

## PUBLIC SESSION

**RQIA Authority Meeting**  
**Thursday 28 March 2024 at 11:30am**  
**The Mount Conference Centre**

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

1.1 The meeting commenced at 12:54 pm.

1.2 CC welcomed all to the meeting and particularly AA in his new role as Business Support Officer in the Office of the Chair and Chief Executive.

CC acknowledged recent bereavements and offered the Authority's condolences and support to both Elaine Connolly (EC) and Karen Harvey (KH) on the loss of their loved ones.

CC formally noted that Bronagh Scott's term with the Authority ended on 31 January 2024 and she recognised the contribution and service Bronagh had given RQIA, wishing her well in the future.

1.3 Apologies were received from Neil Bodger (NB), Stuart Elborn (SE), Mary McIvor (MMcI), Ian Steele (IS) and Karen Harvey (KH).

### 2.0 Agenda Item 2 - Minutes of the meeting of the Authority held on 14 December 2023 and Matters Arising

- 2.1 BD provided an update to the Action List from the previous meeting of 14 December 2023.
- 2.2 **Action 267:** Outstanding Internal Audit Recommendation: Financial Services: Closed. JM confirmed that Internal Audit has been advised that this recommendation has been formally agreed to be closed by the Authority; this will be reflected in the year-end report.
- 2.3 **Action 268:** Authority Chair and ARAC Chair to consider writing to the DoH in relation to clarification about the shared services model and may advise Internal Audit to list their concerns about RQIA using the shared services model and submit these to the DoH: Closed. BD confirmed that she has written to the DoH in respect of this finding from Internal Audit, raising the effectiveness of the shared services model with them.

CC noted recent correspondence from the Bank of Ireland (BoI) in respect of the bank mandate. BoI has advised that it does not regard RQIA or Health and Social Care (HSC) bodies as bodies corporate, rather unincorporated organisations. BoI has requested that Authority Members sign a banking mandate.

CL raised concern about being asked to sign a banking mandate which lists RQIA as an unincorporated body; other Members had similar concerns. CC acknowledged these concerns.

Upon the request of CC, PC agreed to pursue this matter. CC noted that all state entities should be submitting a return to the Bank of England, so it would not be possible to do that if RQIA was not deemed to be a body corporate.

- 2.4 **Resolved Action 270: CC to share Bank of Ireland correspondence with PC and PC to follow up with the Business Services Organisation (BSO) and Bank.**
- 2.5 **Action 269:** An Authority session to be arranged to consider the financial position and the reply to the DoH in respect of savings scenarios in early January 2024: Closed. CC noted that a session was held with Authority Members and Senior Leaders, which led to submission of flat cash scenario proposal to the DoH. RQIA await formal response from the DoH.
- 2.6 LL left the meet at 1:02 pm.
- 2.7 Authority Members agreed the minutes as a true and accurate record and **APPROVED** the minutes of 14 December 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: Verbal Update**  
**a) Authority Committees: Chairs and Membership and Authority Champions**  
**b) Management Plan 2024/2025**

**c) RQIA Cultural Assessment**

**d) Partnership Agreement and Budget Setting 2024/2025**

**4.1 a) Authority Committees: Chairs and Membership and Authority Champions**

CC noted that Authority Committees are required to be reconstituted. CC outlined that this was discussed in the Business in Confidence Session earlier, with a new Equality and Disability Champion, Nazia Latif, and a new Speak Up (Whistleblowing) Champion, Sarah Wakfer, agreed.

In relation to the soon to be established Mental Health Committee, CC suggested that SW stand in for NB during this period of absence. This was agreed.

**4.2 The Authority **APPROVED** the Committee Structure as presented in the proposal.**

**4.3 b) Management Plan 2024/2025**

CC noted that the Management Plan for 2024/2025 is currently in draft and has been shared with Authority Members for comment. CC highlighted that there are difficulties in constructing the Plan due to the lack of a financial allocation for 2024/2025 from the DoH.

BD noted that the first draft of the Plan has been developed on the basis of a flat cash scenario in the absence of an allocation.

CC confirmed that the 2024/2025 Management Plan will come to the Authority for final approval at their next meeting on 25 April 2024 and will be submitted subsequently to the DoH.

**4.4 c) RQIA Cultural Assessment**

Following discussion in the Business in Confidence Session earlier, the Authority **NOTED** that RQIA will now undertake a cultural assessment.

