

Memorandum of Understanding between the Scottish Commission for the Regulation of Care 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 the Scottish Commission for the Regulation of Care (known as the Care Commission) and the Nursing and Midwifery Council (NMC).
- 2 The working relationship between the Care Commission and the NMC is part of the maintenance of regulatory systems which promote high quality care.
- 3 The Care Commission is the regulator for registered care services and independent healthcare services in Scotland. The NMC is the nursing and midwifery regulator for England, Wales, Scotland, Northern Ireland and the Islands. The responsibilities and functions of the Care Commission and the NMC are set out at annexe 1.
- 4 This MoU does not override the statutory responsibilities and functions of the Care Commission and the NMC and it is not enforceable in law. However, the Care Commission and the NMC are committed to working in ways that are consistent with the content of this MoU.

Principles of cooperation

- 5 The Care Commission and the NMC intend that their working relationships will be characterised by the following principles.
 - 5.1 The need to make decisions which promote high quality care.
 - 5.2 Respect for each organisation's independent status.
 - 5.3 The need to maintain public confidence in the two organisations.
 - 5.4 Openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate.
 - 5.5 The need to use resources effectively and efficiently.
 - 5.6 The Care Commission and the NMC are also committed to a regulatory system for registered care services and independent healthcare in Scotland which is transparent, accountable, proportionate, consistent, and targeted (the Better Regulation Task Force principles of good regulation).

Areas of cooperation

- 6 The working relationship between the Care Commission and the NMC involves cooperation in the following areas. A named contact with responsibility for each area is identified at annexe 2.

Cross-referral of concerns

- 7 Where the Care Commission or the NMC encounters concerns which it believes 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 the safety of the public, the referring organisation will not wait until its own review or investigation has concluded.
- 8 In particular, the Care Commission will refer to the NMC:
 - 8.1 Any concerns and relevant information arising from its RICE activity (Registration, Inspection, Complaints and Enforcement) about a registered nurse which may call into question his or her fitness to practise.
 - 8.2 Any concerns and relevant information about a social care or independent healthcare setting which may call into question its suitability as a learning environment for nursing students.
 - 8.3 Any concerns and relevant information relating to the general delivery of nursing care at a social care or independent healthcare organisation which may call into question issues of nursing leadership.
 - 8.4 Any investigations into or follow ups of identified risks in which concerns about individual nurses or nursing practice have been identified.
- 9 In particular, the NMC will refer to the Care Commission:
 - 9.1 Any concerns and relevant information about a social care or an independent healthcare organisation in which nurses practise, which may call into question its registration with the Care Commission.
 - 9.2 Any concerns and relevant information about a social care or an independent healthcare organisation which may call into question the suitability of its supervision practices or its learning environment for pre-registration nursing students.
 - 9.3 Information about any investigations it conducts which raise concerns about governance arrangements at a registered care service including poor team working, leadership, record keeping, appraisal systems or general failures.

Exchange of information

- 10 The cooperation outlined in this MoU will often require the Care Commission 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 the Data Protection Act 1998, the Human Rights Act 1998, and any Care Commission and NMC codes of practice, frameworks or other policies relating to confidential personal information.
- 11 This MoU will be supplemented by a separate Information Sharing Agreement (ISA) which will set out the detailed arrangements for sharing information between both parties.
- 12 The Care Commission is subject to the Freedom of Information (Scotland) Act 2002. The NMC is 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.
- 13 The Care Commission and the NMC will share information about trends, data and organisational initiatives where it is thought to impact on or compliment the work of the other organisation.

Joint working

- 14 The Care Commission and the NMC may, by agreement undertake joint regulatory work. Throughout such work the Care Commission and the NMC will retain and act in accordance with their own statutory powers. This work could include:
 - 14.1 joint reviews of information about an independent healthcare or registered care service
 - 14.2 site visits to an independent healthcare or registered care service
 - 14.3 the co-production of documents and reports
 - 14.4 coordination of any follow up action planning to address any recommendations
 - 14.5 joint reviews or interventions.

Media, publications and evidence to Parliamentary Committees

- 15 The Care Commission 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.
- 16 The Care Commission and the NMC will seek to share their proposals and publications (such as reports of reviews), including any relevant drafts, as early as possible where they will have a direct impact on both regulators.

- 17 The Care Commission and the NMC will when appropriate share with each other details of relevant evidence to Parliamentary Committees in relation to the operation of the regulatory regime or the exercise of their functions.
- 18 The Care Commission 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 The Care Commission and the NMC will work to ensure that the recommendations of investigations and reviews are communicated widely and are understood.



Resolution of disagreement

- 20 Any disagreement between the Care Commission 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 the Care Commission 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

- 21 This MoU will be reviewed six months after it has been signed by the Chief Executives of the two organisations and every twelve months thereafter.
- 22 Both organisations have identified a person responsible for the management of this MoU, contact details are provided at annexe 2. 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.
- 23 The named contacts with responsibility for each area of cooperation identified at annexe 2 will liaise as required to carry out day to day business.
- 24 In order to ensure that this MoU is effective the Chief Executive of the Care Commission and the Chief Executive and Registrar of the NMC will meet on a regular basis and at least twice a year.

Signatures

 David Wiseman Acting Chief Executive Scottish Commission for the Regulation of Care	 Professor Dickon Weir-Hughes Chief Executive and Registrar Nursing and Midwifery Council
Date: 15 February 2011	Date: 15 February 2011

Responsibilities and functions

- 1 The Care Commission and the Nursing and Midwifery Council (NMC) acknowledge the responsibilities and functions of each other and will take account of these when working together.

