




The **Regulation** and  
**Quality Improvement**  
Authority

# **Consultation on the Proposed Publication of RQIA Inspection Reports of Services for Children and Young People**

## **Feedback Report**

January 2023

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# Introduction

The Regulation and Quality Improvement Authority (RQIA) is established as a body Corporate under Article 3 and Schedule 1 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the 2003 Order).

RQIA is an arm's length body of the Department of Health (DoH); and under the Department's Framework Document (2011) RQIA has an overall responsibility to provide independent assurance to the Department on the quality and availability of health and social care in Northern Ireland, and to drive improvement in these services.

RQIA works to ensure that everyone in Northern Ireland experiences a better quality of health and social care as a result of RQIA's regulatory actions, inspections, reviews and audits. We strive to ensure care is safe, effective, compassionate and well led, listening to the experience of patients and service users, and working in partnership with a range of other organisations; both those involved in providing services and those who commission them, and with advocates and representatives of those who use these vital services.



As part of our work as the system regulator for health and social care services in Northern Ireland, we undertake inspections of services for children and young people and services for adults.

RQIA generally publishes the full inspection reports of its health and social care inspections on its website. However, currently, RQIA does not publish inspection reports where the service relates to children and young people, on the grounds of the need to protect the privacy and the physical and psychological safety of the children and young people, many of whom are very vulnerable.

We have at times released some redacted inspection reports in accordance with requests under the Freedom of Information Act (FOIA) 2000. It is clear that this approach does not serve either the intent to protect vulnerable children and young people by not publishing the reports; or achieve the benefits of transparency about the issues, and inform stakeholders and the wider public. Therefore RQIA is now reviewing its current policy of not publishing inspection reports in respect of Children's Services.

This report should be read in conjunction with the associated consultation document located at Consultation on Children's Services Inspection Reports or by contacting RQIA on 028 361111 or at [info@rqia.org.uk](mailto:info@rqia.org.uk)

# Consultation Process

To raise awareness of the consultation process we contacted a wide range of stakeholder groups including politicians, local councils, organisations listed under Section 75 of the Equality Act, and local/regional media outlets. We also shared the consultation with all registered providers of children's services and 16+ services and 47 representative and advocacy groups (including regulators and partner organisations). The Consultation documents, along with the Equality Screening Form, were made available on the RQIA website with Easy Read versions available upon request. Social media (Twitter) was used to raise awareness.

The consultation period lasted for a 14 week period from 14 July 2022 to 20 October 2022. During that time, we held four online public consultation events for service providers of regulated services for children and young people and the general public.

We received support from VOYPIC (Voice of Young People in Care) to engage with a range of children and young people who were using children's services during the consultation period. Additionally, our inspectors raised awareness of the consultation during the inspections of children's services undertaken during the consultation period.

Consultees had the opportunity to respond by a variety of means including in writing, by email, by telephoning or by participating in one of the consultation events.

## Our Working Group

### Membership:

- Belfast HSC Trust
- Children's Law Centre
- HSC Leadership Centre
- Human Rights Adviser
- Information Commissioners Office
- NI Commissioner for Children and Young People
- South Eastern HSC Trust
- Voice of Young People In Care

### Issues discussed:

- **Child protection and Human right issues**
- **Openness and transparency**
- **Highlighting of good practice as well as poor practice**
- **Sharing good practice**
- **Consistency of approach**
- **No barriers to CYP human rights through proposed approach**
- **RQIA will make the final decision on publication of reports**

# Consultation Participation

RQIA would like to thank everyone who took the time to participate in and contribute to the Consultation process.

Over 25 people attended the online sessions and we were extremely pleased that a similar number of children and young people, on an individual or group basis, had the opportunity to put forward their views.

A list of organisations represented via the online sessions and those who provided written feedback is included at Annex 1.



# Consultation Feedback

## Question 1: Do you agree with the RQIA proposal to publish the Inspection Reports of Children's Services on our website?

