



**Memorandum of Understanding between
the Independent Sector Complaints
Adjudication Service and
the Human Fertilisation and Embryology
Authority**

Memorandum of Understanding between the Independent Sector Complaints Adjudication Service and the Human Fertilisation and Embryology Authority

1. This Memorandum of Understanding (MoU) sets out a framework to support the working relationship between the **Independent Sector Complaints Adjudication Service (ISCAS) and the Human Fertilisation and Embryology Authority (HFEA)**.
2. This MoU only relates to activity within the United Kingdom (UK) and does not override the ISCAS or the HFEAs' statutory adherence to, responsibilities or functions in relation to any relevant legislation or governance standards and is not enforceable in law. Wherever appropriate however, the ISCAS and the HFEA will adhere to the contents of this MoU.
3. More detail about the working relationship between the HFEA and the ISCAS is set out in the joint working protocol, included as Annex B of this MoU.

Exchange of information

4. Cooperation between the ISCAS and the HFEA will often require the exchange of information. Exchange of information will be expected when circumstances as set out in 1.2 in Annex B of this MoU occur.
5. Each organisation will respect and take appropriate steps to protect the confidential documents and information that the other may provide. All arrangements for cooperation and exchange of information set out in this MoU and will take account of and comply with data protection legislation, the Freedom of Information Act 2000 and the Human Rights Act 1998. This agreement will be administered in accordance with the primary and secondary ISCAS and HFEA legislation relating to these matters. This agreement will also comply with the respective Codes of Practice, frameworks or other policies of both organisations, relating to the management and use of confidential information.

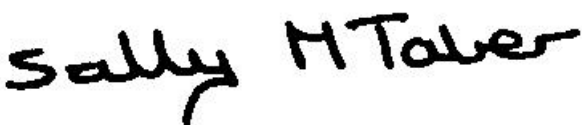
Resolution of disagreement

6. The effectiveness of the working relationship between the ISCAS and the HFEA will be ensured through regular contact, both formally and informally, at all levels up to and including the Chief Executives of the respective organisations.
7. Any disagreement between the ISCAS and the HFEA will normally be resolved at working level. If this is not possible, it must be brought to the attention of the MoU managers identified at Annex C. The parties should aim to resolve disagreements in a reasonable time.

Duration and review of this MoU

8. This MoU commences on the date of the signatures below. It is not time limited and will continue to have effect unless the principles described above need to be altered and/or cease to be relevant.
9. This MoU will be reviewed every 2 years commencing on the date on which it was signed by the Chief Executives of the two organisations but may be reviewed at any time at the request of either party. Any alterations to the MoU will, however, require both parties to agree.
10. The review will include:
 - a) checking that relevant organisational, staff and contact details are current, and
 - b) reviewing whether the objectives of the joint working protocol have been met and whether the processes for sharing information needs to be amended to improve effectiveness or efficiency.
11. Both organisations have identified MoU manager(s) at Annex C and these will liaise as required to ensure this MoU is kept up to date and to identify any emerging issues in the working relationship between the two organisations.
12. Both the ISCAS and the HFEA are committed to exploring ways to develop increasingly more effective and efficient partnership working to promote quality and safety within their respective remits.

Signatures



Sally Taber
ISCAS Director
Independent Sector Complaints
Adjudication Service

Date 7th January 2025



Peter Thompson
Chief Executive
Human Fertilisation and Embryology
Authority

Date 19 December 2024

Annex A: Responsibilities and functions

1. The Independent Sector Complaints Adjudication Service (ISCAS) and the Human Fertilisation and Embryology Authority (HFEA) acknowledge the responsibilities and functions of each other and will take account of these when working together.

Responsibilities and functions of the ISCAS

2. ISCAS is one of the recognised independent adjudication services of complaints for the independent healthcare sector. ISCAS is a not-for-profit limited company, independent from the trade body and owned by the Centre for Effective Dispute Resolution (CEDR). ISCAS provides the services of independent adjudication as the third stage of a three-stage process but also has the option of mediation under the ISCAS Code. ISCAS is a voluntary subscription scheme that includes the vast majority of all independent healthcare providers across the UK. The remit has recently been extended to include Private Patient Units (PPUs) and Fertility units.

Responsibilities and functions of the HFEA

3. The responsibilities and functions of the HFEA are set out in the Human Fertilisation and Embryology Act 1990 (as amended). The HFEA is a non-departmental public body established under the 1990 Act. In summary, the HFEA must:
 - a) issue licences under the Human Fertilisation and Embryology Act 1990 (as amended)
 - b) inspect establishments licensed under the Human Fertilisation and Embryology Act 1990 (as amended)
 - c) issue a Code of Practice setting out the general principles which it considers should be followed in the carrying-on of activities governed by the Human Fertilisation and Embryology Act 1990 (as amended)
 - d) promote compliance with the Human Fertilisation and Embryology Act 1990 (as amended) and with the Code of Practice
 - e) keep under review information about embryos and about the provision of treatment services and activities governed by the Human Fertilisation and Embryology Act 1990 (as amended), and advise the Secretary of State about those matters, and

- f) provide advice and information for persons to whom licences apply or who are receiving treatment services or providing gametes or embryos for use for the purposes of activities governed by the Human Fertilisation and Embryology Act 1990 (as amended), or may wish to do so.

