



**MEMORANDUM OF UNDERSTANDING BETWEEN THE
REGULATION AND QUALITY IMPROVEMENT AUTHORITY
(RQIA)
AND THE
EDUCATION AND TRAINING INSPECTORATE
(ETI)**

Presented by: Theresa Nixon

Aim and Purpose

The attached Memorandum of Understanding has been updated to reflect the proposed areas of collaboration, cooperation and exchange of information relating to each body's respective responsibilities for regulating health and education services.

This protocol defines the circumstances and processes through which the RQIA and ETI will cooperate when carrying out their respective functions. Nothing in this protocol restricts the exercise by each body of the respective functions.

OLIVE MACLEOD

Chief Executive

February 2019

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1. Introduction

The objective of this protocol is to establish 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 and inspecting a range of services to young persons. RQIA's responsibility under Articles 149 and 176 of the Children's Order extends to inspection of premises where children are accommodated when they receive education and associated welfare.

This protocol does not affect existing statutory functions or supersede any policies or arrangements relating to the ETI or RQIA. It does not imply any transfer of responsibilities from one Agency to another, nor does it imply any sharing of statutory responsibilities.

Nothing in this protocol restricts the exercise of each body's statutory responsibilities.

This protocol is not enforceable by law, however the RQIA and ETI agree to adhere to its principles and to show due regard for each other's activities.

2. Principles of cooperation

The ETI and RQIA are committed to an inspection and regulation system for health & social care and education in Northern Ireland which is transparent, accountable, proportionate, consistent and targeted.

The ETI and RQIA intend their working relationship to be characterised by the following principles:

- The need to make decisions which promote people's safety and a high quality of health and education.
- Respect for each organisation's independent status.
- The need to maintain public and professional confidence in the two organisations and the regulatory process.
- Openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate.
- The need to use resources effectively and efficiently.

3. Areas of cooperation

The working relationship between the ETI and RQIA involves cooperation in the following areas:

- Cross referral of emerging urgent concerns
- Sharing of feedback about particular health and education services between both organisations and their respective departments as outlined in legislation.
- Risk summits
- Media publications
- Joint inspections and publication of reports in line with Children (NI) Order 1995: Regulations and Guidance: Volume 7: Schools Accommodating Children

4. Routine Information Sharing

- a. The working relationship between the ETI and RQIA shall be characterised by regular on-going contact and exchange of information, and liaison on issues requiring cooperation and joint action.
- b. An annual meeting will be held between the Chief Executives of the two organisations.
- c. Each organisation will ensure their staff are aware of the content of this protocol and the responsibilities it places on individual members of staff. Responsibility for ensuring that each organisation understands the other's respective regulatory responsibilities rests with the Chief Executives of the two organisations.
- d. The Assistant Chief Inspector of ETI and the Director of Assurance of RQIA will meet six monthly.
- e. RQIA will notify the ETI of any enforcement action which could have direct implications for individuals regulated by professional regulatory bodies.

5. Cross Referral of Concerns

Where the ETI and RQIA encounter concerns which they believe falls into the remit of the other body, they will convey concerns and supporting information at the earliest opportunity. The referring organisation will not wait until its own review or investigation has concluded, and will do so in the interests of safety and protection and to uphold the principles of cooperation agreed between the two bodies.

In particular:

- The two organisations will share information about trends, concerns, data, approaches and initiatives which relate to the shared aim of helping health & social care and education service staff to provide the highest quality of education and care for service users

- Each organisation shall notify the other of any concern they receive about service provision that falls within their respective responsibilities. This may include anonymous or unsubstantiated reports.
- The two organisations will coordinate staff development programmes for appropriate personnel, particularly those involved in joint work between ETI and RQIA, to ensure the welfare of children being provided with accommodation in any residential care home, nursing home or hospital is being safeguarded and promoted.
- Each organisation will endeavour, to the extent which is reasonably expected to do so, to provide information for investigations and initiatives to promote the objectives of the two organisations.

6. Exchange of information

a. ETI's Responsibilities in sharing information:

The ETI will disclose to RQIA any information which it considers to be in the public interest to disclose. Examples of this include:

- Information the ETI receives which raises concerns about the suitability of an individual providing services or working in settings registered or inspected by RQIA.
- Findings from an 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 or NMC/ GMC Codes of Conduct.
- Information or findings from inspection which, in the view of the ETI, satisfy the criteria for referral to the Independent Safeguarding Authority under the Safeguarding Vulnerable Groups Order (N) 2007.

b. RQIA's responsibilities in sharing information:

The Director of Assurance of RQIA decides on a case by case basis to disclose to the ETI any information which RQIA considers being necessary for the protection of the public or rests in the public interest to disclose. Where it is determined that disclosure should be made, the relevant information should be passed to the Chief Inspector of the ETI.

Where inspections of boarding schools and of Iveagh and Beechcroft Treatment Centres, ETI will be guided by the following principles:

- ETI and RQIA will cooperate closely with each other. RQIA Director of Assurance will hold a strategy discussion or meeting with relevant director(s) within RQIA and ETI to consider the roles that each organisation may play.
- Both parties shall coordinate their activities so that, whenever possible, they are complementary and involve the sharing of outcomes with each other.
- Where possible, RQIA is will conduct an inspection at a time which coincides with a planned inspection by ETI.

7. Media Publications and Governmental Committee Interactions

Each organisation will liaise with the other to determine how any media interest relating to a mutual concern is handled. This also applies following interactions with Government Committees.

- RQIA and ETI will seek to give each other adequate warning (at least 24 hours where possible) and sufficient information about any planned press releases and announcements to the public that may be of relevance to the other organisation.
- RQIA and ETI will, when appropriate, share with each other details of relevant evidence to committees or interactions with the Northern Ireland Government or Parliament
- RQIA and ETI will respect the confidentiality of any documents shared in advance of publication and any associated embargo.

