



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

Date:

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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 (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 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 is fully recognised 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 responsible for the regulation of health and social care providers that carry on any regulated activity in England (see Annex A for further information). Providers of regulated activities 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’.
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 a named contact 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.

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. Decisions of

this nature may relate to the registered provider, or to the registered manager.

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 indicators of compliance with its own requirements wherever appropriate, so as to avoid the need for CQC to duplicate checks.
14. General information which may be of interest to CAA in relation to air ambulance services, is exchanged. 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. 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 discloses the identity of a person using services or a representative of such a person, other than in accordance with CQC's Code of Practice on Confidential Personal Information.
http://www.cqc.org.uk/publications.cfm?fde_id=16850
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.

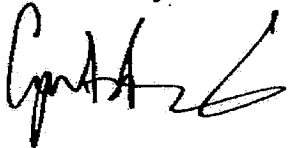
Implementation of this memorandum

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

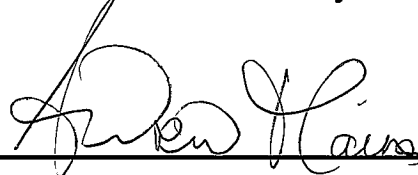
22. Either party may terminate this memorandum on giving at least 4 weeks notice to the other.

Cynthia Bower
Chief Executive
Care Quality Commission



Date 4 July 2011

Andrew Haines
Chief Executive
Civil Aviation Authority



Date 7 July 2011

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 2010. The CQC 'Scope of Regulation' guidance describes Regulated activities and sets out the types of services that are required to register.
8. There are 15 regulated activities. The activity of transportation of persons in an aircraft is regulated by the CAA. This is the fundamental purpose of this MOU being agreed 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'

9. There are a number of exemptions that apply to registration with CQC. General exemptions 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 services 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. <http://www.cqc.org.uk/aboutcqc.cfm>

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

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

David Griffiths, Ambulance and Emergency Care Lead,
Email contact: david.griffiths@cqc.org.uk

Tel contact: 03000616161

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

Giles Porter
Head Flight Operations Inspectorate (2)
Email contact: giles.porter@caa.co.uk

Tel contact: 01293573430

Annex D

CQC Operational contacts

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

Region	Name and email
Yorkshire and Humber	Lorraine Moore Email: lorraine.moore@cqc.org.uk
North East	Julie Rayner Email: julie.rayner@cqc.org.uk
North West	Susan Eastern Email: susan.eastern@cqc.org.uk
West Midlands	Fiona Allinson Email: fiona.allinson@cqc.org.uk
East Midlands	Susan Robinson Email: susan.robinson@cqc.org.uk
Eastern	Janet Ortega Email: janet.ortega@cqc.org.uk
South East	Maureen Burton Email: maureen.burton@cqc.org.uk
London	Michele Golden Email: michele.golden@cqc.org.uk
South West	Lesley Brown Email: lesley.brown@cqc.org.uk
Data protection and confidentiality	
Information Governance Manager	Simon Richardson Email: simon.richardson@cqc.org.uk
Media	
Head of Public Affairs	Matthew Trainer Email: matthew.trainer@cqc.org.uk
Intelligence data collection	
Quality Risk profile Team manager	David Harvey Email: david.harvey@cqc.org.uk

CAA operational contacts

Operational Issues	
Helicopter related Manager Flight Operations Inspectorate (Helicopters)	Captain Chester Armstrong Email: chester.armstrong@caa.co.uk
Aeroplane related Manager Flight Operations Inspectorate (Aeroplanes)	Captain Garth Gray Email: garth.gray@caa.co.uk
Data Protection and confidentiality	
Information Management	Rick Chatfield Email: rick.chatfield@caa.co.uk
Media	
Corporate Communications Dept	Richard D Taylor Email: richardd.taylor@caa.co.uk