

## MINUTES

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### **RQIA Board Meeting 14 May 2009**

**Board Room, Riverside Tower, Lanyon Place, Belfast, 2:00pm**

#### **Present**

Ian Carson (Chairman)  
Geraldine Donaghy  
Jim Jamison  
Lilian Jennett  
Ruth Laird  
Allen McCartney  
Patricia McCoy  
Connor Mulholland  
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**

Richard Adams

#### **Apologies**

### **PUBLIC SESSION**

#### **09.40 Welcome and Chairman's remarks**

09.40.1 The Chairman welcomed Board members and Officers of the Board to the meeting. He noted apologies from Richard Adams.

#### **09.41 Minutes of the meeting of the Board held on Thursday 5 March [Paper min/Mar/09]**

09.41.1 The Board **APPROVED** the minutes of the meeting of the Board meeting held on 5 March.

#### **Resolved Actions**

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

#### **09.42 Matters arising from minutes**

##### **09.29.2 Corporate Strategy 2009-2012**

09.42.1 The Chairman thanked Board members for their input at the recent workshop to discuss the Corporate Strategy and noted that the final document would be discussed later in the meeting.

##### **09.30.8 Committee Structure**

09.42.2 The Chairman advised the Board that he would be discussing Board

members' role on Committees during their annual appraisal meetings. He added that, with the Chief Executive, he was continuing to look at good practice in the area of Board Committees in similar organisations.

- 09.42.3 In preparation for the appraisal meetings the Chairman indicated that he would like Board members to complete a National School of Government self-assessment checklist on Board Performance. He also reported that he was considering a further workshop with Brian Whalley later in the year to review progress in this area.

**Resolved Action**

- **Chairman to forward to Board members "Self Assessment Checklist" in advance of appraisals**

**09.31 Enforcement Policy**

- 09.42.4 The Director of Quality Assurance confirmed that the Policy had been amended following comments from Board members at the Board workshop. Board members **ENDORSED** the Policy. It was agreed that copies of the final version would be sent to Board members and reviewed in six months.

**09.27 Publication of *Clostridium difficile* Report**

- 09.42.5 A Board member sought to conclude the issue of whether RQIA was going to publish the C Diff Review Report. She noted that the public was probably not aware of this significant piece of work.
- 09.42.6 The Chief Executive advised that the unannounced hygiene inspections currently being undertaken were taking account of the issue raised in the C Diff Report. The Chairman added that the public inquiry will take cognisance of, and draw further attention to, RQIA's Report. The Director for Service Improvement added that he had met with the team undertaking the public inquiry and that they were using RQIA's Report as part of their research. Board members were also advised that the implementation of the recommendations of the Report was being actively monitored by the Assembly Health Committee who had asked the DHSSPS to give an update on what progress was being made.
- 09.42.7 The Director of Operations added that the key messages from the C Diff Review could be re-emphasised when the next unannounced hygiene inspection reports were being launched.
- 09.42.8 The Chief Executive advised the Board that he had been looking at guidance from other regulatory bodies around the publication of reports. He noted that other bodies would also publish press statements on their website to accompany significant review reports.

09.42.9 It was confirmed that although the C Diff Report was available on the RQIA website, it would not be published in hard copy, but that reference would be made to the Report when the unannounced hygiene inspection reports were being launched.

**09.43 Chairman's report [Paper C/03/09]**

09.43.1 The Chairman presented his Report to the Board. He advised Board members that Dr Michael McBride was acting Permanent Secretary during Dr Andrew McCormick's absence on sick leave; and that Dr Elizabeth Mitchell was acting as Chief Medical Officer.

09.43.2 The Chairman advised Board members that the meeting with the NI Civil Service graduate entry staff did not take place.

09.43.3 The Chairman advised Board members that following the World Health Organisation (WHO) escalation of the risk from swine 'flu, he had requested that the Chief Executive consider the implications for RQIA, both in terms of its staff, the conduct of its operations and the information it was sharing with the public.

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

**09.44 Chief Executive's Report [Paper D/03/09]**

09.44.1 The Chief Executive advised Board members that his Report gave members an overview of the key meetings he had held since taking up the post of Chief Executive. He advised that he had met with staff from the RQIA Omagh office and had held open meetings with groups of staff in Riverside Tower.

