

Memorandum of Understanding between

Education Scotland

and

Social Care and Social Work Improvement Scotland
(‘The Care Inspectorate’)

*A commitment to work together to improve the quality of education and care
for children and young people*

Date – August 2015 – July 2018

1. Interpretation

In this Memorandum of Understanding (MoU) unless the context otherwise requires, the following words and phrases shall have the following meanings:

'Children's Services' means services to which the provisions of section 15(1) of the Local Government in Scotland Act 2003 (Asp 1) (Community Planning) apply which are provided predominantly to, or for the benefit of, children.

'Community Planning Partnership' - The statutory framework for Community Planning is set out in the Local Government in Scotland Act 2003. It places a duty on local authorities to initiate, facilitate and maintain Community Planning, including consulting and cooperating with communities. It also places a duty on core partners - Health Boards, the Enterprise Networks, Police, Fire and Regional Transport Partnerships - to participate in Community Planning.

'Joint Inspection' means in the context of this MoU, an inspection carried out jointly by Education Scotland and the Care Inspectorate at the request of Scottish Ministers in relation to the provision of (a) children's services; (b) such other services as the Scottish Ministers may specify in respect of which the parties have inspection functions; or (c) both, under s115 of the Public Services Reform (Scotland) Act 2010 ('the 2010 Act').

2. Purpose and Scope of MOU

The purpose of this MoU is to set out an agreed framework for cooperation and collaboration between Education Scotland and the Care Inspectorate. This reflects our commitment to work together to improve the quality of education and care for children and young people in Scotland. Education Scotland and the Care Inspectorate will work together, taking full account of the 2010 Act, to provide coordinated, efficient and effective scrutiny of care and education services.

This MoU sets out the working arrangements between Education Scotland and the Care Inspectorate in respect of Joint Inspection responsibilities and areas of mutual interest in relation to their respective inspection responsibilities. The MoU aims to support and facilitate the exchange of information and the coordination of inspection activity.

Collaboration between Education Scotland and the Care Inspectorate is necessary to support the safety and well being of people who use or are eligible to use care services and to support improvements to the quality of care/social services and through our joint inspections children's services more generally.

This MoU is not a contract, is not legally enforceable and does not seek to transfer functions or responsibilities. However, Education Scotland and the Care Inspectorate have a duty of cooperation under section 114 of the 2010 Act in relation to joint inspections and recognise the complementary nature of their respective inspection functions in some areas and would wish to avoid duplication and limit the regulatory burden where possible.

Education Scotland and the Care Inspectorate will keep this MoU under review and update it as necessary and, in any event, every three years.

3. Functions and Responsibilities of Education Scotland and the Care Inspectorate

The Care Inspectorate was established by section 44(1) of the 2010 Act. It brought together the work previously undertaken by The Care Commission, HMIE Child Protection team and the Social Work Inspection Agency (SWIA). The Care Inspectorate is formally named “Social Care and Social Work Improvement Scotland”. It is an independent body responsible for the scrutiny and improvement of care services, social work services and services for children and young people across Scotland.

The Care Inspectorate has a general duty of furthering improvement in the quality of social services for the benefit of people who use or are eligible to use them. The system of regulation adopted by the Care Inspectorate takes account of the National Care Standards and the Codes of Practice for Social Service Workers and Employers of Social Service Workers, as published by the Scottish Social Services Council (‘the SSSC Codes of Practice’). The Care Inspectorate has a statutory responsibility for ensuring that providers of care services are fit to provide the service and that they continue to comply with the 2010 Act and Regulations made under it, taking account of the National Care Standards and the SSSC Codes of Practice. The Care Inspectorate has a range of powers under the 2010 Act to enable it to fulfil these regulatory functions. The Care Inspectorate also has a responsibility to carry out Joint Inspections of children’s services as conferred on it by Scottish Ministers.

Education Scotland was established by the then Cabinet Secretary for Education and Lifelong Learning as the national body to support quality and improvement in Scottish education. On 1 July 2011 it came into being, bringing together the work of Her Majesty’s Inspectorate of Education, Learning and Teaching Scotland and some functions previously managed by Scottish Government. A key part of its work is that which is carried out by HM Inspectors of Education in providing independent external evaluations of the quality of educational provision at individual provider, local authority and partners, and national level.

The 2010 Act places a duty on the Care Inspectorate and Education Scotland to cooperate and coordinate activity to ensure efficiency, effectiveness and economy. The duty to cooperate does not extend to integrated inspection and it remains the responsibility of each body to carry out inspection and report individually. This MOU sets out how the duty of cooperation can be taken forward and how information and training can be shared.

4. Working Together and Sharing Information

Inspectors from both organisations will bring together their respective professional knowledge, experience and skills to focus on the quality of children’s experiences and outcomes, and the success of the school or setting in improving the quality of care and education.

