



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 9

#### HEALTH AND ADULT SOCIAL CARE SERVICES: INFORMATION

### CHAPTER 2

#### THE HEALTH AND SOCIAL CARE INFORMATION CENTRE

#### *Functions: other*

#### **268 Database of quality indicators**

- (1) Regulations may make provision conferring functions on the Information Centre in connection with the establishment, maintenance and publication of a database of quality indicators in relation to the provision of health services and of adult social care in England.
- (2) The regulations may, in particular, make provision about—
  - (a) the persons who may propose a quality indicator for inclusion in the database,
  - (b) the giving of advice and guidance by the Information Centre to such persons in relation to such a proposal,
  - (c) the assessment and approval of quality indicators proposed for inclusion in the database by such person as the Secretary of State or the Board may direct, and
  - (d) the inclusion in the database of guidance about how providers may demonstrate performance measured against the quality indicators.
- (3) In this section a “quality indicator” means a factor by reference to which performance in the provision of services or care can be measured.

## **269 Power to confer functions in relation to identification of GPs**

- (1) Regulations may make provision conferring functions on the Information Centre in connection with the verification of the identity of general medical practitioners for purposes connected with the health service in England.
- (2) In subsection (1) “general medical practitioners” means persons registered in the General Practitioner Register kept by the General Medical Council.

## **270 Additional functions**

- (1) The Information Centre may do any of the following—
  - (a) acquire, produce, manufacture and supply goods,
  - (b) acquire land by agreement and manage and deal with land,
  - (c) supply accommodation to any person,
  - (d) supply services to any person and provide new services,
  - (e) provide instruction for any person, and
  - (f) develop and exploit ideas and exploit intellectual property.
- (2) But the Information Centre may exercise a power under subsection (1) only—
  - (a) if doing so involves, or is connected with, the collection, analysis, publication or other dissemination of information, and
  - (b) to the extent that its exercise does not to any significant extent interfere with the performance by the Centre of any function under or by virtue of any other provision of this or any other Act.
- (3) The Information Centre may—
  - (a) charge for anything it does in the exercise of a power under subsection (1), and
  - (b) calculate any such charge on the basis that it considers to be the appropriate commercial basis.

## **271 Arrangements with other bodies**

- (1) The Information Centre may arrange with any person or body to provide, or assist in providing, any service which the Centre is required or authorised to provide by virtue of this Chapter.
- (2) The power under this section may be exercised on such terms as may be agreed, including terms as to the making of payments by or to the Information Centre.

## **272 Failure by Information Centre to discharge any of its functions**

- (1) The Secretary of State may give a direction to the Information Centre if the Secretary of State considers that—
  - (a) the Centre—
    - (i) is failing or has failed to discharge any of its functions, or
    - (ii) is failing or has failed properly to discharge any of its functions, and
  - (b) the failure is significant.
- (2) A direction under subsection (1) may direct the Information Centre to discharge such of those functions, and in such manner and within such period or periods, as may be specified in the direction.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If the Information Centre fails to comply with a direction under subsection (1), the Secretary of State may—
  - (a) discharge the functions to which it relates, or
  - (b) make arrangements for any other person to discharge them on the Secretary of State’s behalf.
- (4) Where the Secretary of State exercises a power under subsection (1) or (3), the Secretary of State must publish reasons for doing so.
- (5) For the purposes of this section, a failure to discharge a function properly includes a failure to discharge it consistently with what the Secretary of State considers to be the interests of the health service in England or (as the case may be) with what otherwise appears to the Secretary of State to be the purpose for which it is conferred.

### **273 Protection from personal liability**

- (1) Section 265 of the Public Health Act 1875 (which relates to the protection of members and officers of certain authorities from personal liability) has effect as if there were included in the authorities referred to in that section a reference to the Information Centre.
- (2) In its application to the Information Centre as provided for by subsection (1), section 265 of that Act has effect as if any reference in that section to the Public Health Act 1875 were a reference to this Act.