

MINUTES

RQIA Board Meeting Denis Desmond Room, Altnagelvin Hospital 12 November 2009

Present

Ian Carson (Chairman)
Richard Adams
Lilian Jennett
Allen McCartney
Patricia McCoy
Una O'Kane
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

Ruth Laird
Geraldine Donaghy

Apologies

PUBLIC SESSION

09.99 Welcome

- 09.99.1 The Chairman welcomed Board members, Officers of the Board and members of the public to the meeting. He noted apologies from Board members Ruth Laird and Geraldine Donaghy.
- 09.99.2 The Chairman advised Board members that RQIA had received a submission from the Friends of Foyleville who wished to address the Board. He referred to Standing Orders and advised the delegation that they could make a 10 minute presentation to the Board.
- 09.99.3 Following the presentation the Chairman and Chief Executive thanked the group for their attendance and agreed that RQIA would respond in detail to their submission and address the issues they had raised.
- 09.99.4 At this point the delegation left the meeting.
- 09.99.5 The Chairman referred to Standing Orders and advised that despite there being no official confirmation of the reappointment of the four Board members, there was a quorum of members present. He considered that those awaiting confirmation of reappointment should participate as full members of the Board. He agreed to update Board members on the situation regarding their reappointment later in the meeting.

09.100 Minutes of the meeting of the Board held on Thursday 10 September [Paper min/Sep/09]

- 09.100.1 The Board **APPROVED** the minutes of the meeting of the Board meeting held on 10 September, subject to the amendment, "membership of all committees" in paragraph 09.97.6.

Resolved Actions

- **Minutes to be amended and formally signed off by the Chairman**

09.101 Matters arising from minutes

- 09.101.1 The Chairman advised that the actions from the last meeting had been completed and that there were no further matters arising from the minutes.

09.102 Chairman's report - Chairman [Paper A/06/09]

- 09.102.1 The Chairman presented his report to the Board and advised that he had attended several meetings with the Chief Executive.
- 09.102.2 The Chairman advised the Board that following a meeting with the Northern Ireland Ombudsman, RQIA was finalising a joint protocol for sharing information with the Ombudsman.
- 09.102.3 The Chairman informed the Board that at a recent meeting with the Chair and Chief Executive of the South Eastern HSC Trust, there had been significant discussion on prison healthcare.
- 09.102.4 The Chairman updated Board members on a recent meeting with the Minister. He began by noting that it was a positive meeting and that RQIA would be proceeding with the public launch of the first phase of the Child Protection Review in November 2009 and that a composite report on the Maternity Services Review would be published in January 2010. He added that there had been a detailed discussion on the recent unannounced hygiene inspections with the Minister.
- 09.102.5 The Chairman advised the Board that there had been brief discussions with the Minister on the introduction of a grading system and also the possibility of joint work with the Care Quality Commission.
- 09.102.6 The Chairman concluded his Report by advising that the four Board members who were due for reappointment would shortly be receiving confirmation that their appointments were being renewed. He added that agreement to proceed with the appointment process to fill the three vacancies on the Board had been reached and would be commencing shortly.

09.102.7 The Board **NOTED** the Chairman's Report.

09.103 Chief Executive's Report - Chief Executive [Paper B/06/09]

09.103.1 The Chief Executive presented his Report to the Board. He drew members' attention to the list of meetings which he had attended and made specific reference to some of them.

09.103.2 The Chief Executive advised that, along with the Director of Operations, he had attended the EPSO conference in Stockholm and that during the event, he had met Paul Long who had undertaken work for the former Healthcare Commission and, more recently the Care Quality Commission, looking at risks in regulated services and facilities. He noted that Paul would be meeting with senior members of RQIA staff on 16 November.

09.103.3 The Chief Executive advised the Board that he had held meetings with the new Chair and Clerk of the Northern Ireland Assembly Health Committee.

09.103.4 The Chief Executive informed the Board that during the last month he had undertaken a series of presentations at different events to help raise the profile of RQIA.

