

NHS Improvement

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## Mandatory Request

Health and Social Care Information Centre

1 Trevelyan Square  
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Leeds  
West Yorkshire  
LS1 6AE

16<sup>th</sup> October 2019

Dear Sarah Wilkinson

### **NHS Improvement's Mandatory Request - National Clinical Improvement Programme (NCIP) Theatre Data Set Discovery Project 2019**

I am writing to the Health and Social Care Information Centre (now known as and referred to in this letter as **NHS Digital**) on behalf of Monitor (referred to in this letter as **NHS Improvement**<sup>1</sup>) to make a mandatory request under sections 255(1) and 256(2)(a) of the Health and Social Care Act 2012 (**the HSCA**)<sup>2</sup> to establish and operate an information system for the collection and analysis of theatre data from between five and seven NHS Foundation Trusts in support of the National Clinical Improvement Programme (**NCIP**). The system will be known as the **National Clinical Improvement Programme Theatre Data Set Discovery Information System**.

#### **NHS Improvement's functions**

NHS Improvement is responsible for licensing providers of NHS services under Chapter 3, Part 3 of the HSCA. The licence includes a set of standard licence conditions including conditions applicable to foundation trusts relating to governance arrangements to:

- ensure compliance with the Licensee's duty to operate efficiently, economically and effectively;

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<sup>1</sup> Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement.

<sup>2</sup> "Monitor" is listed as a "principal body" under section 255(9) of the Health and Social Care Act 2012.

- ensure timely and effective scrutiny and oversight by the Board of the licensee's operations;
- ensure compliance with health care standards binding on the Licensee;
- identify and manage material risks to compliance with the Conditions of its Licence;
- ensure the accurate, comprehensive, timely and up to date information on quality of care;
- ensure that the Licensee actively engages on quality of care with staff and takes into account as appropriate views and information from those sources; and
- ensure it has in place personnel within the organisation who are sufficient in number and appropriately qualified to ensure compliance with the Conditions of the Licence.

NHS Improvement has a general power under paragraph 15 of Schedule 8 to the HSCA, to do anything which appears to it to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions. NHS Improvement has a duty under section 62(1) of HSCA in exercising its functions to protect and promote the interests of people who use health care services by promoting the provision of health care services which are economic, efficient and effective; and to maintain or improve the quality of services.

NHS Improvement confirms that in accordance with section 255(4)(b) of the HSCA the information which could be obtained by NHS Digital complying with this request is information which it is necessary or expedient for NHS Improvement to have in relation to the discharge of its duties in connection with the provision of health services in England, as set out above and below.

### **The National Clinical Improvement Programme**

The National Clinical Improvement Programme (NCIP) will be a digital product that will present NHS consultants in England – surgeons and anaesthetists, in the first instance – with de-identified information relating to their clinical activity that will enable them to analyse and compare their outcomes with national benchmarks. This information will support quality improvement activities, to support local clinical audit processes, with the aim of delivering improved patient care.

NCIP is a DHSC initiated Programme that is part of the wider Getting It Right First Time (GIRFT) programme. Professor Sir Norman Williams is the Programme Chair, and Professor Tim Briggs, National Director of Clinical Improvement for the NHS, is the senior sponsor within NHSI where the product is being developed.

NHS Improvement commenced a pilot of the NCIP with NHS Foundation Trusts in August 2019.

### **Purpose of this request**

The purpose of requesting NHS Digital to establish the NCIP Theatre Data Set Discovery Information System is to enable NHS Improvement to assess the potential of theatre data to enhance the attribution of surgical activity, as recorded in Hospital

Episode Statistics (HES) Admitted Patient Care (APC) data, to consultants. Inaccurate attribution of existing activity data to consultants is a risk to the success of NCIP.

The NCIP Theatres Dataset Discovery Project has a number of specific aims:

- Demonstrate that theatre data can be extracted from theatre systems.
- Demonstrate that theatre data can be securely transmitted, processed and stored by NHS Digital.
- Demonstrate that theatre data can be successfully linked to Hospital Episode Statistics (HES) Admitted Patient Care (APC) data at procedure level, including developing an optimised algorithm to support such data linkage.
- Assess the feasibility of using theatre data to address the issue of accurate attribution of activity to the correct consultant
- Support investment justification for future England-Wide collection, including understanding data items and definitions routinely recorded within theatre systems and potential barriers, burden and costs associated with submission to NHS Digital. It will also assess the feasibility of such information to meet a variety of other identified use cases in the future, for example: efficiency and productivity of operating lists; derivation of performance metrics such as, time from admission to surgery.

