

# **Memorandum of Understanding between the Civil Aviation Authority and the Care Quality Commission**

**Date:** August 2015

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# Memorandum of Understanding between the Civil Aviation Authority (CAA) and the Care Quality Commission (CQC)

## Introduction

1. The parties to this memorandum of understanding ("memorandum" / "MOU") are the Civil Aviation Authority (CAA) and the Care Quality Commission (CQC) ("the parties").
2. The overall objective of this MOU is to provide a framework for the discussion of issues of mutual concern and sharing information so as to safeguard the wellbeing of people in respect of services that are subject to regulation by both parties. In practice, this means air ambulance services or Helicopter Emergency Medical Services (HEMS) for which CAA regulates operation of the aircraft, and for which CQC regulates provision of patient care.
3. This MOU does not affect any statutory responsibilities or functions of either CAA or CQC. This MOU is not enforceable by law, however both the CAA and CQC agree to act in their dealings with each other in line with this document.

## Purpose

4. The purpose of the memorandum is to support both parties in working effectively together to safeguard the wellbeing of people using services which are subject to both parties' regulatory powers. It fully recognises that the CAA will continue to apply full and comprehensive oversight in accordance with their own guidance and requirements.

## Functions of each organisation

5. CQC is the independent regulator of health and social care in England. CQC's purpose is to make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve. CQC's role is to monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and we publish what we find (see Annex A for further information).
  - a. One of the 14 regulated activities is '*transport services, triage and medical advice provided remotely*'. Providers are required to register with CQC if they 'transport a person for treatment in an aircraft which is designed for the primary purpose of carrying a person who requires treatment.'
  - b. The provision of an air ambulance is **exempted** from CQC registration for *transport services, triage and medical advice provided remotely* where:

- i. The aircraft is registered with the CAA pursuant to article 6 (aircraft to be registered) of the Air Navigation Order 2009(a) and
    - ii. The person providing the air ambulance does not provide treatment to a patient
    - iii. Transport is not carried out in England or is carried out under travel insurance arrangements
  - c. This exception only applies to the regulated activity of *transport services, triage and medical advice provided remotely*, but will not cover other regulated activities that may be provided in or from a vehicle, such as 'treatment of disease, disorder or injury' or 'diagnostic and screening procedures'.
6. CAA is the UK's independent specialist aviation regulator. Its activities include safety regulation, economic regulation, airspace policy and consumer protection (see Annex B for further information). Providers of aviation services who conduct Air Ambulance or Helicopter Emergency Medical Services are required to be certificated by the CAA.

### **General principles for collaborative working**

7. CAA and CQC intend that their working relationship will be characterised by the following principles:
  - a. Respect for each party's independent status
  - b. The need to maintain public confidence in the two parties
  - c. A pragmatic approach to effectively communicate
  - d. The need to make timely decisions which promote patient, staff and public safety.

### **Arrangements to underpin collaboration and cooperation**

8. There will be named contacts in both the CAA and the CQC. Named contacts will be responsible for making sure that staff within their respective organisations are aware of this MOU and have the necessary information to act in line with it. See Annex C for details of named contacts.
9. The named contacts will ensure that the MOU is reviewed annually, so as to:
  - Identify the need for, and put in place, any supporting information, procedures or guidance that are needed in order to ensure that its principles are being put into practice
  - Agree the added value that working in line with this MOU should deliver, and plan any actions needed to realise that

## Exchange of Information

*Paragraphs within this section of the MOU are subject to any legal restrictions set out in the Civil Aviation Act and Health and Social Care Act 2008.*

10. CQC will keep the CAA apprised of air ambulance services and Helicopter Emergency Medical Services that are registered with CQC, or apply for registration with CQC.
11. CQC will make sure that the CAA are aware of any regulatory decisions that it makes in relation to air ambulance services or Helicopter Emergency Medical Services, which may impact on the operation of the aircraft. This will particularly include any decisions to impose or lift conditions of registration, to cancel or suspend registration, or to use any other powers of enforcement.
12. CAA will inform CQC of any regulatory decision which may impact on the provision of an air ambulance service or Helicopter Emergency Medical Service. This will include any decisions to restrict, suspend or revoke an air operator's certificate or to require immediate actions.
13. Where the operator is compliant with CAA's requirements and no causes for concern are raised, then CQC will seek to re-use that assurance as a factor in their consideration of whether the provider is meeting the fundamental standards of quality and safety, wherever appropriate.
14. General information which may be of interest to either party in relation to air ambulance services can be exchanged, bearing in mind the considerations set out in sections 16,17 and 18. For example a serious complaint about the conduct of a pilot or other crew member or major concerns about a Responsible Managers (under CAA's regime) and Registered Managers (under CQC's regime).
15. Information exchange will take place through the nominated contacts for each party. These contacts will then be responsible for ensuring that any colleagues, who need to know, are appropriately informed. For CQC, that will particularly include the contacts at Annex D.

