



Department  
of Health &  
Social Care

# The Department of Health and Social Care Remit to NHS Digital for 2018/19

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# 1. Context

The Health and Social Care Information Centre (publicly known as NHS Digital and referred to henceforth as NHS Digital) is an executive non-departmental public body, accountable to the Secretary of State for Health and Social Care and to Parliament.

NHS Digital's statutory role is set out in the Health and Social Care Act 2012 and additional requirements are conferred on the organisation through the Care Act 2014. NHS Digital may also undertake additional functions under Directions from the Department of Health and Social Care ("the Department") or the NHS Commissioning Board (publicly known as NHS England and referred to throughout this document as NHS England) or under Mandatory Requests from other Primary Bodies, as outlined in the Act.

The operational relationship between the Department and NHS Digital is set out in the Framework Agreement signed by both parties.

The priorities for the health and social care system in operational, policy and development terms are set out in the:-

- Single Departmental Plans for 2017/18 and 2018/19;
- Five Year Forward View;
- For information and technology, in the National Information Board's Personalised Health and Care 2020 report which has been translated into the Digital Transformational Portfolio (previously known as the Personalised Health and Care 2020 Portfolio) encompassing transformational programmes, live service and statutory functions over the spending review period.

The Department is responsible for determining policy and strategy to develop and maintain the technology, information and data needs of the health and social care system and setting delegated authorities and controls. In doing so, the Department works with ALBs including NHS Digital in its role as principal delivery partner.

The Department, NHS Digital, NHS England and NHS Improvement have designed a revised model for technology and information governance with the intention of clarifying accountability and assurance following operationalisation of the Health and Social Care Act 2012 in specific reference to technology and information programmes.

Under the governance arrangements for commissioning, funding, accountability and delivery of technology and information programmes and related services on behalf of the health and social care system, a Chief Clinical Information Officer for Health and Social Care (CCIO) and a Chief Information Officer (CIO)<sup>1</sup> for Health and Social Care have been appointed, given a system wide remit by the Department and employed by NHS England (reporting into NHS England and NHS Improvement), and the key elements of the new governance approach are:-

- The CCIO chairs the National Information Board (the Chief Information Officer (CIO) chairs the Digital Delivery Board (DDB)) and identifies and prioritises the technology and

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<sup>1</sup> The CIO has authority to operate across the health and social care system in fulfilment of specific system objectives delegated by the CCIO or the Department.

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information requirements of the health and social care system and commissions services, within the context and constraints of the Digital Transformational Portfolio and funding.

- This activity is set within a wider context where the Department continues to require NHS Digital to undertake its statutory duties and other functions beyond the remit of the CCIO, or in furtherance of Government policy.
- The Department provides capital, revenue and administrative funding directly to NHS Digital, for which NHS Digital is accountable, reporting to the Department, DDB, and the NHS Digital Board.
- NHS Digital is the principal delivery partner for technology and information programmes and services, utilising direct delivery and wider procurement and contracts as appropriate.
- The Department discharges prioritisation discussions and funding allocation through the CCIO and DDB, in full discussion with NHS Digital. DDB is the primary mechanism for oversight, approvals and assurance, although elements of key programmes sit within wider accountability and governance contexts. It also provides a single place to discuss interactions with wider NHS Digital activity and to drive benefits realisation. DDB's final recommendations on prioritisation and affordability are subject to Ministerial approval.

This Department of Health and Social Care to NHS Digital remit enables the Department and, via DDB, the CCIO to set out the deliverables and requirements for a defined period, to which NHS Digital responds with a formal annual business plan.

## 2. Purpose

The purpose of this document is to set out:-

- The operating context for NHS Digital, briefly restating accountability and funding flows;
- The outcomes and organisational objectives which the Department expects NHS Digital to deliver and reflect in its business plan, drawn from the Five Year Forward View, Single Departmental Plan and Ministerial priorities, and reflecting continuing statutory functions and continuing activity within NHS Digital;
- Reference to the deliverables and objectives associated with the Digital Transformation Portfolio, commissioned and overseen by the CCIO, which are agreed by DDB and set out in the prioritised programme approved by DDB and Ministers;
- An indication of the grant-in-aid administrative, programme and capital envelope within which NHS Digital is expected to operate over the spending review period. Formal allocations will be confirmed annually by letter from the Department.

