

Memorandum of Understanding between the Office of the Independent Adjudicator (OIA) and the General Medical Council (GMC)

Purpose and basis of the memorandum of understanding

This Memorandum of Understanding describes the roles of the OIA and GMC. It identifies areas where cooperation between the two bodies is desirable for both to meet their respective responsibilities. It sets down the principles underpinning the interaction between the two bodies and provides guidance on the exchange of information between them.

It establishes relationships for consultation and co-operation based on a common understanding of each organisation's business and a joint wish to make best use of finite resources for mutual and public benefit.

The organisations recognise, and have regard for, the respective roles and responsibilities and recognise the independence of their remits.

The OIA

The OIA Scheme was designated under the Higher Education Act 2004 which established an independent scheme to adjudicate on student complaints against universities in England and Wales, without charge to complainants. The OIA became designated operator of the student complaints scheme in January 2005.

Governing bodies of qualifying Higher Education Institutions¹ (HEI) are required to comply with the Scheme Rules. "Non-qualifying Institutions" may apply to join the Scheme. The OIA has the duties of Designated Operator under the 2004 Act to publish the Scheme and supply relevant information to the appropriate UK and Welsh Assembly Government Ministers. It is also a Registered Charity, under the supervision of the Charity Commission.

Under the Scheme, which is currently funded by annual member subscriptions based on student numbers, together with a smaller 'case-related element', the OIA has a wide remit to consider an 'act or omission' by an HEI, brought by a student or former student. Complaints must not relate to academic judgment, nor does the OIA consider complaints about admissions, employment related issues or matters that have been or are being considered by a Court. Generally, a complainant must first have exhausted the University's internal processes before bringing a complaint.

The OIA is a member of the Regulatory Partnership Group (RPG) established in September 2011 by HEFCE and the Student Loans Company (SLC). Its purpose is to advise government and other

¹ As defined by Higher Education Act 2004, section 11

national agencies on policy, and strategic and operational issues arising from the development of the new funding and regulatory regime for higher education.

The GMC

The General Medical Council (GMC) is the independent regulator for doctors in the UK.

Every patient should receive a high standard of care. The GMC's role is to help achieve that by working closely with doctors, their employers and patients, to make sure that the trust patients have in their doctors is fully justified. The GMC do this by

- deciding which doctors are qualified to work here
- overseeing UK medical education and training
- setting the standards that doctors need to follow, and making sure that they continue to meet these standards throughout their careers
- taking action when they believe a doctor may be putting the safety of patients, or the public's confidence in doctors, at risk.

The GMC set the educational standards for all UK doctors through undergraduate and postgraduate education and training. They promote high standards and make sure that medical education and training reflects the needs of patients, medical students and doctors in training, and the healthcare systems across the UK. To test whether or not medical schools meet standards for undergraduate education they carry out monitoring and inspections, including talking to medical students about their experiences, and responding directly to any concerns raised. They also approve postgraduate medical education and training – this includes approving training posts, programmes and assessments. Reviews and monitoring activities ensure that concerns are dealt with and doctors receive the supervision and experience they need to treat patients safely and well.

Principles of cooperation

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

- Common ground – the GMC has a role in ensuring high quality medical education in the UK; the OIA contributes to high quality student experience in England and Wales by promoting good practice Openness and transparency – Both organisations will share, proactively and on request, information which supports the other to discharge their key 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 and European 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 timely way. A reasonable period should be allowed for requests requiring a response.
- Respect – Each organisation will respect the other's functions, policies and independent status.

Exchange of information

The OIA and GMC will identify the areas where their complementary roles and independent functions inter-relate, and agree areas where it is appropriate to share information and contribute to the respective work of the other organisation. The working relationship between OIA and the GMC will be characterised by regular on-going contact and open exchange of information, through both formal and informal meetings at all levels, including senior levels. The arrangements will be kept under review by the named contact points.

Where appropriate, the organisations will:

- inform one another as soon as practicable on relevant developments within their areas of responsibility, where possible prior to release of any reports, press releases, speeches or policies;
- exchange information that may be reasonably useful to the other, subject to the imperatives of mandates, necessary confidentiality constraints and safeguards. Subject to general public interest, the Freedom of Information Act, and the Data Protection Act, and other constraints (e.g. commercial confidentiality), our exchanges may be confidential;
- invite each other to events hosted by one and of interest to both;
- liaise, involve and keep each other informed as necessary on drafting key documents relevant to the other's functions.

Information sharing

The nature of information shared under this protocol will include, although is not limited to:

- Information relevant to concerns about standards and quality in complaints considered by the OIA;
- Information that the GMC has that may assist OIA in undertaking a review of complaints by individual students or groups of students;
- Information that the GMC has about systemic issues which may assist the OIA in undertaking a review of complaints ;
- Summary information gathered through OIA scheme which identifies broad themes and concerns about quality and standards from across the sector or individual institutions;
- Information that OIA has that may assist GMC in regulation;

- Both organisations are committed to valuing diversity and promoting equality, ensuring processes and procedures are fair, objective, transparent and free from unlawful discrimination.

Process of sharing information

Access to the information shared by OIA and the GMC will only be granted to those who have a business need. Each organisation will respect and take appropriate steps to protect the confidential nature of documents and information that the other may provide.

Management, monitoring, reporting and confidentiality arrangements

This Memorandum shall take effect from the date of signature below and continue until either organisation gives notice that it wishes to terminate the agreement.

The Memorandum of Understanding will be reviewed annually and may be modified at any time by joint agreement of the organisations.

Management of the Memorandum will be conducted by officers on behalf of the OIA and the GMC as detailed below:

OIA	Felicity Mitchell	0118 959 9813	felicity.mitchell@oiahe.org.uk
GMC	Ben Griffith	020 7189 5283	bgriffith@gmc-uk.org

The named contacts shall agree detailed arrangements for regular communication and exchange of information between the OIA and GMC, which may include an annual review meeting.

The arrangements detailed in this Memorandum will be monitored by the named contacts.

Each contact will be responsible for notifying the organisation of which s/he is an officer of any concerns. Such concerns may lead to the termination of this Memorandum.

Each organisation will observe confidentiality as required in relation to shared information which is not in the public domain.

Publication of memoranda

Both the OIA and the GMC will place a copy of this memorandum on their respective websites

www.oiahe.org.uk and www.gmc-uk.org.

Legal effect of the memorandum of understanding

It is recognised and accepted that this Memorandum does not create any rights, liabilities or obligations which would have binding effect in law.

Signed:

Quite well

On behalf of the OIA

Date: 3 December 2014

Swish Half

On behalf of the GMC

Date: 21 November 2014