

Memorandum of Understanding between Monitor and the General Medical Council

The purpose of this memorandum of understanding is to set out a framework to support the working relationship between Monitor and the General Medical Council (GMC).

The working relationship between Monitor and the GMC supports a co-ordinated regulatory system for healthcare in England which exists to ensure the health sector works well for patients, promotes patient safety and delivers quality healthcare.

Monitor is the sector regulator for health services in England. Monitor's job is to make the health sector work better for patients. The responsibilities and functions of Monitor and the GMC are set out at Annex A.

The purpose of the GMC under the Medical Act 1983 (the Medical Act) is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.

This memorandum does not override the statutory responsibilities and functions of Monitor and the GMC. This memorandum and any protocols, supplementary arrangements or annexes to it are not enforceable in law. However, Monitor and the GMC agree to adhere to the contents of this memorandum.

1. Principles of co-operation

The working relationship between Monitor and the GMC will be characterised by the following principles:

- Shared purpose – both organisations have a common goal, which is to monitor and take action to ensure the health sector works in the best interests of patients and delivers quality healthcare.
- Openness and transparency – both organisations will share, proactively and on request, relevant information which helps the other carry out its key regulatory functions.
- Quality – both organisations commit to providing the other with information that is accurate, current and robust.
- Lawful – both organisations will comply with relevant UK legislation when sharing, storing and processing information.
- Efficiency – both organisations will take care to ensure their requests for information and referrals of information, including concerns, are made in a considerate and timely way.
- Respect – each organisation will respect the other’s functions, policies and independent status.

Monitor and the GMC are committed to supporting a regulatory system for healthcare in England which is transparent, accountable, proportionate, consistent and targeted – the principles of better regulation, as set out in the Regulators’ Code.¹

2. Exchange of information

Where Monitor or the GMC has relevant information which it believes falls specifically within the remit of the other, it will convey that information to a named individual with relevant responsibility at the other body in a timely manner.

The GMC will support Monitor with its assessment of trusts for foundation status and through its ongoing oversight of NHS foundation trusts by sharing information which it collects through its monitoring of designated bodies and local education providers, particularly material concerns which relate to an organisation’s clinical, quality and educational governance.

¹ <https://www.gov.uk/government/publications/regulators-code>

Monitor will support the GMC by sharing material concerns that relate to a particular doctor's fitness to practise, medical revalidation or the training environment for medical students and doctors, and which emerge through its assessment of applicant trusts for foundation status; ongoing monitoring of foundation trusts and licensed independent providers; or when conducting a formal investigation into patient choice and competition.

All arrangements for collaboration and exchange of information set out in this memorandum and any supplementary arrangements will take account of and comply with the Data Protection Act 1998, any legislation specific to Monitor or the GMC about such matters (for example, section 70 of the Health and Social Care Act 2012) and any codes of practice, frameworks or other policies relating to confidential personal information.

Both Monitor and the GMC are subject to the Freedom of Information Act 2000. If one organisation receives a request for information and the requested information has been obtained from, is held by or otherwise impacts on the other organisation, the receiving organisation will transfer the request or discuss the request with the other before responding.

Monitor and the GMC will agree a working document that contains details of how and when we will share relevant information and a list of relevant contact details for raising concerns. This will be a working document that can be altered by the other as details change. Each organisation will ensure the contact details are made available internally as appropriate.

3. Duration and review of this memorandum

This memorandum is not time-limited and will continue to have effect unless the principles described need to be altered or cease to be relevant.



The memorandum may be reviewed at any time at the request of either party.

Both organisations have identified a key senior contact at Annex B and these will liaise as required to ensure this memorandum is kept up to date and to identify any emerging issues in the working relationship between the two organisations.

4. Resolution of disagreement

Any disagreement between Monitor and the GMC will normally be resolved at working level. If this is not possible, it may be brought to the attention of the memorandum managers identified at Annex B, who may then refer it upwards through those responsible, up to and including the chief executives of the two organisations who will then jointly be responsible for ensuring a mutually satisfactory resolution.

