



# Regulation and Quality Improvement Authority

## **STANDING ORDERS STANDING FINANCIAL INSTRUCTIONS AND CODE OF CONDUCT AND PRACTICE**

**26 August 2025**

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## Foreword

These Standing Orders, Standing Financial Instructions and Code of Conduct and Practice have been developed to give a clear and comprehensive set of operational rules to govern the meetings and proceedings of the RQIA. They are made in accordance with Regulation 9 of The Regulation and Improvement Authority(Appointments and Procedure) Regulations (Northern Ireland) 2004.

The Partnership Agreement between the RQIA and the Department of Health (Attached) provides for the relationship between the RQIA and the Department.

These Standing Orders are based on the legislation establishing the RQIA, and giving it powers and duties; and upon a variety of financial and other codes and instructions.

As the RQIA is undergoing transformation, they will be kept under close review, and further amended in light of experience and to take account of change.

## Glossary of Terms

Save as permitted by law, at any meeting the Chairperson of the Authority shall be the final authority on the interpretation of Standing Orders. The Chairperson may consult the Chief Executive and take legal advice, as appropriate.

Any expression to which a meaning is given in the 'interpretation' at Article 2 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the Order) shall have the same meaning in these Standing Orders and in addition:

**"Accounting Officer"** is the member of staff of the Authority designated by the Permanent Secretary of the Department of Health (DoH) as the Authority's Accounting Officer: this is normally the Authority's Chief Executive. A Deputy Accounting Officer may also be designated.  
**"Assembly"** is the Northern Ireland Assembly and refers to Parliament if the Assembly is not in operation.

**"Authority"** means the Chairperson and Members appointed by the Minister for the Department of Health.

**"Authority Secretary and Head of Corporate Affairs"** means a person appointed by the Authority to have responsibility for the administration of Authority business.

**"BSO"** is the regional Business Services Organisation.

**"Budget"** means a resource, expressed in financial terms, approved by the Authority for the purpose of carrying out, for a specific period, any or all of the functions of the Authority.

**"Chairperson"** is the person appointed by the Minister to lead the Authority and to ensure that it successfully discharges its responsibilities. The expression the "Chairperson of the Authority" shall be deemed to include the Member of the Authority deputising / acting for the Chairperson if he / she is absent from a meeting or is otherwise unavailable.

**"Chief Executive"** means the Chief Executive officer appointed by, and responsible to, the Authority for the general exercise of its functions, in accordance with regulation 7(3) of Schedule 1 to the 2003 Order and these Standing Orders.

**"Committee"** shall mean a Committee established by the Authority.

**"Committee Members"** shall be persons formally appointed by the Authority to sit on, or to chair specific Committees, whether Members of the Authority or not.

**"Deputy / Acting Chairperson"** means an Authority Member who may be appointed by the Authority to take on the Chairperson duties if the Chairperson is absent for any reason.

**"DoH"** is the Department of Health.

**"Emergency"** An emergency is any situation where a decision or action is required to protect the public, ensure RQIA's proper operation, protect its finances or safeguard its reputation which, for genuine reasons of urgency, cannot be postponed until the next ordinary meeting of the Authority.

**"Executive Management Team" (EMT)** means the Chief Executive, Directors and Senior Officers, representing each Directorate and Division.

**"Framework Document"** means the Framework Document produced by the DoH in accordance with section 5 of the 2009 Act, to which the RQIA must have regard in carrying out its functions.

**"Member"** shall mean persons appointed to the Authority by the Minister but does not include the Chairperson.

**"Member of the Public"** means any person who is not an Authority Member or a member the Authority's staff and shall include any person with the status of observer attending an Authority meeting.

**"Minister"** is the Minister responsible for the Department of Health.

**"Nominated officer"** means an officer charged with the responsibility for discharging specific tasks within Standing Orders and Standing Financial Instructions.

**"Officer"** normally means an employee of the Authority. In certain circumstances, "officer" may include a person who is employed by another HSC organisation or by a third party contracted to RQIA, who carries out functions on its behalf.

**"Petition"** is a request by an individual or body for a matter to be included on the Agenda of an Authority meeting.

**"PfG"** means the Programme for Government established by the Northern Ireland Executive and approved by the Assembly. The Executive's Outcomes Based Programme for Government focuses on achieving outcomes of societal wellbeing and delivering real and positive change in people's lives.

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**'Routine Expenditure'** is expenditure on goods and services for which a budget is provided and which is usually initiated by requisition and repeated periodically. Examples would include office supplies and consumables, together with the maintenance of equipment and other establishment costs.

**"RQIA"** is the Regulation and Quality Improvement Authority.

**"Senior Executive"** means a member of the Authority's staff and Executive Management Team who reports to the Chief Executive and who is responsible for discrete areas of the work of RQIA in accordance with these Standing Orders.

**"Senior Management Team (SMT)"** means the Chief Executive, Senior Executives and Senior Managers (Officers) as nominated by the Chief Executive and set out in the Chief Executive's Scheme of Delegation,

**"SFIs"** shall mean the Standing Financial Instructions.

**"SOs"** shall mean these Standing Orders.

**"Sponsor Branch"** means the unit within the DoH which is designated by the Department to act as the primary point of contact for RQIA: currently this is Quality, Safety and Improvement Directorate, DoH.

**"The 2009 Act"** means the Health and Social Care (Reform) Act (Northern Ireland) 2009.

**"The 2003 Order"** means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

**"The Mental Health Order"** means the Mental Health (Northern Ireland) Order 1986.

**"The Mental Capacity Act"** means the Mental Capacity Act (Northern Ireland) 2016.

**"Value for money"** is defined as the most advantageous combination of cost, quality and sustainability to meet customer requirements.

**"Virement"** is the transfer of funds between budgets.

# Introduction

## Management Arrangements

- 1.1 Statutory Framework: Roles and Responsibilities**
- 1.2 Accountability Framework**
- 1.3 Governance Framework**
- 1.4 Financial Performance Framework**
- 1.5 Delegation of Powers**

### **1.1. Statutory Framework: Roles and Responsibilities**

The RQIA is a body corporate established by Article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, (“the 2003 Order”) consisting of a Chair and up to 12 members appointed by the Department. It is a Non-Departmental Public Body (NDPB)

The RQIA’s core purpose is to work together with others to secure and improve safety and quality in health and social care services in Northern Ireland. It is Northern Ireland’s independent health and social care regulator, whose functions include:

- i. Keeping the Department informed about the provision, availability and quality of health and social care services;
- ii. Promoting improvement in the quality of health and social care services by, for example, disseminating advice on good practice and standards;
- iii. Reviewing and reporting on clinical and social care governance arrangements in the HSC - the RQIA also undertakes thematic and governance reviews across a range of subject areas, reporting to the Department, and making recommendations to take account of good practice and service improvements. Such reviews may be instigated by RQIA or commissioned by the Department;
- iv. Regulating (registering and inspecting) a wide range of health and social care services. Inspections are based on minimum care standards set by the Department which ensure that both the public and service providers know what quality of service is expected. Establishments and agencies registered by the RQIA include nursing and residential care homes; children's homes; independent hospitals; clinics; nursing agencies; day care settings for adults; residential family centres; adult placement agencies and voluntary adoption agencies.
- v. In accordance with the Mental Health (Northern Ireland) Order 1986, RQIA has a statutory duty to keep under review the care and treatment of patients including the exercise of the powers and discharge of the duties conferred or imposed by the Mental Health Order. Fulfilling statutory functions as set out in the Mental Capacity Act (Northern Ireland) 2016. Specifically, these include oversight of extensions to authorisations of deprivation of

- vi. liberty, certain referrals to the Review Tribunal and consenting to arrangements for Trusts and registered providers to hold money or valuables in excess of £20,000 on behalf of a person who lacks capacity.

RQIA is one of the UK's four designated National Preventive Mechanisms under the United Nations Optional Protocol to the Convention against Torture [OPCAT], with a responsibility to visit individuals in places of detention and to prevent inhumane or degrading treatment.

The Department can ask the RQIA to provide advice, reports or information on such matters relating to the provision of services or the exercise of its functions as may be specified in the Department's request.

The RQIA may advise the Department about any changes which it considers should be made in the standards set by the Department.

As set out in the Framework Document published by DoH in accordance with section 5 of the 2009 Act (September 2011), the RQIA's relationship with the Department and other HSC bodies is driven by its independent role in keeping the Department informed about the availability and quality of services, drawing on its regulatory functions and its wider statutory responsibility to encourage improvement in the quality of services. HSC bodies look to RQIA for independent validation of their internal arrangements for clinical and social care governance, through its programme of governance and thematic reviews within the HSC. The RQIA must also work closely with HSC Trusts in the discharge of its functions relating to the regulation of independent sector providers, particularly in terms of safeguarding the interest of vulnerable Working relationships between RQIA and the Department of Health are set out in the Partnership Agreement.

## **1.2 Governance and Accountability Framework**

The day-to-day relationship between the RQIA and the Minister and Department for Health is set out in the Partnership Agreement, agreed by the Authority and the Department. The current version, agreed in July 2025, is attached.

**The Chairperson of the Authority** is appointed by the Department, and is personally accountable to the Minister, through the Department, for:

- Providing effective leadership and strategic direction to the Authority and, with the Members and the Chief Executive, setting the culture of the organisation;
- Ensuring that the RQIA's statutory duties, powers and functions are exercised efficiently and effectively; and
- Keeping the Minister and Department informed of significant findings arising from the RQIA's performance of its statutory duties and functions.

The Chair is responsible for:

- Setting the agenda and managing the Authority to enable collaborative and robust discussion of issues and effective decision making;
- Developing and motivating the Authority;
- Ensuring effective relationships so that the Authority works collaboratively through free and frank discussion to reach robust, evidence-based consensus on decisions;

- Completing annual appraisals for all Authority Members, and providing these to the Minister; and
- Completing annual appraisals for the Chief Executive, and submitting these to the Business, Appointments and Remuneration Committee for consideration
  - Representing the Authority and the RQIA in links with Ministers, the Northern Ireland Assembly and the public;
  - Obtaining professional advice for the Authority when needed, in particular when the Authority is taking a decision on matters that pose a significant operational or reputational risk; and
  - Ensuring effective communication with RQIA staff, service users, health and social care service providers, professional and service regulators, the media and public.

To achieve this, the Chair should ensure that:

- the Minister is advised when Authority Member vacancies arise and that RQIA advise and support the relevant skills audit when required;
- Authority Members are fully briefed on terms of appointment, duties, rights and responsibilities;
- Authority Members receive and maintain appropriate training;
- there is an Authority operating framework (Standing Orders) in place setting out a clear and comprehensive set of operational rules to govern the operation of the RQIA, in line with relevant guidance; and
- there is a code of practice for Authority Members in place, consistent with relevant guidance.

The role of the Chair requires the establishment of an effective working relationship with the Chief Executive that is both collaborative and challenging. It is important that the Chair and Chief Executive act in accordance with their distinct roles and responsibilities as laid out in Managing Public Money and their appointment letters.

The Chair has a presence in the organisation and cultivates external relationships, which provide useful links for the organisation while being mindful of overstepping boundaries and becoming too involved in day-to-day operations or executive activities.

**The Authority** has corporate responsibility promoting the efficient, economic and effective use of staff and other resources. The Authority is committed to uphold the duty set out in the Code of Conduct on Openness to be positive in providing access to information; and in favour of openness and transparency in all its proceedings.

Specific responsibilities of the Authority include:

- Appointing a Chief Executive to RQIA;
- Seeking DoH approval to the appointment;
- Seeking Accounting Officer designation of him/her as Accounting Officer for RQIA from the Accounting Officer for the Department of Health
- Setting performance objectives, and remuneration terms for the Chief Executive and other members of the Executive Management Team, linked to those objectives, which give due weight to the proper management and use of public funds;
- Establishing the overall strategic direction of the RQIA, within the policy and resources framework determined by the Minister, working closely with the Chief Executive and Executive Management Team and in consultation with DoH;



- Overseeing, and constructively supporting and challenging the Executive Management Team in its planning, target setting, and delivery and reporting of performance;
- Overseeing the staffing of the RQIA, including the structures, capacity and resources available;
- Ensuring that it is kept informed of any issues which are likely to impact on the strategic direction of RQIA or on the attainability of its targets, and determine the steps needed to deal with such changes;
- Ensuring that it is informed in a timely manner about any concerns about the activities of RQIA; and that appropriate action has been taken on such concerns;
- Ensuring that any statutory or administrative requirements for the use of public funds are complied with and that it operates within the limits of its statutory authority and any delegated authority agreed with the DoH and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, it takes into account all relevant guidance issued by Department of Finance and the DoH;
- Receiving and reviewing regular financial information concerning the financial management of RQIA and taking any remedial action which may be necessary;
- Maintaining high standards of corporate governance at all times, including the establishment of an Audit and Risk Assurance Committee, to oversee the key financial and other risks facing RQIA; and
- Pursuing the aims of the Codes of Conduct for Board Members of Public Bodies (FD (DFP) 04/14) “to ensure that people may easily obtain an understanding of all services that are provided by the HSC and, particularly, changes to those services that may affect them or their families”<sup>1</sup>

**Authority Members shall:**

- Comply with RQIA Standing Orders which seek to ensure the maintenance of public service values and high standards of personal conduct of Authority members;
- Comply with the rules and guidance relating to the use of public funds and to conflicts of interest;
- Subscribe to the Code of Conduct and Code of Accountability (2012) for Board Members of Health and Social Care Bodies;<sup>2</sup>
- Have access to any document or information in the possession of RQIA for the purposes of his or her duty as a member.
- A Member of the Authority shall not knowingly apply to have access to, or request a copy of, any document relating to a matter in which s/he has any potential conflict of interest;
- Not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
- Declare publicly and to the Authority any private interests that may be perceived to conflict with their public duties;
- Comply with the Authority’s rules on the acceptance of gifts and hospitality, and of business appointments; and
- Act in good faith and in the best interests of the RQIA.

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<sup>1</sup> <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/fddfp0414.pdf>

<sup>2</sup> <https://www.health-ni.gov.uk/sites/default/files/publications/health/ccabm.pdf>

The **Chief Executive of the RQIA** is:

- appointed by the Authority, with the approval of the Department, and is a member of the Authority's staff. The Chief Executive is not a member of the Authority.
- responsible for all executive management matters affecting the organisation and for leadership of the executive management team.
- designated as the Authority's Accounting Officer by the departmental Accounting Officer (see section 14). As Accounting Officer, the Chief Executive is responsible for safeguarding the public funds in their charge and ensuring they are applied only to the purposes for which they were voted and more generally for efficient and economical administration.
- accountable to the Authority for the performance and delivery of outcomes and targets and is responsible for implementing the decisions of the Authority and its Committees. The Chief Executive maintains a dialogue with the Chair on the important strategic issues facing the organisation and proposes Authority agenda items to the Chair to reflect these; and
- ensures effective communication with stakeholders and communication on this to the Authority; and ensures that the Chair is alerted to forthcoming complex, contentious or sensitive issues, including risks affecting the organisation.

The Chief Executive acts as a role model to senior staff by exhibiting open support for the Chair and Authority Members and the contribution they make. The Chair and Chief Executive should agree how they will work together in practice, understanding and respecting each other's role, including the Chief Executive's responsibility as Accounting Officer.

The role and responsibilities of the Chief Executive as Accounting Officer are laid out in Managing Public Money NI and their Accounting Officer appointment letter.

The Chief Executive is the Principal Officer for handling cases involving the NI Public Sector Ombudsman. He/she shall advise the Departmental Accounting Officer of any complaints about the Authority accepted by the Ombudsman for investigation, and about the proposed response to any subsequent recommendations from the Ombudsman, via the RQIA's Departmental Sponsor Branch (QSID).

**The Chief Executive** is responsible to the Authority for the day-to-day operations and management of RQIA, as set out in these Standing Orders. As Chief Executive, they must inform the Authority on a regular and timely basis:

- Of RQIA's performance towards achievement of its aims and objectives; and in particular of its financial performance and operational outcomes and of risks identified, including risks around human resources capacity and capability, and external risks, in order to inform decisions on financial and operational planning and to assist in achieving objectives and targets.

**The Chief Executive is responsible to the Authority for:**

- Ensuring that the Authority is notified in a timely way, and immediately in cases which may give rise to concern, of issues arising from regulation, inspection, audit or review activity; or which may impact on the Authority's credibility and reputation;
- Ensuring that effective processes are in place to engage and involve service users and their families, and other stakeholders, in RQIA's delivery of its programmes of work;

- Ensuring that proper records are kept relating to the Accounts and that the Accounts are properly prepared and presented in accordance with any directions issued by the Minister, DoH, or Department of Finance;
- Signing a Statement of Accounting Officer's responsibilities, for inclusion in the Authority's Annual Report and Accounts;
- Signing the Governance Statement regarding RQIA's system of internal control, for inclusion in the Annual report and Accounts, that details significant internal control divergences;
- Signing a mid-year assurance statement on the condition of RQIA's system of internal control;
- Ensuring that RQIA makes effective/optimum use of modern technology in delivering its duties in an efficient, effective and economic manner;
- Ensuring that an effective system of programme and project management and contract management is maintained;
- Ensuring compliance with the Northern Ireland Public Procurement Policy;
- Ensuring that all public funds made available to RQIA (including any income or other receipts) are used for the purpose intended by the Assembly, and that such monies, together with the RQIA's assets, equipment and staff are used economically, efficiently and effectively;
- Ensuring that adequate internal management and financial controls are maintained by RQIA, including effective measures against fraud and theft;
- Maintaining a comprehensive system of internal delegated authorities that are notified to all staff, together with a system for regularly reviewing compliance with these delegations;
- Ensuring that effective personnel management policies are maintained;
- Ensuring that effective procedures for handling complaints about RQIA are established and made widely known within RQIA;
- Acting in accordance with the terms of the Partnership Agreement between the RQIA and the DoH
- Ensuring that an Equality Scheme is in place and reviewed and that new policies are equality impact assessed as required by the Equality Commission and The Executive Office;
- Ensuring that the requirements of the General Data Protection Regulation 2018 (GDPR) and the Freedom of Information Act 2000 are complied with;
- Ensuring that a business continuity plan is developed and maintained;
- Ensuring that effective procedures for handling adverse incidents are established, made widely known within RQIA, and are complied with;
- Ensuring that the requirements of relevant statutes, court rulings, and DoH directions are fully complied with;
- Ensuring that reports on proportionate assurance and compliance with quality standards are made as required to the DoH; and
- Ensuring that an acceptance and provision of Gifts and Hospitality Policy is in place that sets out the principles and requirements under which gifts and hospitality can be received and in turn when such offers can be made.

#### **The Chief Executive, as RQIA's Accounting Officer:**

- Is personally responsible for safeguarding the public funds for which he/she has charge and for ensuring propriety and regularity in the handling of those public funds. (The Chief

Executive is accountable to the DoH Accounting Officer in respect of the responsibilities for propriety and regularity);

- Advises the Authority on the discharge of its responsibilities as set out in the Partnership Agreement and in any other relevant instructions and guidance that may be issued from time to time by DoF or DoH;
- Ensures that financial considerations are taken fully into account by the Authority at all stages in reaching and executing its decisions, and that standard financial appraisal techniques are followed appropriately;
- Takes action in line with Section 3.8 of Managing Public Money NI if the Authority, or its Chairperson, is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity, or does not represent prudent or economical administration, efficiency or effectiveness; and
- Gives evidence, normally with the Accounting Officer of DoH, if summoned before the Public Accounts Committee on the use and stewardship of public funds by RQIA.

### **1.3.1 The Strategic Plan**

The Authority, with the support of the Chief Executive and EMT, establishes a Strategic Plan covering three to five years period. The Authority will consult with the Department and agree the issues to be addressed in the Strategic Plan and the timetable for its preparation, submission and approval.

The Strategic Plan must be based on fulfilment of RQIA's statutory functions and duties, and should also maintain focus on successful delivery of Programme for Government outcomes and Ministerial priorities.

The plan should demonstrate how the RQIA's activities will fulfil its statutory duties and functions and contribute to the PfG objectives and targets and Ministerial priorities.

The Strategic Plan should set out the following:

- RQIA's key objectives and key performance targets and its strategy for achieving those objectives;
- A review of RQIA's performance in the preceding financial year (together with comparable outturns for the previous years) and an estimate of performance in the current year;
- Alternative scenarios to take account of factors which may significantly affect the execution of the plan, but which cannot be accurately forecast;
- A forecast of expenditure and income, taking account of guidance on resource assumptions and policies provided by DoH; and
- Other matters as agreed between the DoH and RQIA.

### **1.3.2 The Management Plan**

Each year of the Strategic Plan provides the basis of the Management Plan for the relevant forthcoming financial year. The Management Plan shall include key targets and milestones for the year immediately ahead and shall be linked to budgeting information so that resources allocated to achieve specific objectives can be readily identified.

