

PUBLIC SESSION

RQIA Authority Meeting
Thursday 6 July 2023 at 11:30am
Room 1.7, First Floor, James House

<p>Present: Christine Collins (Chair) (CC) Alphy Maginness (AM) Bronagh Scott (BS) Cheryl Lamont (CL) Mary McIvor (MMcI) Neil Bodger (NB) Sarah Wakfer (SW)</p> <p>Apologies: Stuart Elborn (SE) Nazia Latif (NL)</p> <p>David McCann (DMcC), Head of Business Services Elaine Connolly (EC), Director of Adult Care Services Emer Hopkins (EH), Director of Hospitals, Independent Healthcare, Reviews and Audit</p>	<p>RQIA Staff in Attendance: Briege Donaghy (BD), Chief Executive Jacqui Murphy (JM), Head of Corporate Affairs Ian Steele (IS), Medical Lead and Responsible Officer Karen Harvey (KH), Professional Advisor, Social Work Lynn Long (LL), Director of Mental Health, Learning Disability, Childrens' Services and Prison Healthcare Malachy Finnegan (MF), Senior Communications Manager</p>
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1.0 Agenda Item 1- Welcome and Apologies

- 1.1 The meeting commenced at 12.00 pm.
- 1.2 Apologies were received from Nazia Latif (NL), Stuart Elborn (SE), David McCann (DMcC), Elaine Connolly (EC) and Emer Hopkins (EH).

2.0 Agenda Item 2 - Minutes of the meeting of the Authority held on 25 May 2023 and Matters Arising

- 2.1 BD provided an update to the Action List from the previous meeting of 25 May 2023.
- 2.2 Action 264 – Progressing. Publication of Children's Inspection Reports: The Short Life Working Group is being established and an infrastructure will be put in place to move towards publishing the first inspection reports. An update will be provided to the Authority meeting in September.

2.3 Action 265 – Closed. Maternity Review Report: EH made the necessary amendments to the Report and the Review was published. This will be a topic for discussion, along with the RQIA Strategic Plan and Management Plan for 2023/2024 during the meetings with the Trust Chairs and Chief Executives.

2.4 Authority Members agreed the minutes as a true and accurate record and **APPROVED** the minutes of 25 May 2023.

3.0 Agenda Item 3 - Declaration of Interests

3.1 There were no declarations of interests.

4.0 Agenda Item 4 - Chair's Business

a) CPEA Overview Report

b) Judicial Review: Mental Health Community Services

c) Accountability Meeting and Update on RQIA Resources

4.1 a) CPEA Overview Report

CC advised that this will be for discussion at a future Authority Meeting when the CPEA Overview Report is published.

4.2 b) Judicial Review: Mental Health Community Services

CC noted this landmark Judicial Review (JR), which RQIA had conceded, and the full implications of which will require to be worked through. CC advised that BD and LL are presently scoping what this would involve. Contact has been established with the Applicant who brought the JR, via his solicitors, and we will be investigating that situation independently. CC advised that independence is the key aspect which needs to be demonstrated.

4.3 BD updated, explaining that RQIA had conceded this JR as was referred to earlier and that LL and she are presently undertaking a series of engagement meetings with the public and with key stakeholders via online engagement sessions.

Meetings with the Royal College of Psychiatrists and the Directors and Assistant Directors of Mental Health and Learning Disability Services in each of the HSC Trusts have also been scheduled, along with some MLAs. The second version of a list of Frequently Asked Questions (FAQ's) had also been published. The Team is developing a pilot 'Inquiry' protocol for Mental Health concerns around the deficiency of care and treatment (Mental Health Order 1986) and awareness has been raised with RQIA staff. BD noted the importance of ensuring this piece is brought forward as part of a whole system approach within RQIA as patients living with mental disorder will be recipients of services across programmes.

4.4 c) Accountability Meeting and Update on RQIA Resources

CC noted that the End Year Accountability with the Permanent Secretary, the Chief Executive and herself had taken place on 22 June 2022.

As expected, the Permanent Secretary had been clear that the resource situation facing the DoH and the wider HSC is an acute problem, with no prospect of easement in this for some time. The consequences for RQIA are that it must operate within its existing resources, despite not being able to meet the current statutory minimum requirements for inspection of registered services.

CC noted that there are considerable pressures across all oversight and regulatory activity in the system. CC advised that the Authority needs to give a clear explanation of what we can and cannot do within the current resources and ensure this is recorded.

CC also noted that the issue of independent legal support in general and specifically for work relating to Public Inquiries was also raised with the Permanent Secretary. Discussions with DoH will continue around this.

