



**Memorandum of Understanding
between the Care Quality Commission
and
the Royal College of Pathologists**

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Introduction

1. This Memorandum of Understanding (MoU) sets out the framework to support the working relationship between the Care Quality Commission (CQC) and the Royal College of Pathologists (RCPath) in order to safeguard the wellbeing of the public receiving health and social care in England.
2. The working relationship between CQC and RCPath is part of the maintenance of a regulatory system for health and adult social care in England that promotes patient safety and high-quality care.
3. CQC is the independent regulator of health and social care in England. The RCPath is a professional membership organisation concerned with all matters relating to the science and practice of pathology. The responsibilities and functions of both CQC and RCPath are set out in Annex 1. Both organisations share a concern for the quality and safety of health and care services, and recognise that the development of models of health and care service delivery requires closer cooperation between the two organisations.
4. This MoU does not override the statutory responsibilities and functions of CQC and RCPath and is not enforceable in law. However, CQC and RCPath are committed to working in ways that are consistent with the principles of this MoU.

Principles of co-operation

This MoU is a statement of principle, which supports our focus on promoting patient and public safety and wellbeing. More detailed operational protocols and guidance can be developed as required.

5. CQC and RCPath intend that their working relationship be characterised by the following principles:
 - a. The need to make decisions that promote people's safety and high-quality health care when receiving clinical or medical pathology services as part of their health care, health screening or health promotion.
 - b. Respect for each organisation's independent status.
 - c. The need to maintain public and professional confidence in the two organisations and the CQC regulatory process.
 - d. Openness and transparency between the two organisations as to when co-operation is and is not considered necessary and/or appropriate.
 - e. The need to use resources effectively and efficiently.

- f. Promoting and driving improvement in the quality and safety of pathology services in England.

Areas of co-operation

6. The working relationship between CQC and RCPATH involves co-operation in the following areas:
 - a. Sharing information, where legally able to do so, supporting each other's roles and focus on the quality and safety of pathology services provided for people receiving health and social care in England.
 - b. Work in partnership in order to address concerns in the event that pathology services are not meeting satisfactory outcomes of accredited quality assurance schemes.
 - c. Timely and focused exchange of information in cases where either party becomes aware or has reason to believe that a pathology service is not safe. In all situations, information sharing will be lawful and subject to relevant statutory requirements, and any organisational codes of practice or policies as detailed under Information Sharing below
 - d. RCPATH will inform CQC in cases where measures taken to address persistent poor performance of a laboratory services have failed, despite intervention and support from the Quality Assurance in Pathology committee of the RCPATH.
 - e. The RCPATH and CQC nominated person/s will meet on a regular basis or as required to ensure the MOU is meeting its purpose.
 - f. CQC will keep the RCPATH updated with information about CQC assessment and inspection methodology
 - g. CQC will share with RCPATH relevant quality and safety concerns about laboratories, including concerning assessment and inspections findings. In all situations, information sharing will be subject to relevant statutory requirements, and any organisational codes of practice or policies as detailed under Information Sharing below

Exchange of Information

7. Any information which identifies a living individual is considered confidential personal information. Both organisations recognise that all processing of personal data (including the sharing of personal data) must be carried out in accordance with the General Data Protection Regulation, The Data Protection Act 2018, section 76 to 79 of the Health and Social Care Act 2008, The Human Rights Act 1998, and all relevant legislation relating to these matters and respective Codes of Practice (which includes CQC's Code of Practice on Confidential Personal information), frameworks or other policies relating to confidential personal

information and information issues. Both organisations agree that the sharing of personal data will be considered on a case-by-case basis and carried out in a manner consistent with the Data Sharing Code of Practice published by the Information Commissioner's Office.

8. CQC recognises its responsibilities under the Freedom of Information Act 2000 ('Act'). The RCPATH is not a public body and is therefore not subject to the Act. The RCPATH does, however, comply with the spirit of the Act where it would be reasonable to do so.

Resolution of disagreement

9. Where there is disagreement between CQC and RCPATH, this should be resolved in the first instance 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 CQC and the Chief Executive of the RCPATH, who will then be jointly responsible for ensuring a mutually satisfactory resolution.

Duration and review

10. This MoU commences on the date of the signatures below. It is not time-limited and will continue to have effect unless the principles described above need to be altered and/or cease to be relevant.
11. This MoU will be reviewed every two to three years, but may be reviewed at any time at the request of either party. However, any alterations to the MoU will require both parties to agree.
12. Both organisations have identified a person responsible for the management of this MoU (known as 'Relationship Leads') and their contact details are set out in Annex 2. Relationship Leads will liaise as required to ensure that:
 - a. this MoU is kept up to date
 - b. they identify any emerging issues in the working relationship between the organisations
 - c. they resolve any questions that arise regarding the interpretation of this MoU.

Signatures



Ian Trenholm
Chief Executive
Care Quality Commission

Date: 8 February 2021



Daniel Ross
Chief Executive
Royal College of Pathologists

Date: 8 February 2021

Annex 1: Responsibilities and functions of CQC and RCPATH

CQC

CQC is the independent regulator of health and adult social care in England. Its purpose is to make sure health and care services provide people with safe, effective, compassionate, high-quality care and to encourage them to improve.

CQC does this by registering, monitoring, inspecting and regulating independent pathology laboratories, hospitals, adult social care services, dental and general practices and other care services in England, to make sure they meet fundamental standards of quality and safety. We set out what good and outstanding care looks like and we make sure services meet these standards which care must never fall below.

CQC reports publicly on what it finds locally, including performance ratings for care providers, to help people choose care and encourage providers to improve. It also reports annually to Parliament on the overall state of health and adult social care in England.

Providers are required by law to register their services with CQC if they provide one or more of the regulated activities. Regulated activities have been set out by the Department of Health and are contained in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. CQC `Scope of Regulation` guidance describes Regulated activities and sets out the types of services that are required to register.

There are 14 regulated activities. The activity of diagnostic and screening procedures applies where equipment is used in order to examine cells, tissues and other bodily fluids for the purposes of obtaining information on the causes and extent of a disease, disorder or injury. Full details of this regulated activity and exemptions can be found in Schedule 1 and 2 of the Schedule 2 of the [Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#).

RCPATH

The RCPATH is a professional membership organisation with registered charity status, concerned with all matters relating to the science and practice of pathology. It is a body of its Fellows, Diplomates, Associates, Affiliates and trainees, supported by the staff who are based at the College's London offices.

The RCPATH has over 11,000 members worldwide. The majority of members are doctors and scientists working in hospitals and universities in the UK. The College oversees the training of pathologists and scientists working in 17 different specialties, which include cellular pathology, haematology, clinical biochemistry and medical microbiology. Although some pathologists work in laboratories, many work directly with patients in hospitals and the community. Together they are involved in the majority of all diagnoses, as well as playing an important role in disease prevention, treatment and monitoring.

Annex 2: Contact details for all parties

Contact details redacted