

A DATA SHARING AGREEMENT BETWEEN THE PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN (PHSO) AND THE CARE QUALITY COMMISSION (CQC)

Appendix 1. Data Sharing Agreement

Purpose

This appendix outlines the key activity relating to information sharing between the CQC and PHSO.

Reflecting the dynamic nature of operations at both organisations this appendix will be reviewed and amended on an annual basis (or sooner if required) to ensure that the practice of sharing information remains efficient and relevant to the purposes of both organisations

Information Sharing

1. PHSO produce and publish case summaries. Current practice requires these summaries to be approved by Parliament before they are published on the PHSO website. PHSO will notify CQC that publication is imminent and ensure CQC can access published case summaries after they have been laid in Parliament
2. CQC will share its inspection schedule with PHSO each quarter
3. PHSO will continue to provide anonymised high level summary of activity relating to organisations within its jurisdiction in accordance with the CQC inspection schedule and in line with its own statutory requirements on confidentiality under section 15 Health Service Commissioners Act
4. PHSO will share any issues relating to compliance with actions plans following the conclusion of investigations to inform relevant CQC inspections.
5. CQC will share any issues relating to compliance regarding action plans and learning with PHSO following the conclusion of inspections of the relevant organisation
6. PHSO will proactively review how it may share information obtained during the course of an investigation where the actions of a specific provider, within the CQC's remit, has breached CQC Fundamental Standards and those actions are likely to constitute a threat to the health and safety of patients. Information will be shared in line with PHSO restrictions in its legislation, and may involve sharing the following:
 - a. The name of the NHS body concerned
 - b. Summary of the complaint
 - c. Detail of why PHSO believes there is a risk to the health and safety of patients
 - d. Detail of what action PHSO has already taken
7. PHSO and CQC will develop mechanisms to share strategic insight as part of the review process

Key Contacts at PHSO and CQC

To ensure there is always a clear point of contact and to record information sharing between the two organisations effectively, each organisation has a single email address that should be included in any email correspondence that relates to sharing of information. These email addresses should be used when requesting information or querying information received:

PHSO email: datashare@ombudsman.org.uk

CQC email: safeguarding@cqc.org.uk

The PHSO email account is checked regularly to ensure that requests and concerns are transferred to the appropriate part of the organisation as quickly as possible. Staff will promptly receive an acknowledgement that their emails have been received.

The CQC email account will be checked regularly to ensure that requests and concerns are transferred to the appropriate part of the organisation as quickly as possible. Staff will promptly receive an acknowledgement that their emails have been received.

Review

1. PHSO and CQC will meet every 6 months to review the effectiveness and utility of the information shared
2. The review meeting will be carried out by the following individuals:

PHSO: Chris Morgan, Director, Quality and Service Integrity

CQC: Paul Durham

CQC: Darren Smith