

# Data Provision Notice

## Board Vacancies and Commercial Spend

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Version: 2.0

Publication date: 1 April 2025

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## Background

Section 255 of the Health and Social Care Act 2012 (the Act) enables any organisation that can meet the requirements of the Act (including a devolved authority) to request that NHS England establish and operate an information system for the collection or analysis of information described in the section 255 request. This request is mandatory when submitted by a Principal Body (section 255(4)).<sup>1</sup>

Where it has accepted a valid section 255 mandatory request, under section 259(1)(a) of the Act, NHS England may require information from any person that holds information that NHS England considers is necessary or expedient for it to have to fulfil the section 255 mandatory request.<sup>2</sup>

The data, as specified by NHS England in this published Data Provision Notice, is required to support a mandatory request under section 255 of the Act. 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

This data collection will support NHS England's (NHSE) Talent.

Management strategic objective to develop one single, efficient, cost effective and flexible Data Collection for all workstreams at Executive Director, Non-Executive Director, and Chair-level in line with the Long-Term Workforce Plan.

NHS England will provide a data collection template that will enable the collection and analysis of information on Executive Director, Non-Executive Director and Chair level vacancies and also the commercial spend of these vacancies. The data will be submitted by Integrated Care Boards (ICBs) and NHS Providers in England.

## Legal basis for collection, analysis, publication and dissemination

Under section 255 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. The Directions are published on the NHS England website <https://digital.nhs.uk/about-nhs-digital/corporateinformation-and-documents/directions-and-data-provision-notices/nhs-englanddirections/talent-insights-board-vacancies-and-commercial-spend-collections>.

This information is required by NHS England 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 England 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 an NHS England duty under section 259(8).

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<sup>1</sup> see section 255(9) for definition, includes reference to CQC and NICE

<sup>2</sup> unless the request falls within section 256(2)(c) in which case we can only request, not require.

## Persons consulted

Following the original receipt of a direction to establish and operate a system for the collection or analysis of information on Board Vacancies and Commercial Spend, NHS Digital, as required under section 258 of the Health and Social Care Act 2012, consulted with the following persons:

- NHS England as the directing organisation and an end recipient of the Board Vacancies and Commercial Spend data, have and will on an ongoing basis be consulted on the Specification, form, and period for the collection.
- The Data Alliance Partnership Board (DAPB) in the development of DAPB4009 Board Vacancies and Commercial Spend Standard.
- A full consultation on the proposed changes and a burden assessment has taken place with key stakeholders. Eighteen stakeholders provided feedback and highlighted the expected benefits in terms of reduced cost to NHSE and a more efficient submission process for providers and ICBs. The stakeholder groups included a range of NHS organisations.

The Data Alliance Partnership Board (DAPB) has been established as part of a system-wide information and technology governance model. The DAPB acts with delegated authority from the Secretary of State as the main governance route through which all data collections

## Form & Manner of the collection

Organisations in scope:

- NHS Providers in England.
- Integrated Care Boards.

On a quarterly basis, organisations in scope are required to submit the data below on a purpose-built online form containing data quality validations, on the Data Collection Framework, more information can be found here: <https://digital.nhs.uk/data-and-information/data-collections-and-data-sets/data-collections/board-vacancies-and-commercial-spend-collection>.

## Burden of the collection

### Steps taken by NHS England to minimise the burden of collection

In seeking to minimise the burden it imposes on others, in line with sections 253(2)(a) 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.

NHS Digital sought to minimise burden on providers by using existing technology, rather than requesting information in another format which may be more burdensome.

The frequency of the collection will be under review and options to incorporate this data into other existing returns will continue to be examined.

## Assessed costs

The associated burden of the data collection is:

Set up costs	£2,980	The combined costs to all providers of preparing for the data collection prior to first submission of the data.
Annual costs	£45,800	The combined ongoing annual costs to the providers of submitting the data to NHS England.

## Annex A – Data items

Information required for each organisation (automatically completed in the DCF):

- Organisation name
- Organisation code
- Organisation type (provider trust/ICB)
- Trust status (foundation/NHS)
- Type of trust (e.g. Acute)
- Region
- If applicable, the STP/ICS

To help users of the report to better understand the context of the data included within it, the full set of questions put to data submitters, along with data format and lists of potential responses is included below. Not all questions are answered by all respondents as answering yes or no to certain questions expands or limits the full list of questions which require completion.

