

MINUTES

RQIA Board Meeting 5 March 2009

Board Room, Riverside Tower, Lanyon Place, Belfast, 2:45pm

Present

Ian Carson (Chairman)
Richard Adams
Geraldine Donaghy
Jim Jamison
Lilian Jennett
Ruth Laird
Allen McCartney
Patricia McCoy
Connor Mulholland
Colin Reid
Austin Smith

Officers of the Board present

Glenn Houston (Chief Executive)
Maurice Atkinson (Director of Corporate Services)
Robert Graham (Committee Services Manager)
Theresa Nixon (Director of Quality Assurance)
Phelim Quinn (Director of Operations)
David Stewart (Director of Service Improvement)

Apologies

Joan Harbison
Una O'Kane

Apologies

PUBLIC SESSION

09.25 Welcome and Chairman's remarks

09.25.1 The Chairman welcomed Board members and Officers of the Board to the public session of the Board meeting. He noted apologies from Joan Harbison and Una O'Kane. He noted that this was due to be Joan's final Board meeting and expressed his thanks for her commitment and contribution to RQIA and wished her well in her new role as Older Person's Advocate.

09.25.2 The Chairman formally welcomed Glenn Houston to his first meeting as Chief Executive of RQIA and thanked Phelim Quinn for the work he had done since Alice Casey had left.

09.25.3 Glenn Houston thanked the Chairman and the Executive Team for the support he had received since he had taken up the role.

09.26 Minutes of the meeting of the Board held on Tuesday 10 February [Paper min/Feb/09]

09.26.1 The Board **APPROVED** the minutes of the meeting of the Board meeting held on 10 February subject to three amendments. It was noted that paragraph 09.10.8 should be removed as it is duplicated in paragraph 09.10.9. Two further amendments were required to be made to paragraphs 09.10.9 and 09.15.1.

Resolved Actions

- **Minutes to be amended before formal sign off by the Chairman**

09.27 Matters arising from minutes

09.08.6 Publication of *Clostridium difficile* Report

- 09.27.1 A Board member sought an update on the publication of the *Clostridium difficile* Report.
- 09.27.2 The Director of Service Improvement advised the Board member that the Report contained important information for the health service in general and that it would be important to bring this to the attention of a wider audience. He advised however that RQIA had not ordered printed copies but would consider doing so in the context of the communication strategy surrounding the Review. The Board member responded that RQIA still had an unresolved issue about the right to publish important Review reports.
- 09.27.3 The Chairman noted that the Report had been presented to the Northern Ireland Assembly and that the recommendations contained within the Report were being acted upon by all HSC Trusts. It was noted that the current programme of unannounced hygiene inspections is being conducted in light of the *Clostridium difficile* Review report. The Chairman added that the publication of the unannounced hygiene inspection reports could be used to highlight the *Clostridium difficile* Review report.
- 09.27.4 A Board member advised that he had spoken to the Communications Manager regarding the establishment of a group to look at this issue. The Director of Corporate Services advised that there was now a communication strategy for all reviews.
- 09.28 Chairman's report [Paper F/02/09]**
- 09.28.1 The Chairman presented his Report to the Board and began by noting that a final meeting of the Steering Group overseeing the transfer of functions from the Mental Health Commission was due to be held on 31 March 2009.
- 09.28.2 The Chairman advised Board members that he had attended a meeting of the Chairs' Forum at which the issue of Senior Executive Pay was discussed. He noted that the Review was ongoing and that meetings with HSC officers were being held in April.
- 09.28.3 The Chairman concluded his Report by noting that he had attended an unannounced inspection with the MHC to Knockbracken and had found the visit to be informative. Board members asked to be kept informed of future Review visits and it was agreed a schedule of

planned inspections and Review visits would be made available.

