

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Health and social care

Integration

Section 121 – Integration of care and support with health services etc: integration fund

738. This section makes provision for a fund for the integration of care and support with health services, to be known as the Better Care Fund.
739. *Subsection (1)* amends section 223B of the National Health Service Act 2006 (funding of the National Health Service Commissioning Board) to allow the Secretary of State to specify in the mandate a sum which the Board must use for objectives relating to service integration. The mandate is given to the Board by the Secretary of State under section 13A of the National Health Service Act. ‘Service integration’ means the integration of health services with health-related or social care services.
740. *Subsection (2)* inserts a new section 223GA into the National Health Service Act 2006. Section 223GA allows the Board to direct clinical commissioning groups (CCGs) to use a designated amount of their financial allocation for purposes relating to service integration. It also makes provision for how the designated amount is to be determined. Payment of the designated amount must be subject to a condition that the CCG pays the money into a pooled fund established under arrangements made with a local authority under section 75 of the National Health Service Act. The Board may also set other conditions as to use of the designated amount, including conditions as to the agreement of a spending plan for how to use the amount, and the meeting of performance objectives. Where conditions are not met, the Board has various powers, including the withholding or recovery of payments. The mandate can include a requirement for the Board to consult with the Secretary of State or other persons before it exercises those powers. There is also provision for payments to be made out of a pooled fund to a local authority which is not a party to that fund, in respect of disabled facilities grants. In exercising its powers in relation to the Better Care Fund, the Board must have regard to the need for provision of health services, health-related and social care services.

Information

Section 122 – The Health and Social Care Information Centre: restrictions on dissemination of information

741. This section amends the Health and Social Care Act 2012 to provide that the Health and Social Care Information Centre (HSCIC) may only disseminate information under its general dissemination power in section 261(1) for the purposes of the provision of health care or adult social care or for the promotion of health. This would enable data to be made available for a wide range of health and care related purposes – including for the commissioning of those services, and the epidemiological research that is needed at

the earlier stages of developing new treatments – but not for solely commercial purposes such as for commercial insurance. Section 122 also amends section 253 of the 2012 Act to make clear that, in carrying out any of its functions, the HSCIC must have regard to the need to respect and promote the privacy of those receiving health services and adult social care in England. *Subsection (4)* amends the 2012 Act to provide that the HSCIC must in exercising its functions under the 2012 Act of publishing or otherwise disseminating information have regard to any advice given to it by the committee that must be appointed by the HRA under paragraph 8(1) of Schedule 7 to the Act.