8. Data Protection and Human Rights

The cooperation methods outlined above will require the exchange of information and data. All arrangements for collaboration and exchange of information set out in this Protocol and any supplementary agreements will take account of and comply with; the Data Protection Act (2018), the Freedom of Information Act (2000) and any applicable codes of practice or policies relating to confidential personal information held by RQIA or ETI.

Both organisations are content that the arrangements set out in this Protocol are compliant with the Data Protection Act and Freedom of Information Act, and acknowledge that both bodies are obliged to act in a way which is compatible to the Human Rights Act (1998).

9. Reconciliation of Disagreement

Both organisations will seek to resolve any disagreements amicably at a working level between the relevant officials. If this is not possible, it may be referred upwards through those responsible for operating this information sharing Protocol, up to and including the Chief Executive of the respective organisation who will be responsible for ensuring a mutually satisfactory resolution.

10. Review

This Protocol may be reviewed annually and revised as necessary.

X Olive MacLeod

Olive MacLeod
Chief Executive RQIA

26/11/19

Date of signature

X Noelle Buick

Noelle Buick
Chief Inspector ETI

19 November 2019.

Date of signature

ANNEX A

Responsibilities and Functions

RQIA and ETI acknowledge the responsibilities and functions of the other and will take account of these when working together.

Education and Training Inspectorate

The Education and Training Inspectorate (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*, it is the duty of inspectors to promote the highest standards of education and professional practice among teachers in schools, colleges, institutions and other places set out in that order by:

- Monitoring, inspecting and reporting the standard of education being provided by those bodies and the standards of professional practice among teachers on the staff of such bodies
- Advising the relevant Department 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.

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 Educational Reform Order 1989* as amended, in relation to the curricula and staff of grant aided schools.

Regulation and Quality Improvement Authority

RQIA is an independent body established by the Department of Health and Social Services and Public Safety in April 2005, under the Health and Personal Social Services (Quality, Improvement and Regulation) Order (2003 NI).

- Under the provision of The Order (2003) the RQIA is required to keep the department informed about the provision, availability and quality of services; and also encourage improvement in the delivery of services.
- RQIA has powers to conduct reviews and carry out investigations/inspections into the management, provision, quality of or access to and availability of HSC services; including clinical and social care governance arrangements.

- Any person who carries on or manages an establishment or agency must make an application to RQIA to register. Once granted, RQIA issues a certificate of registration to the applicant. RQIA maintains a register of all approved establishments and Agencies.
- Under the Mental Health Order (1986 NI) and from 1 October 2019, the Mental Capacity Act, 2016, RQIA undertakes a range of responsibilities for people with a mental illness and those with a learning disability.
- RQIA is designated as a National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT); an international human rights treaty designed to strengthen protection for people deprived of their liberty. OPCAT requires NPMs to carry out visits to places of detention to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment. All NPMs report to and work towards guidance and reports issued by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading treatment or Punishment.

ANNEX B

Lead Contacts

Regulation and Quality Improvement Authority 9 th Floor, Riverside Tower 5 Lanyon Place Belfast BT1 3BT Tel: 028 9051 7500	Education and Training Inspectorate Department of Education Rathgael House Balloo Road Bangor, BT19 7PR Tel: 028 9127 9726
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Chief Executives

RQIA Olive MacLeod Email: olive.macleod@rqia.org.uk	ETI Noelle Buick Email: noelle.buick@education-ni.gov.uk
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Operational Contacts

RQIA Theresa Nixon: Director of Assurance Email: theresa.nixon@rqia.org.uk	ETI Wendy Crawford Assistant Chief Inspector Email: wendy.crawford@education-ni.gov.uk
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ANNEX C - Principles Governing Information Sharing¹

Code of Practice 8 Good Practice Principles ²	DPA Principles	Caldicott Principles ³
<ol style="list-style-type: none"> 1. All organisations seeking to use confidential service user information should provide information to service users describing the information they want to use, why they need it and the choices the users may have. 2. Where an organisation has a direct relationship with a service user then it should be aiming to implement procedures for obtaining the express consent of the service user. 3. Where consent is being sought this should be by health and social care staff who have a direct relationship with the individual service user. 4. 'Third Party' organisations seeking information other than for direct care should be seeking anonymised or pseudonymised data. 5. Any proposed use must be of clear general good or of benefit to service users. 6. Organisations should not collect secondary data on service users who opt out by specifically refusing consent. 7. Service users and/or service user organisations should be involved in the development of any project involving the use of confidential information and the associated policies. 8. To assist the process of pseudonymisation, the Health and Care Number should be used wherever possible. 	<ol style="list-style-type: none"> 1. Data should be processed fairly and lawfully. 2. Data should be processed for limited, specified and lawful purposes and not further processed in any manner incompatible with those purposes. 3. Processing should be adequate, relevant and not excessive. 4. Data must be accurate and kept up to date. 5. Data must not be kept longer than necessary. 6. Data must be processed in line with the data subject's rights (including confidentiality rights and rights under article 8 of the Human Rights Act). 7. Data must be kept secure and protected against unauthorised access. 8. Data should not be transferred to other countries without adequate protection. 	<ol style="list-style-type: none"> 1. Justify the purpose(s) for using confidential information. 2. Only use it when absolutely necessary. 3. Use the minimum that is required. 4. Access should be on a strict need-to-know basis. 5. Everyone must understand his or her responsibilities. 6. Understand and comply with the law.

¹ These principles must be followed by health and social care organisations when considering use and disclosure of service user information.

² Code of Practice, paragraph 3.17.

³ PDG Principles are adopted from the Caldicott Principles established in England and Wales.