



**Memorandum of Understanding (MoU)
between the Health Service Executive (HSE) and the Patient Advocacy Service**

This MoU provides an agreed framework for cooperation and communication between the HSE and the Patient Advocacy Service for Public Acute Hospital Services

1.0 Background to the MoU

- 1.1 An independent Patient Advocacy Service was commissioned by the Department of Health in 2018 arising from approval given by Government and from recommendations contained in the *'Report of the investigation into the safety, quality and standards of services provided by the Health Service Executive to patients in the Midland Regional Hospital, Portlaoise'* (2015), and the Ombudsman's report, *'Learning to Get Better'* (2015). It is the first health complaints advocacy service to be established and funded by the Department of Health.
- 1.2 The tender to provide the independent Patient Advocacy Service was awarded to the National Advocacy Service for Persons with Disabilities.
- 1.3 The Secretary General of the Department of Health wrote to the Chief Executive Officer of the HSE and the National Manager of the Patient Advocacy Service in October 2019. The letter stated that the establishment of the Patient Advocacy Service was an important development in designing and delivering a service around the needs of service users¹. The advocacy service is part of a series of initiatives being taken by the DOH in collaboration with the HSE to empower service users, enhance the responsiveness of health services to service users and to develop a constructive learning approach to adverse events and complaints with the overall objective of delivering a quality service in terms patient experience and outcome.
- 1.4 The Secretary General requested that a formal Memorandum of Understanding be developed between the HSE and the Patient Advocacy Service to build on the good engagement and cooperation already commenced between the two bodies and to ensure a responsive, compassionate and open approach to addressing complaints for service users.

¹ **Service User:** The term "service user" in relation to a health services provider, means a person to whom a health service is, or has been, provided.

- 1.5 The Programme for Government, *'Our Shared Future'* (June 2020), commits to continue to support Patient Advocacy Service and the work of the National Patient Safety Office (NPSO) in overseeing a programme of patient safety improvements and reforms. It also commits to examine extending the role of Patient Advocacy Service to other areas.
- 1.6 Through this Memorandum of Understanding the Health Service Executive (HSE) and the Patient Advocacy Service commit to working collaboratively to ensure the interests of service users are protected and to support each other in carrying out their respective roles and responsibilities for the benefit of service users.
- 1.7 The Health Service Executive (HSE) and the Patient Advocacy Service are committed to working together to:
- Empower and support those service users who wish to make a complaint.
 - Assist service users to understand and navigate the HSE complaints and incident management processes.
 - Respond to and support learning from complaints and patient safety incidents.
 - Support improvement in the quality and safety of services delivered.
 - Ensure that relevant staff of all organisations are fully briefed on the service and aware of their responsibilities.
- 1.8 Our shared approach to working together will be characterised by openness and honesty; by a commitment to on-going information sharing and engagement on issues of mutual interest and importance, by early and pro-active information sharing and through joint initiatives.
- 1.9 It is in this context that the HSE and the Patient Advocacy Service have developed a Memorandum of Understanding between the two organisations.
- 1.10 This Memorandum of Understanding is intended to enable and enhance the delivery of each organisation's respective mandates. Nothing in the Memorandum of Understanding should be interpreted as being in conflict with each organisation's mandate.

2.0 Purpose of the MOU

The purpose of this Memorandum of Understanding is to provide an agreed framework for cooperation and communication between the two organisations. It sets out and defines the nature of the relationship and engagement between the Health Service Executive and the Patient Advocacy Service and establishes effective working procedures to further promote and build on the existing level of cooperation to the benefit of those availing of services.

