



## **Memorandum of Understanding (MoU) between Healthcare Inspectorate Wales (HIW) and Her Majesty's Inspectorate of Probation (HMI Probation)**

## Memorandum of Understanding: HIW and HMI Probation

|   |   |
|---|---|
| Revision history and approval .....           | 3 |
| Introduction .....                            | 3 |
| Roles and responsibilities.....               | 4 |
| Healthcare Inspectorate Wales.....            | 4 |
| Her Majesty’s Inspectorate of Probation ..... | 5 |
| Principles of co-operation.....               | 5 |
| Joint Priorities and Areas of Work .....      | 6 |
| Exchange of Information .....                 | 6 |
| Joint Inspections .....                       | 6 |
| Media and Publications.....                   | 7 |
| Governance.....                               | 7 |
| Duration and review of this MoU .....         | 7 |
| Signed .....                                  | 8 |
| Annex A – Partnership Working .....           | 9 |
| Annex B – Contact Details .....               | 9 |

## Revision history and approval

|                           |   |
|---------------------------|---|
| <b>Version</b>            | 1.0   |
| <b>Date agreed</b>        | November 2012                                       |
| <b>Formally agreed by</b> | HIW: Mandy Collins<br>HMI Probation: Julie Fox      |
| <b>Version</b>            | 2.0   |
| <b>Date created</b>       | August 2020   |
| <b>Authors</b>            | HIW: Joseph Wilton<br>HMI Probation: Tony Kirk      |
| <b>Date agreed</b>        | October 2020  |
| <b>Formally agreed by</b> | HIW: Alun Jones<br>HMI Probation: Dr Louise Falshaw |
| <b>Review date</b>        | October 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 Her Majesty's Inspectorate of Probation (HMI Probation).
2. This working relationship is part of the maintenance of an effective regulatory system for health and adult social care in England and 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 HMI Probation 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. The purpose of the MoU is to define the joint agreement between the two organisations and to describe how HIW and HMI Probation will work in partnership to support improvement in the quality of care. It covers how HIW and HMI Probation will work together in undertaking their respective functions

when this contributes most to improvements in work with adults and children who offend or who are likely to get involved in offending.

5. 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**

6. 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.
7. HIW aims 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
8. HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to check that patients, the public, and others are receiving safe and effective care which meets recognised standards. 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.
9. 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.

### **Her Majesty's Inspectorate of Probation**

10. We are the independent source of fair comment for ministers and the public on the effectiveness of the work of probation and youth offending services. Based on our independence, expertise and experience, we can uniquely focus on the identification of best and effective practice. We identify if success has been achieved, how it has been achieved, but also why it has not. We test the effectiveness of the provision and provide assurance. Critically, we make recommendations designed to identify and disseminate best practice, challenge poor performance and encourage improvement. We provide evidence-based intelligence for commissioners and providers, designed to play a key part in facilitating and encouraging improvement in effective service delivery.
11. HM Chief Inspector of Probation's responsibilities are set out in Section 7 of the *Criminal Justice and Court Services Act 2000*, as amended by the *Offender Management Act 2007*, section 12(3)(a). This requires the Chief Inspector to inspect (section 1) and report to the Secretary of State (section 3) on the arrangements for the provision of probation services.
12. Under Section 7(6) of the *Criminal Justice and Court Services Act 2000*, HM Chief Inspector of Probation is also conferred to inspect and report on Youth Offending Teams, established under section 39 of the *Crime and Disorder Act 1998*, and bodies acting on their behalf.

### **Principles of co-operation**

13. HIW and HMI Probation acknowledge their respective statutory and non-statutory responsibilities and functions, and will take account of these when working together.
14. In implementing this agreement, HIW and HMI Probation 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, specifically for those under youth offending service supervision;
  - 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.

15. HIW and HMI Probation 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**

16. Co-operation between HIW and HMI Probation will often require the exchange of information. Exchange of information will be expected, but not limited, to cases where:
  - either HIW or HMI Probation identifies concerns about the health and wellbeing of the public, specifically those in contact with youth offending service supervision, particularly in relation to health boards as commissioners of offender healthcare in Wales.
  - a resolution to a concern would benefit from a coordinated multi-agency response.
17. 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. The contact details in Annex B will be used for the raising and sharing of concerns.
18. 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 HMI Probation legislation relating to these matters, and respective Codes of Practice, frameworks or other policies relating to confidential personal information and information issues.
19. Both HIW and HMI Probation 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.

### **Joint Inspections**

20. HIW and HMI Probation may, by agreement, undertake joint inspections or reviews of any provision/provider for which they both have responsibilities. These joint inspections will be carried out by the two organisations retaining their separate statutory powers, functions and reporting requirements. See Annex A for more information.

## **Media and Publications**

21. HIW and HMI Probation 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.
22. HIW and HMI Probation commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations.
23. HIW and HMI Probation 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**

24. The effectiveness of the working relationship between HIW and HMI Probation will be supported by regular contact, either formally or informally. This contact and any partnership working is described in Annex A.
25. At a minimum, there will be an annual meeting between Chief Executives to discuss strategic concerns relevant to both organisations. 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.
26. Any disagreement between HIW and HMI Probation 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**

27. 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.
28. 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: 19 October 2020



**Justin Russell**  
Chief Inspector of Probation  
Her Majesty's Inspectorate of  
Probation

Date: 17 September 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 HMI Probation:

### Joint Inspections

HIW and HMI Probation work in partnership in the review of healthcare provided within Youth Offending Services. These in depth reviews also involve an assortment of other partner agencies including Estyn and Care Inspectorate Wales.

HIW and HMI Probation also work in partnership to review child protection arrangements within local authorities. This review also involves other partner inspectorates including HMI Constabulary and Fire & Rescue Services and Care Inspectorate Wales.

### Routine Information Sharing

On a routine basis, HIW will share with HMI Probation:

- findings related to its inspections, investigations and information related to health boards as commissioners of offender healthcare in Wales.
- programme of inspections and any investigations by ensuring that HMI Probation has early sight of recommendations related to the organisations, once they have been validated.

## Annex B – Contact Details

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| <b>Healthcare Inspectorate Wales</b> | <b>HM Inspectorate of Probation</b> |
|--------------------------------------|-------------------------------------|
| Welsh Government                     | 1 <sup>st</sup> Floor               |
| Rhydycar Business Park               | Manchester Civil Justice Centre     |
| Merthyr Tydfil                       | 1 Bridge Street West, Manchester    |
| CF48 1UZ                             | M3 3FX                              |
| Tel: 0300 062 8163                   | Tel: 0161 240 5336                  |

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There will be named contacts between HIW and HMI Probation as follows:

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|-------------------------|
| <b>Chief Executives</b> |
|-------------------------|

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**Alun Jones**

*Interim Chief Executive*

[Alun.Jones39@gov.wales](mailto:Alun.Jones39@gov.wales)

**Justin Russell**

*Chief Inspector of Probation*

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**MoU managers**

**Joseph Wilton**

*Head of Partnerships, Intelligence and Methodology*

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Tel: 0300 025 2663

**Tony Kirk**

*HM Inspector of Probation, Wales lead*

[Tony.kirk@hmiprobation.gov.uk](mailto:Tony.kirk@hmiprobation.gov.uk)

Tel: 07814 174842

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**Concerns Mailbox**

[hiw.concerns@gov.wales](mailto:hiw.concerns@gov.wales)

Tel: 0300 062 8163

[Hmip.enquiries@hmiprobation.gov.uk](mailto:Hmip.enquiries@hmiprobation.gov.uk)

Tel: 0161 240 5336

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