

Memorandum of Understanding

NHS Education for Scotland and the Health and Care Professional Regulators

1. Introduction

- 1.1 This memorandum of understanding (MoU) outlines the basis of co-operation between NHS Education for Scotland (NES) and the Health and Care Professional Regulators.
- 1.2 The purpose of the MoU is to ensure that NES and the Health and Care Professional Regulators ("the organisations") complement and strengthen each other's respective roles and functions in ensuring effective patient care and public safety through quality assurance of educational standards and promotion of professional development.
- 1.3 This MoU is not intended to be a contract in law and does not give rise to contractual rights or liabilities. It does not override the organisations' statutory responsibilities or functions, nor infringe their autonomy and accountability. However, the organisations agree to act, as far as possible, in accordance with the terms and conditions specified herein.

2. Format of the MoU

This MoU is agreed between NES and all the relevant Health and Care Professional Regulators. It contains a general section and specific clauses relevant to each Regulator which are set out in the appendices detailed below. In the interest of transparency all documents are shared between all the Regulators.

Appendix 1 – The General Dental Council

Appendix 2 – The General Medical Council

Appendix 3 – The General Pharmaceutical Council

Appendix 4 – The Health and Care Professions Council

Appendix 5 – The Nursing and Midwifery Council

3. Roles and responsibilities

NES

- a. NES is a special health board established pursuant to the National Health Service (Scotland) Act 1978, and constituted by the NHS Education for Scotland Order 2002 (Scottish SI 2002 No. 103) , and is responsible for supporting NHS services in Scotland by developing and delivering education and training for those who work in NHS Scotland.
- b. The responsibility of NES is to help provide better patient care by designing, commissioning, quality assuring and, where appropriate, providing education, training and lifelong learning for the NHS workforce in Scotland.
- c. The detailed responsibilities of NES for education and training in respect of each professional group are set out in the relevant appendix.

4. Principles of co-operation

NES and the Regulators intend that their working relationship will be characterised by the following principles:

- a. Making decisions that promote patient and public safety
- b. Ensuring the provision of high quality education and training
- c. Maintaining public confidence in the organisations.
- d. Co-operating openly and transparently.
- e. Respecting each other's independent status.
- f. Using resources effectively and efficiently.
- g. Addressing overlaps and gaps in activity or information gathering.
- h. Using information to best enhance the quality of training and ensure patient and public safety.

NES and the Regulators are also committed to a regulatory system for health in Scotland which is transparent, accountable, proportionate, consistent, and targeted (the principles of better regulation).

5. Collaborative working and information sharing arrangements

- a. The working relationship between NES and the regulators will be characterised by regular contact and open (as legally possible and necessary for each organisation's statutory functions) exchange of information gathered in the course of their normal business, through both formal and informal meetings at all levels.
- b. Details of key contacts within NES and the Regulators are contained in the relevant Appendices.
- c. NES and the Regulators will collaborate and exchange such information as is necessary to fulfil their statutory functions, to protect patients and the public and to improve the quality of healthcare through raising standards and enhancing professional development.
- d. NES and the Regulators will establish formal systems to share information on the quality of the learning environment with each other and with other Health and Care Regulators including, but not exclusively, the Care Quality Commission, the Professional Standards Authority and Healthcare Improvement Scotland (HIS).
- e. It is understood by NES and the Regulators that statutory and other constraints on the exchange of information will be fully respected, including requirements under the Data Protection Act 1998, the Human Rights Act 1998, the Freedom of Information (Scotland) Act 2002 (for NES) and the Freedom of Information Act 2000 (for the regulators). The common law duty of confidentiality will also be maintained.
- f. Each organisation will take appropriate steps to protect the confidential nature of documents and information that the other may provide.
- g. Examples of how NES and the Regulators will collaborate and exchange information to include;
 - I. Sharing information on strategic and policy developments which may impact on each other's work, including, for example, developments or changes in education and training policy and procedures, regulatory standards or fitness to practise criteria.
 - II. Sharing information about trends, data, approaches and initiatives which may be of interest to the other organisation.
 - III. Notifying each other of specific concerns relevant to mutual responsibilities- including concerns about students, trainees, trainers, education and training programmes or local education providers (LEPs).
 - IV. Exchange of information regarding the delivery of appraisal and revalidation.

