



PUBLIC SESSION MINUTES

RQIA Board Meeting

Board Room, 9th Floor, Riverside Tower, Belfast

13 January 2011, 2:00pm

Present

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

Officers of the Board present

Glenn Houston (Chief Executive)
Robert Graham (Committee Services Manager)
Sandra McElhinney (Information Manager)
Jonathan King (Acting Finance Manager)
Theresa Nixon (Director of Quality Assurance)
Phelim Quinn (Director of Operations)
David Stewart (Director of Service Improvement)

Apologies

None

Apologies

Maurice Atkinson (Director of Corporate Services)

11.1 Welcome and Chairman's Remarks

11.1.1 The Chairman welcomed Board members and Officers of the Board to the meeting. He noted apologies from the Director of Corporate Services, Maurice Atkinson and advised that Sandra McElhinney and Jonathan King were attending the meeting to present papers normally presented by the Director of Corporate Services.

11.2 Minutes of the meeting of the Board held on Thursday 11 November [Paper min/Nov10/public]

11.2.1 The Board **APPROVED** the minutes of the Board meeting held on 11 November.

Resolved Actions

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

11.3 Matters arising from minutes

11.3.1 There were no matters arising from the minutes on which clarification was required.

11.4 Declaration of Interests

11.4.1 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.

11.5 Chairman's report - Chairman [Paper A/01/11]

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

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

11.6 Chief Executive's Report - Chief Executive [Paper B/01/11]

11.6.1 The Chief Executive presented his report to the Board and advised that RQIA was currently reviewing the format and content of this report to make it more concise and to avoid repetition with other papers being presented at the Board meeting.

11.6.2 The Chief Executive referred to the key meetings he had attended. Following the adverse weather, he advised that RQIA had met with IHCP and also the DHSSPS and HSC Board to consider the impact of the adverse weather and water shortage for service users and providers and to consider whether contingency arrangements had been effective.

11.6.3 A Board member asked what issues had arisen for RQIA following the recent water shortage. The Chief Executive said that RQIA had received a number of incident reports but there had been no information to suggest that there had been significant disruption the regulated sector. He added that there had been some interruption of water supply and a small number of reported incidents of burst pipes and that some nursing homes had received assistance from the Northern Ireland Fire Brigade. Furthermore, RQIA had distributed information on behalf of the Public Health Agency regarding hand hygiene.

11.6.4 The Chief Executive said that RQIA had been invited to attend a meeting organised by the Older Persons Advocate as she had raised concerns about the impact of the adverse weather conditions and had asked if HSC Organisations had effective contingency and business continuity plans in place.

11.6.5 The Chairman noted that RQIA had considered the issue at an Executive Team level and he was content that the Water Service had done what it could to ensure that the health service remained relatively unaffected. He added that although RQIA did not have to put its own disaster plan in place, there were questions to be considered about the role of a regulator in such a scenario.

11.6.6 The Chief Executive noted that RQIA would be discussing the issue with DHSSPS and would be proposing that a debrief be organised

for the relevant bodies.

- 11.6.7 The Chief Executive advised Board members that RQIA intends to publish the report on the review of the Northern Ireland Ambulance Service on 19 January 2011. He added that RQIA was currently considering feedback received from DHSSPS regarding the CAMHS report.
- 11.6.8 The Chief Executive said that RQIA was undertaking a series of roadshows in February regarding the new inspection planning approach.
- 11.6.9 The Board were advised that no new staff had joined RQIA since the previous Board meeting but that two staff had transferred on secondment.
- 11.6.10 The Chief Executive told the Board that RQIA was progressing work in three main areas of policy review - HR, registration and mental health and learning disability.
- 11.6.11 The Chief Executive told the Board that RQIA was prioritising the CIMS project in 2011. In addition, a business case had been sent to DHSSPS regarding ICT Disaster Recovery.
- 11.6.12 The Board **NOTED** the Chief Executive's Report.
- 11.7 Finance Report - Director of Corporate Services [Paper C/01/11]**
- 11.7.1 The Acting Finance Manager outlined the current financial position to the Board and advised that RQIA was currently showing a forecast year-end deficit of £15k which is the upper threshold of the $\pm 0.25\%$ tolerance. He explained that the situation had changed following an additional £33½k being spent on salaries and wages for arrears payments to staff under Agenda for Change. He added that RQIA would be making representation to its sponsor branch for additional funds to cover this.
- 11.7.2 The Acting Finance Manager advised the Board that the non-pay expenditure was forecast to show a small underspend although this had reduced by £50k in comparison with the previous year. With regard to the capital expenditure programme, the Acting Finance Manager hoped that RQIA would receive DHSSPS approval on a disaster recovery business case by next week.
- 11.7.3 A Board member asked about approaching DHSSPS for further income to cover the additional expenditure on salaries and wages, due to arrears payments owed under Agenda for Change. The Chief Executive said that he had had an initial conversation with DHSSPS and he hoped that, given the extent of the reduction in RQIA's revenue resource limit (RRL) at the beginning of the year that, some

