

PUBLIC SESSION

RQIA Authority Meeting

Thursday 20 April 2023 at 11:15 am

Via MS Teams

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

1.1 The meeting commenced at 12.03 pm.

1.2 Apologies were received from Mary Mclvor (MMcl) and Malachy Finnegan (MF).

2.0 Agenda Item 2 - Minutes of the Meeting of the Authority held on 16 March 2022 and Matters Arising

2.1 BD provided an update to the Action List from the previous meeting of 16 March 2023.

2.2 Action 255 – RQIA Statement relating to the 'RQIA Review of Systems and Processes for Learning from Serious Adverse Incidents in Northern Ireland, June 2022' - BD reported that the Chair approved a final version with victim's family member input, the PCC and the Mental Health Champion's Office. RQIA, PCC and the Mental Health Champion has also jointly written to the DoH, offering assistance and input in development of an Involvement Charter, although no response as yet. BD agreed to send Statement to Authority Members for information and then send on to the Director at Sponsor Branch for information.

- 2.3 Actions 258 and 259 are both closed. In relation to the Partnership Agreement, JM updated Members, explaining that the current version, with RQIA's amendments, remains with the DoH. RQIA has requested return by next week to allow time to consider any further amendments from the DoH.
- 2.4 Action 260 – ongoing. KH advised that the meeting with the social workers to discuss the previous use of a controlled risk self-assessment for the care homes and possible future applications will take place by the end of May 2023.
- 2.5 Subject to the following minor amendments raised by AM and agreed:
- Minute: 4.10, second para: the number “3” missing from “2023”; and
 - Minute: 6.5 – Inquiries Act, replace the word “would” with “could”

Authority Members **APPROVED** the minutes of 16 March 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) RQIA Strategic Plan 2022-2028

- 4.1 CC congratulated the Executive Management Team and the Communications Team for assisting with the development of a very comprehensive document, outlining RQIA's strategic objectives and enabling priorities over the next 5 years. CC commented particularly on the modern look and feel of the document. CC advised she and the Chief Executive were finalising a few editorials.
- 4.2 CC advised she would use the Plan to present an overview of RQIA during her future engagement activities with key stakeholders, commencing with the newly appointed HSC Trust Chairs, which had been announced earlier this week.
- 4.3 SE agreed the document was a good representation of RQIA's work and advised that it would be prudent to write to the DoH prior to publication to the website in order to be open and transparent.
- 4.4 Subject to minor editorials, all Members **APPROVED** the RQIA Strategic Plan 2022-2028.
- 4.5 **Resolved Action: 261: BD to draft a covering letter for Chair to submit the Plan to the DoH. The Plan will then be published to the RQIA website.**

5.0 Agenda Item 5 - Legislative and Policy Committee (LPC):

a) Meeting of 28 March 2023: Verbal Update

b) Terms of Reference

c) National Preventive Mechanism: New Constitution

5.1 a) Meeting of 28 March 2023: Verbal Update

AM, as the Chair of the new Legislative and Policy Committee (LPC) provided an overview of the agenda items discussed at the inaugural meeting on 28 March 2023, as follows:

- Breadth of legal responsibilities for RQIA – an extract from the submission to the Muckamore Abbey Hospital Inquiry (MAHI) was used to inform the discussion;
- The responsibilities in respect of the Mental Capacity Act (MCA) and lack of resources in the organisation to meet such responsibilities;
- Muckamore Abbey Hospital Inquiry and the challenge with not having received full funding and the capacity issues across the organisation. The Committee had agreed the need to ensure the organisation keeps raising this issue when engaging with the DoH;
- Enforcement powers and the need to update the legislation and also the procedures – this will remain on the agenda for the foreseeable future; and
- Legal services provided to RQIA by the Business Services Organisation (BSO) under the Service Level Agreement (SLA) and the experience of using DWF, an independent legal firm for the MAHI work from November 2022.

AM specifically drew the following under b) and c) to Members' attention.

5.2 **b) Terms of Reference**

AM provided an outline of the new Committee's Terms of Reference, included in the papers. AM explained that the Committee is established 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.

The draft Terms of Reference were considered fully at the inaugural meeting and agreed. AM went on to explain that the LPC will make recommendations, where appropriate, and bring to the Authority for its approval. The Committee would meet on a quarterly basis, as far as possible, during its first year and dates are being agreed.

5.3 CC thanked AM for ensuring the Committee had been established and noted that the Standing Orders will require to be reviewed to include the new Committee into the Authority structures.

