MEETING	Public Board Meeting 18 July 2018
Agenda item Paper Number	6 CM/07/18/06
Agenda Title	Updating Surveillance Information
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PURPOSE OF PAPER:

Actions required by the Board

- The Board is asked to **agree** the proposal to establish a web resource on technology in care and to agree the framework in Appendix A, which replaces the 2015 information on using hidden cameras and the related guidance for providers

Summary

CQC is committed to ensuring that the public and providers can make informed choices about using technology to monitor and support care. In light of this, this paper outlines we how propose to revisit and broaden the scope of CQC's existing information for the public, published in 2015, on 'Thinking about using a hidden camera or other equipment to monitor someone's care?', and to combine it with the provider information.

The CQC position has not changed - we encourage innovation but it must never come at the expense of quality. The safety, preferences and best interests of people who use services must be at the heart of all decisions relating to their care and support.

However, technology has moved on in the last three years, as have perceptions about its use in supporting and monitoring care. In addition, through our inspections we have seen how technology, when deployed sensitively and in line with people's wishes, has the potential to play a major part in how health and social care are provided.

The information has been updated to reflect General Data Protection Regulation requirements. It also adds new information on examples where monitoring technology has been used to improve the quality of care for people. It is proposed to be a more dynamic web resource that is updated more regularly with case studies to highlight improvement and innovation.

CQC has committed to encourage improvement, innovation and sustainability in care in its current strategy (2016-21) and, to address this, the Executive Team approved the

formation of the cross-directorate Technological Innovation programme under the executive sponsorship of Malte Gerhold. The work presented here is a product of that programme.

This paper:

- Proposes an online resource, to be added to and developed over time, which covers the use of technology in the monitoring and delivery of care. It will bring together what we know about how technology can support positive outcomes for people, what the use of technology means for how we regulate and will set out the key ethical and legal considerations.
- Sets out what is new and what is different in the resource
- Briefly highlights other corresponding internal work underway and how this work has aligned
- Outlines next steps

1. Recommendation

Board is asked to agree the proposal to establish a web resource on technology in care and to agree the framework in Appendix 1, which replaces the 2015 information on using hidden cameras and the related information for providers.

2. Discussion and Implications

The CQC information leaflet on the use of hidden cameras and microphones was published in February 2015. Information for providers was also published in December 2014. The public leaflet attracted significant media attention at the time and was considered ground-breaking though some considered it overly cautious. It is still a popular publication and hard copies are regularly requested at exhibitions and conferences.

It was always our intention to revisit the information we published in 2015, to ensure it remains relevant and useful. In the intervening 3 years, the use of technology in care has increased and CQC has seen how it can be used to support good and outstanding care. It is important that we tell this story.

The new GDPR legislation also necessitates updating the information for providers.

Engagement

We have sought views on how best to update the information on technology through our online provider community, via the adult social care external co-production group and a cross-sector roundtable event. About 45 representatives of health and social care attended this roundtable event including providers, commissioners, experts by experience and people who use services, as well as national bodies such as NHS England, NHS Digital and the Innovation Unit.

The event covered how technology impacts on CQC's current work and discussed what CQC will need to do in the future to meet the different information needs of people who use services, their families and carers and providers.

The overarching themes of feedback from our engagement were that:

- The broad public position on monitoring is now more accepting and positive, with growing awareness of available technology, including smart phones and apps suggesting that CQC could adopt a more positive position in relation to the use of monitoring technology

- Clarity around people's rights, privacy and choice is still a priority.

- People would appreciate a more balanced set of messages, being more positive about how technology can support better outcomes for people but not losing the important ethical and legal considerations.

- There are concerns around how technology can ensure person-centred care, particularly robots.

- It is recognised that CQC cannot keep up with everything, and it is not CQC's role to be prescriptive, but to signpost to good examples / case studies of outcomes.

- Technological information needs technological delivery - not just paper leaflets.

Our proposal

We propose merging the 2015 public and provider information into one web resource. This 'one stop shop' would have core holding pages of common information, mirroring the way we have presented the new handbooks and 'Equally Outstanding' resource. Merging the documents reduces duplication and assists in ensuring consistency and transparency. It will also be formatted in a way to be accessible on mobile phones and printable. Our overarching objectives for this work are that:

- Technology and new models of care have the potential to play a major part in how health and social care are provided. CQC welcomes and encourages new technology and the opportunities it can provide to improve the quality of care for people. This includes surveillance and monitoring technologies.