The decision to undertake an assessment is as a result of a focus on being open and transparency across HSC and it aligns with RQIA's aim to be a high performing organisation, an organisation where staff feel safe and protected in raising any concerns that they have.

CC noted that the assessment will be conducted by an independent team - Bria Mongan and Ian Sutherland, Associates from the HSC Leadership Centre, supported by Linsey Cleland from Healthcare Improvement Scotland. The Assessment Team aim to complete the Cultural Assessment by mid-May / early June 2024 and the outcome will form part of the agenda of RQIA Staff Development Day in late June 2024.

BD will liaise with JM and MF in respect of launching the Assessment and engagement with staff. This will commence after the Easter break.

Following a query from CC whether there should be a health-check of providers' and, for example, IHCP's view of RQIA, BD noted that this was raised at BARC.

BD confirmed that RQIA does undertake a continual evaluation process through post-inspection evaluations and managers draw out the data to inform learning.

BD suggested that a future event with providers may be useful. BD confirmed that the focus of this Cultural Assessment, however, is internal.

4.5 **d) Partnership Agreement and Budget Setting 2024/2025**

CC informed Authority Members that the process in developing the Partnership Agreement with the DoH has been slow, due to delays at the DoH. CC has refreshed the previous draft which has been re-submitted to the DoH and RQIA is currently awaiting feedback of same.

The Authority discussed budget setting in detail during the Business in Confidence Session, with concern about the current challenging financial climate. RQIA is currently awaiting an allocation from DoH for the 2024/2025 financial year and is assuming and working to a flat cash scenario, which will be extremely challenging for the next year. Members noted that all public sector organisations across the HSC find themselves in a similar position.

4.6 The Authority **NOTED** the update in relation to the Partnership Agreement and Budget Setting 2024/2025.

5.0 **Agenda Item 5 - Members Activity Report**

5.1 CC thanked Authority Members for the work outlined in the activity report. CC highlighted that she may consider reaching out to the DoH's Public Appointment Unit, to suggest that the RQIA Authority Members would be pleased to input into their newsletter in terms of their role.

5.2 Members **NOTED** the Members Activity Report.

6.0 **Agenda Item 6 - Chief Executive's Update: Verbal Update**  
**a) RQIA Emerging Concerns Protocol**

6.1 **Chief Executive's Update: Verbal Update**

BD provided an update to the Authority on the publication of the Care Homes Census in December 2023 and the Southern Area System Inspection Report in January 2024.

BD also outlined the significant work ongoing in respect of the Muckamore Abbey Hospital Inquiry (MAHI), noting that Module 5 specifically relates to RQIA and the Mental Health Commission (MHC), the powers of which RQIA absorbed in 2009. There is extensive work ongoing to complete a corporate response and individual statements have been requested from current and former RQIA staff. BD noted that RQIA is committed to co-operating fully with the Inquiry.

BD informed the Authority that RQIA has been accepted to be a core participant in Module 6 of the Covid-19 Public Inquiry. This module will focus on adult care homes and domiciliary care agencies. BD and CC attended the Preliminary Hearing on 19 March 2024 to hear about the scope of the Module.

6.2 CC noted the public inquiries work is extensive and RQIA will play its part in fully co-operating with the inquiries.

