

## Workforce Minimum Data Set - GPC position - January 2015

### Summary

NHS England has written to GP practices about the supply of a Workforce Minimum Data Set (WMDS). Practices have been asked to supply data on their staff, including recruitment, vacancies, absences and personal details, such as date of birth, National Insurance (NI) number and gender.

The intention of the data collection is to allow the Department of Health (DH), NHS England and Health Education England (HEE) to understand the current NHS workforce and plan for future needs. The data collection replaces the annual GP census and practices have been asked to submit data through the primary care web tool. The module is due to be available to practices in January 2015, with the first data submission due by the end of May 2015. Practices will thereafter be asked every six months to confirm the information held within the tool is correct.

The GPC has received a number of concerns from LMCs and practices about the submission of this data. Concerns are that the data being requested is excessive in relation to the purpose, will create workload for practices and that the sharing of personal staff data could be in breach of the Data Protection Act (DPA).

### Legal position

GPC has sought legal advice to help clarify practices' legal responsibilities. The advice has confirmed that under Section 259 of the [Health and Social Care Act \(HSCA\)](#), the Health and Social Care Information Centre (HSCIC) has the power to collect information considered 'necessary or expedient' for the purposes of any function it exercises. For the WMDS, the HSCIC is collecting this data under direction from the DH and NHS England. The advice therefore is that practices are legally obliged to provide the information requested for the WMDS.

With regards to personal data, information such as NI number, name, date of birth, gender and ethnicity will be collected. Under the DPA, Section 10, an individual is entitled to object to the processing of their personal data likely to cause damage or distress. However, the DH direction for this collection, under Section 259 of the HSCA, imposes a legal obligation on NHS bodies to provide the data, and this in turn overrides Section 10 of the DPA.

Although the right to object under the DPA is removed, we would advise practices to inform their staff of this data submission, to comply with the fair processing principle of the DPA. We understand practices will be provided with a template fair processing notice to explain to their staff how individual data will be used. The template will be available on the [WMDS webpage](#).

### Next steps

GPC remains concerned that the dataset is excessive and will create additional, unnecessary burden for practices at a time when they are already under severe workload pressure. As such, concerns will be raised again with NHS England during January and LMCs will be updated. GPC will also be responding to the [Privacy Impact](#)

[Assessment consultation](#) for the dataset which closes on 20 February 2015, and would recommend LMCs and practices also consider responding.

Our interim advice is that practices should continue to arrange access to the primary care web tool module, as per the advice in the December HSCIC email (Appendix 1). The HSCIC will contact practices in the middle of January to grant access to the module, and provide details of the online training materials and further support. We understand that the module will be prepopulated with information from the Exeter system and the CE1 collection for practices not on Exeter. We would recommend that practices then proceed with the data preparation and submission.

Where practices remain concerned about the data collection, they should email the GPC Secretariat ([info.gpc@bma.org.uk](mailto:info.gpc@bma.org.uk)), giving specific examples of how this exercise is adversely impacting them, so that concerns can be taken back to NHS England. Please note that any queries about accessing the web tool should be taken to the HSCIC, as per the details in Appendix 1.

Further information on the dataset, including the data to be collected and the process for submission is available on the [HSCIC website](#), which includes a [specification overview](#) and set of [FAQs](#).



### **Workforce Minimum Data Set - update and action**

We sent a letter to NHS England area teams on 21 October 2014 asking them to provide you with an update on the progress of the Workforce Information Architecture (WIA) programme, and to advise you of the steps that your practice will need to take to supply the workforce Minimum Data Set (wMDS). You can access the letter [here](#)

We have developed a facility to submit your data using a newly built **workforce module** on the Primary Care Web Tool (PCWT) ([www.primarycare.nhs.uk](http://www.primarycare.nhs.uk)). Your practice can already access this tool for the purpose of submitting practice declarations alongside other information returns. This new module will be open all year for you to update any changes to your workforce. The first collection is due during April 2015, then once every six months we will ask you to confirm that the information held within the tool is correct.

This email has been sent to provide further details about the module and to confirm who within your practice needs access to the module.

### **What you need to do**

**Please respond by emailing [enquiries@hscic.gov.uk](mailto:enquiries@hscic.gov.uk), quoting ‘Primary Care Web Tool’, confirming who in your practice will need access to the workforce module. For each user please provide the following:**

- Forename
- Surname
- Telephone number
- Valid individual NHS Mail email address (e.g. [john.smith@nhs.net](mailto:john.smith@nhs.net))

