

# Memorandum of understanding between Ofsted and the Department of Health

Information sharing about registered childcare providers

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This memorandum of understanding between Ofsted and the Department of Health sets out the arrangements for sharing information about registered childcare providers.

**Age group:** 0–5 years

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**Published:** May 2016

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**Reference no:** 160029



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## Introduction

Ofsted shares information with the Department of Health to aid its function in providing nursery milk reimbursements to eligible childcare providers, by giving information about whether or not a childcare provider is registered with Ofsted.

## Legal basis for information sharing

1. There is no specific legal duty or requirement on Ofsted to share information with the Department of Health. However, there is a general power in the Education and Inspections Act 2006 which allows the Chief Inspector to provide assistance, such as sharing information with other public authorities.<sup>1</sup> At all times, Ofsted must meet the requirements of the Data Protection Act 1998. In the context of this information-sharing arrangement, Ofsted is satisfied that paragraph 5 of schedule 2 to the Data Protection Act ('processing of personal data where it is necessary for the exercise of any functions conferred on any person by or under any enactment') covers the sharing of information as set out in this memorandum.
2. Ofsted's interpretation of schedule 2 permits sharing of information with the Department of Health. It does not permit Ofsted to share data with other organisations acting on behalf of the Department of Health. Once the Department of Health has this data, it is responsible, as a data controller, to ensure that it processes the information in line with the Data Protection Act.

## Information Ofsted shares with the Department of Health

3. Ofsted provides information to the Department of Health to confirm whether or not a childcare provider is registered with Ofsted and therefore eligible for funding through the Department of Health's arrangements for providing nursery vouchers to eligible childcare providers. The information which Ofsted shares with the Department of Health is as follows.
  - New and reactivated registrations
    - Providers unique reference number (URN) with Ofsted
    - Provider's status (that is 'active')
    - Provider's registration date
    - Setting town
    - Setting county

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<sup>1</sup> Schedule 13(8)(1): <http://www.legislation.gov.uk/ukpga/2006/40/schedule/13> - 'The Chief Inspector may, if he thinks it appropriate to do so, provide advice and assistance to another public authority for the purposes of the exercise by that authority of its functions.'

- Setting postcode (first part only)
- Provider type
- Cancelled, suspended and resigned registrations
  - Providers unique reference number (URN) with Ofsted
  - Provider's status (that is 'active')
  - Provider's registration date
  - Cancellation/suspension/resigned date
  - Setting town
  - Setting county
  - Setting postcode (first part only)
  - Provider type

## **Current frequency and mechanism for data transfer**

Ofsted provided the Department of Health with an initial dataset based on all active providers in September 2011. Thereafter, Ofsted will provide the Department of Health with a quarterly update showing changes to the database, in terms of new providers who have registered with Ofsted since the initial dataset, and providers who have left the register. Ofsted will deliver the quarterly updates by the fifth working day of the following months:

- January
- April
- July
- October

As the information shared by Ofsted contains no personal data, there is no need for a secure mechanism for transfer. The information will therefore be transferred through a password-protected Excel workbook, sent to a Department of Health registered email address. The Department of Health is responsible for nominating a recipient as a representative of the public authority (Department of Health), taking into account the legal basis for information-sharing at section 2 above, which makes it clear that Ofsted cannot directly provide this data to a contractor acting on behalf of the Department of Health.

## **Review**

This memorandum may be reviewed periodically and at the request of either party, for example as a result of changes in data-sharing principles or business priorities.

## Signatories

**This MoU is accepted and signed for on behalf of Ofsted**

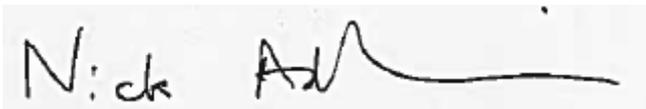
A handwritten signature in blue ink, appearing to be "Dee Gasson".

.....  
Name: Dee Gasson

Position: Principal Officer, Early Years, Education Policy Development (Ofsted)

Date: 21 April 2016

**This MoU is accepted and signed for on behalf of the Department of Health**

A handwritten signature in black ink, appearing to be "Nick Adkin".

.....  
Name: Nick Adkin

Position: Deputy Director, Healthier Lives Division

Date: 4 May 2016

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