assistance would be provided.

- 11.7.4 A Board member expressed disappointment that the cost of staff travel appeared to have increased as this had been an area where value for money savings could be achieved. The Acting Finance Manager explained that the budget had been set at a lower level for this year but that the cost had reduced in real terms.
- 11.7.5 A Board member asked if there was any update on RQIA's likely budget allocation for 2011/12. The Chief Executive advised that RQIA had been closely monitoring the outcome of the Comprehensive Spending Review and its implications for health and social care but added that he did not think that RQIA would know its opening allocation for next year before 31 March 2011. The Board member expressed concern that RQIA would not be prepared in the event of a further reduction in its RRL. The Chief Executive explained that RQIA had prepared a draft savings delivery plan and had submitted this to DHSSPS but to date, had not received a formal response to the plan. The Board member felt that this did not provide the necessary assurance he was seeking.
- 11.7.6 The Chairman noted that RQIA would face significant difficulties if there was a further reduction in the RRL as 80% of RQIA's running costs are staff costs. The Information Manager said that RQIA had set up a group to look at various projects where efficiencies could be made.
- 11.7.7 The Director for Service Improvement advised Board members that in 2011/12 RQIA would be completing the registration of private dentistry and this had potential to raise an additional £400k of income for RQIA but he noted that this was only for the first year, and subsequent income would be reduced. He explained that this would give RQIA an opportunity to look at its staffing profile and recruit staff to undertake the work in regard to the regulation of private dentistry, and to make some efficiencies.
- 11.7.8 A Board member felt that, despite this, RQIA still needed to have a contingency plan in place. The Chief Executive advised the Board that the Executive Management Team had begun to look at prioritisation of work in the next year and had prepared a first draft Improvement and Efficiency Plan which had been shared with Board members previously. He said that this paper required further and more detailed consideration. He pointed out that the draft savings delivery plan was partly contingent on RQIA receiving additional income if the DHSSPS moved to increase fees charged to registered establishments and agencies. The Board member acknowledged the considerable work that had been done to date but sought to ensure that any additional proposals would be brought to the attention of the Board. The Chief Executive undertook to bring this to the Board workshop in February.

- 11.7.9 The Board **NOTED** the Finance Report.
- 11.8 Regulation of Private Dentistry - Director of Operations [Paper D/01/11]**
- 11.8.1 The Director of Operations advised the Board that in preparation for the commencement of the regulation of private dentistry RQIA had developed various workstreams to ensure it was prepared to undertake this additional regulatory activity. He welcomed the Primary Care Advisor, Hall Graham, to the meeting to update the Board on the workstreams.
- 11.8.2 The Primary Care Advisor told the Board that RQIA will have to register approximately 392 dental practices as 'independent hospitals' and added that this process should commence on 1 April 2011. The Director of Operations advised Board members that at a recent session of the Assembly Health Committee, representatives from the British Dental Association (BDA) had expressed concerns about duplication of inspection. He explained that the HSC Board currently inspects NHS dentists and that the Northern Ireland Medical Dental Training Agency (NIMDTA) also inspects around 50/60 practices. He said that RQIA had reached an agreement with HSC Board that RQIA would inspect the practices and provide an assurance to the HSC Board.
- 11.8.3 The Primary Care Advisor told the Board that, in terms of income RQIA would receive approximately £400k in the first year of dental regulation, but from the second year, this would reduce to approximately £49 per dental chair across all practices. He explained that the additional income received in the first year would allow RQIA to recruit temporary additional staff to assist with the process of registration and inspection.
- 11.8.4 The Chairman asked for further information about implications for the workforce. The Director of Operations explained that in the first year, he hoped that RQIA staff would benefit from working with the staff in the HSC Board to develop their knowledge.
- 11.8.5 A Board member asked if the registration process could be completed online. The Information Manager explained that RQIA is currently determining, with DHSSPS, if it is required to comply with an EU Services Directive which would make it compulsory for RQIA to ensure that its registration process could be done online. She explained that, despite this, some aspects of the process were still required to be done manually.
- 11.8.6 A Board member expressed concern that RQIA was still unaware of the exact timetable for when the legislation would take effect. The Chief Executive advised that RQIA had raised this issue with

