



**General
Dental
Council**

**Memorandum of Understanding between the
Regulation and Quality Improvement Authority
and the
General Dental Council**

May 2022

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Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework to support the working relationship between the Regulation and Quality Improvement Authority (RQIA) and the General Dental Council (GDC).
2. The working relationship between RQIA and the GDC is an important element of an effective regulatory system for health and social care in Northern Ireland.
3. RQIA is the regulator of health and social care in Northern Ireland. The GDC is the regulator for dentists and dental care professionals (which includes dental nurses, dental technicians, dental therapists, dental hygienists, orthodontic therapists and clinical dental technicians) throughout the UK. The responsibilities and functions of RQIA and the GDC are set out at Annex A.
4. This MoU does not override the statutory responsibilities and functions of RQIA or the GDC and is not enforceable in law. However, RQIA and the GDC are committed to working in ways that are consistent with the contents of this MoU.
5. Each organisation will ensure their staff are aware of the content of the MoU and the responsibilities it places on individual members of staff.

Responsibilities and functions

6. The GDC and RQIA acknowledge the responsibilities and functions of each other and will take account of these when working together.

Principles of cooperation

7. RQIA and the GDC intend that their working relationship will be characterised by the following principles:
 - The need to make decisions which promote patient safety and high quality health and social care;
 - The need to build and maintain public and professional trust and confidence in the two organisations;
 - 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;
 - A commitment to address any identified overlaps or gaps in the regulatory framework and responsibilities.
 - Respect for each organisation's independent status;
8. RQIA and the GDC are also committed to a regulatory system for health and social care in Northern Ireland, which is transparent, accountable, proportionate, consistent, and targeted – (the principles of better regulation).

Areas of cooperation

9. The working relationship between RQIA and the GDC involves cooperation in the areas detailed in paragraphs 10 - 23. Named MoU leads for each organisation are identified at Annex B.

Information sharing

10. Where RQIA or the GDC encounters a concern which it believes falls within the remit of the other organisation, they will at the earliest opportunity convey the concern and relevant information to a named individual with relevant responsibility at the other organisation. Named leads are identified in Annex B. The referring organisation will not wait until its own investigation has concluded.
11. In particular, RQIA may refer to the GDC:
 - Any concerns and relevant information about a dentist or dental care professional which may call into question their fitness to practise.
 - Any concerns and relevant information about a healthcare organisation or a part of that organisation which may call into question its suitability as a GDC learning environment for dental students or dental care professional students.
12. In particular, the GDC may refer to RQIA:
 - Any concerns and relevant information which may be useful intelligence about a healthcare organisation which may call into question the robustness of its systems of appraisal and clinical governance.

Where an individual dentist is registered with RQIA for the purposes of carrying out regulated activity, any concerns and relevant information about that individual which may call his or her registration with RQIA into question.

Data Protection and Human Rights

13. Cooperation between RQIA and the GDC will often require the exchange of information. All exchanges of information will be lawful, proportionate and shared in confidence with the named contact in the other organisation at the earliest possible opportunity.
14. 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 2018, UK General Data Protection Regulation, the Human Rights Act, the Freedom of Information Act 2000 and any RQIA and GDC codes of practice, frameworks or other policies relating to confidential personal information.
15. Exchange of information will be expected, but not limited, to cases:
 - Outlined in paragraphs 11 and 12 in this MoU; and/or
 - Where a resolution to a concern would benefit from a coordinated multi-agency response.

16. Both RQIA and the GDC are subject to the Freedom of Information Act 2000. If one organisation receives a request for information that originated from the other, the receiving organisation will make the other aware before responding.
17. For the purposes of this agreement, Article 61(e) of the UK GDPR is relied upon by both parties ('public task'). The statutory roles of both parties are set out within Appendices 1 and 2. The processing of the personal data described within this document is necessary in order for both parties to discharge these duties, and is the least intrusive means of doing so.

Media and publication

18. RQIA and the GDC may work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations where specific concerns are identified.

Joint working

19. The signatories may, by agreement, undertake joint regulatory work, during which they will act in accordance with their own statutory powers and remit. Details of such agreements will be set out in writing.

Other examples of how the signatories will collaborate and share information include:

- Sharing information on strategic and policy developments which may impact each other's work.
- Sharing information about trends, data approaches and initiatives which may be of interest to each other.
- Collaborating on relevant external communication.

Resolution of disagreement

20. Any disagreement between RQIA and the GDC will normally be resolved at working level. If this is not possible, it may be brought to the attention of the MoU leads identified at Annex B who may then refer it upwards through those responsible, up to and including the Chief Executives of the two organisations who will then jointly be responsible for ensuring a mutually satisfactory resolution.