- 6.3 **a) RQIA Emerging Concerns Protocol**  
CC asked BD to set the context for this item. BD noted that the Emerging Concerns Protocol is part of the overarching Shared Intelligence Framework with professional Regulators, at the nucleus of the model. She asked EH to describe the detail of the model.
- 6.4 EH explained that the intended purpose of the Shared Intelligence Framework and its embedded 'Emerging Concerns Protocol' (ECP) is to make sure that risks, as they become known to RQIA or others, are identified, reviewed and addressed at the earliest opportunity. This will support organisations who are signatories to the Framework, with their respective responsibilities related to supporting quality and safety in the provision of care, and to share information that may indicate risks to people who use services, their carers and professionals.
- EH noted that, once approved, the document will be shared with other Signatories for their organisational approval with a view to launch on 1 May 2024 at the planned event with the National Patient Safety Commissioner. A joint launch will be organised with all of the organisations, which may be accompanied by a press release and/or social media notifications as deemed appropriate. The DoH will be notified formally.
- BD advised that the Authority is asked to approve this Protocol which will strengthen collaborative working with wider system partners, with a view to acting together to address any safety risks at an early point.
- 6.5 Following consideration, the Authority **APPROVED** the RQIA Emerging Concerns Protocol.
- 6.6 The Authority **NOTED** the Chief Executive's Verbal Update.
- 7.0 **Business, Appointments and Remuneration Committee (BARC):**  
**a) Meeting of 15 February 2024: Verbal Update**  
**b) Recruitment of Chief Executive**  
**c) Workforce, Modernisation and Organisation Development**  
**d) Activity Performance and Outcomes Report: Quarter 3, 2023/2024**  
**e) RQIA Equality Working Group**  
**f) RQIA Draft Communications and Involvement Strategy 2023-2028**  
**g) Digital**  
**h) Policies and MoUs**  
**i. Review of Policies**  
**ii. Policy: Raising a Concern (Whistleblowing): Paused as awaiting Nomination of Whistleblowing Champion at Authority Level**  
**iii. Policy and Procedures: Inspection Support Volunteers**  
**iv. Policies and Procedures: Registration:**
  - Administration of Income Procedures
  - Access NI
  - On Hold Policy**v. Policy: Publication of Children's Inspection Reports and Procedure for Children's Team Inbox**  
**vi. Local Operational Protocol: RQIA Role Within Follow Up of Review Recommendations**

- 7.1 **a) Meeting of 15 February 2024: Verbal Update**  
As SE, Chair of BARC, was not available, BD provided the update from the BARC meeting on 15 February 2024 as follows:
- 7.2 **b) Recruitment of Chief Executive**  
The current Chief Executive's contract is in place until the summer of 2025 and plans for recruitment of a new Chief Executive will likely commence in October 2024.
- 7.3 The Authority **NOTED** the update in respect of recruitment of the Chief Executive.
- 7.4 **c) Workforce, Modernisation and Organisation Development**  
BARC was provided with an update in respect the current sickness rate, staff health and wellbeing, vacancies and ongoing recruitment, and organisational structure.
- 7.5 The Authority **NOTED** the update in respect of workforce, modernisation and organisation development.
- 7.6 **d) Activity Performance and Outcomes Report: Quarter 3, 2023/2024**  
The Activity Performance and Outcomes Report was presented to BARC.
- The report demonstrates the pressures and limited ability of RQIA to fulfil statutory requirements with regard to the number of inspections. BD made reference to the pressure on the organisation's capacity to complete inspection reports, with particular reference made to hospitals services due to ongoing staff absence. BD brought the Authority's attention to the increase in the staff absence rate.
- CC outlined that once the year-end report is available, it will be important for the Authority to consider this in detail.
- 7.7 The Authority **APPROVED** the Activity Performance and Outcomes Report: Quarter 3, 2023/2024.
- 7.8 **e) RQIA Equality Working Group**  
BD outlined that the RQIA Equality, Good Relations and Disability Duties - Annual Progress Report 2022-23 and the Equality and Disability Action Plans 2023-28 had been updated and submitted as appropriate.
- BD stated that BARC was updated in relation to safeguarding training across the organisation and plans to provide further human rights training in 2024/2025. BD highlighted that the focus will be reviewing the actions within the plan and reporting on progress going forward.
- BD highlighted that the National Preventive Mechanism (NPM) Annual Report was also discussed.
- JM noted that NL had recently been appointed as the Equality and Disability Champion for RQIA.
- 7.9 The Authority **NOTED** the update in relation to the RQIA Equality Working Group.

- 7.10 **f) RQIA Draft Communications and Involvement Strategy 2023-2028**  
BD advised that the draft version of the Communications and Involvement Strategy for 2023- 2028 had been fully considered by BARC.

CC stated it was positive to see the Strategy come to the Authority for approval and that it must become a living document for RQIA.

JM noted that the appendix provides an overview of the corporate strategy objectives and the actions that align to each communication and involvement objective. These actions will form the delivery plan for the Strategy.

- 7.11 The Authority **APPROVED** the RQIA Communications and Involvement Strategy 2023-2028.

7.12 **g) Digital**

A Business Continuity /Cyber Workshop was held on 22 February 2024, with staff representing each Directorate/Division in attendance. This aided the review and refresh of the Business Continuity Plan, specifically the ICT element if the HSC network and electronic systems were unavailable. The Plan is being updated with comments from those staff who attended the Workshop.

BD noted that the business case for the replacement of iConnect has been commenced. A Project Manager is in post, with funding being provided by HSC Digital NI. The replacement of iConnect is a three to five-year plan and RQIA is seeking both capital and revenue funding from the DoH.