As ever, there is the need and expectation that NHS Digital will work collaboratively with key players across health, public health and social care in supporting the system to make the best use of resources and improving health and care outcomes by transforming the use of technology, digital services and data across the system to support service improvement and effective demand management.

NHS Digital has a responsibility to exercise financial control and transparency and also to contribute to supporting the effective management of finances across the system.

### 3. Accountability

The Department will hold NHS Digital to account through quarterly accountability meetings for the elements of this remit and for NHS Digital's fulfilment of its role within the wider health and social care system. The purpose of these meetings is to provide the assurance which the Department requires for each of its ALBs or delegated functions and to discuss issues which require the Department's intervention or action. They will not duplicate actions undertaken within DDB.

The Department will continue to obtain this assurance through formal, appropriate and proportionate sponsorship arrangements, committing to these being as light touch as possible commensurate with the level of risk whilst providing adequate assurance. The Department's sponsor team will also advocate for NHS Digital with the Department, the health and social care system and wider government.

Under the provisions of the agreed governance mechanism for the Digital Transformation Portfolio, the Department expects the CCIO, via DDB, to hold NHS Digital to account for delivery of the constituent activities and to work in partnership to ensure the seamless delivery of aligned technology and information services. The CCIO will ultimately be accountable to the Department and Parliament for the system-wide functions as detailed in the Department of Health and Social Care remit to the CCIO.

The NHS Digital CEO remains accountable to the NHS Digital Board for all aspects of planning, operation and delivery. The CCIO and a senior representative from the Department will also attend NHS Digital Board meetings as fully participating but non-voting (ex-officio) members.

The accountability mechanisms and governance for the cross-system informatics portfolio, and the respective roles of the Department, NHS Digital, the CCIO and other parties are jointly agreed and set out in a separate governance paper.

As part of the Government's digital and technology assurance, NHS Digital is expected to work with the DHSC Digital Strategy team and the Government Digital Service (GDS) as required in accordance with the Digital Service Standard.

## 4. Scope of the Department of Health and Social Care remit and CCIO expectations of NHS Digital

This remit, together with the prioritised Digital Transformation Portfolio agreed by the CCIO (via DDB), operating under remit from the Department of Health and Social Care, should encompass the totality of the system requirement of NHS Digital.

At a high level the Department's expectations, cover:-

### Delivery of transformation programmes

- Effective delivery of the milestones and outcomes defined by DDB in fulfilment of the implementation of the Digital Transformation Portfolio, including whole programme and annual deliverables and measurement of benefits including those accrued in live service, noting that responsibility for the adoption, uptake and benefits realisation are the responsibility of the CCIO with NHS Digital responsible for monitoring them;
- Commissions to NHS Digital for horizon scanning or early programme scoping arising from technology-focussed work undertaken by the National Information Board and in support of the Five Year Forward View;

### Live services

- NHS Digital's provision and monitoring of 'live services' and legacy systems to support the health and social care system, and which form part of the critical national infrastructure;
- The stating of service requirements for agreed major live services and the convening of discussions through DDB to balance services levels and affordability in order to define Service Level Agreements;

### Finance

- Efficient financial control and transparent management of the consolidated information and technology budget for 2018/19, overseen by the CEO as Accounting Officer;

### Capability

- Organisational and strategic development objectives for NHS Digital to enable it to fulfil the role the Department requires it to play in the health and social care system, with associated assurance, risk management and core corporate functions;
- NHS Digital's statutory functions including effective support to Parliament and compliance with required reporting, approvals and financial and digital spend controls;

### Data

- NHS Digital's core role as the secure holder and disseminator of national health and care data, and the implementation of recommendations from Your Data: Better Security, Better Choice, Better Care – the Government's response to the National Data Guardian's and Care Quality Commission's reviews;



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- Data collections and activity associated with datasets required by the Department, and wider national clinical audits and key populations health survey. In practice we expect that the key decisions will be made through DDB and its supporting Data Co-ordination Board, with appropriate mechanisms for the engagement of appropriate stakeholders, and recognising that NHS Digital remains the owner and data controller in line with statutory functions;
- Emerging policy activity where the Department requires NHS Digital to contribute to assessments of policy feasibility, impact, timetable and cost;
- Ongoing policy objectives where NHS Digital has committed to delivering a service or function;
- Objectives associated with public transparency and NHS Digital publications;
- NHS Digital's lead role in the reduction of burden across the system, and the provision of advice and reporting to the Secretary of State;
- Activity directly commissioned by other ALBs, Government departments or devolved administrations;
- NHS Digital's role as the technical authority for data security in health and social care, working with the Department and its ALBs, as part of a cross system programme, to strengthen cyber resilience across health and social care;

### EU Exit

- Supporting the Government's implementation of the UK's exit of the European Union, effectively supporting the Department in dealing with the changes it will bring for health and social care and maximising opportunities.
- The scope of the Department of Health and Social Care and CCIO remit is enduring, but the deliverables will be updated annually in time to inform the business planning round (around mid-autumn).

