

NHS Education for Scotland

Board Paper Summary

1. Title of Paper

Development of Memoranda of Understanding (MoUs) with Health Regulators and Agreement of MoU between NES and the General Pharmaceutical Council (GPhC).

2. Author(s) of Paper

Rose Marie Parr, NES Director of Pharmacy

3. Purpose of Paper

The purpose of this paper is to present a draft MoU between NES and GPhC to the Board for approval and update the Board on proposals to review the process for agreeing MoU's with the health regulators.

Each directorate within NES is at different stages in the development of MoUs with their own health regulator. For example, the Medical Directorate has had a MoU in place with the General Medical Council (GMC) since 2006 which is regularly updated. An MoU is being discussed between the Dental Directorate and the General Dental Council (GDC) and the Nursing Directorate is also reviewing the position with the Nursing and Midwifery Council (NMC). At present NES does not have MoUs in place with the Health and Care Professions Council (HCPC) for Psychology or Allied Health Professions.

MoUs are not legally binding agreements and they do not over-ride either party's statutory obligations. However, these are important documents which are designed to ensure that the two organisations work effectively together to deliver safe and effective health services.

The issues covered in each MoU will vary by directorate depending upon the exact nature of the directorate's responsibilities for education and training. However, most of the issues to be covered with each health regulator will be the same. The proposal is therefore to develop a standard MoU template which reflects best practice but can then be varied as required to reflect the particular requirements of the directorate/regulator.

This work is very timely as the importance of effective joint working between NES and the health regulators is increasing. In particular, there is a need for effective information sharing between NES and the regulators around trainees' data as well as lessons learned about the quality of the learning environment within Health Boards and other education providers. Also, opportunities to use survey and other data for educational research purposes are becoming more important.

This work will be taken forward in conjunction with each Director as follows;

1. A review of existing MoUs in place with each Regulator to identify good practice and directorate specific requirements.
2. Development of a standard MoU appropriate for future use to include information sharing and research requirements.
3. Negotiation of revised MoUs with each regulator at the appropriate time when existing MoUs are due for review.

The MoU with GPhC will also be reviewed as part of this work and an updated version put in place when it is reviewed in 12 months time.

This work will be completed within 12 months as each MoU is due for renewal.

4. Key Issues

NES Pharmacy has been striving to strengthen working relationships with the GPhC to mutual benefit and the further development of the QM processes. This has resulted in a proposed Memorandum of Understanding with the GPhC for the sharing of intelligence and the governance of the pre-registration training year in Scotland.

The draft agreement creates the platform for consistent and high quality training, improved ways of working and more effective collaboration with partner organisations, thus supporting the implementation of Scottish Governments Strategy for Pharmacy: *Prescription for Excellence* and the Health and Social Care integration and 2020 Workforce Vision policies.

5. Educational Implications

This project should strengthen the delivery of education and training through effective joint working with the health regulators.

6. Financial Implications

There are very few financial implications for NES in agreeing MoUs with the health regulators as they will build on existing governance arrangements and formalise many of the current processes already in place between NES and the regulators.

The cost of managing the project will be met out of existing resources.

7. Which of the 9 Strategic Outcome(s) does this align to?

The proposals set out in this paper align with:

SO1: Delivering evidence based excellence in education for improved care.

SO3: Building co-ordinated joint working with key stakeholders.

In respect of the draft MoU with the GPhC this includes developing a standardised national training programme which meets the requirements of the Pharmacy Regulator for the initial education and training of pharmacists. It should also ensure consistent recruitment, selection, assessment and supervision for pharmacy training.

8. Impact on the Quality Ambitions

The project should strengthen our relationship with the health regulators and improve information sharing arrangements and the exchange of data for quality management and educational research purposes. In turn this should improve our ability to manage the quality of education and training in Scotland.

9. Key Risks and Proposals to Mitigate the Risks

There are few risks associated with this project as the MoUs are not legally binding agreements. However, the draft GPhC MoU has been reviewed by the Central Legal Office (CLO) and the revised standard MoU template will also be reviewed by CLO in due course.

There is a potential risk to the relationship with the regulators if we request MoUs to be put in place or updated which the regulators do not find helpful. However, this risk will be minimised through effective joint working and by ensuring the proposed MoUs are relevant for both parties to the MoU.

