



PUBLIC SESSION MINUTES

RQIA Board Meeting

Board Room, 9th Floor, Riverside Tower, Lanyon Place, Belfast

9 February 2012, 2:00pm

Present

Ian Carson (Chairman)
Richard Adams
Geraldine Donaghy
Sarah Havlin
Lilian Jennett
Ruth Laird
Allen McCartney
Patricia McCoy
Una O'Kane
Denis Power
Colin Reid
Austin Smith
Lindsey Smith

Officers of the Board present

Glenn Houston (Chief Executive)
Maurice Atkinson (Director of Corporate Services)
Robert Graham (Committee Services Manager)
Theresa Nixon (Director of Mental Health and
Learning Disability and Social Work)
Phelim Quinn (Director of Regulation and Nursing)
David Stewart (Director of Reviews and Medical
Director)

Apologies

None

Apologies

None

12.9 Item 1 - Welcome and Chairman's Remarks

12.9.1 The Chairman welcomed Board members and Officers of the Board to the meeting and specially welcomed the three new members who had been appointed to the Board in December 2011.

12.10 Item 2 - Minutes of the meeting of the Board held on Thursday 10 November [Paper min/Nov11/public]

12.10.1 The Board **APPROVED** the minutes of the Board meeting held on 10 November.

Resolved Actions

- Minutes to be formally signed off by the Chairman

12.11 Item 3 - Matters arising from minutes

11.120.8 Corporate Information Management System (CIMS) Project

12.11.1 The Director of Corporate Services advised that a meeting of the CIMS Project Board had taken place in advance of the Board

meeting and that it was anticipated that a revised business case would be submitted to Programme Management Unit (PMU) next week.

11.121.6 Finance Reports

12.11.2

The Chief Executive said that RQIA would review the format of finance reports from 1 April 2012 and would welcome input from Board members on what supplementary information they would like to receive.

12.12 Item 4 - Declaration of Interests

12.12.1

The Chairman asked Board members if, following consideration of the agenda items, any interests were required to be declared in line with Standing Orders. No declarations of interests were made.

12.12.2

The Chairman asked Board members to ensure that if they were required to update their entry in the RQIA Register of Interests that they should advise the Committee Services Manager accordingly.

12.13 Item 5 - Chairman's report - Chairman [Paper B/01/12]

12.13.1

The Chairman presented his report to the Board and noted that he had attended 10 meetings on behalf of RQIA since the previous Board meeting.

12.13.2

The Chairman said that on 16 November RQIA had hosted a successful meeting of UK-wide inspectorate bodies and that the Justice Minister David Ford had given the opening keynote address. The Chairman commended the work of the RQIA staff who were involved in the organisation and administration of the event.

12.13.3

The Chairman noted that he, along with the Chief Executive, had met with the new Human Rights Commissioner, Michael O'Flaherty to discuss future opportunities for joint working.

12.13.4

The Board **NOTED** the Chairman's Report.

12.14 Item 6 - Chief Executive's Report - Chief Executive [Paper C/01/12]

12.14.1

The Chief Executive presented his Report to the Board and began by giving an overview of the key meetings he had attended. He said that he had met with the Chief Executive of the Legal Services Commission and that this had been a useful meeting.

12.14.2

The Chief Executive said that during the previous week he had met with Professor Troop and with Minister Poots regarding RQIA's proposed review of the recent pseudomonas outbreak in neonatal

wards.