09.44.2 The Chief Executive informed the Board that he had met with representatives from the new HSC bodies and the RQIA's sponsor branch at DHSSPS.

09.44.3 The Chief Executive updated the Board on ongoing enforcement issues. The Director of Operations noted that the Failure to Comply on Brooklands Private Nursing Home had now been lifted and that the Model Private Nursing Home was working towards compliance with regulations.

09.44.4 The Chief Executive outlined to Board members his priorities over the coming months which include developing a policy manual following a recent workshop, and revising the Management Statement and Financial Memorandum with the DHSSPS.

09.44.5 A Board member suggested that the Board should host a meeting with the Chief Executives of the new HSC organisations. Another Board member queried why RQIA was holding meetings with the sponsor branch on such a regular basis. The Chief Executive

explained that these monthly meetings ensured that there was good communication between DHSSPS and RQIA.

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

**09.45 Quarterly Report - Director of Corporate Services [Paper E/03/09]**

09.45.1 The Director of Corporate Services presented the Quarterly Report to the Board for the period 1 January 2009 - 31 March 2009. He updated the Board on the financial position as at 31 March and advised that indications showed a projected surplus of £16,590. He added that the additional financial assistance from the DHSSPS together with in-house cost saving measures had resulted in this surplus.

09.45.2 The Director of Corporate Services noted that there had been an improvement in the sickness rate (2.6%) which was now at its lowest level over the past year.

09.45.3 A Board member asked whether the Report could produce more qualitative analysis of the findings of inspection reports. The Director of Operations explained to Board members that developments in RQIA's information systems during the next quarter would allow for better intelligence to be reported to Board members in future Reports.

09.45.4 A Board member asked if RQIA was aware of any issues in relation to the number of deaths reported. The Director of Operations informed the Board that an exercise analysing the number of deaths reported had not thrown up any major concerns. The Director for Service Improvement added RQIA was currently undertaking a project looking at incident reporting.

09.45.5 Board members welcomed the additional information about complaints against RQIA. The Director of Quality Assurance advised the Board that since 2005, 9 complaints had been made against RQIA and agreed to forward to Board members a short overview of each complaint.

09.45.6 A Board member advised that he had attended the first meeting of the Corporate Information Management System (CIMS) Project Board and that as part of this project, it would be helpful if Board members could detail the types of corporate information they felt was useful. The Director of Corporate Services noted that it would be beneficial to discuss this at a Board workshop, possibly on 11 June.

09.45.7 A Board member asked if RQIA had information about children missing from homes for periods of more than 24 hours. The Director of Operations explained that the provision of this information was not a statutory requirement.

- 09.45.8 The Chairman concluded the discussion on the Quarterly Report by thanking the Director of Operations and the Director of Corporate Services for the work they undertook to achieve the end of year financial position.
- 09.45.9 The Board **NOTED** the Quarterly Report.
- 09.46 Corporate Risk Register - Director of Corporate Services [Paper F/03/09]**
- 09.46.1 The Director of Corporate Services presented the updated Corporate Risk Register to the Board. He explained to Board members that the Executive Team had agreed a new format of tracking changes to the Risk Register and that these were outlined in the covering paper.
- 09.46.2 The Chief Executive explained to Board members that Risk 10 had been inserted following consideration by the Executive Team around RQIA's capacity to pick up on issues in the regulated sector and in particular, RQIA's capacity to undertake a fuller programme of financial inspections. He added that the Director of Corporate Services was undertaking a review of the internal finance function in RQIA. This review would be complete by July 2009.
- 09.46.3 A Board member asked if the impact of this risk should be classed as "severe". The Director of Operations advised that RQIA's reputation as a regulator would be at stake if it failed to pick up on any significant issues around the management of patient monies in the regulated sector.
- 09.46.4 A Board member asked if swine flu should appear on the Risk Register. The Chief Executive advised the Board that a working group had been established to look at contingency planning in the event of a pandemic and that the risk could be added to the Risk Register at a later date if required.
- 09.46.5 The Board **NOTED** the Corporate Risk Register update.
- 09.47 Corporate Strategy 2009/12 - Director of Corporate Services [Paper G/03/09]**
- 09.47.1 The Director of Corporate Services updated the Board on the work done to finalise the Corporate Strategy following the recent Board workshop.
- 09.47.2 The Director of Corporate Services advised the Board that consultation questions, together with an accompanying proforma had been developed, in accordance with Section 75 requirements, and that it was envisaged the consultation period would run from 25 May to 14 August. He added that during the consultation period a number of roadshows and public events would be organised.