1. How many Board level positions does your organisation currently have, in each of the following types of roles?

a. Executive Director

Numeric (max no. 30)

b. Chair and NED roles

Numeric (max no. 30)

c. Partner Members (ICB only)

Numeric (max no. 30)

d. Other Members (ICB only)

Numeric (max no. 30)

Section 1: Executive Vacancies the submission for January 2025, will be the position as at 31/12/2024.

2. Do you have any EXECUTIVE DIRECTOR board roles that are not substantively filled?

Yes

No

If yes, please add a vacancy (you can add more than one vacancy)

3. What is that role/s? Select all that apply.

- a. Chief Executive / Chief Officer
- b. Accountable Officer
- c. GP Governing Body Member
- d. Medical Director / Clinical Director
- e. Nursing Director / Chief Nursing Officer
- f. Director of Finance / Chief Finance Officer
- g. Director of Operations / Chief Operating Officer
- h. Director of Strategy / Chief Strategy Officer
- i. HR / Workforce Director / People Director
- j. Director of Information / Chief Information Officer
- k. Other (please specify – character limit 30)

Q4 – Q12 to be asked for each role selected in Q3

4. Why is that role not held on a substantive basis?

- a. Postholder retired
- b. Postholder seconded out
- c. Postholder resigned to move to another NHS role
- d. Postholder resigned and left the NHS
- e. Postholder was removed from post
- f. Other (please specify– character limit 30)

5. What is the status of that role?

- a. Internal acting up
- b. Interim (day rate off payroll)
- c. Interim / fixed term contract (on payroll)
- d. Secondment

- e. No postholder of any description
  - f. Other (please specify– character limit 30)
6. Please confirm the length of time since this role was last substantively held.
- a. Less than 3 months
  - b. 3 months to less than 6 months
  - c. 6 months to less than 9 months
  - d. 9 months to less than 12 months
  - e. 12 months to less than 18 months
  - f. 18 months or more
7. Are you actively looking to recruit to this role?
- a. Yes
  - b. No
8. If no, please advise on the main reason why you are not actively looking to recruit to this role?
- Free text box: max 30 characters
9. Have you previously tried to recruit to this role?
- a. Yes
  - b. No
10. If yes, how many times have you tried to recruit to this role?
- a. 1
  - b. 2
  - c. 3+
  - d. Don't know
11. Why do you think you were not able to recruit to this role?
- a. There were no suitable applicants
  - b. Candidates were interviewed, but were deemed un-appointable
  - c. Candidates were deemed appointable, but they declined the offer
  - d. Other (please specify– character limit 30)
12. What type of role profile is required for this role? Select all that apply.
- a. NHS board experience is required
  - b. NHS board experience is preferred, but will consider NHS aspirant director
  - c. Non-board experience would be considered, with an equivalent skill set
  - d. Non-NHS candidates would be considered, with equivalent skills and experience

e. Other (please specify– character limit 30)

13. Thinking of the role/s you have described, what plans are in place to fill this role/s substantively? Select all that apply.

- a. Recruitment without executive search agency support planned (not started)
- b. Recruitment with executive search agency support planned (not started)
- c. Recruitment without executive search agency support started (not complete)
- d. Recruitment with executive search agency support started (not complete)
- e. Internal succession planning
- f. Decision has been taken not to appoint (e.g. because of proposed merger or other structural change)
- g. There are no plans in place
- h. Other (please specify– character limit 30)

14. Do you anticipate any Board level executive vacancies within the next two years (e.g., because of known planned moves, impending retirement, Post-COVID vacancies/change-led vacancies etc)?

Please do not include roles you have already identified as current vacancies, or any Chair/NED roles. i.e., the submission for January 2025, should relate to anticipated vacancies any time from 1/1/2025.

- a. Yes – within the next 12 months
- b. Yes – within 12 to 24 months

Select all that apply.

- c. Chief Executive / Chief Officer
- d. Accountable Officer
- e. GP Governing Body Member
- f. Medical Director / Clinical Director
- g. Nursing Director / Chief Nursing Officer
- h. Director of Finance / Chief Finance Officer
- i. Director of Operations / Chief Operating Officer
- j. Director of Strategy / Chief Strategy Officer
- k. HR / Workforce Director / People Director
- l. Director of Information /Chief Information Officer
- m. No vacancies
- n. Other (please specify– character limit 30)

15. Do you have any plans to change the portfolio or person specification of future Executive Director vacancies to better meet ICS Strategy/the needs of

changing strategic environment?

