



Department  
of Health &  
Social Care

Department of Health and Social  
Care  
39 Victoria Street  
London  
SW1H 0EU

Simon Bolton  
Interim Chief Executive  
NHS Digital  
7 & 8 Wellington Place  
Leeds  
West Yorkshire  
LS1 4AP

17 January 2023

Dear Simon,

### **Adult Social Care Provider Information Collection Directions 2023**

- 1.1 I am writing on behalf of the Secretary of State for Health and Social Care (**the Secretary of State**) to give 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 277C(1) and (3) and 304(9) and (10) of the Health and Social Care Act 2012<sup>1</sup> (**the 2012 Act**).

---

<sup>1</sup> 2012 c.7 ("the 2012 Act"). Sections 277A to 277D were inserted by section 99 of the Health and Care Act 2022 (c.31) ("the 2022 Act").

- 1.3 In carrying out the activities and exercising the functions described in these Directions, NHS Digital must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing from time to time to NHS Digital.
- 1.4 These Directions are to be known as the **Adult Social Care Provider Information Collection Directions 2023** and come into force on the day after the day on which they are signed.

## 2. Purpose

- 2.1 The purpose of these Directions (**Purpose**) is to require NHS Digital to exercise the functions of the Secretary of State under section 277A of the 2012 Act:
  - 2.1.1 to require and collect certain information under section 277A(1) of the 2012 Act and specified in paragraph 3.1 below (**the Information**) as the Secretary of State requires for purposes connected with the health care system, or adult social care system, in England from relevant providers of adult social care services (as defined in section 277A(7) of the 2012 Act) (**Relevant Providers**), and
  - 2.1.2 until further notice, to require those providers to submit the Information to NHS Digital electronically in accordance with the “Formal notice of a mandate for all ASC providers”<sup>2</sup>, as updated periodically (**Formal Mandate Notice**).

## 3. Data collection and analysis

- 3.1 In accordance with section 277C of the 2012 Act, the Secretary of State directs NHS Digital to collect and analyse:
  - 3.1.1 the Information specified within the Formal Mandate Notice; and
  - 3.1.2 the Information provided by Relevant Providers as part of the process of registration for the electronic submission of the information specified within the Formal Mandate Notice.
- 3.2 The collection and analysis by NHS Digital of the Information as set out in section 3.1 above is subject to the requirements in the Adult Social Care Provider Information Collection Directions Requirements Specification<sup>3</sup>,

---

<sup>2</sup> The Formal Notice is located at <https://www.gov.uk/government/publications/health-and-care-act-2022-adult-social-care-provider-information-provisions/formal-notice-of-a-mandate-for-all-asc-providers>. A copy may be obtained by writing to the Department of Health and Social Care at The Department of Health and Social Care, Social Care Oversight Team, 3rd Floor, 39 Victoria Street, Westminster, London, SW1H 0EU

<sup>3</sup> The Requirements Specification is located at [add link for publication published]<sup>4</sup> In accordance with section 277C(1) of the 2012 Act, the restrictions on onward disclosure of information set out in section 277B of the 2012 Act apply to NHS Digital.

which may be updated periodically (within the scope of these Directions) by NHS Digital where agreed in writing by the Secretary of State (**the Requirements Specification**).

3.3 The Secretary of State directs NHS Digital to analyse information obtained by NHS Digital in complying with these Directions, in accordance with any instructions provided from time to time in writing by the Secretary of State or as NHS Digital determines is necessary to achieve the Purpose.

3.4 The Secretary of State directs NHS Digital to carry out the activities above in such a way as to enable and facilitate the Purpose.

#### **4. Service levels etc**

The Secretary of State 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 the Secretary of State in writing to NHS Digital as at the date these Directions come into force, or as those requirements are amended and notified by an authorised officer of the Department of Health and Social Care on behalf of the Secretary of State in writing to NHS Digital from time to time.

#### **5. Requirement for these Directions**

In accordance with section 277A(2) of the 2012 Act, the Secretary of State considers that the information which could be obtained by complying with these Directions is information sought for purposes connected with the health care system, or adult social care system, in England.

#### **6. Dissemination**

6.1 Subject to the restrictions on disclosure in section 277B, the Secretary of State directs NHS Digital to disseminate<sup>4</sup> such of the information it has obtained by complying with these Directions (including information on whether or not a Relevant Provider has complied with a requirement to provide the Information) to any person to whom functions under the Adult Social Care Information (Enforcement) Regulations 2022<sup>5</sup> have been delegated by way of directions given under section 277F of the 2012 Act, as set out in the Requirements Specification and where NHS Digital considers it necessary or expedient for that person to have that information for the purposes of exercising those functions.

6.2 The Secretary of State directs NHS Digital to disseminate to the Department of Health and Social Care, acting on behalf of the Secretary of State, such of

---

<sup>4</sup> In accordance with section 277C(1) of the 2012 Act, the restrictions on onward disclosure of information set out in section 277B of the 2012 Act apply to NHS Digital.

<sup>5</sup> S.I. 2022/1175.

the information it has obtained by complying with these Directions (including information on whether or not a Relevant Provider has complied with a requirement to provide the Information), and at such times or at such intervals, as may be required by the Department of Health and Social Care to support the Purpose of these Directions.

**7. Fees and accounts**

NHS Digital must keep proper accounts, and proper records in relation to the accounts, in connection with these Directions.

**8. Duration**

The Secretary of State directs NHS Digital to comply with these Directions until revoked by a further direction.

**9. Review of these Directions**

These Directions will be reviewed every 12 months. This review will include consultation with NHS Digital.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hargrave', with a long horizontal flourish extending to the right.

Signed by authority of the Secretary of State

Date signed: 17 January 2023