



Memorandum of Understanding
between the
Regulation and Quality Improvement Authority
and
Northern Ireland Public Services Ombudsman

1 September 2024

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Memorandum of Understanding (MoU) between the Regulation and Quality Improvement Authority and the Northern Ireland Public Services Ombudsman

1.0 Introduction

- 1.1** This Memorandum sets out the framework for the working relationship between the Regulation and Quality Improvement Authority (RQIA) and the Northern Ireland Public Services Ombudsman (NIPSO). It sets out the parties' respective responsibilities and identifies areas of collaboration and mechanisms for sharing information in order to safeguard the wellbeing of the public receiving health and social care in Northern Ireland.
- 1.2** The RQIA and NIPSO are independent bodies that recognise each other's statutory powers and responsibilities. The MoU does not affect existing legislative powers, statutory functions or supersede any policies or agreements relating to the activities of RQIA or NIPSO. It does not imply any transfer of responsibility from one organisation to the other, nor does it imply any sharing of statutory responsibilities. RQIA is listed in the Public Services Ombudsman Act (Northern Ireland) 2016 , under Schedule 3 as a body in jurisdiction and under co-operation and consultation in Section 51 (4) (k) [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(legislation.gov.uk\)](#).
- 1.3** The MoU is not enforceable by law, however, RQIA and NIPSO agree to adhere to its principles and to acknowledge the responsibilities and functions of each other and will take account of these when working together.
- 1.4** Each organisation will ensure its staff are aware of the content of the MoU and the responsibilities it places on individual members of staff.

2.0 LEGISLATIVE FRAMEWORK AND CORE FUNCTIONS

RQIA

- 2.1** The Regulation and Quality Improvement Authority (RQIA) is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and encouraging improvements in the quality of those services.
- 2.2** The RQIA was established under The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003. The Order also place statutory duty of quality upon the health and social care sector (HSC), health and social care organisations, and requires the Department of Health (DoH) (NI) to develop standards against which the quality of services can be measured.

- 2.3 Through RQIA's role as Service Regulator for health and social care services in Northern Ireland and its role under the Mental Health (Northern Ireland) Order 1986, RQIA keep the DoH informed about the provision of services and in particular about their availability and quality. [The Mental Health \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukmi/1986/11/1/1)
- 2.4 RQIA registers and inspects a wide range of health and social care services. For these registered services, inspections are based on regulations and minimum care standards, which seek to ensure that both the public and the service providers know what is expected.
- 2.5 RQIA inspectors visit a wide range of registered services to ensure that all aspects of the care provided is safe and to assure the comfort and dignity of those using the facilities or service. RQIA also Reviews, Investigates and Inspects HSC Trust statutory services under Part IV of the 2003 Order and publishes those report findings.
- 2.6 RQIA also undertakes a range of responsibilities for people with a mental illness and those with a learning disability following the transfer of duties from the Mental Health Commission to RQIA under the Health and Social Care (Reform) Act (NI) 2009. These include: keeping under review the care and treatment of people living with mental disorder and enquiring into potential detriment in care or treatment or ill treatment: terminating improper detention in a hospital or guardianship; and taking steps with service providers to prevent or redress loss or damage to a patient's property.
- 2.7 RQIA is a designated body within the national preventive mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman 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 conditions for detainees and to make recommendations regarding the prevention of ill-treatment.
- 2.8 More information on 'what we do' is available at <https://www.rqia.org.uk/what-we-do>

NIPSO

- 2.9 NIPSO was established in April 2016 in accordance with the Public Services Ombudsman Act (Northern Ireland) 2016 ("the 2016 Act"). The powers of the Northern Ireland Public Services Ombudsman (the Ombudsman) in respect of health and social care (HSC) complaints are set out in the Act.
- 2.10 NIPSO's primary functions are to:

- 2.11** Investigate complaints in respect of public bodies which are listed by virtue of Section 12 and Schedule 3 of the Public Services Ombudsman Act (Northern Ireland) 2016;
- 2.12** Make recommendations to provide individual redress as well as recommendations to bring about systemic improvement;
- 2.13** Improve how public bodies manage complaints by introducing a simple standardised process for handling complaints in the public sector focused on resolution and learning from complaints;
- 2.14** Conduct investigations into wider systemic issues to bring about systemic improvement or address systemic injustice without the need for a complaint;
- 2.15** Publish reports and decisions and prepare and share insights to bring about wider learning and improvement from complaints and investigations; and
- 2.16** 2.16 Use the outcomes from its work to engage effectively and influence positive change in public services and public policy.
- 2.17** 2.17 The Ombudsman has a statutory duty to consult RQIA as set out in section 51(3) and (4)(k) of the 2016 Act. Section 51(3) of the 2016 Act provides that the Ombudsman may also co-operate with RQIA: a. by way of disclosure of information relating to the complaint or investigation, b. in the conduct of the investigation, c. in the form and content and publication of a report.
- 2.18** 2.18 The Ombudsman may publish a report on an investigation as set out in Part 4 of the 2016 Act, where he/she considers it is in the public interest to do so. Investigation of complaints or investigations conducted under NIPSO's own initiative powers are also conducted in private by virtue of section 30(5) of the 2016 Act.
- 2.19** 2.19 Health and Safety Section 49(2)(j) provides for the Ombudsman to disclose information where he/she thinks there is a threat to health and safety. The Ombudsman may therefore also disclose information to RQIA where this information relates to the provision of health and social care.
- 2.20** More information on what NIPSO does can be found here: [Northern Ireland Public Services Ombudsman | NIPSO](#)

3 PRINCIPLES OF CO-OPERATION

- 3.1** RQIA and NIPSO intend that their working relationship will be characterised by the following principles:
- The need to make decisions which promote individuals' safety and uphold high quality health and social care;
 - Respect for each other's independent status;
 - The need to maintain public and professional confidence in the two organisations;

- The need to use resources effectively and efficiently; and
- Openness and transparency between the two organisations, as to when cooperation is and is not considered necessary or appropriate.

4 LIAISON AND INFORMATION SHARING

Relationship Building and Organisational Network

4.1 The working relationship between RQIA and NIPSO will be characterised by regular contact, exchange of information and liaison on issues of mutual interest or concern. Examples of how the two organisations will exchange information and co-ordinate their activities are as follows:

- The Chief Executive (and/or Senior representatives) of each organisation will meet at least bi-annually to share information, expertise and discuss any other relevant issues.
- Each organisation will inform the other of any issues that raise significant concerns that fall into their respective responsibilities.
- Each organisation will involve the other, as appropriate and in a timely manner, in addressing potential areas of mutual concern.

Planned Announcements and Communications

4.2 Each organisation will involve the other as early as possible in the development of any planned announcements, events and publications where these are relevant to the other organisation. These may include the advance sharing of press releases and publications (excluding RQIA Service Inspections and NIPSO Investigation Reports – see section 4.3) which may affect either organisation.

4.3 The RQIA and NIPSO respect confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date. The provisions of section 30(5) and 49, the statutory prohibition on disclosure of information obtained, and confidentiality of an investigation in private will continue beyond the conclusion of an investigation.

Freedom of Information Requests

4.4 Both the RQIA and NIPSO are subject to the Freedom of Information Act 2000 [Freedom of Information Act 2000 \(legislation.gov.uk\)](http://legislation.gov.uk) . If one organisation receives a request for information that originated from the other, the receiving organisation will make the other aware before responding. However, the ultimate decision on the release of information will remain with the information owner (the organisation that has been requested to release it).

RQIA Inspection Reports

- 4.5** RQIA publishes inspection reports on its website. Generally, an inspection report is published 8 to 10 weeks after the completion of the inspection, an accuracy check by the Provider and the submission of the action plan by the Provider.

Children's Services RQIA Inspection Reports

- 4.6** To comply with the relevant legislation and in the interests of protecting young people, the name of the service and its location will not be included in the inspection report. A unique code will be generated for that particular inspection to prevent the identity of the service being revealed by the publishing of the report.