4.5 Authority Members **NOTED** the Chair's Business.

5.0 Agenda Item 5 - Members Activity Report

5.1 CC introduced the Members Activity Report and noted how much is currently underway and the amount of work that requires to be done.

CC advised that the three Committees are taking forward the business in relation to:

- Risk: Audit and Risk Assurance Committee (ARAC), chaired by NB;
- Business and policy issues: Business, Appointments and Remuneration Committee (BARC), chaired by SE; and
- Legal and policy issues: Legislative and Policy Committee (LPC), now established and chaired by AM.

CC also thanked IS for his hard work in relation to revising the Medical Appointments piece for the Mental Health Order, along with Wendy McGregor, Assistant Director, Mental Health and Learning Disability Team and Courtney Ryder, Business Support Officer.

CC noted that the Authority Members have begun their Programme of Walk Arouds, initially with ARAC in June and today following this meeting.

CC advised that she and a couple of Members had attended the recent Staff Development Event. The Event had focused on the Strategic Plan and its four Strategic Objectives. CC advised that she was impressed by the quality of presentations and enthusiasm and commitment of staff as they continue to deliver the functions of RQIA.

6.0 Agenda Item 6 - Chief Executive's Update: Verbal Update

6.1 BD updated the Authority, explaining the organisation is continuing to keep the DoH informed in relation to its work on inspections and reviews, as appropriate.

Under Article 4 of the 2003 Order, BD noted that RQIA has identified loss of children's short breaks services due to short break services repurposed to meet residential care needs and, in addition, the continued use of Annexes to registered residential care services for additional capacity. This has been brought to the attention of the DoH whilst we explore more details and engage with DoH colleagues and Trusts.

BD also advised of whole system pressures across Emergency Departments (EDs). One such inspection report for the Belfast Trust Childrens ED has been published to the website and another is due to be published shortly. Again, this is being drawn to the DoH's attention as a whole system pressure. While individual

Trusts are able to address specific issues, usually around infection prevention control (IPC), comms, and compassionate care, these issues require a wider system-wide approach.

BD noted that Teams are continuing with their inspection programmes, however, despite their best efforts, they are not able to meet the minimum statutory requirements for frequency relating to Registered services. BD specifically drew Members' attention to the continuation of inspections to Mental Health Wards, which includes Muckamore Abbey Hospital (MAH). This is coupled with the current public engagement activities in relation to our responsibilities under the Mental Health Order, referred to earlier.

In relation to Lakeview Hospital, BD was pleased to report that the Hospital is now compliant with Improvement Notices, which are published to the website. While this is positive progress, it will require constant vigilance to ensure it is sustained.

In relation to the Review Programme, BD advised that the Maternity Services Review has been published recently. She noted that following the publication of the Serious Adverse Incidents Review, as part of the IHRD Implementation Programme the DoH has now established the first meeting of the SAI Redesign Group. This is a positive step. RQIA staff will actively seek to provide support to this important work, working alongside the Mental Health Champion's Office and PCC. A meeting with the DoH and other key stakeholders is scheduled in the coming days and RQIA will emphasise the need for a co-production approach to this work.

BD noted that the DoH has instructed RQIA to prioritise the Review of Outpatients in other Trusts, following the previous review of Outpatients in the Belfast Trust (flowing from the Neurology Inquiry). This Review has commenced with the aim to publish early next year.

BD went on to explain that she is preparing evidence for the MAHI Inquiry and also responding to a Rule 9 Statement under Module 2C of the COVID-19 Inquiry. BD is presently working through a response and collating the evidence, which will be considerable. RQIA also recently submitted a statement to the Infected Blood Inquiry.

BD advised that RQIA would continue to work through developing its Regulation Framework, which will incorporate the use of intelligence and a risk based approach. An update to the Authority would be provided in due course. When more fully developed, this will require public engagement to explain and raise awareness.

BD reminded Members of that RQIA will be hosting a Conference in November 2023, to which other regulators, service users and key stakeholders will be invited. This will assist with developing RQIA's leverage and create greater opportunities to listen to the experience of families and individuals, which will help inform our regulatory work.

- 6.2 CC thanked BD for her update, emphasising that the November Conference will be a key event and is intrinsic as part of the reform process, with the need to change our models of how we work and listen to others. CC advised that meaningful engagement must play a big part of our work moving forward.

6.3 The Authority **NOTED** the Chief Executive's Update.

7.0 Agenda Item 7 - Annual Report and Accounts 2022/2023

7.1 CC invited the Chairs of ARAC and of BARC to provide their recommendations in relation to the 2022/2023 Annual Report and Accounts.