- a. Yes
- b. No

16. If yes, what do you expect to change?

Free text box: max 50 characters

Section 2: Chair/Non-Executive vacancies the submission for January 2025, will be the position as at 31/12/2024.

17. Do you currently have any vacancies for the Chair or NED roles?

- a. Yes
- b. No

If yes, please add a vacancy (you can add more than one vacancy)

18. What is that role/s? Select all that apply.

- a. Chair
- b. NED – Vice Chair
- c. NED – Senior Independent Director
- d. NED – Audit Chair
- e. NED – Remuneration Chair
- f. NED
- g. Associate NED
- h. Lay member
- i. Other (please specify– character limit 30)

Q21 – Q27 to be asked for each role selected in Q20

19. What is the reason for the vacancy?

- a. Postholder retired or stepped down
- b. Postholder was removed from post
- c. The term ended and postholder is not standing for another term
- d. It is a new post
- e. Other (please specify – character limit 30)

20. What is the status of that role?

- a. A substantive appointment
- b. An associate appointment
- c. An interim/short term appointment
- d. A vacancy
- e. Other (please specify– character limit 30)

21. What is the term end date?

Date – DD/MM/YYYY

22. Are you actively looking to recruit to this role?

- a. Yes
- b. No

23. If no, please advise on the main reason why you are not actively looking to recruit to this role?

Free text box: max 30 characters

24. How do you plan to fill this role?

- a. By substantive appointment
- b. By associate appointment
- c. By an interim / short term appointment
- d. Don't know
- e. Other (please specify– character limit 30)

25. What type of role profile is required for this role? Select all that apply.

- f. NHS board experience is required
- g. Non-NHS candidates sought
- h. Board experience preferred, but will consider other senior level experience
- i. Other (please specify– character limit 30)

26. Do you anticipate any Chair or NED vacancies within the next two years (e.g. because of known planned moves, impending retirement, Post-COVID vacancies/change-led vacancies etc)?

Please do not include roles you have already identified as current vacancies, or any Executive Director roles. i.e., the submission for January 2025, should relate to anticipated vacancies any time from 1/1/2025.

- a. Yes – within the next 12 months
- b. Yes – within 12 to 24 months

Select all that apply.

- a. Chair
- b. NED – Vice Chair
- c. NED – Senior Independent Director
- d. NED – Audit Chair
- e. NED – Remuneration Chair
- f. NED
- g. Associate NED
- h. Lay member

i. No vacancies

j. Other (please specify– character limit 30)

27. Do you have any plans to change the portfolio or person specification of future Chair or NED vacancies to better meet ICS Strategy/the needs of changing strategic environment?

a. Yes

b. No

28. If yes, what do you expect to change?

Free text box: max 50 characters

Section 3: Commercial Spend (Exclusive of VAT)

The following questions refer to the last (financial) quarter only, i.e., the submission for January 2025, will refer to Q3 2024/25: (expenditure between 1 October 2024 to 31 December 2024 inclusive).

29. What is the total number of substantive Executive Director or chair/NED vacancies you had in the last quarter?

Numeric

a. Don't know

30. Of those Executive Director or chair/NED vacancies in the last quarter, how many involved third party executive search firms in the recruitment process?

Numeric

a. Don't know

31. What was the total amount spent on third party executive search firms (either successful or unsuccessful) for recruitment of substantive Executive Director or chair/NED vacancies in the last quarter?

Please liaise with colleagues in your Finance Department if required and provide the most accurate figure for the quarter.

£

a. Don't know

32. What was the total amount spent on interim managers to cover any Executive Director or chair/NED vacancies in the last quarter?

Please liaise with colleagues in your Finance Department if required and provide the most accurate figure for the quarter.

£

a. Don't know

33. What was the total amount spent on advertising any Executive Director or chair/NED vacancies in the last quarter?

Please liaise with colleagues in your Finance Department if required and provide the most accurate figure for the quarter.

£

a. Don't know

34. Do you expect any increase or decrease in commercial spend over the next quarter, as result of restructuring or redeployments?

a. No changes in commercial spend are expected over the next quarter

b. An increase in commercial spend is expected over the next quarter

c. A decrease in commercial spend is expected over the next quarter

d. Don't know

35. Please advise why you expect any changes in commercial spend.

Free text: max 50 characters

36. We would like to gather case studies of best practice in the recruitment of Board Level (Executive and NED) vacancies. Please let us know if you would be willing to share your experience, and a member of the Talent Insights team will contact you?

a. Yes

b. No