- 12.14.3 The Director of Regulation told the Board that there had been a significant number of enforcement actions issued since the last Board meeting. He said that with regard to Owenvale Court nine notices had been issued and that a further two notices had been issued following a recent further pharmacy inspection. He said that RQIA was taking legal advice on next steps. He added that the Belfast Trust was also undertaking a safeguarding investigation and that the facility was voluntarily not admitting any new residents.
- 12.14.4 A Board member asked if RQIA had been aware of the issues within Owenvale Court before the 11 notices were issued. The Director of Regulation said that RQIA had met with the provider and, following concerns raised at that meeting, he had requested that additional inspections take place.
- 12.14.5 The Director of Regulation told the Board that four failure to comply notices had been issued on Nazareth House as it was caring for individuals with nursing needs in a residential home. With regard to Croft Lodge, he said that following a right of representation, one notice of proposal had been rescinded but that the other remained in place.
- 12.14.6 The Director of Regulation advised that the Southern Trust was undertaking a safeguarding review of Hebron House following concerns regarding the management of residents' finances.
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- 12.14.7 A Board member asked how RQIA makes public the information on failure to comply notices. The Chief Executive said that this issue had been discussed at EMT with a view to making this information openly available on the RQIA website. He explained that following the issue of a notice, commissioning organisations are immediately informed but that service users and their families would not be routinely aware of enforcement action. A Board member asked if it would be appropriate to make information publicly available until the agency or establishment had exhausted the right of reply and the appeal processes. The Director of Regulation pointed out that the outcome of any representation would also be made public.
- 12.14.8 The Director of Regulation explained that RQIA's policy clearly sets out the right of appeal and that an appeal can only be made on issues of fact and issues of law. He said that in most instances a Notice of Proposal relates to concerns about the health, safety and welfare of service users. He added that appeals can be made to the Care Tribunal, but noted that there is no legal right for a Notice of Proposal to be rescinded.
- 12.14.9 A Board member asked if RQIA has a red-amber-green rating system. The Director of Regulation explained that as a first step

RQIA makes a requirement on a provider but if this is subsequently not actioned then a failure to comply notice is issued. He added that RQIA can move to consider prosecution.

- 12.14.10 The Director of Regulation updated the Board on the registration of private dental practices and said that RQIA had recently facilitated two roadshows which had been well attended. He said that the feedback from these roadshows was largely positive but he added that there were still approximately 60 dental practices which had not yet registered.
- 12.14.11 The Chief Executive advised Board members that RQIA's hygiene inspection programme was continuing and that following receipt of the Quality Improvement Plans, reports were being uploaded onto the RQIA website.
- 12.14.12 The Chief Executive noted that RQIA's hygiene inspection programme had to date focused on areas of "high footfall" and therefore no inspections had been made of areas of "augmented care" such as neonatal wards. He said that the Minister had asked RQIA to consider expanding its inspection programme into these areas. He added that there are capacity issues for RQIA and the inspection tools would need to be amended accordingly.
- 12.14.13 A Board member asked if cross infection teams in hospitals currently inspect these wards. The Chairman explained that these teams would carry out "control of infection" testing in augmented care areas, but he did not think these were carried out on a pre-determined schedule. The Chairman said that the theme of infection control will continue to challenge the healthcare system and RQIA will be required to respond accordingly.
- 12.14.14 The Director of Regulation said if RQIA were to inspect these "augmented care" settings, standards and an audit tool would need to be developed. The Chief Executive advised that, in response to the Ministerial briefing to the Assembly, the RQIA is taking steps to engage with the Public Health Agency to amend the regional standards audit tool so that it can be applied to areas of "augmented care".
- 12.14.15 The Chief Executive advised the Board that further comments on the ICT Business Case had been received from DFP on 31 January 2012. A response to these comments is being prepared. The Chief Executive updated the Board on two complaints, advising that one had been resolved at Stage I and that a Stage II investigation had been completed on the other and the complainant notified. He added that RQIA had recently added guidance on whistleblowing to its website.
- 12.14.16 The Board **NOTED** the Chief Executive's Report.

**12.15 Item 7 - Finance Report – Director of Corporate Services
[Paper D/01/12]**

To include:

Revision to Billing Policy [Paper E/01/12]

12.15.1 The Director of Corporate Services presented the Finance Report to the Board and advised that the current projections showed a forecast underspend of £15k; however this projection was based on a number of variables. He said that RQIA had returned £275K to DHSSPS. He explained that the financial position principally arose from non-recurring monies for dental regulation and extremely strict vacancy controls.

12.15.2 The Director of Corporate Services anticipated that, in advance of the March Board meeting, RQIA would be informed about the funding of dental regulation and therefore would be able to present to the Board an overall financial outlook for 2012/13, including efficiency savings. He finished by saying that RQIA was awaiting a circular from DHSSPS regarding the definition of “break even”.

12.15.3 A Board member asked if the vacancy control measures had had an impact on RQIA. The Chief Executive indicated that it was having an impact and said that once RQIA is given its confirmed financial allocation that steps will be taken to fill vacant posts on a prioritised basis, and consideration may be given to the redirection of funds into new posts.

12.15.4 The Board **NOTED** the Finance Report.

12.15.5 The Head of Finance, Jonathan King, joined the meeting to outline the revision to RQIA’s Billing Policy. He explained that following legal advice RQIA would be issuing refunds of £29,854 relating to 2009/10 and 2010/11. The issue related to the charging of the annual fee on the day of registration and not on the first anniversary of registration, which is in keeping with current legal opinion.