The Management Plan should include reference to SMART objectives that:

- Deliver the RQIA's statutory functions and duties;
- Support the delivery of PfG commitments;

- Support the delivery of DoH policy and strategy;
- Address known areas of underperformance, the findings of inquiries, reviews, etc. and respond to particular events, serious adverse incidents and near misses; and
- Include references to staff – training, development, learning, etc.

### **1.3.3 Reporting Performance to the Authority**

The Chief Executive shall operate management information and accounting systems which enable the Authority to review in a timely and effective manner RQIA's financial and non-financial performance against the budgets and targets set out in its Strategic and Management Plans; and shall report on progress towards these targets to the Authority.

The Chief Executive shall inform the Authority in a timely manner (and immediately in the case of issues which may give rise to concern) of changes in external conditions, which make the achievement of objectives more or less difficult, or which may require a change to the budget or objectives as set out in the Strategic or Management plans.

The Chief Executive will report to the Authority on performance including the achievement of key objectives, on a quarterly basis. These quarterly Reports ("Performance Activity Reports") shall be submitted through the Business, Appointments and Remuneration Committee to the full Authority Meeting immediately following the quarter end.

RQIA's performance against key targets shall be reported in the Authority's Annual Report and Accounts.

## **1.4 Financial Performance Framework**

**RQIA is required, in accordance with the provisions set out in Annex 3 to the Partnership Agreement, to:**

- Break-even on its Income and Expenditure Account year on year and to maintain its Net Current Assets;
- To promote financial stability within HSC;
- Stay within its cash limit for the year;
- Operate within the Resource Limits, both Capital and Revenue set by the Department;
- Remain within its delegated expenditure authorisations; and
- Comply with the Prompt Payment Code.

## **1.5 Delegation of Powers**

Schedule 1 (7) of the 2003 Order provides that the Chief Executive is responsible to the Authority for the general exercise of its functions; Schedule 1(9) provides that the Authority may arrange for the discharge of any of its functions by a committee, sub-committee, member or member of staff of the Authority, or any other person. The Authority retains responsibility and is accountable for any such functions. Under these Standing Orders the Authority has retained some specified functions; and arranged for the discharge of others in a specified manner.

## **Standing Order 1A: Authority Meetings**

### **1.1 Procedures for Meetings**

#### **1.1.1 Meetings of the Authority in Public**

The Authority shall hold meetings in public; although certain matters may be dealt with in a confidential section of the meeting. At least four such meetings shall be held every year. Arrangements for admission of the public and press shall be in accordance with the Code of Practice on Openness.

#### **1.1.2 Conduct of Meetings**

The meetings and proceedings of the Authority shall be conducted in accordance with these Standing Orders.

The proceedings of the Authority shall not be invalidated by any vacancy in its Membership. A quorum is one third of the Authority Members for the time being appointed being present, either in person or by electronic means.

#### **1.1.3 Calling of Meetings**

For all ordinary scheduled meetings of the Authority, an agenda shall be sent to Members 5 clear working days before the meeting and supporting papers, whenever possible, shall accompany the agenda, but shall certainly be despatched no later than 3 clear working days, save in an emergency. Failure to receive such a notice by any Member shall not invalidate the proceedings of any meeting so indicated in the notice.

A schedule of future Authority meetings shall be provided and advertised on the Authority's website and kept updated.

Before each meeting of the Authority, a notice of the time and place of the meeting, and the public part of the agenda, shall be provided and advertised on the RQIA website at least 5 clear working days before the meeting.

On request from the press or a member of the public, a copy of the agenda as published on the website shall be supplied.

Particular attention will be given to the requirements of its Equality Scheme when considering all matters concerning Authority meetings.

The Chairperson may call a meeting of the Authority at any time.

If requested in writing by at least one third of the number of Members for the time being appointed which comprise the Authority, the Chairperson shall call a meeting of the Authority.

If the Chairperson refuses to call a meeting or fails to do so within 7 days after such a request, such one third or more Members may forthwith call a meeting.

In the case of a meeting called by Members in default of the Chair, the notice shall be signed by those Members and no other business other than that specified in the notice shall be transacted at the meeting. Failure to serve such a notice on more than 3 members of the Authority shall invalidate the meeting. A notice shall be presumed to have been served one day after posting.

Before each meeting of the Authority, a notice of the meeting, specifying the business proposed to be transacted at it, and any motions relating to it, signed by the Chairperson or by an officer of the Authority authorised by the Chairperson to sign on his / her behalf shall be sent to each member and to everyone on the Authority meeting distribution list in accordance with the provisions for calling a meeting.

#### **1.1.4 Emergency Meetings**

In an emergency:

- Immediate steps must be taken to inform all Authority Members by telephone, email or other means, of the situation;
- The Chairperson and 2 other Members of the Authority may exercise all the powers of the Authority; and
- In the absence of the Chairperson, the powers of the Authority may be exercised by any 4 Members of the Authority.

If it is decided that it is not necessary to convene an extraordinary meeting of the Authority to consider the matter, the exercise of such powers shall be reported to the next ordinary meeting of the Authority for ratification, together with an explanation of the need for the urgent action or decision

#### **1.1.5 Setting the Agenda**

The business at each routine scheduled Authority meeting shall include:

- Welcome and Apologies
- Declaration of Interests
- Minutes of the previous meeting
- Matters arising out of minutes
- Chairperson's Report
- Chief Executive's Report
- Reports of Committee meetings
- ARAC including Financial Report
- BARC including Performance Activity Report
- Matters for consideration and decision
- Notices of Motion
- Items for information
- Any other business

#### **1.1.6 Petitions**

If RQIA receives a petition, the Chairperson shall include the petition as an item for the agenda of the next meeting, providing it is appropriate for consideration by the Authority. The Chairperson shall advise the next meeting of any petitions that are not granted and the grounds for refusal.

#### **1.1.7 Notices of Motion**

With reference to matters included in the notice of meetings, a Member of the Authority may amend or propose a motion, in writing, at least 3 clear days before the meeting to the Chairperson. All notices so received, shall be considered at the meeting. This paragraph shall

not prevent any motion being moved during the meeting, without notice, on any business on the agenda.

#### **1.1.8 Deputations and Speaking Rights**

Deputations from any meeting, association, public body or an individual may be permitted to address a public meeting of the Authority provided notice of the intended deputation and a summary of the subject matter is given to the Authority at least 2 clear days prior to the meeting and provided that the Chairperson agrees. The specified notice may be waived at the discretion of the Chairperson.

In normal circumstances this facility shall be confined to a short statement or presentation from the members of the deputation; a copy of any such submission should be made available to the Authority prior to the meeting. The Chairperson shall determine the actual allotted time and if the deputation has sufficiently covered the issue.

The names of those making deputations or speaking at an Authority meeting, along with the detail of the subject matter and the discussion, will be included in the minutes of the Authority meeting. An extract of the draft Authority minutes will be shared with those making deputations for their review for factual accuracy purposes only. Those making deputations or speaking at an Authority meeting will be unable to remove detail from, or add detail to, the minutes.

#### **1.1.9 Admission of the Public and Media**

Arrangements to encourage and facilitate attendance of the public at Authority meetings, and reasonable facilities for representatives of the press and broadcasting media to report Authority meetings, shall be made available. These include the provision of opportunities to attend using virtual methods such as video conferencing.

The Chairperson shall give such directions as he / she thinks fit in regard to the arrangements for meetings and accommodation of the public and representatives of the press and broadcasting media so as to ensure that the Authority's business shall be conducted without interruption and disruption. Without prejudice to the power to exclude on grounds of the confidential nature of the business to be transacted, the public shall be required to withdraw upon the Authority resolving as follows:

"That in the interests of public order the meeting adjourns for (the period to be specified) to enable the Authority to complete business without the presence of the public."

Nothing in these Standing Orders shall require the Authority to allow members of the public or representatives of the press and broadcasting media to record proceedings in any manner whatsoever, other than in writing, or to make an oral report of proceedings as they take place from within the meeting, without prior agreement of the Chairperson.

#### **1.1.10 Chairperson of Meeting**

At any meeting of the Authority, the Chairperson, if present, shall preside. If the Chairperson is unable to attend the meeting, the Deputy Chairperson or a Member previously nominated by the Chairperson shall do so or, if no such nomination has been made, the Members present shall choose one among their number to act as Acting Chairperson or Deputy Chairperson.

If the Chairperson is absent temporarily on the grounds of a declared conflict of interest, the same arrangements shall apply.



### **1.1.11 Quorum and Attendance of Employees and Others**

No Authority meeting may commence or continue unless one third or more of the total number of its Members for the time being is present.

If the Chairperson or a Member has been disqualified from participating in discussion of any matter and/or from voting on any resolution by reason of having declared a conflict of interest, the Chairperson or Member shall no longer count towards the quorum. If, as a consequence, a quorum no longer exists, the meeting must proceed to the next item of business. The Minutes should record what happened and the item that could not be discussed will be placed on the agenda for the next meeting of the Authority.

The Chief Executive and the Executive Management Team shall attend Authority meetings by invitation of the Chairperson and participate in the business as required by the Chairperson. The Authority Secretary and Head of Corporate Affairs and other staff of RQIA as decided by the Chairperson shall attend meetings in order to provide administrative services. No-one other than Authority Members shall participate in decision making or have voting rights at an Authority Meeting.

### **1.1.12 Record of Attendance**

A record of the names of the Chairperson and Members present at the meeting shall be noted in the minutes and, if necessary, the point at which they join, leave or resume their place at the meeting shall also be noted. A record of members of staff in attendance shall also be kept.

### **1.1.13 Confidential Section of Meetings**

Without prejudice to the Authority's commitment to follow the Code on Openness, the Authority may exclude the public or representatives of the press or broadcasting media from a meeting (whether during the whole or part of the proceedings at the meeting) on one or more of the following grounds:

- by reason of the confidential nature of the business to be transacted at the meeting;
- when publicity would be prejudicial to the public interest; and
- for such other special reasons as may be specified being reasons arising from the exceptional nature of the business to be transacted or of the proceedings at the meeting.

### **1.1.14 Motions**

The mover of a motion shall have a right of reply at the close of any discussion on the motion or any amendment thereto.

When a motion is under discussion or immediately prior to discussion it shall be open to a Member to move:

- An amendment to the motion;
- The adjournment of the discussion or the meeting;
- That the meeting proceeds to the next business (\*);
- The appointment of an ad hoc Committee to deal with a specific item of business;
- That the motion be now put (\*); and
- A motion resolving to exclude the public (including the press).

In the case of sub-paragraphs denoted by (\*) above: to ensure objectivity, only a member who has not previously taken part in the debate may put motions.

No amendment to the motion shall be admitted if, in the opinion of the Chairperson, the amendment negates the substance of the motion.

When an adjourned item of business is re-commenced or a meeting is reconvened, any provisions for deputations or speaking rights, not previously undertaken, or other arrangements shall be treated as though no interruption had occurred.

### **Withdrawal of Motion or Amendments**

The proposer may withdraw a motion or amendment once moved and seconded with the concurrence of the seconder and the consent of the Chairperson.

### **Motion to Rescind a Resolution**

Notice of motion to amend or rescind any resolution (or the general substance of any resolution) that has been passed within the preceding 6 calendar months, shall bear the signature of the Member who gives it and also the signatures of 2 other Members.

When any such motion has been disposed of by the Authority, it shall not be appropriate for any Member other than the Chairperson to propose a motion to the same effect within 6 months, however the Chairperson may do so if s/he considers it appropriate.

### **Chairperson's Ruling**

Contributions of Members made at meetings of the Authority must be material and relevant to the matter under discussion. The decision of the Chairperson of the meeting on questions of order, relevancy, regularity and any other matters shall be final.

#### **1.1.15 Voting**

Every item or question at a meeting shall be determined by the Chairperson seeking the general assent of voting Members or the expression of a wish to proceed to a vote. A vote shall be determined by the majority of the votes of the Chairperson of the meeting and other Members present and voting on the question.

In the case of the number of votes for and against a motion being equal, the Chairperson of the meeting shall have a second or casting vote. No-one other than duly appointed Members may vote. In no circumstances may an absent Member vote by proxy. Absence is defined as being absent at the time of the vote.

All questions put to the vote shall, at the discretion of the Chairperson of the meeting, be determined by oral expression or by a show of hands. A paper or electronic ballot may also be used if a majority of the Members present so request.

If at least one third of the Members present so request, the voting (other than by paper ballot) on any question may be recorded to show how each Member present voted or abstained.

If a Member so requests, his / her vote shall be recorded by name upon any vote (other than by paper ballot).

#### **1.1.16 Suspension of Standing Orders**

Except where this would contravene any statutory provision or any direction made by the Department, one or more of the Standing Orders may be suspended at any meeting, provided

that two-thirds or more of the Authority are present and that a majority of those present vote in favour of suspension.

A decision to suspend Standing Orders shall be recorded in the minutes of the meeting.

A separate record of matters discussed during the suspension of Standing Orders shall be made and shall be available to the Chairperson and other Members.

The Audit and Risk Assurance Committee shall review every decision to suspend Standing Orders.

#### **1.1.17 Minutes**

Draft minutes of the proceedings of each Authority meeting shall be drawn up and submitted for agreement at the next Authority meeting. No discussion shall take place upon the minutes except as to their accuracy and as the Chairperson may consider appropriate. Any amendment to the minutes shall be agreed and the amended version brought back to the next meeting to be finally agreed and recorded. Agreed Minutes are to be signed as an accurate record by the Chairperson of the meeting.

Agreed minutes providing a record of a public Authority meeting shall be made available to the public or media upon request, as required by the Code of Practice on Openness in the HSC. RQIA is fully committed to compliance with the requirements of the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) in accordance with Department of Finance Access to Information Policy implemented on 1st September 2016.

#### **1.1.18 Committee Meetings**

The business of Committee meetings shall be brought to the Authority by the Committee Chairperson. The business of the Committee will be presented to the Authority, in public session except where considerations of confidentiality preclude that from being done.

At the Authority meeting following a meeting of a Committee the Committee Chairperson will give a verbal update of the meeting.

#### **1.1.19 Variation and Amendment of Standing Orders**

These Standing Orders may be amended by:

- the proposed amendment is set out in a paper sent out with the Agenda for the meeting; and
- no fewer than half of the Authority members present vote in favour of the amendment;
- at least two-thirds of the Authority members are present; and
- the variation proposed does not contravene a statutory provision or direction made by the Department.

#### **1.1.20 Potential Conflict of Interests**

The primary responsibility of public bodies is to serve the public interest. Authority Members and staff of RQIA must discharge their duties in a manner that is seen to be honest, fair and unbiased. RQIA must ensure that conflicts of interest are identified and managed in a way that safeguards the integrity of Authority Members and staff and maximises public confidence in RQIA's ability to conduct its functions properly.

RQIA is therefore committed to the Conflicts of Interest: A Good Practice Guide (NIAO) as issued in March 2015.<sup>3</sup>

Subject to the following provisions of this Standing Order, if the Chairperson or an Authority Member has any potential conflict of interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, s/he shall, at the meeting, and as soon as practicable after its commencement, disclose the fact. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision, and s/he shall withdraw from the meeting while the consideration or discussion of the contract or other matter and the vote is being taken.

In exceptional circumstances the individual who has declared a potential conflict of interest may be asked by the Chairperson to remain for the discussion if their expertise is specifically required to inform the other members in their discussions. This expert advice shall be restricted to the giving of factual and objective information before withdrawing while the decision and vote is taken.

The Department may, subject to such conditions as the Department may think fit to impose, remove any disability imposed by this Standing Order in any case in which it appears to be in the public interest that the disability shall be removed.

The Authority may exclude the Chairperson or an Authority Member from a meeting of the Authority while any contract, proposed contract or other matter in which s/he has a pecuniary interest, is under consideration.

Any remuneration, compensation or allowances payable by RQIA to the Chairperson or an Authority member shall not be treated as a pecuniary interest for the purpose of this Standing Order.

For the purpose of this Standing Order the Chairperson or an Authority member shall be treated, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if:

- they, or a nominee of theirs, is a director of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a direct pecuniary interest in any other matter under consideration; or
- they are a business partner of, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in any other matter under consideration; and in the case of persons living together the interest of one partner shall, if known to the other.

The Chairperson or an Authority Member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only:

- of his/her membership of a company or other body, if he/ she has no beneficial interest in any securities of that company or other body;
- of an interest of his as a person providing Family Health Services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he / she provides; or

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<sup>3</sup> [https://www.niauditoffice.gov.uk/sites/niao/files/media-files/conflicts\\_of\\_interest\\_good\\_practice\\_guide.pdf](https://www.niauditoffice.gov.uk/sites/niao/files/media-files/conflicts_of_interest_good_practice_guide.pdf)

- of an interest in any company, body or person with which he / she is connected as mentioned in Standing Orders above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of or in voting on, any question with respect to that contract or matter.

Where the Chairperson or an Authority Member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he / she has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, this Standing Order shall not prohibit him/her from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice however to his/her duty to disclose his/her interest.

This Standing Order applies to a Committee or sub-committee as it applies to the Authority and applies to a member of any such Committee or Sub-Committee (whether or not s/he is also a Member of the Authority) as it applies to a Member of the Authority.

## Standing Order 1B: Authority Committees

### 1.2 Introduction

Authority Committees are established as a committee of the Regulation and Quality Improvement Authority pursuant to Schedule 1 paragraph 9 of The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003 which states that RQIA may arrange for the discharge of any of its functions by a committee, sub-committee, member, member of staff or indeed any other person.

In addition, Regulation 8 of the Regulation and Improvement Authority (Appointment and Procedures) Regulations (N. Ireland) 2004 states that the Authority may appoint committees of the Authority (Reg 8(1)), and committees, subject to such directions as may be given by the Department or the Authority, may appoint sub-committees (Reg 8(2)).

Regulation 8 (3) states that committees may consist of such persons, whether or not members of the Authority, as the Authority or committee making the appointment may determine.

### 1.3 Appointment of Committees

Subject to such directions as may be given by the Department, the Authority may and, if directed by the Department, shall appoint Committees of the Authority. These Standing Orders shall apply as appropriate to any committee established by the Authority.

The terms of reference for Authority Committees are contained in Annex 1 to 5 of these Standing Orders.

A Committee appointed under this Standing Order may, subject to such directions as may be given by the Department or the Authority, appoint sub-Committees.

Committees and sub-committees appointed under this Standing Order may consist of such persons (whether or not Members of the Authority) as the Authority or the Committee making the appointment may determine.

Each Committee shall have such terms of reference and powers, membership and be subject to such conditions as to reporting back to the Authority, as the Authority shall decide. Such terms of reference shall have effect as if incorporated into the Standing Orders. The Authority shall approve the appointments to each of the Committees which it has formally constituted.

Where Committees are authorised to establish sub-Committees, they may not delegate executive powers to the sub-Committee unless expressly authorised by the Authority.

The Chairperson may also at any time establish short life working groups. These working groups should not have any delegated authority, which would require them to be formally constituted in Standing Orders.

### 1.4 Committees

In order to fulfil its duties and promote good governance the Authority has established the following committees:

- Audit and Risk Assurance Committee (“ARAC”);

- Business, Appointments and Remuneration Committee (“BARC”);
- Legislative and Policy Committee (“LPC”);
- Mental Health Committee (“MHC”), including the Medical Appointments Panel; and
- Enforcement Committee

Appointments to Committees will be made taking due consideration of the balance of roles of Authority Members, the duties involved, the skills / experience required; and the diversity balance of the Committee.

### **1.5 The Process for the Appointment of a Committee Chairperson**

The Chairperson will nominate one Authority Member to act as Chairperson of the committee and seek approval from the Authority for this appointment.

This will be conducted and ratified at a public Authority meeting and will be formally recorded in the minutes.

### **1.6 The Process for the Appointment of Committee Members**

The Chairperson will, in consultation with the Chairperson of the respective committee, nominate Authority Members and other persons for appointment and seek approval from the Authority for these appointments.

This will be conducted and ratified at a public Authority meeting and will be formally recorded in the minutes.

### **1.7 The Process for the Appointment of Sub-Committee Chairperson**

The Chairperson of the parent Committee, in consultation with the Authority Chairperson, will appoint a Chairperson of the sub-committee and will seek approval from the parent Committee for this appointment. This will be conducted at a meeting of the Committee and will be formally recorded in the minutes.

The appointment of the sub-committee Chairperson will be forwarded to the Authority Chair for ratification at a public Authority meeting.

### **1.8 The Process for the Appointment of Sub-Committee Members**

The Chairperson of the parent Committee, in consultation with the Authority Chairperson, will nominate Authority Members or other individuals with relevant skills and experience for appointment and will seek approval from the parent Committee for this appointment. This will be conducted at a meeting of the Committee and will be formally recorded in the minutes.

The appointment of the Sub-Committee members will be forwarded to the Chair of the Authority for ratification at a public Authority meeting.

The Chairperson of the Authority will review the appointment of committee and Sub-Committee members when he/she is conducting the annual appraisal of Authority Members.

The Chairperson is responsible for ensuring equity of workload among the Authority Members.

### **1.9 Period of Appointment**

The Authority will review the membership of Committees and Sub-Committees every two years.

