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# **Memorandum of Understanding**

**between**

**Healthcare Inspectorate Wales (HIW)**

**and the**

**Nursing and Midwifery Council**

**(NMC)**

**December 2015**

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# **Memorandum of Understanding between Healthcare Inspectorate Wales and the Nursing and Midwifery Council**

## **Introduction**

1. The purpose of this Memorandum of Understanding (MoU) is to set out the framework for working relationships between Healthcare Inspectorate Wales (HIW) and the Nursing and Midwifery Council (NMC).
2. The working relationship between HIW and the NMC is part of the maintenance of an assurance system for healthcare in Wales which promotes patient safety and high quality care.
3. HIW is the independent inspectorate and regulator of healthcare in Wales. The NMC is the independent regulator of nurses and midwives in the UK. The responsibilities and functions of HIW and the NMC are set out at Annex A.
4. This MoU does not override the statutory responsibilities and functions of HIW and the NMC and is not enforceable in law. However, HIW and the NMC agree to adhere to the contents of this MoU.

## **Principles of cooperation**

5. HIW and the NMC are committed to an inspection and regulation system for healthcare in Wales which is transparent, accountable, proportionate, consistent, and targeted (the Better Regulation Task Force principles of good regulations for non-economic regulators).
6. HIW and the NMC intend that their working relationship will be characterised by the following principles:
  - The need to make decisions which promote patient safety and high quality healthcare.
  - Respect for each organisation's independent status.
  - The need to maintain public confidence in the two organisations and the regulatory process.
  - 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.

## **Areas of cooperation**

7. The working relationship between HIW and the NMC involves cooperation in the following areas:
  - Routine information sharing
  - Cross-referral of concerns
  - Strategic collaboration
8. In addition, HIW is the host body for the Local Supervisory Authority function in Wales. The LSA is a statutory body provided for within the NMC's legislative framework and the NMC sets standards for the LSA and reviews its performance. Collaborative work relating to the LSA function may relate to any of the three areas set out above.
9. A named contact with responsibility for each area is identified at Annex B.

## **Routine information sharing**

10. The NMC and HIW will each make available routine information arising from their regulatory activity that may assist the other in its remit.

## **Cross-referral of concerns**

11. Where HIW and the NMC encounter concerns which either believe may fall within the remit of the other, they will at the earliest opportunity convey the concerns and supporting information to a named individual with relevant responsibility at the other organisation. In the interests of patient safety, the referring organisation will not wait until its own review or investigation has concluded.
12. In particular, HIW will refer to the NMC:
  - Any concerns and relevant information about a registered nurse or midwife which may call into question his or her fitness to practice.
  - Any concerns and relevant information about a health care 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 care organisation which may call into question issues of nursing or midwifery leadership.
  - Any investigations into or follow ups of identified risks in which concerns about individual nurses' or midwives' practice have been identified.
  - Any thematic issues about nurses and midwives that could be addressed through setting professional standards.

13. In particular, NMC will refer to HIW:

- Any concerns and relevant information about a health care organisation in which nurses or midwives practice, which may call into question the quality and safety of the services it provides.
- Any concerns and relevant information about a health care organisation which may call into question the quality of supervision or its suitability as a learning environment for pre registration nursing or midwifery students.
- Any issues arising from its regulatory work which may be useful intelligence to HIW in reviewing and developing its approach to regulation.
- Information about any investigations it conducts that may be relevant to HIW's remit.

### **Strategic collaboration**

14. HIW and the NMC will have regard to the circumstances in which their regulatory objectives may be best served by collaboration. Each organisation will seek to give consideration to the other when planning their work programmes and identify any possibilities for joint working.

15. They may, by agreement, undertake joint inspection, investigation or other regulatory work. Throughout such work HIW and the NMC will retain and act in accordance with their own statutory powers. This work could include:

- Joint reviews of information about a health care organisation
- Site visits to a health care organisation
- The co-production of documents and reports
- Coordination of any follow up action planning to address any recommendations.

### **Media/publications related to Welsh nursing and midwifery education or healthcare providers and evidence to committees of the National Assembly for Wales**

16. HIW and the NMC will seek to give each other adequate warning (at least 48 hours) and sufficient information about any planned press releases and announcements to the public that the other may need to know of.

17. HIW and the NMC will, when appropriate, share with each other details of relevant evidence to committees of the National Assembly for Wales in relation to the exercise of their functions.

18. HIW and the NMC will 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.
19. HIW and the NMC will work to ensure that the recommendations arising from investigations and reviews are communicated widely and are understood.

### **Information sharing**

20. Implementing this MoU will require HIW and the NMC to exchange information. All arrangements for collaboration and exchange of information set out in this MoU and any supplementary agreements will take account of and comply with all relevant legislation and any HIW and NMC codes of practice, frameworks or other policies relating to confidential personal information.
21. Both HIW and the NMC are subject to the Freedom of Information Act 2000 and Data Protection Act 1998. 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.

### **Resolution of disagreement**

22. Any disagreement between HIW and the NMC will normally be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the Chief Executive of HIW and the Chief Executive and Registrar of the NMC who will then jointly be responsible for ensuring a mutually satisfactory resolution.