09.103.5 Following an overview by the Chief Executive of recent review work, it was **AGREED** that RQIA should inform the Chair and Clerk of the Committee the publication date of the first phase of the Child Protection Review.

09.103.6 The Chief Executive updated the Board on RQIA's concerns about the unregistered facilities providing care and accommodation to young people. He advised that RQIA had informed the DHSSPS that under the appropriate legislation, the young people were defined as "children" and the facilities were defined as "children's homes". He added that he had written to the DHSSPS seeking clarification of the legal position and was awaiting a response. The Chief Executive advised the Board that this remained on the RQIA's Corporate Risk Register.

09.103.7 The Director of Operations updated the Board on the Failure to Comply notice which had been issued to Clifton House. He advised that following further monitoring of the home, a Notice of Proposal had been issued. He added that following the expiry of the Notice of Proposal a Notice of Decision had been issued and that the 28-day deadline for a response was due in December.

09.103.8 The Chief Executive drew Board members' attention to recent appointments in RQIA and noted that both the HR Manager and Planning and Corporate Governance Manager would be taking up post during November 2009.

09.103.9 The Chief Executive advised the Board that RQIA had responded to two Assembly Questions (AQs) which looked at staff numbers, the running costs of RQIA and communications.

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

Resolved Actions

- **Chief Executive to ensure that the Chair of the NI Assembly Health Committee receives the Child Protection Review reports**

09.104 Quarterly Report - Director of Corporate Services [Paper C/06/09]

09.104.1 The Director of Corporate Services presented the Quarterly Report to the Board. He explained the Report had been aligned with the strategic objectives in the new Corporate Strategy and that the format of the report would be improved further for Quarters 3 and 4. He invited queries from Board members about the Report.

09.104.2 A Board member asked when more information would be provided on the outcomes of inspections. The Director of Operations explained that there technical difficulties which had not been resolved yet. The Director of Corporate Services explained that Excel is not the most appropriate ICT tool for use in the new Inspection Methodology and that a web-based system was required. In the longer term the CIMS project should deliver this type of solution. The Director of Operations expressed his hope that in the meantime information could be extracted. A Board member asked about what approaches similar organisations were using. The Director of Operations explained that although an approach had been developed in Scotland, but that there were unresolved issues with the Scottish system.

09.104.3 A Board member asked if there were monitoring systems in place on the use of the Internet for children in care. It was explained that although, there would be systems in place to monitor Internet use of PCs in residential units, it would be difficult to know what material was being accessed by children on their mobile phones. In response to a concern from a Board member about how RQIA follows up on incidents, the Director of Operations confirmed that there was a feedback loop and inspection staff would follow up on all incidents.

09.104.4 A Board member asked when RQIA inspection reports would be available on the website. The Director of Corporate Services explained that a a specification and proposal for the development of a web-based version of the Register of Regulated Establishments had been prepared, but that implementation was linked to the appointment of a Communications Officer who would oversee this

project. Another Board member suggested RQIA should look at a website called NI Direct where such reports could be hosted. Reference was also made to the NINIS and to the DHSSPS websites.

- 09.104.5 A Board member asked if RQIA kept a record of how many media enquires it receives. It was noted that the Communications Manager does keep a note of all enquiries so this information could be included in future reports.
- 09.104.6 The Chief Executive noted that there was an increase in sickness levels during the second quarter. The Director of Operations noted that there were some members of staff who were on sick leave with serious illnesses. It was noted that swine flu had not had an impact on RQIA's work. The Chief Executive added that the appointment of an HR Manager would allow RQIA to monitor sickness absence more closely.
- 09.104.7 The Director of Corporate Services gave an overview of the financial situation and explained that a surplus of £313,417 had been forecast for the end of the year. He added that some issues needed to be confirmed with DHSSPS before RQIA could make a decision concerning the surrender of funds to the DHSSPS.
- 09.104.8 The Director of Corporate Services advised the Board that a small Working Group of Executive Team members would be formed to review KPQs and KPIs and develop a new performance measurement report with the aim of introducing this new report for Quarter 1 2010/11. In addition the Financial section of the Quarterly Report would become a separate report to be presented at each Board meeting. He added that following consideration by Executive Team he would wish to involve Board members in this Group. The Chairman endorsed this approach and suggested that Ruth Laird, Austin Smith, Allen McCartney and Lillian Jennett could be involved.
- 09.104.9 The Board **NOTED** the Quarterly Report.
- 09.105 Audit Committee Business - Committee Chairman [Paper D/06/09]**
- 09.105.1 The Committee Chairman advised the Board that the Audit Committee had met on 22 October and that the approved minutes of the meetings of 2 July and 10 September were available for noting by Board members.
- 09.105.2 The Committee Chairman advised the Board that the October meeting represented his last meeting as Chair and expressed his satisfaction that in each year during his time as Chair, RQIA had received an unqualified audit opinion and that significant improvements had been made in terms of compliance with Controls