DHSSPS at its monthly liaison meetings and that at the next monthly meeting, scheduled for 14 January, the Chief Dental Officer will be present. The Board member felt that RQIA needed to give a clear message to DHSSPS that clarity was needed. The Chief Executive agreed to reiterate RQIA's concerns at the meeting on 14 January.

- 11.8.7 A Board member asked about the level of fee income. The Chief Executive said that the BDA had raised concern about the level of fees but that DHSSPS had explained that RQIA must operate within the legislative framework in this regard.
- 11.8.8 A Board member asked about enforcement. The Director of Operations explained that as existing regulations were being amended, from 1 April 2011, any dental practice not registered would be operating illegally.
- 11.8.9 A Board member sought clarity on the levels of anticipated increased income. The Director of Operations explained that in the first year RQIA would receive £400k, but would only require approximately £250k to complete the work and thus the remaining £150k could be offered as an efficiency. He added that in Year 2, that some or all of the £250k could be offered as an efficiency if RQIA is able to recruit Inspectors from the current workforce. The Chief Executive added that the additional income in the first year would give RQIA an opportunity to make decisions about key posts which would require to be filled.
- 11.8.10 A Board member felt that more transparency was required in terms of the projected additional income and potential efficiency savings. The Board member added that RQIA needed to manage the risk that DHSSPS may use all of the projected additional income as efficiency savings. Another Board member agreed but felt that many of the issues outlined would be dealt with under the operational alignment workstream.
- 11.8.11 The Board **NOTED** the update on the regulation of private dentistry.

11.9 Update on IRMER [Paper E/01/11]

- 11.9.1 The Director of Operations invited the Primary Care Advisor to update the Board on the first series of inspections conducted under the Ionising Radiation (Medical Exposure) Regulations (IRMER),
- 11.9.2 The Primary Care Advisor told the Board that RQIA had conducted five IRMER inspections to date and overall, no major issues had arisen from the inspections. He advised that the Northern Ireland Medical Physics Agency plays a key role in providing expertise across Northern Ireland in this area.
- 11.9.3 The Primary Care Advisor told the Board that organisations were

required to report to RQIA all incidents where patients received a greater exposure to radiation than intended. He said that, to date, only seven such notifications had been made and that none of them had represented a significant risk to patient safety.

- 11.9.4 A Board member asked if there was a threshold before an incident is reported. The Primary Care Advisor explained that in the first instance, an organisation would refer the incident to the Medical Physics Agency and if it was felt that the incident needed to be reported then RQIA would receive notification. He confirmed that in all cases patients were made aware of the incident.
- 11.9.5 The Chief Executive asked the Primary Care Advisor to explain the term "entitlement". The Primary Care Advisor explained that this related to staff being entitled to carry out any part of the x-ray taking process.
- 11.9.6 A Board member asked if there would be a transfer of knowledge from the Health Protection Agency who assist RQIA with inspections at present. The Primary Care Advisor confirmed that this would be the case. The Director for Service Improvement added that the contract with HPA is coming to an end and will be renewed shortly.
- 11.9.7 A Board member asked if RQIA obtained additional financial resources for conducting IRMER inspections. The Director of Operations explained that RQIA received £54k but that a significant portion of this covered the service level agreement with HPA.
- 11.9.8 The Board **NOTED** the update on IRMER.
- 11.10 Presentation on Key Issues Raised by NIAO Report, "Arrangements for Ensuring the Quality of Care in Homes for Older People" - Chief Executive**
- 11.10.1 The Chief Executive delivered a presentation to the Board on the key findings of the recent NIAO report and provide an update on the actions RQIA had taken.
- 11.10.2 The Chief Executive advised that there were four main challenges emanating from the report. These concerned making inspection reports available online, grading of homes, making information available and complaints.
- 11.10.3 The Chief Executive said that inspection reports were now available online and that the RQIA website was receiving between 400 and 600 hits per day. He went on to say that RQIA is finalising overview reports on each type of regulated activity and that these would be coming to a future Board meeting. With regard to complaints, the Director of Operations confirmed that complaints monitoring would be an element of the self-assessment for all registered providers in

2011/12.

