

Document filename:	Adult Social Care (ASC) Provider Information Collection Requirements Specification		
Project / Programme	Provider Information Collection via Capacity Tracker	Project	Provider Information Collection
Document Reference			
Project Manager	Tom Wright	Status	Final
Owner		Version	1.0
Author	Tom Wright	Version issue date	17/01/2023

Adult Social Care (ASC) Provider Information Collection Requirements Specification

Document management

Revision History

Version	Date	Summary of Changes
0.1	15/9/2022	Updates to draft suggested
0.1	14/12/2022	Comments and queries raised following Executive review
1.0	17/1/2023	Taken to final


Reviewers

This document must be reviewed by the following people:

Reviewer name	Title / Responsibility	Date	Version
Joanne Treddenick	Principal Information Governance Specialist (NHS Digital)	15/9/2022	0.1
Kevin Willis	Head of Information Law	15/9/2022	0.1
Jackie Gray	Executive Director, Privacy Transparency, Ethics & Legal	14/12/22	0.1

Approved by

This document must be approved by the following people:

Name	Signature	Title	Date	Version
Julie Laughton		Deputy Director, Assurance and Support, Adult Social Care Group, Strategy and Workforce Directorate	17/01/2023	1.0

Glossary of Terms

Term / Abbreviation	What it stands for
ASC	Adult Social Care
CASSR	Council(s) with Adult Social Services Responsibility
CQC	Care Quality Commission
DHSC	Department of Health and Social Care (the Department)
DToC	Delayed Transfers of Care

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Purpose of document

This document sets out the requirements for the Adult Social Care Provider Information Collection via electronic submission via a capacity tracker tool (**Capacity Tracker**) and should be read alongside the:

Adult Social Care Provider Information Collection Directions 2022 (**Directions**)

Introduction / Purpose of data collection

The purpose of the data collected is to enable key aspects of the provision of adult social care services across England to be assessed at national, regional and local level by central and local government, arms-length bodies and advisory groups involved in decision making. Data collected will cover several themes such as: activity, finance, safeguarding and user experience.

During the Covid-19 pandemic, the Capacity Tracker was used by the government to collect adult social service data that provided valuable insight and enabled support to be offered to providers in dealing with the crisis.

Having the ability to rapidly access provider vacancies across England in real-time helps minimise avoidable Delayed Transfers of Care and frees up beds in acute settings for other patients. The Capacity Tracker is used by health and social care teams to source vacancies for people throughout England – including out of area repatriation.

The Capacity Tracker data provides:

- a means of strategic and operational market oversight and intelligence through comprehensive reporting analytics at national, regional and local levels;
- a platform for Care Homes to make visible their bed vacancies and other critical information in order to provide rich information across health and social care organisations, e.g. bed vacancies to help reduce the time taken to discharge individuals from hospital, workforce data to understand workforce pressures for targeted support and COVID-19 data and flu data to provide the main source of information on vaccination uptake within ASC care home residents and staff working for CQC regulated settings;
- the flexibility of capturing broad data sets across providers to support audit and infection control processes and better support collective planning across the health and social care sector to swiftly resolve issues through local or national actions.

The Capacity Tracker is managed by the North of England Care System Support (**NECS**) Unit, which is commissioned by NHS England and by the Department of Health and Social Care (**the Department**) to enable providers to upload their aggregate data for both health and adult social care purposes. NECS provides the Capacity Tracker on behalf of NHS Digital for the purposes of collection and dissemination of information to the Department of Health and Social Care in this instance.

Scope

The scope of the collection is England only i.e., information sought may relate to adult social care providers, their activities in connection with the provision of adult social care in England or individuals who have been provided adult social care in England, or outside England, in pursuance of arrangements made by an English local authority.

Source

By virtue of sections 277A and 277C of the Health and Social Care Act 2012 data will be collected from all Care Quality Commission (CQC) registered care homes and providers of home care services in England (and notice will be given to those providers).

Collection

Category of Information to be collected

The information to be collected by NHS Digital is:-

- data at aggregate level, as specified within the formal notice of a mandate for all ASC providers issued by Secretary of State under section 277A of the 2012 Act, which may be updated periodically, located [here](#) (**Formal Notice**).
- the information provided by relevant providers as part of the process of registration for the electronic submission of the information specified within the Formal Notice, including the first name and surname of the person submitting the information.

NECS, on behalf of NHS Digital, will receive the data via the Capacity Tracker, where providers will upload their aggregate data as detailed within the Formal Notice.

Frequency

The mandated data will be collected on an ongoing, monthly basis.