The Chairperson should ensure that the periods of membership of Committees and Sub-Committees are consistent with the periods of appointment of Authority Members.



## Standing Order Two: Functions Reserved by the Authority

- 2.1 Strategic Direction**
- 2.2 Monitoring and Oversight of Performance**
- 2.3 Appointment of Senior Executives**
- 2.4 Financial Stewardship**
- 2.5 Corporate Governance and Personal Conduct**
- 2.6 Statutory Functions**
- 2.7 Effective Communication**

### Standing Order Two: Functions Reserved by the Authority

The key corporate responsibilities of the Chairperson and Members of the Authority include:

- Establishing the overall strategic direction of the RQIA within its statutory remit and the policy and resources framework agreed by the Minister;
- Setting RQIA's key objectives and key performance targets;
- Ensuring the delivery of planned outcomes by monitoring progress against objectives, monitoring risks and ensuring corrective action is taken as necessary;
- Achieving effective financial stewardship through ensuring value for money, sound financial controls and financial planning and strategy;
- Putting in place systems for appointing the Chief Executive and other Senior Executives and setting objectives for the Chief Executive and Senior Executives; overseeing their appraisal and to agree their remuneration, in accordance with DoH policy on Senior Executives pay;
- Ensuring that there is effective communication within RQIA; and to ensure there is good communication between RQIA and interested parties, both directly and through the media, including by expressing the views of the Authority;
- Ensuring that high standards of corporate governance and personal behaviour are maintained in the conduct of the business of the whole organisation; and
- Being responsible for, and accountable for, and ensuring the discharge of the statutory functions of the RQIA.

The 'Schedule of Functions Reserved to the Authority' (below) enables it to fulfil its key areas of corporate responsibility set out in the Introduction.

The matters specified shall not be interpreted so as to exclude bringing any other issues relating to the conduct of the Authority's functions to the Authority for consideration.

The Chairperson shall determine, in consultation with the Chief Executive, whether specific issues falling outside those set out in the following Schedule of Functions Reserved to the Authority shall be brought to it for consideration.

## Schedule of Functions Reserved to the Authority and its Committees

<b>STRATEGIC DIRECTION</b>			
<b>ITEM</b>	<b>AUTHORITY RESPONSIBILITY</b>	<b>CONTEXT</b>	<b>INDICATIVE PROCESS</b>
Partnership Agreement	Develop and agree Partnership Agreement with Department of Health; keep under review and revise		Chair and Authority Members to monitor implementation, including interactions with Department under (Annual) Engagement Plan Chair to ensure discussion at Authority Meeting in advance of Annual Accountability Meeting with Department (starting 2025)
Strategic Plan	Set strategy, including objectives, key performance indicators and outcomes for the period of the Strategic Plan. Review performance for previous 2-5 years	Based on fulfilment of statutory functions and duties, and priorities and outcomes set by Department in line with the Programme for Government (PfG). Taking account of risks and anticipated strategic environment.	Chair and other Authority Members, supported by Chief Executive, with expert facilitation as required.
Management Plan	Consider, revise as required, and approve Management Plan, including objectives and targets, ensuring alignment with Strategic Plan.	Key targets and milestones for year ahead, linked to budget and capacity and with associated risk register.	Full Authority, on advice from Chair and BARC, supported by Chief Executive. Resources allocated to specific objectives and highlighted in budget. Within 3 months of receipt of financial allocations in respect of that financial year
Human Resources	Oversee appointment and use of staff (e.g. delegations; use of agency staff).	Monitoring human resources, including <ul style="list-style-type: none"> <li>skills and management capacity; available and required and oversee arrangements for delegation and discharge of functions.</li> </ul>	BARC, supported by Chief Executive and Head of Business Services.

MONITORING AND OVERSIGHT OF PERFORMANCE			
ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Workforce	Consider staffing resources and capacity, and ability to fulfil RQIA functions. Consider and approve tri annual return to Equality Commission.	Monitor organisational structure and staffing levels, sick absence and vacancy rates, and skills required.	Prepared by Head of Business Services and submitted to BARC by Chief Executive.
Annual Report with Annual Accounts	Consider and approve the Annual Report and Accounts prepared by the Chief Executive.	Operating and financial review of the performance of RQIA in the preceding financial year, in accordance with matters required by statute and guidance from NIAO, covering objectives set in the Management Plan, and any action commissioned in year by the Department.	Drafted by Head of Business Services and submitted to BARC and ARAC by Chief Executive. Provided to Auditor in accordance with timetable for annual accounts. Approved by Authority, signed by Chair and by Accounting Officer (Chief Executive) and submitted to Department to meet deadlines for laying before NI Assembly.
Complaints Monitoring	Monitor complaints handling and ensure appropriate action is taken. Consider and approve Annual Complaints Report.	Annual Complaints Report to Department.	Complaints received notified to the Authority quarterly. Quarterly return on progress of complaints cases prepared by Head of Business Services, submitted to BARC. Annual Complaints Report considered and approved by Authority for submission to Department.
Freedom of Information Requests	Monitor Freedom of Information Requests, ensuring any strategic issues or themes are identified and appropriate action is taken		Freedom of information requests to be notified to the Authority quarterly; quarterly return to be submitted to BARC. Replies to be approved by Chief Executive.
Operational Performance	Oversight of operational activity and monitoring of progress against Management Plan, including risk management; direction of remedial action to be taken as required.	Scrutiny of Outcomes Performance Activity Reports.	Quarterly Outcomes Performance Activity Reports prepared by Head of Business Services; submitted to BARC; and presented to Authority by BARC Chair and Chief Executive
Authority Committees – Chair's Reports	Consider reports from the Chairs of the Authority Committees.	Minutes available to Authority after endorsement by Committees.	Chair of Authority Committees reports orally to Authority following each Committee meeting.

## MONITORING AND OVERSIGHT OF PERFORMANCE

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
<ul style="list-style-type: none"> <li>• Business, Appointments and Remuneration Committee</li> <li>• Audit and Risk Assurance Committee</li> <li>• Legislative and Policy Committee</li> <li>• Mental Health Committee</li> </ul>			Minutes of meetings prepared by Head of the Business Services and available to Authority after endorsement by the Committee.

## APPOINTMENT OF SENIOR EXECUTIVES

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Workforce	Ensure that adequate and effective arrangements are made for the appointment of Senior Executives.	<ul style="list-style-type: none"> <li>• Panel composition, conduct of interviews and selection in accordance with HSC selection and recruitment policies and RQIA requirements.</li> <li>• Ensure that at least one Authority Member sits on each Appointment Panel; and that it is clear that the Authority is the decision maker and employer.</li> </ul>	
Terms and Conditions	Consider, revise as appropriate and agree recommendations of BARC.	"In accordance with such terms and conditions of service as may be determined by the Department."	Chief Executive supported by Head of Business Services and BSO HR to prepare proposals for consideration of the recruitment and selection process and associated matters. Chair of BARC to present recommendations to Authority.
Remuneration	Consider and agree recommendations of BARC for the total remuneration package of Senior Executives	Appraisals to be conducted and remuneration to be considered annually in line with current approved terms, including Salary review and	Chair to conduct appraisal of Chief Executive; and make proposals to BARC.

## APPOINTMENT OF SENIOR EXECUTIVES

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
		Performance Related Pay arrangements and termination payments, if applicable.	Chief Executive to conduct appraisals of senior executives and to make proposals to BARC. BARC Chair to make recommendations to Authority for consideration and agreement.

## FINANCIAL STEWARDSHIP

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Annual Accounts (and Summary in the Annual Report)	Consider and approve financial review of the performance of RQIA in the preceding financial year, in accordance with matters required by statute and guidance from NIAO, covering objectives set in the Management Plan and any activity commissioned in-year by the Department of Health.	Considering assurances on Internal Control.	Recommended for approval by Audit and Risk Assurance Committee (together with reconciliation to Financial Plan approved by Authority for financial year reported in Accounts).
Financial Plan – Revenue	Consider and agree annual recurrent and non-recurrent budgeted expenditure.	In accordance with forecast income and grant-in-aid agreed with Department aligned to the Management Plan, objectives and key performance indicators. Within one month of receipt of financial allocations	Prepared by Head of the Business Services and considered by ARAC. Presented to Authority by ARAC Chair and Chief Executive.
Financial Plan – Capital	Consider and agree capital expenditure proposals.	Within capital funds approved by Department. Based on economic appraisals/business cases. As soon as possible after allocation is notified.	Prepared by Head of the Business Services and considered by ARAC. Presented to Authority by ARAC Chair and Chief Executive. Major proposals must have business case considered by ARAC or BARC and Authority prior to submission to Department.

FINANCIAL STEWARDSHIP			
ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Additions/Revision to Financial Plans In-Year	Consider and agree material revenue additions/revisions or capital proposals arising in year.	Within available revenue or capital resources as agreed with Department. Includes transfers in revenue budgets. Based on economic appraisals/business cases.	Prepared by Head of the Business Services and considered by ARAC. Presented to Authority by ARAC Chair and Chief Executive. Major proposals (over £20k) must have business case considered by ARAC and Authority prior to submission to Department.
Revenue and Capital Expenditure	Review Financial Report.	Monthly.	Prepared by Head of the Business Services; and presented to the Authority by the Chief Executive
External Audit Report to Those Charged with Governance	Consider recommendations in the Report to Those Charged with Governance. Consider and agree Action Plan and response to External Auditor.	Recommendations of, and terms of the response to the Report to Those Charged with Governance considered by Audit and Risk Assurance Committee.	Action Plan and response to External Auditor prepared by Head of the Business Services and presented to ARAC for consideration. Presented to Authority by Chair of ARAC and Accounting Officer (Chief Executive) by end October each year.
Fraud Prevention and Detection	Consider and agree Fraud Prevention Policy and Plan; reviewed tri annually		Fraud Prevention Policy and Plan prepared by Head of the Business Services and presented to ARAC for consideration. Presented to Authority by Chair of ARAC and Accounting Officer (Chief Executive).
Value for Money (VfM)	Identify areas for VfM investigation. Consider VfM reports and recommendations; and agree Action Plans.	The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the RQIA has used its resources in discharging its functions.	<ul style="list-style-type: none"> <li>Potential areas for VfM investigation identified by ARAC/BARC. Proposals prepared by Head of the Business Services and considered by ARAC. Presented to Authority by ARAC Chair and Chief Executive.</li> <li>Action Plan and response to VfM Report prepared by Head of Business Services and presented to ARAC for consideration. Presented to Authority by Chair of ARAC and Accounting Officer (Chief Executive).</li> </ul>

<b>CORPORATE GOVERNANCE AND PERSONAL CONDUCT</b>			
<b>ITEM</b>	<b>AUTHORITY RESPONSIBILITY</b>	<b>CONTEXT</b>	<b>INDICATIVE PROCESS</b>
Annual Governance Statement	Consider level of assurance provided by Accounting Officer (Chief Executive) on adequacy and effectiveness of system of internal control.		Prepared by Head of Business Services with input from Internal Audit. Considered and presented to ARAC after consideration by Accounting Officer (Chief Executive); signed by Accounting Officer (Chief Executive) and submitted along with Annual Report and Accounts to Authority for consideration and approval.
Risk Management Strategy	Consider and agree Risk Management Strategy	Recommended for approval by Audit and Risk Assurance Committee to meet Department of Health reporting timetable.	Prepared by Head of Business Services on behalf of Executive Management Team and Chief Executive; presented to ARAC by Chief Executive; and presented to Authority by Chief Executive and Chair ARAC.
Schedule of Matters Reserved to the Authority and its Committees	Prepare and agree a Schedule of Matters reserved to the Authority and its Committees.	All statutory powers, duties and functions of the RQIA vest in the Authority, by virtue of Article 3 of, and Schedule 1 to, the 2003 Order. The Authority can arrange for the discharge of any of its functions by Authority Committees or Sub-Committees, the Chief Executive, or other persons. However, the Authority remains responsible and accountable for the conduct of those functions.	Chair, working with Chairs of Authority Committees, supported by Head of Business Services, in consultation with Chief Executive/Accounting Officer. Presented to the Authority by Chair.
Scheme of Delegation	Prepare and agree a Scheme of Delegation to the Chief Executive.	All statutory powers, duties and functions of the RQIA vest in the Authority, by virtue of Article 3 of, and Schedule 1 to, the 2003 Order. The Authority can arrange for the discharge of any of its functions by Authority Committees or Sub-Committees, the Chief Executive, or other persons. However, the Authority remains responsible and accountable for the conduct of those functions.	Chair and Chief Executive, working with Chairs of Authority Committees, supported by Head of Business Services Presented to the Authority by the Chief Executive.

## CORPORATE GOVERNANCE AND PERSONAL CONDUCT

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Scheme of Delegation of New Statutory Functions	Prepare and agree a Scheme of Delegation in respect of those functions.	All statutory powers, duties and functions of the RQIA vest in the Authority, by virtue of Article 3 of, and Schedule 1 to, the 2003 Order. The Authority can arrange for the discharge of any of its functions by Authority Committees or Sub-Committees, the Chief Executive, or other persons. However, the Authority remains responsible and accountable for the conduct of those functions.	Chair and Chief Executive, working with Chairs of ARAC and BARC, supported by Head of Business Services, and relevant Directors; and in consultation with interested parties (including the DoH) as appropriate. Presented to the Authority by the Chair/ Chief Executive
Standing Financial Instructions	Consider and agree new or revised versions.		Prepared by Head of the Business Services; and presented to ARAC by Chief Executive. Presented to Authority by Chair of ARAC and Chief Executive
Declaration of Chair and other Members' Interests; Declaration of interests of Chief Executive, Senior Executives	Chair and other Members' Interests and those of the Chief Executive and other Senior Executive staff to be declared and recorded in Minutes.		Chair and other Members and the Chief Executive and other senior executive staff to declare interests within 4 weeks of a change or addition. Head of Business Services to enter these in a Register available for scrutiny by members of the public at RQIA offices; at Authority meetings; and published on RQIA's website.
Code of Conduct	Consider and agree the Code of Conduct, and associated measures to promulgate public service/HSC Values which must underpin their behaviour.	The Authority is committed to embedding high standards of conduct throughout the RQIA.	Authority, working with Chief Executive and senior staff, supported by Head of the Business Services, to produce an annual action plan linked to the Authority's Workforce Strategy.
Whistle-blowing Policy	Ensure arrangements are in place to guarantee that any concerns expressed by Authority Members, staff and the public are fully investigated; acted upon as appropriate, and that the public, Members and staff are treated with respect.		Authority, working with Chief Executive and senior staff, supported by Head of the Business Services, to produce an annual action plan linked to the Workforce strategy and the Complaints Policy.



<b>STATUTORY FUNCTIONS</b>			
<b>ITEM</b>	<b>AUTHORITY RESPONSIBILITY</b>	<b>CONTEXT</b>	<b>INDICATIVE PROCESS</b>
Custody of Seal			The Common Seal of RQIA shall be kept by the Chief Executive in a secure place.
Sealing Documents			The Seal of RQIA shall not be fixed to any documents unless the sealing has been authorised by a resolution of the Authority, or of n Authority Committee. Before any building, engineering, property or capital document is sealed, it must be approved and signed by the Chief Executive.
Register of Sealing			An entry of every sealing shall be made and numbered consecutively in a book provided for that purpose and shall be signed by the persons who shall have approved and authorised the document and those who attested the seal. A report of all sealings shall be made to the Authority when updates are made. (The report shall contain details of the authorising resolution, the seal number, the description of the document and date of sealing).
Signature of Documents			Where the signature of any document is a necessary step in legal proceedings involving RQIA, it shall be signed by the Chair, unless any enactment otherwise requires or authorises, or the Authority shall have given by resolution, specific authorisation to a person identified for the purpose of such proceedings. The Chief Executive or a nominated officer may be authorised, by resolution of the Authority, to sign on behalf of the Authority any agreement or other document not required to be executed as

STATUTORY FUNCTIONS			
ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
			a deed, the subject matter of which has been approved by the Authority or any Authority Committee.
Statutory functions of RQIA	Responsible and accountable for all actions and decisions arising out of RQIA statutory functions including the 2003 Order and Regulations made under it; the Health and Social Care (Reform) Act 2009, the Mental Health Order 1986 and the Mental Capacity Act 2016	Although the Authority may delegate functions and powers through the Scheme of Delegation detailed in these Standing Orders, accountability for the conduct of those functions and exercise of the powers remains with the Authority. Delegations may be reviewed, revised, or reversed at any time.	The Chief Executive is responsible to the Authority for the exercise of any day-to-day functions and powers delegated to him/her. S/he will report to the Chair and Members as detailed in the Scheme of Delegation; and will ensure arrangements are in place to enable him/her to report immediately to the Chair any serious matters and matters likely to give rise to public comment.
Enforcement Powers	Refusal or Cancellation of Registration of persons in respect of establishments or agencies (including the urgent procedure). Reports to the Department under Article 35 (3) (4) and (5) in respect of statutory bodies, services, or service providers		Immediate notification to Chair; followed by consideration by relevant Committee of Members, supported by Chief Executive and Executive Management Team, as appropriate. To be considered by full Authority as soon as possible (including by calling an extraordinary meeting if required). To be considered in confidential session of meeting until matter is finalised.
Returns on Registration of persons in respect of Establishments and Agencies	Monitoring of statistical returns on registrations granted, refused or cancelled; consideration of trends and impacts; and approval of any necessary action.	Schedule of activity of RQIA in relation to the provisions of the 2003 Order, Articles 12 – 20 inclusive. Quarterly at next Authority meeting.	Presented to Authority by Chief Executive / Head of the Business Services
Urgent Procedures for Cancellation of Registration or varying, removing or imposing conditions on registration.	Consider and decide upon cases involving emergency measures.	Urgent procedures to cancel registration, or varying, removing or imposing conditions on registration. under Article 21 of the Order.	Immediate notification to Chair; followed by consideration by relevant members of Enforcement Committee, Chief Executive and Senior Executives as appropriate. To be considered by full Authority as soon as possible (including by calling an extraordinary meeting if required).

## STATUTORY FUNCTIONS

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
			To be considered in confidential session of meeting until matter is finalised.
Appeals to the Care Tribunal	Consider and approve approach to Appeal to Care Tribunal.	Appeals to the Care Tribunal.	Immediate notification to Chair of possible Appeal to Care Tribunal; followed by consideration by full Authority.
Returns on Reviews, Inspections and Investigations	Monitoring of statistical returns on these functions; consideration of trends and impacts; and approval of any necessary action.	Schedule of activity of RQIA in relation to the provisions of the 2003 Order, Article 35 (1). Quarterly at next Authority meeting.	Presented to Authority by Chief Executive / Directors.
Returns on Quality Improvement Programme and Initiatives	Monitoring of statistical returns on these functions; consideration of trends and impacts; and approval of any necessary action.	Schedule of activity of RQIA in relation to the provisions of the 2003 Order, General duties in relation to provision of services, Article 4(2)(b): Encouraging improvement in the quality of services. Quarterly at next Authority meeting.	Presented to Authority by Chief Executive / Directors.
Reports on Special Measures and Improvement Notices	Consider and decide upon any such cases.	Consideration of recommendations to the Department concerning special measures to be taken by a body or service provider in relation to Article 35 paras (3) – (6) inclusive of the Order. Consideration of Improvement Notices issued under Article 39 of the Order.	Immediate notification to Chair; followed by consideration by Committee of Members supported by Chief Executive and Directors, as appropriate. To be considered by full Authority as soon as possible (including by calling an extraordinary meeting if required). To be considered in confidential session of meetings until matter is resolved.
Refuse or cancel the registration of Establishments and Agencies	Consider and if necessary, take the decision to refuse or cancel registration.	The 2003 Order, Articles 14 and 15. Report to the next Authority meeting on any refusals or cancellations of registration.	To be considered by the Enforcement Committee (see ToR's at Annex 3) (formerly Decision-Making Panels). The relevant Director (or a nominated deputy) will be in attendance to present the case and to answer any questions in respect of the matter under consideration. Support to the Enforcement Committee to be provided by Head of Corporate Affairs.

## STATUTORY FUNCTIONS

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Urgent cancellation of the registration of Establishments or Agencies	Operation of the urgent procedure for cancellation of the registration of a person in respect of an establishment or agency, varying or removing a condition of registration or imposing an additional condition.	<p>The Committee shall determine whether it is satisfied that there is a serious risk to a person's life, health or well-being.</p> <p>If it is satisfied that such a risk exists, the Committee shall authorise an application to be made to a Lay Magistrate on behalf of the Authority. In any event, it shall make a report to the next Authority meeting on the circumstances, its deliberations and the outcome.</p>	<p>Operation of the Urgent Procedure to be considered by the Enforcement Committee (See ToR at Annex 3)</p> <p>The application to a Lay Magistrate shall be presented to the Committee by the Director and shall include:</p> <ul style="list-style-type: none"> <li>• A copy of the most recent inspection report.</li> <li>• The proposed application.</li> <li>• Legal Advice, and any legal Opinion obtained.</li> </ul>
Article 35(3) to (6) Report to the Department on unacceptably poor quality or significant failings in services statutory bodies.	Take a view that the health and personal social services under consideration are of an unacceptably poor standard or that there are significant failings in the running of the services.	HSC (Quality, Improvement and Regulation) Order 2003, Article 35, paras (3) – (6) inclusive set out the circumstances in which a report must be made.	To be considered by the Enforcement Committee (ToR at Annex 3).

