

Ratification of Approval of Directions for “Assuring Transformation” Data Collection

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Executive Summary

The HSCIC received “The Health and Social Care Information Centre (Establishment of Information Systems for NHS Services: the Assuring Transformation Data Collection) Directions 2014” from NHS England on 22nd December 2014.

These Directions required the HSCIC to take on the collection of Learning Disability Data from commissioners from 6th January 2015. In order to do so, HSCIC approval for the Directions needed to be gained before the end of December 2014. The Executive Management Team (EMT) agreed that these Directions should be referred to the HSCIC Board, but that due to the urgency, Chair’s action should be sought with ratification at the HSCIC Board in January 2015.

The Chair and two non-Exec Directors approved the Directions on 24th December 2014. Ratification of this decision is now sought from the Board.

Background

NHS England currently collects quarterly Learning Disability data from commissioners in spreadsheets, under a programme known as ‘Assuring Transformation’. This data informs on progress on the NHS commitments in the Winterbourne View Concordat¹ as of 31st March 2014. NHS England has been in discussion with HSCIC during 2014 to take on the collection of this data. This transfer is expected to significantly improve the data quality, through the use of a new tool for data capture developed by the HSCIC Mental Health team.

In order for the HSCIC to start to collect this data, four key elements need to be in place:

1. Health Research Authority Confidentiality Advisory Group (CAG) approval for the required data to flow between parties involved in supplying it
2. Directions issued from NHS England and accepted by the HSCIC
3. Approval from the Standardisation Committee for Care Information (SCCI) Board leading to the publication of an Information Standards Notice (ISN)
4. System and provider preparation

Initially, NHS England wanted the HSCIC to take on the quarterly collection from September 2014. This transfer was not possible as Directions and CAG approval were not in place.

A revised plan was developed for the HSCIC to take on the **quarterly** collection from December 2014; however, no CAG approval was gained during October and November 2014. Due to this delay of approval for the new data flows, NHS England sought and gained CAG approval on 20th October 2014 to carry out the Assuring Transformation collection themselves in December 2014, and subsequent processing for this aspect until 27th February 2015, on the basis that this should allow sufficient scope and time for Directions to be issued to the HSCIC.

¹ The Winterbourne View Concordat is an action plan, published by the Department of Health in December 2012, to ensure that all people with learning disabilities receive the health care and support they need in the most appropriate setting. Too many people with learning disabilities end up unnecessarily in hospital and are staying there for too long. The Concordat aims to put measures in place to lead to a rapid reduction of this.

During November 2014, HSCIC and NHS England then developed a further revised plan for the HSCIC to provide the first management information on a **monthly** basis at the end of February 2015, dependent on items 1-4 (described above) all being in place:

1. **CAG approval:** gained on 12th December 2014.
2. **Directions issued:** Legal advice for the HSCIC on the Directions was received between 17th - 19th December 2014 as a result of which amendments were made to the Directions to clarify different aspects of this work and the relevant legal basis. Further information was also added to the Explanatory Note which accompanies the Directions, to ensure transparency. The HSCIC received the formal “The Health and Social Care Information Centre (Establishment of Information Systems for NHS Services: the Assuring Transformation Data Collection) Directions 2014” from NHS England on 22nd December 2014.
3. **SCCI Approval:** On 26th November 2014, the SCCI Board agreed that the Collection could be approved by Chair’s action once the Directions were approved by the HSCIC and CAG approval was achieved. This would enable the ISN to be issued on 6th January 2015, in readiness for system and provider preparation throughout January 2015, to enable the first information from the system at the end of February 2015.
4. **System and provider preparation time:** The available time was seen to be sufficient on the basis that the ISN was issued on 6th January 2015 (see Risk 2 below).

The only outstanding activity on 22nd December 2014 was therefore the approval of the Direction by HSCIC by 31st December 2014.

The HSCIC Guidance document on Directions states that before any Directions are signed by the HSCIC, they must be reviewed by EMT and a decision taken at that forum on whether they should be referred to the HSCIC Board for consideration. EMT agreed on 17th December 2014, by correspondence, that these Directions should be referred to the HSCIC Board, but that due to the urgency, Chair’s action should be sought with ratification at the full HSCIC Board in January 2015.

The HSCIC Information Governance Team sought legal advice, which confirmed that the wording of these Directions was legal and appropriate. On this basis, the Chair and two non-Exec Directors (Sir Nick Partridge and Sir John Chisholm) approved the Directions on 24th December 2014.

Issues

Strategy Implications

This proposal is in line with the Organisational Strategy to bring more data collection into the HSCIC.

Stakeholder Implications

Current data shows that while some progress is being made, there needs to be much quicker adoption of measures to ensure that patients with learning disabilities have a plan in place so that they aren't in hospital any longer than they need to be.

Key stakeholders, including the Secretary of State; Minister of State for Care and Support; DH Director General, Social Care, Local Government and Care Partnerships; NHS England Chief Nursing Officer (SRO for the Assuring Transformation Programme); and the NHS England National Director for Patients and Information were all pressing for the transfer of the collection to the HSCIC. This is required to make the data quality gains expected and hence provide more accurate information to target provision of leadership and support to transform Learning Disability services locally, building on current good practice.

Financial Implications

A Memorandum of Understanding (MOU) has been agreed between NHS England and the HSCIC. and is with the Director of Patients and Information, NHS England for approval. The expected (pre agreement) income is approximately £177,000.

The annual income will be invoiced from NHS England quarterly. To date, system development costs and those associated to transition through SCCI and product development have been met within existing resources. These costs will be recouped annually going forward until the implementation of a business as usual model of data collection, using version 2 of the Mental Health and Learning Disability Data Set.

Risks

At the time of the Chair's action, there were two key reputational risks for the HSCIC:

1. In the event of the HSCIC not approving the Direction for the AT collection by the end of December 2014, there was a risk that NHS England would have needed to continue to collect data into 2015, with the impact that the anticipated improvement in data quality would not have been realised. This delay could have reflected poorly on the HSCIC and risked further reputational damage to the HSCIC with its key stakeholders. The mitigation was as follows:
 - a. If the conditions were not met in time for a February data cut by HSCIC, it would be possible to do a March cut.
 - b. The CAG approval of the new data flows includes a contingency support to cover the March 2015 data collection by NHS England and subsequent processing until 31st May 2015, in the event that Directions were not in place to enable the HSCIC to undertake the March 2015 data collection. (This risk was anticipated by NHS England in their submission to CAG)
 - c. The contingency arrangement to allow NHS England to carry out the March 2015 data collection remains dormant unless confirmation and evidence of need is provided by 30th January 2015 in addition to provision of a plan showing timescales for establishment of Directions as an exit strategy.

2. In the event of the HSCIC taking on the monthly data collection from the end of January 2015 without sufficient time between communication to the service and the initiation of data collection, there was a risk that this shorter window might contribute adversely to the potential data quality issues, which would have resulted in reputational risk to the HSCIC. However, the new data collection system developed by HSCIC for the collection of AT data is a live system and has been designed to mitigate this risk.

Risk 1 is now closed, following the Chair’s approval. Risk 2 is mitigated due to the issue of the ISN, but will continue to be monitored closely.

Actions Required of the Board

The Board is asked to consider this paper and is recommended to ratify the Chair’s action taken on December 24th 2014 to approve “The Health and Social Care Information Centre (Establishment of Information Systems for NHS Services: the Assuring Transformation Data Collection) Directions 2014”.

The Board is also asked to note that lessons learned activities are underway to identify changes to process and communications between partners to ensure that future data collections are established in a more streamline and timely manner.