5.4 **Resolved Action: 262: Chair to discuss a method to review the Standing Orders by Autumn with the Head of Corporate Affairs.**

5.5 The Authority **APPROVED** the Terms of Reference of the new Legislative and Policy Committee (LPC).

5.6 **c) National Preventive Mechanism: New Constitution**

AM provided background to the UK National Preventive Mechanism (NPM), which is a group of independent organisations, RQIA being one such organisation, with purposes relevant to the deprivation of liberty, but all with distinct remits. The NPM is established to fulfil an international mandate while they retain their independent purposes and functions in all respects. They come together with a view to sharing perspectives and experience and thereby seek to promote best practice within the UK.

AM explained that a new Constitution has been adopted at a UK wide conference. The LPC has agreed the new Constitution and AM is requesting the Authority's approval, in order that RQIA can confirm to the NPM that it has been accepted by RQIA.

- 5.7 EH advised Members that the new Constitution had been adopted at the UK conference, with some minor points raised by other NPM members.
- 5.8 SW commented that the remit appears to be a 'light touch' in respect of organisations in Northern Ireland, for example, there being no organisations representing children. Also, that there appears to be a focus on prisons' representation on the Northern Ireland Steering Group.
- 5.9 NL advised that Anne Owers was the previous Chief Inspector of Prisons. NL noted that there are threats to Deprivation of Liberty, particularly from the community perspective in Northern Ireland. She noted an interest from the Sub-Committee and at the European level about the community.
- 5.10 EH advised that she was hopeful that the launch of the new Constitution would bring a refresh to the focus. She explained that the maximum term for CJINI on the Steering Committee is three years and Mrs Rachel Lindsay has now served her three years. However, as all other Members were new, a request had been accepted for CJINI to remain for a further year. EH advised that she has made it known that RQIA would wish to be considered for a place on the Steering Committee. EH noted that the issues of immigration and new legislation takes up a lot of time of the group. EH thanked Members and offered to meet to hear more about this aspect.
- 5.11 CC agreed that it would be useful for RQIA to have a seat on the Steering Committee, following Mrs Lindsay's completion of her extension. This would help to build relationships with colleagues from justice and prisons.
- 5.12 The Authority ADPOTED the new Constitution.
- 5.13 Resolved Action: 263: EH to send a formal note on behalf of the Authority Chair, advising of the Authority's approval to adopt the new NPM Constitution.**
- 5.14 CC thanked AM for his update and noted the considerable workload identified, saying that this was a really good starting point to the new Committee.

6.0 Agenda Item 6 - Members Activity Report

- 6.1 Members noted the Members Activity Report, which illustrates all Authority activity since 1 February 2023 (the date of appointment of the new Authority Members) and the breadth of work undertaken.

7.0 Agenda Item 7 - Financial Performance Report (Month 11)

- 7.1 CC welcomed PC to the meeting.
- 7.2 PC presented the Month 11 (February 2023) Financial Performance Report, noting a small surplus of circa £9k.

PC advised that the organisation is projecting that the core RQIA expenditure and current trends are in line with a break-even position at year end. A projected deficit of circa £155k, largely due to costs associated with the MAHI work, cannot be reduced at this stage of the year, however we are likely to receive additional income before the year end that will cover this.

PC explained that the deficit is more likely to be in the region of £100k-£120k, as some figures will move towards year end. He noted that it was disappointing that some figures from BSO, specifically in respect of the Annual Leave provision had moved, as BSO had not appeared to factor in any variations from last year. PC went on to say that timing from the DoH in issuing the pay award in Month 12 (projected and actual cost) had resulted in RQIA receiving more income than had been projected and, while this was positive, the figure was lower than expected at the end of year out-turn. The expectation is that DoH will fully fund any shortfall. BSO had advised RQIA to not request the full deficit of circa £155k. PC felt that an amount greater than the £100k suggestion by BSO should be requested.

PC concluded that RQIA will complete its break-even position at year end and noted that this has been achieved through a lot of hard work. He particularly thanked Business Support Unit colleagues and also the managers across the organisation in managing their budgets.

In relation to the next year, PC noted that it has become clear that Northern Ireland will face a very challenging year, not unlike the 'Thatcher years'. There will continue to be difficult decisions to be made across the system, which could have a significant impact upon frontline services. PC explained that he has advised managers not to make decisions early on in the year and this is being enacted by the Chief Executive and Management Team.

