

**Information Sharing Protocol in the Promotion of Compliance  
and Quality and Safety of Service Provision in Designated  
Centres**

**Health Information and Quality Authority (HIQA)  
and  
The Office of the National Confidential Recipient**

**Date Effective from: 17 May 2023**

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## **1. Introduction**

HIQA is the independent Authority established to drive continuous improvement in Ireland's health and personal social care services. It has among its functions under the Health Act 2007 (as amended), responsibility for the regulation of the quality of services provided in designated centres for dependent older persons, children and adults with disabilities.

This protocol does not affect the independence of the Authority to carry out its statutory duties.

This protocol sets out the agreement for communication and sharing of information between HIQA and the National Confidential Recipient appointed by the HSE in respect of concerns reported to the National Confidential Recipient in respect of residential services for older and dependent persons and adults with a disability.

The protocol takes account of:

- The respective statutory roles and responsibilities of both HIQA and the role of the Office of the National Confidential Recipient as appointed by the HSE in the promotion of safe and effective services, compliant with regulations and standards and the respective responsibilities of both parties in the safeguarding of vulnerable persons under the relevant legislation and policies.
- The responsibilities of HIQA as the body charged with the regulation of services under Section 41 of the Health Act 2007 (as amended)

The requirement of relevant legislation and guidance on the way information is shared is used on a need to know basis in accordance with the Data Protection Act (1988 and 2003).

## **2. Objectives**

The primary objectives of this protocol are that:

- Both parties will work within their respective remits to ensure that services are compliant, safe and effective.
- When relevant information is received, that vulnerable adults are safeguarded from abuse.
- Information relating to safeguarding of vulnerable adults is shared in a timely manner between both parties and dealt with effectively and in a timely manner.
- Information to inform intelligence on risk within services is shared in a timely manner to ensure an appropriate response in line with legislation and relevant policies.
- There is a collective drive to improving services provided in Designated Centres.

### **3. Sharing of Information to Safeguard Vulnerable Service Users and Children (where relevant) in Designated Centres**

The Authority, as an independent regulatory body, actively considers all information it receives in terms of the risk to the residents, the care and welfare of the residents, and the level of compliance by the registered provider with:

- The Health Act 2007 (as amended).
- Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013.
- The National Quality Standards for Residential Care Settings for Older People in Ireland.
- Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013.
- The National Standards for Residential Services for Children and Adults with Disabilities 2013.
- The National Standards for Adult Safeguarding 2019
- Children First: National Guidance for the Protection and Welfare of Children 2017.

The Health Act 2007 and associated Regulations and Standards set out the arrangements to be put in place by the registered provider and the person in charge of a designated centre in relation to protecting residents from all forms of abuse including ensuring that there is a policy on and procedures in place for the prevention, detection and response to abuse and recording any incidence and taking appropriate action where a resident is harmed or suffers abuse or where there is a risk of abuse for resident arising from actual or alleged abuse.

In addition, the Health Service Executive has implemented a National Policy on Safeguarding Vulnerable Adults. All services that are provided in designated centres either operated by the HSE or funded by the HSE under Sections 38 or 39 of the Health Act 2004 are required to implement this policy within their services to promote the safeguarding of residents and ensure effective and consistent response to all allegations of abuse.

## Serious/Immediate Risk

When the National Confidential Recipient receives information relating to:

- An allegation, suspected or confirmed of abuse of any resident in a designated centre provided by a statutory and public funded non-statutory service providers (including for-profit organisations) designated centre this will immediately be communicated via HIQAs Information Handling Centre by phone on (021) 240 9646 or by email to [concerns@hiqa.ie](mailto:concerns@hiqa.ie) who will in turn forward that information to the relevant inspector and designated contact in HIQA as outlined in Appendix 1 of this protocol.
- A concern about the quality or safety of services provided in a designated centre, this will be communicated via HIQAs Information Handling Centre by phone on (021) 240 9646 or by email to [concerns@hiqa.ie](mailto:concerns@hiqa.ie) who will in turn forward that information to the designated contact in HIQA.
- If the National Confidential Recipient believes on reasonable grounds that there is a risk to the life, or a serious risk to the health or welfare, of the persons resident in a designated centre provided or funded by the HSE, because of any act, failure to act or negligence on the part of a provider of where the National Confidential Recipient has significant concerns that require immediate action, this will be immediately communicated via HIQAs Information Handling Centre by phone on (021) 240 9646 or by email to [concerns@hiqa.ie](mailto:concerns@hiqa.ie) who will in turn forward that information to the relevant inspector/officer and designated contact in HIQA as outlined in Appendix 1 of this protocol.

