



Memorandum of Understanding (MoU) between Healthcare Inspectorate Wales (HIW) and NHS Wales National Collaborative Commissioning Unit (NCCU)

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Revision history and approval

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Formally agreed by	HIW: Kate Chamberlain NCCU: Stephen HARRY
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Authors	HIW: Joseph Wilton NCCU: Dawn Painter & Ross Whitehead
Date agreed	
Formally agreed by	HIW: Alun Jones NCCU: Stephen HARRY
Review date	Annually

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 the NHS Wales National Collaborative Commissioning Unit (NCCU).
2. This working relationship is part of the maintenance of an effective regulatory system for healthcare in Wales which promotes patient safety and high quality care.
3. This MoU relates only to the regulation of healthcare in Wales. It does not override the statutory responsibilities and functions of HIW and NHS Wales National Collaborative Commissioning Unit (NCCU) 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; and
 - 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; and

- 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.

NHS Wales National Collaborative Commissioning Unit (NCCU)

9. The NHS Wales National Collaborative Frameworks for Adult Mental Health & Learning Disability Hospitals and CAMHS Low Secure and Acute Hospitals are formal agreements and mechanisms developed by the NHS Wales Collaborative Commissioning Leads and Shared Services Partnership that enables the National Health Service in Wales to procure and performance manage services under the pre-agreed standards, costs, terms and conditions of a contract in a compliant manner in accordance with EU and UK Procurement Regulations and LHB Standing Orders and Financial Instructions.
10. To minimise the duplication of effort by Providers in their dealings with the Trust and/or the Health Board, NHS Wales has arrangements for collaborative quality assurance, performance and contract management. This function is discharged through the National Health Service Wales National Collaborative Commissioning Unit (NCCU) hosted by Cwm Taf Morgannwg University Health Board
11. The NHS Wales National Collaborative Commissioning Unit performance manages National Framework providers by;
 - Challenging substandard provider performance and advising on improvement through hospital assurance reviews;
 - Collating and analysing performance management information in line with the National Framework specifications, standards and contract conditions through the Commissioning Care Assurance & Performance System;
 - Ensuring providers reduce risk and dependency and promote hope, recovery and rehabilitation;
 - Ensuring all procured services are provided and present value for money;

- Ensuring provider quality and safety concerns are raised, discussed and disseminated with commissioners and statutory agencies; and
- Facilitating collaborative working between providers and commissioners to ensure safe, effective and high quality care that improves patient experience.

12. Hospital assurance reviews are undertaken by the NHS Wales National Collaborative Commissioning Unit and involve obtaining assurance that the provider is adhering to all the requirements of the National Framework, maintaining the required clinical standards and ensuring good clinical practice underpins clinical care

13. It is the information gathered from these reviews and from the Commissioning Care Assurance & Performance System that will be shared with HIW.

Emergency Ambulance Services Committee

14. In accordance with the Emergency Ambulance Services Committee (Wales) Directions 2014 (2014 No.08), the Local Health Boards (LHBs) established a Joint Committee, which commenced on 1 April 2014, for the purpose of jointly exercising its Delegated Functions and providing the Relevant Services.

15. The Joint Committee has been established in accordance with the Directions and Regulations to enable the seven LHB's in NHS Wales to make collective decisions on the review, planning, procurement and performance monitoring of Emergency Ambulance Services (relevant Services), Emergency Medical Retrieval & Transfer Service (EMRTS) and Non-Emergency Patient Transport Service and in accordance with their defined Delegated Functions.

16. LHBs are responsible for those people who are resident in their areas. Whilst the Joint Committee acts on behalf of the seven LHBs in undertaking its functions, the duty on individual LHBs remains, and they are ultimately accountable to citizens and other stakeholders for the provision of emergency ambulance services for residents within their area.

17. The Emergency Ambulance Services Team, as part of the National Collaborative Commissioning Unit work by:

- Challenging provider performance and advising on improvement through the commissioning arrangements (EASC Sub Groups)
- Collating and analysing performance management information in line with Ambulance Quality Indicators and the Quality and Delivery Frameworks for Emergency Medical Services and Non-Emergency Patient Transport Services
- Ensuring all commissioned services are provided and present value for money;

- Ensuring provider quality and safety concerns are raised, discussed and disseminated with commissioners and statutory agencies; and
- Facilitating collaborative working between providers and commissioners to ensure safe, effective and high quality care that improves patient experience.