- 09.47.3 The Chairman asked if RQIA would have the capacity to deal with a large response to the consultation. The Director of Corporate Services advised that the recruitment of a Planning and Governance Manager, who would undertake this piece of work, was underway.
- 09.47.4 Board members agreed that hosting a series of workshops would be more beneficial as a means of obtaining feedback on the Strategy and that voluntary groups and HSC Trusts could assist with organising these.
- 09.47.5 A Board member suggested that the "Values" section of the Strategy should be written in the present tense instead of the future tense. This amendment was noted.

09.47.6 The Board **NOTED** the Corporate Strategy.

**09.48 RQIA Business Plan 2009/10 - Director of Corporate Services [Paper H/03/09]**

- 09.48.1 The Director of Corporate Services presented the RQIA Business Plan for 2009/10 to the Board. He explained that a previous Business Plan had been approved by the Board in February 2009 and that an updated Business Plan had been developed following the completion of the Corporate Strategy.
- 09.48.2 The Director of Corporate Services informed the Board that discussions with RQIA's sponsor branch at the DHSSPS had been positive and that the RQIA would be commencing the new financial year with an improved financial position. He added that the financial figures had taken into account the efficiency savings RQIA was expected to make.
- 09.48.3 The Chief Executive noted that the format of the Business Plan would facilitate the development of corporate objectives for each of the teams in RQIA. He also noted that he was pleased with the outcome of the discussions with the DHSSPS.
- 09.48.4 A Board member asked about the Whistleblowing Policy. The Director of Corporate Services explained that RQIA was required to follow guidelines for developing a Policy following a recent DHSSPS circular.
- 09.48.5 A Board member sought clarity on RQIA's role in disseminating medical and safety alerts to the regulated sector as she was unaware that this was a responsibility of RQIA. The Director of Operations noted the dissemination of these notices was an administrative burden on RQIA and that RQIA was trying to resolve the issue with the DHSSPS.

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- 09.48.6 A Board member felt that in sections of the Business Plan where staff training was noted, that relevant training should also be arranged for Board members.
- 09.48.7 Subject to minor amendments, the Board **APPROVED** the Business Plan for 2009/10.
- 09.49 Mental Health and Learning Disability- Director of Operations [Paper I/03/09]**
- 09.49.1 The Director of Operations presented to the Board a paper outlining the work undertaken by the Mental Health and Learning Disability team during the first six weeks of its establishment.
- 09.49.2 The Director of Operations advised the Board that a file review of the Untoward Events Committee (UTEC) database had identified gaps in the information contained therein. He added that there was information outstanding from HSC Trusts and that in almost 150 cases Trusts had been written to in order to obtain this information.
- 09.49.3 The Director of Operations advised the Board that a programme of unannounced inspections was underway. He also noted that a model was being developed for "open consultations" to be set up to allow RQIA to engage with service users. In response to a question from a Board member, the Director of Operations confirmed that patients attending these surgeries would be aware as to the purpose of their interviews.
- 09.49.4 The Director of Operations advised the Board that the Mental Health and Learning Disability team would be conducting a governance review in 2009/10 which would focus on CAMHS (Children and Adolescent Mental Health Services).
- 09.49.5 With regard to the setting up of an Expert Advisory Panel to provide guidance to the Board on matters relating to mental health and learning disability, the Director of Operations advised that a group had been set up to look at this specific project.
- 09.49.6 The Director of Operations advised the Board that RQIA had introduced a new database to review the accuracy detention forms and guardianship applications. He added that to date 571 forms had been reviewed and that the accuracy of the forms had been variable. He advised that Trust Chief Executives had been advised of any significant failings.
- 09.49.7 The Board were informed that a list of Key Performance Indicators and a Corporate Risk Register had been developed for the Mental Health and Learning Disability Team. In terms of recruitment, the Board were informed that almost all of the staff had been recruited with the exception of a GP Advisor, a psychiatrist and a Human

Rights Advisor.