12.15.6 The Chairman asked about the implication for the organisations which had taken on the management of homes previously owned by Southern Cross. The Head of Finance explained that RQIA would not be billing these providers for another 12 months.

12.15.7 Following the legal advice the Board **APPROVED** the refunds and the revision to RQIA’s Billing Policy.

12.16 Item 8 - Corporate Performance Report – Director of Corporate Services [Paper F/01/12]

12.16.1 The Director of Corporate Services presented the Corporate Performance Report for the quarter ending 31 December 2011 to the Board and noted that 16% of the actions were rated blue, 78% were

rated green, 0% were rated amber and 6% were rated red. He advised that further changes had been made to the format of the report which included a summary of the actions rated as red or amber with a brief exception report and a report on any KPIs that were deemed to be behind schedule or causing concern.

- 12.16.2 A Board member acknowledged the work that had been put into compiling the report and said that it was an excellent document.
- 12.16.3 A Board member noted that RQIA had decided not to proceed with a Review of Carer's Issues as the HSC Board is undertaking a similar exercise and sought clarity on why other organisations were doing a similar type of work to that of RQIA.
- 12.16.4 The Chairman explained that HSC Trusts have a statutory duty of quality and therefore should be reviewing their own practice. The Director of Mental Health and Learning Disability added that, in this instance, DHSSPS had asked the HSC Board to undertake this work but had omitted to inform RQIA. The Director of Regulation added that Trusts who enter into commissioning arrangements with the independent sector have an obligation to undertake some oversight of this. A Board member asked if the Trusts would share intelligence from these inspections and the Director of Regulation said that this would be discussed at the regular liaison meetings RQIA holds with the Trusts.
- 12.16.5 The Board **NOTED** the Corporate Performance Report.

12.17 Item 9 - Corporate Risk Assurance Framework Report – Director of Corporate Services [Paper G/01/12]

- 12.17.1 The Director of Corporate Services advised the Board that the Corporate Risk Assurance Framework had been considered by the Audit Committee at its meeting of 24 January and was being presented to the Board for approval. He drew members' attention to the change log on pages 18 and 19 of the document.
- 12.17.2 The Director of Corporate Services advised that the first risk which concerned capacity to discharge financial inspections had been reduced as RQIA had recently appointed a second finance inspector. He said that the risk concerning intelligence had been reduced and subsequently de-escalated to three of the directorate risk registers.
- 12.17.3 The Director of Corporate Services advised that the previous risk about budget management had been revised. In regard to the next risk which concerned the provision of ICT support, he advised that this risk had been increased in rating as RQIA is still awaiting final approval of the business case from DFP.
- 12.17.4 A Board member sought clarity on how risks are added to the

register and the role of the Board in determining which risks should be added or removed. The Chief Executive said that the Executive Management Team had discussed the ownership of risks and how RQIA should conduct an annual review of the risk register. He said the Board workshop in April presented an opportunity to do this as it was the start of the new business year. The Audit Committee Chair supported this.

12.17.5 The Board **APPROVED** the Corporate Risk Assurance Framework Report.

12.18 Item 10 – Risk Management Strategy – Director of Corporate Services [Paper H/01/12]

12.18.1 The Director of Corporate Services informed the Board that the Audit Committee had approved the Risk Management Strategy at its meeting in November 2011. He explained that as part of the Risk Management Controls Assurance Standard, it was a requirement that the Strategy be approved by the Board. He said that the Strategy had been amended to reflect the new organisational structure and that other minor amendments had been made following comments from Audit Committee members.

12.18.2 A Board member said that the document was very detailed and should be more succinct. She said that the Strategy made references to supporting documents but it was not clear what these were and that the section detailing the risk management cycle should be reviewed.

12.18.3 A Board member felt that the document did not show how RQIA identified risks at a strategic level and that there should be references to staff training and awareness. A Board member also felt that the Strategy did not state how RQIA mitigates risk.

12.18.4 The Chairman proposed that the Risk Management Strategy should be amended and brought back to the Board meeting in March for final approval. The Director of Corporate Services proposed that the amended Strategy be circulated in advance of the meeting and this was agreed.

