
STATUTORY INSTRUMENTS

2013 No. 259

The National Institute for Health and Care Excellence
(Constitution and Functions) and the Health and Social
Care Information Centre (Functions) Regulations 2013

PART 3

The Health and Social Care Information Centre

Interpretation

24. In this Part—

“the Authority” means the Special Health Authority known as the Health and Social Care Information Centre⁽¹⁾;

“confidential information” has the same meaning as in section 263(2) of the Act;

“confidential patient information” means patient information where—

- (a) the identity of the individual in question is ascertainable—
 - (i) from that information, or
 - (ii) from that information and other information which is in the possession of, or likely to come into the possession of, the person processing that information, and
- (b) that information was obtained or generated by a person who, in the circumstances, owed an obligation of confidence to that individual⁽²⁾.

“the 2005 Directions” means the Health and Social Care Information Centre Directions 2005⁽³⁾;

“indicator specification” means an indicator specification prepared by the Information Centre in accordance with regulation 28;

“the Information Centre” means the Health and Social Care Information Centre established by section 252 of the Act;

“the library” means the library of quality indicators⁽⁴⁾ described in regulation 25(2)(b);

“medical performers list” means a list of medical practitioners maintained by the Board in accordance with regulations made under section 91 of the 2006 Act;

“methodology” may include—

-
- (1) The Health and Social Care Information Centre was established by the Health and Social Care Information Centre (Establishment and Constitution) Order 2005, S.I. 2005/499 and abolished by section 276 of the Act, which is to come into force on 1st April 2013 (*see* S.I. 2013/160 (C. 9)).
 - (2) *See* section 251(11) of the 2006 Act.
 - (3) The Health and Social Care Information Centre Directions 2005 (the 2005 Directions) were signed on 24th March 2005. The 2005 Directions have been amended by the Health and Social Care Information Centre (Amendment) Directions 2008 (the 2008 Directions), signed on 31st March 2008. Copies of the 2005 Directions and the 2008 Directions can be obtained from External Relations, Department of Health, Zone 5B, Skipton House, London SE1 6LH.
 - (4) “Quality indicator” is defined in section 268(3) of the Act.

- (a) mathematical calculations or formulae to be applied to data,
- (b) rules to be applied to data to organise the data appropriately,
- (c) other statistical processes including risk adjustment to identify and adjust for variation in outcomes of interest that stem from differences in risk factors, or
- (d) details of any relevant information standard⁽⁵⁾ that must be adhered to;

“the NHS Central Register” means the record of all persons—

- (a) who before the relevant date, were or had been registered with a provider of primary medical services in England for the purposes of receiving such services under the 2006 Act⁽⁶⁾; and
- (b) who were not or had not been so registered, but who were at any time before 1st April 2004, registered with a provider of general medical services in England for the purposes of receiving such services⁽⁷⁾;

“patient information” means—

- (a) information (however recorded) which relates to the physical or mental health or condition of an individual, to the diagnosis of the individual’s condition or to the care or treatment of the individual, and
- (b) information (however recorded) which is to any extent derived, directly or indirectly, from such information,
whether or not the identity of the individual in question is ascertainable from the information⁽⁸⁾;

“prescribing number” means the individual number issued by the Information Centre in accordance with regulation 31 and used in connection with—

- (a) prescribing by a general medical practitioner,
- (b) the management and monitoring of such prescribing, and
- (c) other purposes connected with the health services in England;

“proposer” means a person referred to in regulation 26(2).

Database of quality indicators

25.—(1) The Information Centre must establish, maintain and publish a database of quality indicators in relation to the provision of health services⁽⁹⁾ and adult social care⁽¹⁰⁾ in England.

(2) The database is to consist of—

- (a) a repository that contains—
 - (i) applications for a quality indicator to be included in the library,
 - (ii) information related to an application,
 - (iii) information about the assessment of an application, and
 - (iv) information about a quality indicator that has not been assessed as suitable for inclusion in the library; and
- (b) a library consisting of assured quality indicators that have been assessed as suitable for inclusion in the library.

⁽⁵⁾ See section 250 of the Act for the definition of, and other provision about, information standards.

⁽⁶⁾ See sections 83 and 276 of the 2006 Act for the meaning of “primary medical services” under that Act.

⁽⁷⁾ See section 84 of the 2006 Act.

