

NATIONAL HEALTH SERVICE, ENGLAND

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Electronic Staff Records) Directions 2018

The Secretary of State for Health and Social Care gives these Directions in exercise of the powers conferred by sections 7, 8 and 272(7) and (8) of the National Health Service Act 2006(a).

Citation, application, commencement and interpretation

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Electronic Staff Records) Directions 2018.

(2) These Directions apply in relation to England.

(3) These Directions come into force on 1st April 2018.

(4) In these Directions-

- (a) “Arms Length Bodies” means Arms Length Bodies of the Department of Health and Social Care;
- (b) “the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by article 2 of the NHS Business Services Authority (Establishment and Constitution) Order 2005(b);
- (c) “Electronic Staff Record” means a record in relation to an individual employed by an NHS body which contains human resources information about that individual;
- (d) “the Electronic Staff Record system” (or “ESR system”) means the system known by that name, which relates to the health service and on which an Electronic Staff Record is held and maintained;
- (e) “the ESR agreement” means the contract between the Secretary of State and the ESR supplier dated 20th December 2014 as amended and as novated to the Authority with effect from 1st April 2018;
- (f) “the ESR supplier” means IBM UK Limited;
- (g) “the health service” means the health service in England continued under section 1(1) of the National Health Service Act 2006(c);
- (h) “the investment objectives” means the following objectives-
 - (i) to ensure that the health service has access to: a robust and reliable human resources and payroll service, a service for the management of the education and training of its workforce and robust and reliable data relating to its workforce; and that, so far as possible, the health service is capable of having access to services and data of a robust and reliable nature after the expiry of the ESR agreement;
 - (ii) to adopt a business model, that is to say a strategy for doing business, that is fit for purpose, sufficiently flexible to respond to on-going change and capable of

(a) 2006 c.41. Section 7 was amended by section 21 of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). Section 8 was amended by paragraph 5 of Schedule 4 and, from a date to be appointed, paragraphs 1 and 3 of Schedule 14 to, the 2012 Act. By virtue of section 271 of the National Health Service Act 2006, the functions of the Secretary of State under those sections as exercised in making these Directions are exercisable only in relation to England.

(b) S.I. 2005/2414, as amended by S.I. 2006/632, 2007/1201, 2013/235, 2015/1862 and 2017/959.

(c) Section 1 was substituted by section 1 of the 2012 Act.

generating options for the future of the ESR system upon the expiry of the ESR agreement;

- (iii) to enable the generation of high quality data relating to the workforce of the health service, with assurance in relation to the integrity of the data for the purpose of its use in the delivery of the emerging landscape relating to health and adult social care services;
 - (iv) to improve the quality of the experience of persons using the ESR system, including NHS bodies, the workforce of the health service, the Department of Health and Social Care, NHS Digital, Health Education England and Local Education and Training Boards;
 - (v) to support NHS bodies and Arms Length Bodies to discharge their functions in relation to quality assurance and efficiency (in relation to both the provision of services and administration);
- (i) "NHS body" means-
 - (i) a clinical commissioning group;
 - (ii) the National Health Service Commissioning Board;
 - (iii) an NHS foundation trust;
 - (iv) an NHS trust;
 - (v) a Special Health Authority.

Electronic Staff Record system

2. —(1)The Authority is directed to exercise the function of administering the ESR system in relation to England(a).

(2)In complying with paragraph (1), the Authority must, in particular-

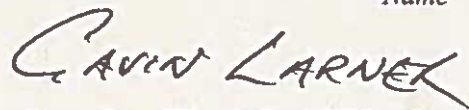
- (a) work and liaise with the Department of Health and Social Care as appropriate;
- (b) advise and support the Secretary of State in relation to national policy relating to the workforce of the health service;
- (c) ensure that its activities in connection with the ESR system are carried out in such a manner as to achieve the investment objectives;
- (d) be responsible for the performance management of the ESR supplier;
- (e) be responsible for the performance, management, monitoring and enforcement of the ESR agreement, including responsibility for ensuring the delivery of services under the agreement;
- (f) ensure the ESR system remains fit for purpose and continues to be developed to reflect the needs of NHS bodies and in accordance with relevant national policy;
- (g) provide such support and assistance to NHS bodies and Arms Length Bodies as is necessary to enable those bodies to use the ESR system to the extent that will produce for them the maximum benefit possible.

(3) In complying with paragraph (2)(e) to (g), the Authority must work with the ESR supplier, NHS bodies and Arms Length Bodies as appropriate.

(a) In accordance with an arrangement made under section 83 of the Government of Wales Act 2006 (c.32) the Welsh Ministers have arranged for the Authority to exercise the function of administering the ESR system in relation to Wales.

Signed by the authority of the Secretary of State for Health and Social Care

Name



A member of the Senior Civil Service
Department of Health and Social Care

28th March 2018