



# Department of Health & Social Care

26 March 2021

Sarah Wilkinson  
Chief Executive  
NHS Digital  
1 Trevelyan Square  
Boar Lane  
Leeds LS1 6AE

Dear Sarah

## **The Health and Social Care Information Centre (Immigration Health Charge) Directions 2021**

I am writing on behalf of the Secretary of State for Health and Social Care (the 'Secretary of State') to provide a Direction to the Health and Social Care Information Centre in exercise of the powers conferred by section 254(1) and (6), 262(3), 274(2) and 304(9), (10), (11), and (12) of the Health and Social Care Act 2012( ) and regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013( ).

In accordance with section 254(5) of the Health and Social Care Act 2012, the Secretary of State has consulted the Health and Social Care Information Centre before giving these Directions.

### **Citation, commencement and interpretation**

1. (1) These Directions may be cited as the Health and Social Care Information Centre (Immigration Health Charge) Directions 2021 and come into force on 26 March 2021.

(2) In these Directions –

“the health service” has the same meaning as in section 275(1) of the National Health Service Act 2006(a) (“the 2006 Act”);

“HSCIC” means the Health and Social Care Information Centre(b);

“immigration health charge” means a charge payable under an order made under section 38 of the Immigration Act 2014(c) (immigration health charge);

“MOU” means the agreement between the Secretary of State for the Home Department, the Secretary of State for Health and HSCIC annexed to these Directions at Annex A(d);

“MV-CRP Requirements” means the Requirements Specification – Migrants and Visitors NHS Cost Recovery Project, the HSCIC’s specification document for a cost recovery system dated 13th February 2015 and annexed to these Directions at Annex B;

“overseas visitor” means a person not ordinarily resident in the United Kingdom;

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(a) 2006 c 41.

(b) The Health and Social Care Information Centre is a body corporate established under section 252(1) of the Health and Social Care Act 2012.

(c) 2014 c 22.

(d) The agreement was signed by the parties on 31 March 2015.

“relevant NHS body” means-

(a) an NHS foundation trust<sup>(e)</sup>;

(b) an NHS trust<sup>(f)</sup>; or

(c) a local authority within the meaning of section 2B of the 2006 Act exercising public health functions (within the meaning of that Act);

“the Spine” means the Spine Personal Demographic Service which is an information technology system consisting of applications, services and directions, used to record and display data on individuals and provide for the exchange of information across the health service in England.

### **Establishment of the Immigration Health Charge Information System**

2. (1) The Secretary of State directs HSCIC to establish and operate a system for the collection, from the Secretary of State for the Home Department, and analysis of the information described in sub-paragraph (2) to be known as the “Immigration Health Charge Information System”.
- (2) The information referred to in sub-paragraph (1) is set out in paragraph A.2.1 of Annex A to the MOU.
- (3) HSCIC must analyse the information collected pursuant to sub-paragraph (1) in accordance with relevant provisions of the MOU, as those provisions are amended by the parties and notified in writing by the Secretary of State to HSCIC from time to time.
- (4) In carrying out the function described in sub-paragraph (1), the Secretary of State directs HSCIC to create an electronic record known as a “personal demographic record” containing the information set out in Appendix C of MV-CRP Requirements as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time, in respect of each overseas visitor in relation to whom information is collected.
- (5) The Secretary of State directs HSCIC to disclose the information obtained as a result of the analysis referred to in sub-paragraph (1) to authorised health service personnel, as defined in sub-paragraph (6), for the purposes of enabling those authorised health service personnel to exercise the functions of a relevant NHS body under regulation 10 (immigration health charge) of Part 4 of the National Health Service (Charges to Overseas Visitors) Regulations 2015( )
- (6) Authorised health service personnel means staff working within the health service in England who are authorised by HSCIC to access the Spine for the purposes of these Directions

### **Systems delivery functions for adaptations to the Spine**

3. (1) The Secretary of State directs HSCIC to exercise such systems delivery functions of the Secretary of State as are necessary for it to-
  - (a) Accommodate and deliver the Immigration Health Charge Information System; and
  - (b) Make the adaptations to the Spine described in sub-paragraph (2).

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(e) NHS foundation trust means a body corporate established under section 30 of the 2006 Act.

(f) NHS Trust means a body corporate established under section 25 of the 2006 Act.

(2) The adaptations to the Spine referred to in sub-paragraph (1)(b) are set out in Part 5 of the MV-CRP Requirements as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(3) The Secretary of State directs HSCIC to exercise the functions described in sub-paragraph (1) in accordance with the MV-CRP Requirements as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(4) The Secretary of State may make payments to HSCIC for things done in the exercise of the functions described in sub-paragraph (1).

#### **Further matters to which HSCIC must have regard**

4. (1) The Secretary of State directs HSCIC to exercise the functions described in paragraphs 2 and 3 in accordance with the relevant requirements, including the relevant governance and reporting requirements, set out in the MOU, as at the date these Directions come into force, or as those requirements are amended in writing in accordance with the MOU from time to time.

(2) In exercising the functions described in paragraph 2 and 3, HSCIC must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to HSCIC from time to time.

#### **Revocation**

5. (1) The Health and Social Care Information Centre (Immigration Health Charge) Directions 2015) issued by the Secretary of State on 27 March 2015 are revoked.

Yours sincerely



Elin Jones  
Director, Provider Efficiency & Productivity

**Annex A**

**Memorandum of Understanding**

Attached

**Annex B**

**HSCIC's specification document for a cost recovery system**

Attached