Disclosing of Service-Identifiable information to Third Parties

- 4.7** RQIA may be required to share service-identifiable information with third parties from time to time. This may be due to legislation permitting the disclosure, or the third party may have an obligation to follow up on findings from RQIA inspections. *A 10 step guide to sharing information to safeguard children* issued by the Information Commissioner's Office will be considered through this process.

If an organisation is legally entitled to the information, this will be released following a request in writing to the RQIA.

4.8 RQIA Enforcement Action

Where RQIA has made the decision to take enforcement action relating to a service, the RQIA Nominated Officer will make contact with the <Name of Other Organisation> Nominated Officer, as appropriate, to advise of the nature of the issue and action being taken.

5.0 DATA PROTECTION AND HUMAN RIGHTS

- 5.1** The Legal framework governing information sharing includes obligations under the Data Protection Act 1998 [Data Protection Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/29/contents), the Human Rights Act 1998 [Human Rights Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/42/contents), the Freedom of Information Act 2000 [Freedom of Information Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2000/18/contents), and the common law duty of confidentiality. Where any information about individuals is shared between RQIA and NIPSO, both organisations will act in accordance with their legal obligations.
- 5.2** Cooperation between RQIA and the NIPSO will often require the exchange of information. All arrangements for collaboration and exchange of information set out in this MoU and any supplementary agreements will take account of and comply with the Data Protection Act 1998, the Freedom of Information Act 2000

and any RQIA and NIPSO codes of practice, frameworks or other policies relating to confidential or personal information.

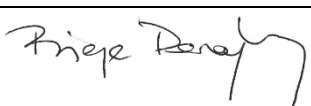

6.0 RESOLUTION OF DISAGREEMENT

- 6.1 Where either party identifies matters of dispute in operating this Memorandum, it will seek to resolve them quickly and amicably. Representatives of the signatories agree to discuss how best to resolve the issues at an appropriate level but if this is not possible then the Ombudsman and the Chief Executive of the RQIA will take responsibility for achieving a mutually acceptable resolution. The parties agree that their decision will be final.

7.0 DURATION AND REVIEW OF THE MOU

- 7.1 This MoU is not time-limited and will continue to have effect unless the principles described need to be altered or cease to be relevant. The MoU will be reviewed every three years although it may be reviewed at any time at the request of either party. Changes to the MoU will require both parties to agree.
- 7.2 Withdrawal from this agreement unilaterally may be affected if the arrangement is breached.
- 7.3 Both organisations have identified a person responsible for the management of the MoU below. They will liaise as required to ensure this MoU is kept up to date and to identify any emerging issues in the working relationship between the two organisations.

8. SIGNATURES

RQIA Chief Executive	Northern Ireland Public Services Ombudsman
NAME: Briege Donaghy	NAME: Margaret Kelly
SIGNATURE: 	 SIGNATURE:
DATE: 13 August 2024	DATE: 18-9-24

8.1 CONTACT DETAILS: NOMINATED OFFICERS

The following nominated individuals will take responsibility for the direct liaison between the two organisations and the implementation of the MoU. They will liaise as required to ensure the building of effective intra organisational relationships and identify any emerging issues that may affect the working relationship between the organisations.

RQIA	OTHER ORGANISATION
Nominated Officer (Name) Jacqui Murphy Head of Corporate Affairs	Nominated Officer (Name) Julie Healy Head of Improvement, Engagement & Impact
Contact details: James House 2-4 Cromac Avenue Gasworks Belfast BT7 2JA Tel: 02895 361878 Email: Jacqui.murphy@rqia.org.uk	Contact details: Northern Ireland Public Services Ombudsman Progressive House 33 Wellington Place Belfast BT1 6HN Tel: 02890 897769 Email: julie.healy@nipso.org.uk
Nominated Officer (Name) Malachy Finnegan Senior Communications Manager	Nominated Officer (Name) Andrew Ruston Head of Communications
Contact details: James House 2-4 Cromac Avenue Gasworks Belfast BT7 2JA Tel: 02895 361921 Email: Malachy.finnegan@rqia.org.uk	Contact details: Northern Ireland Public Services Ombudsman Progressive House 33 Wellington Place Belfast BT1 6HN Tel: 0800 343424 Email: andrew.ruston@nipso.org.uk