7.2 NB, as Chair of ARAC, advised that the Committee had met on 22 June 2023 and reviewed the year end accounts. NB reported that all was in order and ARAC Members recommended the Accounts to the Authority for adoption and approval.

7.3 CL, who had chaired BARC on 8 June 2023 advised that the Committee had considered the Annual Report for 2022/2023. At the meeting, the Chief Executive had presented the Performance Section and, after discussion and clarification, BARC Members were— content to recommend to the Authority today for approval.

7.4 CC thanked the Committees and also particular thanks and appreciation to MF for co-ordinating the Report's production.

7.5 The Authority **APPROVED** the Annual Report and Accounts 2022/2023.

8.0 Agenda Item 8 - Finance: 2023/2024 Budget

8.1 BD invited PC to present the Budget for 2023/2024.

8.2 PC noted the Chair's earlier comments in her update about the Accountability meeting with the Permanent Secretary and the challenging financial landscape which Northern Ireland and the HSC is facing. PC advised that the 2023/2024 budget reflects this.

PC commented that while RQIA had managed a break-even position in the previous financial year and was entering into the current year in a good position, the reduction in its Revenue Resource Limit (RRL) of £230k to meet the required savings from the DoH have had a significant impact upon the budget.

PC noted that RQIA had been able to identify savings of £50k by ceasing the Audit and Quality Improvement Programme for the current year; however, there was no guarantee that funding for the Muckamore Abbey Hospital Inquiry (MAHI) and Deceased Patients Review (DPR) work would be forthcoming and reminded Members that this required funding had been received very late in the last year. PC explained that, if these funds were not secured during the year, there will be a need to make savings in this area.

PC commented that RQIA had a long history of returning funds to the DoH and, in the past, had not fully utilised its RRL. In 2022/2023, BD and the Authority had put in place an over-commitment of circa £400k, reflected in the previous two year's average vacancy, turnover savings, etc and had been able to utilise this fully. On a positive note, RQIA now has the highest level of staffing for many years, with the lowest level of vacancies.

In relation to the 2023/2024 budget, taking account of staff in post, the MAHI and DPR projects and other pressures, for example, the recent Judicial Review and other legal costs, there is a significant shortfall for break-even projected at this time.

PC advised that the Authority must agree a break-even budget and that a non break-even position cannot be returned to the DoH. Negative lines to meet the deficit have been attributed across all areas and PC has strongly advised the Directors that vacancies must be held and not recruited to.

With respect to non-pay, savings in this area is limited to training, use of hotels, attendance at conferences, etc. Therefore, the holding of vacancies is key.

PC noted that, even if all vacancies continue to be held throughout the year, the organisation is facing into a very challenging period and may not be able to achieve break-even this year. Even if it is advised that the posts are surplus, there are currently no redundancy arrangements in place.

PC advised that he has also implored the Directors to reduce spend on bank, etc

- 8.3 BD further advised that some posts have been and remained vacant for some time already, for example, the Head of Information Services, the Communications Officer in the Office of the Chair and Chief Executive and a Pharmacy Inspector.

BD noted there could be a further reduction of fee income possible and it is difficult to predict the variation from year to year with certainty.

BD noted our concern about a potential increase in sickness given the demanding pace and the impact of the winter ahead. BD commented that RQIA is fortunate to have a low level of sickness – however, if sickness absence increases, we will need to consider the impact as we cannot use overtime, use of bank, etc, given the financial position.

In relation to non-pay, the organisation spends circa £1.2 m on costs which are in the main fixed, such as rent and rates – nevertheless, we are looking at how to reduce other costs in the areas of printing and legal costs and there may be an opportunity to make some modest savings.

The budget has an estimate of legal costs at £75k and this is outside the control of RQIA. BD noted the establishment of the Legislative and Policy Committee to help us consider this.

With respect to staff training, a very modest budget of £11k has been set but RQIA could spend a lot more and BD is currently prioritising the examination of this, along with reductions in printing costs and off-site storage.

RQIA continues to keep the DoH informed of, and to discuss, the necessary spend on MAHI, where there are two full-time staff doing essential MAHI work, which we are concerned we may not be funded for.

BD agreed with PC that it will be a challenging year ahead. Even though it is a good position to have the robust staffing in place, BD is also concerned about potential sickness levels which would put the organisation in a more precarious position. BD assured Authority Members that the Executive Management Team acts as a Scrutiny Committee and any variations on planned recruitment and spend are brought to for consideration on a weekly basis, for example, costs for experts engaged for a review or vacancies to be filled.