BD updated the Authority in respect of changes and some updates being made to iConnect and the Web Portal which are being taken through the Digital Programme Board. A Business Case was submitted to the DoH in March seeking funding for upgrades to the Web Portal which will help to improve registration processes.

- 7.13 The Authority **NOTED** the digital update.

7.14 **h) Policies and MoUs**

**i. Review of Policies**

**ii. Policy: Raising a Concern (Whistleblowing): Paused as awaiting Nomination of Whistleblowing Champion at Authority Level**

**iii. Policy and Procedures: Inspection Support Volunteers**

**iv. Policies and Procedures: Registration:**

- **Administration of Income Procedures**
- **Access NI**
- **On Hold Policy**

**v. Policy: Publication of Children's Inspection Reports and Procedure for Children's Team Inbox**

**vi. Local Operational Protocol: RQIA Role Within Follow Up of Review Recommendations**

7.15 **i. Review of Policies**

BD reminded Members of the Project in place to review regulatory policies and outlined that an improved organisation policy library is currently in development to ensure greater levels of accountability around policy

development and approval. Progress is slower than planned however colleagues are working to achieve implementation by early 2024/2025.

CC noted the importance of having sound policies and a robust process for approval of these, commenting it is good to see the development of this structure and library.

7.16 The Authority **NOTED** the update on the review of policies.

7.17 **ii. Policy: Raising a Concern (Whistleblowing):  
Paused as awaiting Nomination of Whistleblowing Champion at  
Authority Level**

CC highlighted that the Cultural Assessment will feed into the development of the Raising a Concern (Whistleblowing) Policy, hence the decision to pause adoption of the recently reviewed Policy.

CC noted that a Speak Up Champion at Authority level had been appointed and that is Sara Wakfer (SW).

BD stated that staff had been made aware of the development of this policy at the March staff meeting, with a Speak Up Champion being appointed.

The Authority **NOTED** the Raising a Concern (Whistleblowing) Policy.

7.18 **iii. Policy and Procedures: Inspection Support Volunteers**

BD noted that this and the following items were a series of policies that been through the RQIA Policy Group, EMT and BARC and were coming for Authority approval.

The Authority **APPROVED** the Inspection Support Volunteers Policy.

7.19 **iv. Policies and Procedures: Registration:**

- **Administration of Income Procedures**
- **Access NI**
- **On Hold Policy**

BD outlined that these are operational policies in relation to registration.

In response to a query from CC, BD noted that one of the upgrades included in the Web Portal Business Case was in relation to payment and, subject to approval of the Business Case, RQIA could move to only accepting payment by bank transfer, which would speed up the registration process.

The Authority **APPROVED** the Administration of Income Procedures, Access NI Policy and On Hold Policy.

7.20 **v. Policy: Publication of Children's Inspection Reports and Procedure  
for Children's Team Inbox**

The Authority **APPROVED** the Publication of Children's Inspection Reports Policy and the Procedure for the Children's Team Inbox.



7.21 **vi. Local Operational Protocol: RQIA Role Within Follow Up of Review Recommendations**

BD highlighted that this Protocol was developed following an internal audit recommendation. The Protocol outlines what responsibility sits with the DoH and what sits with RQIA.

CC noted that she was pleased to see this Protocol developed and coming to the Authority.

The Authority **APPROVED** the Local Operational Protocol: RQIA Role Within Follow Up of Review Recommendations.

8.0 **Audit and Risk Assurance Committee (ARAC):**

- a) **Meeting of 7 March 2024: Verbal Update**
- b) **RQIA Risk Management Strategy 2023-2025 (updated Risk Appetite)**
- c) **Principal Risk Document**
- d) **Directorate of Hospitals, Independent Healthcare, Reviews and Audit Risk Register**
- e) **External Audit: RQIA Audit Strategy for 2023-2024**
- f) **Internal Audit Update (including Audit on Complaints Management and Risk Management)**
- g) **Internal Audit Strategy and Annual Plan 2024/2025**
- h) **RQIA Audit Action Plan**
- i) **Standing Reports**

8.1 EC left the meeting at 1.26 pm.

8.2 **a) Meeting of 7 March 2024: Verbal Update**

An update from the ARAC meeting on 7 March 2024 was provided by AM, who acted as chair for the meeting, as follows:

8.3 **b) RQIA Risk Management Strategy 2023-2025 (updated Risk Appetite)**

AM outlined that David McCann, Head of Business Services, presented at the ARAC meeting on the Risk Management Strategy. The Strategy has now been updated with the agreed approach to risk appetite following the Authority Workshop on 18 January 2024. The approach will move from a cautious to a realistic risk appetite, depending upon the risk category.

