

Letter to Providers from DHSC

Dear Colleague,

I would like to thank you for your continued sharing of data through the Capacity Tracker. This letter sets out the upcoming changes to data collection and provides detail on the information we will be requesting you submit via the Capacity Tracker from 31 July.

From July, we will reduce the current collection from weekly to monthly in line with 'living with Covid' policy and our commitment to keeping the data burden on you as light and as proportionate as possible. Please note however that the requests for daily data from providers by local Health & Social Care Discharge teams is separate to these requirements.

All through the pandemic, the information you provided was critical to helping us respond to PPE shortages and identify where to deploy covid and flu vaccination teams. It was also crucial in gaining additional funding including the Workforce Capacity Fund and recent Workforce Recruitment and Retention Fund.

As we come out of the pandemic, we want to maintain the benefits of high-quality provider data and put data sharing on a sustainable, long-term footing, in order to ensure people receive the best care wherever they live.

From July, we will therefore be putting provider data collection – initially through the Capacity Tracker - on a statutory footing, using powers contained in the Health and Care Act 2022 to require information from all regulated providers of adult social care.

Moving forward, we also aim to reduce the overall burden on providers by, as far as possible, sharing data appropriately, to avoid duplication of data collection by different organisations (e.g., national government and Local Authorities). We also want to improve how we collate and share the data back with you to enable benchmarking and development of business intelligence in a useable way for you.

What data will we be asking for and why?

Over the course of 22/23, continued provider data sharing will be critical to ensuring we have data to give a comprehensive picture of service, provider and local authority offers, provide an early warning where there are pressures in the system, and aid planning of services. Increased data sharing will also provide a critical underpinning to the case for future Spending Reviews.

Therefore, from the end of July, the government will be mandating the collection of the following data through the Capacity Tracker on a monthly basis for the remainder of this financial year (i.e., up to and including March 2023):

- Care home bed vacancies and Home Care service users
- Workforce resourcing including absences
- Vaccination, COVID-19 and (seasonal) flu including data relating to the coming autumn's COVID-19 booster campaign

- Visiting (care home) data

Providers will be required to update their data by the 14th day of each month – or next working day – ensuring data are no more than a week out of date. This means that the first set of monthly data will be due by 14th August.

Managing changes to data requirements in the future

As DHSC's data needs evolve, we aim to give at least 3 months' notice to stakeholders before making the new data need a legal requirement, as far as possible.

Accordingly, we will send you further comms by end of this month on plans for the autumn COVID-19 vaccination data collection, which will become part of the mandatory dataset in October. As with all changes to the collection, we will also engage directly with providers and their representatives through the Capacity Tracker Data Advisory Group (CT DAG).

To ensure the burden is proportionate, and to ensure alignment across systems, the Department is undertaking a longer-term project of looking at the data items we currently collect, building on previous work to reduce burden/scope, working in partnership with a wide group of providers and local authorities to ensure our data meets each of our needs.

Mandatory data provision

As mentioned above, the Health and Care Act includes a power to require information from all registered providers of adult social care. This power is supported by a power to use financial penalties where providers do not provide information requested or provide false or misleading information without a reasonable excuse.

To ensure that the fine is proportionate to the provider type and size, the penalty has been set to the same level as the provider's CQC Registration Fee.

We are keen to give providers time to adjust to this new approach. We therefore intend to restrict mandation to a subset of the data that we already collect, and to collect this at a reduced frequency from 31 July, until at least April 2023. We will not be rolling out the enforcement mechanism until November of this year. However, even once established, financial penalties will be a last step which we anticipate using in the rare circumstances where:

1. A provider continues to be, or is persistently, in breach of their data obligations, and
2. Our delivery partner has reached out to offer guidance and support, but the provider is still not sharing their data, and has not made adequate attempts to do so.

A provider will always be given the opportunity to make representations as to why they have not supplied the required data and why a financial penalty should not be imposed. Furthermore, even after a final penalty notice is issued, we expect that providers may be able to avoid a fine by providing the data requested.

Resources

In May, we discussed these changes at a series of data assurance sessions with yourselves. We are very grateful for all of your feedback and engagement so far. We have developed FAQ [found here](#) to address the questions that you asked at those sessions. The slides from these workshops can be [found here](#)

We thank you again for your support and constructive engagement.

Kind regards

Uma Moorthy, Deputy Director, Social Care Data & Analysis, DHSC