



The **Regulation** and
Quality Improvement
Authority

eti

*The Education and Training Inspectorate
Promoting Improvement*

**The Regulation and Quality Improvement Authority
and
The Education and Training Inspectorate**

**Protocol for cooperation, joint working and the
exchange of information**

January 2009

informing and improving health and social care
www.rqia.org.uk

promoting improvement
www.etini.gov.uk

1. Preamble

1.1 This Protocol sets out the framework that the Education and Training Inspectorate (ETI) and the Regulation and Quality Improvement Authority (RQIA) have agreed for cooperation, joint working and the exchange of information relating to each body's respective responsibilities for regulating or inspecting a range of provision including:

- early years
- boarding schools
- child protection governance reviews
- special education
- youth justice centres or prisons
- youth work provision
- extended schools
- outdoor education residential centres

1.2 This Protocol does not affect existing statutory functions or amend any other policies or agreements relating to the activities of ETI and the RQIA. It does not involve any transfer of responsibility from one to the other, nor does it involve any sharing or restriction of each organisation's statutory responsibilities.

1.3 While the Protocol is not enforceable by law, ETI and the RQIA agree to adhere to its principles, and to show proper regard for each other's activities.

1.4 Situations requiring cooperation, joint working and the exchange of information may arise between ETI and the RQIA in a number of circumstances including:

- the coordination of separate or joint activities
- when ETI wishes to bring specific matters to the RQIA's attention, or vice versa

2. Functions of ETI

- 2.1 ETI provides inspection services and policy advice for the Departments of Education, Employment and Learning, and Culture, Arts and Leisure.

Under Articles 102 and 102A of *The Education and Libraries Order (Northern Ireland) 1986*¹, it is the duty of inspectors to promote the highest standards of education and of professional practice among teachers in schools, colleges, institutions and other places set out in that order by:

- (a) monitoring, inspecting and reporting on the standard of education being provided by those bodies and the standards of professional practice among teachers on the staff of such bodies
- (b) advising the relevant Department² on any aspect of the curriculum of any of those bodies which the Department may refer to them or on which they think advice is appropriate. Any of those establishments which the Department may refer to them or on which they think advice is appropriate

It is also the duty of inspectors to monitor, inspect and report on the nature, scope and effect of advisory and support services provided by boards under Article 29 of *The Education Reform Order 1989* as amended, in relation to the curricula and staff of grant aided schools.

3. Functions of the RQIA

- 3.1 The RQIA is an independent body, established by the Department of Health and Social Services and Public Safety on 1 April 2005 under *The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003*. It replaces the registration and inspection units which were formerly part of the four health and social services boards.

¹ the forthcoming legislation set out in the *Education Bill 2008* will apply to this protocol between ETI and the RQIA

² ETI provides inspection services for the Department of Education, the Department of Employment and Learning and the Department of Culture Arts and Leisure

- 3.2 Under *The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003*, the RQIA has the general duties of keeping the Department of Health, Social Services and Public Safety informed about the provision, availability and quality of services and encouraging improvement in the delivery of services.
- 3.3 The RQIA has powers to conduct reviews, and carry out investigations and inspections into the management, provision, quality of, or access to and availability of health and social care services, including their clinical and social care governance arrangements.

4. Data protection and human rights

- 4.1 In sharing information under this protocol, ETI and the RQIA will ensure compliance with *The Data Protection Act 1998*.
- 4.2 ETI and the RQIA are obliged to act in a way that is compatible with the *Human Rights Act 1998*.
- 4.3 Both organisations believe that the arrangements set out in this protocol are compliant with the relevant aspects of the legislation referred to above.

5. Joint responsibilities of ETI and the RQIA

- 5.1 The working relationship between the ETI and the RQIA will be characterised by regular ongoing contact and open exchange of information on the circumstances highlighted below. The purpose will be to support each organisation fulfill its respective aims to promote the highest standards of education and care.
- 5.2 The Chief Inspector ETI and the RQIA Director of Operations, will include other relevant staff from both organisations in their meetings as appropriate, and other staff in the organisations will liaise as issues needing cooperation and communication arise.

5.3 Examples of how the two organisations will exchange information and coordinate their activities will include:

- the sharing of information about trends, concerns, data, approaches and initiatives which relate to the shared aim of helping education providers and regulated services to provide the highest quality of education and care for service users
- coordinating staff development programmes for appropriate staff, particularly those involved in joint work involving ETI and the RQIA
- the RQIA will provide the ETI with electronic copies of published inspection reports on request until the RQIA's reports are included on its website at www.rqia.org.uk. ETI's reports are published and available on its website at www.etini.gov.uk.
- the notification by each organisation of any concerns they receive about provision that falls within their respective responsibilities; this may include anonymous or unsubstantiated reports
- each organisation's assisting the other, if asked, in securing expert advice; each organisation, to the extent that it is reasonably able to do so, will provide information for investigations and initiatives to promote the objectives of the two organisations
- the organisations sharing details of their procedures for dealing with comments, enquiries and complaints, and guiding principles for initiating an investigation or assessment
- the organisations sharing details of their statements of core values, inspection procedures, processes and quality indicators or standards
- each organisation consulting the other in relation to internal guidelines where they relate to the other organisation's responsibilities or interests
- each organisation liaising with the other in order to determine how any media interest relating to a mutual concern is to be handled

5.4 Examples of how the two organisations will communicate in order to promote consistency of advice on matters for external consideration will include:

- consulting each other in relation to guidance, drafts or sections of public reports produced by one organisation that refers to the responsibilities or functions of the other, to ensure factual accuracy and to benefit from each other's knowledge and expertise
- involving each other, as appropriate, in conferences and other public discussion about their respective roles and matters of mutual interest
- assisting each other to disseminate information about good practice in the care and well-being of young people and adults in educational settings
- involving each other, as appropriate, in working groups, meetings and discussions with other organisations on issues such as good practice in social care or regulatory processes
- ensuring that potential and actual complainants receive accurate and helpful information about the appropriate avenue for pursuing concerns

6. Exchange of information to support regulatory activities

6.1 The ETI has a responsibility to monitor, evaluate and report on the quality of education, training and youth work. The RQIA has a responsibility to monitor the adherence to the Northern Ireland Social Care Council (NISCC) Codes of Practice for employers. Both organisations agree to collaborate to promote the highest quality of service and provision and to share information on the standards of education and/or care provided.