- 8.4 PC advised there was very little room for manoeuvre with the budget and any overspend should not be greater than that identified funding for MAHI and DPR – the Authority needs to demonstrate that we can meet our core funding requirements.
- 8.5 CC agreed, saying that it is likely to get bleaker as we go through the year and it is important for the Authority to develop a prioritisation of how this can be managed to support the Chief Executive.
- 8.6 In response to NB's query about the detail of the non-pay cost for admin, printing and stationery, PC noted that along with significant SLA costs for BSO, this includes printing of all documentation for inspections, review and corporate work. PC noted that RQIA is a heavily paper-based organisation and to move to a complete digital solution would be difficult, given most of the capital funding across the HSC has been assigned to Encompass.
- 8.7 BD reminded Members that a Business Case would be required for this. BD advised Members that she was re-establishing the Digital and Intelligence Strategic Programme Board, with its first meeting on 11 July 2023 and she planned to secure approval for extending the current support and maintenance contract with the supplier via a VEAT. Meanwhile the iConnect User Group has also been re-established and will consider all changes required for the iConnect System, including consideration of the existing system's mobile application which lost momentum during the intervening COVID years. BD was also examining how we can manage the enquiries from providers via the front desk. BD has invited the current third party supplier to a meeting in early August to discuss the possibilities with current system.
- 8.8 In response to AM's question about the reduction of the £230k, PC advised that this amount has already been removed from the RRL.
- 8.9 AM queried the amount for legal costs, saying it would be difficult to anticipate the volume of potential Judicial Reviews and legal cases throughout the year and asked whether this had been accounted for.
- 8.10 PC advised that £75k had been built in and that prior to last year, the SLA with BSO would have covered the majority of costs, however, there has been an increase in the use of independent legal advice.
- 8.11 BD agreed that the organisation needs to be more frugal in seeking independent legal advice and had estimated £75k on known cases, with two already underway and outside the organisation's control. The spend on advices is to be very little.
- 8.12 MMcl noted that the Scrutiny Committee is a good approach, being centrally managed and asked about the type of proposals coming to it.
- 8.13 BD explained that this is an established approach used across the HSC when an organisation finds itself needing to implement severe financial controls. BD went further to say that, ordinarily, a budget holder would have the authority to go out and commence recruitment, however, that autonomy is removed and replaced by the Scrutiny Committee.
- 8.14 MMcl asked then is there a moratorium across the organisation for all recruitment.

- 8.15 BD explained that it is not a moratorium. Last year, there were around 4-5 posts held, albeit key and important posts and this year we would endeavour to continue to hold them throughout the year. BD also advised that budget holders are working hard to reduce costs and have made some modest adjustments to some bank staff, but that this will have to be reduced further.

BD advised that she is unable to see a break-even position, without support of circa £200k for MAHI and DPR work.

- 8.16 PC noted that in terms of turnover, there is at least a 3-6-month gap when the post becomes vacant until the new post-holder starts. PC went on to say that if turnover is circa 7%, then you would expect 7 whole-time equivalent posts (WTEs) to leave during the year. PC advised he would be extremely disappointed if we are not adding another £150k to reduce the deficit from the posts which should continue to be held and if the Directors keep holding this line, then it is a defensible position to report to the DoH, although it would not be surprising if the Permanent Secretary requested that more must be done to contribute to further savings.
- 8.17 CL commended that this type of decision-making was being taken at early stage in the financial year and agreed that focus must remain on requesting funding for the two areas which are under-funded, that is, the MAHI and DPR work. CL indicated she is happy to support this budget and way forward on the clarity and thinking that it is built upon.
- 8.18 In conclusion, CC noted how challenging a year it will be and if we can start on the path to digitisation, this surely must help with savings and provide more clarity on performance.
- 8.19 PC advised that the first financial performance report will go to the Executive Management Team meeting next week and will be shared with Members via email.
- 8.20 The Authority **APPROVED** the 2023/2024 Budget.

There being no other business, the Chair closed the meeting at 1:05 pm.

Following the meeting, Authority Members undertook a Walk Around to meet staff from the Directorate of Hospitals, Independent Healthcare, Reviews and Audit.

Date of Next Meeting: Thursday 21 September 2023 at 9:30 am, via MS Teams.

Signed




Christine Collins MBE
Chair



Date

21 September 2023

Authority Action List: Meeting of 6 July 2023

Authority Public Session: Action List					
Action number	Authority meeting	Agreed Action	Responsible Person	Date due for completion	Status
264	20 April 2023	Publication of Children's Inspection Reports: Authority comments to be taken on board in respect of the next steps to establish a Short Life Working Group and a sample inspection report to be brought back to the Authority in due course.	Director of Mental Health, Learning Disability, Children's Services and Prison Healthcare	30 September 2023	

Key

Behind Schedule	
In Progress	
Completed or ahead of Schedule	