- 2.1 It is the right of every service user to complain about the service² they have received from HSE public acute hospitals and the HSE recognises the valuable role that independent patient advocacy can play in the complaint process.
- 2.2 The Patient Advocacy Service became operational in October 2019 and is currently in the process of rolling out its service. Central to ensuring the operational success of the Patient Advocacy Service is support and collaboration from the HSE. The Patient Advocacy service is committed to developing its service through learning and implementing change in response to demand and subject to continued funding. The service provides a free, independent and confidential advocacy service to support users of Public Acute Hospitals making or intending to make a formal complaint through the HSE feedback process, *'Your Service Your Say'*, in relation to the service they have received and help those who have been involved in a patient safety incident as described in the *'National Standards for the Conduct of Review of Patient Safety Incidents'*.
- 2.3 The Patient Advocacy Service offers a confidential helpline with experienced and trained advocates on-hand to provide information and support to service users who want to make a formal complaint to the HSE about the care they experienced and require advocacy support and guidance to do so. The Patient Advocacy Service will help and empower service users to understand the HSE's complaints and incident management processes. It will provide support and assist them in navigating these processes. The Patient Advocacy Service will engage with the HSE to ensure that service users are informed about and able to access the Patient Advocacy Service, if needed, and that such engagement is fully supported and facilitated by both parties to deliver a positive, compassionate and comprehensive response to complaints. The Patient Advocacy Service provides support to individuals who wish to avail of its service in line with the Patient Advocacy Service's *Access and Eligibility Criteria*.

² Service relates to any health or personal social service provided by HSE public acute hospitals.

2.4 The HSE and the Patient Advocacy Service will work together to improve the quality and safety of health services for the users of those services. We will jointly seek to:

- Encourage a culture of patient safety, care, compassion and openness across the health service.
- Respect the wishes and best interests of complainants.
- Strengthen coordination and cooperation when responding to complaints and patient safety incidents through the exchange of information and cooperation between the two organisations.
- Support learning from complaints and patient safety incidents and the sharing of good practices to prevent or reduce the risk of future harm to patients.
- Empower and support service users to engage effectively and confidently with the HSE's Your Service Your Say or the Incident Management Framework processes and the Patient Advocacy Service.
- Foster mutual communication and cooperation and monitor the effectiveness of same.
- Ensure that issues and trends identified by both the HSE and Patient Advocacy Service are shared appropriately to effect service improvement.
- Ensure regular reporting on the operation of the service for the benefit of all those engaged with it.

3.0 Parties to this Memorandum of Understanding (MoU)

3.1 Health Service Executive (HSE)

The Health Service Executive (HSE) was established under the Health Act 2004 as the single body with statutory responsibility for the management and delivery of health and personal social services in the Republic of Ireland. Every year the health service which employs over 117,000 WTEs has millions of interactions with service users. In public acute hospitals 1.74 million people receive either inpatient or day case treatment annually. There are a further 3.35 million attendances at hospital outpatient departments and 1.4 million presentations in emergency departments. Further details about the HSE can be found at Appendix 1.

3.2 Patient Advocacy Service

The Patient Advocacy Service is a newly established advocacy service delivered by the National Advocacy Service for People with Disabilities and commissioned by the National Patient Safety Office in the Department of Health. It provides a free, independent and confidential advocacy service for users of HSE funded public acute

hospitals who wish to make, or intend to make, a formal complaint through the HSE feedback process 'Your Service Your Say' in relation to the care they have received. The service has launched with an Advocacy Hub based in Dublin. The service will be developed on a phased basis with the initial offering of phone and email support for service users.

It is committed to developing its services in response to demand and subject to the availability of funding. Further details about the services provided by the Patient Advocacy Service can be found at Appendix 1.

4.0 Our Respective Roles regarding health complaints and patient safety incidents

This Memorandum of Understanding recognises the unique roles, responsibilities and duties of both the HSE and the PAS.

4.1 The Health Service Executive (HSE)

- 4.1.2 The HSE recognises that effective complaints management and responding to patient safety incidents is an integral component of good governance and management, minimises negative outcomes and identifies opportunities for quality improvement.
- 4.1.3 The HSE's response to complaints is governed by Part 9 of the Health Act 2004 and also by the Health Act 2004 (Complaints) Regulations 2006. This legislation is translated into practice through the [*HSE's Your Service Your Say, the Management of Service User Feedback for Comments, Compliments and Complaints policy, November 2017.*](#)
- 4.1.4 The HSE's response to patient safety incidents is set out in its [*Incident Management Framework 2020*](#). This Framework supports the implementation of the *National Standards for the Conduct of Reviews for Patient Safety Incidents, Part 4 of the Civil Liability (Amendment) Act 2017, Safety Health and Welfare at Work (Reporting of Accidents and Dangerous Occurrences) Regulations 2016 (S.I No. 370 OF 2016)*.