## Data Protection Considerations

16. Any sharing of personal data will be in accordance with the Data Protection Act 1998. The CAA and CQC will continue to have regard for data protection protocols that are in place within each organisation.
17. CQC will not share any information with CAA that relates to and identifies an individual other than in accordance with CQC's Code of Practice on Confidential Personal Information and the Health and Social Care Act 2008.

18. Both the CAA and CQC are subject to the Freedom of Information Act 2000. If one organisation receives a request for information that originated from the other, the receiving organisation will discuss the request with the other before responding.

### **Resolution of disputes**

19. Any disagreement between the parties will normally be resolved at working level. If this is not possible, it may be referred through the nominated contacts responsible for the management of this MoU, up to and including the Chief Executives (CE) of the CQC and the CAA who will then jointly be responsible for ensuring a mutually satisfactory resolution. Escalation to CE level will only take place once any disagreement has been thoroughly considered at all lower levels of management.

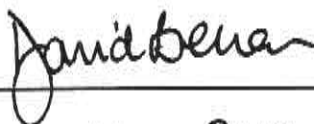
### **Implementation of this memorandum**

20. Both parties commit themselves to working in accordance with the principles and approaches set out in this memorandum.
21. The nominated contacts for this memorandum must review this memorandum annually and keep the chief executives apprised each April of:
- priority actions which will realise the value of working together, and
  - measurable progress towards that aim

### **Termination**

22. Either party may terminate this memorandum on giving at least 4 weeks' notice to the other

**David Behan**  
**Chief Executive**  
**Care Quality Commission**

  
Date 22 May 2015.

**Andrew Haines**  
**Chief Executive**  
**Civil Aviation Authority**

  
Date 12 June 2015

## Annexes

### Annex A - Outline of roles and responsibilities of CQC

1. The responsibilities of the Care Quality Commission (CQC) are set out primarily in the Health and Social Care Act 2008 ("the 2008 Act")
2. The CQC is an independent, corporate body established under the 2008 Act. It is responsible for the regulation of the quality of health and adult social care services in England. Functions include:

Registration functions, review and investigation and function under the Mental Health Act 1983

3. Registration and enforcement: a new system of registration was introduced in 2010 as the cornerstone of CQC's regulatory activity. It means that people can expect services to meet essential standards of quality and safety that respect their dignity and protect their rights
4. The CQC have an objective to encourage the improvement of health and adult social care: CQC encourages improvement by providing independent, reliable and up-to-date information about the quality of providers' care, as well as carrying out special reviews and studies about particular types of care
5. The CQC is required to make available to the public a register containing details of registered providers. The register includes information about the regulated activities that a provider is registered to provide and any condition relating to the activity
6. The CQC is also required to make available to the public findings of any review of compliance including details of enforcement action taken
7. 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. The CQC 'Scope of Registration' guidance describes Regulated activities and sets out the types of services that are required to register.
8. There are 14 regulated activities, one of which is:

*'Transport services, triage and medical advice provided remotely'*

The transport element of this regulated activity is described as being:

*'Transport services provided by means of a vehicle which is designed for the primary purpose of carrying a person who requires treatment'*

A provider carrying out any of the 14 regulated activities in England must register with the CQC. The activity of transportation of persons in an aircraft is regulated by the CAA.

9. There are a number of exemptions that apply to registration with CQC.

The provision of an air ambulance is exempted from CQC registration for *Transport services, triage and medical advice provided remotely* where:

- a. The aircraft is registered with the CAA pursuant to article 6 (aircraft to be registered) of the Air Navigation Order 2009(a) and
- b. The person providing the air ambulance does not provide treatment to a patient

General exemptions applicable to all regulated activities include the following:

- a) Services provided outside of England
- b) Services provided only under arrangements made on behalf of service users by:
  - i. their employer
  - ii. a government department; or
  - iii. an insurance provider with whom the service users hold an insurance policy, other than an insurance policy which is solely or primarily intended to provide benefits in conjunction with the diagnosis or treatment of physical or mental illness, disability or infirmity