- 09.49.8 The Chief Executive advised the Board that there were some accounting issues to be resolved with the DHSSPS before the Annual Report and Accounts for the Mental Health Commission could be completed.
- 09.49.9 The Chairman informed the Board that Jude O'Neill, the Head of the Mental Health and Learning Disability team would be moving on to another post. He thanked Jude for the hard work he had done in overseeing a successful transfer of the functions from the Mental Health Commission.
- 09.49.10 A Board congratulated the Director of Operations for the amount of work the mental health and learning disability team had achieved in the first few weeks since it took over the functions from the Mental Health Commission.
- 09.49.11 A Board member expressed concern at the issues raised in terms of the file review and another Board member added that it was a serious risk and should be on the Corporate Risk Register. The Chief Executive shared these concerns and added that this risk should appear on the Trusts' own Risk Registers.
- 09.49.12 The Board **NOTED** the developments on mental health and learning disability.
- 09.50 Optional Protocol to the Convention Against Torture (OPCAT) - Director of Operations [Paper J/03/09]**
- 09.50.1 The Director of Operations advised that Board members that the Board had previously received an update on OPCAT 18 months ago when RQIA first learnt that it would be a nominated body. He presented a paper to the Board updating developments since that date and advised the Board that a Human Rights Advisor would be responsible for monitoring this when they took up post.
- 09.50.2 The Board **NOTED** the paper on OPCAT.
- 09.51 Open Reporting Policy - Director of Quality Assurance [Paper K/03/09]**
- 09.51.1 The Director of Quality Assurance presented the Open Reporting Policy to the Board and gave an overview of the how the policy was developed, based on the legislative framework and what defines a Report. She added that RQIA had sought legal advice from the Business Services Organisation and a view from the Information Commissioner when preparing the Policy.
- 09.51.2 A Board member asked when RQIA was going to develop a ratings



system for registered establishments. He added that RQIA cannot claim that the quality of health and social care is improving without having a ratings system to measure this. The Director of Operations advised the Board that the new methodology of inspection used a series of scales and that this methodology was being used across various aspects of RQIA's review and inspection work.

- 09.51.3 The Board member suggested that the issue of ratings should be discussed at a Board workshop for the Board to make a decision. The Chief Executive agreed that the Executive Team should prepare a paper on this matter at a future workshop to inform the Board's decision.
- 09.51.4 Board members put forward proposed amendments to the Open Reporting Policy. It was noted that in Section 2 of the Policy there should be greater clarity on RQIA's values. Furthermore, the first line in Section 4 should read "...staff and Board members..." and that Section 7 should also include the responsibilities of the Board and the Chairman.
- 09.51.5 Subject to the amendments outlined above, the Board **APPROVED** the Open Reporting Policy.

**Resolved Actions**

- **Executive Team to prepare a presentation for a future Board workshop on the use of ratings in registered establishments and agencies**
- **Open Reporting Policy to be amended and then disseminated to RQIA staff**

**09.52 Implications of the new HSC Complaints Procedure for RQIA - Director of Quality Assurance [Paper L/03/09]**

- 09.52.1 The Director of Quality Assurance gave an overview to Board members on the implications of the new HSC Complaints Procedure. She explained that the main change for RQIA was that RQIA would no longer be involved in Stage 2 investigations. However, she added that there were still some issues which had to be resolved with the Ombudsman, particularly in relation to private healthcare.
- 09.52.2 The Director of Quality Assurance advised the Board that RQIA would be revising its own Complaints Policy and Procedure in light of this new legislation.
- 09.52.3 A Board member suggested that RQIA should seek clarification of the meaning of the Judgement by Judge Weatherup to clarify some of the issues he raised in his ruling around complaints and the role of RQIA.
- 09.52.4 The Chief Executive informed the Board that RQIA would be taking legal advice to ensure fuller understanding of the legislation.

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09.52.5 The Board **NOTED** the paper.

**09.53 Any other business**

09.53.1 The Chairman proposed that the Board meeting in September be brought forward from 10 September to 3 September. He agreed to follow this up with Board members.

09.53.2 With there being no other business the Chairman drew the public session to a close at 4.45pm.

**Date of next meeting:**

**9 July 2009, Board Room, Riverside Tower**

Signed



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Dr Ian Carson  
Chairman

Date

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9.7.09