Annex B: Joint working protocol

Operational protocols

1. Sharing information

1.1 Who will share information?

Information will generally be shared at an operational level, between ISCAS and the HFEA.

1.2 Situations in which information will be shared

We will aim to foster a culture of information sharing, in which colleagues are encouraged to speak to the other organisation (via the contact details set out in Annex C).

There will be an agreement to share information relating to any complaints which ISCAS may be requested to investigate.

Under certain circumstances, there will be an **expectation** that information held by one organisation will be shared with the other. These circumstances are as follows:

ISCAS	HFEA
<ul style="list-style-type: none">To agree to share any Stage 3 adjudication outcomes.	<ul style="list-style-type: none">To agree to share information relating to complaints that ISCAS may be required to investigate.
<ul style="list-style-type: none">To agree to share any information regarding complaints received about non-subscribing Fertility units.	
<ul style="list-style-type: none">To agree to share any concerns we have about Fertility units.	
<ul style="list-style-type: none">To agree to share updates about ISCAS and changes in its Code of Practice.	

In the circumstances listed above, a colleague will be expected to contact their counterpart in the other organisation using the details in Annex C, both to pass on the information and to ascertain whether there is any additional information held by the other organisation, which should be taken into account. The counterpart should ensure colleagues within their organisation, who may be relevant, are aware that the information sharing has taken place. Contact between the ISCAS and the HFEA may occur in other circumstances where it is considered to be appropriate and proportionate, and if necessary agreed with a relevant manager.

Each organisation should record the information shared, who and when it was shared with and any outcomes. The manner in which this is done is up to individual regulators to determine.

2. What information will be shared?

The information to be shared in the situations listed above will include:

- background information about the establishment concerned and its compliance and complaint history
- ISCAS will ensure that the HFEA is appropriately informed of any concerns that are identified in a situation where the centre has not already informed the HFEA

Where needed, case management meetings will be arranged between the organisations. This would be in exceptional circumstances only and subject to the agreement of the relevant senior managers.

3. FOI requests for information shared between the regulators

Any request under the Freedom of Information Act 2000 relating to information, which was all or in part provided by the other organisation will not be released without first seeking advice from the organisation that provided the information. This includes information or data relating to serious incidents, which may include information about individuals.

Legal responsibility for responding to an FOI Act request – including final responsibility for making any decision to withhold information under exemption – remains with the organisation receiving that request.

4. General Data Protection Regulation (GDPR) for information shared between the organisations

The ISCAS and the HFEA will ensure that the personal data held by them and shared with each other will only be processed (including internally) in accordance with the DPA or the GDPR (whichever is in force at the time).

It is important that any information received by the other is not disseminated to any other third party without the prior written permission of the originating party. Information passed between the parties is to be used only for the purposes that it was shared. If the originating party gives written permission for the information to be disclosed to a third party, the origin of the information should be made clear to the third party, in order that they can take appropriate action on flagging the origin of the information on their own internal systems.

5. Communications and Press enquires

Where colleagues share information about regulatory non-compliance within an organisation, and that organisation becomes the subject of press interest, the organisations will co-ordinate their press responses, while ensuring that the judgement or position of each is adequately reflected.

Annex C: Contact details

Independent Sector Complaints Adjudication Service 100 St Paul's Churchyard London EC4M 8BU	Human Fertilisation and Embryology Authority 2 nd floor, 2 Redman Place London E20 1JQ
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There will be named contacts for information sharing between the ISCAS and HFEA as follows:

ISCAS: Sally Taber, sally.taber@iscas.org.uk
 HFEA: Sharon Fensome-Rimmer, sharon.fensome-rimmer@hfea.gov.uk

The following generic email address should be copied into all joint working correspondence. This includes matters concerning joint inspections, information sharing and review of this MoU.

ISCAS: info@iscas.org.uk
 HFEA: HFEAcompliance@hfea.gov.uk

Chief Executives (internal escalating policies should be followed before referral to Chief Executives)	
Sally Taber ISCAS Director Email: sally.taber@iscas.org.uk	Peter Thompson Chief Executive Email: peter.thompson@hfea.gov.uk
MoU managers	
Information sharing	
Sally Taber ISCAS Director Email: sally.taber@iscas.org.uk	Sharon Fensome-Rimmer Chief Inspector Email: sharon.fensome-rimmer@hfea.gov.uk
Strategic issues	
Sally Taber ISCAS Director Email: sally.taber@iscas.org.uk	Annabel Salisbury Regulatory Policy Manager Email: Annabel.Salisbury@hfea.gov.uk