrangement may also have the unintended consequence of reducing people's readiness to seek care, and would not want this to be seen as a precedent for sharing health and care information with the police beyond this pandemic.

Meanwhile, we have also seen a constructive coming together both within and outside the sector as people have joined forces to both manage the pandemic and keep our health and care system operating effectively. In a blog post that I wrote in April, I said how reassuring I had found it to see so many examples of rapid and focussed action and problem solving. This momentum has never slowed, despite the many challenges; this makes me feel extremely proud of – and thankful for – the dedication of those who work in our health and care services.

Over the last few weeks, we have had some wonderful news about vaccine development: a light at the end of the tunnel. This breakthrough gives us some hope that we can now start to think about – and plan for – a time beyond the current crisis. And as we do consider that, and think about what data use should look like in a post coronavirus landscape, we must continue to listen to the public. We have already begun to see [emerging evidence](#) which suggests that people are becoming more knowledgeable about the importance of health and care data, and more accepting of its use. We now have an opportunity to build on this growing awareness. And at this time, transparency will be key to providing the reassurance that earns confidence. We must make a concerted effort to engage with the people whose data we hold before making important decisions about it.

You can read more about our consultation response in [our press release](#)

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## [CMA advises government on new regulatory regime for tech giants](#)

- New regime will proactively shape the behaviour of the most powerful tech firms
- It will ensure consumers and businesses are treated fairly and help to level the playing field for smaller rival tech firms
- Proposals demonstrate the UK's continued leadership in developing a pro-competition regime for digital markets

The CMA has today issued advice to government on the design and implementation of the UK's new pro-competition regime for digital markets.

The advice has been produced by the Digital Markets Taskforce, commissioned by the government in March and led by the Competition and Markets Authority (CMA), working together with Ofcom, the ICO and the FCA.

It outlines a modern regulatory regime fit for the digital age – one that is forward-looking, targeted and enables quick results to harness the full potential of digital markets, driving greater competition and innovation.

If implemented, the new regime will govern the most powerful tech firms – those with 'strategic market status' (SMS) – meaning those with substantial, entrenched market power and where the effects of that market power are particularly widespread or significant. A new 'Digital Markets Unit' (DMU) will ensure the 'rules of the game' are clear up-front, and work with powerful tech firms to ensure they comply with them.

The three key proposed pillars of the regime for SMS firms are:

- A new, legally binding code of conduct, tailored to each firm and to where the evidence demonstrates problems might occur, designed and overseen by the DMU. The code will help to shape the behaviour of powerful digital firms, up front, and govern elements of how they do business with other companies and treat their users. There will be a range of powers available to the DMU to address any concerns, including the potential for significant penalties.
- Pro-competitive interventions, which can be used to address the sources of market power, allow competition to flourish and unlock the potential for transformative innovation by others in the market. An example of such an intervention could be imposing interoperability requirements on tech firms and better enabling consumers to control and share data.
- Enhanced merger rules, which would enable the CMA to apply closer scrutiny to transactions involving SMS firms. This would include it being mandatory to notify the CMA of a transaction, imposing a block on completing a deal until the CMA had investigated, and a change to more cautious legal test when looking at the likelihood of harm to consumers in order to address concerns about historic under-enforcement of mergers involving big tech firms.

[The government announced last week](#) that the DMU would sit within the CMA. The new regime will become part of a wider regulatory framework for digital markets, including the new regime for harmful online content, and data protection laws. The CMA is now working with Ofcom, the ICO and FCA through the [Digital Regulation Cooperation Forum](#), to consider the steps that should be taken to ensure adequate coordination, capability and clarity across all digital regulation.

Following receipt of this advice, the government has committed to consult on proposals for a new pro-competition regime in early 2021 and to legislate to put the DMU on a statutory footing when parliamentary time allows. The taskforce has urged government to move quickly in taking this legislation forward, to take advantage of the clear opportunity for the UK to lead the way in championing a modern pro-competition, pro-innovation regime.

CMA CEO Andrea Coscelli said:

To ensure the UK can continue to enjoy a thriving tech sector, consumers and businesses who rely on tech giants like Google and Facebook should be treated fairly, and competitors should face a level playing field – enabling them to deliver more of the innovative products and services we value so highly.

For that to happen, the UK needs new powers and a new approach. In short, we need a modern regulatory regime that can enable innovation to thrive, while taking swift action to prevent problems.

To meet the new challenges of the digital age, it is essential that regulators work together. In developing these proposals, we have benefited from working alongside Ofcom, the ICO and the FCA.

Information Commissioner, Elizabeth Denham said:

We welcome the publication of the Digital Markets Taskforce Advice and we have been pleased to support the work of the Taskforce. The dominance of a few major players in digital market impacts on people's data protection rights when they use these platforms. Our involvement with the Taskforce reflects the importance of safeguarding these rights and ensuring individuals have greater control over their personal information.

We continue to work closely with the CMA, Ofcom and FCA through the Digital Regulation Cooperation Forum to co-ordinate our approach to the regulatory challenges presented by new digital markets and platforms.