### **Duration and review of this MoU**

23. This MoU will be reviewed periodically but at a minimum every two years.
24. Both organisations have identified a person responsible for the management of this MoU, contact details are provided at 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 as to the interpretation of this MoU.
25. The named contacts with responsibility for each area of cooperation identified at Annex B will liaise as required to carry out day-to-day business.

26. In order to ensure that this MoU is effective the Chief Executive of HIW and the Chief Executive and Registrar of the NMC will meet on a regular basis.

**Signatures**

**Kate Chamberlain  
Chief Executive  
Healthcare Inspectorate Wales**

**Jackie Smith  
Chief Executive and Registrar  
Nursing and Midwifery Council**



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**Date:**

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**Date:**

## **Annex A**

### **Responsibilities and functions**

1. Healthcare Inspectorate Wales (HIW) and the Nursing and Midwifery Council (NMC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

### **Healthcare Inspectorate Wales**

2. Healthcare Inspectorate Wales (HIW) is the independent inspectorate and regulator of all healthcare in Wales. HIW's primary focus is on:
  - Making a significant contribution to improving the safety and quality of healthcare services in Wales.
  - Improving citizens' experience of healthcare in Wales whether as a patient, service user, carer, relative and employee.
  - Strengthening the voice of patients and the public in the way health services are reviewed.
  - Ensuring that timely, useful, accessible and relevant information about the safety and quality of healthcare in Wales is made available to all.
3. 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. 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. In addition, HIW is the Local Supervising Authority (LSA) for the statutory supervision of midwives.
4. 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 the Mental Health Act 2007.
  - Statutory Supervision of Midwives as set out in Articles 42 and 43 of the Nursing and Midwifery Order 2001.
  - Ionising Radiation (Medical Exposure) Regulations 2000 and Amendment Regulations 2006.
5. HIW works closely with other inspectorates and regulators in carrying out cross sector reviews in social care, education and criminal justice and in



developing more proportionate and co-ordinated approaches to the review and regulation of healthcare in Wales.

6. HIW, on behalf of the Welsh Government, carries out the functions of the LSA in Wales ensuring the standards set by the Nursing and Midwifery Council are monitored. HIW will continue to provide an annual report to the NMC as set out in the NMC Rules and Standards 2012 and submit data required by the NMC as part of the quarterly quality monitoring tool which commenced in April 2011. HIW, as the LSA in Wales, provides statutory supervision for all Midwives practising in the geographical area.

### **The Nursing and Midwifery Council**

7. The Nursing and Midwifery Council (NMC)'s purpose is to protect the public and promote public confidence in the professions. The responsibilities and functions of the NMC are set out primarily in the Nursing and Midwifery Order 2001.
8. The NMC:
  - Registers all nurses and midwives and ensures that they are qualified and capable of safe and effective practice in the UK.
  - Sets the standards of education and practice that nurses and midwives must uphold in order to deliver high quality healthcare consistently throughout their careers.
  - Ensures that nurses and midwives keep their skills and knowledge up to date and uphold the standards of their professional code.
  - Oversees the framework for midwifery supervision.
  - Takes action in response to complaints and concerns about nurses and midwives.

## **Annex B**

### **Lead contacts**

There will be specific points of contact between HIW and the NMC as follows:

Healthcare Inspectorate Wales  
Rhydycar Business Park  
Merthyr Tydfil  
CF48 1UZ  
Tel: 0300 062 8163

Nursing and Midwifery Council  
23 Portland Place  
London  
W1B 1PZ  
Tel: 020 7637 7181

### **Chief Executives (internal escalating policies should be followed before referral to Chief Executives)**

#### **HIW**

Dr Kate Chamberlain  
Chief Executive

#### **Email:**

[Kate.Chamberlain@wales.gsi.gov.uk](mailto:Kate.Chamberlain@wales.gsi.gov.uk)

#### **NMC**

Jackie Smith  
Chief Executive and Registrar

#### **Email:**

[Jackie.smith@nmc-uk.org](mailto:Jackie.smith@nmc-uk.org)

### **Lead officers – strategic contact and those responsible for MoU management**

#### **HIW**

Sarah Jones  
Head of Corporate Intelligence and  
Development  
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#### **NMC**

Emma Westcott  
Assistant Director, Strategy and  
Insight  
Email: [emma.westcott@nmc-uk.org](mailto:emma.westcott@nmc-uk.org)

Tel. 020 7681 5797

**HIW Operations contacts – will make referrals to the NMC in relation to all cross-referral of concern issues identified below as they are picked up by HIW staff**

**Fitness to practise**

Jaina Patel-Nathwani  
External liaison and safeguarding manager  
Tel: 020 7681 5906  
Email: [Jaina.patel-nathwani@nmc-uk.org](mailto:Jaina.patel-nathwani@nmc-uk.org)  
Or  
[intelligence@nmc-uk.org](mailto:intelligence@nmc-uk.org)

**HIW LSA Midwifery Officer**

Luke Moses  
Administrator  
Email: [luke.moses@wales.gsi.gov.uk](mailto:luke.moses@wales.gsi.gov.uk)  
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**Education and LSA QA**

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