



NHS England  
Quarry House  
Leeds LS2 7UE

Simon Bolton  
Interim Chief Executive  
NHS Digital  
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Leeds  
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LS1 4AP

09 March 2022

Dear Simon,

## 1. **NHS Continuing Healthcare Directions 2022**

- 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 sections 304(9), (10) and (12) of the Health and Social Care Act 2012<sup>1</sup> (**the 2012 Act**).
- 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.
- 1.4 These Directions are to be known as the **NHS Continuing Healthcare Directions 2022** and come into force on the date signed.

## 2. **Purpose**

- 2.1 The purpose of these Directions (**Purpose**) is to allow monitoring of patients going through local appeals processes to ensure these are resolved quickly and to highlight Clinical Commissioning Groups (**CCGs**) and Integrated Care Boards (**ICBs**) where high numbers of eligibility decisions are being

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<sup>1</sup> 2012 c.7

overturned on appeal. The dataset will allow linkage at patient-level to other datasets, so increased/reduced hospital admissions, medication and other important attributes are visible.

- 2.2 The NHS Continuing Health Care (**NHS CHC**) Data Set is a patient level, output based, secondary uses data set which aims to deliver robust, comprehensive, nationally consistent, and comparable person-based information for people (18 years and over) accessing NHS CHC services and NHS-funded Nursing Care located in England. As a secondary uses data set it intends to re-use operational data for purposes other than direct patient care.
  - 2.3 The data set supports the aims of the NHS CHC to deliver better outcomes, better experience and better use of resources, by providing detailed evidence that is currently unavailable.
- 3. Establishing and operating information systems for NHS Continuing Healthcare Directions data collection**
- 3.1 In accordance with sections 254(1) and 254(6) of the 2012 Act, NHS England directs NHS Digital to establish and operate a system for the collection and analysis of information described in the NHS Continuing Healthcare Patient Level Data Set Requirements Specification issued with these Directions, which 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 (**the Requirements Specification**).
  - 3.2 The system to be established and operated is to be known as the **NHS Continuing Healthcare Directions Information System**.
  - 3.3 Pursuant to NHS England's powers under 254(1) and 254(6) of the 2012 Act, NHS Digital is directed to analyse information pursuant to and/or obtained by NHS Digital complying with these Directions, as may be requested by NHS England or as NHS Digital determines is necessary to achieve the Purpose.
  - 3.4 Such analysis referred to above includes:
    - 3.4.1 analysis by reference or linkage to other data as described in the Requirements Specification; and
    - 3.4.2 analysis for data quality purposes, including undertaking comparison and consistency analysis of the same or similar information obtained through other information systems established by NHS Digital under any other direction under section 254 of the 2012 Act, and taking such steps as NHS Digital considers appropriate to maintain data quality, accuracy and consistency of information it has obtained under these Directions and across all information systems.

3.5 NHS Digital is directed to carry out the activities above in accordance with the Requirements Specification and generally in such a way as to enable and facilitate the Purpose described above.

#### **4. Requirement for these Directions**

4.1 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.

4.2 In accordance with section 254(5) of the 2012 Act, NHS Digital has been consulted before these Directions have been given.

#### **5. Publication**

In accordance with section 260(2)(d) of the 2012 Act, NHS Digital is directed not to publish information that is specified as not for publication in the Requirements Specification.

#### **6. Dissemination**

6.1 In accordance with section 261(2)(e) of the 2012 Act, despite the prohibition on publication, NHS Digital may disseminate under section 261(1) of the 2012 Act the information it has obtained by complying with these Directions including 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.

6.2 Pursuant to section 262(3)(a) of the 2012 Act, NHS Digital is directed to exercise its powers under section 261(4) of the 2012 to disseminate the information collected pursuant to these Directions to the organisations that provided the information where it would be lawful for NHS Digital to do so.

6.3 Information collected as a result of, or obtained by complying with, these Directions may also be disseminated by NHS Digital in accordance with its powers under sections 261(4) and (5) of the 2012 Act.

#### **7. Fees and Accounts**

7.1 Pursuant to section 254(7) of the 2012 Act, NHS Digital is entitled to charge NHS England a reasonable fee in respect of the cost of NHS Digital complying with these Directions.

7.2 NHS Digital must keep proper accounts, and proper records in relation to the accounts, in connection with the **NHS Continuing Healthcare Directions 2022**.

## 8. Duration

NHS Digital is directed to operate the NHS Continuing Healthcare Directions Information System (the **Directed Function**) 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 the Directed Function is to cease, such a written request will also contain a direction to revoke these Directions in accordance with the timescales and arrangements to be agreed with NHS Digital.

## 9. Review of these Directions

These Directions will be reviewed when the Requirements Specification is amended.

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

Date signed: 09/03/2022

## **ANNEX - NHS Continuing Healthcare Directions 2022**

Published alongside the NHS Continuing Healthcare Directions 2022 is:

### **Annex A – NHS Continuing Healthcare Patient Level Data Set Requirements Specification**