10. Equality and Diversity Impact Assessment

NES is required to assess the equality impact of all new or proposed policies, functions and workstreams, and to have due regard to equality considerations when making decisions.

- a) Briefly describe your arrangements for assessing the equality impact of any proposals outlined in this paper.
- b) What potential or actual impact on people from different equality groups or other equality considerations have been identified?
- c) What actions have been taken or proposed to address the issues you identified?

See guidance note on how to complete this section (available on Intranet, Meetings section). Your paper should include relevant details, including assessment of alternatives if required.

11. Communications Plan

A Communications Plan has been produced and a copy sent to the Head of Communications for information and retention:

Yes No

A Communications Plan format template is available in the 'Meetings' and 'Communications' sections of the NES Intranet.

12. Recommendation(s) for Decision

The Board is asked to **approve** the draft MoU between NES and the GPhC and **note** the proposals to develop an updated MoU template to incorporate up-to-date information sharing and educational research requirements and agree revised MoUs with each regulator in conjunction with the relevant directorate(s).

April 2014

RMP/JS

Memorandum of Understanding NHS Education for Scotland and the General Pharmaceutical Council

1. Introduction

- 1.1 This memorandum of understanding (MoU) outlines the basis of co-operation between NHS Education for Scotland (NES) and the General Pharmaceutical Council (GPhC).
- 1.2 The purpose of the MoU is to ensure that the two organisations complement and strengthen each other's respective roles and functions in ensuring safe and effective pharmacy care and services.
- 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 the autonomy and accountability of NES and the GPhC or their governing bodies. However, NES and the GPhC agree to act in accordance with the terms and conditions specified herein.

2. Roles and responsibilities

NES

- 2.1 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 NHSScotland
- 2.2 The NES Pharmacy Directorate provides education and training for pre registration pharmacists, registered pharmacists and registered pharmacy technicians within NHSScotland. The NES Pharmacy Directorate is also responsible for supporting the education and training of pharmacy support staff.
- 2.3 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).
- 2.4 The NES Pharmacy Directorate 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 and tutor appraisal.

2.5 The NES Pharmacy Directorate 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:

- The provision of direct, distance and e-learning courses
- Multidisciplinary practice based education
- Postgraduate course funding
- Funding non- medical prescribing courses
- Scottish vocational training scheme (VT2, VT3 & VT4)
- The organisation and quality management of pre-registration pharmacist training (PRPS).
- Pharmacy Support Staff
- Research (uni- and multi-professional)
- Significant event analysis review
- Audit review

GPhC

2.6 The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and pharmacy premises in England, Scotland and Wales. Its purpose is to protect, promote and maintain the health, safety and wellbeing of patients and the public by upholding standards and public trust in pharmacy.

2.7 The functions of the GPhC are set out in the Pharmacy Order 2010 and include:

- To establish and maintain a register of pharmacists, pharmacy technicians and premises at which a retail pharmacy business is, or is to be, carried on.
- To set and promote standards for the safe and effective practice of pharmacy at registered pharmacies.
- To set requirements by reference to which registrants will demonstrate that their fitness to practise is not impaired.
- To promote the safe and effective practice of pharmacy by registrants.
- To set standards and requirements in respect of education, training, acquisition of experience and continuing professional development that is necessary for pharmacists and pharmacy technicians to achieve in order to be entered in the Register or to receive an annotation in the Register and to maintain competence.
- To ensure the continued fitness to practise of registrants.

2.8 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.

2.9 The GPhC maintains an inspectorate who inspects 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.

- 2.10 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.
- 2.11 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)

3. Principles of co-operation

- 3.1 NES and the GPhC 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 training
 - c. Maintaining public confidence in the two 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

4. Collaborative working and information sharing arrangements

- 4.1 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 both formal and informal meetings at all levels. This will be kept under review by the NES Director of Pharmacy and the GPhC Director for Scotland who will meet on a quarterly basis.
- 4.2 Details of key contacts within NES and the GPhC are contained in Appendix A.
- 4.3 NES and the GPhC will collaborate and exchange such information as is necessary to fulfil their statutory functions, to protect patients and improve the quality of pharmacy services.
- 4.4 It is understood by NES and the GPhC 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 GPhC). The common law duty of confidentiality will also be maintained.
- 4.5 Each organisation will take appropriate steps to protect the confidential nature of documents and information that the other may provide.
- 4.6 Examples of how the two organisations will collaborate and exchange information include;