On receipt of such information, an inspector or other authorised person will log, risk assess and take regulatory action on behalf of the Chief Inspector to decide if the registered provider of the centre is operating in compliance with the Regulations and Standards and that systems are in place to ensure that all residents are protected.

## **4. The Office of the Confidential Recipient**

The Office of the Confidential Recipient is a national free service and acts as an independent voice and advocate for vulnerable adults with a disability and for older persons who are receiving services in residential care, day services and or any community service from the HSE or from organisations funded by the HSE, and who wish to report a concern or make a complaint.

The National Confidential Recipient is appointed under the terms of the 2004 Act, set up under formal legal delegation from the Chief executive of the HSE but is independent from the HSE in providing a confidential service.

The Confidential Recipient reviews reported concerns and complaints about vulnerable adults with a disability and or an older person in receipt of a HSE or HSE funded residential, day or community service in relation to abuse, negligence, mistreatment, poor care practices.

The National Confidential Recipient is independent and will have the authority to examine concerns raised in order to:

- Advise and assist individuals on the best course of action to take to raise matters of concern
- Assist with referral and examination of concerns
- Ensure that these matters are appropriately addressed by the HSE and its funded agencies.

It should be noted that this protocol operates in conjunction with the Information Sharing Protocol in the Promotion of Compliance Quality and Safety of Services Provision in Designated Centres between HIQA and the HSE.

## **5. Meetings between HIQA and the National Confidential Recipient**

In order to promote the operation of this protocol and enhance feedback on concerns raised and actions taken, nominated officers of HIQA and the National Confidential Recipient will meet on a quarterly basis to update on all relevant areas.



## 6. Agreement

This protocol shall take effect upon a signature of both parties and shall continue until such time as it is terminated or superseded by a revised document.

The provisions in this protocol will be reviewed on an ongoing basis and no less than annually for the date it is signed by the parties, and any amendments made by agreement. The provisions in this protocol can be reviewed at any time at the request of either party. Both parties are committed to resolving any issues arising under this operation protocol by normal administrative means.

The Health Information and Quality Authority, Regulation Directorate and National Confidential Recipient as appointed by the Health Service Executive reviewed this protocol in quarter 1 2023.

### Health Information and Quality Authority

1. Name (printed): ANGELA FITZGERALD



Signed: \_\_\_\_\_

Date: 17 May 2023

**Chief Executive Officer**

### Confidential Recipient

1. Name (printed) Gráinne Cunningham O'Brien

Signed: *Gráinne Cunningham O'Brien*

Date: 10 May 2023

**Confidential Recipient**

## 7. Appendix 1

### HIQA / HSE Officers

Health Information and Quality Authority Officers

For the purposes of this protocol the key contact within HIQA will be:

<b>Name:</b>	<b>Position:</b>	<b>Contact No:</b>	<b>E-mail address:</b>
Ann Delany	Regional Manager	087 923 7363	adelany@hiqa.ie

National Confidential Recipient contact details:

Office: Etta Shanahan Personal Assistant) 087 1880523

Mobile: Gráinne Cunningham O'Brien Confidential Recipient 087 6657269

Email address: [cr.office@crhealth.ie](mailto:cr.office@crhealth.ie)

<b>Name:</b>	<b>Position:</b>	<b>Contact No:</b>	<b>E-mail address:</b>
Grainne Cunningham	Confidential Recipient	087 6657269	<a href="mailto:grainne.cunningham@crhealth.ie">grainne.cunningham@crhealth.ie</a>
Etta Shanahan	Office Administrator	087 1880523	<a href="mailto:etta.shanahan@crhealth.ie">etta.shanahan@crhealth.ie</a>