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**Memorandum of Understanding
(MoU) between
Healthcare Inspectorate Wales (HIW)
and Public Services Ombudsman
Wales (PSOW)**

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Memorandum of understanding: HIW and PSOW

Approval:

Date created	Draft/ July 2024
Authors	HIW: Carole Smith PSOW: Katrin Shaw
Date agreed	30 October 2024
Formally agreed by	HIW: Alun Jones PSOW: Michelle Morris
Date for review	30 October 2027

1. Introduction

- 1.1 This is a memorandum of understanding (MoU) between Healthcare Inspectorate Wales (HIW) and the Public Services Ombudsman Wales (PSOW).
- 1.2 The aim of the MoU is to support the working relationship between HIW and the PSOW and to facilitate the efficient, appropriate, and secure sharing of information and intelligence about the safety and quality of healthcare services in Wales.
- 1.3 The working relationship between HIW and the PSOW is an arrangement whereby partners provide oversight and assurance for healthcare services.
- 1.4 The agreement is based on a mutual understanding that communicating effectively, in a timely manner, and the sharing of information can benefit people who are in receipt of health care services.
- 1.5 This MoU does not affect the existing statutory functions of the respective organisations or the exercise of those functions; neither does it amend any other policies or agreements relating to their activities. It does not imply any transfer of responsibility from one to the other, nor does it imply any sharing of statutory responsibilities except where this is permitted by statute.
- 1.6 Part of the PSOW's statutory role under the Public Services Ombudsman (Wales) Act 2019 is to consider complaints about HIW (given that the Welsh Government is a body which falls within the Ombudsman's remit). The PSOW must consider any complaint about HIW in accordance with this legislation and will follow its usual processes and procedures when doing so.
- 1.7 This MoU is not legally binding. However, HIW and the PSOW agree to adhere to its principles, have proper regard for each other's activities and work together to support and promote improvement in healthcare services.
- 1.8 This agreement begins on 30 October and will be subject to review every three years or sooner if partners require.

2. Roles and responsibilities

- 2.1 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 inspects NHS services, and regulates independent healthcare providers against a range of standards, policies, guidance and regulations to highlight areas requiring improvement.

Further details of what we do can be accessed on our website www.hiw.org.uk or [here](#).

The current HIW strategy can be accessed www.hiw.org.uk or [here](#), which outlines the current aims and objectives.

HIW's main functions and responsibilities are drawn from the following legislation:

- [Health and Social Care \(Community Health and Standards\) Act 2003 \(legislation.gov.uk\)](#)
- [Care Standards Act 2000 \(legislation.gov.uk\)](#)
- [Mental Health Act 1983 \(legislation.gov.uk\)](#)
- [Mental Health \(Wales\) Measure 2010 \(legislation.gov.uk\)](#)
- [The Controlled Drugs \(Supervision of Management and Use\) \(Wales\) Regulations 2008 \(legislation.gov.uk\)](#)

For NHS healthcare services the following must be considered:

- [The Health and Care Quality Standards \(2023\)](#).
- [The NHS Duty of Candour \(2023\)](#)¹.
- [Quality Statements \(where available\)](#).
- Where ionising radiation is used, the [Ionising Radiation \(Medical Exposure\) Regulations 2017 \(Legislation.gov.uk\)](#).

For independent healthcare services the following must be considered:

- [The National Minimum Standards for Independent Health Care Services in Wales \(2011\)](#)².
- Applicable regulations such as the [Independent Health Care \(Wales\) Regulations 2011 \(Legislation.gov.uk\)](#) and the [Private Dentistry \(Wales\) Regulations 2017 \(Legislation.gov.uk\)](#).

¹ The Health and Care Quality Standards and the NHS Duty of Candour were introduced under the Health and Social Care (Quality and Engagement) (Wales) Act 2020 ([Legislation.gov.uk](#)).

² [the-national-minimum-standards-for-independent-health-care-services-in-wales-2011-no-16.pdf \(gov.wales\)](#).

- Where ionising radiation is used, [the Ionising Radiation \(Medical Exposure\) Regulations 2017 \(Legislation.gov.uk\)](#).

For relevant services where applicable the following should be considered:

- Relevant guidance and standards produced by regulators of healthcare professionals, such as, the General Medical Council (GMC), General Dental Council (GDC), the Nursing and Midwifery Council (NMC) and other recognised organisations.