Analysis

Internal processing

NECS, on behalf of NHS Digital, will receive and validate the aggregate data collected from providers via the Capacity Tracker for the purposes of dissemination to the Department (see Dissemination section) and as per paragraph 6 of the Directions. Any processing of data collected is considered necessary in order to prepare it for dissemination in compliance with the Directions or otherwise incidental, consequential or supplementary.

NHS Digital may also analyse information obtained by NHS Digital in complying with the Directions, including information relating to the quality, efficiency and effectiveness of the service, 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 of the Directions.

Data linkage

There is no data linkage required.

Dissemination/Sharing

Regular Dissemination/Sharing by NHS Digital

NHS Digital will disseminate to the Department of Health and Social Care, acting on behalf of the Secretary of State, such of the information it has obtained by complying with the Directions and at such times or at such intervals, as may be required by the Department to support the purpose of the Directions as per paragraph 6.2 of the Directions.

This includes information on whether or not a relevant provider has complied with the requirement to provide the information (**the relevant information**) where NHS Digital considers it necessary or expedient for the Secretary of State to have that information for the purposes of exercising functions under the Adult Social Care Information (Enforcement) Regulations 2022 (S.I. 2022/1175) (**Enforcement Regulations**). The Enforcement Regulations provide powers for the Secretary of State to take enforcement action against providers who do not, in compliance with the Formal Notice, provide the required information to NHS Digital.

The Secretary of State's functions under the Enforcement Regulations may be delegated to a Special Health Authority by way of directions under section 277F of the Act. Where this happens

NHS Digital will also disseminate the relevant information to that Special Health Authority where NHS Digital considers it necessary or expedient for the Authority to have that information for the purposes of exercising functions under the Enforcement Regulations.

Any dissemination by NHS Digital of information provided to it under section 277A is subject to the restrictions on disclosure in section 277B of the Act. In particular NHS Digital:

- may not disclose that information except for purposes connected with the health care system, or adult social care system, in England.
- may not disclose commercially sensitive information (as defined below) except where NHS Digital considers that the disclosure is appropriate, having taken into account the public interest as well as the interests of the person to whom the commercially sensitive information relates.

"Commercially sensitive information" means commercial information whose disclosure NHS Digital thinks might significantly harm the legitimate business interests of the person to whom it relates.

The restrictions above do not apply to the disclosure of information where:

- (a) the person to whom the information relates has consented to the disclosure,
- (b) the information has previously been lawfully disclosed to the public,
- (c) the disclosure is in accordance with any court order,
- (d) the disclosure is necessary or expedient for the purposes of protecting the welfare of any individual,

- (e) the disclosure is made to any person in circumstances where it is necessary or expedient for the person to have the information for the purpose of exercising functions of that person conferred under or by virtue of any provision of the 2012 Act or any other Act,
- (f) the disclosure is in connection with the investigation of a criminal offence (whether or not in the United Kingdom), or
- (g) the disclosure is for the purpose of criminal proceedings (whether or not in the United Kingdom).

Onward Dissemination/Sharing by the Department of Health and Social Care on behalf of the Secretary of State

The Department of Health and Social Care, on behalf of the Secretary of State, will share data appropriately with organisations who need the data across the ASC sector (for example, local authorities, the CQC, integrated care systems and NHS England) to guide delivery, policy development and research for purposes connected with the health or ASC system in England.

This includes sharing the data with NHS England for the purposes of using the supplied data alongside data NHS England already holds within the Capacity Tracker as Controller for that data to guide delivery, policy development and research for purposes connected with the health or ASC system in England. NHS England may also publish reports and make their version of the data available.

Academic institutions may also require data at all levels to aid in COVID response from the Department, modelling and testing of initiatives, such as increasing flu vaccination uptake.

NHS Digital is not however responsible for any onward sharing of the data by the Department. The Department, on behalf of the Secretary of State will be responsible for this and for complying with the restrictions on disclosure in section 277B as described above.

Data Access Request Service (DARS)

Data will not be disseminated by NHS Digital, other than to the Department as above. The data will therefore not be onboarded into DARS or made available by NHS Digital to anyone via DARS.

Publication

Data to be published

NHS England & the Department of Health and Social Care intend to use existing publications to publish reports and make data available.

Data prohibited from being published

NHS Digital will not publish the information collected given the existing Department of Health and Social Care and NHS England publication. NHS Digital's duty to publish information under section 260 of the 2012 Act does not apply as the data collected under this Direction is collected under section 277A of the 2012 Act and section 260 only applies to information obtained by NHS Digital under section 254 or section 255 of the 2012 Act.

System Delivery Function

No new systems are being developed as the data will be collected using existing systems hosted at NECS.

Change control process

Changes to this Specification will be managed in conjunction with NHS England and the Department of Health and Social Care and in line with the Adult Social Care Provider Information Collection Directions 2023.