Dame Melanie Dawes, Ofcom Chief Executive, said:

We share the aim of ensuring competition works well in the digital economy, something which is vital to the sectors Ofcom regulates.

We've been pleased to contribute to the Taskforce's work, and we look forward to working with the Government and other regulators to help take this forward.

Nikhil Rathi, Chief Executive of the FCA, said:

We have welcomed the opportunity to work closely with the Digital Markets Taskforce on their recommendations, which are an important step in developing an approach that protects consumers in digital markets. We will be focusing on the implications for financial services.

1. The CMA is the UK's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers, markets and the regulated industries and enforcing competition and consumer law.
2. In March, the CMA was asked by government to lead a Digital Markets Taskforce, comprising CMA, Ofcom and the Information Commissioner's Office to advise government on how a new pro-competition approach should be designed for digital markets. Find out more in the [Terms of Reference](#) for this work.
3. Media queries should be directed to: [press@cma.gov.uk](mailto:press@cma.gov.uk) or 020 3738 6460.

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## **New Homes England statistics show overall housing starts down, reflecting the impact of Covid-19 on housebuilding**

Housing programmes delivered by Homes England saw an overall decrease in starts and completions in the first half of 2020-21 compared to the same period last year, according to official statistics released today (8 December).

There were 11,313 new houses started on site and 11,358 homes completed through programmes managed by Homes England between 1 April and 30 September 2020. Starts on site were down by 38 per cent and completions were down 25 per cent, compared with the same period last year.

### **The effects of lockdown and social distancing**

The national lockdown introduced on 16 March 2020 resulted in Homes England's

delivery partners immediately pausing on some sites and implementing social distancing on others, with partners reporting anywhere between 60% and 100% of employees and contractors not able to be onsite.

The number of affordable housing starts made up over three quarters (79 per cent) of total starts on site, although the 8,897 starts represented a decrease of 32 per cent on last year. The number of affordable starts in 2020-21 was the lowest since 2017-18 and while much of this can be attributed to Covid-19, the Shared Ownership Affordable Homes Programme (SOAHP) 2016-21 entered its final year and lower levels of affordable starts were expected.

In anticipation of the impact of lockdown on housing delivery, Homes England worked with government to secure an extension to the SOAHP. The agreement the housing agency secured focused on providing extensions on delivery dates and re-profiling budgets, meaning its delivery partners would have certainty on the grant funding underpinning their current grant-funded delivery pipeline. It also meant they did not bear any additional financial risk, which avoided a knock-on effect on outputs, SME contractors and employment.

### **Affordable homes by tenure**

Of the affordable homes started, 3,295 were for Affordable Rent – a 38 per cent decrease on the 5,340 started last year. A further 2,768 were for Intermediate Affordable Housing schemes (including Shared Ownership and Rent to Buy), representing a 34 per cent decrease on the same period last year. The number of Social Rent starts was 541, down by 26 per cent on 734 last year.

A remaining 2,293 affordable homes started with tenure to be confirmed, a decrease of 21 per cent on 2,896 in 2019-20.

Nick Walkley, Chief Executive of Homes England, said:

“As anticipated, Covid-19 had a significant impact on the construction industry in the first half of this year.

“Homes England has been working closely with delivery partners and colleagues in government to support the sector to build back its capacity. Confirmation of £12bn of funding through the Affordable Homes Programme gives confidence to the sector to support delivery over the next five years.

“By working with our Strategic Partners and the wider sector, we can ensure that the £7.5bn allocation Homes England received, along with the additional funding announced in the recent Spending Review, helps to stimulate the sector and ultimately give our delivery partners the confidence they need to invest in new homes.

“We are encouraged by the latest economic data showing that the construction sector is recovering and growing strongly, with housebuilding performing particularly well, and hope that the positive news on the development of several effective vaccines will aid further recovery.”

Homes England programmes are funded by central government to enable private

registered providers, house builders, community groups and local authorities to deliver affordable housing.

Market starts – housing built for sale at market rates – were down by 56 per cent on the previous year. Fluctuations in the number of market starts and completions between periods reflects the nature of the programmes, with different types and sizes of sites starting at different times with varying build-out rates.

These latest figures show the lowest level of starts since the first six months of 2012-13 and can be attributed to a slow-down in housebuilding activity, caused by the Covid-19 pandemic. Total starts for the same period in 2019-20 were 18,221 with 15,046 completions.

### **The impact of the pandemic on completions**

In late-March, construction insight data showed that almost 1,900 schemes had been closed or delayed, directly affecting the completion of nearly 240,000 new homes.

As construction workers returned to sites in April and May, social distancing requirements continued to mean fewer staff and contractors on site. Partners reported reduced capacity on site and sites being mothballed increased the average build-out time by three to eight months, delaying completions and starts on site.

Levels of completions were the lowest since the first six months of 2015-16 and can also be attributed to the housebuilding slow-down caused by the pandemic. Though some sites were able to re-open relatively quickly after the first lockdown, backlogs in the supply chain meant that some schemes faced delays. Partners reported shortages of plasterboard, bricks, mortar and logistical challenges which caused bottlenecks as supply chains caught up with demand.

