



Memorandum of Understanding (MoU) between Healthcare Inspectorate Wales (HIW) and Health Education and Improvement Wales (HEIW)

Contents

Contents	2
Revision history and approval.....	3
Introduction.....	4
Roles and responsibilities	4
Principles of co-operation	6
Joint Priorities and Areas of Work	7
Governance	8
Duration and review of this MoU.....	8
Annex A – Partnership Working.....	9
Annex B – Contact Details.....	10

Revision history and approval

Version	1.0
Date created	10/10/2019
Authors	HIW: Joseph Wilton HEIW: Stephen Griffiths
Date agreed	11/08/2020
Formally agreed by	HIW: Alun Jones HEIW: Alex Howells
Review date	August 2022

Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework to support the working relationship between Healthcare Inspectorate Wales (HIW) and Health Education and Improvement Wales (HEIW).
2. This working relationship is part of the maintenance of an effective regulatory system for health and social care in Wales which promotes patient safety and high quality care.
3. This MoU does not override the statutory responsibilities and functions of HIW and HEIW and does not create legally binding rights or obligations; its purpose is to define the joint agreement between the two organisations and to indicate a common line of action.
4. As part of the activities undertaken as part of this MoU, other agreements (for example, information sharing agreements, or joint working protocols) may be established. Such agreements will exist separately to this MoU.

Roles and responsibilities

Healthcare Inspectorate Wales

5. HIW is the independent inspectorate and regulator of healthcare in Wales. HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy. HIW's main functions and responsibilities are drawn from the following legislation:
 - Health and Social Care (Community Health and Standards) Act 2003.
 - Care Standards Act 2000 (and associated regulations).
 - Mental Health Act 1983 and 2007, Mental Health (Wales) Measure 2010.
 - Independent Health Care (Wales) Regulations 2011.
 - Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008.
 - Ionising Radiation (Medical Exposure) Regulations 2017 and Amendment Regulations 2018.
6. HIW's priorities are to:
 - provide assurance: provide an independent view on the quality of care.
 - promote improvement: encourage improvement through reporting and sharing of good practice.

- influence policy and standards: use what we find to influence policy, standards and practice.
7. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to provide independent assurance for patients, the public, and others that services are safe and of good quality. Health services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services to ensure that rapid improvement and learning takes place
 8. HIW is also responsible for the registration and regulation of independent healthcare providers under the Care Standards Act 2000. The regulation of such establishments is governed by the Independent Health Care (Wales) Regulations 2011

Health Education and Improvement Wales

9. HEIW has been established as a Special Health Authority with the responsibility to integrate and grow expertise and capability in planning, developing, shaping, and supporting the health workforce - ensuring we have the right staff, with the right skills, to deliver world-class health and care to the people of Wales.
10. As a new organisation established within the NHS, HEIW is required to deliver improvements in the safety and quality of care for patients, to staff experience and to the system as a whole.
11. The organisation undertakes a wide range of functions as outlined below

Workforce intelligence: HEIW is recognised as a primary source for information and intelligence about the Welsh health workforce. It provides analytical insight and intelligence to support the development of the current and future shape of the workforce. It acts as a central body to identify and analyse sources of intelligence from Wales, UK and abroad.

- **Workforce strategy and planning:** HEIW provides strategic leadership for workforce planning, working with Health Boards/Trusts and the Welsh Government to produce a forward strategy to transform the workforce to deliver new health and social care models of service delivery. In addition, through this process, HEIW identifies and develops new workforce models required within the NHS.
- **Education, Commissioning and Delivery:** HEIW, plans, commissions and delivers education and training for a wide range of health professional groups, and incorporates the Deaneries for Medicine, Dentistry and Pharmacy. This is what the majority of the HEIW budget is spent on.

Quality Management: HEIW quality manages education and training provision ensuring it meets required standards, and improvements are made where required. This includes supporting teachers, trainers, trainees, students and working closely with education providers, NHS organisations and regulators.

- **Supporting Regulation:** HEIW plays a key role representing Wales in liaison with regulators, working within the policy framework established by the Welsh Government. HEIW also undertakes, independently of the Welsh Government, specific regulatory support roles. For the avoidance of doubt, HEIW does not have a direct regulatory function
- **Leadership Development and Succession Planning:** HEIW is leading and developing the strategic direction for the development and delivery of leadership development for and succession planning for NHS Wales.
- **Careers and Widening Access:** HEIW provides the strategic direction for health careers and the widening access agenda, delivering an ongoing agenda to promote health careers.
- **Workforce Improvement:** HEIW provides strategic and practical support for workforce transformation and improvement, including skills development, role design, CPD and career pathway development.
- **Professional Support for Workforce & OD:** HEIW has an express function to support the development of the workforce and OD profession within Wales.

Principles of co-operation

12. HIW and HEIW acknowledge their respective statutory and non-statutory responsibilities and functions and will take account of these when working together.
13. In implementing this agreement, HIW and HEIW intend that their working relationship will be characterised by the following principles:
 - The need to make decisions that promote high quality healthcare and which protect and promote patient health, safety/safeguarding and welfare.
 - Full openness and transparency between the two organisations as to when cooperation is, and is not, considered necessary or appropriate;
 - Respect of each other's independent status.
 - The need to use resources and intelligence effectively and efficiently through appropriate coordination and information sharing.
 - The need to maintain public confidence in the two organisations.
 - A commitment to address any identified overlaps or gaps in the regulatory framework and responsibilities.