AM noted that five risk categories are outlined and there is a risk appetite matrix, which will be subject to annual review. AM advised that SW has agreed to work with David McCann further and align each risk in the Principal Risk Document with risk appetite.

8.4 CC asked should it be in the calendar to specifically to look at the Principal Risk Document, horizon scanning and risk appetite and hold a workshop each January. JM noted the Authority Workshop on 23 January 2025 could be used to facilitate this.

8.5 **Resolved Action 271: Authority Workshop on 23 January 2025 to be used as a Risk Management Workshop.**

AM concluded the update by outlining that the Risk Management Strategy sets out the process for assessing, evaluating, escalating and de-escalating risk.

Risk is tabled at team meetings and EMT meetings to consider controls and actions. AM noted that the Strategy will be subject to annual review.

The Authority **APPROVED** the RQIA Risk Management Strategy 2023-2025 (updated Risk Appetite).

JM left meeting at 1.29 pm.

8.6 **c) Principal Risk Document**

AM noted that ARAC reviewed the Principal Risk Document in detail at their last meeting. There are no risks that need to be raised to the Authority today. AM noted that achieving break-even is key for RQIA and the financial risk will become greater next year, even in a flat cash scenario.

8.7 The Authority **APPROVED** the Principal Risk Document.

8.8 **d) Directorate of Hospitals, Independent Healthcare, Reviews and Audit Risk Register**

AM noted that EH presented the Risk Register for the Directorate of Hospitals, Independent Healthcare, Reviews and Audit and there were no fundamental changes, since the previous review.

8.9 EH outlined to the Authority that External Audit were present at the ARAC meeting and noted that their suggestions had been implemented and the risk register was in order.

8.10 The Authority **APPROVED** the Directorate of Hospitals, Independent Healthcare, Reviews and Audit Risk Register.

8.11 **e) External Audit: RQIA Audit Strategy for 2023-2024**

AM outlined that External Audit confirmed the audit timetable for undertaking the 2023/2024 external audit and noted that discussion was held with BSO Finance to ensure that similar delays experienced last year were not repeated.

AM noted that Stephen Knox is retiring at the end of March and RQIA will be liaising with Philip McDonald and Rachel Porter at the NIAO office going forward.

8.12 CC acknowledged the support and expert advice that Stephen had provided to RQIA over the years.

8.13 The Authority **NOTED** the External Audit: RQIA Audit Strategy for 2023-2024.

8.14 **f) Internal Audit Update (including Audit on Complaints Management and Risk Management)**

AM noted that Internal Audit presented their progress report which include reports on the audits of Complaints and Risk Management. Both were deemed satisfactory and some recommendations have already been implemented. Management has accepted all recommendations.

- 8.15 CC congratulated JM's Team in relation to a good result on the Complaints Audit and recognised the extensive work across the organisation in ensuring risk at all levels is managed appropriately, again noting the satisfactory result.
- 8.16 The Authority **NOTED** the Internal Audit Update (including Audit on Complaints Management and Risk Management).
- 8.17 **g) Internal Audit Strategy and Annual Plan 2024/2025**
- AM reported that Internal Audit presented the Strategy and Annual Plan for 2024/2025, with 52 days of auditing in 2024/2025, including specific areas outlined in the annual plan. AM noted that Internal Audit have a three-year strategy that covers from 2022/2023 to 2025/2026.
- 8.18 EH left the meeting at 1.34 pm.
- 8.19 The Authority **APPROVED** the Internal Audit Strategy and Annual Plan 2024/2025.
- 8.20 **h) RQIA Audit Action Plan**
- AM informed the Authority that ARAC had reviewed the outstanding audit actions and there were no surprises. AM noted that a number of recommendations that have been partially implemented have a deadline of 31 March 2024 for completion.
- 8.21 BD advised that she had raised this at EMT and work is ongoing to complete the relevant actions.
- 8.22 The Authority **APPROVED** the RQIA Audit Action Plan.
- 8.23 **i) Standing Reports**
- AM noted that standing reports were reviewed and approved by ARAC.
- Before the close of this agenda item, CC welcomed SW as the new incoming Chair of ARAC.
- 8.24 The Authority **NOTED** the update on Standing Reports.
- 9.0 Legislative and Policy Committee (LPC): Verbal Update**
- a) Meeting of 14 March 2024**
  - b) Registration Matters: Independent Healthcare**
    - Independent Clinics (Full Cost Recovery Project)
    - Independent Medical Agencies (IMAs)
  - c) Mental Capacity Act: Position and Business Case**
  - d) Adult Protection Bill**
  - e) RQIA Authority since Closure of HSC Board**
  - f) Public Inquiries**
  - g) Enforcement Powers and Actions**
- 9.1 **a) Meeting of 14 March 2024**
- An update from the LPC meeting on 14 March 2024 was provided as follows:

