

*Draft Regulations laid before Parliament under section 125(4)(m) of the Care Act 2014, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2015 No. 0000

**NATIONAL HEALTH SERVICE, ENGLAND
PUBLIC HEALTH, ENGLAND**

**The False or Misleading Information (Specified Care
Providers and Specified Information) Regulations 2015**

*Made - - - - 2015
Coming into force in accordance with regulation 1(1)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 92(1) of the Care Act 2014(1).

A draft of these Regulations was laid before Parliament in accordance with section 125(4)(m) of the Care Act 2014, and was approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the False or Misleading Information (Specified Care Providers and Specified Information) Regulations 2015 and come into force—

- (a) except as provided by sub-paragraph (b), at the end of the period of 21 days beginning with the day on which these Regulations are made, and
- (b) in the case of paragraph 1 of Part 2 of the Schedule and regulation 3 insofar as it applies to that paragraph, on 1st April 2017.

(2) In these Regulations—

“the Act” means the Care Act 2014;

“commissioning data set” or “CDS” means a collection of patient-level data on a particular activity;

“health service hospital” has the same meaning as in section 275(1) of the National Health Service Act 2006(2);

(1) 2014 c. 23. Section 92(6) of the Care Act 2014 provides that “specified” means specified in Regulations. Section 125(1) of that Act provides that the power to make regulations is exercisable by the Secretary of State.
(2) 2006 c. 41. The definition of “health service hospital” was amended by the Health and Social Care Act 2012 (c. 7), section 55(1) and paragraph 138(1) and (2)(b) of Schedule 4.

“the Information Centre” means the Health and Social Care Information Centre⁽³⁾.

Specified care providers

2. The care providers specified for the purposes of section 92(1) of the Act (offence of supplying etc false or misleading information) are—

- (a) an NHS trust established under section 25 of the National Health Service Act 2006,
- (b) an NHS foundation trust, and
- (c) a person who, pursuant to arrangements made with a public body, provides health services in England from a hospital (as defined in section 275(1) of the National Health Service Act 2006) that is not a health service hospital.

Specified information

3. The information specified for the purposes of section 92(1) of the Act is the information—

- (a) referred to in the third column of the table in Part 1 of the Schedule, to the extent that it is supplied to the Information Centre, or to another person on the Centre’s behalf, for collation for the purposes of the corresponding commissioning data sets listed by type and description in that table;
- (b) listed in Part 2 of the Schedule.

Review

4.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by regulations 2 and 3,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a way that imposes less regulation.

(3) In this regulation, “review period” means—

- (a) the period of five years beginning from the end of the period referred to in regulation 1(1) (a), and
- (b) subject to paragraph (4), each successive period of five years.

(4) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

(3) The Health and Social Care Information Centre is a body corporate established by section 252 of the Health and Social Care Act 2012 (c. 7).

Signed by authority of the Secretary of State for Health.

Date

Name
Parliamentary Under-Secretary of State,
Department of Health

SCHEDULE

Regulation 3

PART 1

Commissioning data sets

<i>CDS Type</i>	<i>CDS Description</i>	<i>Data</i>
CDS 010	Accident and Emergency	Data of all monthly accident and emergency attendances (individual visits to an accident and emergency department to receive treatment from the accident and emergency service)
CDS 020	Out-patient	Data of all monthly out-patient attendances (individual visits) (including ward attenders and nurse and midwife attendances) and monthly numbers of cancelled or missed out-patient appointments
CDS 030	Elective Admission List – End of Period Census (Standard)	Monthly data of patients remaining on elective admission lists on a particular date, including details of all booked, planned and waiting list admissions
CDS 120	Admitted Patient Care - Finished Birth Episode	Monthly data of all birth episodes that have finished (deliveries resulting in a registrable birth (all live births and still births after 24 weeks gestation) in a health service hospital or in another organisation where the delivery was funded by the NHS)
CDS 130	Admitted Patient Care - Finished General Episode	Monthly data of all finished general episodes of admitted patient care (day case and inpatient) under the care of a consultant, midwife or nurse
CDS 140	Admitted Patient Care - Finished Delivery Episode	Monthly data of all finished delivery episodes (deliveries which have resulted in a registrable birth in a health service hospital or in another organisation where the delivery was funded by the NHS)