## 5. Funding

NHS Digital's operating budget will comprise capital, programme revenue grant-in-aid and admin revenue grant-in-aid funding allocated directly from the Department to NHS Digital. NHS Digital will also generate income from direct commissions from the health and social care system, partner agencies or commercial activity.

The Chief Executive of NHS Digital, as Accounting Officer, is responsible for safeguarding the public funds and assets for which the Chief Executive has charge, ensuring propriety, regularity, value for money and feasibility in the handling of those funds.

Funding for programme activity within the Digital Transformation Portfolio will be released via the Technology and Data Investment Board (TDIB) gated approvals process agreed by DDB, and continues to be subject to all the requirements of corporate financial management and to any further approvals by Ministers, Cabinet Office, HM Treasury and others as required by the delegated authority or thresholds in place.

The Accounting Officer has the primary responsibility in ensuring full and transparent financial reporting of the consolidated information and technology budget to NHS Digital's Board, the Department, CCIO, DDB and TDIB.

NHS Digital's Board's role is to establish and take forward the strategic aims and objectives of NHS Digital, consistent with its overall strategy and business plan and within the policy and resource framework determined by the Secretary of State. The Board retains the responsibility for approving the annual report and accounts for NHS Digital.

It is expected that operational mechanisms will be put in place between NHS Digital's Accounting Officer, the CCIO, DDB and TDIB to enable NHS Digital's Board to discharge these duties in an efficient and effective manner.

NHS Digital will be notified by the Department of Health and Social Care of the final capital and revenue allocation for NHS Digital for 2018/19 and the totality of the consolidated capital and revenue allocation for the information and technology portfolio to implement the Digital Transformation Portfolio.

## 6. Strategic Organisational Priorities for NHS Digital

The purpose of this remit is to clarify strategic high-level deliverables, which include the programmes that make up the Digital Transformation Portfolio. Detailed operational deliverables are developed and communicated on an ongoing basis between the Department, the CCIO and NHS Digital. The Department will ensure that all of these are appropriately measured and monitored through the accountability arrangements in place.

The Department and DDB currently see a number of strategic development priorities for NHS Digital for the financial year 2018/19, but reserve the right to alter these in light of progress made by NHS Digital, through its Org2 improvement programme, to develop and mature as an organisation. These include:

### Delivery of transformation programmes

- Deliver the programmes associated with the Digital Transformation Portfolio and other existing and new policy requirements and commissions.
- Live Services
- Run and maintain live services and legacy systems to support the health and social care system.

### Finance

- Develop a 'whole organisation' business implementation plan and associated reporting which effectively balances the requirements of the Digital Transformation Portfolio with existing activity, statutory functions and direct commissions to deliver expeditiously, effectively and within the requisite annual and overall spending review funding envelope.

### Capability

- Cultural change towards a flexible organisation possessing all relevant skills and capability to deliver high quality programmes and services. This will be progressed in 2018/19 and beyond through the Org2 process, embedding capability transformation, improved assurance, higher quality data insight and comprehensive and transparent reporting.
- Respond to the cross-cutting themes of the Department of Health and Social Care's Single Departmental Plan, ensuring that all relevant parts of NHS Digital work together with the Department and the rest of its ALBs to support relevant priorities, objectives and milestones including the transformation of social care through informatics and technology.

### Data

- Modernising the information and analytics approach to harness benefits of greater automation and ensure improved data quality.
- Work to support effective use of data in the health and social care system, which sets out NHS Digital's contribution to and timetable for data science and an engagement with 'big data', including learning from best practice and providing enhanced data insight.

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- Implementation of Your Data: Better Security, Better Choice, Better Care - and working with the Department and key stakeholders on the wider cyber security agenda.