Overwhelming majority “strongly agree” to publish the reports with openness, transparency, honesty and accountability being widely referenced, along with an increase in public awareness/confidence.

The majority of children and young people who responded were in agreement also citing that it would increase public awareness of what goes on in Children's homes.

Of those who did not want the reports published on the website, an alternative option suggested is to produce a themed based report for each Trust area. Some were concerned that redaction may not fully safeguard privacy.

### Additional Themes Arising From the Consultation Process:

- The publication of inspection reports would support the sharing of good practice/identifying bad practice
- Consultees also raised the importance of protecting personal data and anonymising information

“

*We believe this is vital to demonstrate transparency and inform all those with an interest in children's services about the important work RQIA does in this area. It would also build confidence and demonstrate RQIA's commitment to wider transparency and openness.*

”

Criminal Justice  
Inspection NI

# Consultation Feedback

**Question 2: Do you agree with the RQIA proposal to ensure that no personal identifiable information, direct or indirect, is included in the Inspection Report - (this refers to both children and young people and the staff who provide the service) - and that the service will only be identified in the Inspection Report by a complex code and the Trust.**

Again, overwhelming majority agreed for personal identifiable information to be redacted and a complex code to be used.

However, the views from children and young people were more split with almost half responding that the name of the service should be included.

## **Additional Themes Arising From the Consultation Process:**

- There needs to be a Data Sharing Agreement
- RQIA must be mindful of the quality of data/information collected
- Published inspection reports could help inform decision making

“

*This approach will help provide privacy and protection for service users and also staff.*

*It is good safeguarding practice yet the key information of interest to the public is still available.*

”

Northern Ireland Public  
Services Ombudsman



# Consultation Feedback

**Question 3: Do you agree with the proposal to provide the name of the service that relates to the complex code on the cover of the published Inspection Report, to a limited number of organisations. This would include the Provider of the service and organisations who have a formal role for the safety and well-being of children and young people**

Majority were in agreement with a targeted audience being in receipt of the information for the purposes of openness, transparency and accountability. The children and young people's responses also reflected this.

Some concerns were raised about identification.

## **Additional Themes:**

- This approach may help raise public confidence/awareness of children's services
- There needs to be a joined up approach
- There needs to be a Data Sharing Agreement
- These reports would help share good practice across children's services

“

*NIGALA is also supportive of the inspection only reporting on the service wide issues, findings and recommendations, with no reference to any individual children or young person and where RQIA do have findings relating to a named individual, this will be shared with the service during the feedback session, during and/ or after the Inspection.*

*This approach will ensure identified issues affecting the individual are addressed, but not made publically available via the Inspection Report.*

NI Guardian Ad Litem  
Agency

”



# Consultation Feedback

**Question 4: Do you agree with the proposal that RQIA would request providers of services to let service users and their families or carers (as appropriate) know that the service has been inspected by RQIA? To include in that information, what the findings have been and what actions are being taken, and to provide evidence to RQIA that service users and families have been informed?**

The majority of respondents strongly agreed for service users and their families or carers to know that RQIA has inspected the service, feeling that it was critical for families to be involved and have a feedback process.

One respondent was concerned that this might bring media attention and have a negative effect on the children and young people.

## **RQIA Response:**

Most of the young people advised they may not read the report themselves but felt it was important to be informed and suggested a summary report is produced, or for the information to be relayed in a way that is accessible for them and to have the opportunity to ask questions.