<i>CDS Type</i>	<i>CDS Description</i>	<i>Data</i>
CDS 150	Admitted Patient Care - Other Birth Event	Monthly data of all finished other birth events (NHS funded home births and all other birth events which are not NHS funded)
CDS 160	Admitted Patient Care - Other Delivery Event	Monthly data of all finished other delivery episodes (NHS funded home deliveries and all other delivery events which are not NHS funded)
CDS 180	Admitted Patient Care – Unfinished Birth Episode	Data relating to birth episodes that were unfinished as at midnight on 31st March of each year
CDS 190	Admitted Patient Care – Unfinished General Episode	Data, for NHS and private patient care (day case and inpatient), for all general episodes that were unfinished as at midnight on 31st March of each year and of all unfinished short-stay informal psychiatric patients who are resident in hospital or on leave of absence (home leave) on 31st March of each year and who have been in hospital for less than 12 months
CDS 200	Admitted Patient Care – Unfinished Delivery Episode	Data of delivery episodes, in a health service hospital or in another organisation where the delivery episode was funded by the NHS, that were unfinished as at midnight on 31st March of each year

PART 2

Other specified information

Cancer Outcomes and Services Data Set

1. Data relating to all patients (both adult and paediatric) diagnosed with cancer or receiving cancer treatment in, or funded by, the National Health Service in England provided to Public Health England⁽⁴⁾ for collation for the purposes of the Cancer Outcomes and Services Data Set (a data set used to build indicators of activity, performance and outcomes of cancer care in England), other than the information referred to in paragraph 3.

⁽⁴⁾ Public Health England is an executive agency of the Department of Health.

Hospital and Community Health Services Complaints Collection

2. Information supplied to the Information Centre, or to another person on the Centre's behalf, for collation for the purposes of the Hospital and Community Health Services Complaints Collection (data which is used for the purpose of monitoring written hospital and community complaints (by service area, profession and type) received by the National Health Service each year).

National Cancer Waiting Times Monitoring Data Set

3. Information supplied to the Information Centre, or to another person on the Centre's behalf, for collation for the purposes of the National Cancer Waiting Times Monitoring Data Set (a patient-level data set used, amongst other things, for the monitoring of timed pathways of care for cancer patients and waiting times for cancer services).

National Diabetes Audit

4. Information supplied to the Information Centre, or to another person on the Centre's behalf, for collation for the purposes of the National Diabetes Audit (an annual clinical audit of patient-level data used for the monitoring of complications from diabetes and care provided to people with diabetes).

National Maternity Services Data Set

5. Information supplied to the Information Centre, or to another person on the Centre's behalf, for collation for the purposes of the National Maternity Services Data Set (a patient-level data set that captures key information at each stage of the maternity service care pathway).

Quality Accounts

6. The information contained in documents published under section 8 of the Health Act 2009 (duty of providers to publish information)(5).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 92 of the Care Act 2014 ("the Act") creates an offence of supplying, publishing or otherwise making available information which is false or misleading in a material respect. The offence will apply: to such care providers and such information as is specified in regulations; and, where the information is supplied, published or made available under an enactment or other legal obligation.

Regulation 2 specifies, for the purposes of section 92(1) of the Act, NHS trusts in England, NHS foundation trusts and other persons who provide health services from a hospital, pursuant to arrangements with a public body.

(5) 2009 c. 21. The National Health Service (Quality Accounts) Regulations 2010 (S.I. 2010/279, as amended by S.I. 2011/269 and 2012/3081) set out the prescribed information, general content and form of quality accounts to be published under section 8 of the Health Act 2009.

Regulation 3 specifies information provided to the Health and Social Care Information Centre for the purposes of certain commissioning data sets, listed in Part 1 of the Schedule, and certain other information, listed in Part 2 of the Schedule, as the information to which section 92(1) of the Act applies.

Regulation 4 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years beginning with the day on which provisions of these Regulations first come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private sector or civil society organisations is foreseen. A full impact assessment has been produced in relation to the relevant provisions of the Act and a copy is available from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS or at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275546/FOMI_IA.pdf.