⁽⁸⁾ See section 251(10) of the 2006 Act.

⁽⁹⁾ “Health services” is defined in section 253(3) of the Act.

⁽¹⁰⁾ “Adult social care” is defined in section 253(3) of the Act.

- (3) The Information Centre must—
 - (a) establish procedures for the assessment of a quality indicator; and
 - (b) arrange for each quality indicator published in the library to be periodically reviewed.

Application for a quality indicator to be included in the library

26.—(1) Any person (whether or not in the United Kingdom) may apply to the Information Centre to have a quality indicator included in the library.

(2) The Information Centre may request a person who has applied pursuant to paragraph (1) (“the proposer”) to provide details in the application of—

- (a) why the indicator is needed;
- (b) persons who will use, or benefit from the use of, the indicator;
- (c) the methodology to be used in constructing the indicator;
- (d) the data sources for the data in relation to which the methodology will be applied; or
- (e) how the quality indicator is to be published, which may include—
 - (i) the form, manner and timing of publication,
 - (ii) the person who will publish the indicator, or
 - (iii) any other matter related to publication of the indicator.

(3) The Information Centre may request the proposer to provide, or do, any other thing that the Information Centre considers is necessary or expedient to enable the Information Centre to carry out its functions in relation to a quality indicator.

(4) The Information Centre need not make arrangements under regulation 27(1) if the proposer fails to comply with a request made pursuant to paragraph (2) or (3).

(5) The Information Centre must publish guidance for the benefit of proposers or potential proposers on the making of an application pursuant to paragraph (1).

Assessment of an application for a quality indicator to be included in the library

27.—(1) The Information Centre must make arrangements for persons identified by the Secretary of State or the Board in writing to assess, and, if appropriate, approve, an application made pursuant to regulation 26, unless regulation 26(4) applies.

- (2) A person mentioned in paragraph (1) must be—
 - (a) a peer reviewer with knowledge relevant to the assessment of the application; or
 - (b) a statistical or analytical expert with knowledge of the methodology described in an application; or
 - (c) a person, who may be a member of staff of the Information Centre, able to advise the Information Centre in connection with the governance or strategic management of the contents of the library.

(3) The Information Centre may request that, where appropriate, the persons mentioned in paragraph (1) make recommendations for the purpose of enabling a proposer to revise the proposer’s application.

(4) The Information Centre must advise a proposer about any recommendations made by persons pursuant to paragraph (3).

(5) The Information Centre may provide a proposer with advice and guidance generally about the application.

Publication following assessment

28.—(1) When the assessment of an application made pursuant to regulation 26(1) has been completed, the Information Centre must prepare an indicator specification.

- (2) An indicator specification may include—
- (a) the purpose of the quality indicator, in particular what it is to be used for;
 - (b) the sources of data to be used in producing the quality indicator;
 - (c) the methodology to be used in constructing the quality indicator;
 - (d) guidance for interpreting the quality indicator, including about criteria that indicate a better quality outcome;
 - (e) the appropriate frequency for the use of the quality indicator;
 - (f) the arrangements for publication of the quality indicator;
 - (g) any concerns expressed by the persons referred to in regulation 27(1) about—
 - (i) the quality of the data sources mentioned in sub-paragraph (b); or
 - (ii) the methodology;
 - (h) the arrangements for review of the quality indicator to be carried out by the Information Centre or another person; or
 - (i) any other information that the Information Centre considers relevant.
- (3) The Information Centre must publish in the repository referred to in regulation 25(2)(a)—
- (a) the application referred to in regulation 26(2);
 - (b) any recommendation made pursuant to regulation 27(3); and
 - (c) the indicator specification prepared pursuant to paragraph (1).

(4) The Information Centre may make arrangements to ensure that an obligation of confidence owed in relation to confidential patient information published, or confidential information that is published, in the database of quality indicators is respected.

Publication in the library

29.—(1) If a quality indicator is approved for inclusion in the library, the Information Centre must arrange for the publication in the library on its website of—

- (a) the quality indicator; and
- (b) the indicator specification for the quality indicator.

(2) The Information Centre must publish with the quality indicator a mark that indicates the assured level of confidence that the Information Centre has in the quality indicator as a quality indicator.

