

Memorandum of Understanding (MoU) between Social Care Wales and Qualifications Wales August 2017

1. Organisations and Terminology

- 1.1 Qualifications Wales is a Welsh Government Sponsored Body (WGSB) that was established through the Qualifications Wales Act 2015 as the regulator of non-degree qualifications and the overall qualifications system in Wales. Qualifications Wales is governed by a Board of publicly appointed members. Its Board reports performance against its statutory aims directly to the National Assembly for Wales. Its funding is provided and monitored by the relevant sponsor division of the Welsh Government. It provides advice to the Cabinet Secretary for Education on request.
- 1.2 Social Care Wales is a WGSB established under the Regulation and Inspection of Social Care (Wales) Act 2016 the principal areas of work are to regulate the social care workforce, regulate social care training, support service improvement & workforce development and co-ordinate sector research. As a WGSB, Social Care Wales is governed by a majority lay Board of publicly appointed members. Its Chair and Chief Executive are accountable to the Minister for Social Services and Public Health, with performance monitored by the relevant sponsor division of the Welsh Government.
- 1.3 Throughout this MoU, Social Care Wales and Qualifications Wales will be referred to collectively as 'we' and the terms 'our' and 'us' will be used accordingly.
- 1.4 Our statutory remits are set out in Appendix 1.

2. Purpose of the MoU

- 2.1 The function of this MoU is so Qualification Wales and Social Care Wales have a shared approach to collaborative projects and are equal partners in looking at maximising impact of our roles and activities.
- 2.2 It sets out the values that will underpin our shared areas of work and support us in our ambition that:
 - a. learners have a good learning experience that gives them the knowledge and skills they will need to work in social care and early years settings
 - b. learners gain the knowledge, skills and competency required to work in social care and child care settings
 - c. employers have confidence in the qualifications framework and the quality of qualifications
 - d. qualifications provide reassurance that individuals are equipped to deliver quality, person-centred care

- e. value for money is provided in setting out who is responsible for what and not duplicating the work of one another
- f. citizens in Wales have access to quality care and support in a variety of settings

3. How we will work together to deliver the MoU objectives

3.1 This MoU is not legally binding although it is our intention to abide by the terms of the MoU from the commencement date. The MoU has been drawn up in accordance with the values enshrined in One Welsh Public Service¹ and Managing Welsh Public Money².

3.2 Each party is responsible for ensuring that its business is conducted in ways that are consistent with the understandings set out in this document.

3.3 In order to achieve the ambition set out in our MoU, we will keep in mind:

- the importance of balancing short-term and long term needs
- the connections between our organisational objectives and the ways in which the other party might be affected by our actions
- the value of collaboration and the need for collective action to stop problems occurring or worsening
- the importance of involving people who have an interest in helping us to achieve our shared objectives
- the importance of ensuring that we embrace the National Principles for Public Engagement
- the possible efficiencies to be realised through innovative working

3.4 We will strive to create good working relationships by:

- acknowledging and developing an understanding of each other's responsibilities, accountability structures and legislative frameworks;
- aiming, through discussion, to explain and understand the reasons for any differences of opinion;
- identifying the lead officer for each project early on, setting out the structure of the team in the early stages and balance of skills required to take the

¹ [One Welsh Public Service Values](#) – Academi Wales, n.d.

² [Managing Welsh Public Money](#), Welsh Government, January 2016

work forward;

- mutually agreeing how joint work will be shared with stakeholders and at what stage in order to maintain a balance of leadership, public confidence in the reputations of us as regulators and meaningful engagement with our stakeholders;
- Demonstrate behaviours in-line with our respective organisation's values³ throughout any interactions with each other;
- being mindful of opportunities for co-ordinated scheduling of activities, and acknowledging where there might be benefit in doing so;
- notifying each other in a timely and appropriate way when significant announcements and developments from one party may have an impact on key areas of the other party's work;
- holding regular meetings, both strategic and operational, to inform one another as soon as possible about relevant developments and, where possible, before the release of any relevant reports, press releases, speeches or policies;
- sharing information about programmes of work that might be of interest to the other party and, where possible, doing this in advance of the work starting;
- ensuring that, when hosting events that might be of interest to the other party, the other party is invited to attend and on the understanding that each party will bear its own costs in respect of attending or running the event;
- ensuring that common terms are agreed upon and used during any project in order to manage expectations on both sides.

