

Putting the NHS Number on an EHC Plan

and making a request for access to the NHS Digital Personal Demographics Service

Background

There is a growing desire to have a unique identifier to ensure efficiency and accuracy of data sharing across Social Care and Education.

The use of the NHS number as a unique identifier (as enabled by the Health and Social Care (Safety and Quality) Act 2015) is well established between adult health and social care settings, but is more complicated for those under 18 as the Act does not cover children's social care and education services data.

However, it is possible to share data across these services it is simply important to be clear about the legal basis on which you are doing so.

The most straight forward and permissive basis for sharing children's data is operational direct care. In 2013 the Caldicott Review defined direct care as:

'A clinical, social or public health activity concerned with the prevention, investigation and treatment of illnesses and the alleviation of suffering of individuals. It includes supporting individuals' ability to function and improve the participation in life and society. It includes the assurance of safe and high quality care and treatment through local audit, the management of untoward or adverse incidents, person satisfaction including measurement of outcomes undertaken by one or more registered and regulated health and social care professionals and their team with whom the individual has a legitimate relationship for their care.'

Inclusion on an EHC Plan

The Information Governance Alliance¹ has produced a briefing which addresses the contexts in which the NHS number should be used in health and social care organisations and environments as a unique identifier. The briefing gives examples of appropriate care contexts outside of the NHS where the use of the NHS Number is supported by Government policy, two examples given are:

- Adult's and Children's Social Care – NHS number can be added to all active records. This is legally required for adult social care records and strongly recommended for children's records.
- Pre-School and School services to support children with health conditions (e.g. Special Educational Needs and Disability - SEND)

'The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care.' (SEND Code of Practice)

Adding the NHS Number to an EHC Plan will support the measurement of the outcomes included in and central to the EHC plan. Local areas may have additional reasons related to effective and appropriate provision of services across multiple agencies which would enable them to demonstrate that inclusion of the number on a plan meets a direct care need.

¹ The core members of the Information Governance Alliance are the Department of Health, NHS England, NHS Digital and Public Health England. Representatives from the Information Commissioner's Office and the National Data Guardian's Office also sit on the Board. The role of the Alliance is now overseen by NHSX who will be responsible for future guidance.

If there is an identified need to include the NHS number then the legal basis under GDPR would be 6(1)e – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’. This is the basis on which the NHS number is already shared in many other health and social care settings as a robust common identifier.

If agencies are carrying out tasks related to statutory duties (such as the C&FA 2014) then where items of data are reasonably needed for the performance of those activities, then the ‘official authority’ element of GDPR art 6(1)e is met.

In and of itself the NHS number is not special category data because it is simply an administrative number and having the number on a document would not in and of itself give access to the clinical data associated with it.

Data sharing agreements?

To meet the GDPR organisations will agree the sharing of data and the organisational and technical measures that govern that sharing. Users would be informed via privacy notices that their NHS number would be shared with other organisation via their EHC Plan in order to facilitate the provision of services to them.

Making a batch request for access to the NHS Digital Personal Demographics Service (PDS)

If you are attempting to share data across a wider cohort of children and young people with SEN, than those with EHC Plans, it is possible to ask the NHS Digital PDS to identify SEND cohorts in health datasets. Again, the basis for the request should be operational direct care.

The PDS is the national electronic database of NHS patient demographic data, such as name, address, date of birth and NHS number. It therefore supports quick and accurate identification of a patient, and linkage of data and records across care settings and information systems.

The Demographics Batch Service (DBS) requires a secure network connection² and provides batch responses to batch trace requests with a 24-hour response SLA. The PDS Access Request process is about the authority for a non-NHS organisation to access the PDS. It is the organisation that is granted the authority at the end of the process.

Requests for access need to be clear and explicit about what business processes the requested access will support and why PDS access is required. The service is only for requests for direct care purposes for organisations that already have a service relationship with the individual and hold identifying information about them which they wish to augment.

In some instances it will be helpful to use context diagrams to explain the purpose and case use of the proposal – an example from Bedford Borough is attached. A case study on Bedford Borough’s experience of the Batch Processing Service is included in the CDC Data Bulletin which can be downloaded [here](#).

This briefing was co-produced with NHS South Central and West Commissioning Support Unit, Somerset CCG and Somerset local authority.



² If information is needed about implementing a secure connection to the PDS, please email enquiries@nhsdigital.nhs.uk, with “PDS Access - Secure Network Connection Information Request” in the subject line.