

NHS for England CLA Licence Plus Webinar

1 December 2016

Slide 1: Welcome and Introduction

Pet

Good morning everyone, and thank you for joining us today. I'm Petula Peters, Public Sector Stakeholder Engagement Manager at CLA, and joining me are Sam Tillett, Head of Business Development at the British Library, and James Bennett, Head of Rights and Licensing at CLA. We also have Jonny Haseldine from CLA here to help us answer and collate your questions.

In April 2015 we launched a new three-year licensing arrangement for the whole of the NHS in England. You are our biggest single customer, and over the last 18 months we have been working closely with NHS library managers and the British Library to ensure the systems are in place to help you get the most out of the unique solution we have put in place for the NHS. Over the next hour we look forward to discussing the features and benefits of the licence, and the British Library service that comes with it, in some detail and to answering your questions. Thank you to everyone who submitted questions before today's session.

Before we get started, there are a couple of housekeeping points.

Slide 2: Housekeeping

Pet

The audio for this session is available through your computer speakers or by calling in by phone. If you are experiencing poor sound quality using your computer speakers you may want to try dialling into the session by phone. In your control panel (an example control panel is on the screen now), under Audio, select Telephone and dial the number shown and use the access code and Audio Pin shown when instructed.

Participants will remain muted throughout the session; however, on the right hand side of your screen you will see the control panel which includes a questions box. Please write any questions or comments you have throughout the session into the question box which we will be monitoring throughout the session. We will also have an open question session at the end.

On the left side of the control panel you will see a smaller vertical rectangular box. If you click on the top button, this will minimize the larger control panel, leaving only the smaller box. To regain the larger control panel simply click on the top button again.

If at any point you experience difficulties with your local internet connection and find yourself no longer in the session, once the connection has been re-established on your end you will need to log back into the webinar. If you do miss any of the webinar please note that a video recording will be available shortly.

For other technical issues, please use the questions box to let us know. We may not be able to help with all technical issues, but will help where we can.

Slide 3: Agenda

Pet

- CLA Licence Overview
- What can be copied under the licence?
- How much can be copied under the licence?
- What sort of copying is allowed under the licence?
- Who can make and receive copies?
- Introducing Licence Plus
- Benefits of the British Library service
- More about Library Privilege and CFP
- Collaboration with non-NHS staff
- Conclusions
- Question and Answer session

We have a lot to cover so let's get started.

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Pet

CLA Licence overview

The Copyright Licensing Agency (CLA) is a not for profit company owned by publishers and authors in the UK

The Department of Health pays the CLA for a licence that allows NHS organisations and staff in England to make and share copies of journals, books, magazines and other publications purchased or subscribed to by the NHS.

The current licence has been in place since April 2015 includes two special features developed to make life easier for NHS librarians and staff:

1. It includes an annual allocation of copyright-fee paid (CFP) articles from the British Library
2. It allows NHS staff working on projects with staff of non-NHS organisations to share copies under the terms of the CLA Licence, where the non-NHS organisation has its own CLA Licence.

We'll be covering both of these in more depth later. But I'll start with an overview of the CLA licence and its features.

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Pet

What can be copied under the Licence?

The licence enables all NHS staff to make copies from almost everything that has been purchased by or is subscribed to by the NHS. If a journal, book or other work has been donated to your library, it is also covered.

Types of work covered include books, journals, magazines – practically anything in print, plus a huge range of digital publications including many websites whose terms and conditions would otherwise prohibit copying.

A small number of books and journals are excluded from the licence, and some works published outside the UK may not be copied digitally. The best way to check what is covered and what isn't is via our Check Permissions tool, which is easily accessible from our home page.

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Pet

Check Permissions tool

Visual on slide

When you are prompted for your licence type, please select the Public Sector option.

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Pet

How much can be copied under the Licence?

You can copy up to two articles from a single issue of a journal (or several articles from an issue if they are on the same theme, for example a recent breakthrough in research), or up to one chapter or 5% of a book (whichever is greater)

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For digital publications that don't have a defined extent, you can copy a similar amount.

You can make multiple copies of the same article, for example for journal clubs, and 'copies of copies' are allowed

Unlike with library privilege use, copyright declarations are not needed – the CLA licence is designed to fit in with your workflow and make copyright compliance seamless.

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Pet

What sort of copying is allowed under the Licence?

Practically any usage you can imagine in day-to-day workflow is permitted in the licence. As well as photocopying, you can make scanned and digital copies, store those copies on an intranet or secure network, email them around the organisation and even share with some non-NHS staff, which I'll come to later. By 'secure network' we mean anything that is password protected.

The primary restriction on storage is that the licence doesn't permit NHS staff to create an indexed and searchable centralised database that might substitute for access to digital subscriptions.

Copies can be made for patients and carers, for example to provide further information about a new drug or treatment, but these should only be single paper copies.

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Pet

Who can make and receive copies?