- 7.3 CC congratulated the Team, managers and PC and noted that, most importantly, the organisation had demonstrated full spend of its allocation and a little more.
- 7.4 NB commented that this was good news and asked about BSO's actions and advice in relation to the roll-up of holiday pay and the advice to request only circa £100k at year end, that is, why did BSO (who are our supplier) not do as they were asked.
- 7.5 PC advised that it is about timing and he felt that BSO should have actioned the holiday pay during month 10 and 11 and commented that it was not for the lack of RQIA staff continually requesting that this should be done and supplying the necessary numbers. In terms of the request for the lower amount of £100k at year end, PC noted that BSO were endeavouring to manage the risk and waiting to as late as possible in the year to ensure we are certain on the amount required to break-even. PC also advised that the Chief Executive has raised various issues to BSO management in relation to failings in customer service and would continue to do so.
- 7.6 NB continued and advised from his other work commitments he had heard that another government department had advised of the need to start to reduce services across the region, which would result in a knock-on effect for health. NB felt this would be a challenging period, with redundancies and replacement and would take around 10 years to sort out. Also, that the Secretary of State is considering the introduction of legislation to increase powers of the Permanent Secretaries.

7.7 CC agreed that the finances are something that the Authority is going to have to look at very carefully. CC suggested that discussion about our approach to the next financial year could be taken at the 'In Conversation' event for Authority Members and the Chief Executive next week. CC reminded all that it is RQIA's responsibility to ensure that the DoH is well aware of the risks involved. CC noted that at a recent meeting of the Chairs, the advice was to take any suggestions / ideas for new ways of working and improved efficiencies directly to Brigitte Worth or Chris Matthews at the DoH.

CC thanked PC for his advice and guidance.

7.8 Authority Members **APPROVED** the Financial Performance Report (Month 11).

8.0 Agenda Item 8 - Medical Appointments: 2022/2023

8.1 LL provided the background to the paper which was included to inform Authority Members of an overview of the business of the Medical Appointments Committee since April 2022. The paper provides information on Membership; Appointments made by the Committee from April 2022 to 28 February 2023; Medical Practitioners Leavers / Retirees; List of Appointed Medical Practitioners; and List of Appointed Second Opinion Medical Practitioners. Of note, the amount of medical practitioners (under Part II and Part IV) to give medical opinions. LL also advised that AM had joined the last meeting.

LL commented that the Committee continues to keep the Terms of Reference under review and other members of the Committee are currently reviewing and updating procedures and, where necessary, seeking legal advice about our responsibilities under the Mental Health Order.

8.2 CC commented that this is an important area of work, in safeguarding those who fall under this legislation; and that the revisions to procedures and to the Terms of reference will also fall to be considered in the Review of Standing Orders. Members **NOTED** the Medical Appointments: 2022/2023 report.

9.0 Agenda Item 9 - Childrens' Inspection Reports: Consultation Outcome

9.1 LL introduced the Consultation Outcome from the public consultation around publishing the inspection reports of children's services, noting this has been a significant piece of work throughout 2022/2023. She commented on the background, explaining that while RQIA has not previously published these reports due to protection and safeguarding of the children, there had been a lot of FOI challenges in this area.

LL took Members through the Consultation Outcome document and advised that the outcome indicated that the way forward would be to publish the Inspection Reports with redacted information and the use of Complex Codes to protect the identity of the children.

RQIA would now establish a Short Life Working Group which will consider the outcomes from the consultation and take forward the necessary actions and further consideration will be given to ensuring meaningful involvement of children, young people and key stakeholders, such as children's groups, VOYPIC and NICCY.

LL thanked colleagues in the Children's Team and in the Communications Team for their assistance in producing the report

- 9.2 NL congratulated the Team, saying this is a really complicated area in a jurisdiction as small as Northern Ireland and it would be challenging to protect the identity of individual children. NL also advised of increasing numbers of children in the asylum sector which, again, will add more complexity. NL asked if Authority Members would be able to see a few examples of the reports.
- 9.3 LL advised that she would be happy to bring the outworkings of the work to the Authority. The Short Life Working Group would use an existing inspection report and mock it up.
- 9.4 CL commended the work, noting that it was disappointing that the Safeguarding Board for Northern Ireland (SBNI) had not made any comment and suggested it would be useful to touch base with them and also with the Public Protection Arrangements in Northern Ireland (PPANI).
- 9.5 LL explained that RQIA was presently reaching out to SBNI to try and strengthen the relationship and she would include them as part of the Short Life Working Group.
- 9.6 **Resolved Action: 264: LL to take all comments on board in respect of the next steps to establish a Short Life Working Group and to bring a sample inspection report back to the Authority in due course.**
- 9.7 CC thanked and congratulated LL and the Teams involved.
- 9.8 Members **APPROVED** the Childrens' Inspection Reports: Consultation Outcome and the next steps as outlined.