The Care Commission

- 2 The Care Commission was set up under the Regulation of Care (Scotland) Act 2001 (the act) to establish a new unified system of regulation for care services in Scotland which put the safety and well-being of users at its heart.
- 3 The aim of the Care Commission is to ensure improvement in the quality of care services in Scotland, respecting the rights of people who use those services to dignity, choice and safety.

Function of the Care Commission

- 4 Furthering improvement in the quality of care services provided in Scotland.
- 5 Regulating care services in Scotland as specified in the act by registering, inspecting, investigating complaints and, where appropriate, initiating enforcement proceedings where care services are deemed to be failing. This core regulatory activity is referred to as RICE activity.
- 6 Providing information to the public and to the Minister about the availability and quality of care services.
- 7 Promoting and taking account of the National Care Standards for all care service types during all regulatory activity.
- 8 Taking account of the Codes of Practice for employees and employers issued by the Scottish Social Services Council.
- 9 Consulting with the Scottish Social Services Council when carrying out its tasks.
- 10 Applying a set of principles that aims to promote, protect and encourage.
 - 10.1 The safety and welfare of all persons who use, or are eligible to use, care services.
 - 10.2 The independence of those persons is to be promoted.
 - 10.3 The diversity in the provision of care.

- 11 The act and associated regulations are the legal framework that the Care Commission uses when regulating care services. The act and regulations are used to ensure that:
 - 11.1 care services are fit to provide the service they are registered for
 - 11.2 they continue to comply with the statutory regulations taking into account of the National Care Standards.

The NMC

- 12 The Nursing and Midwifery Council (NMC) exists to safeguard the health and wellbeing of the public. The responsibilities and functions of the NMC are set out primarily in the Nursing and Midwifery Order 2001.
- 13 The NMC:
 - 13.1 registers all nurses and midwives and ensures that they are properly qualified and competent to work in the UK
 - 13.2 sets the standards of education, training and conduct that nurses and midwives need to deliver high quality healthcare consistently throughout their careers
 - 13.3 ensures that nurses and midwives keep their skills and knowledge up to date and uphold the standards of their professional code
 - 13.4 ensures that midwives are safe to practise by setting rules for their practice and supervision
 - 13.5 has fair processes to investigate allegations made against nurses and midwives who may not have followed the code.



Lead contacts

Annexe 2 to
MoU Title of main document



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

Care Commission	Nursing and Midwifery Council
Care Commission HQ Compass House 11Riverside Drive Dundee DD1 4NY Tel: 01382 207100	General Nursing and Midwifery Council 23 Portland Place London W1B 1PZ Tel: 020 7333 9333 Fitness to Practise Nursing and Midwifery Council 61 Aldwych London WC2B 4AE Tel: 020 7462 5800/5801
Chief Executives (internal escalating policies should be followed before referral to Chief Executives)	
David Wiseman Acting Chief Executive Email:david.wiseman@carecommission.com	Professor Dickon Weir-Hughes Chief Executive and Registrar Email: dickon.weir-hughes@nmc-uk.org
Lead officers	
Sue Neilson Operations/Development Manager (Health) Johnstone House Rose Street Aberdeen AB10 1UD Email: sue.neilson@carecommission.com Tel: 01224 793873	Roger Thompson Director of Nursing and Midwifery Policy and Standards Email: roger.thompson@nmc-uk.org Tel: 020 7333 6554
Legal services	
Kenneth McClure Head of Legal Services Compass House Tel: 01382 207100 Fax: 01382 207289 Email:kenneth.mcclure@carecommission.com	All Fitness to practice issues should be referred to: Jackie Smith Director of Fitness to Practise Email:jackie.smith@nmc-uk.org Tel: 020 7462 5871

	<p>or Sarah Page Assistant Director, Fitness to Practise Email: sarah.page@nmc-uk.org Tel: 020 7462 5864</p> <p>All other practice issues should be referred to:</p> <p>Roger Thompson Director of Nursing and Midwifery Policy and Standards Email: roger.thompson@nmc-uk.org Tel: 020 7333 6554</p>
<p>Information governance</p>	
<p>Amanda Wright Professional Adviser - Information Governance Compass House Tel: 01382 207325 Email: amanda.wright@carecommission.com</p>	<p>Christine Simmons Records Manager Email: christine.simmons@nmc-uk.org Tel: 020 7333 6583</p>
<p>Development and implementation of Memorandum of Understanding between the Care Commission and the Nursing and Midwifery Council</p>	
<p>Sue Neilson Operations/Development Manager (Health) Email: sue.neilson@carecommission.com Tel: 01224 793873</p>	<p>Emma Wilkinson Head of Screening and Administration Email: emma.wilkinson@nmc-uk.org Tel: 020 7462 8858</p>

Media	
<p>Karen Anderson Acting Director of Strategic Development Care Commission Compass House 11 Riverside Drive Dundee DD1 4NY Email: karen.anderson@carecommission.com Tel: 01382 207122</p>	<p>Andy Jaeger Assistant Director, Professional and Public Communications Email: andy.jaeger@nmc-uk.org Tel: 020 7462 5876</p>
Public affairs	
<p>Karen Anderson Acting Director of Strategic Development Care Commission Compass House 11 Riverside Drive Dundee DD1 4NY Email: karen.anderson@carecommission.com Tel: 01382 207122</p>	<p>Craig Turton Assistant Director, Government and Strategic Engagement Email: craig.turton@nmc-uk.org Tel: 020 7462 5875</p>
Reconciliation of disagreements	
<p>Sue Neilson Operations/Development Manager (Health) Johnstone House Email: sue.neilson@carecommission.com Tel: 01224 793873</p>	<p>Roger Thompson Director of Nursing and Midwifery Policy and Standards Email: roger.thompson@nmc-uk.org Tel: 020 7333 6554</p>