- In adopting any new technologies, the safety, dignity and consent of people using services remain paramount – technology can enable good and outstanding care but does not guarantee it, and innovation must never come at the expense of quality. Engagement, involvement, skills and training of staff are key to this.

- CQC will always consider all information about the quality of care from people who use services, their families and staff, including information derived from or about new technologies.

Appendix 1 sets out the framework of the proposed content and an example of how it will be formatted. The Executive Team and colleagues working on the Technology and Innovation Steering Group have reviewed both the framework and content. In line with how

we agreed the health and adult social care assessment frameworks in 2017, we are proposing that the Technology and Innovation Steering group sign off the detail of the final content.

Given the website redesign planned for next year, the format may be amended, but it is envisaged that these web pages are more dynamic than the previous leaflet, and updated regularly with new examples of good practice and new technology.

To give the Board some assurance about this process, the table below sets out the differences between the existing public information and the revised content. The provider information is unchanged, except in relation to the introduction of the General Data Protection Regulation.

2015 publication	Proposal for new information
Aimed at families, carers and people who use health and care services.	Aimed at families, carers and people who use health and care services, *providers and CQC inspectors.*
Primary focus was on the need to give information to people who were worried about the care that people or their loved ones were receiving	Same information on what to do if you are worried is included alongside the recognition that technology underpins so much of our day to day lives and this extends to how people are cared for and supported.
Focused on the use of covert video and audio recording.	Covers telecare, telemonitoring, digital care records, mobile health apps, overt video/audio triggered by sound or movement and covert video and audio.
Does not describe how monitoring can have a positive impact for people who use services or their loved ones.	Provides examples of how technology can support good or outstanding care under each of the 5 key questions, provided it is used in accordance with the needs and choices of the person who uses the service.
Sets out the key ethical and legal considerations and where you can go for further help and advice.	Presents the same information but updates references to the Data Protection Act to reflect the General Data Protection Regulation ('GDPR').
Standalone document.	Foundation of a new online resource that will grow and develop over time.

3. Conclusion and Next Steps

If the Board is happy with the framework, and the description of the changes we are proposing to make, the content will be published once it has been agreed by the Technology and Innovation Steering Group. An engagement plan has been drafted.

Appendices

Appendix 1

Contents of new resource and example content

Business Impact Target comments:

It has been confirmed by the Economics team and by the Department of Health and Social Care that no BITA is required.

If there is a legal / financial impact, confirm that it has been *cleared by* relevant colleagues

In addition, the following people have been *involved in the preparation of* this paper
[Name and Title]

Technological Innovation Steering Group
Tim Atkins, Head of Strategy
James Clemence, Senior Clinical Fellow
Simon Richardson, Information Rights Manager
Dave James, Head of Adult Social Care Policy

Appendix 1: contents of proposed information and example page

Using technology to monitor someone's care

Draft website resource content

Contents

Introduction	How technology is used in health and social care			The important legal pages			Resources
	Types of Technology	Benefits of technology	Providers	Key points	Surveillance	Data Law	

Introduction

We are using technology more and more in our everyday lives. It can help us to stay in touch with people who are important to us, manage our lives, stay healthy or just entertain us.

Technology is changing how providers deliver health and social care too. As technology and innovation grows it will become a more regular part of health and care support.

We welcome this innovation. When done well it can benefit people who use services, families, carers and providers. But technology and innovation must never come at the expense of quality. The safety of people who use services must be at the heart of decisions about the care on offer and how it is delivered.

This information describes some of the main types of technology used. As well as the possible benefits and important legal considerations. It updates and replaces our 2015 publication 'Thinking about using a hidden camera or other equipment to monitor someone's care?'

We will work with providers, people who use services and other experts to encourage improvement and keep learning. We will focus on how technology can improve people's care, and the quality and safety of services.

For people using health and care services, technology can:

- give people more control over their health, safety and wellbeing
- support them to be independent or less isolated.

For providers, technology can:

- enhance the care or treatment they offer
- help them communicate with families, professionals and staff and to manage their services
- help staff prioritise their attention to people who need it most
- capture and compare data and share good practice and support with peers.