Review and revision of a quality indicator

30.—(1) When, pursuant to its duty in regulation 25(3)(b), the Information Centre arranges for the review of a quality indicator published in the library, it must make arrangements it considers appropriate for updating or otherwise revising the quality indicator.

(2) The arrangements must include arrangements for updating or otherwise revising the indicator specification.

(3) The Information Centre may provide advice to the proposer of the quality indicator in relation to the updating or other revision of the indicator.

Identification of GPs

31.—(1) The Board may request the Information Centre to provide a prescribing number in respect of a general medical practitioner⁽¹¹⁾ whose name is included in a medical performers list.

(2) Where the Board has made a request pursuant to paragraph (1), the Information Centre must carry out checks to verify the identity of the general medical practitioner.

(3) The Information Centre need not comply with a request made pursuant to paragraph (1) if the Board fails to provide information that the Information Centre considers is necessary to enable it to carry out checks to verify the identity of the general medical practitioner.

(4) The checks to verify identity referred to in paragraph (2) may include—

- (a) the full name of the general medical practitioner; and
- (b) the reference number shown against the name of the general medical practitioner in the General Practitioner Register kept by the General Medical Council.

(5) If, having carried out the checks referred to in paragraph (2), the Information Centre considers it appropriate to do so, the Centre must—

- (a) assign a prescribing number to the general medical practitioner; and
- (b) issue the prescribing number to the Board.

Powers of Secretary of State or Board to give directions

32.—(1) The Secretary of State or the Board may give directions to the Information Centre requiring the Centre to exercise such systems delivery functions of the Secretary of State or (as the case may be) the Board as may be specified in the direction.

(2) The giving of a direction under paragraph (1)—

- (a) by the Secretary of State, may include provision about payments by the Secretary of State to the Information Centre for things done in the exercise of the function in respect of which the direction is given;
- (b) by the Board, must permit the Information Centre to charge the Board a reasonable fee in respect of the cost of complying with the direction.

(3) The giving of a direction under paragraph (1) does not prevent the Secretary of State or (as the case may be) the Board from exercising the function in respect of which the direction is given.

Transitional provision – the Information Centre

33.—(1) An application submitted to the Authority to have a quality indicator included in a library of quality indicators published by the Authority⁽¹²⁾ before the relevant date, is to be treated, on and after the relevant date, as an application made pursuant to regulation 26.

(2) Where, before the relevant date, arrangements have been made for persons identified by the Secretary of State to assess and if appropriate, approve, an application described in paragraph (1) for inclusion in the library of quality indicators described in that paragraph, those persons are to be treated in respect of that application as persons identified by the Secretary of State or the Board pursuant to regulation 27(1) and (2).

(3) Any quality indicator described in an application to which paragraph (1) applies which is approved for inclusion in a library of quality indicators described in paragraph (1) is to be treated, on and after the relevant date, as if it were a quality indicator approved for inclusion in the library referred to in regulation 29 and to which regulations 29 and 30 apply.

⁽¹¹⁾ “General medical practitioners” is defined in section 269(2) of the Act.

⁽¹²⁾ See paragraph 2(h) of the 2005 Directions.

(4) Where, before the relevant date, the Authority—

- (a) has received an application from a Primary Care Trust for a prescribing number to be issued to the Primary Care Trust in respect of a general medical practitioner whose name is included in a performers list prepared by the Primary Care Trust; but
- (b) has not issued, or assigned, a prescribing number in respect of the general medical practitioner to whom the application relates,

the Information Centre shall treat the application as a request from the Board pursuant to regulation 31(1) and regulation 31(2) to (5) shall apply.

(5) Anything done by the Authority before the relevant date, pursuant to a direction of the Secretary of State in the 2005 Directions in relation to a database of quality indicators, is to be treated, on and after the relevant date, as having been done by the Information Centre in pursuance of its functions in relation to the database of quality indicators described in regulation 25.

(6) A recommendation made by persons identified by the Secretary of State to assess and if appropriate, approve, an application described in paragraph (1) for inclusion in a library of quality indicators described in that paragraph before the relevant date, is to be treated, on and after the relevant date, as a recommendation for the purpose of enabling a proposer to revise the proposer's application made pursuant to regulation 27(3).

(7) A quality indicator included in a library of quality indicators published by the Authority before the relevant date, is to be treated, on and after the relevant date, as a quality indicator to which regulations 25, 29 and 30 apply.