Assurance Standards.

- 09.105.3 The Committee Chairman informed the Board that at the last meeting, the Committee had approved the Mid Year Assurance Statement. He added that the Committee had been looking at developing a report detailing cases of fraud, whistleblowing and near misses and that this would be developed in January 2010.
- 09.105.4 The Chairman thanked the Committee Chairman for his work on the Audit Committee. He asked for an update on the laying of the Mental Health Committee accounts for 2008/09. The Chief Executive advised that he would obtain an update.
- 09.105.5 The Chief Executive updated the Board on the query raised by the Audit Committee regarding Lombard House. He confirmed that the DHSSPS had advised that the lease had been terminated with effect from 11 December and that he had asked DHSSPS to provide written confirmation to that effect.
- 09.105.6 The Board **NOTED** the update from the Audit Committee Chairman.

09.106 RQIA Corporate Strategy 2009/20012 - Director of Corporate Services

Public Consultation on RQIA Corporate Strategy 2009-20012 - Summary of Feedback [Paper E/06/09]

- 09.106.1 The Director of Corporate Services presented to the Board the summary of the feedback received from the public consultation on the RQIA Corporate Strategy. He advised the Board that the comments made, which did not directly relate to the Strategy, were being taken forward in a separate piece of work by the Director of Service Improvement.
- 09.106.2 The Chairman asked if the summary of the feedback would be put on the RQIA website. The Director of Corporate Services confirmed that this would happen and that the respondents would be written to and advised of this.
- 09.106.3 The Board **NOTED** the feedback on the public consultation.

RQIA Corporate Strategy 2008/09 - 2011/12 [Paper F/06/09]

- 09.106.4 The Director of Corporate Services presented the amended Corporate Strategy to the Board and outlined the key amendments, particularly those in Section CA3. These amendments were **APPROVED**.
- 09.106.5 The Chief Executive advised Board members that in addition to publishing the Corporate Strategy, RQIA would be publishing an

updated information leaflet.

09.106.6 The Board **APPROVED** the RQIA Corporate Strategy 2009/12.

09.107 Review of the Finance Function - Director of Corporate Services [Paper G/06/09]

09.107.1 The Director of Corporate Services presented the Review of the Finance Function to the Board and outlined the rationale for conducting the Review. He explained that there were two key areas within RQIA, internal finance and financial inspection and regulation, and that both areas required additional resources. He added that following an appraisal of various options, a preferred option was chosen by the Executive Team which saw the transfer of financial regulation into the Operations directorate with internal finance remaining within Corporate Services.

09.107.2 The Director of Corporate Services explained that, in terms of human resources, financial regulation would require one additional Financial Inspector post and one Band 3 Administrative Support post whilst internal finance would require one additional Band 6 post. He advised that funding was available subject to the renegotiation of the Service Level Agreement with BSO regarding internal finance and with Internal Audit regarding financial inspections. He concluded his overview by stating that a review of the transfer would be conducted after 12 months.

09.107.3 The Chairman asked if any discussion had taken place with BSO regarding this. The Director of Corporate Services advised that the SLA for internal finance had been reduced by £10k. The Director of Operations added that he had held an initial discussion with Catherine McKeown from Internal Audit regarding the financial inspections.

