



Department
of Health &
Social Care

*From Gillian Keegan MP
Minister of State for Care and Mental
Health*

Email: hsccom@parliament.uk

Rt Hon Jeremy Hunt MP
Chair, Health and Social Care Committee
House of Commons

5 September 2022

Dear Chair,

The Adult Social Care Information (Enforcement) Regulations 2022

I am writing to inform you that we are laying the Adult Social Care Information (Enforcement) Regulations 2022 today, which will complete the process of putting adult social care provider data collection on a statutory footing. As you know, the government set out an ambitious 10-year vision for reforming adult social care in England to ensure that people have choice, control and support to live independently, that people can access high-quality and tailored care and support, and that adult social care is fair and accessible for people.

Access to good quality and timely data is essential to fully realise these reforms. The Covid-19 pandemic exposed challenges in pulling together data needed to effectively manage outbreaks and ensure that emerging risks and issues could be identified at all levels and appropriate action taken. This was in part due to the fact that, prior to the Covid-19 pandemic, DHSC relied on data from local authorities which was only collected annually and in aggregate, generally six months in arrears and did not cover the entire adult social care market.

Mandatory data collections

To manage the pandemic, adult social care providers voluntarily submitted data through the Capacity Tracker, a web-based digital insight tool, and we have now put this type of data submission on a statutory footing under new section 277A of the Health and Social Care Act 2012 (as inserted by section 99 of the Health and Care Act 2022). This data is at aggregate, provider location level and so does not identify any individuals.

This enables the Secretary of State to require information from all regulated providers of adult social care services. This is information relating to themselves and their activities

in connection with the provision of adult social care in England or persons to whom they have provided such care.

From 31 July 2022, adult social care providers have been required to complete mandatory data fields in the Capacity Tracker, as set out in the [formal notice](#). We have noted an increase in provider response rates as a result and we anticipate that this will increase further in the next few months.

Enforcement

Alongside statutory data collection, section 277E of the Health and Social Care Act 2012 (as inserted by section 100 of the Health and Care Act 2022) enables the Secretary of State to make regulations to impose a financial penalty on private adult social care providers who, without reasonable excuse, fail to comply with a requirement to provide information or provide false or misleading information.

We are keen to bring the sector with us in these plans as access to good quality and timely data will have benefits at local, regional and national levels. Following engagement with sector representatives and providers, we will be introducing an enforcement policy which will emphasise support, encouragement and engagement, providing providers with support to comply with the regulations.

Recourse to financial penalties should be a last resort where a provider continues to be, or is persistently, in breach of their data obligations, despite multiple offers of support from our delivery partners. They will always be given the opportunity to make representations as to why they have not supplied the required data and why a financial penalty should not be imposed. The expectation is that from the first concern, the enforcement process will happen over a period of months, rather than weeks, to allow sufficient support to providers to bring them into compliance.

To ensure fines represent a genuine deterrent, the level of the fines will be the same as a provider's Care Quality Commission registration fee which is scaled to the provider type and size.

We look forward to this process leading to increased proficiency across social care as we continue to support and strengthen the provision of outcomes for all who rely on health and care services.

Your sincerely,

A handwritten signature in blue ink, appearing to read 'Gillian Keegan', with a stylized flourish at the end.

GILLIAN KEEGAN MP