Resolved Action

- **Director of Corporate Services to circulate amended Risk Management Strategy in advance of the March Board meeting**

12.19 Item 12 – Audit Committee update – Committee Chair [Paper J/01/12]

12.19.1 The Chair of the Audit Committee told the Board that the Committee had met on 24 January and that the approved minutes of the meeting

of 2 November were available for noting by the Board. She said that at the last meeting, the Committee welcomed new member Denis Power and were also joined by Denver Lynn from the Northern Ireland Audit Office (NIAO).

- 12.19.2 The Committee Chair said that she had attended the recent meeting of Audit Committee Chairs and that the Permanent Secretary and the Director of Finance, DHSSPS had joined the meeting and that the issues discussed included the quality agenda, the role of the Audit Committee in providing assurance and the need for Committees to have financial expertise.
- 12.19.3 The Committee Chair said that the Committee continued to be concerned with the issues regarding the service level agreement (SLA) with the Business Services Organisation (BSO) but she added that the Director of Corporate Services had updated the Committee on this issue and that progress was being made in some areas. She added that the NIAO is cognisant of the issues.
- 12.19.4 The Committee Chair said that other matters discussed at the meeting included the monitoring of the audit action plan and the timetable for the preparation of the annual report and accounts.
- 12.19.5 The Chairman asked about the SLA with BSO. The Director of Corporate Services advised that a meeting was being set up with the BSO during February to discuss the SLA for 2012/13 and he added that BSO were undertaking a series of benchmarking exercises.
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- 12.19.6 The Board **NOTED** the update from the Chair of the Audit Committee.
- 12.20 Item 13 – RQIA Corporate Strategy 2012/2015 - Director of Corporate Services**
To include:
- **Public Consultation on RQIA's Corporate Strategy 2012-2015 - Summary of Feedback [Paper K/01/12]**
 - **RQIA Corporate Strategy 2012 – 2015 [Paper L/01/12]**
- 12.20.1 The Director of Corporate Services told the Board that following a series of pre-consultation events, the public consultation exercise ran from 12 September to 9 December and that the report referenced the feedback RQIA had received from 26 respondents and RQIA's responses to those comments. He added that the feedback received had been mainly positive and was an endorsement of RQIA's proposed strategic direction. He said that there had been some minor changes made to the Strategy and that these were detailed in the covering paper.
- 12.20.2 A Board member said that the approach adopted by RQIA allowed people to become more engaged in the consultation and that this

was shown by the positive feedback from those who responded. She felt that the new Strategy represented a further stage in RQIA's maturity as the driving force for health and social care improvement in Northern Ireland.

- 12.20.3 The Director of Corporate Services moved on to consider the revised Corporate Strategy and said that during the consultation process RQIA had carried out an internal review of the Strategy. He advised the Board that as part of the Management Statement, RQIA was required to send the Strategy to DFP for approval.
- 12.20.4 The Chairman sought approval of the amended Corporate Strategy in the light of the comments raised from the public consultation and the amendments made. The Board **APPROVED** the Corporate Strategy. The Director of Corporate Services **AGREED** to update the Board if there were any further amendments made to the Strategy following consideration by DFP.
- 12.20.5 The Board considered the proposed new strapline, "Assurance, Challenge and Improvement". The Board felt that more consideration needed to be given to the strapline and that it should contain reference to health and social care. It was proposed that the words, "for health and social care" be added to the new strapline. This was **APPROVED** by the Board.

12.21 Item 11 – RQIA Business Plan 2012/13 – Director of Corporate Services [Paper I/01/12]

- 12.21.1 The Director of Corporate Services presented the Business Plan for 2012/13 and explained that a revised template had been adopted which outlined the strategic objectives, the key priorities and actions for 2012/13, with a summary of the measures of success appearing at the end of the document. He said that the completion of the Plan had been facilitated by the clarity of the objectives within the new Corporate Strategy. He added that RQIA had received an indicative revenue resource limit (RRL) which had assisted the planning process.
- 12.21.2 The Director of Corporate Services explained that following approval of the Business Plan it was RQIA's intention to share the document with DHSSPS. He added that the Plan would be distributed to all RQIA staff to assist in the development of personal objectives.
- 12.21.3 A Board member said that the Plan represented an excellent step forward and was clearly linked to the new Corporate Strategy and Three Year Review Programme. He raised queries regarding some of the target dates and felt that it should be clarified if some of the objectives were being brought forward from 2011/12. He added that, in some instances RQIA was seeking to develop an annual plan but that this should be concluded before the end of the first quarter.