Principles of co-operation

18. HIW and NCCU acknowledge their respective statutory and non-statutory responsibilities and functions, and will take account of these when working together.
19. In implementing this agreement, HIW and NCCU 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 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; and
 - a commitment to address any identified overlaps or gaps in the regulatory framework and responsibilities.
20. HIW and NCCU 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

21. Co-operation between HIW and NCCU will often require the exchange of information. Exchange of information will be expected, but not limited, to cases where either HIW or NCCU identifies concerns about the health and wellbeing of the public, or where a resolution to a concern would benefit from a coordinated multi-agency response.
22. In particular, HIW will refer to the NCCU:
 - Any relevant information about a NCCU framework provider's regulatory non-compliance.
 - Any concern or relevant information about a NCCU framework provider or a part of that organisation which may call into question its suitability to provide care to a specific user group

- Any concerns and relevant information about a NCCU framework provider which may call into question the robustness of systems to support and maintain the safety of the service users.

23. In particular, the NCCU will refer to HIW:

- Any concerns and relevant information about a NCCU framework provider in Wales which calls into question the quality of care and services it provides.
- Any non-patient identifiable information regarding incidents, safeguarding, complaints that is collected as part of National Framework information requirements for framework providers in Wales
- Any relevant information about a NCCU framework provider's regulatory non-compliance.

24. 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.

25. 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 and all relevant HIW and NHS Wales National Collaborative Commissioning Unit (NCCU) legislation relating to these matters, and respective Codes of Practice, frameworks or other policies relating to confidential personal information and information issues.

26. Both HIW and NCCU 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.

Routine information sharing

27. HIW and the NCCU will each make available routine information arising from their regulatory activity that may assist the other in its remit. This will entail responding positively to requests for information in a timely manner. This sharing is only to be for settings and services relevant to the work of NCCU, i.e. independent, privately run, hospitals in Wales.

28. The routine sharing of information will be through appropriate access for HIW to the CCAPS system. HIW will pass on relevant notifications received monthly, and additional ad hoc requests can be made by NCCU by contacting the Partnerships, Intelligence and Methodology mailbox, see Annex B.

29. In addition to the sharing of notifications and concerns, HIW will routinely share inspection plans with NCCU. This will be to make sure opportunities for joint working and collaboration are explored. HIW will aim to give NCCU three months' notice of upcoming inspections.

30. Responsibility for appropriate use of information from the CCAPS system, by HIW staff, will fall under the remit of the HIW Information Asset Owner (IAO). Advice will be provided, by the IAO, on how any information shared between the two organisations will be handled if required

Media and Publications

31. HIW and NCCU 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.
32. HIW and NCCU commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations.
33. HIW and NCCU 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

34. The effectiveness of the working relationship between HIW and NCCU will be supported by regular contact, either formally or informally. This contact and any regular partnership working is set out in Annex A.
35. 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.
36. Any disagreement between HIW and NCCU 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

37. 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.
38. 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



Mr Stephen HARRY

Managing Director National Collaborative
Commissioning Unit & Chief Ambulance
Commissioner for Wales

National Collaborative Commissioning
Unit

Date:

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 NCCU:

Regular engagement activities

Representatives from HIW and NCCU will meet, quarterly, 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
- Discuss regulatory non-compliance of settings which fall under the remit of both organisations
- Discuss any shared learning from the review of CCAPS and Regulatory 30/31 notifications
- Facilitate joint planning of inspection, investigation and review activity
- Discuss any incidents that have been raised by either organisation
- Welsh Ambulance Services NHS Trust risks, pressures and incidences that are relevant to the Emergency Ambulance Services Commission (EASC)

Annex B – Contact Details

Healthcare Inspectorate Wales	National Collaborative Commissioning Unit
Welsh Government Rhydycar Business Park Merthyr Tydfil CF48 1UZ	Unit 1, Charnwood Court Heol Billingsley Parc Nantgarw Cardiff CF15 7QZ
Tel: 0300 062 8163	Tel: 01443 744928

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

Chief Executives	
Alun Jones	Stephen Harrhy
<i>Interim Chief Executive</i> Alun.Jones39@gov.wales	<i>Managing Director National Collaborative Commissioning Unit & Chief Ambulance Commissioner for Wales</i> Stephen.Harrhy@wales.nhs.uk
MoU managers	
Joseph Wilton	Dawn Painter
<i>Head of Partnerships, Intelligence and Methodology</i> joseph.wilton@gov.wales	<i>Head of Compliance for Commercial National Frameworks</i> Dawn.Painter@wales.nhs.uk
Tel: 0300 025 2663	Tel: 01443 744928
	Ross Whitehead Assistant Director of Quality and Performance Management Ross.whitehead@Wales.nhs.uk
	Tel: 01443 744955
Information Requests	
HIW.PIM@gov.wales	GIG.NCCU@wales.nhs.uk
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