Signed

David Bennett Chief Executive Monitor	Niall Dickson Chief Executive and Registrar General Medical Council
	
Date: 17 April 2015	Date: 17 April 2015

Annex A

Responsibilities and functions

Monitor and the GMC acknowledge each other's responsibilities and functions, and will take account of these when working together.

Monitor's responsibilities and functions

Monitor is the sector regulator for health services in England and our job is to make the health sector work better for patients.

Before April 2013 Monitor's main task was to authorise and regulate NHS foundation trusts, currently 60% of all public providers of NHS services. However, under the Health and Social Care Act 2012 Monitor was given a wide range of additional responsibilities. Its core responsibilities can be summarised under four main headings:

- **Making sure public providers are well led.** From its inception, Monitor has been tasked with making sure public providers of NHS care are well led, delivering quality care on a sustainable basis. Monitor does this in two ways: first by setting a required standard that all NHS providers must meet (our foundation trust authorisation standard or 'bar') and by working, most recently with the NHS Trust Development Authority, to ensure that, in due course, all NHS providers meet this standard; second, we seek to control the risk that foundation trusts, once authorised, fall back below the required standard. If they do, we take remedial action. We also work with others to support the ongoing development of foundation trust capabilities so that they are better able to deal with the challenges they face.
- **Making sure essential NHS services are maintained.** If a provider of essential NHS services, whether an NHS foundation trust or an independent sector provider, gets into such serious difficulty that it is unlikely to be able to continue providing its essential services for much longer, Monitor is responsible for making sure those services are maintained and protected for local patients. The services may continue to be provided by the failing provider while it restructures, or by alternative providers.
- **Making sure the NHS payment system promotes quality and efficiency.** One of Monitor's new duties is to work with NHS England to design and operate the payment system for all NHS services. Monitor sets the rules that govern the prices paid for services, while the grouping of services for payment purposes is done by NHS England.
- **Making sure procurement, choice and competition operate in the best interests of patients.** The purpose of promoting good procurement and,

where appropriate, enabling patients and commissioners to choose between competing service providers, is to support improvements in the quality of care and the efficiency with which it is provided. Monitor's role is to help commissioners and providers make sure patients do not lose out through poor commissioning, restrictions on their rights to make choices or inappropriate anti-competitive behaviour by commissioners or providers.

Across all areas of our work Monitor has a duty to enable better integration of services, both in healthcare and between health and social care, where this is in patients' interests. Monitor also seeks to encourage innovation and beneficial change through research and analysis to identify what works and what does not, and to stimulate better ways of working.

GMC's responsibilities and functions

The GMC's responsibilities and functions are set out primarily in the Medical Act.

The GMC's purpose under the Medical Act is to protect, promote and maintain the public's health and safety by ensuring proper standards in the practice of medicine.

The Medical Act gives the GMC four main functions:

- controlling entry to and maintaining the list of registered and licensed medical practitioners
- fostering good medical practice
- promoting high standards of medical education and training
- dealing firmly and fairly with doctors whose fitness to practise is in doubt.

Annex B

Contact details

Monitor 133-155 Waterloo Road London SE1 8UG Telephone: 020 3747 0000	General Medical Council Regent's Place 350 Euston Road London NW1 3JN Telephone: 0161 923 6602
--	---

Named contacts between Monitor and the GMC are as follows:

Chief executives (internal escalating policies should be followed before referral to chief executives)	
David Bennett Chief Executive Email: david.bennett@monitor.gov.uk	Niall Dickson Chief Executive and Registrar Email: ndickson@gmc-uk.org
Management of the memorandum	
Hugo Mascie-Taylor Medical Director – Patient and Clinical Engagement Email: Hugo.Mascie-Taylor@monitor.gov.uk Direct line: 020 3747 0605	Andrew Lewis Assistant Director – Employer Liaison Service Email: alewis@gmc-uk.org Direct line: 020 7189 6849