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## DIRECTIONS

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### NATIONAL HEALTH SERVICE, ENGLAND

#### The Health and Social Care Information Centre (Female Genital Mutilation) Directions 2015

The Secretary of State for Health gives the following Directions in exercise of the powers conferred by section 254(1) and (6), 262(3), 274(2) and 304(9), (10), (11) and (12) of the Health and Social Care Act 2012(a) and regulation 32 of the National Institute for Health and Social Care Excellence (Constitution and Functions) and the Health and Social Care Information Centre (Functions) Regulations 2013(b).

In accordance with section 254(5) of that Act, the Secretary of State has consulted the Health and Social Care Information Centre before giving these Directions.

#### Citation, commencement and interpretation

1.—(1) These Directions may be cited as the Health and Social Care Information Centre (Female Genital Mutilation) Directions 2015 and come into force on 1st April 2015.

(2) In these Directions—

“the Act” means the Health and Social Care Act 2012;

“the 2006 Act” means the National Health Service Act 2006(c);

“the Board” means the National Health Service Commissioning Board which is the body corporate established under section 1H of the 2006 Act;

“GP Practice” means —

- (a) a person with whom the Board has entered into a general medical services contract under section 84 of the 2006 Act(d) (general medical services contracts: introductory) or as a consequence of a property transfer scheme made under section 300 of the Act (transfer schemes);
- (b) a person with whom the Board has entered into an arrangement under section 92 of the 2006 Act(e) (arrangements by the Board for the provision of primary medical services) or has entered into such arrangements as a consequence of a property transfer scheme under section 300 of the Act (transfer schemes) which require the provision by that person of primary medical services; or
- (c) a person with whom the Board has made contractual arrangements for the provision of primary medical services under section 83(2) of the 2006 Act(f) (primary medical services) or as a consequence of a property transfer scheme made under section 300 of the Act (transfer schemes);

“HSCIC” means the Health and Social Care Information Centre(g);

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(a) 2012 c 7.

(b) S.I. 2013/259.

(c) 2006 c 41.

(d) Section 84 was amended by paragraph 31 of Schedule 4 to the Act.

(e) Section 92 was amended by paragraph 36 of Schedule 4 to the Act.

(f) Section 83 was amended by paragraph 30 of Schedule 4 to the Act.

(g) The Health and Social Care Information Centre is a body corporate established under section 252(1) of the Act.

“Implementation Guidance” means the FGM Enhanced Dataset Implementation Guidance, HSCIC’s document, dated 11th March 2015 and annexed to these Directions at Annex A;

“relevant organisations” means-

- (a) a NHS foundation trust(a);
- (b) a NHS Trust(b); or
- (c) a GP practice;

“Requirements Specification” means the FGM Enhanced Dataset Requirements Specification Full Submission, HSCIC’s document dated 6th March 2015 and annexed to these Directions at Annex B.

### **Establishment of the FGM information system**

2.—(1) The Secretary of State directs HSCIC to establish and operate a system for the collection and analysis of the information described in sub-paragraph (2) from the relevant organisations to be known as “the FGM Information System”.

(2) The information referred to in sub-paragraph (1) is set out in Part 5 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(3) The Secretary of State directs HSCIC to collect and analyse the information described in sub-paragraph (2) in accordance with the criteria in-

- (a) Part 2 of the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time; and,
- (b) Part 6 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(4) The Secretary of State directs HSCIC to exercise the functions described in sub-paragraph (1) in accordance with-

- (a) the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time; and,
- (b) the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(5) The Secretary of State directs HSCIC to disclose the information obtained as a result of the analysis described in sub-paragraphs (1) and (3) to authorised health service personnel, as defined in sub-paragraph (6), for the purposes of arranging for the provision of services specified in Schedule 4 to the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(c).

(6) Authorised health service personnel means staff working within the Board authorised by HSCIC to access information obtained as a result of the analysis described in sub-paragraphs (1) and (3).

(7) In exercising the functions described in sub-paragraph (1), HSCIC must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to HSCIC from time to time.

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(a) NHS foundation trust means a body corporate established under section 30 of the 2006 Act.

(b) NHS Trust means a body corporate established under section 25 of the 2006 Act.

(c) S.I. 2012/2996 as amended by the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) (Amendment) Regulations 2015 S.I. 2015/415.

### Systems delivery functions

3.—(1) The Secretary of State directs HSCIC to exercise such systems delivery functions of the Secretary of State as are necessary for it to accommodate and deliver the FGM Information System described in paragraph 2.

(2) The Secretary of State directs HSCIC to exercise the systems delivery functions described in paragraph (1) in accordance with the processes outlined in Part 5 of the Requirements Specification as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(3) The Secretary of State directs HSCIC to collect the information described in paragraph 2(2) using the Clinical Audit platform as defined in sub-paragraph (4) and as set out in Part 5 of the Implementation Guidance as amended by HSCIC and agreed by the Secretary of State and notified in writing by the Secretary of State to HSCIC from time to time.

(4) The Clinical Audit Platform is an information technology system used by the relevant organisations to submit information for collection by HSCIC.

(5) The Secretary of State may make payments to HSCIC for things done in the exercise of the functions described in sub-paragraph (1).

(6) In exercising the functions described in sub-paragraph (1), HSCIC must have regard to such priorities, policies, advice or guidance of the Secretary of State as the Secretary of State may notify in writing to HSCIC from time to time.



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