10. The CQC web site provides further information about CQC and its functions.



## **Annex B - Outline of roles and responsibilities of CAA**

1. The Civil Aviation Authority (CAA) was established by Parliament in 1972 as an independent specialist aviation regulator and provider of air traffic services
2. Through its skills and expertise the CAA is recognised as a world leader in its field. Its specific responsibilities include:
  - Air Safety
  - Economic Regulation
  - Airspace Regulation – including Environmental Research and Consultancy
  - Consumer Protection – including ATOL
3. In addition, the CAA advises the Government on aviation issues, represents consumer interests, conducts economic and scientific research, produces statistical data and provides specialist services

## **Annex C – Named contacts**

The named contacts in CQC who will be responsible for making sure that staff within CQC is aware that the MOU is in place:

David Griffiths  
National Professional Advisor (Ambulance and Urgent Care)  
Email contact: [David.griffiths@cqc.org.uk](mailto:David.griffiths@cqc.org.uk)  
Tel contact: 07738 898745

Nicola Stewart  
Team Leader, Acute Policy Team  
Email contact: [Nicola.stewart@cqc.org.uk](mailto:Nicola.stewart@cqc.org.uk)  
Tel contact: 020 74480857 / 07825 657727

The named contact in CAA who will be responsible for making sure that staff within CAA is aware that the MOU is in place:

Rob Bishton  
Head Flight Operations  
Email contact: [rob.bishton@caa.co.uk](mailto:rob.bishton@caa.co.uk)  
Tel contact: 01293 573418

## Annex D – Operation contacts

### CQC Operational Contacts

**Regional operational contacts within CQC will make referrals directly to CAA in relation to all cross-referral of concern issues as they are picked up regionally by CQC**

<b>Region</b>	<b>Name and email</b>
Central West	Tim Cooper Email: <a href="mailto:Tim.cooper@cqc.org.uk">Tim.cooper@cqc.org.uk</a>
Central South	Helen Richardson Email: <a href="mailto:Helen.richardson@cqc.org.uk">Helen.richardson@cqc.org.uk</a>
Central East	Carolyn Jenkinson Email: <a href="mailto:Carolyn.jenkinson@cqc.org.uk">Carolyn.jenkinson@cqc.org.uk</a>
Central South East	Fiona Allinson Email: <a href="mailto:Fiona.allinson@cqc.org.uk">Fiona.allinson@cqc.org.uk</a>
South West	Mary Cridge Email: <a href="mailto:Mary.cridge@cqc.org.uk">Mary.cridge@cqc.org.uk</a>
South Central	Joyce Frederick Email: <a href="mailto:Joyce.frederick@cqc.org.uk">Joyce.frederick@cqc.org.uk</a>
South East	Alan Thorne Email: <a href="mailto:Alan.thorne@cqc.org.uk">Alan.thorne@cqc.org.uk</a>
North West	Ann Ford Email: <a href="mailto:Ann.ford@cqc.org.uk">Ann.ford@cqc.org.uk</a>
North East (Cumbria, Northumberland, Tyne & Wear, Durham, Darlington & Tees)	Amanda Stanford Email: <a href="mailto:Amanda.stanford@cqc.org.uk">Amanda.stanford@cqc.org.uk</a>
North East (North Yorkshire & Humber, Barnsley, Doncaster, Rotherham, Sheffield, Bradford, Calderdale, Kirklees Leeds and Wakefield)	Julie Walton Email: <a href="mailto:Julie.walton@cqc.org.uk">Julie.walton@cqc.org.uk</a>
London	Robert Throw (Interim) Email: <a href="mailto:Robert.throw@cqc.org.uk">Robert.throw@cqc.org.uk</a>  Margaret McGlynn (Interim) Email: <a href="mailto:margaret.mcglynn@cqc.org.uk">margaret.mcglynn@cqc.org.uk</a>
<b>Data protection and confidentiality</b>	
Information Rights Manager	Simon Richardson Email: <a href="mailto:Simon.richardson@cqc.org.uk">Simon.richardson@cqc.org.uk</a>
<b>Media</b>	
Head of Parliamentary, Government & Stakeholder Engagement	Joanne Maehre Email: <a href="mailto:Joanne.maehre@cqc.org.uk">Joanne.maehre@cqc.org.uk</a>
<b>Intelligence data collection</b>	
Head of Provider Analytics	David Harvey Email: <a href="mailto:David.harvey@cqc.org.uk">David.harvey@cqc.org.uk</a>

## CAA Operational Contacts

<b>Operational Issues</b>	
Helicopter related  Manager Flight Operations (Helicopters)	Email:
Aeroplane related  Manager flight Operations (Aeroplanes)	Email:
<b>Data Protection and Confidentiality</b>	
Information Management	Rick Chatfield Email: rick.chatfield@caa.co.uk
<b>Media</b>	
Corporate Communications Department	Richard D Taylor Email: richard.taylor@caa.co.uk