4.2 Patient Advocacy Service

- 4.2.1 The Patient Advocacy Service offers assistance to users of public acute hospitals intending to make a formal complaint through the HSE feedback process, 'Your Service Your Say', who wish to avail of its assistance and who require advocacy support and guidance to do so. The Patient Advocacy Service aims to help those

who have been involved in a patient safety incident as described in the *National Standards for the Conduct of Review of Patient Safety Incidents (2017)*.

- 4.2.2 The Patient Advocacy Service ensures that the person who seeks assistance to progress a complaint, either through Your Service Your Say or the Incident Management Framework is provided with independent advocacy to support and empower them to articulate their concerns and support them through the complaints process.
- 4.2.3 The Patient Advocacy Service operates a national telephone line through which queries are progressed. Where the Patient Advocacy Service receives a query which is not within its remit and where another service would be better placed to deal with the query or where the caller does not meet the *Patient Advocacy Service Access and Eligibility Criteria*, the Patient Advocacy Service may redirect and/ or signpost the service user.

5.0 Actions to effect the MOU

Consistent with the overall objectives and purpose of the MoU, the following specific actions will be undertaken by the two organisations.

5.1 Awareness/ Promotion

Both parties commit to promoting the awareness of the services and their respective roles.

The Patient Advocacy Service will promote awareness of the role and function of the HSE's complaints and incident management procedures with service users.

The Patient Advocacy Service will promote awareness of the role and function of the HSE's complaints and incident management procedures to all its staff through its procedures and training.

The availability of the Patient Advocacy Service will be promoted by the HSE to service users through complaints and incident management procedures, staff training, local services and channels of communication, as well as on-line.

The HSE's National Acute Operations team, Hospital Groups and individual hospitals will facilitate and support the Patient Advocacy Service in raising awareness of the service within hospitals settings.

5.2 *Co-operation and Engagement*

Both the HSE and the Patient Advocacy Service will communicate openly and honestly with each other respecting and acknowledging each other's unique role and perspective in relation to supporting service users through *Your Service Your Say* and the *Incident Management Framework* processes.

Where the Patient Advocacy Service is working with a person through the *Your Service Your Say* and/or the *Incident Management Framework* process, the HSE and relevant Hospital/Hospital Group will recognise the Patient Advocacy Service in their role as independent patient advocates supporting and empowering the service user. Similarly, the Patient Advocacy Service will recognise the relevant HSE contact point as outlined in the escalation process (5.3 below).

The HSE and relevant Hospital/Hospital Group will, where the service user requests:

- Copy the Patient Advocacy Service in correspondence addressed to the service user.
- Facilitate the Patient Advocacy Service's attendance and engagement at meetings with the service user and the hospital.

The Patient Advocacy Service will also be facilitated to meet with service users who may be inpatients of the hospital should a service user request same.

The Patient Advocacy Service will be invited to present an update on their work to the Complaints Managers Governance and Learning Forum on an annual basis.

The Patient Advocacy Service will provide information to the National Director, Acute Hospitals or equivalent on the operation of their service. The Patient Advocacy Service will be invited, as appropriate, to attend senior operations team meetings.

5.3 *Escalation*

The HSE and Patient Advocacy Service will undertake to establish key contacts at local and national level with which an escalation pathway will be established.

The local contacts will be responsible for monitoring the practical implementation and effective working of this MOU.

Where either service becomes aware of issues arising around the operation or practical implementation of this MoU these issues should be brought to the attention of the local contacts in the first instance.

If the issues are not satisfactorily resolved, the issues should be escalated to the national contact.

If after appropriate escalation the matter remains unresolved the issue should be brought to the attention of the National Manager, National Advocacy Service for People with Disabilities, if the issue pertains to the Patient Advocacy Service and the HSE's National Director, Acute Operations or equivalent, if the issue relates to the HSE.