The new licence covers practically everyone working in and with the NHS, and the licence covers the majority of the copies you'll be asked to supply to your service users and to other NHS-funded libraries.

For those who want a bit more detail, under the CLA Licence, 'NHS authorised persons' are all those working for and contracted by the NHS and organisations established under the Health & Social Care Act 2012 (including public health staff employed by local authorities), all Department of Health arms' length bodies (for instance Public Health England and NICE) as well as students on placement, university staff whilst contracted to work for the NHS, and non-NHS librarians who provide services to NHS staff.

From April 2015, the licence has also permitted sharing with staff working for NHS 'collaboration partners' i.e. organisations that have their own CLA Licence, who need to share copies with NHS staff as part of collaboration projects (for instance a university, charity, voluntary or community association, professional association or research organisation). You may find that hospice and social care staff also fall into this category.

We will cover collaboration in a bit more detail later.

Quick reminder to ask questions!

On the right hand side of your screen you will see the control panel which includes a questions box. Please write any questions or comments you have throughout the session into the question box which we will be monitoring throughout the session. We will also have an open question session at the end.

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Introducing Licence Plus

In order to further streamline the use of copyright content in the NHS, and to ensure that as much as possible can be copied and shared under the CLA licence, we have partnered with the British Library On Demand service, which Sam will talk about in a moment, to deliver what we are calling Licence Plus.

As well as the permissions I have just covered, the CLA licence gives the NHS in England much more – an allocation of copyright fee paid articles from the British Library, to use at no extra charge.

Copyright fee paid articles are those licensed from the publisher or CLA for supply by the British Library, as opposed to articles supplied under 'library privilege' exceptions to copyright, of which more later. As the name suggests, for each article, a copyright fee is paid to the rightsholder, thus they can be considered 'purchased' or 'owned' by the NHS.

We will abbreviate 'copyright fee paid' articles to CFP from now on.

Of course, many individual NHS trusts and departments have ordered both CFP and library privilege copies from the British Library for many years. Until this April, they were supplied with Digital Rights Management (DRM), which meant that even the CFP articles could not be copied or shared under the CLA licence, because there was a digital 'lock' which prevented copying and reuse.

With Licence Plus, CFP articles are supplied without DRM when ordered under our arrangement with the British Library, and there is no additional fee to pay. Every article is free to share, store and reuse under the CLA licence.

I am now going to hand over to Sam Tillett, Head of Business Development at The British Library who will talk about the benefits of the British Library service.

Slides 11-14

Sam

Benefits of the British Library Service

Thanks Pet.

The British Library can now provide 2 services to NHS libraries in order to provide access to information that you do not have access to locally via your physical or digital subscriptions and holdings.

As has been the case for many years, you can use your existing account with the BL to order Library Privilege copies. The LP service can be used when you are requesting one copy of one article/ one book chapter from one journal issue or book title for the **sole use** of one individual for private research and study

The Library must obtain a signed declaration form from the requesting individual which the Library must keep for 6 years plus the current year – e-signatures are acceptable for the declaration form if you have an electronic workflow that can enable this, but again, you must ensure that you have systems in place to archive the electronic signatures for 6 years plus the current year.

The BL will supply a copy of the article. If supplied electronically the BL will apply DRM to enable compliance with the requirements to receive LP as an exception under law.

The DRM will ensure that the scanned copy cannot be

- Further forwarded

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- Opened by more than one individual
- Amended
- Printed out more than once

No copyright fee is payable – the NHS library pays the service charge direct to the BL using your existing British Library account.

As James outlined earlier, as part of the NHS Licence Plus Service with the CLA, the NHS is entitled to CFP articles as part of the service offered by the CLA with the BL. The number of articles available is based on usage patterns with the BL over the last couple of years.

You can request a CFP copy of an article from the BL if the BL is unable to provide a Library Privilege copy or if your service user needs to be able to share the copy with colleagues, wants to store the copy or forward to colleagues etc.

As part of the Licence Plus Service the BL will supply an unencrypted copy of an item electronically meaning it can be stored and shared under CLA Licence terms. It also means that you can easily forward electronically to your end users. You do not need to print out the article and send by paper, or walk it across the hospital to get it to your end users. Your end users will not need to download any software or plug ins in order to open and read the article when you send it electronically. It is really easy to request and receive articles via Licence Plus service.

This copy will be owned by the NHS and not obtained for the sole use of one individual - use/re-use of this article as allowed under the CLA Licence

You do not have to obtain and keep declaration forms from your end users in order to request and receive copies of articles and book chapters under the Licence Plus Service.

Your library will not be charged either the service fee or the copyright fee for this item – these fees will be paid by the CLA as part of the NHS Licence Plus service.

In order to ensure that you receive articles via NHS Licence Plus unencrypted and free as part of the Licence Plus service, you will need to set up an additional customer code and password with the BL to use when requesting items from the NHS Licence Plus Service.