- 12.21.4 A Board member asked if the measures of success would be incorporated into the Corporate Performance Report and the Director of Corporate Services confirmed that this would be the case. A Board member suggested that there should be interim reports on Measures of Success which are reported on annually.
- 12.21.5 A Board member said that the Plan was very well detailed and ambitious but suggested that there should be reference to how staff will be engaged in completing the work required. The Chairman advised that a lot of work had been completed recently in projects such as LEAN, iP and EFQM and the Director of Corporate Services added that staff had been very much engaged in this work. It was **AGREED** that Newsletters on the LEAN project will be circulated to Board members.
- 12.21.6 A Board member said that there should be references to financial break even and risk management. He added that the additional resources section should make references to the impact of commissioned reviews which are not in the Three Year Review Programme. He also proposed consideration of the use of the word “developing” to differentiate between an Action that was distinctly new and not a piece of work that was already under way.
- 12.21.7 A Board member sought clarity on RQIA’s role in the development of the new Mental Capacity Bill. The Director of Mental Health and Learning Disability said that RQIA was providing advice but the Board member felt that if RQIA was influencing policy development, this should be made more explicit.
- 12.21.8 Subject to minor amendments, the Board **APPROVED** the Business Plan for 2012/13.
- 12.22 Item 15 - Annual Regulation Reports – Children’s Services and Adult Services – Director of Regulation [Paper O/01/12]**
- 12.22.1 The Director of Regulation told Board members that this was the first time RQIA had produced overview reports of the findings from the inspections from adult services and children’s services. He explained that it was intended to produce one combined report, but due to the length of the reports, two individual reports were produced.
- 12.22.2 The Director of Regulation said that the overview reports contained the findings from the inspection year 2010/11 and that he hoped that an overview report for the year 2011/12 would be available early in 2012/13.
- 12.22.3 A Board member said that the report on adult services was very detailed and comprehensive and would be well received by relevant

stakeholders. However he raised some concerns about the format of the report. He highlighted other issues regarding the sequencing of the report and some instances where there appeared to be repetition.

- 12.22.4 The Chairman noted that this was the first occasion in which RQIA had produced this type of report and acknowledged the difficulties in trying to summarise the data available into a concise report. It was also noted that there needed to be consistency in the style of the report, as each section had been written by a different author.
- 12.22.5 A Board member acknowledged the work and asked whether financial issues would be reviewed as part of the inspection programme for 2012/13. The Director of Regulation explained that the themes contained within the report related to the care inspections but that specialist inspections, such as pharmacy and finance, would continue and he added that with regard to finance inspections, RQIA had focused on facilities which looked after patients with learning disabilities.
- 12.22.6 A Board member said that this report should be used to help develop a prototype for future reports.
- 12.22.7 The Board moved on to consider the overview report for children's services. A Board member said that the report covered a wide range of issues but needed to be more meaningful, and like the previous report needed to be edited for consistency in layout and style.
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- 12.22.8 A Board member asked how RQIA intended to make use of the reports. The Chief Executive explained that RQIA was cognisant that it was gathering a lot of intelligence about registered facilities in individual inspection reports but there was a gap in terms of demonstrating how well the sector was performing.
- 12.22.9 It was proposed that, as the reports related to 2010/11 and the report for the 2011/12 inspection year was almost complete, the reports should be used for internal purposes only. However, the Director of Regulation pointed out that one of the recommendations of the recent Public Accounts Committee hearing, at which RQIA had attended and given evidence, concerned how RQIA used the information it gathered from its inspections to inform the public and therefore felt that the reports should be made publicly available.
- 12.22.10 The Board continued to debate whether the report should published as the information was becoming dated but the Director of Regulation explained that although RQIA carried out over 2,600 inspections during 2010/11, the information contained within the inspection report focused more on inspection activity, rather than inspection outcomes, which is the purpose of the overview report.

