

Department of Health and Social Care

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Michael Brodie

Chief Executive

NHS Business Services Authority

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03 March 2023

Dear Michael,

## Adult Social Care Provider Information (Enforcement) Directions 2023

* 1. I am writing on behalf of the Secretary of State for Health and Social Care (**the Secretary of State**) to give Directions to the NHS Business Services Authority, known as and hereafter referred to in these Directions as **NHSBSA**.
  2. These Directions are given in exercise of the powers conferred by sections 277F and 304(9) and (10) of the Health and Social Care Act 2012[[1]](#footnote-2) (**the 2012 Act**).
  3. In carrying out the activities and exercising the functions described in these Directions, NHSBSA must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing from time to time to NHSBSA.
  4. These Directions are to be known as the **Adult Social Care Provider Information (Enforcement) Directions 2023** and come into force on the day after the day on which they are signed.

## Purpose

The purpose of these Directions is to require NHSBSA to exercise the functions (**the Functions**) of the Secretary of State under the Adult Social Care Information (Enforcement) Regulations 2022 (imposition of financial penalty on private persons who without reasonable excuse fail to comply with a requirement to provide information under section 277A(1) of the 2012 Act or provide information that is false or misleading to a material extent) (**the 2022 Regulations**) made under section 277E of the 2012 Act.

## Exercise of the functions

The Secretary of State directs NHSBSA to exercise the Functions in accordance with any instructions provided from time to time in writing by the Secretary of State.

## Activities

* 1. Amongst other things, NHSBSA must carry out the following activities (**the Activities**) in connection with its exercise of the Functions:
     1. ensure that information and advice relating to NHSBSA’s exercise of the Functions are made available to relevant providers of adult social care services (as defined in section 277A(7) of the 2012 Act) (**relevant providers**);
     2. act as a point of contact for, and respond to enquiries, complaints and correspondence from, relevant providers;
     3. undertake appropriate administrative tasks including updating databases, tracking cases and maintaining records;
     4. appropriately manage communications with, and monitor and respond to feedback from, the media, relevant providers and other parties (including through written responses, press releases and website updates);
     5. manage and respond to requests for information under the Freedom of Information Act 2010;
     6. take such steps as NHSBSA considers appropriate to promote transparency with respect to their processes and procedures.
  2. NHSBSA must carry out the Activities in such a way as to enable and facilitate the exercise of the Functions.

## Service levels etc

NHSBSA must exercise the Functions, including the Activities, in accordance with such service levels, support and monitoring requirements, and reporting and governance requirements as may be notified by the Secretary of State in writing to NHSBSA from time to time.

## Fees and Accounts

NHSBSA must keep proper accounts, and proper records in relation to the accounts, in connection with these Directions and NHSBSA must share such accounts and records with the Department:

* 1. at the end of each calendar quarter;
  2. at such other time as the Secretary of State may require.

## Duration

NHSBSA must exercise the Functions until these Directions are revoked by a further direction or NHSBSA is instructed in writing by an authorised officer of the Department to suspend or permanently cease the exercise of the Functions.

## Review of these Directions

* 1. These Directions will be reviewed no later than nine months following the date they come into force; and thereafter every 12 months.
  2. Any review undertaken will include consultation with NHSBSA.

Yours sincerely



Signed by authority of the Secretary of State

Date signed: 03 March 2023

1. 2012 c.7. Section 277F was inserted by section 100 of the Health and Care Act 2022 (c.31). [↑](#footnote-ref-2)