## **Additional Themes:**

- Where appropriate, consideration should be given to providing notification to Service Users/families of inspections
- This approach should increase transparency, public confidence and trust
- This approach would support good practice

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*Yes, we feel this is an appropriate tool to use to ensure all services comply with a standard of practice that is acceptable for children, young people and their families needs and helps ensure public confidence and trust in services.*

Action for Children

”

# Welcoming the Proposed Approach

Some of the supportive comments we have received:

“

NI Guardian Ad Litem Agency

*NIGALA welcomes this move towards transparency in reporting on the quality of services provided to children and young people through the publications of Inspection Reports with the safeguard of the 'Framework for Publication' which aims to protect the identity of individual children and the location of the facility which is their home.*

*It is hoped that greater transparency will assist in improving the quality of the services provided to children and young people.*

”

“

Southern Trust

*Over all the (Southern) Trust agrees with this direction of travel. We are particularly interested in sharing the report findings with young people and seek to get them involved in relevant parts of Quality Improvement Plans.*

”

“

Barnardo's

*Barnardo's NI welcomes the commitment of RQIA to improving the transparency of the process of inspecting and reporting on children's services in Northern Ireland. We also welcome the collaborative consultation process RQIA has undertaken in developing the framework by working with the community and voluntary sector and other government agencies.*

*It was also suggested at the consultation event that the implementation of the proposals could be phased and be subject to review. Barnardo's NI supports this approach as we believe a phased approach will give the time and space needed to properly implement the foundations of new framework and build upon it once that foundation has been established. This will give staff teams time to understand and correctly implement the new framework, which will ultimately assist and benefit the overall aims of this review.*

”

# Section 75

# Equality Screening

RQIA has carried out an equality screening of this proposal to identify any impact on the nine Section 75 equality categories. A copy of the screening is available at [www.rqia.org.uk](http://www.rqia.org.uk).

Respondents were asked to detail any other potential impacts they felt would not have been considered in this assessment for example:

- issues identified in the screening template in relation to the equality profile of those affected by the plan and the needs of different equality groupings in relation to the plan?
- any further equality issues?
- Do you think that the actions we are taking to address the equality issues will be sufficient?
- Do you have any suggestions for further actions to address the equality issues?
- Do you agree with the screening decision? If not please explain and provide your supporting evidence.
- Do you have any suggestions to further promote equality of opportunity for any of the nine equality groups?

Four respondents were content with the RQIA screening, with no issues identified.

Four respondents made the following comments:

## **Representative from the Southern Health and Social Care Trust**

### **Article 8: Respect for your private and family life**

I have serious concerns about details of young people's home life being published for the general public to see. I do not think this serves the purposes of the young people we look after. I think it is discriminatory and ignores the rights the young people have to privacy. Quite frankly, I do not trust the RQIA inspectors to not include information within the report that could be used to identify the home. If greater transparency to the general public is needed then RQIA could release an annual overview report which collates the information from all inspections.

If these young people lived at home their case conference reports wouldn't be published to protect their privacy so surely it is discriminatory to release a report about their current home.

# Section 75

# Equality Screening

## **NIPSO**

Requesting service providers to share inspection proposals and findings will require inspection material to be rewritten and, on some occasions, translated. This may require additional resource for the service providers which, if not available may impact on the equality of access to information shared. We would ask that consideration is given to how any additional costs would be met to ensure equality of access to information.

## **Belfast Health and Social Care Trust**

Consideration ought to be given to situations when RQIA publishes enforcement notices and whereby this can consequently lead to the identification of the home, in particular, when there is single occupancy or a small group of individuals living in the home resulting in the identification of vulnerable individuals whom are the resident(s). Journalists can identify individuals and homes by process of elimination and when this happens it requires legal action to be taken in order to prevent the identity of the vulnerable individual coming into the public arena, therefore RQIA ought to consider a process whereby there interventions and governance arrangements protect vulnerable individuals in these circumstances.

## **Health Information and Quality Authority**

We would like to articulate the importance of specifically ensuring that children and young people with disabilities are further considered in RQIA's policy development. As a group, children and young people with disabilities are the most vulnerable and marginalised who are often excluded from specific consideration in social policy development for children and young people.

# Frequently Asked Questions

During our four online consultation sessions, we had detailed debate and discussion regarding the way forward and have outlined below the topics and responses. Many of the issues were also referenced via the Questionnaires.