## EFFECTIVE COMMUNICATION

ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
Authority Meetings	To uphold values of openness and honesty, compassion, excellence and working together	<p>At least [4] Authority meetings will be open to the public each year. Items concerning personal or other sensitive issues will be considered in private.</p> <p>Minutes of public meetings will be published on the RQIA website as soon as possible after they have been agreed by the Authority and signed by the Chair.</p>	Authority Chair, working with Members, supported by the Chief Executive and Head of Business Services.
Authority Reports	To uphold values of openness and honesty, compassion, excellence and working together.	Drafts of relevant reports will be provided to the Authority for consideration, in parallel with any factual accuracy checking process. Final draft Reports will be submitted to the Authority for approval.	Draft report, and final report presented by Chief Executive / relevant Director to the Authority for consideration and approval. Chief Executive to ensure publication.

EFFECTIVE COMMUNICATION			
ITEM	AUTHORITY RESPONSIBILITY	CONTEXT	INDICATIVE PROCESS
		Reports will be published on the RQIA website as soon as possible after they have been approved by the Authority; and a statement giving a summary of key findings will be issued as part of a wider communications plan.	
Communications and Engagement Strategy	To uphold values of openness and honesty, compassion, excellence and working together by considering and agreeing an effective and wide-reaching communications and engagement strategy and ensuring its implementation.	The Chair and Members have specific responsibility for upholding HSC Values and for representing the RQIA to the public. A Communications and Engagement Strategy is an essential tool to enable the Authority to meet its commitments.	Chair and Authority Members, supported by Chief Executive and Head of Business Services, with expert facilitation as required. Assembly Questions and Statements and Media inquiries to be reported weekly to Chair, other Members and Chief Executive. Unusual, sensitive or unexpected events and media stories likely to provoke comment, to be reported to Chair, Members and Chief Executive immediately. Engagement activities to form part of Outcomes Performance Activity Report; and Members notified in advance of, and represented at planned activities, whether hosted by RQIA or others.

## **Standing Order Three: Functions Delegated by the Authority to the Chief Executive**

### **3.1 Arrangements for Discharge of Authority Functions by the Chief Executive**

#### **3.2.1 Registration of Establishments and Agencies**

#### **3.2.2 Inspection of Establishments and Agencies**

### **3.3 Delegation by the Chief Executive**

#### **3.3.1 Chief Executive's Scheme of Delegation**

- **Administrative Scheme of Delegation**
- **Financial Scheme of Delegation**

### **3.1 Arrangements for the Discharge of Authority Functions by the Chief Executive**

In accordance with Schedule 1, paragraph 7 of the 2003 Order, the Chief Executive is a member of the Authority's staff, and responsible to it for the general exercise of its functions.

The Authority has delegated to the Chief Executive the general exercise of its functions as described in the Scheme of Delegation, set out below. The Authority retains responsibility and accountability for these functions; and the Chief Executive is directly responsible to the Authority for the exercise of them.

The Chief Executive shall develop a Scheme of Delegation for functions which have been delegated to him/her, enabling the exercise of functions by designated members of staff. S/he is accountable for the conduct of those functions and is responsible to the Authority in respect of them. This Scheme and any subsequent amendments to it shall be considered by the Authority, revised as necessary and approved by it.

ITEM	AUTHORITY FUNCTIONS DELEGATE	CONTEXT	INDICATIVE PROCESS / CONDITIONS OF DELEGATION
<b>3.2.1 Registration of Establishments and Agencies</b> Registration of Establishments and Agencies (Part III, 2003 Order)	The functions of registration, variation of conditions of registration, imposition of additional conditions, issue of registration certificates, and levying fees in accordance with the fees for the time being prescribed by DoH.	The 2003 Order, Article 14 and Regulations.	Chief Executive, supported by the Directors. Make a quarterly statistical return to the Authority on registrations etc. Provide regular analysis of trends and reports on registration and related activity, including on level of fees charged and financial implications- eg full cost recovery.
<b>3.2.2 Inspection of Establishments and Agencies</b>  <b>Review, investigation and inspection of statutory bodies and providers.</b>	Inspections and reports on establishment and agencies  Carry out the functions set out in HSC (Quality, Improvement and Regulation) Order 2003, Article 35.	Except for Article 35 paras (3) – (6) inclusive for which provision is made in SO 2.	The Chief Executive will arrange for the conduct of these functions, through the: <ul style="list-style-type: none"> <li>• Director of Mental Health, Learning Disability, Children’s Services, and Prison Healthcare</li> <li>• Director of Adult Care Services</li> <li>• Director of Hospital Services, Independent Health Care, Review, and Audit Programmes</li> <li>• Director of Independent Healthcare and Responsible Officer</li> </ul> and for Reports to be produced and presented to the Authority for consideration.



### 3.3 Delegation by the Chief Executive

3.3.1 The Chief Executive shall prepare an Administrative Scheme of Delegation

3.3.2 The Chief Executive shall prepare a Financial Scheme of Delegation

ITEM	AUTHORITY FUNCTIONS DELEGATE	CONTEXT	INDICATIVE PROCESS / CONDITIONS OF DELEGATION
<b>3.3.1 Chief Executive's Administrative Scheme of Delegation</b> Corporate Operational Matters	Matters which impact on the corporate operational performance of RQIA.	Comprehensive information required to enable monitoring of progress and mitigation of risks.	Chief Executive requires timely information from <ul style="list-style-type: none"> <li>• Director of Mental Health, Learning Disability, Children's Services, and Prison Healthcare</li> <li>• Director of Adult Care Services</li> <li>• Director of Hospital Services, Independent Health Care, Review, and Audit Programmes</li> <li>• Director of Independent Healthcare and Responsible Officer; and</li> <li>• Head of the Business Services (and other additional Business Support leads as may be progressed during restructuring), and the Head of Corporate Affairs, to enable prompt action and reports to the Authority.</li> </ul>
Management Plan – Preparation for submission to the Authority	The accessible statement of RQIA's purpose, values and goals; identifying key actions and targets for the year, linked to the Corporate Plan and PfG.	To be prepared annually in line with the Strategic Plan and PfG; and to form the basis of reporting to the Authority and to DoH.	Chief Executive will lead in presentation of the Plan to BARC and to the Authority in accordance with agreed timetables. Plan is to be agreed with DoH.

ITEM	AUTHORITY FUNCTIONS DELEGATE	CONTEXT	INDICATIVE PROCESS / CONDITIONS OF DELEGATION
Lead and manage individual Directorates/Departments	The operational management of individual Directorates / Departments, including leadership and development of staff and teams.	Intelligent and proactive leadership, responsive to needs presented by environment, and aware of wider environment and values, aims and objectives of the Authority.	Individual and collective responsibility of Executive Team Members, reporting to Chief Executive. Business cases for investments and associated recruitment put to BARC for approval.
Appointment of Staff (below Senior Executive)	Chief Executive and Executive Management Team to assess need for the appointment of staff below the Senior Executive level, taking account of Management and Strategic Plan, skills required, and funding considerations.		Chief Executive and Executive Management Team to consider and approve, taking account of business needs and availability of funding. Responsible Director to manage the selection and recruitment process consistent with Authority HR policies. Appointments made by Chief Executive on behalf of the Authority.
Financial Performance of Directorates or Departments	Management of performance to achieve agreed targets within budget.		Individual budgets to be set by the Executive Management Team; agreed with Chief Executive and approved annually by Authority. Monthly notification of spend to Budget Holders by Head of the Business Services (or other appropriate lead for Financial Services). Executive Management Team reporting to Chief Executive; Chief Executive to report to ARAC quarterly.
Development of RQIA policies and procedures,	Executive Management Team to oversee development of RQIA	Authority approval of policies is required.	Executive Management Team, reporting to Chief Executive. Chief

ITEM	AUTHORITY FUNCTIONS DELEGATE	CONTEXT	INDICATIVE PROCESS / CONDITIONS OF DELEGATION
	policies and procedures, taking legal and other specialist advice as required.		Executive to present Corporate Policies to Authority for consideration and approval. BARC to have oversight of Policy Library and renewal/ review dates and process.
<b>3.3.2. Delegation of Budgets</b> Budgets for Pay and Non-Pay Expenditure	Commitment of expenditure within categories and amounts set out in budgets.	Within Limits laid down for categories of expenditure.  Payroll budgets, including costed staffing levels which become funded establishment when approved.	The Chief Executive may delegate expenditure to the Executive Management Team; such delegations to be set out in a Scheme to be approved by the Authority on the advice of ARAC.

### **3.3.2 Delegation of Authority's Power to Authorise and Approve Non-Pay Expenditure**

The Authority's powers to initiate expenditure and to approve the payment of invoices is delegated to the Chief Executive in accordance with limits described by HSC Financial Delegated Limits.<sup>4</sup> The Chief Executive may delegate such powers to the Executive Management Team, and to designated post holders, in accordance with his/her Scheme of Delegation.

The Chief Executive will ensure that a record is maintained of all delegations, including the limits of the authorisations delegated, designated post holders, their names and specimen signatures. This will be presented to the Authority annually for approval and will be copied to BSO.

Procurement and Logistics Service (PaLS) and the Payments Section at BSO Finance. A copy shall be retained in each Directorate or Department for reference. The list shall be amended as necessary, and a revised version will be distributed.

Expenditure in each specified category is only permitted within the budget provided for it.

The designated officers shall observe the limits delegated to them on the list.

They must also note their responsibilities in authorising expenditure to be incurred by RQIA.

Any proposed expenditure which exceeds an officer's designated limit must be referred to the Senior Executive responsible for that area or to the Chief Executive for consideration and authorisation.

The Standing Financial Instructions in Annex 5, which have effect as if part of these Standing Orders, provide the detailed framework for the management of the Authority's funds.

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<sup>4</sup> <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/daodof0821v2.pdf>

# Annex 1: Terms of Reference Business, Appointments and Remuneration Committee

## 1.0 Remit and Constitution

### 1.1 Introduction

The Business, Appointments and Remuneration Committee is established as a committee of the Regulation and Quality Improvement Authority pursuant to Schedule 1 paragraph 9 of The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003.

### 1.2 Background

The Committee is established so as to report to stated Authority meetings on the setting and measurement of objectives for the Authority, and terms and conditions of employment for the staff of the Authority.

### 1.3 Role

The remit of the Business Appointments and Remuneration Committee is to consider, make recommendations and provide assurances to the Authority on:

- The staffing of the Authority;
- All aspects of remuneration and terms and conditions of employment for the Chief Executive and other Executive Directors, and all staff;
- Arrangements for the appointment and terms and conditions of appointment of the Chief Executive and all staff;
- Consideration of the Authority's Corporate Strategic Objectives and the Authority's annual Management Plan objectives;
- The setting, content and measurement of individual targets set for the CEO; and by the CEO for Directors, to ensure that they are appropriate and consistent with the Authority's Corporate Strategic Objectives and the Authority's annual Management Plan;
- To monitor the performance of the Chief Executive and Directors in working towards the Authority's Corporate Strategic Objectives and the Authority's annual Management Plan objectives; and to scrutinise the performance of the organisation generally; and
- Recommendations of the Committee to the Authority are made taking account of advice from the CEO as appropriate.

### 1.4 Terms of Reference

The functions of the Committee include:

- To provide assurance and make recommendations to the Authority on the objectives of the Authority;
- To provide assurance and make recommendations to the Authority on human resources matters;
- To provide assurance and make recommendations to the Authority on the progress of the RQIA towards the Authority's Corporate Strategic Objectives and the Authority's annual Management Plan objectives; and to consider the effectiveness of performance and performance management systems, including by:
  - Oversight of the proper functioning of performance and appraisal systems
  - Agreeing and monitoring a remuneration strategy that reflects national agreements and Departmental policy; and

- Monitoring the application of the remuneration strategy to ensure adherence to legislation to include adherence to equality legislation.
- To advise the Authority on the appropriate remuneration and terms of service for Senior Executives and staff generally, to ensure that they are fairly rewarded for their individual contribution to the organisation, ensuring that any directions issued by the Department of Health (DoH) on pay are scrupulously observed. This includes having proper regard to the RQIA's circumstances and performance; and
- To review these Terms of Reference regularly and make recommendations to the Authority as it considers appropriate.

### **1.5 Relationship with and Reporting to the Authority**

All staff, with the exception of Senior Executives, are on nationally agreed terms and conditions of service. The work of the Committee in relation to terms and conditions must take place within this context.

In accordance with the Code of Accountability (2011), the Committee shall report, in writing, to the Authority the basis for its decisions. Minutes of the Authority meeting shall record such decisions.

### **1.6 Composition of the Business, Remuneration and Appointments Committee**

The Committee shall comprise three Authority Members, one of whom shall be the Chairperson of the Committee. None of the Members shall be a member of the Audit and Risk Assurance Committee. The quorum shall be two.

The Chief Executive and other Senior Executives shall not be present for discussions about their own or their peers remuneration and terms of service.

However, they may be invited to attend meetings of the Committee to discuss the terms of service of other staff.

The Chief Executive shall provide information, advice and support to the Committee as appropriate.

### **1.7 Establishment of the Business, Remuneration and Appointments Committee**

The Committee shall be constituted as a Committee of the Authority with the power to make recommendations to the Authority and, in accordance with the Code of Accountability (April 2011) will make recommendations to the Authority on all aspects of approving and providing assurance on the setting of objectives, measuring performance of the Authority against objectives, including but not limited to remuneration and terms and conditions of employment for the Chief Executive, other Senior Executives and other RQIA staff.

These Terms of Reference are to be approved by the Authority and recorded in the Authority minutes.

Committee meetings shall be conducted formally and minutes may be agreed by correspondence and submitted to the confidential section of the next Authority meeting.

### **1.8 Conduct of business**

### **1.9 Attendance**

Normally, only the Chairperson of the Committee, members of the Committee and the Chief Executive, shall attend meetings. Other Authority Members and officers (including Officers of BSO) may be invited to attend, as required, by the Chair of the Committee. The Authority Committee Secretary shall be in attendance to record the business of the meetings.

The Chief Executive is responsible for implementing decisions of the Authority made on the recommendation of the Committee.

Any member of staff of RQIA may be required to attend a meeting of the Committee, as necessary.

The Chairperson may request fuller explanatory information on papers circulated, if there are any doubts or uncertainties. The issues discussed shall be summarised in the Minutes.

### **1.10 Frequency of Meetings**

The Committee shall meet at least four times a year to consider, set, reaffirm, revise or reset and agree performance targets and outcomes; and to monitor progress against these. Meetings will be sequenced to ensure that Committee considerations can inform the subsequent Authority Meeting and provide assurance on the progress of the RQIA towards the Authority's Corporate Strategic Objectives and the Authority's annual Management Plan objectives. Additional meetings may be held as required at the discretion of the Committee Chairperson, taking in to account any requests for such from a Committee member, the Chief Executive, or Chairperson or Member of the Authority.

## **Annex 2: Terms of Reference Audit and Risk Assurance Committee**

### **2.1 Introduction**

- 2.1.1 Membership
- 2.1.2 Quorum
- 2.1.3 Secretariat
- 2.1.4 Meetings
- 2.1.5 Reporting
- 2.1.6 Rights
- 2.1.7 Access

### **2.2 Responsibilities**

- 2.2.1 Financial Reporting
- 2.2.2 Internal Controls and Risk Management Systems
- 2.2.3 Internal / External Audit
- 2.2.4 Other

### **2.3 Information Requirements**

#### **2.1 Introduction**

Audit Committees exist to support Boards and Accounting Officers by reviewing the comprehensiveness of assurances in meeting the Boards' and Accounting Officers' assurance needs.

The Authority has established an Audit and Risk Assurance Committee (ARAC) as a committee of the Authority to support it in its oversight and responsibility for risk control and governance. On behalf of the Authority, and the RQIA's Chief Executive as Accounting Officer, the ARAC considers and reviews the comprehensiveness, reliability and integrity of audit and governance systems and ensures that RQIA meets required standards of financial and statutory probity.

The ARAC has delegated responsibility for ensuring that there is a framework for accountability and oversight; for examining and reviewing all systems and methods of control both financial and otherwise including risk analysis and risk management; and for ensuring that RQIA is complying with all aspects of the law, relevant regulations, good practice and governance.

The Audit and Risk Assurance Committee Handbook (NI) 2018 was issued by the Department of Finance on 30 March 2018 and sets out a clear set of principles that should be followed by RQIA's Audit and Risk Assurance Committee.<sup>5</sup> The Handbook has been prepared to provide those responsible for the establishment and appointing audit committees, and members of audit committees, with support in their respective roles.

#### **2.1.1 Membership**

The ARAC Chairperson and Members will be appointed to ARAC as set out in Standing Order 1. In the event that the ARAC Chairperson is not available, s/he or the Authority Chair will nominate a Committee Member to chair the meeting.

#### **2.1.2 Quorum**

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<sup>5</sup> <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/daodof0318att.pdf>



The quorum necessary for the transaction of business shall be any 2 of the 3 members of ARAC. A duly convened meeting of ARAC at which a quorum is present will be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

### **2.1.3 Secretariat**

ARAC will be provided with a secretariat function by the Office of the Chair and Chief Executive.

### **2.1.4 Meetings**

ARAC will meet at least four times a year (at appropriate times in the reporting and audit cycle).

The Chairperson of ARAC may convene additional meetings, as deemed necessary.

The Authority or the Chief Executive as RQIA Accounting Officer may also ask ARAC to convene additional meetings to discuss particular issues on which they may require ARAC's advice.

ARAC meetings will normally be attended by the Chief Executive (as RQIA Accounting Officer), the Head of the Business Services, the Head of Corporate Affairs, the Head of Internal Audit and/or a representative, the Head of External Audit and/or representative(s) of External Audit. A representative from the Department of Health (DoH) has a right to attend the meeting as an observer.

ARAC may ask any other Director / official to attend to assist it with its consideration of any particular matter.

ARAC may ask any or all of those who are normally in attendance to withdraw to facilitate open and frank consideration of any particular matter.

### **2.1.5 Reporting**

The Chairperson of ARAC will report formally to the Authority after each meeting.

A member of staff from the Office of the Chair and Chief Executive, or another suitable staff member in RQIA, will minute the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance.

At the beginning of each meeting, the ARAC Chairperson will establish and note any conflicts of interest.

ARAC will make whatever recommendations to the Authority or to the Chief Executive as RQIA Accounting Officer it deems appropriate in relation to any matter within its remit where action or improvement is needed.

ARAC will provide the Authority with an Annual Report, timed to support the finalisation of annual accounts and the Governance Statement, summarising its conclusions from the work and activities that it has undertaken during the year.

### **2.1.6 Rights**

ARAC may co-opt additional members for a defined period to provide specialist skills, knowledge and experience.

ARAC may commission specialist ad hoc advice subject to budgets agreed by the Authority.

### **2.1.7 Access**

The ARAC Chairperson can arrange to meet with the Head of Internal Audit and a representative of External Audit as appropriate.

The Head of Internal Audit and a representative(s) of External Audit will have ready and confidential access to the Chairperson of ARAC.

## **2.2 Responsibilities**

ARAC will provide the Authority and the Chief Executive as RQIA Accounting Officer with assurances relating to the Corporate Governance requirements of the Authority in relation to:

### **2.2.1 Financial Reporting**

The integrity and regularity of the financial statements of RQIA, with particular focus on the preparation of annual accounts and the Annual Report of RQIA. This will include the process for review of the accounts prior to submission for audit; the extent of adjustments arising from audit findings, interim management statements and any other formal announcement relating to its financial performance; and the review of significant financial reporting issues and judgements which they may contain.

Reviewing and challenging where necessary:

- The consistency of, and any changes to, accounting policies;
- Methods used to account for significant or unusual transactions;
- Whether RQIA has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of External Audit;
- The clarity of disclosure in RQIA's financial reports and the context in which statements are made; and
- All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).

### **2.2.2 Internal Controls and Risk Management Systems**

The strategic processes for risk management, the effectiveness of internal controls, Governance Statement and the Mid-Year Assurance Statement.

Anti-fraud policies, whistleblowing processes and arrangements for special investigations.

### **2.2.3 Internal / External Audit**

The planned activity and recommendations of both internal and external auditors.

The adequacy of management response to issues identified by internal audit activity, and those included in external audit's management letter.

(As appropriate) proposals for appointments of Internal or External Audit services and for the commissioning of non-audit services from those who provide audit services.

### **2.2.4 Other**

The consideration of write-off of losses and authorisation of special payments before submission to the Authority for approval.

A periodic review of its own performance and effectiveness and an annual review of its terms of reference.

Appropriate and timely training for all Committee members on appointment and thereafter.