5. Inspection Planning and Delivery

Respective inspection programmes

Each year, HM Inspectors inspect and report on the quality of education in a sample of early learning and childcare settings, primary schools, secondary schools, special schools, community learning and development services, colleges, residential special schools, secure care services and mainstream independent schools, including those that provide accommodation for children. The findings of inspections are publicly reported.

The Care Inspectorate carries out inspections of the quality of all care services in Scotland. This includes services for children and young people. The Care Inspectorate also carries out inspections of the residential aspect of independent boarding schools, local authority hostels attached to schools, residential special schools, secure care services, early learning and childcare settings and other day care of children's services and childminders. Services are inspected in accordance with a Scrutiny and Improvement plan which is approved annually by Scottish Ministers. The findings of inspections are publicly reported. In addition, the Care Inspectorate has a duty to carry out investigations of complaints about registered care services. Scottish Ministers have requested that the Care Inspectorate lead a coordinated approach to scrutiny of Joint Services for Children in Community Planning Partnership areas which will:

- Improve outcomes for all children and young people.
- Provide assurance about the quality of services for children (particularly vulnerable children and young people).
- Help to improve services and build capacity for improvement.
- Be in line with the principles of *Getting it right for every child*.
- Be child-centred and around the experience of the child's journey.
- Support improved self-assessment and performance management.
- Where possible, join up scrutiny.

Education Scotland will be part of the Joint Inspection to carry out this scrutiny.

Shared inspection activities

Education Scotland and the Care Inspectorate will work together to coordinate and carry out activities relating to the regulation, inspection and improvement of:

- school care accommodation services;
- secure care accommodation;
- early learning and childcare settings which to any extent is provided in the form of an educational activity service; and
- joint services for children (led by CI).

Planning approaches

The Care Inspectorate developed a new approach to inspection planning during 2012/13 and is in the process of comprehensively reviewing all its inspection

methodologies. Within an overarching four-year plan, each of the regulated care services has a 'Last Possible Date for Inspection' (LPDI) by which time an inspection visit must be completed. This information will be shared with Education Scotland on an annual basis to support the planning and delivery of shared inspections to ensure they are carried out at the appropriate time.

Education Scotland is also reviewing their inspection methodologies.

The responsible senior managers within the Care Inspectorate and Education Scotland will exchange information on the planned programmes of inspection for the forthcoming inspection year each December. Education Scotland's Inspection Planning Team and the respective senior manager within the Care Inspectorate should be informed by each other of any changes to the agreed programme of inspections. Inspection Planners from both organisations will coordinate their respective inspection activities to ensure that those services which provide both social services and education provision are not ordinarily subject to two separate inspections in a year. There may, however, be circumstances in which additional visits are carried out by Education Scotland and/or the Care Inspectorate. In these individual circumstances using all the intelligence available it will be agreed whether any further engagement with a service will be undertaken simultaneously. Arrangements for sharing information across the organisations will support a risk-based, intelligence-led, targeted and proportionate approach to inspection planning as well individual and shared scrutiny and improvement activities.

Delivery arrangements

In shared inspections, inspectors from both organisations will bring together their respective professional knowledge, experience and skills to focus on the quality of children's experiences and outcomes, and the success of the service, school or setting in improving the quality of care and education. In inspections of early learning and childcare settings, schools with boarding accommodation, secure services and residential special schools each agency will carry out inspection following their own organisation's framework for inspection and will share information to inform each other's findings. Inspections will be carried out at the same time to limit the additional burden of regulation on the service; separate reports will generally be published reflecting the frameworks of scrutiny assigned to each body. For early learning and childcare settings there will be one report which is jointly badged and includes each organisation's evaluations as well as any requirements or recommendations made by the Care Inspectorate.

In Joint Inspections of services for children and young people the set of Quality Indicators developed by the Care Inspectorate will be used and a report will be published by the Care Inspectorate only.

Early Learning and Childcare

In inspections of early learning and childcare settings, we will take a coordinated approach to inspection and undertaking inspection activity in an integrated way. The shared inspection programme of both organisations will focus on local authority early education and childcare settings and nursery classes and those independent or

voluntary establishments which are in partnership with local authorities to provide early learning and childcare places for children aged two to five years.

Childminding Services

The implementation of the Children and Young People (Scotland) Act 2014 has given responsibility to local authorities to provide 600 hours to eligible two year olds which may include the authority placing some children with childminders for their funded early learning and childcare placement. In these situations the Care Inspectorate will continue to be the inspecting body for childminding services. Education Scotland will work with the Care Inspectorate to explore their role in relation to inspecting learning for children aged 0-3 years.

