

<p><u>Ref:</u></p> <p>National Data Opt-out Programme/Programme Board/Paper 02</p>
<p><u>Title:</u></p> <p>National Data Opt-out Programme – Outline Business Case</p>
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<p><u>Programme Board Sponsor:</u></p> <p>Tim Magor, Programme Head</p>
<p><u>Purpose:</u></p> <p>The purpose of this paper is to present a summary of the Outline Business Case (OBC) to the Programme Board and, subject to any feedback received, gain their endorsement to submit the full document to the Technology and Data Investment Board (TDIB) for approval. A full version of the OBC is currently being reviewed under the tripartite assurance process.</p>
<p><u>Background:</u></p> <p>A Programme Business Case (PBC) was approved in March 2017 to secure overall funding for the programme to 2020/2021. The PBC outlined that the approvals for subsequent business cases would be completed as follows:</p> <ul style="list-style-type: none"> • Tranche 1 - National Implementation and NHS Digital Uphold • Tranche 2 - Local Implementation and Upholding <p>This OBC seeks approval for the costs associated with Tranche 1 which will enable delivery of the technology and infrastructure to support the central functions of the National Data Opt-out Programme to April 2018.</p> <p>A separate OBC will be produced for Tranche 2 of the programme.</p>
<p><u>Key Points:</u></p> <p>There are 3 key points to note with respect to the Tranche 1 OBC:</p> <ul style="list-style-type: none"> • The OBC is seeking approval for an investment of £9.81m in 2017/18 to complete Tranche 1 of the National Data Opt-out Programme. • The forecast cost for the programme now aligns to the budget allocated to the programme. • The OBC is scheduled to be reviewed at the NHS Digital Investment Committee (IC) on 09 August 2017, which is a pre-requisite to review at TDIB. Assuming that no issues are raised at the NHS Digital IC it will be presented for approval at TDIB on 11 August 2017. <p>The full OBC document is currently being reviewed through the tripartite assurance process and may result in changes subject to feedback received.</p>
<p><u>Desired outcome(s):</u></p> <p>The Programme Board is asked to review and provide feedback on the OBC to enable submission to the TDIB for review 11 August 2017.</p>
<p><u>Circulation:</u></p> <p>Programme Board attendees only.</p>
<p><u>Dates considered by Programme Board:</u></p> <p>11 July 2017 (Not to disclose)</p>

Introduction

1. The purpose of this paper is to summarise the Outline Business Case (OBC) for Programme Board review. The paper aims to obtain Programme Board approval of the OBC to progress through to the tripartite assurance and approvals process under the Technology and Data Investment Board (TDIB).

Preferred Option

2. Options for delivery of the overall programme were considered and approved within the Programme Business Case (PBC). Based on the Value for Money (VfM) Analysis from the PBC and the refinements and associated reduced costs and risks identified within this OBC, the preferred option remains as recommended within the PBC:

Item	Preferred option(s)
Scope	Support national bodies, GPs, local bodies & trusts
Support Model	Regional support model plus
On-line Solution	NHS.UK and GP Online
In-person Solution	GP practice and National Back Office
Upholding opt-outs	Self-service filter & consultancy
Transparency	IG Toolkit & Fair Processing Notices.
Implementation timing	Setting 2017; NHS Digital upholding 2017

Table 1 – the preferred option from the PBC

3. Since the PBC was approved, further analysis has been completed to elaborate the options for delivering an in-person (non-digital/offline) preference setting functionality and communicating with patients and organisations. In summary, decisions and changes that have been made as part of the OBC development are:
 - External contact centres will not be used to provide information to patients and organisations;
 - NHS Digital Contact Centre will be the primary resource to support non-digital users and/or assisted digital users
 - A paper based process will be implemented to support patients not using the online option or the telephone/email option; and,
 - Communication material will not be printed for distribution to each GP Practice.

Tranche Delivery Plan

4. The OBC seeks approval for an investment in 2017/18 to progress completion of **Tranche 1 – National Implementation and NHS Digital Uphold**. The activities and expenditure associated with Tranche 1 are elaborated in the OBC and will enable delivery of the technology and infrastructure to support the central functions of the National Data Opt-out Programme as follows:

Tranche	Output	Delivery Date
1 - National Implementation and NHS Digital Uphold	NHS.UK website to enable collection of opt-outs (Private Beta)	09/2017
	Advice lines for patients and health care professionals operational	09/2017
	Digital assisted solution for setting preferences	09/2017 – 03/2018
	GP Online and GP systems capability to collect opt-outs (Digital Service Plus)	12/2017 – 03/2018
	Public Beta available to general public	03/2018
	NHS Digital uphold of opt-outs	09/2017 – 03/2018
	Handover Tranche 1 solutions to Business As Usual (BAU)	03/2018

Table 2 – Tranche Delivery Plan

Tranche 1 Costs

5. **The total forecast cost for Tranche 1 of the programme is £11.14m** to the end of 2017/18; this is broken down as £1.58m capital and £9.56m revenue (including optimism bias and a contingency sum for risk).
6. The optimism bias assessment from the PBC for delivery of Tranche 1 has been reappraised within the OBC. Overall, the optimism bias for the preferred option for delivery of Tranche 1 is 12%. This is compared to 24% which was the optimism bias applied to the whole life delivery of the programme within the PBC.

