



PUBLIC SESSION MINUTES

RQIA Board Meeting

Board Room, 9th Floor, Riverside Tower, Belfast

7 July 2011, 2:00pm

Present

Ian Carson (Chairman)
Richard Adams
Geraldine Donaghy
Lilian Jennett
Ruth Laird
Allen McCartney
Colin Reid
Austin 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 Quality Assurance)
Phelim Quinn (Director of Operations)
David Stewart (Director of Service Improvement)

Apologies

Patricia McCoy
Una O'Kane

11.81 Item 1 - Welcome and Chairman's Remarks

11.81.1 The Chairman welcomed Board members, Officers of the Board and members of the public to the meeting. Apologies were noted from Patricia McCoy and Una O'Kane.

11.82 Item 2 - Minutes of the meeting of the Board held on Thursday 12 May [Paper min/May11/public]

11.82.1 The Board **APPROVED** the minutes of the Board meeting held on 12 May.

Resolved Actions

- **Minutes to be formally signed off by the Chairman**

11.83 Item 3 - Matters arising from minutes

11.61.5 RQIA Business Plan

11.83.1 In response to a query from a Board member, the Director of Corporate Services confirmed that an amendment had been made to the Business Plan under D9 regarding the role of Board members in raising the public profile of RQIA.

11.84 Item 4 - Declaration of Interests

11.84.1 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.

11.85 Item 5 - Chairman's report - Chairman [Paper I/04/11]

- 11.85.1 The Chairman presented his report to the Board and noted that he had attended 12 meetings on behalf of RQIA since the previous Board meeting.
- 11.85.2 The Chairman advised that he had attended some of the consultation events on the new Corporate Strategy and Three Year Review Programme. He said that these events had been successful and he asked the Director for Service Improvement to update the Board on the review programme.
- 11.85.3 The Chairman told the Board that he, along with the Chief Executive, had met the newly appointed Health Minister, Edwin Poots. The Minister was briefed on relevant issues relating to the RQIA role, remit and review programme.
- 11.85.4 The Chairman informed the Board that he, along with the Chief Executive, had met with the Chair and Chief Executive of the Business Services Organisation (BSO) to discuss the issue of the service level agreement and other areas of mutual interest.
- 11.85.5 The Chairman advised that he had received an invitation from the Portuguese independent health regulation authority (ERS) to speak at a conference in Porto, Portugal later this year, regrettably he had a prior commitment. However, he was delighted that the invitation was now extended to the Chief Executive who would now represent him at this event.
- 11.85.6 The Board **NOTED** the Chairman's Report.

11.86 Item 6 - Chief Executive's Report - Chief Executive [Paper J/04/11]

- 11.86.1 The Chief Executive presented his report to the Board and began by referring to some of the key meetings he had attended. He said that he had attended a meeting of the Heads of Inspectorate forum in Edinburgh, hosted by Scottish Parliament. He said that the next meeting would be held in Northern Ireland. The Chief Executive said that during June he had met with the Chair and Chief Executive of the Southern Trust, the new Health Minister and had attended a seminar sponsored by Agenda NI on the theme of facilitatory engagement with the Northern Ireland Assembly.
- 11.86.2 The Chief Executive informed the Board that he had been invited to join a Quality Standards steering group to prepare standards for the welfare of children in the Republic of Ireland.

- 11.86.3 The Chief Executive updated the Board on the progress of various RQIA reviews. He asked the Director of Operations to update the Board on recent enforcement actions.
- 11.86.4 The Director of Operations said that Manor Healthcare was now compliant with regulations but that RQIA had made a referral to the Northern Ireland Social Care Council (NISCC). He told the Board that RQIA had issued a Notice of Decision to Advanced Community Care. He said that a Failure to Comply notice had been issued to Lakewood Regional Secure Centre, but he noted that the recent notice imposed on Autism Initiatives had been lifted. He finished by saying that a Failure to Comply notice had been issued to Origins Fertility Clinic.
- 11.86.5 The Chief Executive told the Board that, to date, 257 applications had been received from dentists wishing to register with RQIA and that 14 inspections had been carried out to date. He said that RQIA had met with the British Dental Association and that RQIA had responded to a request from BDA for a further meeting. He said that RQIA was working to ensure that dental practices had access to all the information they required to assist with the registration process.
- 11.86.6 The Chief Executive advised the Board that the mental health and learning disability inspection programme was continuing, and that three reviews were also ongoing in this area.
- 11.86.7 The Chief Executive updated the Board on human resources issues and recent policies and procedures that had been approved. He told the Board that the financial situation showed a projected break even forecast for 2011/12. With regard to complaints, he advised that one complaint had been resolved at Stage 2 and another at local resolution.
- 11.86.8 The Chairman asked for more information about the Failure to Comply notice issued to Origins Fertility Clinic and in particular clarity around RQIA's legislative role in regulating this facility. With regard to the Failure to Comply notice, the Director of Operations said that RQIA had concerns about incident reporting and had met with the registered responsible person to discuss these concerns. The Director of Operations explained that RQIA regulates this facility under the independent healthcare regulations. He advised that in England, HFEA had been stood down and its functions transferred to the Care Quality Commission (CQC). However, HFEA also had specific duties in respect of the Human Tissue Act. He explained that clarity is required in terms of the regulation of embryology and human tissue in Northern Ireland and that this matter was currently being considered by DHSSPS.
- 11.86.9 The Board **NOTED** the Chief Executive's Report