## **2.3 Information Requirements**

For each meeting ARAC will be provided with:

- A report summarising any significant changes and updates to RQIA's Risk Assurance Framework;

- A verbal update in relation to any emerging issues or risks facing the organisation;
- Responsibilities in the management of fraud risk, of suspected or actual fraud; and
- A report summarising all whistleblowing activity.

A progress report from the Head of Internal Audit summarising:

- Work performed (and a comparison with work planned);
- Key issues emerging from Internal Audit work;
- Management response to audit recommendations;
- Changes to the Internal Audit Plan;
- Any resourcing issues affecting the delivery of Internal Audit objectives; and
- The extent of implementation of agreed recommendations.

A progress report from External Audit summarising:

- Work performed;
- Key issues emerging; and
- Management response to audit findings.

As and when appropriate ARAC will be provided with:

- Internal Audit Strategy;
- Head of Internal Audit's Annual Opinion and Report;
- Draft statement on the adequacy of internal controls and compliance with the applicable Controls Assurance Standards (CAS);
- Draft annual accounts and audit certificate;
- External Audit Management Letter;
- Risk Management Strategy and updates to Corporate Risk Assurance Framework;
- Report on any changes to accounting policies;
- Report on any proposals to tender for audit functions;
- Report on co-operation between Internal and External Audit;
- Mid-year Assurance Report from Head of Internal Audit; and
- Draft reports from Head of Internal Audit in relation to commissioned reviews or special investigations.

## Annex 3: Terms of Reference Legislative and Policy Committee

### 1.0 Remit and Constitution

#### 1.1 Introduction

The Legislative and Policy Committee is established as a committee of the Regulation and Quality Improvement Authority pursuant to Schedule 1 paragraph 9 of The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003.

#### 1.2 Background

The Committee is established so as to consider the legislative context that enables RQIA to fulfil its duties and to make recommendations to the Authority in terms of the interpretation, impact and policy aspects of such legislation.

#### 1.3 Role

The Legislative and Policy Committee is a Committee of the Authority, constituted from and reporting to the full Authority. It is Chaired by a nominated Authority member, as agreed by the Authority Chair. It constitutes part of the governance arrangements of the Authority in terms of considering, determining and advising the Authority on legislative and policy issues that are relevant to the role and functions of RQIA, under its founding legislation and other legislation as it applies to the role of RQIA, and as set out in the Department of Health Social Services and Public Safety Framework Document, 2011 (*The Department produced a Framework Document to meet the statutory requirement placed upon it by the Health and Social Care (Reform) Act (2009). The Framework Document describes the roles and functions of the various health and social care bodies and the systems that govern their relationship with each other and the Department*).

#### 1.4 Functions

The functions of the Committee include:

- To consider the application and interpretation of the legislative arrangements that enable RQIA to fulfil its role as: regional regulator of health and social care services in N Ireland under The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003; its functions under the Ionising Radiation (Medical Exposure) Regulations (IR(ME)R) 2018 and the Mental Health (N Ireland) Order 1986; and its role under the National Preventative Mechanism<sup>6</sup>;
- The Committee will also consider other legislation that may apply to RQIA in the wider context;
- The Committee will consider how the application of the legislation is applied to RQIA policy, and its delivery in its operations, and make recommendations to the Authority in this regard; and
- In so doing the Committee make seek expert opinion to assist it in its considerations.

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<sup>6</sup> The UK National Preventive Mechanism was established in 2009 to strengthen the protection of people in detention through independent monitoring. In coordination across the four nations of the UK, the NPM focuses attention on practices in detention that could amount to ill-treatment, and works to ensure its own approaches are consistent with international standards for independent detention monitoring.

## **2.0 Relationship with and Reporting to the Authority**

In accordance with the Code of Accountability (2011), the Committee shall report, in writing, to the Authority the basis for its recommendations. Minutes of the Committee meeting shall record such recommendations and these will be presented to the Authority for decision.

## **3.0 Composition of the Legislative and Policy Committee**

The Committee shall comprise four Authority Members, of the one of whom shall be the Chairperson of the Committee.

The quorum shall be two.

The Chief Executive will be invited to attend.

Other Senior Management may be invited to attend meetings of the Committee.  
The Chief Executive shall provide information, advice and support to the Committee as appropriate.

## **4.0 Establishment of the Legislative and Policy Committee**

The Committee shall be constituted as a Committee of the Authority with the power to make recommendations to the Authority and, in accordance with the Code of Conduct and Code of Accountability for Board Members of Health and Social Care Bodies October 2022 (Version V2.0) will make recommendations to the Authority.

These Terms of Reference are to be approved by the Authority and recorded in the Authority minutes.

Committee meetings shall be conducted formally and minutes may be agreed by correspondence and submitted to the confidential section of the next Authority meeting.

## **5.0 Conduct of business**

### **5.1 Attendance**

Normally, only the Chairperson of the Committee, members of the Committee and the Chief Executive, shall attend meetings.

Other Authority Members and officers (including Directors and Officers of Corporate Affairs and Business Services) may be invited to attend, as required, by the Chair of the Committee.

The Authority Committee secretary shall be in attendance to record the business of the meetings.

The Chief Executive is responsible for implementing decisions of the Authority made on the recommendation of the Committee.

Any member of staff of RQIA may be required to attend a meeting of the Committee, as necessary.

The Chairperson may request fuller explanatory information on papers circulated, if there are any doubts or uncertainties. The issues discussed shall be summarised in the Minutes.

## **5.2 Frequency of Meetings**

The Committee shall meet four times per year (more often as determined necessary – see below).

Meetings will be sequenced to ensure that Committee considerations can inform the subsequent Authority Meeting.

Additional meetings may be held as required at the discretion of the Committee Chairperson, taking in to account any requests for such from a Committee member, the Chief Executive, or Chairperson or Member of the Authority.

## Annex 4: Terms of Reference Mental Health Committee

### 1.0 Remit and Constitution

#### 1.1 Introduction

The Mental Health Committee (MHC) is established as a committee of the Regulation and Quality Improvement Authority (RQIA) pursuant to Schedule 1 paragraph 9 of The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003 (the Order).

#### 1.2 Background

The MHC is established so as to consider RQIA's duties and functions under the Mental Health (Northern Ireland) Order 1986 (MHO) and the Mental Capacity Act 2016 (MCA), or any new relevant legislation, to make recommendations to the Authority in terms of the interpretation, impact and operational policy aspects of such legislation and any relevant judicial proceedings.

The existing Medical Appointments Panel (the Panel), as a sub-committee of the MHC, has delegated authority to make appropriate appointments for Part II and Part IV medical practitioners.

#### 1.3 Role

The MHC is a Committee of the Authority, constituted from and reporting to the full Authority.

It is Chaired by a nominated Authority Member, as agreed by the Authority Chair. It constitutes part of the governance arrangements of the Authority in terms of considering, determining, advising and escalating concerns to the Authority on mental health issues and judicial proceedings that are relevant to the role and functions of RQIA, under its founding legislation and other legislation as it applies to the role of RQIA, and as set out in the Department of Health Social Services and Public Safety Framework Document, 2011 (*The Department produced a Framework Document to meet the statutory requirement placed upon it by the Health and Social Care (Reform) Act (2009). The Framework Document describes the roles and functions of the various health and social care bodies and the systems that govern their relationship with each other and the Department*).

#### 1.4 Duties and Functions

The duties and functions of the MHC include:

- Overseeing the exercise of RQIA's functions under the mental health legislation;
- Conducting such functions as are delegated to it by the Authority;
- Considering the application and interpretation of the legislative arrangements that enable RQIA to fulfil its role as: regional regulator of health and social care services in Northern Ireland under the Order; and the MHO and the MCA;
- Considering any legislation or judicial proceedings that may apply to RQIA in this context;
- Considering the referral of emerging legal issues to the Legislative and Policy Committee; and
- Considering the referral of emerging risks to the Audit and Risk Assurance Committee for onward referral to the Authority.

#### 1.5 Relationship with and Reporting to the Authority

In accordance with the Code of Accountability (2011), the MHC shall report, in writing, to the Authority the basis for its recommendations. Minutes of the MHC meeting shall record such recommendations.

## **1.6 Composition of the Mental Health Committee**

The MHC shall comprise four Authority Members, one of whom shall be the Chairperson of the Committee.

The quorum shall be two Members.

## **1.7 Establishment of the Mental Health Committee**

The MHC shall be constituted as a Committee of the Authority with the power to make recommendations to the Authority and, in accordance with the Code of Conduct and Code of Accountability for Board Members of Health and Social Care Bodies October 2022 (Version V2.0) will make recommendations to the Authority.

These Terms of Reference are to be approved by the Authority and recorded in the Authority minutes.

Committee meetings shall be conducted formally and minutes may be agreed by correspondence. The Chairperson of MHC will report formally to the Authority after each meeting.

The MHC can appointment any relevant Sub-Committees as it sees fit in accordance with Regulation 8 of the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004.

## **1.8 Conduct of business**

### **1.8.1 Attendance**

The Chairperson of the Committee, members of the Committee, the Chief Executive, the Medical Lead and Responsible Officer, the sessional consultant psychiatrist and the Director of Mental Health, Learning Disability, Children's Services and Prison Healthcare shall attend meetings.

However, other Authority Members and officers (including Directors and Heads of Corporate Affairs and Business Services) can be invited to attend, as required, by the Chair of the Committee. On occasions, any member of staff of RQIA may be required to attend a meeting of the Committee, as necessary.

The Office of the Chair and Chief Executive will provide secretariat support and shall be in attendance to record the business of the meetings.

The Chief Executive and Director of Mental Health, Learning Disability, Children's Services and Prison Healthcare are responsible for implementing decisions of the Authority made on the recommendation of the Committee.

The Chairperson may request fuller explanatory information on papers circulated, if there are any doubts or uncertainties. The issues discussed shall be summarised in the Minutes.

### **1.8.2 Frequency of Meetings**

The MHC shall meet at least three times per year or more often as determined necessary with additional meetings being held as required at the discretion of the Committee Chairperson, taking into account any requests for such from a Committee member, the Chief Executive, or Chairperson or Member of the Authority.

Meetings will be sequenced to ensure that Committee considerations can inform the subsequent Authority Meeting.



### **1.9 Duration and Review**

The Terms of Reference will be reviewed by the MHC on an annual basis, but may be reviewed more urgently on the request of Committee Members.

## Annex 4a: Terms of Reference Medical Appointments Committee

### Background

Under the Mental Health (Northern Ireland) Order 1986 (MHO) the Regulation and Quality Improvement Authority (RQIA) has the power to appoint Part II medical practitioners and Second Opinion Appointed Doctors (SOADs). This power was vested in RQIA following the transfer of functions from the former Mental Health Commission, under Article 25 (1) Health and Social Care (Reform) Act (Northern Ireland) 2009.

### 1.1 Introduction

The Authority has established a Medical Appointments Panel (the Panel) as a sub-committee of the Mental Health Committee in its discharge of functions under the MHO.

#### 1.1.1 Membership

#### 1.1.2 Quorum

#### 1.1.3 Secretariat

#### 1.1.4 Meetings

#### 1.1.5 Reporting

#### 1.1.1 Membership

The Panel is comprised of all Authority Members, the Authority Chair, the Chief Executive and Directors.

#### 1.1.2 Quorum

To facilitate the Panel to proceed, a quorum of four is required, comprising of two Authority Members, a Director (Panel Chair) and a medical practitioner. In the event that a Panel member is unable to fulfil their role, or the Panel is unable to meet its quorate requirements a deputy may be appointed by the Panel Chair.

#### 1.1.3 Secretariat

The Panel will be provided with a secretariat function by the Panel Administrator who will provide relevant information to the Panel.

#### 1.1.4 Meetings

Meetings, which will be held monthly or more frequently on the request of the Panel Chair or Members, will be convened by the Director of Mental Health, Learning Disability, Children's Services, and Prison Healthcare and will consider:

- Applications for appointment or renewal of appointment to provide a second opinion using agreed prescribed forms in relation to Part IV of the MHO.
- Applications for appointment or renewal of appointment in relation to Part II of the MHO.
- Fulfilment of functions under Part II and Part III of the MHO.

#### 1.1.5 Reporting

The Panel Chair, with the support of the secretariat, will report to the Authority, through the Mental Health Committee, decisions arising from that meeting.

The Mental Health Committee will make whatever recommendations to the Authority or to the Chief Executive it deems appropriate in relation to any matter within its remit where action or improvement is needed.

The Mental Health Committee will provide the Authority and the Chief Executive with assurances relating to the effective implementation of the Authority's responsibilities by the Panel under the MHO.

### **1.2 Responsibilities**

The Mental Health Committee will provide the Authority and the Chief Executive as RQIA's Accounting Officer, with assurances relating to the effective implementation of the Panel's application of the policies and procedures for appointing medical practitioners.

The panel will consider all applications to appoint medical practitioners under Part II and IV of the MHO. The Panel will determine to accept or reject applications, or extend appointments for a limited time.

### **1.3 Information Requirements**

For each Panel meeting, the Panel Administrator will ensure that reports, applications, and any other relevant information is available to relevant Panel members through agreed processes.

## Annex 5: Terms of Reference: Enforcement Committee

### 5.1 Introduction

- 5.1.1 Membership
- 5.1.2 Quorum
- 5.1.3 Secretariat
- 5.1.4 Meetings
- 5.1.5 Reporting

### 5.2 Responsibilities

### 5.3 Information Requirements

#### 5.1 Introduction

The Authority has established an Enforcement Committee of the Authority to support it in its oversight and responsibility for the implementation of the Authority's Enforcement Policy and Procedures.<sup>78</sup>

#### 5.1.1 Membership

The Enforcement Committee is comprised of all Authority Members, the Chief Executive and Directors.

#### 5.1.2 Quorum

The quorum for the Enforcement Committee is two Authority members and the Chief Executive or a Director. In some instances, and due to the nature of the proposed enforcement action, the Committee may be convened at very short notice.

#### 5.1.3 Secretariat

The Committee will be provided with a secretariat function by the Office of the Chair and Chief Executive.

#### 5.1.4 Meetings

Meetings will be convened by the Office of the Chair and Chief Executive who will call a meeting of the Committee when:

- RQIA receives written representations in relation to a Notice of Proposal;
- RQIA serves a Notice of Proposal to cancel or refuse registration; and
- RQIA proposes to make application to a Lay Magistrate (formerly Justice of the Peace) for an Order (ref: The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 Article 21 and Standing Order 3).

Prior to the commencement of the Committee meeting, a Chairperson will be nominated and agreed by members. The Committee will follow RQIA's Decision Making Panel Procedures in

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<sup>7</sup> <https://www.rqia.org.uk/RQIA/files/87/87d1ee32-eb91-4336-9dd4-cbab81a43cb1.pdf>

<sup>8</sup> <https://www.rqia.org.uk/RQIA/files/36/366c1fd9-70b3-4274-bfc6-56bc25dc9589.pdf>

### **5.1.5 Reporting**

The Committee Member who chairs the Committee Meeting will, with the support of the secretariat, report to the Authority any decisions arising from that meeting.

The Committee will make whatever recommendations to the Authority or to the Chief Executive as RQIA Accounting Officer it deems appropriate in relation to any matter within its remit where action or improvement is needed.

## **5.2 Responsibilities**

The Enforcement Committee will provide the Authority and the Chief Executive as RQIA's Accounting Officer with assurances relating to the effective implementation of the Authority's Enforcement Policy and Procedures.

## **5.3 Information Requirements**

For each Committee meeting, the Office of the Chair and Chief Executive will ensure that reports, verbal updates, applications (Urgent Procedures) and any written representations are available to relevant Committee members.

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<sup>9</sup> <https://www.rqia.org.uk/RQIA/files/df/df98ecbe-26a1-4f58-8ba1-7a11b4086a51.pdf>

<sup>10</sup> <https://www.rqia.org.uk/RQIA/files/34/340f78a7-2a7a-4b15-b6d7-a611e78a4db2.pdf>

## **ANNEX 6: STANDING FINANCIAL INSTRUCTIONS**

### **APPROVED BY AUTHORITY ON 12 DECEMBER 2024**

- 6.1 Foreword
- 6.2 Introduction
- 6.3 Control Framework
- 6.4 Revenue Resource Limit and Expenditure Limit Control
- 6.5 Promoting Financial Stability
- 6.6 Funding, Business Planning, Budgets, Budgetary Control and Monitoring
- 6.7 Annual Report and Accounts
- 6.8 Bank Accounts
- 6.9 Income Systems, Fees and Charges Debt Recovery and Security of Cash, Cheques and other Negotiable Instruments
- 6.10 Recruitment, Terms of Service, Remuneration, Appointments and Payroll Processing
- 6.11 Non-Pay Expenditure for RQIA Administration including Procurement Procedures
- 6.12 Capital Expenditure, Fixed Asset Registers and Security of Assets
- 6.13 Stores and Receipt of Goods
- 6.14 Disposals and Condemnations, Losses and Special Payments
- 6.15 Gifts and Hospitality
- 6.16 Information Technology
- 6.17 Payments to Independent Contractors
- 6.18 Retention of Documents
- 6.19 Risk Management

## 6.1 Foreword

The Codes of Conduct and Accountability require RQIA to adopt Standing Financial Instructions (SFIs) setting out the responsibilities of individuals.

SFIs form part of the Standing Orders of RQIA, which are laid down by the Codes. In addition, there are financial procedures and systems manuals as well as other instructions and guidelines, which are promulgated from time to time by the Chief Executive. Collectively, these must cover all aspects of financial management and control. They are the 'business rules' that Members, Executives, management and employees (including employees of Third Parties contracted to RQIA) must follow when acting on behalf of RQIA.

SFIs adopted by RQIA are mandatory on all Members, Executives, management and employees of the RQIA.

## 6.2 Introduction

### 6.2.1 General

The RQIA shall agree SFIs for the regulation of the conduct of its Members and officers in relation to all financial matters with which they are concerned. They shall have effect as if incorporated in the Standing Orders (SOs).

These SFIs detail the financial responsibilities, policies and procedures to be adopted by the RQIA. They are designed to ensure the RQIA's financial transactions are carried out in accordance with the law and government policy in order to achieve probity, accuracy, regularity, economy, efficiency and effectiveness. They should be used in conjunction with the SOs, Schedule of Decisions Reserved to the Authority and the Scheme of Delegation.

These SFI's identify the financial responsibilities which apply to everyone working for the RQIA. They do not provide detailed procedural advice. These statements should therefore be read in conjunction with detailed Departmental and financial procedure notes. All financial procedures must be approved by the Chief Executive.

Should any difficulties arise regarding the interpretation or application of any of the SFIs then the advice of the Chief Executive must be sought before acting. The user of these SFIs should also be familiar, and comply, with the provisions of the RQIA's SOs.

The failure to comply with SFIs and SOs can, in certain circumstances, be regarded as a disciplinary matter and could result in dismissal.

**Overriding SFIs** – If these SFIs are not complied with in any significant or material respect, full details of the non-compliance and any justification for non-compliance and the circumstances around the non-compliance shall be reported to the next formal meeting of the Audit and Risk Assurance Committee for referring action or ratification. All members of the RQIA and staff have a duty to disclose any significant or material non-compliance with these SFIs to the Chief Executive as soon as possible.

### 6.2.2 Responsibility

#### The Authority

The Authority exercises financial supervision and control by:

- formulating the financial strategy;

- requiring the submission and approval of budgets within the funding approved by the Department and projected other income;
- defining and approving essential features in respect of important procedures and financial systems (including the need to obtain value for money); and
- defining specific responsibilities placed on Senior Executives and other employees as indicated in the Schemes of Delegation.

The Authority may delegate responsibility for the performance of its functions, in accordance with the Schemes of Delegation set out in Standing Orders 2 and 3. The Authority shall keep the extent of delegation under review.

### **Chief Executive**

Notwithstanding the SFIs, the Chief Executive as the RQIA's Accounting Officer, is responsible and accountable to the Authority for the general exercise of its functions and ensuring that RQIA meets its obligation to perform its functions within available financial resources. The Chief Executive has been delegated responsibility for the general exercise of its functions and is responsible to the Authority for ensuring that its financial obligations and targets are met.

The RQIA's Accounting Officer is designated by the Permanent Secretary of the DoH as the Department's Accounting Officer who is ultimately responsible to the Minister, the Northern Ireland Assembly and Parliament for funds controlled by the DoH.

The Chief Executive shall, as far as possible, delegate their detailed responsibilities but they remain accountable for financial control.

It is a duty of the Chief Executive to ensure that existing Executives, management and employees and all new appointees are notified of and understand their responsibilities within these instructions.

The Chief Executive is responsible for:

- implementing RQIA's financial policies and for co-ordinating any corrective action necessary to further these policies;
- maintaining an effective system of internal control including ensuring that detailed financial procedures and systems incorporating the principles of separation of duties and internal checks are prepared, documented and maintained to supplement these instructions;
- ensuring that sufficient records are maintained to show and explain RQIA's transactions, in order to disclose, with reasonable accuracy, the financial position of RQIA at any time; and, without prejudice to any other functions of the RQIA, and employees of RQIA, shall include:
  - the provision of financial advice to the Authority, EMT and employees;
  - the design, implementation and supervision of systems of financial control; and
  - the preparation and maintenance of such accounts, certificates, estimates, records and reports as RQIA may require for the purpose of carrying out its statutory duties.