## **Is there any research to support the publishing of children's reports currently from other UK regulators and or academic research?**

RQIA are not aware of any local research - Scotland and Jersey publish Inspection Reports. If RQIA move to publishing reports, it will be carried out on a phased/pilot basis. The evaluation of the pilot would then be shared with all services.

## **Can individuals be identified, even with the use of a complex code?**

No, unless there's a strict Data Sharing Agreement in place. RQIA are custodians of the codes and will have strict guidelines in place.

## **What if families/service users may not want children and young people to go to a particular home or request a move from a particular home if issues identified?**

Responsibility for determining suitable placements for children and young people lies with the relevant HSC Trust. RQIA and services can provide assurance through monitoring of the Quality Improvement Plan (QIP) and directly engage with families/service users. During the time from inspection to report writing/publication, the issues can already have been addressed by the service. However, if it was identified that there was a major concern within a service, it would be required to cease any further admittance of new service users.

## **Are RQIA engaged in the review of children's services through the work of Professor Ray Jones[1]?**

RQIA are connected into the work of Professor Ray Jones and have shared with him concerns about the system wide issues in Children's residential care services. One or two of them (such as asking providers to share outcomes and sharing information with specific organisations) could still progress and the third option of publication in anonymised format could be phased in more slowly during a test/pilot phase.

## **How would RQIA continue to manage Freedom of Information requests?**

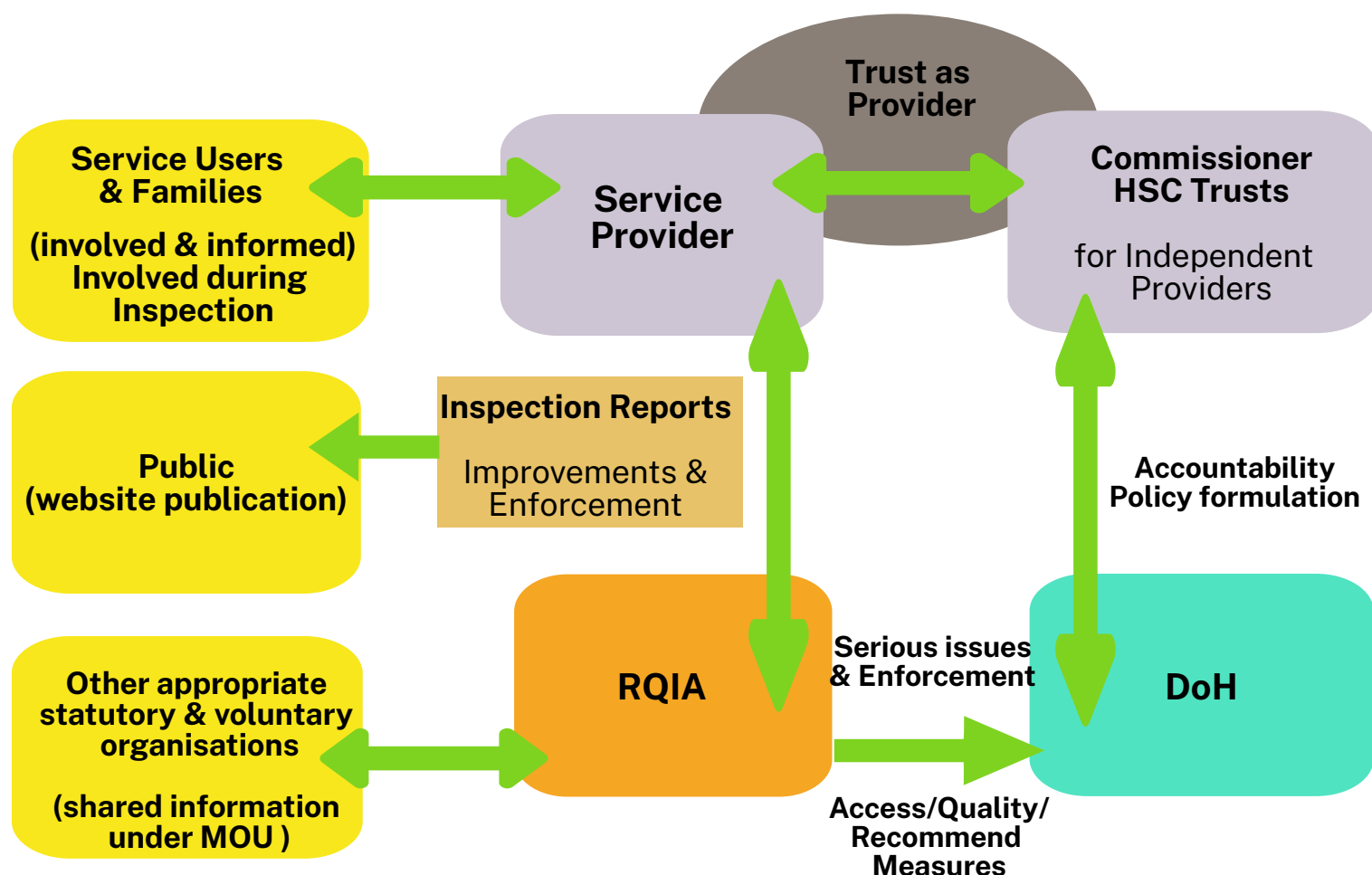
RQIA would continue to apply a public interest test and not divulge to media which report relates to which service and would continue to seek advice from the Information Commissioners Office and Legal Advisors as required.