- 11.87 Item 7 - Audit Committee Business – Committee Chairman [Paper K/04/11]**
- 11.87.1 The Chairman expressed his thanks to the Audit Committee for the work it had done in providing the necessary assurances to the Board to enable approval of the Annual Report and Accounts. He invited the Audit Committee Chairman to update the Board on the last two meetings of the Committee.
- 11.87.2 The Committee Chairman told the Board that the Audit Committee had met in May to consider a full suite of internal audit reports and that the meeting in June focused on the approval of the Annual Report and Accounts.
- 11.87.3 The Committee Chairman advised that at the meeting the Committee had considered the results of the National Audit Office self-assessment questionnaire which members had completed and the Committee Chairman gave an overview of the findings. The Board were advised that the Audit Committee was awaiting feedback from DHSSPS regarding the self-assessment.
- 11.87.4 The Committee Chairman said that the Committee would be reviewing its terms of reference annually and would look at the introduction of formal appointment letters for members. She added that the Committee would consider holding one meeting per year off site and would review the format of its annual report. Finally, the Committee Chairman said that she would arrange meetings, if required, with the heads of internal and external audit.
- 11.87.5 The Committee Chairman told the Board that the newly appointed Head of Finance had agreed to facilitate a training session for Board members on the International Financial Reporting Standards (IFRS).
- 11.87.6 The Committee Chairman advised that RQIA had implemented 96% of its internal audit recommendations during 2010/11 and had achieved substantive compliance with seven Controls Assurance Standards. She said Internal Audit wished to convey to the Board that they were pleased with this outcome. The Committee Chairman said that the internal audit work programme for 2011/12 to 2014/15 had been considered and that there was a greater emphasis on the core operational activities, as well as ICT.
- 11.87.7 With regard to External Audit, the Committee Chairman advised that the Northern Ireland Audit Office (NIAO) had expressed their appreciation for a smoother process in completing the audit of final accounts. She said that RQIA had received an unqualified audit opinion.
- 11.87.8 The Committee Chairman noted that the Chief Executive and Chairman had met with the Chief Executive and Chairman of the

Business Services Organisation (BSO). The Committee still had concerns regarding the service level agreement, value for money and the completion of the costing exercise. She felt that the NIAO 'Report to those Charged with Governance' had put pressure on RQIA to resolve these matters and said that the Committee had a duty to keep this under review. The Chief Executive noted these concerns, and indicated that the SLA for 2011/12 was now signed.

- 11.87.9 The Committee Chairman said that the next significant challenge for RQIA was the completion of the Improvement and Efficiency Plan. She advised that the Committee was pleased with the financial outturn and reflected on the significant efforts made by RQIA to achieve this.
- 11.87.10 A Board member asked if the Audit Committee would be seeking to recruit a new Professional Advisor. The Chairman advised that the Public Appointments Unit had commenced the process for the recruitment of three Board members and he hoped that one of these vacancies could be filled by an individual with a financial background.
- 11.87.11 The Board **NOTED** the Audit Committee update.
- 11.88 Item 8 - Policy and Procedure on the Management and Handling of Complaints against RQIA – Director of Quality Assurance [Paper L/04/11]**
- 11.88.1 The Director of Quality Assurance presented the updated Complaints Policy to the Board and advised that she had taken account of the comments received from staff and Board members in this revised policy. She went through the main changes in the policy.
- 11.88.2 The Director of Quality Assurance said an amendment had been made in the policy whereby the Stage 2 complaint panel can decide whether a complaint merits a Stage 2 investigation and that a final decision lay with the RQIA Chairman.
- 11.88.3 Board members expressed concern at this proposed approach and felt that the discretion at Stage 2 may give rise to challenge and could result in a complaint to the Ombudsman. They agreed that clarity was needed within the policy to state that the purpose of Stage 2 is to review the process at Stage 1, and not to re-investigate the complaint or consider any new evidence. In the latter case, a complainant would be advised to issue a new complaint which would be considered at Stage 1. After further discussion on these points, the Director of Quality Assurance agreed to reconsider this part of the procedure.
- 11.88.4 A Board member wanted more information on the classification of complaints. The Chief Executive said that RQIA would be looking at this area following the audit of complaints that had been completed