Registration is very straightforward - you will need to send a completed registration form to Ania Nogal at the following email address Ania.Nogal@ncel.hee.nhs.uk

You can request CFP copies from BL under the NHS Licence Plus Service using any and all of your usual requesting methods (e.g. ARTEmail, online, via a LMS etc.). You must simply ensure that you use your new additional customer code and password to order documents from the BL under Licence Plus.

The CLA and BL are keen for the NHS to receive all the benefits of free, unencrypted articles that can be shared, stored, used and re-used to provide maximum value for money for the NHS from its Licence. If you haven't already done so, please do contact Anna to set up your additional customer code and password and start ordering and receiving your free, unencrypted articles.

I'll now hand over to James.

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James

More about Library Privilege vs CFP

You may be used to ordering some or all of the ad hoc articles you are asked for using the 'library privilege' exceptions to copyright. This may be when copies cannot be supplied to a requestor under the CLA Licence, or the British Library does not hold an original in the right format or location. Indeed from 2014, NHS library staff have been able to make Library Privilege copies for other not-for-profit libraries from *any* copyright work, including from e-journals and from works excluded from the CLA Licence.

However, making copies under library privilege comes with some restrictions:

The HEE guidance document 'Library and inter-library document supply and copyright in the NHS', which you will have received in advance of this webinar, clearly explains that under library privilege you may only copy one article from an issue of a journal, or a 'reasonable' proportion of any other published work.

The requester must also have provided a declaration in writing to confirm that:

- they have not previously been supplied with a copy
- the copy is required for non-commercial research or private study
- they won't supply the copy to anyone else
- and that as far as they know, no one else is going to be asking for the same copy for the same purpose at the same time.

You can supply the copy digitally, but the individual receiving it may only store it digitally for their own personal use.

As Library Privilege copies may not be further copied or shared under the CLA Licence, and require a copyright declaration, unless you are very sure you or the requester will never need to store, copy or reuse the article, you may find that it is more practical to source CFP articles under the Licence Plus agreement with the British Library where available, particularly as there is a generous allocation included in the licence fee.

Ultimately of course the choice is up to you.

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James

To summarise the benefits of using CFP articles in the Licence Plus allocation over Library Privilege copies:

Library privilege copies are restricted in what you can do with them – they are for the sole use of one person for private, non-commercial use. In addition, a copyright declaration is needed.

CFP articles are considered to have been purchased by the NHS. This means that they can be copied, reused and shared under the terms of the CLA licence.

And of course the articles are DRM-free or unencrypted, which means they can be copied and shared freely under the CLA licence.

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James

And now for some more detail about collaboration with non-NHS staff.

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Under the CLA Licence Plus agreement, you can share copies with employees of other non-NHS organisations with which your organisation is collaborating on a specific project or service. **These could** include universities, charities, professional associations, research organisation or local authorities. These are known as 'collaboration partners' in the licence, and the only stipulation is that they must also be confirmed as having a CLA licence themselves.

NHS staff involved in a project can share copies from NHS-owned or subscribed to originals with collaboration partners, they can share copies from originals owned by collaboration partners. Before starting to share copies with collaboration partners under the licence, you will need to check and register them with us – the best way is to email cs@cla.co.uk.

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James

Conclusions

Health Education England has produced a useful set of guidance notes for the new Licence Plus, and we must acknowledge the great work put in by Helen Bingham and others on this document. We are happy to repeat here the guidance provided in that document which suggests that overall NHS information managers should use their professional judgement and common sense when dealing with copyright issues – bearing in mind the following points:

- it is good practice (and a requirement of the CLA licence) to ensure that authors/publishers of the copies you supply are clearly identified;
- please do your best to ensure that service users know what they can/cannot do with the copies you supply;
- remember that copying under the CLA licence should not directly or indirectly substitute for the purchase of original material.

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NHS Contacts

If you have queries relating to copyright, please contact the first responders group – the details are on the slides, along with the address of the NHS library services copyright web pages, which may answer your question.

Question and Answer

Here are some answers to questions that have come up in previous webinars:

Can we treat NHS organisations in Wales as collaboration partners?

Unfortunately we are unable to include the NHS in Wales as a collaboration partner due to its size and the potential to influence the primary market for subscriptions.

Is there a list that we can check that tells us which organisations are already NHS collaboration partners, or hold a CLA licence?

We are unable to provide such a list, as organisations change and occasionally become unlicensed. Please give CLA customer services a call or email, and they will be glad to help.

Is there a way to check which articles have already been ordered from the British Library by another trust or organisation, to avoid duplication? Can they be stored centrally?

At present this is not possible. However, we are working with a number of stakeholders to explore potential solutions to this issue.

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And now for your questions – here are some that have come in while we have been talking.

Remember you can email cs@cla.co.uk with any question, comments, feedback and thoughts.