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## DIRECTIONS

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### **SOCIAL CARE, ENGLAND**

#### The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Adult Social Care Learning and Development Support Scheme Directions 2024

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 153(2) and (5) of the Health and Social Care Act 2008(a), makes the following Directions:

##### **Citation, application, commencement and interpretation**

1.—(1) These Directions may be cited as the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Adult Social Care Learning and Development Support Scheme Directions 2024.

(2) These Directions apply to England only and come into force on the day after the day on which they were made.

(3) In these Directions—

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(b);

“DHSC” means the Department of Health and Social Care;

“the Scheme” means the Adult Social Care Learning and Development Support Scheme established by the Secretary of State under section 149(1A) of the Health and Social Care Act 2008.

##### **Functions of the Authority**

2. The Secretary of State directs the Authority to exercise the following functions of the Secretary of State in relation to the Scheme—

- (a) designing, building, testing and establishing an online digital application service (“the TFRS service”) for the purpose of administering the Scheme;
- (b) operating, maintaining and continuously improving the TFRS service to support the effective administration of the Scheme;
- (c) administering the Scheme, including but not limited to—
  - (i) operating the TFRS service for the purpose of receiving claims and administering reimbursements under the Scheme;
  - (ii) providing, maintaining and hiring staff to process and administer claims, and providing and operating a contact centre for the purpose of handling enquiries in relation to the Scheme;
  - (iii) verifying and determining claims for reimbursement made by employers in accordance with the eligibility criteria under the Scheme;

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(a) 2008 c. 14; section 161(3) was amended by section 294(4) of the Health and Social Care Act 2012 (c. 7).

(b) Established by S.I 2005/2414, amended by S.I 2006/632, S.I 2007/1201; there are other amending instruments but none is relevant.

- (iv) providing reimbursements to employers who are entitled to a reimbursement under the Scheme;
  - (v) implementing quality assurance processes;
  - (vi) establishing a procedure for the review of determined claims;
  - (vii) handling any complaints about the Scheme in line with the Authority's published complaints procedure<sup>(a)</sup>
  - (viii) taking all reasonable action to recover payments made in error or by reason of fraud, in accordance with the Authority's standard procedures;
  - (ix) taking all reasonable action for the purpose of preventing or detecting any fraudulent claims for reimbursement by any persons, in accordance with the Authority's fraud management procedures;
  - (x) investigating any suspected fraudulent claims in accordance with the Authority's fraud management procedures;
- (d) working and liaising with DHSC as appropriate.

### **Reliance on legal advice, policies and guidance**

**3.—**(1) In exercising the functions referred to in paragraph 2, the Authority must act in accordance with this paragraph.

(2) The Authority must have regard to any policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to the Authority.

(3) The Authority must seek appropriate and timely legal advice in connection with—

- (a) the administration or operation of the Scheme, including the interpretation of the legislation and procedures relating to the administration of the Scheme; and
- (b) the conduct of litigation whether actual or threatened.

(4) The Authority must notify the Secretary of State as soon as reasonably practicable of any matters (including actual or threatened litigation) in relation to the Scheme which may—

- (a) challenge or cast doubt upon the existing legislation or powers under which the Scheme is operating, their interpretation or application; or
- (b) raise issues of financial or public policy in relation to the Scheme.

(5) Where the Authority notifies the Secretary of State of a matter in accordance with sub-paragraph (4) it must—

- (a) consult with the Secretary of State about the conduct of the matter; and
- (b) ensure that the Secretary of State is kept informed of developments in, and the progress of, the matter.

(6) Upon request by the Secretary of State, the Authority must provide advice to the Secretary of State in relation to matters concerning the Scheme including in particular, actual or threatened litigation, or where issues of public policy or finance may arise.

### **Record-keeping**

**4.—**(1) The Authority must keep and maintain records relating to the exercise of the functions in paragraph 2, including—

- (a) all claims for reimbursements under the Scheme and decisions made on those applications;
- (b) all applications for reviews under the Scheme and decisions made on those applications;
- (c) documents relating to any litigation (whether actual or threatened);

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(a) <https://www.nhs.uk/contact-us/complaints>. Hard copies may be obtained from NHS Business Services Authority, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne NE15 8NY.

- (d) complaints made by any person;
- (e) any other information necessary to perform its functions, as requested by DHSC.

### **Reports**

5.—(1) On a monthly basis, the Authority must provide to the Secretary of State a written report of the operation of the Scheme.

(2) The written report should cover the period of the month immediately preceding the month in which the report is provided.

### **Review, revocation and suspension of Directions**

6.—(1) The Secretary of State may review these Directions as the Secretary of State considers appropriate.

(2) The Authority must operate the Scheme and exercise the functions referred to in paragraph 2 unless and until—

- (a) these Directions are revoked or amended by a further direction; or
- (b) the Authority is instructed in writing by an officer of the DHSC authorised by the Secretary of State, giving reasonable notice to suspend or permanently cease a function.

(3) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Training Funds Reimbursement Scheme) Directions 2023 are revoked.

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

*Rose THOMAS - WILLIS*

Rose Thomas Willis  
(Deputy Director)

Date 23/08/2024

Member of the Senior Civil Service  
Department of Health and Social Care