Resolved Actions

- **Schedule of inspection visits and Review visits to be forwarded to Board members**

09.29 Chief Executive's Report [Paper G/02/09]

09.29.1 The Director of Operations presented the Chief Executive's Report to the Board.

Corporate Strategy 2009-2012

09.29.2 The Director of Operations advised the Board that the Corporate Strategy was being finalised by Executive Team and would be forwarded to Board members in advance of the workshop in April.

Transfer of Functions from the Mental Health Commission

09.29.3 The Director of Operations advised the Board that the transfer programme was on schedule and that MHC staff would be working in Riverside Tower from 23 March onwards. He added that he had received correspondence from the DHSSPS outlining the funding for the mental health and learning disability team for the next two years.

Business Plan 2009-10

09.29.4 The Director of Operations confirmed that the Business Plan had been forwarded to the DHSSPS and that initial discussions had been held with the sponsor branch regarding the draft Plan. He noted that the Plan would be updated upon completion of the Corporate Strategy.

Financial Matters

09.29.5 The Director of Corporate Services updated the Board on a meeting held with DHSSPS regarding the projected deficit. He advised that as a result of various actions the projected end-of-year deficit was reducing and it is hoped that it will be further reduced by 31 March 2009. He added that the issue of the shortfall in recurrent funding had been raised and he hoped this issue would be resolved.

09.29.6 The Board **NOTED** the Chief Executive's Report.

09.30 Audit Committee Business - Chairman of Audit Committee [Paper H/02/09]

09.30.1 The Audit Committee Chairman advised the Board that the Audit Committee had met on 24 February 2009 and gave a verbal update on the key issues discussed at that meeting. He added that the

minutes of the Audit Committee meeting of 28 October were available for noting by the Board.

- 09.30.2 The Audit Committee Chairman noted that the meeting of 24 February covered a wide range of issues and he began his overview by advising the Board that the Audit Committee would be responsible for approving the Annual Report and Accounts for 2008/09 of the Mental Health Commission. He added that he had met with the Chairman of the MHC Audit Committee and was reassured that its work would be completed prior to the transfer of functions.
- 09.30.3 The Audit Committee Chairman advised the Board that the Committee regularly receives reports on the use of management consultants by RQIA and that at the last meeting, the Audit Committee had raised a concern about two pieces of work which did not fall under the definition of consultancy but raised issues that the Committee felt should be brought to the attention of the Board. These were the use of Clarendon Executive to assist with the recruitment of a Chief Executive and the involvement of Bernard Marr, who facilitated the initial development of the new Corporate Strategy.
- 09.30.4 The Chairman advised the Board that he had been involved in both of these decisions. With regard to the appointment of Clarendon Executive, he advised the Board that following two previous unsuccessful attempts to recruit a Chief Executive for RQIA, he had sought advice from DHSSPS and following approval from senior officials in regard to the use of an 'executive recruitment agency', Clarendon Executive had been appointed to act on RQIA's behalf in the initial stages of the recruitment process.
- 09.30.5 The Chairman advised the Board that he had approved the engagement of Bernard Marr to facilitate the Board workshop at relatively short notice, as it was considered necessary to secure expert facilitation of the process needed to revise and update the Corporate Strategy for the next three years. He advised the Board that the role of Bernard Marr was principally a training role, through his facilitation of the Board Residential Workshop, the outcome of which would be the production by the Board and the Executive Team of an initial draft of a new Corporate Strategy.
- 09.30.6 The Audit Committee Chairman thanked the Chairman for his response to the two queries.
- 09.30.7 The Audit Committee Chairman advised the Board that there had been a discussion about the future Committee structure within RQIA and it had been agreed that the terms of reference for the Audit Committee would be revised and that the Governance and Risk Management sub-committee would be stood down. He added that this would reduce the risk of duplication of work across the two Committees but would mean the Audit Committee meeting four times

a year instead of three.