- 12.22.11 The Chairman felt it was important that the work undertaken to complete the reports should be acknowledged.
- 12.22.12 The Board **NOTED** the overview reports on children's and adults services.
- 12.23 Item 14 - RQIA Three Year Review Programme 2012/2015 - Director of Reviews**
To include:
- **RQIA Response Document on the Consultation of the RQIA Three Year Review Programme 2012-15 [Paper M/01/12]**
 - **RQIA Three Year Review Programme 2012 – 2015 [Paper N/01/12]**
- 12.23.1 The Director of Reviews told the Board that the response to the public consultation on RQIA's Three Year Review Programme had yielded 10 written responses. He said that the comments had been useful. Respondents had made additional suggestions for review topics but had suggested areas to include in the proposed reviews.
- 12.23.2 The Director of Reviews advised that the updated document included the commissioned reviews by DHSSPS. He explained that two reviews which were contained within the original document had been removed following further information provided by DHSSPS.
- 12.23.3 The Director of Reviews said that DHSSPS has asked that RQIA undertake one review annually of the implementation of a specified National Institute for Health and Clinical Excellence (NICE) guideline, and that RQIA conduct reviews of service frameworks three years after their initial implementation. He added that RQIA would carry out a follow up review of Maternity Services, following the recent publication of the DHSSPS Maternity Strategy.
- 12.23.4 A Board member felt the low number of respondents was disappointing. The Chairman shared that view but added that the contribution of DHSSPS was very helpful. The Director of Reviews said that the list of DHSSPS review topics had received ministerial approval. The Chief Executive reminded Board members that there had been significant engagement with individuals and organisations attending the pre-consultation events and that this needed to be recognised as a source of valued comment.
- 12.23.5 A Board member said that the proposed programme demonstrated the outstanding progress RQIA had made in its review work. She asked if there would be any planned reviews of prisons. The Director of Reviews explained that RQIA would continue to work jointly with the Criminal Justice Inspection (CJI) and Her Majesty's Inspectorate of Prisons (HMIP) on prison inspections and would also carry out additional review work in this area. A Board member asked that

Board members be kept informed of future prison inspections and if it would be possible to join these inspections as observers.

12.23.6 Subject to the insertion of an additional appendix, the Board **NOTED** the response document to the Three Year Review Programme.

12.23.7 The Board **APPROVED** the Three Year Review Programme.

12.24 Item 16 - Overview Report on the Monitoring of the Functions of the Mental Health Order (NI) 1986 by RQIA – Director of Mental Health and Learning Disability [Paper P/01/12]

12.24.1 The Director of Mental Health and Learning Disability (MHL D) updated the Board on the work of the Mental Health and Learning Disability Team. She explained that in addition to the overview report being presented today, there were a series of other background reports, some of which would be shared with the Board in due course.

12.24.2 The Director of MHL D explained that RQIA was continuing to monitor the reporting of serious adverse incidents (SAIs) and meets with the HSC Board and the Public Health Agency in this regard. She said that error rates on detention forms had reduced from 16% to 2%.

12.24.3 The Director of MHL D said that RQIA was working with HSC Trusts to look at issues relating to guardianship and she announced that a joint conference with Queen's University Belfast was taking place on 31 May to launch the findings of this study and a report would be brought to the Board in due course.

12.24.4 The Director of MHL D advised that RQIA had carried out a review of how Trusts discharge their functions in terms of handling patient monies under Article 116 of the Mental Health (NI) Order. She added that a review is being undertaken of community learning disability teams and that a review of safeguarding of children and adults in mental health and learning disability hospitals was also underway. Both these reviews should be completed by June 2012.

12.24.5 The Director of MHL D told the Board that the previous 2010/11 inspection programme was focused on the human rights theme of **fairness**. A report of the findings of these inspections is available. She said that RQIA had concerns around issues of delayed discharge and resettlement and would continue to monitor this.

12.24.6 The Director of MHL D said that RQIA was seeking to upload all reports of mental health and learning disability inspections onto the RQIA website from 1 April 2012.

12.24.7 A Board member said that the report showed the wide range of work that RQIA carries out in this area. He said that it was important that

RQIA continued to update the Board on this work. He suggested that there should be a trend analysis of the number of SAIs, particularly in relation to suicides. He asked if RQIA reviewed every SAI and the Director of MHL D confirmed that this was the case.

