

UKPHR policy in response to Francis report

First edition *04 February 2014*
Review every *3 years*
Next review due *February 2017*

1. Purpose

This document sets out UKPHR's policy in response to the relevant recommendations of the Francis report of the Public Inquiry into events at Mid Staffordshire NHS Foundation Trust and the actions which will be taken to achieve the outcomes intended by the policy.

2. Scope and Organisational Context

2.1 UKPHR was established in 2003 as a voluntary register of multi-disciplinary public health specialists. In 2011 UKPHR also developed a voluntary register of public health practitioners. Its objective is to promote public confidence in public health professionals' practice in all four UK countries through independent regulation.

2.2 UKPHR is an independent body, a Company limited by guarantee, with its own Board.

3. Interim measures

3.1 Whenever the Registrar is made aware of concern for safety of patients, service users, health and social care professionals or the public more generally, the Registrar shall, in addition to deciding whether action should be taken by UKPHR in relation to the fitness to practise of any registrant:

- Consider whether to consult with and/or share information with any other relevant regulator
- Consider whether there is a need to take immediate action, including temporary measures, to ensure protection while any investigation required to make a final determination is undertaken.

3.2 UKPHR has Memoranda of Understanding in place with the General Medical Council and General Dental Council which contain guidance on which regulator, in the cases of dual registrants, shall take the lead in the exercise of regulatory powers and responsibilities. The Registrar shall:

- Review regularly the operation of such Memoranda
- Keep the terms of such Memoranda under review
- Consider developing further Memoranda with other relevant regulators.

4. Sharing information with other regulators

4.1 Intelligence will be shared with other regulators in respect of:

- Existing concerns identified as risks
- All other intelligence which, when pieced together with that possessed by other relevant regulators may raise the level of concern.

4.2 The ICO (Information Commissioner's Office) does not have sector specific guidance regarding sharing personal data. However, when considering to share personal data, UKPHR will ensure that the sharing of information is fair and lawful and that there is a legitimate basis for sharing that data, as outlined in principle one of the DPA (Data Protection Act 1998).

4.3 In order to assist organisations in understanding their obligations under the DPA when considering sharing data, the ICO has published the 'Data Sharing Code of Practice'. The Code of Practice provides good practice advice that will be relevant to all organisations that share personal data.¹ UKPHR will have regard to the Code in all circumstances involving sharing information with other regulators.

5. *Use of information for effective regulation*

5.1 UKPHR will collect, analyse and store securely accurate information about the performance of registrants and information more broadly about relevant public health practice in as near real time as possible. Such information will be used by UKPHR in assessing the risks of non-compliance.

5.2 UKPHR will receive and consider all other relevant safety-related information, including that capable of being derived from incidents, complaints and investigations.

6. *Use of and monitoring of media*

6.1 UKPHR will monitor media where it is likely that information relevant to its role as a public health regulator will be found. Examples of relevant media include British Medical Journal, Health Services Journal and Local Government Chronicle.

6.2 UKPHR will proactively seek information from media sources, including through its involvement in the use of social media.

7. *Joint proceedings*

7.1 Through its maintenance of Memoranda of Understanding with other relevant regulators, UKPHR shall ensure that respective regulators are clear on their responsibilities for taking necessary action, including institution of relevant proceedings, pertaining to registrants' fitness to practise. This will include clarity in respect of which regulator will take the lead in any individual case and how multiple cases arising out of common facts will be handled.

7.2 Where no such Memoranda are in place UKPHR will seek:

- Advice and guidance from the Professional Services Authority on ways of co-operating with other relevant regulators
- Bilateral arrangements with relevant regulators for determining how joint proceedings will be handled
- Memoranda of Understanding with other regulators.

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