during 2010/11.

11.88.5 The Director of Quality Assurance advised that in future, the Chief Executive would have the responsibility of reviewing the policy under the new proposed organisational structures.

11.88.6 The Chairman proposed that, in light of the views expressed by the Board, the policy should not be approved at this meeting but would be brought back to a future meeting following further revision. The Board endorsed this approach.

11.89 Item 9 - Enforcement Policy – Regulated Sector – Director of Operations [Paper M/04/11]

11.89.1 The Director of Operations presented the revised Enforcement Policy to the Board. He explained that due to the recent increased number of Failure to Comply notices issued, it had proved necessary to revise the policy to build in an appeal process in respect of the right to representation and the need to address specific areas of enforcement and prosecution not contained in the current policy. He said that the policy should be read in conjunction with the Complaints Policy.

11.89.2 The Director of Operations said that there had been some debate on the legal advices gained in respect of the public interest test and therefore the policy reflected that RQIA will only take forward a case for prosecution if it is in the public interest to do so. The Director of Operations advised that a suite of procedures were being developed to accompany the policy.

11.89.3 In response to a query regarding the right to representation, the Director of Operations noted that the policy did not reflect a section on remedy resulting from the right to representation, this needed to be included in the revised policy.

11.89.4 It was agreed that further reflection was needed on the issue of the public interest test. The Chief Executive proposed that the Courts would be the ultimate arbiter of the test of reasonableness of the action and a Board member asked if RQIA could afford to expend resources on a case it was not certain to win.

11.89.5 The Chairman proposed that the policy required further work before it could be approved by the Board. It was agreed that further legal advice should be sought in respect of public interest and that the policy should be brought back to a future meeting. The Board endorsed this approach.

11.90 Item 10 - Second National Preventive Mechanism Annual Report – Director of Operations [Paper N/04/11]

11.90.1 The Director of Operations advised the Board that RQIA had submitted its second National Preventive Mechanism (NPM) report to Her Majesty's Inspectorate of Prisons (HMIP) and that the report followed a template set out by HMIP. He explained that the report had already been submitted and was being brought to the Board for noting. He asked Board members if they had any queries on the content of the report.

11.90.2 The Chairman asked if RQIA had a role as an NPM for the new immigration detention facility near Larne. The Director of Operations said that this was not the case but that Criminal Justice Inspection (CJI) held this remit.

11.90.3 A Board member cited a recent suicide in Hydebank Wood Young Offenders Centre and asked if RQIA had any remit in cases where individuals were subject to unreasonable amounts of solitary confinement. The Chief Executive advised Board members that RQIA would shortly be producing a report following an inspection of Hydebank Wood and there were issues for RQIA concerning ligature points, the lockdown regime and prisoner access to healthcare appointments. He added that these issues had already been identified to the Governor of Hydebank Wood and to the Chief Executive of the South Eastern Health and Social Care Trust.

11.90.4 Following a question from a Board member, the Chief Executive said that when RQIA is conducting an inspection that, in addition to looking at healthcare aspects, RQIA conducts the inspection in its role as an NPM.

11.90.5 The Board **NOTED** the second National Preventive Mechanism report.

11.91 Item 11 - Any Other Business

11.91.1 There was no other business and the Chairman drew the public session to a close at 4:15pm.

Date of next meeting:

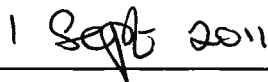
Thursday 1 September 2011, Board Room, Riverside Tower

Signed



Dr Ian Carson
Chairman

Date



1 Sept 2011

11