- 09.30.8 The Chairman advised the Board that he had discussed the future Committee structure with the new Chief Executive and that he hoped to bring a paper around a proposed future Committee structure to a future workshop.
- 09.30.9 The Audit Committee Chairman completed his report by advising the Board that the Committee had considered a paper on a scheme of delegation of RQIA policies but this would be brought to a future meeting as further work was required.
- 09.30.10 The Board **NOTED** the Audit Committee update.

Resolved Actions

- **Chairman and Chief Executive to prepare paper on a future Committee structure within RQIA**

09.31 Enforcement Policy and Procedure - Regulated Sector - Director of Quality Assurance [Paper I/02/09]

- 09.31.1 The Director of Quality Assurance presented the draft Enforcement Policy to the Board. She noted that a previous Policy had been brought to the Board on 13 September 2007 but that a review of that Policy had been necessary to incorporate the learning from complaints investigated by the Complaints Review Panel.
- 09.31.2 The Director of Quality Assurance advised the Board that current legislation did not contain a right to make representation concerning the issuing of a Failure to Comply notice. She advised that the new Policy would make provision for a right of representation.
- 09.31.3 A Board member asked if Failure to Comply notices could be rescinded. The Director of Quality Assurance advised the Board that after having sought legal advice, and following discussions with other regulators, it was agreed that Failure to Comply Notices could not be rescinded.
- 09.31.4 Board members discussed the option of having a Board member sitting on the initial review panel for a Failure to Comply notice but following lengthy discussion it was agreed this would need further consideration as the Complaint Review Panel, which currently consists of three Board members, may be required to review the outcome of the initial panel decisions and this could raise potential difficulties.
- 09.31.5 The Chief Executive asked how many Failure to Comply notices are contested and how many are likely to be contested. The Director of Operations advised that if a registered provider knew that it was possible to challenge a notice, it was highly likely that many Failure to

Comply notices would be challenged.

09.31.6 Board members further discussed the Policy and suggested minor amendments. It was **AGREED** that the Chief Executive and the Director of Quality Assurance would meet to discuss the proposed amendments.

09.31.7 It was **AGREED** that the Policy should be **NOTED** by the Board and brought back to a future meeting for approval, following the completion of the amendments suggested.

Resolved Actions

- **Chief Executive and Director of Quality Assurance to amend the Policy following comments by Board members**
- **Enforcement Policy to be brought back to a future Board meeting**

09.32 Nomination of Board member for Public Participation Steering Group - Chairman

09.32.1 The Chairman advised the Board that he had received three nominations for the Public Participating Steering Group and he proposed that Geraldine Donaghy be offered the place.

09.32.2 The Board **APPROVED** the nomination.

09.33 Any other business

09.33.1 Arising from discussion at the MHC/RQIA Project Board, the Chairman advised the Board that it had been agreed that the Expert Advisory Panel, which will keep the Board informed on mental health and learning disability issues following the transfer of functions, should contain one RQIA Board member. He would invite Board members to indicate expressions of interest in this capacity.

09.33.2 The Chairman added that he was currently reviewing the membership of Board committees and would be discussing this with Board members at their annual reviews.

09.33.3 A Board member asked if RQIA would have responsibility for reviewing the new HSC bodies. The Director of Operations confirmed that RQIA would have oversight of the roles of three of the new bodies, but not the Patient Client Council, which would have oversight of some aspects of RQIA business. He added that an early meeting with the PCC was being sought.

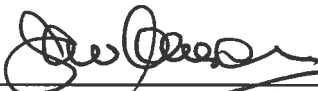
09.33.4 A Board member asked when the Board would be receiving information about complaints against RQIA. The Director of Quality Assurance confirmed that a report would be brought to the Board as part of the next Quarterly Report.

Resolved Actions

- **Chairman to share with Board members a paper detailing current commitments of Board members on panels and committees**

09.33.5 With there being no other business, the Chairman drew the public session of the meeting to a close at 4.30pm.

**Date of next meeting:
14 May 2009, Board Room, Riverside Tower**

Signed 

Dr Ian Carson
Chairman

Date 14th May 2009