09.107.4 The Audit Committee Chairman outlined the Committee's views that this transfer represented a significant structural change to warrant consideration by the Board.

09.107.5 The Chief Executive noted that the points made by the Audit Committee were relevant and advised the Board RQIA needed to ensure that it had the capacity to respond appropriately to concerns regarding the protection of patients' money and to investigate allegations concerning breaches of regulation. He added that in the event of the delivery of services in one area being at risk, there was the potential for redeployment of resources across the finance functions.

09.107.6 The Board **NOTED** the Review of the Finance function.

**09.108 Mental Health and Learning Disability - Director of Operations
[Paper H/06/09]**

- 09.108.1 The Director of Operations presented the latest update on the work of the Mental Health and Learning Disability team. He added that there was an additional update from the Human Rights Advisor and that this would be incorporated into future updates.
- 09.108.2 The Director of Operations advised the Board that a Mental Health and Learning Disability Strategy was being developed and would be available at the next Board meeting.
- 09.108.3 The Director of Operations informed the Board that the percentage of errors in guardianship applications was reducing but noted that the Human Rights Advisor would be monitoring this as the figure of 5% was too high. With regard to Mental Health Surgeries he advised that an evaluation of these surgeries would be brought to the Board. Following a comment by a Board member regarding the name of these, the Director of Operations confirmed that they would be called Patient Experience Reviews instead of Mental Health Surgeries.
- 09.108.4 The Director of Operations updated the Board on the recruitment of members for the Expert Advisory Panel. He advised that following correspondence sent out seeking expressions of interest, only one response had been received to date. He added that there was no agreement from user groups in terms of how they would be represented.
- 09.108.5 The Director of Operations informed the Board that, with regard to Advocacy Services, RQIA would, in conjunction with the Patient Client Council and DHSSPS, be receiving training organised by the National Institute for Trial Advocates.
- 09.108.6 A Board member asked what penalties were laid against those organisations who had unlawfully detained people. The Chief Executive advised that when an application for detention is made, Trusts have a responsibility to explain that the person being detained has a right to appeal and a right to representation, and that while RQIA had no specific powers in respect of penalties under the 1986 Order, it needed to monitor closely that this process was being followed. It was noted that the proposed Rights Based approach to the work of the RQIA would assist in this regard.
- 09.108.7 A Board member sought further clarity on the recruitment for members of the Expert Advisory Panel. The Director of Operations advised that a decision needed to be made whether to recruit by advertising in the press, but that it was difficult to be certain that this would reach the desired groups.
- 09.108.8 The Board **NOTED** the update from the Mental Health and Learning

Paper min / Nov / 09

Disability team.

09.109 Review of Board Committees - Chairman

09.109.1 The Chairman advised Board members that under Standing Orders, it was necessary for the Board to approve the amended constitution of the Board committees.

09.109.2 The Chairman proposed that the Audit Committee would be chaired by Ruth Laird and that the other members would be Richard Adams, Colin Reid, Austin Smith and Geraldine Donaghy. He added that there would be a vacancy which would be filled once the new Board members were appointed.

09.109.3 The Board **APPROVED** the membership of the Audit Committee.

09.109.4 The Chairman proposed that the Appointments and Remuneration Committee would consist of himself as Chair with Patricia McCoy, Allen McCartney and Una O'Kane. He added that there would be a vacancy which would be filled once the new Board members were appointed.

09.109.5 The Board **APPROVED** the membership of the Appointments and Remuneration Committee.

09.109.6 The Chairman advised Board members that the Committee membership would be reviewed after 2 years in line with Standing Orders.

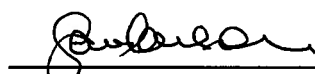
09.110 Any Other Business

09.110.1 There was no other business and the Chairman drew the public session to a close at 4:50pm.

Date of next meeting:

Thursday 14 January 2010, Downshire Hospital, Downpatrick

Signed



Dr Ian Carson
Chairman

Date

14 / 01 / 10