6.2 Inspectors from ETI and those from the RQIA have a responsibility to report to the relevant bodies their findings from inspection, and any concerns they have about unsatisfactory practice.

6.3 Any disclosure by either ETI or the RQIA regarding a third party can be shared without the consent of the third party, in accordance with current legislation (*Data Protection Act 1998*, Schedule 2 and 3).

7. ETI's Responsibilities

7.1 ETI will disclose to the RQIA any information which it considers to be in the public interest to disclose. Examples of information which may be disclosed by ETI to the RQIA are:

- information the ETI receives which raises concerns about the suitability of an individual providing services or working in settings registered by RQIA
- information that may have a bearing on individuals' registration status
- findings from inspection which cast doubt upon the suitability of individuals to work in a regulated setting or agency or on the practices of registered persons
- information the ETI receives about service providers or findings from inspection which raises concerns about their practices and/or their effectiveness in implementing the NISCC's Code of Practice for Social Service Employers; and
- information or findings from inspection, which, in the view of ETI, satisfy the criteria for referral to the Independent Safeguarding Authority (ISA) under the *Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*

8. The RQIA's responsibilities

- 8.1 In undertaking its regulatory responsibilities, including registration, inspection, the investigation of complaints, during enforcement or from other information that the RQIA receives, it may identify issues that raise concerns about the conduct of social care workers, nurses, allied health professionals or directors that could call into question their suitability for registration. The RQIA staff will discuss their concerns, in the first instance with his or her line manager in order to consider the facts, which may be believed to constitute professional misconduct.
- 8.2 The RQIA will expect the registered person (i.e. the person registered with the RQIA) to refer the issue to the appropriate regulatory body. This includes a referral to the ISA, if the RQIA considers that criteria for referral, as stipulated in the *Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*, have been satisfied. This would satisfy the RQIA that the provider was fulfilling his or her duties and responsibilities as the registered person, in addition to his or her duty as the employer.
- 8.3 Where the concerns are about a registered person or a responsible individual who is registered or is eligible to be registered as a social care worker with NISCC and, it is judged that the issue constitutes a concern which should be reported to NISCC, the RQIA will communicate directly with NISCC. Similarly this approach will be used for persons registered with other bodies. The RQIA may do this in addition to considering taking regulatory action under *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*.
- 8.4 Where the RQIA has considered that the registered person is obliged to report the issue to NISCC, or any other appropriate regulatory body, and they have failed to do so, the RQIA will report the issue to the appropriate regulatory body. . In relation to an issue, which, in the view of the RQIA, satisfies the referral criteria under the *Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*, RQIA is required to refer the matter to the ISA. The RQIA may do this in addition to considering taking regulatory action under *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*.

8.5 Where the RQIA issues a notice that proposes the cancellation of a person's registration or itself makes a referral under the *Safeguarding Vulnerable Groups (Northern Ireland) Order 2007* based on information which may call into question that person's registration status with regulatory bodies, it will inform the appropriate regulatory body, and if in an educational setting, it will inform ETI.

9. Investigations and inquiries relevant to the functions of both inspectorates

9.1 It is possible that an inspection or survey of provision in a particular setting or establishment by the ETI could coincide with an inspection of a setting, or an investigation into the conduct of the establishment or agency by the RQIA. It may also be the case, in a child or adult protection situation for example, or in a criminal investigation that other statutory agencies are involved. Should such situations arise then ETI and the RQIA will be guided by the following principles:

- ETI and the RQIA will cooperate closely with each other. The RQIA Director of Operations, will hold a strategy discussion or meeting. This meeting will also consider the role that other investigating bodies, such as the police, may need to play. The outcome of this meeting will be confirmed in writing and will necessitate planning activities so that they are complementary; each will keep the other informed of developments, sharing appropriate information in order to minimise burdens and to enable greater efficiency and effectiveness, and pooling effort wherever possible.
- Where RQIA is required to conduct an inspection of an organisation at a time which coincides with a planned inspection by ETI, it is likely that ETI would postpone its inspection.

10. Complaints and reconciliation of disagreement


10.1 The ETI may receive a complaint about the work of a registered provider whom they know to be, or believe to be registered with the RQIA. The ETI will, in these circumstances, write formally to the RQIA Director of Operations to disclose appropriate information about any concerns, investigations or hearings. Similarly the RQIA will inform ETI of any such complaints it receives.

10.2 Both organisations will seek to resolve any disagreements amicably at a working level. Should this not be possible the matter will be referred simultaneously to the RQIA Director of Operations and the ETI Chief Inspector.

11. Review of this protocol


If further opportunities for cooperation are identified, this protocol will be reviewed and revised annually.

Phelim Quinn
Acting Chief Executive, RQIA

Signature 

Date 9/1/08.

Stanley Goudie
Chief Inspector
ETI

Signature 

Date 14 Jan 2009.