In total, 7,612 affordable homes were completed, a decrease of 26 per cent on last year. Completions across most affordable tenures were down on last year, except for Social Rent, which saw an increase of 10 per cent. This increase follows an upward trend seen over the last two years and reflects the funding focus shifting from intermediate tenures in the early years of the 2016-21 SOAHP, with grant funding opening up for Affordable and Social Rent in recent years.

Ends

Notes to editor

National housing statistics are published twice a year showing half and full year starts and completions as part of planned national statistical releases. The next release is full year starts and completions, which are due to be published in July 2021. Housing figures cannot be provided outside of these official releases.

This release presents the housing starts on site and housing completions

delivered by Homes England between 1 April 2020 and 30 September 2020 in England excluding London (for both the current and historical series), with the exception of the Build to Rent (BTR), Builders Finance Fund (now called The Home Building Fund – Short Term Fund) and Get Britain Building programmes which are administered by Homes England on behalf of the Greater London Authority (GLA).

Since April 2012, the Mayor of London has had oversight of strategic housing, regeneration and economic development in London.

The list of programmes included in these totals are detailed in the official housing statistics report, which can be found [here](#).

“Affordable Tenure TBC” refers to units that have reached the start on site milestone but where the tenure of these units has not yet been specified. This was introduced as a flexibility for Strategic Partnerships to enable them to determine tenure close to or at the point of completion. These starts will be restated under their specified tenure headings in future national statistics updates once the tenure has been established at completion.

Homes England also manages the Help to Buy equity loan scheme in England (including in London on behalf of the GLA). However, the completions are reported by the Department for Housing, Communities and Local Government (MHCLG) and, therefore, are excluded from these statistics.

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## [Fraudulent art investment companies wound up by courts](#)

Wardells Design Limited and Camp Partners Limited were wound up in the public interest on 4 December in the High Court, Manchester, before District Judge Bever. The Official Receiver has been appointed liquidator of the companies.

The two companies came to the attention of the Insolvency Service in connection with previous investigations into associated companies, Halifax Mannin Ltd, Hey Design Services Ltd, Gem Tobin Ltd and Dionysus Design Services Ltd. All of the associated companies were wound up in the public interest in 2019 having [abused investors' funds of almost £2.5million](#).

Following confidential enquiries, investigators found that Wardells Design, based in Warrington, and Camp Partners, based in Ipswich, received payments from people who thought they were investing in works of art painted by renowned artists.

The court heard that similar to the companies wound up in 2019, Wardells Design and Camp Partners worked as part of a multi-million pound art investment scheme operated from Spain or Morocco by a separate business using

a number of names.

Between March 2019 and February 2020, Wardells Design and Camp Partners received £600,000 from investors. All of the funds were removed from the companies' bank accounts with investigators unable to determine how it was spent.

The court wound up the two companies on the grounds they traded with a lack of commercial probity, having been incorporated or used as vehicles for fraud with their sole purpose being to receive monies wrongly obtained as investments from members of the public.

The court also accepted that the companies, and those individuals in control of them, traded with a lack of transparency, failed to cooperate with the investigation and failed to maintain or deliver up accounting records.

David Hope, Chief Investigator for the Insolvency Service, said:

These companies were used as part of a cynical scam targeting members of the public, many of whom were elderly and vulnerable, and took more than £600,000 from them. There is no evidence that this investment had any value or is likely to generate any return for investors.

The winding up of these companies following our investigation has put a stop to these activities and prevents them from causing any further harm. We would advise anyone considering an investment of this nature to exercise caution and take independent financial advice before doing so.

All public enquiries concerning these companies should be sent to: The Official Receiver, Public Interest Unit, 2nd Floor, 3 Piccadilly Place, London Road, Manchester, M1 3BN or email [piu.north@insolvency.gov.uk](mailto:piu.north@insolvency.gov.uk).

Wardells Design Limited – company registration number 11863119 – was incorporated on 6 March 2019. The company's registered office is at 31 School Road, Warrington WA2 9AD.

Camp Partners Limited – company registration number 11880728 – was incorporated on 13 March 2019. The company's registered office is at 32 Creeping Road West, Stowmarket, England, IP14 5AU.

The business was operating from Spain under the names Asset Consulting Services, Asset Consulting Group or Treasury Consulting Group.

The petitions were presented under s124A of the Insolvency Act 1986 on 2 October 2020.

Company Investigations, part of the Insolvency Service, uses powers under the Companies Act 1985 to conduct confidential fact-finding investigations into the activities of live limited companies in the UK on behalf of the Secretary

of State for Business, Energy & Industrial Strategy (BEIS). [Further information about live company investigations is available here.](#)

[Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is available here.](#)

You can also follow the Insolvency Service on:

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## **Road to Zero in sight as green number plates introduced on UK roads**

Green number plates introduced, raising awareness of cleaner vehicles.