4. Governance

- 4.1 Responsibilities for delivering the MoU will not cut across the statutory requirements of the organisations (set out in Appendix 1). We will work together in line with the principles in section 3 to achieve the purpose of this MoU as outlined in section 2.
- 4.2 In order to meet the work requirements of the MoU, we will agree roles and responsibilities at the outset of any projects. For example, establish a project steering group within the governance arrangements of both organisations to oversee the work. The remit of the project steering group would take into account the delegated authority, stewardship and reporting arrangements of both organisations and the

³ Social Care Wales Values: Respect everyone, Professional approach, Always learning, Involve people

group would be responsible for risk management in relation to the particular project, escalating significant risks to an organisational level as necessary.

- 4.3 Consideration will be given to the communication arrangements relating to shared areas of work in the context of accountability to different Welsh Assembly Ministers, National Assembly of Wales Committees and monitoring sponsorship divisions in order to avoid conflict of interest. At the earliest stage, each party shall escalate any perceived conflict of interest to be escalated as defined in 4.6.
- 4.4 Each organisation will remain responsible for its own liabilities arising from their own actions.
- 4.5 As part of our drive for continuous improvement, we will quality assure and evaluate the work covered by this MoU and any subsequent joint work plans. This will help us to ensure that we take stock of our performance, learn lessons where appropriate and use these to inform future working.
- 4.6 This MoU will be managed in the first instance by Qualification Wales's Executive Director for Policy & Research and Social Care Wales's Director of Improvement and Development. Any issues requiring escalation, including concerns about the partnership or risks associated with the partnership, will be brought to the attention of the Directors in the first instance and escalated accordingly. If the issues are unable to be resolved they will be escalated to the Chief Executives of both parties.

5. Information, data exchange and complaints

- 5.1 Where appropriate, we will carry out joint or parallel public consultations in relation to areas of work covered by this MoU.
- 5.2 In responding to consultations which relate to matters included within the MoU, we will share early draft responses to support the partnership working approach set out in the MoU.
- 5.3 Where appropriate, we will use our existing networks and stakeholder groups to communicate with and consult partners about our shared areas of work.
- 5.4 We will exchange all data relating to the work covered by the MoU and will do this in line with our respective data exchange standards and the Welsh Government's agreed standards.
- 5.5 If either organisation receives a request under the Freedom of Information Act 2000 (FOIA) to disclose any information belonging to the other organisation, it will notify and consult with the other party. The other party shall respond in sufficient time to allow the organisation receiving the request to respond in a manner and time compliant with the provisions of FOIA.

- 5.6 When either party receives an official complaint regarding social care or childcare issues that relate to qualifications or training delivery and there is a perceived overlap in remit, we will alert the other party and any other relevant party/parties to discuss and agree who is best placed to take the complaint forward.
- 5.7 Where appropriate, we will jointly publicise messages about our collaborative successes under this MoU and we will do this in an agreed format and with agreed wording.
- 5.8 Where we provide each other with information, we will make clear who owns the copyright and whether this is being assigned or licensed to the other party for use. Where Qualifications Wales and Social Care Wales provide each other with information, they acknowledge that each will be able to use the information supplied to it by the other (for use in relation to qualifications which are or will be approved for use in Wales) free from any impediments. If there is any doubt by the party supplying the information that it can be used in this way it must say so in advance.

6. Equalities and language implications

- 6.1 We will undertake an Equality Impact Assessment in relation to any collaborative programmes of work
- 6.2 We will ensure that our partnership work is carried out in line with the statutory requirements of the Welsh Language Measure 2011 and sector specific language strategies, such as Mwy na Geiriau⁴.

7. Management of the MoU

- 7.1 We will review the MoU annually to ensure that it reflects relevant changes in the legislative, political and organisational landscape, as well as relevant changes in our policies, operational arrangements or practices. The Chief Executive representing each party will conduct this review. Items for discussion may include the health of the working relationship, how we should work together going forward and what work activities each party has planned that may be of interest to the other
- 7.2 Social Care Wales and Qualifications Wales will each place a copy of this MoU on their respective websites, with any commercially sensitive information removed.
- 7.3 This MoU shall commence on the date of signature by both parties.
- 7.4 Either party may terminate this MoU by giving at least three months' notice in writing to the other party at any time. However, consideration should be given to the perception of such action, given the scope of the work and accountability to the respective Ministers.