# Outcome

The responses received clearly indicate that the way forward would be to publish the Inspection Reports with redacted information and the use of Complex Codes to protect the identify of the children.

The key elements of the proposed approach are:

- No individual will be identified within an Inspection Report and it will only contain service wide issues, findings, areas for improvement.
- The name of the service and its location will not be included with a complex code used to identify the service and only the relevant Trust area will be identified.
- The Inspection Report will be published on the RQIA website.
- Service providers will be requested/encouraged by RQIA to tell service users, families or carers about the inspection.
- A limited number of named individuals will have access to complex codes and RQIA will put in place Data Sharing Agreements to prevent the further sharing of information.
- The table below outlines the process:



# Next Steps

RQIA will take the next steps in this process, to include:

- Establishment of a Short Life Working Group which will consider the outcomes from the consultation and take forward the necessary actions

AND

- Further consideration will be given to ensuring meaningful involvement of children, young people and key stakeholders.



# Framework for Publication

A Framework for Publication document will be published shortly and will be made available on the website and circulated to our stakeholders.



# Annex 1

## Attendance at events / feedback submitted

The following organisations were represented at the four online sessions:

South Eastern Health and Social Care Trust	Belfast Health and Social Care Trust
Western Health and Social Care Trust	Barnardo's NI
Law Society of NI	Osborne House Children's Home
Western Health and Social Care Trust	Early Years
Cared for Children	Southern Health and Social Care Trust
Belfast Central Mission	NIPSA
Scouts NI	Camphill Community
Northern Health and Social Care Trust	

A total of 12 written responses were received, from:

- SDLP
  - NI Children's Hospice
  - Barnardos
  - Criminal Justice Inspection NI
  - Southern Health and Social Care Trust
  - NI Public Services Ombudsman
  - NI Guardian Ad Litem Agency
  - Action for Children
  - Positive Futures
  - Belfast Health and Social Care Trust
  - Health Information and Quality Authority
  - An individual respondent
- 
- a report submitted from VOYPIC from discussions with 17 children and young people currently living in children's homes and those with previous experience of living in a children's home
  - As part of the consultation process, RQIA attended an Association for Real Change NI (ARC NI) meeting where we received feedback on our consultation proposals
  - written feedback from RQIA on discussions with children and young people currently residing in children's homes.



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