### **Authority Members and employees**

All Members and employees, severally and collectively, are responsible for:

- the security of the property of RQIA;
- avoiding loss;
- exercising economy and efficiency in the use of resources; and
- conforming to the requirements of SFIs, Financial Procedures and the Schemes of Delegation.



Any contractor or employee of a contractor who is empowered by RQIA to commit RQIA to expenditure or who is authorised to obtain income shall be covered by these instructions. It is the responsibility of the Chief Executive to ensure that such persons are made aware of this. For any and all Members and employees who carry out a financial function, the form in which financial records are kept and the manner in which Members and employees discharge their duties must be to the satisfaction of the Chief Executive.

## 6.3 Control Framework

### 6.3.1 Independent Audit and Risk Assurance Committee (ARAC)

In accordance with Standing Order 5, the Authority shall establish an ARAC. The ARAC Terms of Reference are outlined in SO1B, Annex 2.

The ARAC shall provide an independent and objective view of internal control by:

- overseeing Internal and External Audit services;
- reviewing financial systems;
- ensuring compliance with SOs and SFIs; and
- reviewing schedules of losses and compensations and making recommendations to the Authority.

Where the ARAC believes there is evidence of ultra vires transactions, evidence of improper acts, or if there are other important matters that the ARAC wishes to raise, the Chairperson of ARAC shall raise the matter at a full meeting of the Authority. Exceptionally, the matter may need to be referred to the DoH.

It is the responsibility of the Chief Executive to ensure that an adequate internal audit service is provided by BSO Internal Audit.

The ARAC shall carry out the functions as set out above along with other functions in relation to Risk Management and Controls Assurance as set out in the SOs.

### 6.3.2 The Chief Executive

The Chief Executive is responsible for:

- ensuring there are arrangements to review, evaluate and report on the effectiveness of internal financial control with the support of the independent internal audit function;
- ensuring that the internal audit is adequate and meets the standards set out in the Internal Audit Plan;
- deciding at what stage to involve the police in cases of fraud, misappropriation, and other irregularities; and
- ensuring that an annual audit report is prepared for the consideration of the ARAC on behalf of the Authority. The report must include:
  - a clear statement on the effectiveness of Internal Control;
  - progress against plan approved by the ARAC;
  - major internal financial control weaknesses discovered;
  - progress on the implementation of internal audit recommendations;
  - strategic audit plan covering the coming three years; and
  - a detailed plan for the coming year.

The Chief Executive and/or designated auditors are entitled without necessarily giving prior notice to require and receive:

- access to all records, documents and correspondence relating to any financial or other relevant transactions, including documents of a confidential nature;
- access at all reasonable times to any land, premises or employee of RQIA; and
- the production of any cash, stores or other property of RQIA under an employee's control; and
- explanations concerning any matter under investigation.

### **6.3.3 Internal Audit**

Internal Audit shall review, appraise and report upon:

- the extent of compliance with, and the financial effect of, relevant established policies, plans and procedures;
- the adequacy and application of financial and other related management controls;
- the suitability of financial and other related management data; and
- the extent to which RQIA's assets and interests are accounted for and safeguarded from loss of any kind, arising from:
  - fraud and other offences;
  - waste, extravagance, inefficient administration; and
  - poor value for money or other causes.

Whenever any matter arises which involves, or is thought to involve irregularities concerning cash, stores or other property or any suspected irregularity in the exercise of any function of a pecuniary nature, the Chief Executive must be notified immediately.

The Head of Internal Audit Services shall normally attend the ARAC meetings and have a right of direct access to all ARAC Committee Members, the Chairperson and Chief Executive of RQIA.

The Chief Internal Auditor shall be accountable to the Chief Executive. The reporting system for internal audit shall be agreed between the Chief Executive, the ARAC and the Chief Internal Auditor. The agreement shall be in writing and shall comply with the guidance on reporting contained in the Government Internal Audit Standards. The reporting system shall be reviewed at least every three years.

### **6.3.4 External Audit**

The External Auditor is appointed by the Northern Ireland Audit Office (NIAO) and will audit the RQIA's accounts. The Comptroller and Auditor General (C&AG) will have access to the RQIA's books and records by virtue of the Audit (Northern Ireland) Order 1987 for the purpose of carrying out examinations into the economy, efficiency and effectiveness with which the RQIA has used its resources in discharging its functions.

## **6.4 Revenue Resource Limit and Expenditure Control**

The Management Statement and Financial Memorandum (MSFM) requires that RQIA does not exceed its annual Revenue Resource Limit, with a further requirement to declare all in-year easements to the DoH. The Chief Executive is accountable for RQIA's activities and is responsible to the RQIA for ensuring that it stays within its resource limit and any in-year or cumulative deficits are eliminated.

The Head of Business Services shall in liaison with BSO:

- provide monthly returns in the form required by the DoH;

- ensure money drawn from the DoH is required for approved expenditure only, and is drawn down only at the time of need;
- be responsible for ensuring that an adequate system of monitoring financial performance is in place to enable RQIA to fulfil its statutory responsibility not to exceed its Annual Revenue and Capital Resource Limits; and
- be responsible for the financial risk register (as part of the Corporate Risk Register) and ensure that the Chief Executive and EMT are advised of potential financial problems to ensure timely action is taken so that Departmental expenditure limits are not breached.

The EMT shall ensure that adequate information is provided in a timely manner to the Head of Business Services to enable reliable financial projections to be made, and necessary advice provided to the Chief Executive on any financial risk to the break-even position.

## 6.5 Promoting Financial Stability

RQIA has an obligation, to contain expenditure within the resources available. Deficits should not be allowed to develop, and where they do threaten to arise, RQIA must ensure that appropriate contingency arrangements are put in place.

The principles set out in Circular: HSC (F) 37-2023 - HSC Break-Even and Financial Recovery must be adhered to. In particular, no service developments should be initiated without the prior securing of recurrent funding.

## 6.6 Funding, Business Planning, Budgets, Budgetary Control and Monitoring

### 6.6.1 Funding

The Head of Business Services shall with the support of BSO and any financial advisor appointed by the Chief Executive:

- periodically review the bases and assumptions for utilising available funds and ensure that these are reasonable and realistic and secure RQIA's entitlement to funds;
- at the start of each financial year submit to the Authority for approval a Financial Plan showing the total planned funds available and their proposed distribution including any sums to be held in reserve;
- regularly update the Authority on significant changes to the initial funding and the uses of such funds;
- be involved in challenging those assumptions made regarding the financial implications of all policy changes and assisting in their evaluation; and
- advise the Chief Executive on the need for a contingency reserve in the light of known Budget uncertainties.

### 6.6.2 Preparation and Approval of Business Plans and Budgets

The Chief Executive shall compile and submit to the Authority a Financial Plan which takes into account financial targets and forecast limits of available resources. The annual plan shall contain:

- a statement of the significant objectives / assumptions on which the plan is based, including a proposed deployment of resources across care programmes for the following period; and
- details of major changes in workload or delivery of services or resources required to achieve the plan.

Prior to the start of the financial year, the Head of Business Services working with the appointed financial advisor together with the Chief Executive, prepare and submit budgets for consideration by the EMT and approval by the Authority. Such budgets shall:

- be in accordance with the aims and objectives set out in the Financial Plan;
- accord with workload and manpower plans;
- be produced following discussions with any Third Party service providers;
- be prepared within the limits of available funds; and
- identify potential risks.

BSO shall provide the Head of Business Services financial reports to monitor financial performance against budgets, periodically review them, and report to the EMT and the Authority. The Head of Business Services and the Financial Advisor shall advise the Chief Executive on the need to apply any contingency reserve.

All budget holders shall ensure that the necessary Business Case preparation and approvals have been obtained from the RQIA before committing to recurrent revenue expenditure. Failure to obtain the required Departmental approvals will mean that the expenditure has been incurred without the required authority and is a serious matter (DAO (DFP) 06/12 refers).

RQIA budget holders should provide information and estimates as required by the Head of Business Services to enable budgets to be compiled.

The Head of Business Services has a responsibility to ensure that adequate training is delivered on an ongoing basis to budget holders to help them manage their budgets successfully.

### **6.6.3 Budgetary Delegation**

The Chief Executive may delegate the management of a budget to permit the performance of a defined range of activities. This delegation must be in writing and be accompanied by a clear definition of:

- the amount of the budget;
- the purpose(s) of each budget heading;
- individual and group responsibility;
- RQIA to exercise virement, only within total revenue or total Capital (NB no virement between revenue and capital);
- achievement of planned level of service; and the provision of regular reports.

The Chief Executive and delegated budget holders must not exceed budgetary total or virement set by RQIA.

Any budgeted funds not required for their designated purpose(s) revert to the immediate control of the Chief Executive, subject to any authorised use of virement. Where DoH resources allocated for a particular purpose are not required in full, for that purpose, they must be returned to the DoH for potential re-distribution.

Non-recurrent administrative budgets shall not be used to finance recurring expenditure without the authority in writing of the Chief Executive.

All budget holders are required to regularly review all projected expenditure and identify to the Head of Business Services and financial advisor, on a timely basis, where inescapable expenditure has the potential to breach their delegated budget.

### **6.6.4 Budgetary Control and Reporting**

BSO on behalf of RQIA shall devise and maintain systems of budgetary control. These shall include:

- monthly financial reports to the RQIA in a form approved by the RQIA containing:
  - income and expenditure to date showing trends and forecast year-end position;
  - movements in working capital;
  - material capital project spend and projected out-turn against plan;
  - explanations of any material variances from the plan; and
  - details of any corrective action where necessary and the Chief Executive's and/or the Financial Advisor's view of whether such actions are sufficient to correct the situation.
- the issue of timely, accurate and comprehensive advice and financial reports to each budget holder, covering the areas for which they are responsible;
- investigation and reporting of variances from financial, workload and manpower budgets;
- monitoring of management action to correct variations; and
- arrangements for the authorisation of in-year budget transfers.

Each Budget Holder is responsible for ensuring that:

- any likely overspending or reduction of income which cannot be met by virement is not incurred without the prior consent of the Chief Executive or Head of Business Services;
- the amount provided in the approved budget is not used in whole or in part for any purpose other than that specifically authorised subject to the rules of virement;
- all estimated budgets are reviewed regularly especially where there is a projected impact of their delegated budget;
- No permanent employees are appointed without the approval of the Chief Executive, or their delegated representative, other than those provided for within the available resources and manpower establishment as approved by the RQIA and that sufficient funds are available within RQIA's budget to meet the full cost of employment; and
- they have access to adequate management information and financial advice to ensure that they manage staffing and other budgets effectively within delegated limits.

The Chief Executive is responsible for identifying and implementing cost improvements and maintenance of a balanced budget.

### **6.6.5 Capital Expenditure**

The general rules applying to delegation and reporting shall also apply to capital expenditure. The particular matters relating to capital are contained in SFI.11 together with the provisions of the Capital Investment Manual for Northern Ireland.

### **6.6.6 Economic Appraisal for Capital and Current Projects**

Where RQIA proposes to incur/commit expenditure it is essential that a robust evaluation and decision-making process is undertaken. The prescribed method is a proportionate economic appraisal.

The detail of such appraisals is included in:

- DoH Capital Investment Manual;
- The Northern Ireland Practical Guide to the Green Book; and
- The HM Treasury Green Book (2022).

For Business Cases and economic appraisals prepared and submitted after a project has commenced or is completed, the Department cannot guarantee that approval will be granted either by them or at DoF level.

One essential element of the economic appraisal process is the requirement for a robust post-project evaluation and dissemination of lessons learned.

### **6.6.7 Capital Monitoring Returns**

The Chief Executive is responsible for ensuring that the appropriate monitoring forms are submitted to the appropriate directorate within the DoH.

These monitoring returns must include estimated monthly movement on the cost of Capital and Provisions, (including provisions for employers and public liability and early retirement liabilities).

## **6.7 Annual Report and Accounts**

The Chief Executive, on behalf of RQIA, shall working with BSO:

- arrange for the preparation of annual accounts and financial reports in accordance with the most recent Government Financial Reporting Manual (FRm) provided by the Department annually, RQIA's accounting policies, and generally accepted accounting principles;
- certify and submit audited Annual Accounts to the DoH in accordance with current prescribed guidelines and timetable; and
- submit the prescribed financial returns to the Department for each financial year in accordance with the prescribed timetable.

RQIA's Annual Accounts must be audited by the NI Comptroller and Auditor General and adopted by the Authority at a public meeting.

The Authority shall publish an Annual Report and Accounts, in accordance with guidelines on local accountability, and present it at a public meeting. The document shall comply with the DoH Manual for Accounts.

## **6.8 Bank Accounts**

### **6.8.1 General**

BSO is responsible for managing the banking arrangements and for advising RQIA on the provision of banking services and operation of accounts. The advice shall take into account guidance direction issued from time to time by the Department.

The Authority shall be notified of the banking arrangements put in place by the Chief Executive, on the advice of the Head of Business Services.

### **6.8.2 Bank Accounts**

BSO is responsible for:

- bank accounts;
- establishing separate bank accounts as appropriate for the RQIA's non-exchequer funds;
- ensuring payments made from bank accounts do not exceed the amount credited to the account except where arrangements have been made; and
- reporting to the Chief Executive all arrangements made with bankers for accounts to be overdrawn.

### **6.8.3 Procedures**

BSO shall prepare detailed instructions on the operation of bank accounts, which must include:

- the conditions under which each bank account is to be operated;
- the limit to be applied to any overdraft; and
- those authorised to sign cheques or other orders drawn on the accounts.

#### **6.8.4 Tendering and Review**

BSO shall review the banking arrangements of the RQIA at regular intervals to ensure they reflect best practice and represent best value-for-money by periodically seeking competitive tenders for the banking business in co-operation with other HSC organisations.

### **6.9 Income Systems, Fees and Charges, Debt Recovery and Security of Cash, Cheques and Other Negotiable Instruments**

#### **6.9.1 Income Systems**

The Head of the Business Services is responsible for the provision of Income Systems.

BSO is responsible for designing, maintaining and ensuring compliance with systems for the proper recording, invoicing, and collection and coding of all monies due, including 'HSC' transactions.

The Head of Business Services is also responsible for the prompt banking of all monies received.

#### **6.9.2 Fees and Charges**

The Chief Executive is responsible for regularly reviewing the level of all fees and charges and recommending any changes to the Authority for approval, other than those determined by the Department or by Statute.

Independent advice on matters of valuation shall be taken as necessary.

All employees must inform the Head of Business Services promptly of all money due arising from transactions which they initiate/deal with, including all contracts, leases, tenancy agreements and other transactions.

#### **6.9.3 Debt Recovery**

The Head of Business Services working with BSO is responsible for ensuring appropriate recovery action on all outstanding debts.

Income due but not received shall be dealt with in accordance with guidance on losses detailed in Circular HSC(F) 50/2012.

The Head of Business Services is responsible for ensuring that overpayments shall be detected (or preferably prevented) and recovery initiated.

#### **6.9.4 Security of Cash, Cheques and other Negotiable Instruments**

The Head of Business Services is responsible for the systems for:

- approving the form of all receipt books, agreement forms, or other means of officially acknowledging or recording monies received or receivable;
- ordering and securely controlling any such stationery;
- the provision of adequate facilities and systems for employees whose duties include collecting and holding cash, including the provision of safes or lockable cash boxes, the procedures for keys, and of coin operated machines; and
- prescribing systems and procedures for handling cash and negotiable securities on behalf of RQIA.

Public Funds shall not, under any circumstances, be used for the encashment of private cheques.



All cheques, postal orders, cash etc. shall be banked intact. Disbursements shall not be made from cash received, except under arrangements approved by the Head of Business Services. The holders of safe keys shall not accept unofficial funds for depositing in their safes unless such deposits are in special sealed envelopes or locked containers. It shall be made clear to the depositors that RQIA is not to be held liable for any loss and written indemnities must be obtained from the organisation or individuals absolving RQIA from responsibility for any loss.

## **6.10 Recruitment, Terms of Service, Remuneration, Appointments and Payroll Processing**

### **6.10.1 Remuneration of Chair and Members**

RQIA shall remunerate the Chairperson and Members in accordance with the Payment of the Remuneration to Chairs and Non-Executive Members Determinations made by the DoH with the approval of the Department of Finance (DoF).

### **6.10.2 Funded Establishment**

The manpower plans incorporated within the annual budget shall form the funded establishment. The funded establishment of any department may not be varied without the approval of the Chief Executive.

### **6.10.3 Staff Appointments**

No directorate head or employee may engage, re-engage, or regrade employees, either on a permanent or temporary basis, or hire agency staff, or agree to changes in any aspect of remuneration:

- unless authorised to do so by the Chief Executive; and
- it is within the limit of their approved budget and funded establishment as confirmed by the Head of Business Services.

### **6.10.4 Processing of Payroll**

The Head of Business Services is responsible for managing any Service Level Agreement for the provision of Payroll Shared Services from BSO, or other provider, subject to the approval of RQIA.

The Head of Shared Services, BSO, or other provider, is responsible for designing, maintaining and ensuring compliance with systems for the proper processing of payroll subject to the approval of the Head of Business Services and the RQIA.

The Head of Shared Services, BSO, or other provider, is responsible, subject to the approval of the Head Business Services and the Authority, for:

- specifying timetables for submission of properly authorised time records and other notifications;
- the final determination of pay;
- making payment on agreed dates; and
- agreeing methods of payments.

The Head of Shared Services, BSO, or other provider, shall, subject to the agreement of the Head of Business Services and the Authority, issue instructions regarding:

- verification and documentation of data;
- the timetable for receipt and preparation of payroll data and the payment of employees;
- maintenance of subsidiary records for superannuation, income tax, social security and other authorised deductions from pay;



- security and confidentiality of payroll information;
- checks to be applied to completed payroll before and after payment;
- authority to release payroll data under the provisions of the Data Protection Act;
- methods of payment available to various categories of employee;
- procedures for payment by cheque, bank credit, or cash to employees;
- procedures for the recall of cheques and bank credits;
- pay advances and their recovery;
- maintenance of regular and independent reconciliation of pay control accounts;
- separation of duties of preparing records and handling cash; and
- a system to ensure the recovery from leavers of sums of money and property due by them to RQIA.

Appropriately nominated managers have delegated responsibility for:

- submitting time records and other notifications in accordance with agreed timetables;
- authorising completing records and travel claims of employees and agency staff and any other notifications in accordance with and in the form prescribed by the Head of Shared Services, BSO, or other provider, subject to the approval of the Head of Business Services and the Authority; and
- submitting relevant notification forms in the prescribed format immediately upon knowing the effective date of an employee's resignation, termination or retirement or any other change to their conditions of service. Where any employee fails to report for duty in circumstances that suggest they have left without notice, the Head of Business Services must be informed immediately.

Regardless of the arrangement for providing the payroll service, the Head of Business Services shall ensure that the chosen method is supported by appropriate (contracted) terms and conditions, adequate internal controls and audit review procedures and that suitable arrangements are made for the collection of payroll deductions and payment of these to appropriate bodies.

#### **6.10.5 Contract of Employment**

The Chief Executive shall make appropriate arrangements for:

- ensuring that all employees are issued with a Contract of Employment in a form approved by RQIA and which complies with employment legislation; and
- detailing variations to, or termination of, contracts of employment.

#### **6.10.6 Staff Training**

Training is available for all staff and aims to encourage and support the personal and professional development of staff. All staff are required to complete mandatory training annually. Training and personal development aims to create a learning culture and develop a competency-based approach. Individuals are encouraged to address their own training needs and the opportunity for this is within their annual performance appraisal meeting. The Chief Executive is responsible for the development and implementation of employee training plans.

## **6.11 Non-pay Expenditure for RQIA Administration Including Procurement Procedures**

### **6.11.1 Delegation by RQIA**

Within the administrative ceiling set by the Department, the RQIA shall approve the level of non-pay expenditure on an annual basis and the Chief Executive shall determine the level of delegation to budget managers.

The Chief Executive shall set out:

- the list of managers who are authorised to place requisitions for the supply of goods and services; and
- the maximum level of each requisition and the system for authorisation above that level.

The Chief Executive shall set out procedures on the seeking of professional advice regarding the supply of goods and services to ensure proper stewardship of public funds and assets.

The Chief Executive is responsible for ensuring that goods and services are correctly specified and that the BSO Centre of Procurement Expertise (CoPE) provides value for money. In support of this, a Service Level Agreement should be put in place with the COPE, requiring it to provide assurance that the systems and processes used in procurement ensure appropriate probity and propriety.