Where the HSE identifies a potential patient safety incident which may require the support of the Patient Advocacy Service to a number of service users, for example, through a multi incident review or a lookback review, the HSE's national Acute Operations Team will inform the Service Manager of the Patient Advocacy Service of the patient safety incident at the earliest possible opportunity. The HSE and the Patient Advocacy Service will then scope out the specific responsibilities for the Patient Advocacy Service in supporting service users in the response to that incident. At an absolute minimum the HSE/Hospital will advise the Service Manager of the Patient Advocacy Service prior to any correspondence being issued to a group which informs or directs such a group of service users to the Patient Advocacy Service.

5.4 *Implementation and Oversight*

Relevant Hospitals / Hospital Groups will develop an implementation plan to give effect to the provision of this MoU including setting out promotion/awareness activities, engagement and escalation following the MoU coming into effect and within a timescale to be agreed between the parties.

6.0 Reporting

6.1 Complaints and Patient Safety Incidents Reporting

HSE Acute Operations will work together with Patient Advocacy Service to develop and provide information in relation to advocacy services provided to support the management of complaints and patient safety incidents. Such information sharing will be used as a tool for improving health and safety across the health service as well as informing service improvement initiatives for the Patient Advocacy Service.

The Patient Advocacy Service will share information with the HSE outlining high level information on their activities within hospital settings. Such information will be shared with the National Director for Acute Operations, or equivalent, and Quality Assurance and Verification.

The Patient Advocacy Service will engage with individual hospitals who request information on the Patient Advocacy Service's service Activity within a Hospital; this information will be shared in line with data protection requirements and will not relate directly to an individual service user but rather will provide high level anonymised service activity within the individual hospital.

7.0 Confidentiality

The HSE and the Patient Advocacy Service will adhere to data protection requirements at all times in the implementation, day-to-day day access to, and management of service user data and reports.

Before transferring any information or personal data, each party will satisfy itself that any such transfer is not in breach of its own legislative responsibilities regarding confidentiality and/or privacy, or in breach of any other relevant statutory provisions, including the *Data Protection Acts 1988 to 2018* and the *General Data Protection Regulation 2016/679 (GDPR)*. Where information can usefully be anonymised before being transferred, each party will do that. Both Parties recognise the importance of protecting service users and thus want to facilitate effective and timely information exchange designed to secure this outcome.

7.1 Each party will, to the greatest extent possible, respect the confidentiality and/or privacy of information exchanged under this MoU.

7.2 Consent will be sought from the relevant person regarding the sharing of personal data.

8.0 Variation

8.1 Any provision of this MoU may be amended at any time with the mutual consent in writing of both parties.

9.0 Effective Date and Review

- 9.1 This MoU will come into effect upon the date of signature of both signatories and will continue in effect until its termination in accordance with clause 13.
- 9.2 The signing of the MoU gives effect to a commitment by both parties to implement the MoU.
- 9.3 This MoU will be subject to a formal review one year from the date of its signing and thereafter every two years or otherwise as requested by a party to this MOU. The content of the MOU will be reviewed to ensure that it remains relevant, fit for purpose and up to date.

This review, which should be jointly conducted by both parties, will be carried out by the person holding the position of Chief Clinical Officer, HSE, or a representative and the National Manager, Patient Advocacy Service or a representative.

The MoU can be reviewed at an earlier date if requested by PAS or the HSE if necessary to reflect service developments.

- 9.4 Following the review, any required variations arising will be made in accordance with clause 8.

10.0 Status of Memorandum of Understanding

- 10.1 This MoU reflects the intentions of each party to the MoU. The MoU is not intended to create legally binding obligations of any nature, save for the obligations to maintain the confidentiality of information set out in clause 7.

11.0 Implementation of MOU

- 11.1 The MOU requires HSE National Acute Services and the Patient Advocacy Service to establish a working group and develop an action plan for the purpose of carrying out the provisions of the MOU.