V. Collaborating on relevant external communications.

6. Referrals

- a. In addition to the ongoing routine sharing of information detailed in paragraph 5, each organisation will notify the other of specific concerns relevant to their responsibilities at the earliest opportunity.
- b. The principles of openness and candour, upon which this MoU is based, also extends to all NES's stakeholders. Therefore, in most circumstances where NES is seeking to share information with the relevant Regulator, NES will also have notified the organisation/individual, to which the information refers, of its findings and intention to share these with the Regulator. NES anticipates that this will prompt a more proactive self-reporting culture between these organisations/individuals and the relevant Regulator, coupled with a more structured planning and review process with regard to any subsequent action and/or remediation.
- c. NES and the Regulators will be guided by the following principles when making any referral;
 - I. The need to ensure patient and public safety
 - II. The public interest
 - III. That referral is appropriate to the situation
- d. Disclosure of information between NES and the appropriate Regulator will be considered on a case by case basis. In each case, the party holding the information will decide whether or not to disclose after careful consideration of relevant legislation and common law duty of confidentiality.
- e. In general terms and subject to case law, confidential or personal information will only be disclosed if there is an overriding necessity: for example a legal obligation or a patient or public safety reason. Personal data will be disclosed only to the appropriate staff member of the other party responsible for dealing with the issue to which such personal data relates.
- f. Where NES or the Regulator encounter specific concerns that may impact on the work 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 as set out in the relevant appendix.
- g. NES will inform the relevant Regulator of any information gathered in the course of its normal business that raises concern about a registrant's fitness to practise, or about an education and training provider's or training site's compliance with

relevant regulatory standards. The information could relate but is not limited to complaints; death or injury to patients; alleged or suspected professional misconduct or health issue affecting an individual's capability; serious service failures; failure to supervise trainees; or adverse incidents or events.

- h. The Regulator will, in accordance with its referral policies, inform NES if it is investigating concerns about the following where there may be implications for an individual's education/training;
 - I. The health, character, or competence of a student/trainee
 - II. The fitness to practise of a registrant who is known or is likely to hold an educational role such as supervisor
 - III. An education and training provider's or training site's compliance relevant regulatory standards
 - IV. Situations where there are concerns for patient and/or public safety
- i. If a staff member from either organisation is in doubt as to whether information should be referred, they will seek guidance from the relevant persons specified in the relevant appendix.
- j. Where either organisation is considering enforcement action details will be shared at the earliest opportunity to avoid compromising the other organisation's action.
- k. Where either organisation has taken independent enforcement action, the outcome of which is relevant to the other organisation, details will be shared at the earliest opportunity.
- l. Working together, NES and the Regulator will liaise with other relevant organisations that may regulate or scrutinise Local Education Providers (LEPs), such as Healthcare Improvement Scotland (HIS), where there are matters of concern relevant to those organisation's responsibilities.

7. Communication

- a. NES and the Regulators will collaborate on relevant external communications. This will include for example;
 - I. Sharing and working together, as appropriate, on relevant drafts, including sections of reports and guidance, in order to ensure factual accuracy, to benefit from each other's knowledge and expertise, and to promote consistency of advice.

- II. Involving each other as appropriate, in conferences and other public discussion.
- III. Assisting each other's activities to disseminate information about matters of mutual interest.
- IV. Involving each other, as appropriate, in working groups, meetings and discussions between organisations on matters of mutual relevance.

8. Dispute resolution

- a. Any dispute between NES and the Regulator will normally be resolved at working level. If this is not possible, it may be referred to the key officers mentioned in the relevant appendix who will try to resolve the issues within 14 days of the matter being referred to them.
- b. Unresolved disputes may be referred upwards through those responsible for operating this MoU, up to and including the Chief Executives of each organisation, who will be jointly responsible for endeavouring to ensure a mutually satisfactory resolution.

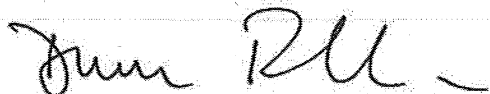
9. Duration and review

- a. This MoU takes effect from the last date of signing, is not time limited and will remain in force until it is terminated or superseded by a revised document.
- b. Either party may terminate this MoU by writing to the other and giving 28 days' notice.

This MoU may be reviewed at any time at the request of either party.



Caroline Lamb, Chief Executive
Signed on behalf of NES



Duncan Rudkin Chief Executive/Registrar
Signed on behalf of the GPhC

The General Pharmaceutical Council (GPhC)

Roles and Responsibilities

NES

The responsibility of NES to help provide better patient care by designing, commissioning, quality assuring and, where appropriate, providing education, training and lifelong learning for the NHS workforce in Scotland. Quality assurance of pharmacy training is discharged in partnership with other bodies concerned with quality and regulation.