#### **6.11.2 Choice, Requisitioning, Ordering, Receipt and Payment for Goods and Services**

The requisitioner, in choosing the item to be supplied (or the service to be performed) shall always obtain the best value-for-money, subject to the approval of the Chief Executive and/or Head of Business Services, (VFM) for RQIA. The concept of VFM remains central to the procurement policy.

Twelve guiding principles have been adopted as the basis of procurement policy, which are:

1. Transparency;
2. Integrity;
3. Fair Dealing;
4. Consistency;
5. Purchasing by competition;
6. Responsiveness;
7. Informed decision-making;
8. Legality;
9. Effectiveness;
10. Efficiency;
11. Integration; and
12. Accountability

Therefore, RQIA requires that the Procurement and Logistics Service as the Centre of Procurement Expertise (COPE) is consulted in the first instance to ensure that procurement is carried out in a professional way. Where this advice is not acceptable to the requisitioner, the Head of Business Services (and/or the Chief Executive) shall be consulted.

The Head Business Services is responsible for managing payment and where a Service Level Agreement for the provision of Payments Shared Services from BSO is considered, it shall be subject to the approval of the RQIA.

The Head of Business Services is responsible for implementing, maintaining and ensuring compliance with systems for the proper processing of non-pay expenditure.

The Head of Business Services shall be responsible for the prompt payment of accounts and claims in accordance with applicable terms and appropriate Government Accounting guidance. Payment of contract invoices shall be in accordance with contract terms, or otherwise, in accordance with Department guidance.

The Head of Business Services shall:

- advise the Chief Executive and EMT regarding the setting of thresholds above which quotations (competitive or otherwise) or formal tenders must be obtained; and, once approved, the thresholds shall be incorporated in SOs and regularly reviewed;
- prepare procedural instructions on the obtaining of goods, works and services incorporating the thresholds;
- be responsible for the prompt payment of all properly authorised accounts and claims;
- be responsible for designing and maintaining a system of verification, recording and payment of all amounts payable. The system shall provide for:
  - a list of directors/employees (including specimens of their signatures) authorised to certify invoices;
  - certification that:
    - goods have been duly received, examined and are in accordance with specification and the prices are correct;
    - work done or services rendered have been satisfactorily carried out in accordance with the order, and, where applicable, the materials used are of the requisite standard and the charges are correct;
    - in the case of contracts based on the measurement of time, materials or expenses, the time charges are in accordance with the time sheets, the rates of labour are in accordance with the appropriate rates, the materials have been checked as regards quantity, quality, and price and the charges for the use of vehicles, plant and machinery have been examined; and
    - where appropriate, the expenditure is in accordance with regulations and all necessary authorisations have been obtained;

The Head of Business Services shall ensure that:

- the account is arithmetically correct;
- the account is in order for payment;
- a timetable and system for submission of accounts for payment;
- provision shall be made for the early submission of accounts subject to cash discounts or otherwise requiring early payment; and
- be responsible for ensuring that payment for goods and services is only made once the goods and services are received, (except as below).

Pre-payments or payments on account are only permitted where exceptional circumstances apply.

In such instances:

- pre-payments are only permitted where the financial advantages outweigh the disadvantages (i.e. cash-flow must be discounted to NPV) and the intention is not to circumvent cash limits;
- the appropriate manager must provide, in the form of a written report to the Head of Business Services, a case setting out all relevant circumstances of the purchase. The report must set out the effects on RQIA if the supplier is at some time during the source of the pre-payment agreement unable to meet his commitments;
- the Head of Business Services will need to be satisfied with the proposed arrangements before contractual arrangements proceed; and
- the budget holder is responsible for ensuring that all items due under a pre-payment contract are received and he/she must immediately inform the Chief Executive or Head of Business Services if problems are encountered.

Official orders must:

- be consecutively numbered;
- be in a form approved by the BSO;
- state the terms and conditions of trade; and

- only be issued to, and used by, those duly authorised by the Chief Executive.

Managers must ensure that they comply fully with the guidance and limits specified by the Head of Business Services and that:

- all contracts, leases, tenancy agreements and other commitments which may result in a liability are notified to the Head of the Business Services in advance of any commitment being made;
- contracts above specified thresholds are advertised and awarded in accordance with Procurement Guidance Notes as issued to DoH Arms' Length Bodies under HSC(F) circulars, Public Contract Regulations 2015 (other than specialist services sought from or provided by DoH) and for disposals, except where any of these goods and services are provided under existing contracts let by other Public Bodies which can properly be used by and are available to RQIA;
- where consultancy advice is being obtained, the procurement of such skills must be in accordance with the current guidance issued by the Department, and must be within delegated limits outlined in the Financial Memorandum;
- no order shall be issued for any item or items to any firm which has made an offer of reward or benefit to Members or employees, other than:
  - isolated gifts of a trivial character or inexpensive seasonal gifts, such as calendars; or
  - conventional hospitality, such as lunches in the course of working visits;
- no requisition/order is placed for any item or items for which there is no budget provision unless authorised by the Chief Executive or the Head of Business Services on behalf of the Chief Executive;
- all goods, service, or works are ordered on an official order except works and services executed in accordance with a contract and purchases from petty cash;
- verbal orders must only be issued very exceptionally – by an employee designated by the Chief Executive and only in cases of emergency or urgent necessity. An official order clearly marked 'Confirmation Order' must confirm these;
- orders are not split or otherwise placed in a manner devised so as to avoid the financial thresholds;
- where payments to legal representatives for claims is made, the Chief Legal Adviser must ensure that claims are made in accordance with guidance issued under circular HSS (F) 67/2006, payments in respect of Litigation and Legal Services in the HPSS – Implementation of Controls;
- goods are not taken on trial or loan in circumstances that could commit RQIA to a future uncompetitive purchase;
- changes to the list of managers/employees authorised to certify invoices are notified in a timely manner to the Head of Business
- purchases from petty cash are restricted in value and by type of purchase in accordance with instructions issued by the Head of Business Services;
- petty cash records are maintained in a form as determined by the Head of Business Services.

The Chief Executive must ensure that RQIA's SOs are compatible with the requirements issued by the Department in respect of building and engineering contracts (the Estates Procurement Manual and Capital Investment Manual and published Procurement Guidance Notes), and land and property transaction (Land Transaction Handbook). The technical audit of these contracts shall be the responsibility of the Head of Business Services. The Head of Business Services shall ensure that the arrangements for financial control and financial audit of building and engineering contracts and property transactions comply with the guidance contained within these codes.

## 6.12 Capital Expenditure, Fixed Asset Registers and Security of Assets

### 6.12.1 RQIA's Capital Expenditure

The Chief Executive, subject to approval from the Authority and through the Head of Business Services:

- shall ensure that there is an adequate appraisal and approval process in place for determining capital expenditure priorities and the effect of each proposal upon the commissioning plans;
- is responsible for the management of all stages of capital schemes and for ensuring that schemes are delivered on time and to cost;
- shall ensure that the capital investment is not undertaken without the resources to finance all revenue consequences, including capital charges; and
- is required to seek Departmental approval of all capital projects.

For every capital expenditure proposal approved by the Authority, the Chief Executive, through the Head of Business Services, shall ensure:

- that a business case is produced in accordance with Departmental Instruction as outlined in the Capital Accounting Manual and the GreenBook: Appraisal and Evaluation in Central Government. The business case should include:
  - an option appraisal of potential benefits compared with known costs to determine the option with the highest ratio of benefits to costs; and
  - appropriate project management and control arrangements; and
- that the Head of Business Services is satisfied with the reliability of the estimated costs and resource consequences detailed in the business case;
- that Departmental approval is obtained for projects costing more than RQIA's delegated limit for capital schemes;
- schemes requiring Departmental approval are re-submitted to the Department for re-consideration if any of the conditions specified in the Capital Accounting Manual and the Green Book: Appraisal and Evaluation in Central Government apply.

For capital schemes where the contracts stipulate stage payments, the Chief Executive shall, subject to the approval of the RQIA, issue procedures for their management, incorporating the recommendations of 'Estate code'.

The Head of Business Services shall issue procedures for the regular reporting to the Chief Executive and the Authority, of expenditure and commitment against authorised capital expenditure.

The approval of a capital programme shall not constitute approval for expenditure on any scheme.

The Chief Executive shall, subject to approval of the Authority, and then through the Head of Business Services, issue to the manager responsible for any scheme:

- RQIA approval to commit expenditure;
- RQIA approval to proceed to tender; and
- approval to accept a successful tender.

The Chief Executive shall issue a scheme of delegation for capital investment management in accordance with 'Estate code' guidance and RQIA's SOs.

The Head of Business Services shall issue procedures governing the financial management, including variations to contract, of capital investment projects and valuation for accounting purposes.

#### **6.12.2 Asset Registers**

The Chief Executive is responsible for the maintenance of register of assets, taking account of the advice of the Head of Business Services concerning the form of any register and the method of updating, and arranging for a physical check of assets against the asset register to be conducted at least once a year.

RQIA shall maintain an asset register recording fixed assets. The minimum dataset to be held within this register shall be as specified in the Capital Accounting Manual, issued by the Department.

Additions to the fixed asset register must be clearly identified to an appropriate budget holder and be validated by reference to:

- properly authorised and approved agreements, architect's certificates, supplier's invoices and other documentary evidence in respect of purchases from third parties;
- stores, requisitions and wages records for own materials and labour including appropriate overheads; and
- lease agreements in respect of asset held under a finance lease and capitalised.

Where capital assets are sold, scrapped, lost or otherwise disposed of, their value must be removed from the accounting records and each disposal must be validated by reference to authorisation documents and invoices (where appropriate).

The Head of Business Services shall approve procedures for reconciling balances on fixed assets accounts in ledgers against balances on fixed asset registers.

The value of each asset shall be indexed to current values in accordance with methods specified in the Capital Accounting Manual, issued by the Department.

The value of each asset, where appropriate, shall be depreciated using methods and rates as specified in the Capital Accounting Manual, issued by the Department.

The Head of Business Services shall calculate and pay capital charges as specified in the Capital Accounting Manual, issued by the Department.

#### **6.12.3 Security of Assets**

The overall control of fixed assets is the responsibility of the Chief Executive.

The Head of Business Services must approve asset control procedures including fixed assets, cash, cheques and negotiable instruments, and also including donated assets. This procedure shall make provision for:

- recording managerial responsibility for each asset;
- identification of additions and disposals;
- identification of all repairs and maintenance expenses;
- physical security of assets;
- periodic verification of the existence of, condition of, and title to, assets recorded;
- identification and reporting of all costs associated with the retention of an asset; and
- reporting, recording and safe-keeping of cash, cheques, and negotiable instruments.

All discrepancies revealed by verification of physical assets to fixed asset register shall be notified to the Head of Business Services.

Whilst each employee has responsibility for the security of property of RQIA, it is the responsibility of members and senior employees in all disciplines to apply such appropriate routine security practices in relation to HSC property as may be determined by RQIA. Members or employees using portable RQIA assets are responsible for the safe custody of those assets and the secure storage of those assets when unattended. Any breach of agreed security practices must be reported in accordance with instructions.

Any damage to RQIA's premises, vehicles and equipment, or any loss of equipment, stores or supplies must be reported by employees in accordance with the procedure for reporting losses.

Where practicable, assets shall be marked as RQIA property.

### **6.13 Stores and Receipt of Goods**

RQIA's need to hold stores is minimal and mainly office supplies. Stores, defined in terms of controlled stores and departmental stores (for immediate use) shall be:  
kept to a minimum;  
subjected to annual stocktake; and  
valued at the lower of cost and net realisable value.

Subject to the responsibility of the Head of Business Services for the systems of control, overall responsibility for the control of stores shall be delegated to an employee by the Chief Executive. The day-to-day responsibility may be delegated by her / him to departmental employees and stores managers/keepers, subject to such delegation being entered in a record available to the Head of Business Services. The control of fuel oil shall be the responsibility of a designated estates manager.

The responsibility for security arrangements and the custody of keys for all stores and locations shall be clearly defined in writing by the designated manager. Wherever practicable, stocks shall be marked as health service property.

The Head of Business Services shall set out procedures and systems to regulate the stores including records for receipts of goods, issues, and returns to stores, and losses.

Stocktaking arrangements shall be agreed with the Head of Business Services and there shall be a physical check covering all items in store at least once a year.

Where a complete system of stores control is not justified, alternative arrangements shall require the approval of the Head of Business Services.

The designated Manager shall be responsible for a system approved by the Head of Business Services for a review of slow moving and obsolete items and for condemnation, disposal, and replacement of all unserviceable articles. The designated officer shall report to the Head of Business Services any evidence of significant overstocking and of any negligence or malpractice (see also 13, Condemnations, Losses and Special Payments). Procedures for the disposal of obsolete stock shall follow the procedures set out for disposal of all surplus and obsolete goods. For goods supplied via the BSO Procurement and Logistics Services, the Chief Executive shall identify those authorised to requisition and accept goods from the store. The authorised person shall check receipt against the delivery note before forwarding this to the Head of Business

Services who shall satisfy themselves that the goods have been received before accepting the recharge.

## **6.14 Disposals and Condemnations, Losses and Special Payments**

### **6.14.1 Disposals and Condemnations**

The Head of Business Services must prepare detailed procedures for the disposal of assets including condemnations, and ensure that these are notified to managers.

When it is decided to dispose of an RQIA asset, the Director or authorised deputy shall determine and advise the Head of Business Services of the estimated market value of the item, taking account of professional advice where appropriate.

All unserviceable articles shall be:

- condemned or otherwise disposed of by an employee authorised for that purpose by the Head of Business Services; and
- recorded by the Condemning Officer in a form approved by Head of Business Services which shall indicate whether the articles are to be converted, destroyed or otherwise disposed of. All entries shall be confirmed by the countersignature of a second employee authorised for the purpose by Head of Business Services. The Condemning Officer shall satisfy themselves as to whether or not there is evidence of negligence in use and shall report any such evidence to the Head of Business Services who shall take the appropriate actions.

### **6.14.2 Losses and Special Payments**

The Head of Business Services must prepare procedural instructions on the recording of and accounting for condemnations, losses, and special payments, in line with Departmental guidance (Circular HSC(F) 50/2012).

Any employee discovering or suspecting a loss of any kind must immediately inform their Director or Head of department, who must immediately inform the Chief Executive and the Head of Business Services. Where a criminal offence is suspected, the Head of Business Services must immediately inform the police if theft or arson is involved, but if the case involves suspicion of fraud, then the particular circumstances of the case shall determine the stage at which the police are notified.

The Head of Business Services must notify the DoH of all frauds.

For losses apparently caused by theft, fraud, arson, neglect of duty or gross carelessness, except if trivial and where fraud is not suspected, Head of Business Services must immediately notify:

- Chief Executive;
- Chair of the ARAC;
- Chair of the Authority; and
- BSO's Counter Fraud and Probity Services.

The write off of losses and special payments shall be in accordance with the guidelines issued under Circular HSS(F) 50/2012 which draws on the manual 'Managing Public Money' issued by the Department of Finance and Personnel.

Within limits delegated to it by the Department, as defined by RQIA's Financial Memorandum, the ARAC on behalf of the Authority shall approve the write-off of losses. Losses and special



payments in excess of the delegated RQIA must be referred to the Department's Finance Policy and Accountability unit.

The Head of Business Services shall be authorised to take any necessary steps to safeguard RQIA's interests in bankruptcies and company liquidations.

For any loss, the Head of Business Services shall consider whether an insurance claim can be made against any applicable insurers.

The Head of Business Services shall maintain a Losses and Special Payments Register in which write-off action is recorded.

The ARAC's approval shall be sought on the write-off action prior to their disclosure in the Notes to the Annual Accounts.

No special payments exceeding delegated limits shall be made without the prior approval of the Department.

## 6.15 Gifts and Hospitality

RQIA have a responsibility, in the interest of public confidence, to exhibit high standards of propriety and carry out their role with dedication and commitment to the RQIA's core values of independence, inclusiveness, integrity, accountability, professionalism and effectiveness.

The RQIA Gifts and Hospitality Policy and Procedure sets out:

- RQIA's compliance with the Prevention of Corruption Acts of 1906 and 1916 and UK Bribery Act 2010;
- what can be accepted without disclosure;
- what cannot be accepted or given;
- what should be recorded; and
- how staff seek further guidance.

## 6.16 Information Technology

### 6.16.1 Responsibilities and Duties of the Chief Executive

The Chief Executive, who is responsible for the accuracy and security of the computerised financial data of the RQIA, shall:

- devise and implement any necessary procedures to ensure adequate (reasonable) protection of the RQIA's data, programs and computer hardware for which a Director / Head of department is responsible from accidental or intentional disclosure to unauthorised persons, deletion or modification, theft or damage, having due regard for the Data Protection Act 1998;
- ensure that adequate (reasonable) controls exist over data entry, processing, storage, transmission and output to ensure security, privacy, accuracy, completeness, and timeliness of the data, as well as the efficient and effective operation of the system;
- ensure that adequate controls exist such that the computer operation is separated from development, maintenance and amendment; and
- ensure that an adequate management (audit) trail exists through the computerised system and that such computer audit reviews as the Chief Executive may consider necessary are being carried out.

The Chief Executive shall need to ensure that new financial systems and amendments to current financial systems are developed in a controlled manner and thoroughly tested prior to implementation. Where this is undertaken by another organisation, assurances of adequacy must be obtained from them prior to implementation.

The Chief Executive shall publish and maintain a Freedom of Information (FOI) Publication Scheme, or adopt a model Publication Scheme approved by the Information Commissioner. A Publication Scheme is a complete guide to the information routinely published by a public authority. It describes the classes or types of information about RQIA that it makes publicly available.

#### **6.16.2 Responsibilities and Duties of Directors / Heads and Officers in relation to Computer Systems of a General Application**

In the case of computer systems which are proposed General Applications (i.e. normally those applications which HSC bodies wish to sponsor jointly) all responsible Directors / Heads and employees will send to the Chief Executive:

- details of the outline design of the system;
- in the case of packages acquired either from a commercial organisation from the HSC, or from another public sector organisation, the operational requirement.

#### **6.16.3 Contracts for Computer Services with other Health Bodies or Outside Agencies**

The Chief Executive shall ensure that contracts for computer services for financial applications with another health organisation or any other agency shall clearly define the responsibility of all parties for the security, privacy, accuracy, completeness, and timeliness of data during processing, transmission and storage. The contract should also ensure rights of access for audit purposes.

Where another health organisation or any other agency provides a computer service for financial applications, the Chief Executive shall regularly require assurances that adequate controls are in operation.

#### **6.16.4 Risk Assessment**

The Chief Executive shall ensure that risks to the RQIA arising from the use of IT are effectively identified and considered and appropriate action taken to mitigate or control risk. This shall include the preparation and testing of appropriate disaster recovery plans.

#### **6.16.5 Requirements for Computer Systems which have an Impact on Corporate Financial Systems**

Where computer systems have an impact on corporate financial systems, the Chief Executive shall need to be satisfied that:

- systems acquisition, development and maintenance are in line with corporate policies such as an Information Technology / Digital Strategy;
- systems acquisition, development and maintenance are in line with corporate policies such as an Information Technology / Digital Strategy;
- data produced for use with financial **systems** is adequate, accurate, complete and timely, and that a management (audit) trail exists;
- staff have access to such data; and
- such computer audit reviews as are considered necessary are being carried out.

## 6.17 Payments to Independent Contractors

6.17.1 The Chief Executive shall approve additions to, and deletions from, approved lists of contractors consistent with HSC policy, taking into account the care needs of the local population, and the access to existing services. All applications and resignations received shall be dealt with equitably, with any time limits laid down in the contractor's HSC terms and conditions of service.

6.17.2 The Chief Executive shall:

- ensure that lists of all contractors, for which RQIA is responsible, are maintained in an up-to-date condition; and
- ensure that systems are in place to deal with applications, resignations, inspection of premises etc, within the appropriate contractor's terms and conditions of service.

6.17.3 The Head of Business Services shall:

- ensure that only contractors included in RQIA's approved lists receive payments;
- maintain a system of payments such that all valid contractors' claims are paid promptly and correctly, and are supported by the appropriate documentation and signatures;
- ensure that regular independent verification of claims is undertaken, to confirm that:
  - rules have been correctly and consistently applied;
  - overpayments are detected (or preferably prevented) and recovery initiated; and
  - fraud is detected (or preferably prevented).
- ensure that arrangements are in place to identify contractors receiving exceptionally high, low or no payments, and highlight these for further investigation; and
- ensure that a prompt response is made to any query regarding claims from contractors submitted directly.

## 6.18 Retention of Documents

All HSC records are public records under the terms of Public Records Act (Northern Ireland) 1923. The Chief Executive and senior managers of RQIA are personally accountable for records management within RQIA. They have a duty to make arrangements for the safe keeping and correct disposal (under the Disposal of Documents Order (Northern Ireland) 1925) of those records under the overall supervision of the Deputy Keeper of Public Records whose responsibility includes permanent preservation.