9.2 **b) Registration Matters: Independent Healthcare**

• **Independent Clinics (Full Cost Recovery Project)**

As Chair of LPC, AM provided the update, noting that this item was considered during the Business in Confidence session earlier. At the time of LPC meeting, the paper was in development.

AM had raised at the committee meeting that a half day workshop for the Authority to specifically consider the Full Cost Recovery Project would be useful.

As per the earlier discussion, Monday 16 April 2024 has been identified as suitable.

9.3 **Resolved Action 272: Workshop to take place on 16 April 2024 for Authority Members to further consider the Full Cost Recovery Project.**

• **Independent Medical Agencies (IMAs)**

9.4 AM noted that this was around those IMAs which are not based in Northern Ireland but are providing services to its citizens. The LPC had secured the DoH legal advice from the Departmental Solicitor's Office (DSO) and agreed that further advice should be sought from counsel. Sean McDermott, RQIA Solicitor, has agreed to speak with counsel.

AM noted that the advice from DSO was in the form of a brief exchange of internal emails. The LPC is seeking a definitive view and acknowledged that it may be difficult to ascertain said view on an area as complex due to the lack of a legislative basis for what constitutes a 'base'.

9.5 The Authority **NOTED** the update on Registration Matters: Independent Healthcare.

9.6 **c) Mental Capacity Act: Position and Business Case**

AM reported that a Business Case seeking funding for RQIA to carry out its statutory duty in relation to the Mental Capacity Act (MCA) was submitted to DoH some time back, however the DoH has since requested that it is split into two separate cases: one in relation to RQIA's role with patients with valuables over £20k and the remaining elements dealing with forms for patients who are under Deprivation of Liberty Safeguards (DoLS). This split business case has not been submitted as yet as it will take some work to do this and we do not have dedicated support staff for these cases.

AM advised that this position should be reviewed as there are no resources for RQIA to fulfil its statutory duties. AM noted the increasing work within the Mental Health Directorate and the need to secure adequate funding for our core work too.

9.7 CC agreed that is a difficult position for RQIA to be in given the duties outlined in legislation.

9.8 AM highlighted that RQIA is left in a position where it is unable to demonstrate protection for these patients in accordance with its responsibilities. AM noted that MAHI will look at RQIA's role in detail and would be surprised if a question was not raised about RQIA's role in protecting people subject to a DoLS but RQIA does not possess the resources to fully carry out this role.

- 9.9 The Authority **NOTED** the update in relation to Mental Capacity Act: Position and Business Case and **NOTED** that the DoH has not approved the original Business Case and has instead asked RQIA to produce segregated business cases, which are in process.
- 9.10 **d) Adult Protection Bill**  
AM outlined the primary issue discussed at the latest LPC meeting was that of Closed Circuit Television (CCTV) and RQIA's inspection of same. A further issue was discussed in relation to the definition of supported living and the DoH's decision to remove the same from the draft bill, following advice from counsel and therefore supported living will not fall under the remit of the Adult Protection Bill.
- 9.11 SW noted at the committee meeting that CCTV is used in these setting in England and the Care Quality Commission (CQC) have produced guidance on this issue.
- 9.12 The Authority **NOTED** the update on the Adult Protection Bill.
- 9.13 **e) RQIA Authority since Closure of HSC Board**  
AM reported that the LPC considered the gap that exists in the legislation following the closure of the HSC Board to allow RQIA to regulate the activities. The Committee is awaiting formal correspondence from DoH on the scope of RQIA's role.
- AM advised that the Strategic Planning and Performance Group (SPPG) do agree to work with RQIA on a goodwill basis, however RQIA would not have a legislative basis for this. AM further noted that new legislation will be required or amendments to current legislation made.
- 9.14 The Authority **NOTED** the update on RQIA Authority since Closure of HSC Board.
- 9.15 **f) Public Inquiries**
- 9.16 **Muckamore Abbey Hospital Public Inquiry (MAHI)**  
AM informed Members that the Inquiry will be specifically looking at the role of RQIA and the former Mental Health Commission (MHC) under Module 5. AM noted that four further Rule 9 requests were received by RQIA: one corporate response, which is being drafted by the Director of Mental Health, Learning Disability, Children's Services and Prison Healthcare, and three to individual staff members, one current and two former staff. AM advised it was likely that RQIA staff will be called to give oral evidence to the Inquiry.
- 9.17 CC acknowledge the demand that is being placed on staff to draft these responses and that RQIA is committed to full co-operation with this Inquiry and the other Public Inquiries with which it is involved.
- 9.18 **Covid-19 Public Inquiry**  
AM highlighted that RQIA is a core participant in Module 6 and a Business Case is being developed by BD for RQIA to have a dedicated team to service the Inquiry's requests for information.

