
DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

The Health and Social Care Information Centre (Female Genital Mutilation) Directions 2015

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by section 254(1) and (6), 262(3), 274(2) and 304(9), (10), (11) and (12) of the Health and Social Care Act 2012(a) and regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013(b).

In accordance with section 254(5) of that Act, the Secretary of State has consulted the Health and Social Care Information Centre before giving these Directions.

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Health and Social Care Information Centre (Female Genital Mutilation) Directions 2015 and come into force on 1st April 2015.

(2) In these Directions—

“FGM” means the offence of female genital mutilation as defined in s.1 of the Female Genital Mutilation Act 2003(c);

“HSCIC” means the Health and Social Care Information Centre(d);

“Implementation Guidance” means the FGM Enhanced Dataset Implementation Guidance, HSCIC’s document, dated 11th March 2015 and annexed to these Directions at Annex A;

“relevant organisations” means—

(a) a NHS foundation trust(e);

(b) a NHS Trust(f); or

(c) a general medical practitioner providing services under a general medical services contract(g) or sections 83(2) or 92 of the National Health Service Act 2006(h);

“Requirements Specification” means the FGM Enhanced Dataset Requirements Specification Full Submission, HSCIC’s document dated 6th March 2015 and annexed to these Directions at Annex B.

(a) 2012 c 7.

(b) S.I. 2013/259.

(c) 2003 c 31.

(d) The Health and Social Care Information Centre is a body corporate established under section 252(1) of the Health and Social Care Act 2012.

(e) NHS foundation trust means a body corporate established under section 30 of the National Health Service Act 2006 c 41. (“the 2006 Act”).

(f) NHS Trust means a body corporate established under section 25 of the 2006 Act.

(g) A contract made between a person defined in section 86 of the 2006 Act and the National Health Service Commissioning Board.

(h) 2006 c 41.

Establishment of the FGM information system

2.—(1) The Secretary of State directs HSCIC to establish and operate a system for the collection and analysis of the information described in sub-paragraph (2) from the relevant organisations to be known as “the FGM Information System”.

(2) The information referred to in sub-paragraph (1) is set out in Part 5 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(3) The Secretary of State directs HSCIC to collect and analyse the information described in sub-paragraph (2) in accordance with the criteria in-

- (a) Part 2 of the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time; and,
- (b) Part 6 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(4) The Secretary of State directs HSCIC to exercise the functions described in sub-paragraph (1) in accordance with-

- (a) the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time; and,
- (b) the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(5) The Secretary of State directs HSCIC to disclose the information obtained as a result of the analysis described in sub-paragraphs (1) and (3) to authorised health service personnel, as defined in sub-paragraph (6), for the purposes of arranging for the provision of services specified in Schedule 4 to the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(a).

(6) Authorised health service personnel means staff working within the National Health Service Commissioning Board(b) authorised by HSCIC to access information obtained as a result of the analysis described in sub-paragraphs (1) and (3).

(7) In exercising the functions described in sub-paragraph (1), HSCIC must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to HSCIC from time to time.

Systems delivery functions

3.—(1) The Secretary of State directs HSCIC to exercise such systems delivery functions of the Secretary of State as are necessary for it to accommodate and deliver the FGM Information System described in paragraph 2.

(2) The Secretary of State directs HSCIC to exercise the systems delivery functions described in paragraph (1) in accordance with the processes outlined in Part 5 of the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(3) The Secretary of State directs HSCIC to collect the information described in paragraph 2(2) using the Clinical Audit platform as defined in sub-paragraph (4) and as set out in Part 5 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(4) The Clinical Audit Platform is an information technology system used by the relevant organisations to submit information for collection by HSCIC.

(a) S.I 2012/2996 as amended by the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) (Amendment) Regulations 2015 S.I 2015/415.

(b) National Health Service Commissioning Board is the body corporate established under section 1H of the 2006 Act.

(5) The Secretary of State may make payments to HSCIC for things done in the exercise of the functions described in sub-paragraph (1).

(6) In exercising the functions described in sub-paragraph (1), HSCIC must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to HSCIC from time to time.

Address
Date

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