



NHS England
Quarry House
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Sarah Wilkinson
Chief Executive
NHS Digital
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2nd June 2021

Dear Sarah

1. Safeguarding Case Review Tracker Directions 2021

- 1.1 I am writing on behalf of the National Health Service Commissioning Board (known as **NHS England**) to provide Directions to the Health and Social Care Information Centre, known as and hereafter referred to in these Directions as **NHS Digital**.
- 1.2 These Directions are given in exercise of the powers conferred by sections 254(1), (3) and (6), section 260(2)(d), section 261(2)(e) and section 304(9), (10) and (12) of the Health and Social Care Act 2012¹ (**the 2012 Act**) and Regulation 32 of the National Institute for Health and Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013² (**the Regulations**).
- 1.3 In exercising the activities and functions described in these Directions, NHS Digital must have regard to such priorities, policies, advice, or guidance of NHS England as NHS England may notify in writing from time to time to NHS Digital.

¹ 2012 c.7

² S.I. 2013/259

1.4 These Directions are to be known as the **Safeguarding Case Review Tracker Directions 2021** and come into force on the date signed.

2. Purpose

- 2.1 The purpose of these Directions (**Purpose**) is for NHS Digital to provide a Safeguarding Case Review Tracker that will enable the collection and analysis of information about Serious Incidents that have resulted from safeguarding failures. The data will be submitted into the Safeguarding Case Review Tracker by Clinical Commissioning Groups (**CCGs**) in England and CCGs will be able to identify, track, report and monitor the number of Serious Incidents that have occurred due to a safeguarding failure, and to record and capture lessons and outcomes from safeguarding reviews.
- 2.2 NHS Digital will collate the data from the Safeguarding Case Review Tracker and disseminate this to NHS England and NHS Improvement (**NHSE/I**) to support NHSE/I to successfully deliver on its statutory safeguarding roles and responsibilities³ by using the data as part of wider patient safety and quality of care reporting.

3. Systems delivery functions for the Safeguarding Case Review Tracker Directions 2021

- 3.1 In accordance with Regulation 32 of the Regulations, NHS England directs NHS Digital to exercise such systems delivery functions of NHS England as are necessary for NHS Digital to develop and operate the Safeguarding Case Review Tracker described in the Purpose.
- 3.2 NHS Digital is directed to exercise the functions in accordance with the [Information Standard DCB3124 Amd 54/2020: Safeguarding Case Review Tracker](#) and the Safeguarding Case Review Tracker Requirements Specification attached at Annex A of these Directions (collectively, the **Specifications**).
- 3.3 NHS England directs NHS Digital to exercise the functions described above in accordance with the service levels, support and monitoring requirements, and the reporting and governance requirements notified by NHS England in writing to NHS Digital as at the date these Directions come into force, or as those requirements are amended and notified by NHS England in writing to NHS Digital from time to time.

4. Establishing and operating information systems for the Safeguarding Case Review Tracker Directions 2021

- 4.1 In accordance with sections 254(1) and 254(6) of the 2012 Act, NHS England directs NHS Digital to establish and operate such systems for the

³ Safeguarding children, young people and adults at risk in the NHS: Safeguarding accountability and assurance framework - <https://www.england.nhs.uk/publication/safeguarding-children-young-people-and-adults-at-risk-in-the-nhs-safeguarding-accountability-and-assurance-framework/>

collection and analysis of information as are necessary to provide the Safeguarding Case Review Tracker and meet the Purpose described in paragraph 2.

- 4.2 NHS Digital is directed to carry out the activities above in accordance with the Specifications and generally in such a way as to enable and facilitate the Purpose described above. The Specifications may be updated periodically (within the confines of the scope set out in these Directions) by NHS Digital and agreed in writing by NHS England.

5. Analysis and linkage

Pursuant to NHS England's powers under 254(1) and 254(6) of the 2012 Act, NHS Digital is further directed to analyse the information collected pursuant to these Directions, including by such reference or linkage to other data held by NHS Digital as NHS Digital determines is necessary to achieve the Purpose.

6. Requirement for these Directions

- 6.1 In accordance with section 254(3) of the 2012 Act, NHS England considers that the information which could be obtained by complying with these Directions is information which it is necessary or expedient for NHS England to have in relation to its exercise of functions in connection with the provision of NHS services.
- 6.2 In accordance with section 254(5) of the 2012 Act, NHS Digital has been consulted before these Directions have been given.

7. Publication

In accordance with section 260(2)(d) of the 2012 Act, NHS Digital is directed not to publish any information that is obtained by complying with these Directions.

8. Dissemination

- 8.1 In accordance with section 261(2)(e) of the 2012 Act, despite the prohibition on publication, NHS Digital may disseminate under section 261(1) and 261(2)(b)(ii) of the 2012 Act the information it has obtained by complying with these Directions to NHS England and NHS Improvement, where section 261(1) would otherwise not apply due to the restriction on publication, and where it would be lawful for NHS Digital to do so.
- 8.2 Pursuant to section 262(3) of the 2012 Act, NHS Digital is directed to exercise its powers under section 261(4) of the 2012 Act to disseminate the information collected pursuant to these Directions to a CCG that provided the information.
- 8.3 Under section 262(5) of the 2012 Act, NHS Digital is directed not to exercise its powers under section 261(1) and 261(4) of the 2012 Act other than to disseminate information to NHS England and NHS Improvement and to a

CCG that provided the information where it would be lawful for NHS Digital to do so.

9. Fees and Accounts

- 9.1 Pursuant to section 254(7) of the 2012 Act and Regulation 32(2)(b) of the Regulations, NHS Digital is entitled to charge NHS England a reasonable fee in respect of the cost of NHS Digital complying with these Directions.
- 9.2 NHS Digital must keep proper accounts, and proper records in relation to the accounts, in connection with the Safeguarding Case Review Tracker Directions 2021.

10. Duration

NHS Digital is directed to operate the Safeguarding Case Review Tracker system delivery functions and operate the related Safeguarding Case Review Tracker Information System referred to above (the **Directed Functions**) unless and until revoked by a further direction or instructed in writing by an authorised officer of NHS England on reasonable notice to suspend and/or permanently cease the Directed Function. Where a Directed Function is to cease, such written request will also contain a direction to revoke these Directions in accordance with the timescales and arrangements to be agreed with NHS Digital.

11. Review of these Directions

These Directions will be reviewed when the Specifications are amended. This review will include consultation with NHS Digital.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. H. B.', written in a cursive style.

Signed by authority of NHS England

**ANNEXES - SAFEGUARDING CASE REVIEW TRACKER DIRECTIONS 2021
DIRECTIONS 2021**

**Annex A - Safeguarding Case Review Tracker Directions Requirements
Specification**