14. HIW and HEIW are also committed to transparent, accountable, proportionate, consistent, and targeted regulation (the principles of better regulation).

Joint Priorities and Areas of Work

Exchange of Information

15. Co-operation between HIW and HEIW will often require the exchange of information. Exchange of information will be expected, (but not limited) to cases where:
 - Either HIW or HEIW identifies concerns about the health and wellbeing of the public, patient safety, or safeguarding issues and where either body holds information which would be of benefit to the other in these respects. This is likely (but not exclusively) to be related to either the training of the healthcare staff/students/trainees or the wider workforce and a resolution to a concern which would benefit from a coordinated multi-agency response.
16. In such cases, all exchanges of information will be lawful and proportionate and shared in confidence with the named contact in the other organisation at the earliest possible opportunity. Annex B provides details of the contact details to be used for the sharing of concerns.
17. All arrangements for co-operation and exchange of information set out in this MoU and any joint working protocol that may be developed, will take account of and comply with the:
 - General Data Protection Regulation (GDPR)
 - Data Protection Act 2018
 - Freedom of Information Act 2000
 - Health and Social Care (Community Health and Standards) Act 2003
 - Section 76 of the Health and Social Care Act 2008
 - Care Standards Act 2000
 - All relevant HIW and HEIW legislation relating to these matters, and respective Codes of Practice, frameworks or other policies relating to confidential personal information and information issues.
18. Both HIW and HEIW 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 discuss the request with the other before responding.

Media and Publications

19. HIW and HEIW will seek to give each other adequate warning of, and sufficient information about, any planned announcements to the public on issues relevant to both organisations, including the sharing of draft proposals and publications.

20. HIW and HEIW commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations.
21. HIW and HEIW 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.

Governance

22. The effectiveness of the working relationship between HIW and HEIW will be supported by regular contact, either formally or informally. This contact is described in Annex A.
23. Meetings to discuss intelligence, policy and operational issues of interest to both organisations should take place between relevant colleagues at both organisations when appropriate; at least twice a year. Contact details of relevant operational level contacts in each organisation are shown at Annex B.
24. Any disagreement between HIW and HEIW will normally be resolved at working level. If this is not possible, it must be brought to the attention of the MoU managers identified at Annex B, who may then escalate it as appropriate within the two organisations to reach a mutually satisfactory resolution. Both organisations should aim to resolve disagreements in a reasonable time.

Duration and review of this MoU

25. Both organisations have identified a person responsible for the management of this MoU in 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 in the working relationship between the two organisations.
26. 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. This MoU will be reviewed annually by the MoU managers identified at Annex B but may also be reviewed more urgently at any time at the request of either organisation.

Signed



Alun Jones

Interim Chief Executive
Healthcare Inspectorate Wales

Date: 27/07/2020

Julie Rogers

Deputy Chief Executive
Health Education and Improvement
Wales

Date: 10/08/2020

Annex A – Partnership Working

While this MoU sets out the guiding principle of information and incident sharing, there are also some specific activities which will facilitate the partnership between HIW and HEIW:

Healthcare Summits:

HIW host a Healthcare Summit every 6 months, which focuses on the sharing of intelligence about each Health Board. Attendees include Professional Regulators, Performance Bodies and the Community Health Councils. HEIW are invited to this Summit and can present their findings to HIW and the other attendees.

Regular engagement activities

In between each Healthcare Summit, representatives from HIW and HEIW will meet, as appropriate, to discuss any specific issues or concerns they may have about specific settings or incidences. The focus of this engagement will be to:

- Share information about specific concerns or incidences that are relevant to the other organisation
- Facilitate joint planning of inspection, investigation and review activity
- Discuss any incidents that have been raised by either organisation

Workforce Information Sharing

Both HEIW and HIW are members of a workforce roundtable group, which focuses on the sharing of information and concerns about NHS workforce and staffing in Wales. HIW will share with HEIW any anonymised results of any staff surveys that it undertakes as part of its inspection and reviews programme to support the anticipated Workforce Strategy for Health and Social Care. HEIW have agreed to support HIW's work by providing access to relevant information and analysis about workforce and how it may have an impact on patient safety.

Annex B – Contact Details

Healthcare Inspectorate Wales

Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ
Tel: 0300 062 8163

Health Education and Improvement Wales

Ty Dysgu
Cefn Coed,
Cardiff
CF15 7QQ
Tel: 0330 058 5005

There will be named contacts between HIW and HEIW as follows:

Chief Executives

Alun Jones

Interim Chief Executive
alun.jones39@gov.wales

Alex Howells

Chief Executive
Alex.Howells@wales.nhs.uk

MoU managers

Joseph Wilton

*Head of Partnerships,
Intelligence and Methodology*
joseph.wilton@gov.wales
Tel: 0300 025 2663

Angela Parry

Interim Nursing Director
angela.parry2@wales.nhs.uk
Tel: 01443 846378

Concerns referrals

Hiw.concerns@gov.wales

Tel: 0300 062 8163

angela.parry2@wales.nhs.uk

Tel: 01443 846378