- a) 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.
- b) Sharing information about trends, data approaches and initiatives which may be of interest to the other organisation.
- c) Exchanging information and co-ordinating activity in relation to pre-registration training, such as operational procedures.
- d) Notifying each other of specific concerns relevant to mutual responsibilities- including concerns about trainees, registrants or registered pharmacies.
- e) Collaborating on relevant external communications

5. Pre-registration training

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

- NES will ensure its national PRPS training programme meets the GPhC Standards and procedures for the initial education and training for pharmacists
- The GPhC will approve and recognise the NES national PRPS programme for all pre-registration trainees based in Scotland
- NES will approve pharmacies in Scotland for GPhC approval as pre-registration training sites
- The GPhC will approve pre-registration training sites in Scotland based on the NES approval
- NES will ensure that pre-registration tutors in Scotland meet published GPhC requirements

5.2 NES will provide the GPhC with current data on pre-registration trainees, training sites and tutors in Scotland in accordance with jointly agreed operational protocols at defined census dates each year.

5.3 NES will carry out the functions specified in 5.1 and 5.2 for all pre-registration trainees and training sites in Scotland, including those where training is not funded by the NES national PRPS.

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

5.5 At each annual review of this MoU 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.

6. Referring Issues

6.1 In addition to the ongoing routine sharing of information detailed in 4.6, each organisation will notify the other of specific concerns relevant to their responsibilities at the earliest opportunity.

6.2 NES and the GPhC will be guided by the following principles when referring issues;

- The need to ensure patient and public safety
- The public interest
- That referral is appropriate to the situation

6.3 Disclosure of information between NES and the GPhC 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 referred to in paragraph 4.4.

6.4 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.

6.5 Subject paragraphs 6.2 and 6.3, where NES or the GPhC encounters specific concerns that may impact on the others work, they will at the earliest opportunity convey the concerns and supporting information to a named individual with relevant responsibility at the other organisation (Appendix A).

6.6 NES will inform the GPhC of any information gathered in the course of its normal business that raises concern about ;

- a GPhC registrant's fitness to practise;
- the safe and effective running of a registered pharmacy; or
- the health, character or competence of a pre-registration trainee pharmacist

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.

6.7 The GPhC 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 pre-registration training;

- the fitness to practise of a registrant who is a pre-registration tutor
- the safe and effective running of a registered pharmacy that is an approved training site,
or
- the health, character, or competence of a pre-registration trainee pharmacist

6.8 If staff from either organisation is in doubt as to whether information should be referred, they will seek guidance from the relevant persons specified in appendix A.

6.9 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.

6.10 Working together, NES and the GPhC will liaise with other relevant organisations that may regulate or scrutinise pre-registration training sites, such as Healthcare Improvement Scotland, where there are matters of concern relevant to those organisation's responsibilities.

7. Communication Issues

7.1 NES and the GPhC will collaborate on relevant external communications. This will include for example;

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

8. Dispute resolution

8.1 Any dispute between NES and the GPhC will normally be resolved at working level. If this is not possible, it may be referred to the directors mentioned at paragraph 4.1 who will try to resolve the issues within 14 days of the matter being referred to them.

8.2 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

9.1 This MoU takes effect from the last date of signing and will remain in force until it is terminated or superseded by a revised document.

9.2 Either party may terminate this MoU by writing to the other and giving 28 days' notice.

9.3 This MoU will be formally reviewed by NES and the GPhC no less frequently than on each anniversary of signing. Each annual review 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
- Refresh operational protocols
- 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

.....
Malcolm Wright
Chief Executive
Signed on behalf of NES

.....
Duncan Rudkin
Chief Executive
Signed on behalf of the General Pharmaceutical Council

Key Points of Contact

NES

Responsible for: Leading NES Pharmacy & formal review of MoU

Rose Marie Parr, Director of Pharmacy

Telephone: 0141 223 1601

Email: RoseMarie.Parr@nes.scot.nhs.uk

Responsible for: Leading the NES Pre-registration Pharmacist Scheme

Stephen Peddie, Lead Pharmacist Educational Development

Telephone: 0141 223 1543

Email: Stephen.peddie@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 or the safe and effective running of a registered pharmacy

Bernie Lunney, Head of Investigation and Case Management

Telephone: 020 3365 3549

Email: Bernie.lunney@pharmacyregulation.org