NES Pharmacy provides education and training for pre registration pharmacists, registered pharmacists and registered pharmacy technicians within NHSScotland. NES Pharmacy is also responsible for supporting the education and training of pharmacy support staff.

The purpose of the pharmacy input within NES is to maximise the contribution of all registered pharmacists and technicians in the NHS in Scotland through the provision of appropriate post qualification education and training programmes and facilitation of continuing professional development (CPD).

NES Pharmacy is responsible for administering the national pre-registration pharmacist scheme (PRPS) for pre-registration trainees in Scotland. This includes the recruitment of pre-registration trainees, the provision of a standardised training programme for all trainees and the quality management of the training; including training site approval, tutor training and appraisal. NES Pharmacy also make provision of the standardised training programme and the quality management of the training for those trainees in Scotland who are not funded by the training grant.

NES Pharmacy is also involved in the development of effective and efficient multi-professional education as well as promoting and participating in research and development. This includes workforce development, capacity and capability work for the profession in Scotland, UK-wide and with the Scottish Government. The functions of NES pharmacy support education and training, developing roles and skill mix, clinical governance and regulation, and include:

- a. The provision of direct, distance and e-learning courses
- b. Postgraduate course Funding
- c. Funding non-medical prescribing courses
- d. Vocational training programme (Foundation/Advanced) in hospital, community and primary care

- e. The management and governance of Scottish pre-registration pharmacist training
- f. Pharmacy Support Staff E&T
- g. Peer review analysis (Significant Event Analysis, Audit, Patient consultations)

GPhC

The GPhC is the regulator for pharmacists, pharmacy technicians and pharmacy premises in England, Scotland and Wales. The over-arching objective of the Council in exercising its functions is the protection of the public. This involves the following objectives, set out in the Pharmacy Order 2010.

- to protect, promote and maintain the health, safety and wellbeing of the public;
- to promote and maintain public confidence in the professions regulated under this Order;
- to promote and maintain proper professional standards and conduct for members of those professions; and
- to promote and maintain proper standards in relation to the carrying on of retail pharmacy businesses at registered pharmacies.

In addition, the GPhC has enforcement powers and duties under the Poisons Act 1972, the Medicines Act 1968 and the Veterinary Medicines Regulations. These enforcement duties/powers mainly relate to the sale and supply of medicines from registered pharmacies.

The GPhC maintains an inspectorate for all registered pharmacies in Great Britain for the purpose of ensuring pharmacies meet GPhC standards and comply with the relevant legislation that the GPhC enforces.

As part of its regulatory functions the GPhC approves the 52 weeks of professional training that pre-registration trainee pharmacists are required to undertake and sets and runs the registration assessment that trainees must pass to be able to apply to be registered. Pre-registration training must be undertaken at an approved training site. Training providers are required to submit a training plan to the GPhC for approval and trainees must have a tutor that meets GPhC requirements.

The operation of pre-registration training is governed by the Pharmacy Order 2010 and the GPhC Standards and procedures for the initial education and training for pharmacists. (http://www.pharmacyregulation.org/sites/default/files/GPhC_Future_Pharmacists.pdf)

Information Sharing

As detailed in section 5 of the MOU, NES and the GPhC will collaborate and exchange such information as is necessary to fulfil their statutory functions. An information sharing agreement will support the working relationship between the two organisations setting out what information is shared between NES and the GPhC and the reasons for this.

Pre-registration Training

In accordance with jointly agreed NES and GPhC operational protocols and information sharing agreement that will supplement this MoU;

- a. NES will ensure its national PRPS training programme meets the GPhC Standards and procedures for the initial education and training for pharmacists.
- b. The GPhC will approve and recognise the NES national PRPS programme for all pre-registration trainees based in Scotland.
- c. NES will collate the applications to enter pre-registration training for all trainees based in Scotland on behalf of the GPhC
- d. NES will assess pharmacies in Scotland for GPhC approval as pre-registration training sites.
- e. The GPhC will approve pre-registration training sites in Scotland based on the NES assessment.
- f. NES will ensure that pre-registration tutors in Scotland declare that they meet published GPhC requirements each training year by completion of an annual tutor declaration.
- g. NES and the GPhC will exchange current data on pre-registration trainees, training sites and tutors in Scotland at defined census dates each year.