LL left the meeting at 12:55 pm.

10.0 **Agenda Item 10 - Deceased Patients Review: Verbal Update**

- 10.1 EH provided an update and explained the Phase II report had been published in November 2022 and the Team were working with a small group of families to provide clarity about decisions to be made at DoH level. RQIA continues to engage with the Belfast Trust, maintains contact with the families and the helpdesk remains operational. Families have been notified of progress and support continues to be provided. RQIA has also provided the General Medical Council (GMC) with the individual reports, which have been redacted, on the basis of the public interest as materially relevant to the fitness to practice of Dr W.
- 10.2 The Authority **NOTED** the Deceased Patients Review Update.

11.0 **Agenda Item 11 - RQIA Review of Southern HSC Trust Urology Services and Lookback Review: Verbal Update**

- 11.1 EH provided an update, explaining that there are three distinct processes underway:
- The Urology Inquiry – a statutory process, which is fully independent; and

- RQIA is taking forward the other two pieces, to provide assurance that the current practice and care in the Trust is good and that the Trust is meeting its obligations.

RQIA had undertaken a structured case review and a look-back and assessment of in relation to sub-optimal care. This has been completed and the report shared with the Trust, which is working through factual accuracy.

EH advised that the Terms of Reference for the RQIA Review of the Southern HSC Trust Urology Services and Look-Back Review is on the website. The Review will look back at whether things were operating properly and examining the systems to ensure Safe Care Now is being delivered. Term of Reference 1 is completing fieldwork and it is planned to have a draft report in in July to share with the Authority. EH advised that, given the Inquiry is ongoing, there is good reason for the DoH to seek further assurance.

- 11.2 CC was pleased to note that we are looking at system as a whole in endeavouring to explore how effective Southern Trust's actions were in this situation.
- 11.3 EH agreed that it is better to consider and apply the learning now, rather than waiting for the Inquiry to report.
- 11.4 Following a request from AM to clarify that RQIA is not actively involved in Inquiry, EH confirmed that RQIA is not a core participant. EH explained that the Southern Trust had invited RQIA to undertake the structured case review. Since then, the Inquiry has pointed out minor questions for clarification from the report. It was important that RQIA's work did not duplicate on encroach onto the Inquiry's work: care had been taken to avoid this.
- SE left the meeting at 1.11 pm.
- 11.5 CC thanked EH for the update, noting that there is learning for the Trust Chairs around a lot of this work, building a network of communication and governance around the system to ensure good practice is implemented, and real learning takes place.
- 11.6 The Authority **NOTED** the update to the RQIA Review of Southern HSC Trust Urology Services and Lookback Review.

There being no other business, the Chair closed the meeting at 1:14 pm.

Date of Next Meeting:

The next Authority Meeting will take place on Thursday 25 May 2023 at 1:15 pm.

Signed

**Christine Collins MBE
Chair**

Date

25 May 2023

Authority Action List: Meeting of 20 April 2023

Authority Public Session: Action List					
Action number	Authority meeting	Agreed Action	Responsible Person	Date due for completion	Status
255	8 December 2022 20 April 2023	Preface relating to the 'RQIA Review of Systems and Processes for Learning from Serious Adverse Incidents in Northern Ireland, June 2022' completed and published to website. BD agreed to send preface to Authority Members for information and then send on to the Director at Sponsor Branch.	Chief Executive Chief Executive	When agreed with stakeholders	
260	16 March 2023	KH and SW to meet to discuss previous use of a controlled risk self-assessment for the care homes and possible future applications.	Professional Advisor, Social Work and Authority Member, SW	31 May 2023	
261	20 April 2023	RQIA Strategic Plan 2022-2028 to be submitted to the DoH, prior to publication to the RQIA website.	Chief Executive	31 May 2023	
262	20 April 2023	Chair to agree a method to review the Standing Orders by Autumn with the Head of Corporate Affairs.	Chair	30 September 2023	
263	20 April 2023	A formal note on behalf of the Authority Chair, to be issued to the UK NPM, advising of the Authority's approval to adopt the new NPM Constitution.	Director of Hospitals, Independent Healthcare, Reviews and Audit	25 May 2023	
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	