⁴ More than Just Words, A Strategic Framework for Welsh Language within Health and Social Care, Welsh Government, 2013

7.5 We will agree an annual work plan setting out how any collaborative work will be progressed and delivered.

7.6 In relation to each piece of work, we will agree any financial or human resource implications at the project development stage.

..... Date

Sue Evans
Chief Executive
Social Care Wales

..... Date

Philip Blaker
Chief Executive
Qualifications Wales

APPENDIX 1

Statutory remits

Qualification Wales

In relation to this MoU, the principal aims of Qualifications Wales are to:

- ensure that qualifications, and the overall Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales;
- promote public confidence in qualifications and in the Welsh qualification system

In considering what is appropriate for the purpose of achieving its principal aims, the matters to which Qualifications Wales is to have regard to are:

- a) the desirability of promoting sustainable growth in the Welsh economy;
- b) the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of the Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language;
- c) the range and nature of qualifications available, and of their assessment arrangements;
- d) the reasonable requirements of employers, higher education institutions and the professions regarding education and training (including as to required standards of practical competence);
- e) whether the knowledge, skills and understanding required to be demonstrated for the purpose of determining whether a person is to be awarded a qualification reflect current knowledge and best practice;
- f) whether qualifications indicate a consistent level of attainment with that indicated by whatever Qualifications Wales considers to be comparable qualifications, whether awarded in Europe or elsewhere;
- g) whether qualifications are provided efficiently and so as to secure value for money;
- h) the respective roles played by, and responsibilities of, each of the following persons in respect of the Welsh qualification system

The activities used by Qualifications Wales to meet these principal aims are:

- i) Recognition, Approval and Designation - We recognise awarding bodies that meet specified criteria and we Approve and Designate qualifications that they wish to have eligible for funding for learners under the age of 19 in Wales, against specified criteria.
- j) Monitoring and Compliance - We regulate awarding bodies to check that they maintain the required standards and deliver qualifications effectively, and we review existing qualifications to assess their fitness for purpose.
- k) Development and Commissioning - Where necessary, we oversee the design of new qualification requirements, and we commission awarding bodies to develop new qualifications for Wales.
- l) Research - We undertake research into the qualification system and into specific areas of interest and relevance so that we can make evidence-based decisions.

Social Care Wales

The statutory requirements of Social Care Wales are set out in the Regulation and Inspection of Social Care (Wales) Act 2016. In relation to this MoU Social Care Wales has statutory requirements to:

Section 113: Continuing professional development: Social Care Wales may make rules requiring persons registered in any part of the register to undertake further training.

Section 114: Approval of courses etc.: In accordance with Social Care Wales Rules Social Care Wales may:

- a) approve courses in relevant social work for persons who are or wish to become registered in the social worker part of the register;
- b) approve courses in the work practised by persons registered in an added part of the register for persons who are or wish to become registered in that part of the register;
- c) approve courses in the work practised by persons who are or wish to become social care workers of a description which is not specified in or under section 80(1).

Social Care Wales is able to set appropriate conditions in relation to approving courses and may be subject to such conditions as Social Care Wales thinks appropriate.

The Rules supporting Social Care Wales in the approval of courses may set out the:

- a) content of, and methods of completing, courses;
- b) provision of information to Social Care Wales about courses;

- c) persons who may undertake courses, or parts of courses specified in the rules;
- d) numbers of persons who may undertake courses;
- e) award by Social Care Wales of certificates of the successful completion of courses;
- f) lapse and renewal of approvals;
- g) withdrawal of approvals.

Social Care Wales must maintain and publish a list of the courses it has approved.

Section 115: Inspections in connection with certain courses: Social Care Wales has the power to, through Rules, make provision for the inspection of places at which or institutions by which or under whose direction:

- a) any relevant course (or part of such a course) is, or is proposed to be, given, or
- b) any examination is, or is proposed to be, held in connection with any relevant course.

116 Other functions of SCW in respect of education and training: If it appears to Social Care Wales that adequate provision is not being made for training persons who are or wish to become social care workers of any description, Social Care Wales may provide, or secure the provision of, courses for that purpose.

The Act confers powers to Social Care Wales to, upon such terms and subject to such conditions as it thinks appropriate:

- a) make grants, and pay travelling and other allowances, to persons resident in Wales in order to secure their training in the work of social care workers of any description; make grants to organisations providing training in the work of social care workers of any description.