Memorandum of Understanding

between

Healthcare Improvement Scotland (HIS)

and the

Nursing and Midwifery Council (NMC)

May 2016
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Memorandum of Understanding between Healthcare Improvement Scotland and the Nursing and Midwifery Council

Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out the framework for working relationships between Healthcare Improvement Scotland (HIS) and the Nursing and Midwifery Council (NMC).

2. The working relationship between HIS and the NMC is part of the maintenance of an assurance system for healthcare in Scotland which promotes patient safety and high quality care.

3. HIS is the national healthcare improvement organisation for Scotland. The NMC is the independent regulator of nurses and midwives in the UK. The responsibilities and functions of HIS and the NMC are set out at Annex A.

4. This MoU does not override the statutory responsibilities and functions of HIS and the NMC and is not enforceable in law. However, HIS and the NMC agree to adhere to the contents of this MoU.

Principles of cooperation

5. HIS and the NMC are committed to an inspection and regulation system for healthcare in Scotland which is transparent, accountable, proportionate, consistent, and targeted (the Better Regulation Task Force principles of good regulations for non-economic regulators).

6. HIS and the NMC intend that their working relationship will be characterised by the following principles:

   a. The need to make decisions which promote patient safety and high quality healthcare.

   b. Respect for each organisation’s independent status.

   c. The need to maintain public confidence in the two organisations and the regulatory process.

   d. Openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate.

   e. The need to use resources effectively and efficiently.

Areas of cooperation

7. The working relationship between HIS and the NMC involves cooperation in the following areas:

   • Routine information sharing
• Cross referral of concerns
• Strategic collaboration

8. A named contact with responsibility for each area is identified at Annex B.

**Routine information sharing**

9. The NMC and HIS will each make available routine information arising from their regulatory activity that may assist the other in its remit.

**Cross-referral of concerns**

10. Where HIS and the NMC encounter concerns which either believe may fall within the remit of the other, they will at the earliest opportunity convey the concerns and supporting information to a named individual with relevant responsibility at the other organisation. In the interests of patient safety, the referring organisation will not wait until its own review or investigation has concluded.

11. In particular, HIS will refer to the NMC:

   a. Any concerns and relevant information about a registered nurse or midwife which may call into question his or her fitness to practice.

   b. Any concerns and relevant information about a health care organisation which may call into question its suitability as a learning environment for nursing and midwifery students.

   c. Any concerns and relevant information relating to the general delivery of nursing and midwifery care at a health care organisation which may call into question issues of nursing or midwifery leadership.

   d. Any investigations into or follow ups of identified risks in which concerns about individual nurses’ or midwives’ practice have been identified.

   e. Any thematic issues about nurses and midwives that could be addressed through setting professional standards.

12. In particular, NMC will refer to HIS:

   • Any concerns and relevant information about a health care organisation in which nurses or midwives practice, which may call into question the quality and safety of the services it provides.

   • Any concerns and relevant information about a health care organisation which may call into question its suitability as a learning environment for pre registration nursing or midwifery students or its capacity to support registrants to meet the requirements of registration and revalidation.
- Any issues arising from its regulatory work which may be useful intelligence to HIS in reviewing and developing its approach to regulation.

- Information about any investigations it conducts that may be relevant to HIS's remit.

**Strategic Collaboration**

13. HIS and the NMC will have regard to circumstances in which their objectives may be best served by collaboration. Each organisation will seek to give consideration to the other when planning their work programmes and identify any possibilities for joint working.

14. They may, by agreement, undertake joint inspection, investigation or other regulatory work. Throughout such work HIS and the NMC will retain and act in accordance with their own statutory powers. This work could include:

   a. Joint reviews of information about a health care organisation

   b. Site visits to a health care organisation

   c. The co-production of documents and reports

   d. Coordination of any follow up action planning to address any recommendations.

**Media/publications related to Scottish nursing and midwifery education or healthcare providers and evidence to committees and interactions with the Scottish government or Parliament**

15. HIS and the NMC will seek to give each other adequate warning (at least 48 hours) and sufficient information about any planned press releases and announcements to the public that the other may need to know of.

16. HIS and the NMC will, when appropriate, share with each other awareness of relevant evidence to committees or interactions with the Scottish government or Parliament.

17. HIS and the NMC will respect the 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.

18. HIS and the NMC will work to ensure that the recommendations arising from investigations and reviews are communicated widely and are understood.
Information sharing

19. Implementing this MoU will require HIS and the NMC to exchange 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 all relevant legislation and any HIS and NMC codes of practice, frameworks or other policies relating to confidential personal information.

20. Both HIS and the NMC are subject to the Freedom of Information Act 2000/Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding.

Resolution of disagreement

21. Any disagreement between HIS and the NMC will normally be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the Chief Executive of HIS and the Chief Executive and Registrar of the NMC who will then jointly be responsible for ensuring a mutually satisfactory resolution.