Programme Affordability

7. Funding for the programme is provided from the Paperless 2020 budget and was approved through the PBC. Since approval of the PBC, the affordability position has improved as a result of i) changes to the preferred option and a significant reduction in costs for Tranche 1 and ii) other programme cost savings identified in 2016/17 and 2017/18. Current affordability analysis shows that the programme is within the allocated programme budget and therefore affordable. This analysis is summarised in Appendix A.
8. As the OBC covers only Tranche 1 and financial year 2017/18, there is a much higher confidence that programme costs have been accurately assessed compared with the overall programme costs assessed within the PBC.

Commercial

9. In contrast to the PBC, the elements of the programme that require procurement from external suppliers have been significantly reduced. The external procurements required to support Tranche 1 of the programme are summarised in Appendix B.

10. Overall the quantity and complexity of procurement activity is low. Excluding services called off from existing contractual frameworks, e.g. GPSoC, this is reduced to 8% of the total cost that will be delivered by external suppliers compared to 33% in the PBC.

Main Programme Benefits

11. The National Data Opt-out Programme is an enabling programme, which is primarily designed to increase public trust and confidence by giving people choice about how their personal confidential information is being used and demonstrating that these patient preferences are upheld across the health and social care system. Programme benefits have been reappraised as part of the OBC and no substantive change has been identified from the assessment presented within the PBC. A Benefits Management Strategy has been produced to support the identification, measurement and realisation of benefits which is expected to be considered by the Programme Board in August 2017.

Main Programme Risks

12. The top three strategic risks for the Programme are identified in the table below:

Risk Description	Mitigating Action Plan / Issue Resolution Plan
Care Professional Engagement Strategy There is a risk that professional engagement is ineffective impacting on the success of the programme or the rate of opt-outs.	The Paperless 2020 Strategic Communications team have appointed an external agency to develop a communication and engagement strategy on making the case for patient information. During June, they have progressed the work to develop the communication and engagement strategy and held meetings with various stakeholder groups. The National Data Opt-out Programme Stakeholder Engagement Plan has now been reviewed and approved by the National Data Opt-out Programme Board.
Citizen Communication Effectiveness There is a risk that if there is a lack of effective communication, or if the programme are unable to articulate how the national opt-out aligns to the GDPR Right to Object or local data sharing initiatives, then citizens will not understand and trust the national opt-out approach.	The strategy for making a clear case for data use across the Paperless 2020 Portfolio is being developed that will feed into the plan for communications to be delivered within the National Data Opt-out Programme. The programme communication plan will need to clearly articulate alignment of communications to the public on local record sharing initiatives and the national opt-out.
Outcome of Consultation on Data Security, Consent and Opt-Outs There is an issue that the outcome of the consultation and engagement process is not yet confirmed and the formal Government response to the National Data Guardian (NDG) review has not yet been published.	The Programme team are working closely with the Department of Health to further understand the emerging findings and themes from the public consultation responses, and subsequent engagement. A Policy Implementation Group has been considering the key policy issues.

Table 3 – Programme Risks

Appendix A: Current Affordability Analysis

Affordability Excluding OB & Contingency						
	16/17*	17/18**	18/19	19/20	20/21	Total
NDOP Budget Revenue	£ 1,984,841	£ 10,800,000	£ 6,800,000	£ 5,700,000	£ 1,200,000	£ 26,484,841
Revenue Cost***	£ 984,974	£ 8,411,000	£ 6,676,659	£ 5,644,841	£ 323,309	£ 22,040,783
Revenue Affordability	£ 999,867	£ 2,389,000	£ 123,341	£ 55,159	£ 876,691	£ 4,444,058
NDOP Budget Capital	£ 200,000	£ 2,400,000	£ 100,000	£ 100,000	£ -	£ 2,800,000
Capital Cost***	£ -	£ 1,398,000	£ 72,522	£ 73,919	£ -	£ 1,544,441
Capital Affordability	£ 200,000	£ 1,002,000	£ 27,478	£ 26,081	£ -	£ 1,255,559
NDOP Budget Total	£ 2,184,841	£ 13,200,000	£ 6,900,000	£ 5,800,000	£ 1,200,000	£ 29,284,841
Total Cost***	£ 984,974	£ 9,809,000	£ 6,749,181	£ 5,718,759	£ 323,309	£ 23,585,224
Total Affordability	£ 1,199,867	£ 3,391,000	£ 150,819	£ 81,241	£ 876,691	£ 5,699,617
* Sunk Costs ** Tranche 1 *** Including VAT and Inflation						

Appendix B: External Procurements

Required Services	Procurement route	Preferred Supplier	Value (estimated £000)	Contract Dates
Production of communication materials including accessible formats.	Public Sector Managed Print & Digital Solutions RM3785	The APS Group	£74	2017
Independent research and insight – assisted digital, service and functionality and accessibility	NHS Digital formal quotation process or via a suitable appropriate framework.	Various	£135	2016-2018
Independent research and insight – presentation of the national opt out.	Single supplier framework agreement via DH – call off existing contract.	Behavioural Insights Team	£120	2017
Digital Accessibility	NHS Digital formal quotation process or via a suitable appropriate framework.	AbilityNet	£15	2017
Outbound and inbound mailing. Return mail handling.	Crown Commercial Services Framework - Postal Goods and Service – RM1063	The APS Group	£465	2017 - 2018
Helpline & Information support services	NHS Digital formal quotation process or via a suitable appropriate framework.	Helpline Partnership	£10	2018