

Data Provision Notice

Assuring Transformation, Version 3

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Background

The Health and Social Care Act 2012 (the Act) gives the Health and Social Care Information Centre, now known as [NHS Digital](#) and hereafter referred to by this name, statutory powers, under section 259(1)(a), to require data from health or social care bodies, or organisations that provide publicly funded health or adult social care in England, where it has been directed to establish an information system by the Secretary of State for Health and Social Care or NHS England.

The data, as specified by NHS Digital in this published Data Provision Notice, is required to support a direction from NHS England to NHS Digital. Therefore, organisations that are in scope of the notice are legally required, under section 259(5) of the Act, to provide the data in the form and manner specified below.

Purpose of the collection

Assuring Transformation is a data collection that was introduced in response to the [review of events at Winterbourne View Hospital](#) in 2012. The collection looks at patients with a diagnosed learning disability and / or autism spectrum disorder (hereafter 'autism') in an inpatient hospital setting.

Since then, NHS England has published [Building the Right Support](#), which gives commissioners a clear framework to develop more community services for people with learning disabilities and / or autistic people who display behaviour that challenges, including those with a mental health condition, and close some inpatient facilities.

Benefits of the collection

The purpose of this data collection is to ensure that the public reporting on progress to implement the NHS commitments in the Winterbourne View Concordat is transparent and robust. This data collection also enables NHS England to measure its progress against commitments in the NHS Long Term Plan (Human Behavioural Guidance).

Legal basis for the collection, analysis, publication and dissemination

NHS Digital has been directed by NHS England, under section 254 of the Health and Social Care Act 2012, to establish and operate a system for the collection and analysis of the information specified for this service. A copy of the Direction is published on the NHS Digital website: [Establishment of Information systems for NHS services: Assuring transformation data collection Directions 2015 - NHS Digital](#)

This information is required by NHS Digital under section 259(1)(a) of the Health and Social Care Act 2012.

In line with section 259(5) of the Act, all organisations in scope, in England, must comply with the requirement and provide information to NHS Digital in the form, manner and period specified in this Data Provision Notice.

This Notice is issued in accordance with the procedure published as part of NHS Digital duty under section 259(8).

The legal basis under the UK GDPR will be Article 6 1(e) public task. As we are dealing with special category data we also need an Article 9 condition from the UK GDPR. The most relevant will be Article 9 2 (h).

We are also required to meet a schedule 1 condition from the Data Protection Act 2018. This being Schedule 1 part 1 (2).

All data providers must ensure compliance with the fair processing requirement of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). To meet these requirements, data providers must make available information and guidance to patients and/or their legal guardians to inform them that their data (or their child's data where applicable) will be used for secondary uses (such as service development analysis and national statistical research) in the form of a [Fair Processing Notice or Privacy Notice](#).

Consent and Opt Out

The national data opt-out does not apply to confidential patient information about people with learning disabilities and/or autism who are in hospital for a mental disorder which is disclosed under the following approvals from the national Confidential and Advisory Group (CAG):

- Assuring Transformation: Data Collection and Enhanced Quality Assurance Process Data flow (CAG 8-02 (a-c)/2014).

These flows continue to operate a separate opt-out mechanism and consent guidance and details of how to opt-out of the Assuring Transformation data collection can be found on the NHS England website: <https://www.england.nhs.uk/learning-disabilities/care/atd/>

Persons consulted

Following receipt of a direction to establish a system to collect Data Provision Notice Assuring Transformation, NHS Digital has, as required under section 258 of the Health and Social Care Act 2012, consulted with the following persons:

- National Learning Disability Director, NHS England
- National Clinical Director, Learning Disability and Autism, NHS England
- Head of Improving Quality for Learning Disability and Autism, NHS England
- Head of Children and Young People for Learning Disability and Autism, NHS England
- National Programme Lead, Learning Disability and Autism, Specialised Commissioning, NHS England
- Regional NHS England colleagues
- Clinical Commissioning Groups (now Integrated Care Boards)
- Specialised Commissioning colleagues
- Provider Collaboratives.

Scope of the collection

Under section 259(1)(a) of the Health and Social Care Act 2012, this Notice is served in accordance with the procedure published as part of the NHS Digital duty under section 259(8) on the following persons:

- All commissioners of learning disability services, and commissioners of services whereby that commissioning activity renders the patient to be in scope of the collection. This includes:
 - Integrated Care Boards
 - Commissioning Support Units (CSUs)
 - NHS England Specialised Commissioning Hubs
 - Provider Collaboratives.

Under section 259(5) of the Health and Social Care Act 2012 the organisation types specified in the above Scope must comply with the Form, Manner and Period requirements below.

Form of the collection

The collection comprises details about inpatients with ‘a bed’ normally designated for the treatment or care of people with a learning disability or those with ‘a bed’ designated for mental illness treatment or care who have been diagnosed or are clinically understood to have a learning disability and/or autism.

A full data specification, with guidance, is available on the NHS Digital website: <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/assuring-transformation>

Manner of the collection

Data can be submitted at any point in time to the NHS Digital Clinical Audit Platform (CAP) but must be submitted a minimum of once per month. CAP is a live data collection system and commissioners are expected to keep data current for all patients they commission.

For reporting purposes, a cut of the data will be taken at midnight on the last day of every month (this is not dependant on working days), this data will be used by NHS Digital to produce monthly reports available on this website <https://digital.nhs.uk/data-and-information/publications/statistical/learning-disability-services-statistics>.

An additional cut is taken at midnight every Sunday; this data is used to produce weekly management information dashboards which are shared with NHS England and the regions.

There is no deadline for the submission of data for this collection. Commissioners are required to update records as soon as they are informed of changes to the patient's care plan.

Submission guidance can be found on the NHS Digital website here: <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/assuring-transformation>

Period of the collection

Data has been submitted to NHS Digital since January 2015. Version 3.0 of this collection came into force on 4 June 2021.

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Burden of the collection

Steps taken by NHS Digital to minimise the burden of collection

In seeking to minimise the burden it imposes on others, this release of Assuring Transformation has removed redundant questions from the data set. In addition, work continues to align this data collection with the Mental Health Services Data Set so that, in due course, duplicate data submission can be removed.

In seeking to minimise the burden it imposes on others, in line with sections 253 (2a) and 265(3) of the Health and Social Care Act 2012, NHS Digital has an assessment process to validate and challenge the level of burden incurred through introducing new information standards, collections and extractions.

This process is carried out by the Data Standards Assurance Service (DSAS) which assures burden assessment evidence as part of the overarching Data Alliance Partnership Board (DAPB) approval process. The DAPB, acting under authority of the Secretary of State, oversees the assurance, approval and publication of information standards and data collections for the health and social care system in England.

Assessed costs

The associated burden of the data collection is:

Annual burden on providers	£1,108,890	Estimate of the annual additional costs incurred by the in-scope organisations to submit the data to NHS Digital.
Set up costs	£169,601	Estimate of the one-off costs incurred by the in-scope organisations to change systems and processes in line with version 3 of this collection.

For further information

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