9.19 BD advised of her intention to submit the Business Case as soon as possible.

9.20 **Urology Public Inquiry**

AM remarked positively on BD's appearance before the Inquiry at the end of February. He noted that BD made appropriate concessions and provided considered explanation during the session.

AM noted that oral evidence to the Inquiry will conclude shortly and the report should be published in Autumn 2024.

9.21 The Authority **NOTED** the update on Public Inquiries.

9.22 **h) Enforcement Powers and Actions**

AM informed the Authority that he has met with each of the directors and all are agreed that the current sanctions against services where RQIA can prosecute are limited and insufficient. These are ongoing issues for RQIA and legislation needs to be amended.

AM shared LL's view that special measures can only be placed by the DoH on a Part IV service but there appears to be a lack of understanding in the DoH on what a special measure is and how it can/should be applied. It would more appropriate for RQIA, like CQC, to determine special measures.

9.23 CC remarked that there is much within the remit of the LPC that needs to be brought forward in a marshalled way.

9.24 The Authority **NOTED** the update in relation to Enforcement Powers and Actions.

**10.0 Financial Performance Report: 2023/2024 Month 10**

CC invited BD to present the Month 10 report to the Authority. BD thanked Chair and asked she if may invite PC to comment on the report.

10.1 PC noted that the overall financial position at Month 10 was a surplus of around £44k.

PC stated that he had just had sight of the Month 11 Report which is showing a slightly higher surplus, however the RQIA is still year-end projecting a break-even position.

One item referred to was about accrual for senior executive pay.

10.2 CC noted the tight margin of only £20k surplus or deficit that must be achieved. CC stated that RQIA can be confident it is on the right path in respect of finances.

10.3 PC noted that he has monthly meetings with Directors and Heads and that the Chief Executive then meets with the BSO Client Accountant and himself and RQIA Head of Business Services to review all budgets and spends. This review goes through budgets on a line by line basis to ensure maximum scrutiny.

10.4 CC congratulated BD and the Team on reaching this point in the finances and thanked PC for his support.

10.5 Following consideration, the Authority **APPROVED** the Financial Performance Report: 2023/2024 Month 10.

There being no other business, the Chair closed the meeting at 1:58 pm.

**Date of Next Meeting:**

Full Authority Meeting: Thursday 25 April 2024 at 9:30 am via MS Teams

**Signed**






**Christine Collins MBE  
Chair**



**Date**

25 April 2024

## Authority Action List: Meeting of 28 March 2024

Authority Public Session: Action List					
Action number	Authority meeting	Agreed Action	Responsible Person	Date due for completion	Status
270	28 March 2024	Bank of Ireland Mandate: Authority Chair to share Bank of Ireland correspondence with Financial Advisor, who will follow up with the Business Services Organisation (BSO) and Bank.	Authority Chair / Financial Advisor	25 April 2024	
271	28 March 2024	Authority Workshop on 23 January 2025 to be used as a Risk Management Workshop.	Head of Corporate Affairs	25 April 2024	
272	28 March 2024	Full Cost Recovery Model: Workshop to take place on 16 April 2024 for Authority Members to further consider the Full Cost Recovery Project.	Head of Corporate Affairs	25 April 2024	

### Key

Behind Schedule	
In Progress	
Completed or ahead of Schedule	