2.2 The role of the PSOW is to:

- To consider complaints about public bodies, including Family Health Service Providers and privately arranged or funded social or palliative care services. Privately funded health care may sometimes be considered as part of a wider complaint about NHS care
- To consider complaints that members of local authorities have broken the code of conduct.
- To put things right and put people back in the position they would have been in if they had not suffered an injustice and to work to secure the most appropriate outcome where injustice has occurred.
- To work with listed authorities so that lessons from investigations are learnt.
- To promote continued improvement in the standards of public services in Wales by helping bodies to get it right first time - to work to reduce complaints by helping service providers to improve their decision making.
- To undertake investigations on his own initiative when serious concerns are identified, irrespective of whether a complaint has been received.
- To operate a Complaints Standards Authority that promotes high quality complaint handling by public bodies in Wales.

The legislation governing the PSOW's work is the Public Services Ombudsman (Wales) Act 2019 and the Local Government Act 2000. The PSOW is bound to act within the terms of this legislation and may only disclose information in accordance with the provisions set out in this legislation.

3. Joint priorities and areas of work

- 3.1 Where there is scope for joint and collaborative work, a lead organisation will be identified. Joint and collaborative working may include taking assurance from each other's actions.

4. Sharing of information

- 4.1 As stated in the introduction, this agreement covers the sharing of information and intelligence. Please refer to Annex B that provides guidance on the sharing of personal information. The purpose of this is to promote the sharing of knowledge on the risks, concerns and good practice that exist within healthcare services.
- 4.2 The working relationship between HIW and the PSOW will be characterised by regular contact, and appropriate open sharing of information within the parameters of their respective legal frameworks.
- 4.3 Key contacts will be available to facilitate the sharing of intelligence and information when required.
- 4.4 All arrangements for collaboration and sharing of information set out in this MoU and any supplementary agreements will comply with the relevant legislation and codes of practice. This includes frameworks or other policies relating to confidential information. Please refer to Annex B.

HIW and the PSOW 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.

- 4.5 The arrangements for exchange of information set out in this MoU will take account of and comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Please refer to Annex B.

5. Media and Publications

- 5.1 With the exception of any report which the PSOW issues under the Public Services Ombudsman (Wales) Act 2019 on the HIW's handling of a complaint, HIW and the PSOW will seek to give each other adequate notification 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.
- 5.2 HIW and the PSOW commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations and will take account of and

comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

- 5.3 HIW and the PSOW 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.

6. Governance

- 6.1 The effectiveness of the working relationship between HIW and the PSOW will be supported by regular contact, either formally or informally.
- 6.2 With the exception of matters relating to the PSOW's determination on a complaint about HIW, any disagreement between HIW and the PSOW 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 A, who may then escalate it as appropriate within the two organisations to reach a mutually satisfactory resolution. Matters relating to the PSOW's consideration of a complaint about HIW will be handled in accordance with the terms set out in the Public Services Ombudsman (Wales) Act 2019.

7. Duration and review of this MoU

- 7.1 Both organisations have identified a person responsible for the management of this MoU in Annex A. 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.
- 7.2 This MoU will be reviewed every three years by the MoU managers identified in Annex A. It may also be reviewed more frequently at any time should it need to be altered or cease to be relevant at the request of either organisation.

8. Annex A - Contact Details and Approval

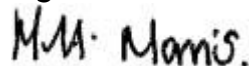
Signed



Chief Executive
Healthcare Inspectorate Wales

Date: 15 October 2024

Signed



Public Services Ombudsman for
Wales

Date: 30 August 2024

Healthcare Inspectorate Wales

Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Tel: 0300 062 8163

Email:

www.hiw.org.uk

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae,
Pencoed
CF35 5LJ

Telephone: 0300 790 0203

Email: policycontrol@ombudsman.wales

Named contacts between HIW and the PSO as follows:

Chief Executives

Mr Alun Jones

Chief Executive

Healthcare Inspectorate Wales

HIW.PIM@gov.wales

Michelle Morris

Public Services Ombudsman for Wales

PSOW

MoU Managers

Richard Hayward

*Head of Partnerships, Intelligence and
Methodology*

Healthcare Inspectorate Wales

HIW.PIM@gov.wales

Ania Rolewska

**Head of Policy, Communications and
Equality Diversity & Inclusions**

9. Annex B - General Data Protection Regulations and Information Sharing

All information shared between partners must be in accordance with the MoU and General Data Protection Regulations (GDPR) and Data Protection Act (2018).

If partners intend to share any personal information it must comply with GDPR.

The Welsh Government Information Rights Department require HIW to complete a Data Protection Impact Screening Tool, prior to the sharing of any personal information.

The Welsh Government Information Rights Department will then advise HIW if an information sharing agreement is required. This will require HIW to complete and submit a Data Privacy Impact Assessment and draft an information sharing agreement to support the sharing of any personal information.