

# NOTICE

## **Adult Social Care data enforcement commenced 1 April 2023**

This means adult social care providers who fail to submit their data through the Capacity Tracker each month could be issued with a financial penalty. The guidance on how to comply with the information provisions in the Health and Care Act 2022 and how they will be enforced is available online [here](#). We encourage all providers to read through the guidance to ensure they are aware of what is expected and how to be compliant. If providers have any further questions or need advice, please contact the Team at [capacitytracker-guidance@dhsc.gov.uk](mailto:capacitytracker-guidance@dhsc.gov.uk).

The formal notice which details the data that needs to be submitted can be found [here](#).

Collection windows open on the eighth of each month and close on the fourteenth of each month unless this falls on a weekend or bank holiday, when the final day for submission moves to the next working day.

**To be compliant, providers must submit their data during the collection window**

## **Updating Capacity Tracker**

A system generated email is sent to all providers registered on Capacity Tracker as notice that the monthly collection window is open. The email contains two links:

1. Directs the user to the Capacity Tracker to review, update, and save their information
2. Enables the user to provide a 'nil' return or to save the previously updated information

Another system generated email reminder is sent 48 hours prior to the collection window closing, to those who have not completed any update.

If a provider believes their type of service do not have a duty to provide data but have been approached by our delivery partners NHS Business Services Authority (NHSBSA) or North of England Commissioning Support (NECS) to do so, please submit a 'nil' return as set out above.

**If a provider needs assistance updating the Capacity Tracker or need general advice and support, please contact the Support Centre on 0191 691 3729 or via email [necsu.capacitytracker@nhs.net](mailto:necsu.capacitytracker@nhs.net)**

## Feedback from our sector engagement activity

Below are the top five queries we had from our engagement with providers over the last seven months.

1. **Where a provider has more than one location, they were unsure if they should update information for each location.** *Providers should submit an update for all settings and locations, failing to do so will reflect as non-compliance.*
2. **Providers were unsure if they should provide update for both types of provisions they offer.** *Where both home and residential care are offered by the same provider, said provider must update data for each care type.*
3. **CQC is not always notified about changes so the data is not always up to date. For example: a setting is now dormant, changed ownership or closed locations.** *CQC must be notified as soon as possible to ensure we store the correct data and mitigate against the risk of being issued with a penalty.*
4. **Capacity Tracker location contacts are not kept up to date.** *If an individual no longer works for a provider, the Capacity Tracker must be updated to ensure the correct contact information is held.*
5. **Some providers are updating information in Capacity Tracker but not during the designated windows.** *The collecting windows are the 8<sup>th</sup> day of every month till the 14<sup>th</sup> day of every month – or next working day if the 14<sup>th</sup> is a weekend or Bank Holiday.*

The full list of frequently asked questions, including contact information to obtain guidance and support, is also attached.