

**Memorandum of Understanding between the
Regulation and Quality Improvement Authority
and the
Nursing and Midwifery Council**

May 2021

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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 **Nursing and Midwifery Council (NMC)**.
2. The working relationship between the RQIA and NMC 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 NMC is the independent regulator for nurses and midwives in the UK and nursing associates in England. The responsibilities and functions of the RQIA and NMC are set out at Annexe A.
4. This MoU does not override the statutory responsibilities and functions of the RQIA or NMC and is not enforceable in law. However, the RQIA and NMC are committed to working in ways that are consistent with the contents of this MoU.

Principles of cooperation

5. The RQIA and NMC intend that their working relationship will be characterised by the following principles:
 - The need to make decisions which promote people's 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;
6. The RQIA and NMC 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

7. The working relationship between the RQIA and NMC involves cooperation in the areas detailed in paragraphs 7-21. Named MoU leads for each organisation are identified at Annexe B.

Cross-referral of concerns

8. Where the RQIA or NMC 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 Annexe B. The referring organisation will not wait until its own investigation has concluded.
9. In particular, RQIA may refer to the NMC:
 - Any concerns and relevant information about a nurse or midwife 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 learning environment for nursing and midwifery students.
 - Any concerns and relevant information relating to the general delivery of nursing and midwifery care at a health or social care organisation which may call into question issues of nursing or midwifery leadership.
 - Any information about an individual purporting to be a nurse or a midwife where RQIA has reason to believe that the person is not on the NMC register.
 - Any thematic issues about nurses and midwives that could be addressed through setting professional standards.
10. In particular, the NMC may refer to RQIA:
 - Any concerns and relevant information which may be useful intelligence about a healthcare or social care organisation or regulated service, in which nurses or midwives practise.
 - Any concerns and relevant information which may be useful intelligence about a healthcare or social care organisation where student nurses or midwives are trained which may call into question the quality and services it provides or its registration with the RQIA.

Exchange of information

11. Cooperation between the RQIA and NMC 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.
12. 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 Freedom of Information Act 2000 and any RQIA and NMC codes of practice, frameworks or other policies relating to confidential personal information.
13. Exchange of information will be expected, but not limited, to cases:
 - outlined in paragraphs 9 and 10 in this MoU
 - a resolution to a concern would benefit from a coordinated multi-agency response.
14. Both the RQIA and NMC 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.

Media and publication

15. RQIA and the NMC will endeavour to give each other at least 24 hours warning of, and sufficient information about, any planned public announcements on issues relevant to the other organisation, including the sharing of draft proposals and publications where specific concerns are identified. It is acknowledged that this may be challenging in some circumstances, such as where urgent enforcement is action required.
16. RQIA and the NMC 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.
17. RQIA and the NMC may work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations where specific concerns are identified.

Resolution of disagreement

18. Any disagreement between RQIA and NMC 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 Annexe 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

19. 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 annually 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.

20. Both RQIA and the NMC 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 NMC 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.

21. Both organisations have identified a MoU manager at Annexe 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:

Tony Stevens
**Interim Chief Executive
Regulation and Quality
Improvement Authority**



Date: 17 May 2021

Andrea Sutcliffe CBE
**Chief Executive and Registrar
Nursing and Midwifery Council**



Date: 25 June 2021

Annex A: Responsibilities and functions

1. The Regulation and Quality Improvement Authority (RQIA) and the Nursing and Midwifery Council (NMC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

Responsibilities and functions of RQIA

2. 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.
- The RQIA has four core values that underpin their work. In all that they do they will be FAIR – fair and accountable, and act with integrity and respect. RQIA has adopted the regional health and social care values. They are:
 - Working together
 - Excellence

- Compassion
- Openness and honesty

Responsibilities and functions of the NMC

4. The NMC's overarching objective is to protect the public. The responsibilities and functions of the NMC are set out primarily in the Nursing and Midwifery Order 2001.
5. The NMC's purpose is as follows:
 - Our vision is safe, effective and kind nursing and midwifery that improves everyone's health and wellbeing. As the professional regulator of almost 725,000 nursing and midwifery professionals, we have an important role to play in making this a reality.
 - Our core role is to **regulate**. First, we promote high professional standards for nurses and midwives across the UK, and nursing associates in England. Second, we maintain the register of professionals eligible to practise. Third, we investigate concerns about nurses, midwives and nursing associates – something that affects less than one percent of professionals each year. We believe in giving professionals the chance to address concerns, but we'll always take action when needed.
 - To regulate well, we **support** our professions and the public. We create resources and guidance that are useful throughout people's careers, helping them to deliver our standards in practice and address new challenges. We also support people involved in our investigations, and we're increasing our visibility so people feel engaged and empowered to shape our work.
 - Regulating and supporting our professions allows us to **influence** health and social care. We share intelligence from our regulatory activities and work with our partners to support workforce planning and sector-wide decision making. We use our voice to speak up for a healthy and inclusive working environment for our professions.
6. The NMC's values and behaviours:
 - Our values and behaviours will shape our culture, influencing the work we do and how we do it. Our values are important to us. They guide the way we behave, individually and together, and give us a firm foundation to promote excellence in nursing and midwifery for the benefit of the public.

- Each value is crucial, but their real strength comes from how they work together.

We're fair

We treat everyone fairly. Fairness is at the heart of our role as a trusted, transparent regulator and employer.

We're kind

We act with kindness and in a way that values people, their insights, situations and experiences.

We're ambitious

We take pride in our work. We're open to new ways of working and always aim to do our best for the professionals on our register, the public we serve and each other.

We're collaborative

We value our relationships (both within and outside of the NMC) and recognise that we're at our best when we work well with others.

Annex B: Contact details (redacted)