

## Memorandum of understanding between the Education and Skills Funding Agency and the Care Quality Commission

### Introduction

1. This Memorandum of Understanding (MOU) is between the Education and Skills Funding Agency (ESFA) and Care Quality Commission (CQC).
2. It sets out the areas in which ESFA and CQC will work together and coordinate their roles and activity.
3. The MOU sets out how the two organisations' interests and responsibilities will complement each other and how they will work together to avoid duplication or confusion.
4. In order to fulfil their respective remits as efficiently as possible, CQC and the ESFA will share a range of information on a regular basis. This will involve sharing information and knowledge about the institutions funded by the ESFA.
5. This document is for use between CQC and the ESFA only and is not intended to be legally enforceable. However, the CQC and ESFA are committed to working in ways that are consistent with the content of this MOU. This protocol will be reviewed in **August 2018**.

### Principles of cooperation

6. Our shared aim is to protect and promote the interests and rights of children and adults who use services regulated by CQC and funded by the ESFA.

### Areas of responsibility

#### Care Quality Commission

7. CQC is the independent regulator for health and social care in England. It makes sure services such as hospitals, care homes, dentists and GP surgeries provide people with safe, effective, compassionate and high-quality care, and encourages these services to improve.
8. Every week, CQC carries out hundreds of inspections throughout England and publishes the results on their website. CQC monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and publish what they find, including performance ratings to help people choose care.

9. At the time of this MOU, CQC inspects adult residential provision at 39 special post-16 institutions that provide education and care to high needs students aged 16-25.

10. The five key questions CQC ask at inspection are:

- Are they safe?
- Are they effective?
- Are they caring?
- Are they responsive to people's needs?
- Are they well-led?

### **Education and Skills Funding Agency**

11. The ESFA is an Executive Agency of the Department for Education.

12. The ESFA is accountable for £61bn of funding for the education and training sector, providing assurance that public funds are properly spent, achieve value for money for the tax payer and deliver the policies and priorities set by the Secretary of State.

13. The ESFA monitors academies, FE Colleges and training providers to ensure their compliance with the conditions upon which funding is provided, intervening where there is risk of failure or where there is evidence of mismanagement of public funds.

14. The ESFA has 3 core principles these are:

- Putting customers and users at the heart of what we do
- Improving and simplifying systems and services releasing benefits for us, the sector and service users
- Supporting our people to develop the skills they need to succeed

### **Our approach to joint working**

15. In relation to issues that affect both organisations where relevant we will engage in these jointly as far as possible, and act in close coordination.

16. We will involve each other as soon as we are aware of any safeguarding issues at institutions.

17. We will keep our employees informed of the working arrangements between us and enable joint operational working within the principles of this MOU. All decisions that may have national implications, require more than short-term resource, may have media impact or contradict the principles of this MOU will be referred to the officers named in this MOU who will facilitate discussions and resolution at an appropriate level.

## Exchange of Information

18. Joint working may, in certain circumstances, require CQC and ESFA to exchange information. The CQC and ESFA acknowledge and agree that ultimately any decision to share information will be made on a case-by-case basis and subject to compliance with any applicable data protection principles, codes of practice, guidance and information sharing agreements.

## Information supplied to CQC by the ESFA

19. The ESFA's Central Intervention (CIT) team will coordinate information sharing centrally and share the information set out below with CQC:

- List of ESFA funded institutions that CQC inspect
- Financial health outcomes for the Special Post-16 institutions (SPI) and Non-maintained special schools (NMSS) CQC inspect. These are updated three times a year to capture the differing year ends – The ESFA will share refreshed ratings as they become available
- In year market entry/exit
- Annual allocations data

## Information supplied to the ESFA by CQC

20. CQC will supply the ESFA CIT with the information set out below. The CIT team will ensure the distribution of this information, where appropriate, across ESFA territories under restricted cover.

- **List of ESFA funded institutions that CQC inspect**
- **Inspection dates:** when notification is provided to the institution in the case of announced inspections and the date inspections commence when they are unannounced.
- **Inspection outcomes:** At the same time as LA if there are serious concerns/inadequate rating
- **Notification of published findings**
- **Safeguarding Issues**  
The Secretary of State for Education has a general duty to promote the wellbeing of children in England under section 7 of the Children and Young Persons Act 2008. The ESFA supports the Secretary of State to comply with this duty through ensuring that the appropriate intervention action is taken in respect of safeguarding issues arising in ESFA funded institutions. In order to do this, it would assist the ESFA if the CQC could alert the ESFA when it becomes aware that a safeguarding incident has taken place at an ESFA funded institution. If the alert has not been received from a local authority, the CQC will inform the relevant local authority.
- **Notification of any closures**
- **Notices of Warning letters**

## **Where CQC is due to inspect an ESFA funded organisation**

21. CQC will notify the ESFA, via the CIT team, when an inspection of an ESFA funded organisation has started via the mailbox. This will usually happen on the first day that the inspection commences.
22. CQC will supply the CIT team with the following information when notifying the ESFA about an inspection:
  - The name and location of the organisation to be inspected
  - The dates on which the organisation will be inspected
  - The date on which the feedback meeting will take place
23. In the event that the ESFA believes CQC should have important information about the provider whilst an inspection is under way, efforts will be made to contact the lead by telephone call as soon as possible.

## **Non-routine information exchange about individual inspection or other data requests**

24. Any ad-hoc information required by CQC will normally be requested through the CIT team [provstandint.mailbox@education.gov.uk](mailto:provstandint.mailbox@education.gov.uk). ESFA CIT will endeavour to respond to high priority requests on the same day, and by one working day for other requests.
25. Where there is a regional/territorial request for information, these should be copied to the CIT team mailbox, but ESFA's Joint intervention teams will respond directly. The response times should be in line with those set out at para 24 above.

## **Media and publications**

26. We aim always to give each other advance notice of external communications relating to relevant areas of activity. We will coordinate in presenting our findings externally where appropriate.
27. Any documents shared in advance of publication are shared in confidence, and we will take appropriate steps to maintain that confidentiality to the fullest extent possible.
28. We will consult with the other party when considering any disclosure of information received from that party – for example, in response to requests under the Freedom of Information Act 2000.

## **Implementation**

29. This MOU commences on 1 September 2017. It will continue to remain in force until such time as it is revoked by the parties.
30. The MOU may be reviewed at any time at the request of either party.

Signed



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Sir David Behan  
Chief Executive, CQC

Dated: 22 August 2017

Signed



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Peter Lauener  
Chief Executive, ESFA

Dated: 4 September 2017

### Lead officers for contact between CQC and ESFA

#### CQC

Rob Assall Marsden  
Head of Inspection- Adult Social Care  
CQC  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

Email:  
[rob.assall@cqc.org.uk](mailto:rob.assall@cqc.org.uk)

Dave James  
Head of Adult Social Care Policy  
CQC  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

Email :  
[david.james@cqc.org.uk](mailto:david.james@cqc.org.uk)

#### ESFA

Chris Lewis  
Central Intervention Team  
Education and Skills Funding  
Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

Email:  
[chris.lewis@education.gov.uk](mailto:chris.lewis@education.gov.uk)

Anita Flora  
Central Intervention Team  
Education and Skills Funding  
Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

Email:  
[anita.flora@education.gov.uk](mailto:anita.flora@education.gov.uk)