- 12.24.8 A Board member asked if the CIMS project could assist with the monitoring of detention forms and the Director of MHL D said that in the long term, this was an expectation of Stage 4. However, this work will be brought forward and internal audit may help provide a view on what approach should be best used to reduce monitoring of forms more proportionately.
- 12.24.9 A Board member asked about the limit of monies that could be held by Trusts on behalf of patients with a learning disability. The Director of MHL D confirmed that this was £5k but may be increased to £15k under the new capacity legislation. The Director of Regulation added that this was an area that RQIA was monitoring closely at present and will also form part of the Three Year Review Programme.
- 12.24.10 The Chairman suggested that consideration may need to be given to an annual report of the work of the mental health and learning disability team.
- 12.24.11 A Board member sought clarity on the definition of suicides which are reported to RQIA. The Director of Regulation explained that it related to individuals who were engaged with social services or who had been disengaged within the past two years.
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- 12.24.12 A Board member raised an issue about the independence of the Chairmanship of SAI reviews. The Director of MHL D acknowledged that this was an issue and that the possibility of appointing a panel of Chairs was discussed with the HSC Board at a recent SAI conference.
- 12.24.13 The Chief Executive informed the Board that one of RQIA's sessional advisors, Dr Maria McGinnity, was stepping down from this role and acknowledged the work that Dr McGinnity had done in assisting RQIA since the transfer of the Mental Health Commission functions in April 2009.
- 12.24.14 The Board **NOTED** the update on mental health and learning disability.
- 12.25 Item 17 - Registration Policy for the Regulated Sector – Director of Regulation [Paper Q/01/12]**
- 12.25.1 The Director of Regulation explained to the Board that under the scheme of delegation for policy approval the Board was required to approve the Registration Policy. He explained that a suite of procedures to accompany this overarching policy would follow the

completion of the LEAN project. He invited John Black, Head of Programme, to present the policy to the Board.

12.25.2 The Head of Programme gave an overview of the policy and explained that it was based on legislative requirements, both for RQIA and for registrants. He highlighted the potential penalties for non-registered organisations and made reference to the Minimum Standards. He added that there was further guidance on RQIA's website on such areas as enforcement. He concluded by saying that there would be training provided for RQIA staff involved in this area of work.

12.25.3 The Chairman sought approval of the policy and as there were no comments the Board **APPROVED** the registration policy for the regulated sector.

12.26 Item 18 - Assurance Arrangements for People Using Supported Living Services – Director of Regulation [Paper R/01/12]

12.26.1 The Director of Regulation explained that this paper was developed following concerns about the level of assurance of safety and quality for users of supported living schemes which are registered as domiciliary care agencies. He said that there is no regulatory framework at present in Northern Ireland for these service users and that issues are starting to emerge, particularly for service users with a learning disability.


12.26.2 The Director of Regulation said that RQIA's regulatory framework deals with people in residential care, but that service users in these schemes are deemed to be in their own home. He added that there were issues around the rights and responsibilities of tenants and licensees and more recently, human rights issues were beginning to emerge. He highlighted concerns about restraint and restrictive practices.

12.26.3 The Director of Regulation said that RQIA was seeking to raise these issues with DHSSPS and to ask for a change to the regulatory framework. He said that informal discussions had already taken place with the HSC Board and that these issues featured on the agendas of RQIA regular liaison meetings with the HSC Trusts.

12.26.4 The Chairman agreed that these issues needed to be brought to the attention of the DHSSPS and the HSC Board. A Board member asked how long RQIA had been aware of these issues. The Director of Regulation explained that RQIA had come across some of these cases purely by chance, as RQIA does not have the right to enter individual's homes. He added that when conducting a domiciliary care inspection RQIA only visits the office from which the agency manages care.

- 12.26.5 The Chief Executive said that there were issues of risk which needed to be raised with DHSSPS, for example fire safety issues. He added that he felt that some of these services met the definition of a residential care home.
- 12.26.6 Board members agreed with the approach that RQIA was proposing, in alerting DHSSPS to these matters, but felt that DHSSPS needed to respond with a clear action plan for how it intended to follow through on any recommendations.
- 12.26.7 A Board member asked if RQIA had researched if similar issues existed in other parts of the UK. The Director of Regulation said that in both England and Scotland, work had been done in this area. He said there were issues around the definition of "tenancy" and these needed to be raised with the Department of Social Development (DSD).
- 12.26.8 The Board **NOTED** the paper on assurance arrangements for people using supported living services and asked to be kept informed of progress.
- 12.27 Item 19 - Any Other Business**
- 12.27.1 The Chairman advised that the September Board meeting was now scheduled to take place on **Tuesday 4 September** and not Thursday 6 September.
- 12.27.2 There was no other business and the Chairman drew the public session to a close at 6:10pm.

**Date of next meeting:
Thursday 8 March 2012, The Mount Conference Centre**

Signed 

Dr Ian Carson
Chairman

Date 8 / 3 / 12