11.10.4 The Chief Executive advised the Board that the NIAO are likely to follow up on the recommendations of the report so RQIA will be continuing to ensure that the work already progressed continues.

11.10.5 The Chairman thanked the Chief Executive for his presentation and, on behalf of the Board, commended his participation at the Public Accounts Committee hearing.

11.10.6 The Board **NOTED** the presentation.

11.11 Update on Information Governance - Director of Corporate Services [Paper F/01/11]

11.11.1 The Information Manager presented an update to the Board on the thirteen actions being implemented by RQIA following the last DHSSPS Data Protection Review Assessment. She said that RQIA had made substantial progress in 9 of the 13 areas.

11.11.2 The Information Manager advised the Board that in regard to Action 4 that RQIA had established an Information Governance and Records Management Group and that it would be responsible for establishing an information assets register.

11.11.3 The Information Manager said that RQIA would be facilitating further training for staff Data Protection and FOI.

11.11.4 A Board member asked if the action around encryption applied to Board members. The Information Manager said that RQIA was considering whether it would be beneficial to provide Board members with laptops but that a final decision had not yet been made. She added that Board members should return their Board papers after each meeting for disposal.

11.11.5 The Board **NOTED** the update on the Information Governance Action Plan.

11.12 Mental Health and Learning Disability - Director of Operations [Paper G/01/11]

11.12.1 The Director of Operations presented the updated mental health and learning disability report to the Board. He advised the Board that to date 25 inspections had been carried out in mental health facilities and that an overview report of the findings of these inspections would be presented to the Board on a six monthly basis. He added that RQIA had conducted an unannounced inspection of Ward 12 at Lagan Valley Hospital as there had been concerns about over occupancy and the non-return of self assessment documentation.

- 11.12.2 The Director of Operations informed the Board that RQIA had commenced a piece of joint work with GAIN around the development of new guidelines on the Mental Health (Northern Ireland) Order 1986. He also advised the Board that RQIA had received comments from DHSSPS regarding the CAMHS review.
- 11.12.3 The Director of Operations said that the Expert Advisory Panel had held its penultimate meeting and invited the Chair of the Panel to update the Board. The Board member advised that the meeting had been useful and that the Panel would be preparing a report on its work which would be presented at a future Board meeting. He said that the Panel were impressed with how RQIA had carried on the functions of the Mental Health Commission.
- 11.12.4 The Chairman thanked the Board member for the comments and said that he looked forward to receiving the report and to discharge the panel of its responsibilities.
- 11.12.5 A Board member sought clarity on the process of reporting suicides. It was explained that all suicides are reported to both RQIA and the HSC Board but that the HSC Board have responsibility for the management of such incidents and RQIA is kept informed. The Director of Operations also explained that the suicides reported are only these cases where the individuals have been known to social services.
- 11.12.6 A Board member sought clarity on the table showing the serious adverse incidents (SAIs) and it was agreed that the table should be amended and further commentary provided on the content.
- 11.12.7 A Board member asked if RQIA would be publishing the individual reports of the inspections of mental health facilities. The Director of Operations advised that RQIA had intended to produce overview reports as individual reports may include patient-identifiable information. However, he agreed to give this further consideration.
- 11.12.8 The Board **NOTED** the update on mental health and learning disability.
- 11.13 Any Other Business**
- 11.13.1 The Board **NOTED** receipt of the consultation paper on the draft budget for 2011/15 published by the Department of Health, Social Services and Public Safety which was released today.
- 11.13.2 There was no other business and the Chairman drew the public session to a close at 4:30pm.

Date of next meeting:
Thursday 23 March 2011, Venue TBC

Signed 
Dr Ian Carson
Chairman

Date 23 / 3 / 11