12.0 Financial Arrangements

12.1 The costs of running the Patient Advocacy Service are funded independently of the HSE. The health service costs associated with managing complaints or patient safety incidents associated with this MoU will remain the responsibility of the individual hospital service.

13.0 Termination

13.1 Either party may, at any time, give written notice of termination to the other office. This MoU (excepting clause 7) will terminate six months after the date of receipt of the notice of termination.

13.2 The termination of this MoU will not affect the confidentiality of undertakings expressed by each office in this MoU or any commitments given under, or as a consequence of, this MoU in respect of any arrangements or action taken during the period before the termination takes effect.

Signed:

Dr Colm Henry
Chief Clinical Officer
Health Service Executive

Date: 05.02.21

Ms Louise Loughlin
National Manager
**National Advocacy Service for People with
Disabilities**

Date: 20th January 2021

APPENDIX 1 - Parties to this Memorandum of Understanding (MoU)

1. Health Service Executive (HSE)

The Health Service Executive (HSE) was established under the Health Act 2004 as the single body with statutory responsibility for the management and delivery of health and personal social services in the Republic of Ireland. Every year the health service which employs over 117,000 WTEs has millions of interactions with service users. In public acute hospitals almost 1.74 million people receive either inpatient or day case treatment annually. There are a further 3.35 million attendances at hospital outpatient departments and 1.4 million presentations in emergency departments.

The HSE's core values of Care, Compassion, Trust and Learning are focussed on ensuring that those who use its services are central to the design and operation of healthcare. Their voice is therefore critical to everything we do.

The HSE is committed to providing consistently high, quality healthcare to the population it serves. It is striving to create a culture of continuous improvement with the service user at the centre of the healthcare system. A key component is the HSE's commitment to improving the responsiveness of the system to the needs and concerns raised by service users who have a unique expertise in relation to their own healthcare and a unique perspective on how care is actually delivered. It is critical that their experience is harnessed to drive improvements.

When people receive healthcare, they expect it to be high quality and safe. They expect to be treated in a manner that reflects the HSE's core values. There are times however when this is not the case. Complaints and the learning from patient safety incidents are a valuable source of information for healthcare services and often provide commentary on how adverse events occur and how to prevent them in the future. Supporting service users to have their voice heard and assisting them to articulate their issues and concerns will result in not only reducing future harm to patients but build trust and confidence through open communication and a visible commitment to learning from what has happened to prevent the same thing happening again.

Further details about the work of the HSE can be found at <https://www.hse.ie>

2. Patient Advocacy Service

The Patient Advocacy Service is a new advocacy service delivered by the National Advocacy Service for People with Disabilities and commissioned by the National Patient Safety Office in the Department of Health. It is a small-scale organisation with a national remit and scope and in the start-up phase of its work. It is committed to developing its services in response to demand and subject to the availability of funding. It provides a free, independent and confidential advocacy service for patients of HSE funded Public Acute hospitals making, or intending to make, a formal complaint through the HSE feedback process 'Your Service Your Say' in relation to the care they have received. The Patient Advocacy Service does not receive HSE funding and is entirely independent of the HSE. The Patient Advocacy Service will also help those who have been involved in a patient safety incident as described in the HSE's Incident Management Framework and in the 'National Standards for the Conduct of Reviews of Patient Safety Incidents (2017)'.

The Patient Advocacy Service aims to empower a person to make a complaint or engage with an incident review process and seek answers when things go wrong. The Patient Advocacy Service works with the person independently of others and free from all conflicts of interest. The advocacy process is led and guided by the person.

The Patient Advocacy Service is provided under the auspices of the National Advocacy Service (NAS) for People with Disabilities. NAS is a registered charity (see <https://advocacy.ie> for further information) and provides a free and independent representative advocacy service to adults with disabilities across Ireland. NAS is funded and supported by the Citizens Information Board (CIB) which has a mandate under the Citizens Information Act 2007 and the Comhairle Act 2000 to provide advocacy for people with disabilities.

Further details about the service provided by Patient Advocacy Service can be found at <https://www.patientadvocacyservice.ie>