The Public Records Act (Northern Ireland) 1923 made the Public Record Office of Northern Ireland (PRONI) responsible for the records of any Court, Government Department, or Office in Northern Ireland over which the Parliament of Northern Ireland has the power to legislate. It is therefore a statutory requirement for RQIA to implement records management as set out in the Act and in the Disposal of Documents (Northern Ireland) Order (1925). This Legislation means the PRONI has an overarching responsibility within the public sector in Northern Ireland to ensure that records are managed in accordance with agreed policies and procedures. In particular, PRONI must be involved in:

- quality assurance of all Disposal Schedules;
- the updating of Disposal Schedules;
- the sampling of particular instance papers (case files); and
- ensuring the proper use of microfilm and other non-paper based storage media.

Officers in PRONI, RQIA, and the Permanent Secretary of the sponsor Department for PRONI (Department of Culture, Arts and Leisure), will be signatories to the Disposal Schedule.

RQIA's Personal Data Guardian will monitor the implementation of an agreed Disposal Schedule and will advise PRONI if regular reviews are not being carried out.

RQIA is responsible for assessing the administrative need for the retention of records, the assessment of records for historical / research purposes is the responsibility of PRONI.

PRONI will be responsible for the storage of records identified for permanent preservation and which are no-longer required by the HSC for administrative purposes.

The Department's Guidelines for managing records, Good Management, Good Records, and the regular updates give an overview of the key issues and solutions, and best practice for HSC organisations to follow when preparing a records management strategy. It represents the joint DoH and PRONI view of how records should be administered and sets the standards required of the HSC.

The Disposal Schedule in Good Management, Good Records has been approved by PRONI. It sets out minimum retention periods for HSC records of all types, except for GP medical records, and indicates which records are most likely to be appropriate for permanent preservation. It consolidates the guidance contained in Departmental circulars such as Retention of Personal Health Records (for Possible use in Litigation) – HSSE (sc) 3/96 and Preservation and Destruction of Financial and Associated Records – HSS (F) 14/2003. It also explains the reasoning behind the determination of minimum retention periods, including legal requirements where relevant.

The Schedule does not replace the requirements for RQIA to develop and agree its own disposal schedule with PRONI; however, it should form the basis for such a schedule.

The following group of people must officially sign all disposal schedules and in this order:

- Head of Records Management, PRONI;
- Chief Executive, PRONI;
- Permanent Secretary, DCAL;
- Chief Executive of RQIA;
- Lead Senior Manager for Records Management; and
- Records Management Officer (Personal Data Guardian).

## 6.19 Risk Management

The Chief Executive shall ensure that RQIA has a systematic programme of risk identification, assessment and management, which shall be approved and monitored by the ARAC on behalf of the Authority. The ARAC together with the Authority complete an annual horizon scanning exercise to facilitate the completion and review of the Corporate Risk Register.

The risk management programme shall include:

- a process for identifying and quantifying risks and potential liabilities;
- engendering among all levels of staff a positive attitude towards the identification and control of risk;
- regular updated training on risk for staff;
- management processes to ensure all significant risks and potential liabilities are addressed including effective systems of internal control;
- contingency plans to mitigate the impact of adverse events;
- audit arrangements including internal audit, clinical and social care audit, health and safety review;

- arrangements to review the risk management programme on an annual basis, as stipulated by the Departmental Controls Assurance programme; and
- reviewed by the Chief Executive, the Head of Business Services, EMT, the ARAC and the Authority at least once quarterly.

RQIA's Risk Management process is in accordance with the ISO3001:2018 Risk Management Standard.

## **Annex 7: Codes of Conduct and Accountability: Code of Practice**

### **7.1 Introduction**

### **7.2 Public Service Values**

### **7.3 General Principles**

### **7.4 Public Service Values in Management**

### **7.5 Public Business and Private Gain**

### **7.6 Anti-Fraud Policy**

### **7.7 Hospitality**

### **7.8 Gifts**

### **7.9 Sponsorship**

### **7.10 Register of Hospitality, Gifts and other Sponsorship**

### **7.11 Declaration of Interests**

### **7.12 Substance Abuse**

### **7.13 Misuse of Internet Facilities**

### **7.14 Staff Policies and Procedures**

### **7.15 Whistleblowing**

### **7.16 Powers and Duties**

## **7.1 Introduction**

The Partnership Agreement states that the Chairperson shall ensure that a Code of Practice for Authority Members is in place, based on The Code of Conduct and Code of Accountability for Board Members of Health and Social Care bodies (April 2011, issued July 2012). The Code shall commit the Chairperson and other Members to the Nolan 'seven principles of public life' and shall include a requirement for a comprehensive and publicly available register of Authority Members' interests.

This Code applies to all Authority Members and it re-affirms long-standing good practice for ensuring that high standards of corporate and personal conduct, based on public service values, are at the heart of the HSC.

Since RQIA is publicly funded, it must be accountable to the Northern Ireland Assembly and ultimately to Parliament and the Public Accounts Committee, for the exercise of its functions and for the effective and economical use of taxpayers' money.

## **7.2 Public Service Values**

There are three crucial public service values, which must underpin the work of the Health and Personal Social Services:

- Accountability;
- Probity or integrity; and
- Openness.

Upholding these values is the responsibility of the Chairperson, Members and all staff.

In addition to the above principles, the First Report of the Committee on Standards in Public Life (Nolan) identified seven key principles, which should be incorporated into all public bodies' Codes of Conduct. These are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

The Authority is committed to these principles and all individuals are expected to adhere to them in the course of their work with RQIA.

## **7.3 General Principles**

Those who work in the public sector have a duty to:

- Conduct business with probity;
- Deal with patients, clients, staff, residents and suppliers impartially and with respect;
- Achieve value for money from public funds; and
- Demonstrate high ethical standards of personal conduct.

RQIA must set a rigorous and visible example and shall be responsible for corporate standards of conduct and ensure acceptance and application of the Code of Practice.

The Chairperson, Authority Members and all RQIA employees/officers are required to accept the provisions of the Code of Practice on appointment and to follow the principles set out herein.

The Code of Practice shall inform and govern their decisions and personal conduct.

#### **7.4 Public Service Values in Management**

Public sector bodies, such as the RQIA, must be impartial, honest and open in the conduct of their business, and that their employees shall remain beyond suspicion. It is also an offence under the Prevention of Corruption Acts 1906 and 1916 for an employee to accept any inducement or reward for doing, or refraining from doing anything, in his or her official capacity, or corruptly showing favour or disfavour, in the handling of contracts.

Governing bodies of HSC organisations, or any individual within the organisation for which that body is responsible, must not ignore public service values in achieving results. The Chairperson, Authority Members and all staff have a duty to ensure that public funds are always safeguarded and that RQIA conducts its business as efficiently and effectively as possible, to achieve the best possible outcomes for the public.

Proper stewardship of public monies requires value for money to be high on the agenda of the Authority at all times. Employment, procurement and accounting practices within RQIA must reflect the highest professional standards; as must the practice of health and social care professionals.

Individuals are expected to:

- Ensure that the interests of patients and clients remain paramount at all times;
- Be impartial and honest in the conduct of their official business; and
- Use public funds entrusted to them to the best advantage of the service as a whole, always ensuring value for money in the procurement of goods and services.

Public statements and reports issued by RQIA, or individuals within RQIA, should be clear, comprehensive and balanced, and shall fully represent the facts. They shall also appropriately represent the corporate decisions of the Authority. If (exceptionally) a statement is issued in a personal capacity, that must be made clear.

Annual and all other key reports shall be issued in good time and in accessible formats upon request to all individuals and groups in the community who have a legitimate interest in health and social services issues to allow time for full consideration and comment.

#### **7.5 Public Business and Private Gain**

The Code of Practice defines the principle that the Chairperson, Members and all staff shall act impartially and shall not be influenced by social or business relationships. No one shall use their public position to further their private interests.

It is the responsibility of all Authority Members and staff to ensure that they do not:

- Use their official position for personal gain or to benefit their family or friends or to benefit individual contractors;



- Seek to advantage or further private business or other interests in the course of their official duties.

Where there is a potential for private, voluntary or charitable interests to be material and relevant to RQIA or HSC business, the relevant interest shall be declared and recorded in the Authority minutes and entered into a register, which is available to the public. This is set out in more detail in paragraph 6.11 below.

When a conflict of interest is established or perceived, the Chairperson, Member or member of staff shall withdraw and play no part in the relevant discussion or decision.

## **7.6 Anti-Fraud Policy**

RQIA is absolutely committed to maintaining an honest and open culture. It is committed to the elimination of any fraud within RQIA and to the rigorous investigation of any such cases.

Managing the Risk of Fraud (NI): A Guide for Managers (DOF December 2011), a Code of Practice on Managing the Risk of Fraud and Corruption, CIPFA, December 2014 and Managing the Risk of Bribery and Corruption, NIAO, November 2017 are critical practice guides in use by RQIA in the management and prevention of Fraud.

The Authority encourages anyone with reasonable suspicions of fraud to report them. RQIA will rigorously enforce the “whistleblowing” policy (see paragraph 6.15), in that no employee will suffer in any way as a result of reporting reasonably held suspicions. For these purposes “reasonably held suspicions” shall mean any suspicions other than those which are groundless and /or raised maliciously or vexatiously.

RQIA has an Anti-Fraud Policy and a Fraud Response Plan, to give officers specific direction in dealing with cases of suspected fraud, theft or corruption. Advice may also be obtained from the Head of the Business Services or from the Chief Executive.

ARAC is provided with a quarterly report on Fraud incidents.

## **7.7 Hospitality**

### **Providing Hospitality**

The use of public funds for hospitality and entertainment shall be carefully considered within the guidelines issued by the Department.

Normally, hospitality for visitors to RQIA is to be provided at its own offices through the purchase of sandwiches or light meals from a local provider.

Exceptionally the use of hotels or restaurants may be appropriate for entertaining guests or visitors and for conferences or seminars. The Chairperson or Chief Executive or a Director may approve this together with any special functions on RQIA’s premises, providing funds are available in their hospitality budgets.

On behalf of the Authority, ARAC shall monitor the hospitality expenses claimed by the Chairperson and Chief Executive. The Chief Executive shall monitor all other hospitality expenses.

## **Receiving Hospitality**

Modest hospitality may be accepted providing it is normal, reasonable and similar to that which would be offered by RQIA in similar circumstances e.g. light lunches in the course of working visits.

Authority Members and staff shall decline all other offers of hospitality or entertainment. If a situation arises in which, whatever the scale of the hospitality, it could be perceived as likely to compromise their integrity, Authority Members and staff should politely decline the hospitality offered. If in doubt, advice shall be sought from their immediate superior officer, the Head of the Business Services or the Chair.

It is recognised that the scale of hospitality given by some organisations may be greater than that of RQIA and to refuse might give offence. In these circumstances' acceptance may be difficult to avoid. Should circumstances arise that cause concern, these should be reported to the Head of the Business Services as soon as possible and a record made of the basis on which hospitality was accepted or not accepted.

NB See also paragraph 7.12 on Alcohol Policy.

## **7.8 Gifts**

Token gifts (generally at Christmas) of very low intrinsic value such as diaries or calendars may be accepted from persons outside RQIA with whom staff have regular contact.

Any other gifts to Authority Members or staff or their families shall be politely refused.

If in doubt, Authority Members and staff shall decline the gift or consult their immediate superior officer before accepting it.

At present a limit of £20 is used as a guide for identifying gifts of low intrinsic value but the nature or number of gifts may mean that items whose value is less than this may be considered inappropriate. (The number of gifts accepted shall be limited within any financial period.)

## **7.9 Sponsorship**

Commercial sponsorship is not generally acceptable, as acceptance maybe perceived as compromising the work of RQIA.

Authority Members must be satisfied that their acceptance of any commercial sponsorship could not compromise or be perceived to compromise the integrity of RQIA.

Acceptance by Authority Members and staff of commercial sponsorship for attendance at relevant conferences and courses might be acceptable providing the employee seeks permission in advance and RQIA can be absolutely satisfied that future views, actions or decisions of RQIA shall not be compromised or perceived to be compromised.

Acceptance of commercial sponsorship of conferences, courses or other events run by RQIA may only be accepted if it can be demonstrated that:

- promotional material of the sponsor does not unduly dominate the venue;
- no particular product is being promoted or receiving an implicit endorsement by association with RQIA; and

- other competing commercial bodies have been given an equal opportunity to sponsor and be associated with a particular event or other such events over a period of time.

Decisions regarding sponsorship are to be referred to RQIA's Executive Management Team in the case of events organised by RQIA. Decisions, together with all relevant information, shall be recorded in the minutes for future scrutiny. A suitable contract shall be drawn up with the prospective sponsor setting out RQIA's requirements in line with this Standing Order.

#### **7.10 Register of Hospitality, Gifts and other Sponsorship**

All instances when hospitality, gifts (except those of up to £20) and sponsorship are accepted shall be notified to the Chief Executive, with a record of the basis of the decision to accept. A register shall be maintained and shall be made available for public inspection on request.

#### **7.11 Declaration of Interests**

The Code of Conduct requires the Chairperson and Authority Members to declare interests which are relevant and material to RQIA. The Chairperson, Members, Chief Executive, Executive Management Team or staff within RQIA who have delegated responsibility to commit or influence commitment of Public Funds or for actions and decisions of RQIA shall declare any such interests.

New Authority Members or staff shall do so on appointment.

Interests that shall be regarded as 'relevant and material' are:

- Directorships, including non-executive directorships held in private companies or PLCs (with the exception of those of dormant companies);
- Ownership or part-ownership of private companies, businesses or consultancies likely or possibly seeking to do business with the HSC;
- Majority or controlling shareholdings in organisations likely or possibly seeking to do business with the HSC;
- A position of trust in a charity or voluntary organisation involving the field of health and social care;
- Any connection with a voluntary or other organisation contracting for HSC services;
- Any other commercial interest in a matter presented to the RQIA for decision; and
- Any other non-pecuniary interest, work, activity or membership of an organisation which could be affected by the actions and decisions of RQIA.

When Authority Members' interests are declared, they shall be recorded in the minutes. Any changes in interests shall be declared at the next meeting following the change occurring.

Authority Members' directorships of companies likely or possibly seeking to do business with the HSC shall be published in RQIA's Annual Report. The information shall be kept up to date for inclusion in subsequent Annual Reports.

During the course of an Authority meeting, if a conflict of interest is established, the Member concerned shall, as soon as practicable after its commencement, disclose the fact. It shall be disclosed in a manner that cannot be perceived to influence subsequent discussion or decision.

The Member shall withdraw from the meeting and play no part in the relevant discussion or decision.

(**NB** there may be exceptional circumstances, and Standing Order 1 shall be applied.)

## **Register of Interests**

The Chief Executive shall ensure that a Register of Interests is established to record formally declarations of interests of Authority Members and RQIA staff and of their spouses/partners. In particular, the Register shall include details of all directorships and other relevant and material interests, which have been declared by Authority Members, members of the Executive Management Team and budget-holders.

These details shall be kept up to date routinely and by means of a formal annual review of the Register to ensure that any changes to interests declared during the preceding twelve months have been incorporated.

The Register shall be available to the public and the Chief Executive shall take reasonable steps to bring the existence of the Register to the attention of the public and to publicise arrangements for viewing it.

If Authority Members, members of the Executive Management Team, budget-holders or any other staff are in doubt about the relevance of an interest, this shall be discussed with the Chairperson, Chief Executive or superior officer as appropriate.

The general principle to be adopted is that if there is uncertainty regarding the need to disclose a possibly material matter then, in the interests of openness, disclosure shall be made.

## **7.12 Substance Abuse**

The Authority discourages any form of substance abuse. Under the terms of individual contracts of employment, disciplinary action may be instituted if an employee is unable to perform the duties of his / her post as a result of any form of substance abuse or if the resulting actions of an employee brings RQIA into disrepute.

RQIA has specific policies regarding the abuse by staff of alcohol, drugs and tobacco, which are detailed below. Any other substance abuse shall also be covered by this policy.

### **Alcohol Policy**

Authority Members and staff are not permitted to consume alcohol while on duty, except at evening business functions. Authority members and staff are expected to ensure that, if they consume alcohol at any time, it shall not affect the performance of their duties.

RQIA permits alcohol to be provided and paid for out of public funds on rare occasions:

- Moderate quantities of alcohol with meals provided as part of approved hospitality for visitors or guests; and
- Similarly, for approved special functions on its premises. (See SO7.7 above).

Otherwise, alcohol may not be consumed in its offices or any other location or venue identified with RQIA unless specific permission has been given by the Chief Executive or a Director for staff to bring their own refreshments for a function (for example, at Christmas).

### **Drugs Policy**

RQIA expects Authority Members and staff to observe the law.

Any use of recreational drugs which affects the performance of an employee's duty or brings RQIA into disrepute shall be considered unacceptable behaviour and will be subject to disciplinary action.

If medical opinion advises that the taking of prescription drugs may affect an individual's performance of their duties, they shall inform their line manager so that a reasonable adjustment can be made to deal with the situation.

### **Smoking Policy**

Smoking is not permitted within RQIA accommodation, offices or buildings or other premises, or parts of premises, being used exclusively by RQIA.

### **7.13 Misuse of Internet Facilities**

Staff, in the conduct of their work for RQIA, have access to the internet for research and other work-related activities. RQIA's IT security policy states that intentional misuse of the internet by staff that can be deemed to be of an illegal, offensive or unethical nature is unacceptable and therefore may result in RQIA taking disciplinary action, e.g. in the case of:

- Violation of copyright, license agreements or other contracts, for example, copying and using software for business purposes from a site where there is a clear limitation for personal use only;
- Downloading any information which could be considered illegal or offensive e.g. pornographic or racist material (in this context the term 'pornographic' is used to include material which is considered distasteful but not illegal to possess);
- Successful or unsuccessful attempts to gain unauthorised access to information resources – commonly known as hacking;
- Using or knowingly allowing someone else to use any computer, computer network, computer system, program or software to devise or execute any artifice or scheme to defraud or to obtain money, property, services or other things of value by false pretences or promises or representations;
- Without authorisation destroying, altering, dismantling, disfiguring, preventing rightful access to or otherwise interfering with the availability and/or integrity of computer-based information and/or information resources;
- Without authorisation invading the privacy of individuals or entities that are creators, authors, users or subjects of the information resources; for example, reading the email of another without permission;
- Using the internet for political lobbying;
- Transmitting or causing to be transmitted, communications that may be construed as harassment or disparagement of others;
- Violating any UK laws pertaining to the unauthorised use of computing resources or networks; and
- Staff may, subject to the conditions noted above, make use of internet access for personal use providing it does not interfere with their work. Internet use may be monitored.

### **7.14 Staff Policies and Procedures**

RQIA has a range of policies and procedures on issues affecting staff and how they work within RQIA. These are detailed in the Policy Library, which is accessed through RQIA's shared drive on its intranet.

The content of these policies shall be consulted upon with recognised staff side organisations and cover issues such as: health and safety, equal opportunities, IT security, absence due to sickness, special leave and work/life balance arrangements, training and development opportunities, travel arrangements and whistleblowing (See paragraph 6.15 below).

### **7.15 Whistleblowing**

RQIA is committed to dealing responsibly with any genuine concern that an Authority Member or any member of staff may have about malpractice within the organisation. Therefore, in the interest of developing an open and honest culture so that staff can raise genuine concerns without fear of recrimination or victimisation. RQIA's Whistleblowing Policy is strongly influenced by 'Whistleblowing in the Public Sector' - A Good Practice Guide for workers and employers (NIAO 2014). RQIA's Whistleblowing Policy is included in the Policy Library and made known to staff on appointment. The policy is reviewed regularly by the Authority.

Whistleblowing refers to staff reporting suspected wrongdoing at work, for example, concerns about patient safety, health and safety at work, environmental damage or a criminal offence, such as fraud. The RQIA Whistleblowing policy and procedure (March 2023) is aimed at those issues and concerns which are not resolved, require help to get resolved or are about serious underlying concerns.

ARAC are provided with a quarterly update on Whistleblowing reports.

### **7.16 Powers and Duties**

The powers and duties of individuals within RQIA are generally set out in the relevant Job Description and Contract of Employment. All individuals are expected to behave at all times in accordance with the spirit of the Standing Orders. In particular, all individuals shall observe the provisions of this Code of Practice as it applies to them.

The Chairperson and Authority Members shall pay particular regard to the Standing Orders which set out the main functions of the Authority and those which the Authority has chosen to delegate to the Chief Executive.

The Chief Executive, Directors, Senior Professional Advisors, managers and other staff, shall pay particular regard to the Scheme of Matters reserved and to the Scheme of Delegation, either by the Authority, or by the Chief Executive, covering their areas of work. These lay out where the Authority and Chief Executive have retained powers, and where (and subject to what conditions) they have delegated them either to an individual in a personal capacity or as a member of a group or team.

Staff are accountable through their line management structure as well as through any participation in a multidisciplinary group of functional/professional role. This accountability is through their line manager, to the Chief Executive, and ultimately to their employer, the Authority.

**All staff are encouraged to keep up to date with all staff policies, (and any additions or amendments to them), and are to ensure that they adhere to them.**