Duration and review of this MoU

21. 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 by the MoU managers every three years but may be reviewed more urgently at any time at the request of either organisation. Changes to the MoU will however require both parties to agree, with the exception of contact details which may be changed unilaterally.
22. Both RQIA and the GDC are committed to exploring ways to develop increasingly more effective and efficient partnership working to promote quality and safety within their respective regulatory remits.

The effectiveness of the working relationship between RQIA and the GDC will be supported by regular contact, either formally or informally. Meetings to discuss intelligence, policy and operational issues of interest to both organisations should take place between relevant colleagues at both organisations when appropriate.

23. Both organisations have identified an MoU manager at Annex B and these 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.

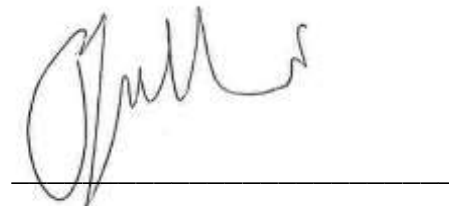
Signed:

Briege Donaghy
Chief Executive
Regulation and Quality
Improvement Authority



Date: 09 May 2022

John Cullinane
Executive Director, Fitness to
Practise
General Dental Council



Date: 27 May 2022

Annex A: Responsibilities and functions

The Role of RQIA

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.

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 health and social care organisations, and requires DHSSPS to develop standards against which the quality of services can be measured.

RQIA ensures that health and social care services in Northern Ireland are accessible well managed and meet the required standards. RQIA works to ensure that there is openness, clarity and accountability in the management and delivery of services.

RQIA registers and inspects and inspects a wide range of health and social care services. Inspections are based on minimum care standards and regulations, which ensure that both the public and the service providers know what is expected.

RQIA inspectors visit a wide range of services to ensure that all aspects of the care provided, is safe and to assure the comfort and dignity of those using the facilities.

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: preventing ill treatment: remedying any deficiency in care or treatment: terminating improper detention in a hospital or guardianship; and preventing or redressing loss or damage to a patient's property.

RQIA is designated as a 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.

More information on 'what we do' is available at <https://www.rqia.org.uk/what-we-do>

Responsibilities and functions of the GDC

1. General Dental Council

The responsibilities and functions of the GDC are set out primarily in the Dentists Act 1956 (since replaced by the Dentists Act 1984 as amended). Its purpose is to protect the public by regulating dentists and dental care professionals in the United Kingdom.

The purpose of the GDC is to:

- Assure the quality of dental education.
- Register qualified professionals (dentists, dental nurses, dental technicians, dental therapists, dental hygienists, orthodontic therapists and clinical dental technicians) and ensure people meet requirements before being put onto the register.
- Set and promote standards of dental practice and conduct.
- Ensures professionals keep up to date with standards set.
- Protect patient safety and maintain public confidence in dental services.
- Take proportionate and appropriate enforcement action if a dentist's fitness to practise is called into question or if there is a risk to patient protection.

The GDC aim to demonstrate the following values in all that they do:

- **Fairness:** we will treat everyone we deal with fairly.
- **Transparency:** we are open about how we work and how we reach decisions.
- **Responsiveness:** we can adapt to changing circumstances.
- **Respect:** we treat dental professionals. Our partners, and our employees with respect.

Annex B: Contact details

<p>The Regulation and Quality Improvement Authority 7th Floor, Victoria House 15-24 Gloucester Street Belfast BT1 4LS</p>	<p>General Dental Council 37 Wimpole Street London W1G 8DQ</p>
<p>Chief Executives <i>Internal escalating policies should be followed before referral to Chief Executives</i></p>	
<p>Chief Executive RQIA Briege.Donaghy@rqia.org.uk</p>	<p>Chief Executive GDC IBrack@gdc-uk.org Executive Director, Fitness to Practise jcullinane@gdc-uk.org</p>
<p>MOU management</p>	
<p>Jacqui Murphy Head of Business Services Unit Jacqui.murphy@rqia.org.uk</p>	<p>Lisa Kavanagh Business Support Manager lkavanagh@gdc-uk.org</p>
<p>Operational</p>	
<p>David McCann Assistant Director of Improvement David.McCann@rqia.org.uk</p>	<p>Clare Callan Head of FtP Case Progression ccallan@gdc-uk.org</p>
<p>Communications</p>	
<p>Malachy Finnegan Communications Manager Malachy.Finnegan@rqia.org.uk</p>	<p>Colin Mackenzie Head of Nations and Engagement cmackenzie@gdc-uk.org</p>
<p>DPA and Fol requests</p>	
<p>Hayley Barrett Business Manager Hayley.barrett@rqia.org.uk</p>	<p>Jake Smith Data Protection Officer jsmith@gdc-uk.org</p>