Mainstream Independent Boarding Schools and Local Authority Hostels

The inspection programme will coordinate planning to allow the Care Inspectorate and HM Inspectors to inspect school care accommodation in the mainstream independent schools in an integrated way. Each agency will inspect against their own frameworks and share information to inform each other throughout the inspection. HM Inspectors will carry out inspections of education across the school and the Care Inspectorate will inspect the residential accommodation in mainstream independent schools and local authority hostels attached to schools. Care Inspectors will carry out inspections of these residential provisions under minimum frequency and intensity inspection guidelines using the Care Inspectorate's quality themes and evaluation scale.

Residential Special Schools and Secure Services

HM Inspectors and Care Inspectors will conduct shared inspections of residential special schools and of secure services. Shared inspections will be carried out in each school or service approximately once every four years. The Care Inspectorate will carry out one annual inspection visit to residential special schools and two annual visits to secure services.

Services for Children and Young People

The Care Inspectorate will lead multi-agency teams, including HM Inspectors of Education and they will work together to carry out joint inspections of services for children and young people. As part of this process, Education Scotland and the Care Inspectorate will continue to share data and intelligence across both organisations to inform the joint inspections and to support post-inspection improvement activity, particularly through key staff involved in Audit Scotland led shared risk assessment process and associated Local Area Networks.

Through participation in the Joint Management Group, managers in Education Scotland will contribute to the ongoing monitoring, review and refinement of methodology for the joint inspection of services for children and young people.

Administrative support

Administration for Education Scotland inspections of early learning and childcare settings, independent schools, residential special schools and secure services will be provided by Education Scotland.

Where shared inspections are being carried out in relation to each body's respective inspection functions, both organisations will coordinate administrative support as appropriate.

6. Sharing information

Education Scotland and the Care Inspectorate agree to exchange such information, routinely or by exception, as is necessary to fulfil their joint responsibilities with respect to Joint Inspections and their respective statutory functions where there is, or appears to be, a common interest.

Contact between Education Scotland and the Care Inspectorate will be at an appropriate level within each organisation depending on the matter under discussion. The following levels of management will deal with the following issues: -

- (i) Senior managers from both organisations will meet quarterly to share information and update each other on strategic issues.
- (ii) Operational managers from both organisations will meet quarterly to exchange information and intelligence on the sectors for which they have responsibility. These meetings will support a risk-based, intelligence-led and proportionate approach to inspection.
- (iii) Lead officers in Education Scotland and senior managers in the Care Inspectorate will routinely share key information arising from recent or current inspections, and with regard to registration and complaints, that is relevant to the other organisation.
- (iv) The Care Inspectorate and Education Scotland will exchange information about their respective planned programmes of inspections. Both organisations will keep each other informed of any changes to the agreed programme of inspections.

The exchange of information between the parties will take place in accordance with the Data Protection Act 1998 and Freedom of Information (Scotland) Act 2002.

Information disclosed by either party to the other under the terms of this MoU is not a disclosure under the Freedom of Information (Scotland) Act 2002.

Both parties will take appropriate steps to protect the confidential nature of documents and information that the other may provide. It is acknowledged that information may be subject to disclosure in the context of enforcement action, legal proceedings or to satisfy statutory functions or functions otherwise conferred by the Scottish Ministers.

Education Scotland and the Care Inspectorate will cooperate and collaborate over the handling of media interest where both organisations are involved or have a mutual interest.

Education Scotland and the Care Inspectorate will meet when appropriate to discuss any other areas of common interest which arise, taking action as may be required. Meetings may be minuted.

Both organisations will facilitate joint training for inspectors on inspection approaches and on the work undertaken by the respective organisations.

Education Scotland and the Care Inspectorate may from time to time cooperate on joint projects, for example, as part of the joint action plan or in a response to a consultation document, with each body working to and within its respective remit.

Education Scotland and the Care Inspectorate will publish information about our partnership working with stakeholders, the users of services, parents/carers and members of the public via our respective websites and relevant national bodies.

7. Inspection Reporting

Each organisation will be responsible for posting their own inspection reports/parental letters on their respective websites with clear signposting and hyperlinks to the other's website. This will support stakeholders and service users to gain access to the most recent reports on these services.

Reports on the joint inspections of services for children and young people will be posted on the Care Inspectorate website and Education Scotland website will provide signposts and links to these reports for visitors to its site.

8. Evaluating our partnership working

Regular meetings of senior managers from the respective organisations will provide opportunities to reflect on the effectiveness of joint working and to address any issues arising. There will be an annual meeting focusing on evaluating formally the effectiveness and impact of cooperative and joint inspection activities. This will include a review of stakeholders' and service users' views and data on the numbers of inspections carried out and the costs of inspection activity.

Karen Reid
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**Chief Executive
Care Inspectorate**

15 September 2015

Ben Maxwell
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**Chief Executive
Education Scotland**

30th August 2015