NES will carry out the functions specified above for all pre-registration trainees and training sites in Scotland, including those where training is not funded by the NES national PRPS.

To avoid duplication of activity, the NES quality management of pre-registration training in Scotland will mitigate the need for GPhC quality management processes.

On an annual basis the GPhC will seek evidence and assurance about how the NES quality management of pre-registration training programmes, training sites and tutors in Scotland meets GPhC standards and procedures for the initial education and training of pharmacists.

Cross-referral of Concerns

As detailed in section 6 of the MOU where NES and the GPhC encounter a concern which relates to the work and remit of the other, they will at the earliest opportunity share this and relevant information with the appropriate named individual so that the matter can be looked into. In the public interest it is not necessary for the referring organisation to wait until the conclusion of its own investigation.

In particular, NES will refer to the GPhC:

- any concerns and relevant information about a pharmacist or pharmacy technician, or a pre-registration trainee of either profession, which may call their fitness to practise into question;
- any concerns and relevant information about a primary education provider for pharmacy programmes/courses which may impact on its suitability as an education provider;
- any concerns and relevant information about specialist training that either call a GPhC registrant's fitness to practise into question or raise concerns about an education provider's compliance with GPhC standards;
- any concerns or relevant information about the safe and effective running of a registered pharmacy and provision of pharmacy services which indicates legal requirements or regulatory standards are not being met and presents a risk to patient and public safety.
- any concerns or relevant information about a registered pharmacy providing training placements that indicates non-compliance with GPhC guidance for training pre-registration pharmacists or pharmacy technicians, or could be detrimental to the trainee's progression and/or the safety of the public.

In particular, the GPhC will refer to NES:

- any concerns and relevant information about an education provider in which healthcare and pharmacy professionals practice or are trained, which may cause concerns for NES;
- any concerns and relevant information about an education provider which may call into question the robustness of its systems of appraisal and clinical governance;
- any relevant information from fitness to practise processes and procedures which impact upon or concern a trainee pharmacy professional.
- any concerns and relevant information about pharmacy premises in which healthcare professionals practice or are trained, which may cause concern for NES.

Meetings and Review of Procedures

The working relationship between NES and the GPhC will be characterised by regular contact and open exchange of information gathered in the course of their normal business, through formal and informal meetings at all levels.

This will be kept under review by the NES Pharmacy Associate Postgraduate Dean, the Principal Lead for Pharmacy Educational Development (PRPS) and GPhC Director for Scotland who will meet at least every 6 months.

On an annual basis NES and the GPhC will

- Report on actions arising from the operation of the MoU in the preceding 12 months
- Review the effectiveness of this MoU in achieving its aims and make amendments where necessary
- Review operational protocols and information sharing agreements
- Review NES quality management procedures for pre-registration training
- Identify areas for future development of the working arrangements
- Ensure the contact information for each organisation is accurate and up to date

Key Points of Contact

NES

Responsible for: Leading NES Pharmacy & formal review of MoU

Professor Anne Watson, Postgraduate Pharmacy Dean

Telephone: 0141 223 1601

Email: anne.watson@nes.scot.nhs.uk

Dr Ailsa Power, Associate Postgraduate Pharmacy Dean

Telephone: 0141 223 1602

E-mail: ailsa.power@nes.scot.nhs.uk

Responsible for: Leading the NES Pre-registration Pharmacist Scheme

Gail Craig, Principal Lead Educational Development (PRPS)

Telephone: 0141 223 1610

Email: gail.craig@nes.scot.nhs.uk

GPhC

Responsible for: Leading GPhC work in Scotland & formal review of MoU

Lynsey Cleland, Director for Scotland

Telephone: 020 3365 3426

Email: Lynsey.cleland@pharmacyregulation.org

Responsible for: Education policy and standards

Damian Day, Head of Education

Telephone: 020 3365 3455

Email: Damian.day@pharmacyregulation.org

Responsible for: Pre-registration training, including concerns about the health, character or competence of a pre-registration trainee pharmacist

Terry Orford, Head of Customer Services

Telephone: 020 3365 3608

Email: terry.orford@pharmacyregulation.org

Responsible for: concerns about a registrant's fitness to practise

John Hepworth, Head of Professionals Regulation (Fitness to Practise)

Telephone: 020 3713 7849

Email: john.hepworth@pharmacyregulation.org

Responsible for: concerns about the safe and effective running of a registered pharmacy

James Duggan, Inspection Regional Manager

Telephone: 020 3713 7904

Email: james.duggan@pharmacyregulation.org