Duration and review of this MoU

22. This MoU will be reviewed periodically but at a minimum every two years.

23. Both organisations have identified a person responsible for the management of this MoU, contact details are provided at Annex B. They will liaise as required to ensure this MoU is kept up to date, identify any emerging issues and resolve any questions that arise as to the interpretation of this MoU.

24. The named contacts with responsibility for each area of cooperation identified at Annex B will liaise as required to carry out day-to-day business.

25. In order to ensure that this MoU is effective the Chief Executive of HIS and the Chief Executive and Registrar of the NMC will meet on a regular basis.
Signatures

Robbie Pearson
Acting Chief Executive
Healthcare Improvement
Scotland

Jackie Smith
Chief Executive and Registrar
Nursing and Midwifery Council

3 May 2016
Date:

12 May 2016
Date:
Annex A

Responsibilities and functions

1. Healthcare Improvement Scotland (HIS) and the Nursing and Midwifery Council (NMC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

Healthcare Improvement Scotland

Responsibilities and functions of HIS

The responsibilities and functions of HIS are set out primarily in the National Health Service (Scotland) Act 1978(a), thereafter referred to as the Act.

The purpose of HIS under the Act is to work with healthcare providers to drive and support improvements in the quality of healthcare, and empower patients and the public.

The PSR Act makes HIS a Public Body with four principal functions:

- supporting the delivery of safer healthcare services and the reliable spread of best practice in quality improvement
- providing sound evidence for improved healthcare, through the Scottish Medicines Consortium (SMC), the Scottish Health Technologies Group (SHTG), and the Scottish Intercollegiate Guidelines Network (SIGN)
- ensuring the effective participation of the public in the design and delivery of healthcare, principally through the Scottish Health Council, and
- scrutinising and quality assuring

The HIS Driving Improvement in Healthcare Strategy 2014-2020 sets out the key organisational priorities for HIS to work together with healthcare providers and the people of Scotland to:

- empower people to have an informed voice that maximises their impact in managing their own care and shaping how services are designed and delivered
- reliably spread and support implementation of best practice to improve healthcare, and
- comprehensively assess the quality and safety of healthcare.
The Nursing and Midwifery Council

2. The Nursing and Midwifery Council (NMC)’s purpose is to protect the public and promote public confidence in the professions. The responsibilities and functions of the NMC are set out primarily in the Nursing and Midwifery Order 2001.

3. The NMC:

- Registers all nurses and midwives and ensures that they are qualified and capable of safe and effective practice in the UK
- Sets the standards of education and practice that nurses and midwives must uphold in order to join the register and to maintain their registration
- Ensures that nurses and midwives keep their skills and knowledge up to date and uphold the standards of their professional code
- Takes action in response to complaints and concerns about nurses and midwives that call in to question their fitness to practise
Annex B

Lead contacts

There will be specific points of contact between HIS and the NMC as follows:

Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH2 9EB
Tel: 0131 623 4594

Nursing and Midwifery Council
23 Portland Place
London
W1B 1PZ
Tel: 020 7637 7181

Chief Executives (internal escalating policies should be followed before referral to Chief Executives)

HIS
Robbie Pearson
Acting Chief Executive
Email: robbie.pearson@nhs.net

NMC
Jackie Smith
Chief Executive and Registrar
Email: Jackie.smith@nmc-uk.org

Lead officers – strategic contact and those responsible for MoU management.

HIS
Jacqui Macrae
Head of Quality of Care
Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH2 9EB
Tel: 0131 623 4594

NMC
Chris Jenkinson
Strategic relations manager
chris.jenkinson@nmc-uk.org
Tel. 020 7681 5530
HIS Operations contacts – will make referrals to the NMC in relation to all cross-referral of concern issues identified below as they are picked up by HIS staff

Kevin Freeman-Ferguson
Senior Inspector
Tel: 0752 733 5371

Karen Malloch
Senior Inspector
Tel: 07891 423549

Fitness to practise
Jaina Patel-Nathwani
Employer Link Service manager
Tel: 020 7681 5906
Email: Jaina.patel-nathwani@nmc-uk.org
Or intelligence@nmc-uk.org

Education
Laura O’Sullivan
Standards compliance manager
Laura.o’sullivan@nmc-uk.org

Tel: 020 7681 5626

Data Protection and Confidentiality
Alison Winning
Information Manager
alison.winning@nhs.net
Tel: 0141 2273281

Clementine Adewunmi
Records and archives manager
Clementine.adewunmi@nmc-uk.org
Tel: 020 7681 5309

Media
Ken Miller
Head of Communications
kenmiller@nhs.net

Hetty Crist
Head of Media
Email: hetty.crist@nmc-uk.org
Tel: 020 7681 5812