Overall, it is intended that the data provided further to this mandatory request will enable an assessment of:

- 1) the accuracy and depth of HES data in regard to the attribution of surgical activity to individual consultants; and
- 2) the potential for theatre data to provide a superior means of attributing surgical activity recorded in HES to individual consultants and other grades of surgeon and anaesthetist. The accurate attribution of activity is essential to support the learning and improvement activity required to achieve the programme benefits. This will ultimately assist providers to comply with the conditions of the provider license, provide health care services which are economic, efficient and effective, and identify means for improving the quality of services provided.

### **Information to be collected and analysed**

This request is a 'confidential collection request' as defined under section 256(1) of the HSCA, which NHS Improvement may make by virtue of s256(2)(a) of the HSCA.

This is because the collection includes information in a form which identifies individual patients and associated information about their health care. This information is necessary to enable data linkage to HES APC data at procedure level and for NHS Improvement to share the relevant activity data with the consultants concerned. The collection also identifies the surgeons and anaesthetists involved.

The information will be collected from between five and seven NHS Foundation Trusts who have agreed with NHS improvement to participate in the NCIP Theatres Dataset Discovery Project.

The information to be collected and analysed is documented in the **NCIP Theatre Data Set Discovery Project Data Set Technical Specification**, and the form, manner and timing of the collection is documented in **NCIP Theatre Data Set Requirements Specification**. The Specifications may be updated periodically by NHS Digital in agreement with NHS Improvement in line with the change management process documented in the Requirements Specification.

For the avoidance of doubt, this collection excludes personal information about legally restricted terms relating to in vitro fertilisation (IVF) or gender recognition in line with the restrictions imposed by the Human Fertilisation and Embryology Act 1990 as amended by the Human Fertilisation and Embryology Act 2008 or the Gender Recognition Act 2004.

The analysis to be carried out by NHS Digital is data quality and validation and linkage of the theatre data set discovery data to Hospital Episode Statistics (HES) Admitted Patient Care (APC) at individual procedure level.

### **Request to disseminate**

In making this mandatory request, NHS improvement requests that, pursuant to s262(4) and (7) that NHS Digital exercises its powers to disseminate theatre data and associated bridging files for linkage to Hospital Episodes Statistics Admitted Patient Care data to NHS Improvement and to the National Clinical Improvement Programme in pseudonymised form. NHS Improvement understands that such disseminations will be subject to applications being made by NHS Improvement and the National Clinical Improvement Programme to the NHS Digital Data Access Request Services (DARS), and that accepted applications will be subject to updated data sharing agreements for NHS Improvement and the National Clinical Improvement Programme.

### **Restriction on dissemination**

In making this mandatory request, NHS Improvement also requests that, pursuant to section 262(5) of the HSCA that NHS Digital does not exercise the power conferred by section 261(1) or (4) of the HSCA to disseminate the information which it obtains by complying with this request, other than to disseminate information, excluding confidential patient information, to such persons, for such purposes and at such times as may be agreed between NHS Digital and NHS Improvement.

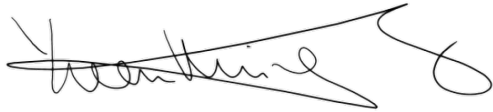
Such agreement to disseminate data shall not be unreasonably withheld by NHS Improvement and would only be withheld where NHS Improvement considers that use of the data would be either:

- a) detrimental to the aims of the National Clinical Improvement Programme or,
- b) detrimental to NHS Improvement performing its functions under the HSCA.

NHS Improvement recognises that in submitting this request under section 255 of the HSCA, NHS Digital is entitled to charge a reasonable fee pursuant to section 257(3) in respect of the cost of complying with this request from NHS Improvement.

Prior to making this request, NHS Improvement has consulted and worked with NHS Digital as required by 257(4) of the HSCA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ming Tang', with a long horizontal stroke extending to the right.

Ming Tang

**National Director, Data and Analytics  
NHS England & NHS Improvement**