

## Meeting to Discuss Collection of Criminal Involvement TOP Data Items

Richmond House

03/12/08

### Present

Dr. Mark Prunty	- DH, Senior Medical Officer, Sexual Health and Substance Misuse Team
Phil Walker	- DPU, Head of Information Governance.
Prof. Michael Thick	- CfH, Chief Clinical Officer
Annette Dale-Perera	- NTA, Director of Quality
Malcolm Roxburgh	- NTA, Information Manager
Colin Bradbury	- NTA, Treatment Delivery manager

There was a recap of the series of events that led to this meeting, including previous meetings with the [BMA](#), [GMC](#), and recent feedback from the RCGP. It was explained that at the meeting with the BMA, they had expressed a concern that TOP questions relating to criminal activity would be retained by the Care Records Service for 25-30 years, at which point their existence would post-date the expiration of any criminal record relating to the same activity.

The NTA response to the BMA position was discussed. This included working with GP system suppliers to remove the criminal involvement data items from templates. It was explained that the removal of the questions from the GP systems had caused problems in some areas, with local commissioners continuing to require local services to collect the data item not supported on their clinical systems. A number of areas are consequently required to double enter the client record on both the local clinical system, and on web-forms developed by the NTA to support collection of the data set.

This had led to Yorkshire and Humber SHA referring the matter to the Digital Policy Unit for technical advice regarding excluding data from the Care Records Service. This in turn had led to a statement being issued by the Digital Policy Unit which appeared to indicate that the TOP criminal justice data should not form part of a clinical record, based on an assumption that information about criminal involvement was not required for clinical management.

There followed a discussion about the status of the TOP data items in relation to the clinical record. Mark Prunty explained that monitoring criminal involvement was a routine part of record keeping for a clinical substance misuse service, and that all the data items on the TOP can be clinically relevant within substance misuse treatment. It was explained that there would be occasions where a clinician would consider it inappropriate to ask for a response from a client to all TOP questions, and that in these circumstances, the DH thought that a clinician should not do so.

The contribution of professional bodies in the development of TOP was discussed, including the participation of the RCGP and RCPsych in the expert group overseeing the development and implementation of the tool.

Following some debate, there was consensus that information about criminal involvement could form part of the clinical record in relation to substance misuse treatment, on the basis that it is clinically relevant information. There was also consensus that a clinician should only ask the question if they thought it clinically relevant to do so.

The issue of informed consent was discussed. There was agreement that it was necessary for a clear statement describing the use of NDTMS data be provided to clients when being asked to consent. Malcolm Roxburgh agreed to forward the NDTMS consent guidance to Phil Walker so that this can be reviewed to ensure that it is fit for purpose.

The issue of exclusion of the criminal involvement questions from the care record was discussed. Prof. Michael Thick stated that any information that legitimately forms part of a clinical record should be captured and warehoused by the Care Records Service. There was consensus that there was therefore no need to exclude collection of any clinical relevant data from NHS clinical information systems, or from the data extracted from these for the Care Records Service.

It was agreed that minutes of the meeting would be circulated, and once agreed between participants, would be made available to interested parties through the NTA web site.

Malcolm Roxburgh  
03/12/08