



## PUBLIC SESSION MINUTES

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### RQIA Board Meeting

Taylor Room, The Mount, Woodstock Link, Belfast

8 March 2012, 3:00pm

#### Present

Ian Carson (Chairman)  
Richard Adams  
Geraldine Donaghy  
Sarah Havlin  
Lilian Jennett  
Allen McCartney  
Patricia McCoy  
Una O'Kane  
Denis Power  
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)

#### Apologies

Ruth Laird  
Colin Reid

#### Apologies

David Stewart (Director of Reviews and Medical  
Director)

### 12.37 Item 1 - Welcome and Chairman's Remarks

- 12.37.1 The Chairman welcomed Board members and Officers of the Board to the meeting. He noted apologies from Board members Ruth Laird and Colin Reid and from the Director of Reviews, David Stewart.
- 12.37.2 The Chairman began the meeting by expressing condolences on behalf of the Board to the family of Carolyn Brown, a member of staff, who died on 3 March. He paid tribute to the work that Carolyn had done for RQIA since she joined the organisation in 2005.

### 12.38 Item 2 - Minutes of the meeting of the Board held on Thursday 9 February [Paper min/Feb12/public]

- 12.38.1 The Board **APPROVED** the minutes of the Board meeting held on 9 February.

#### Resolved Actions

- Minutes to be formally signed off by the Chairman

**12.39 Item 3 - Matters arising from minutes**

**12.20.3 Approval of Corporate Strategy**

12.39.1 The Chairman advised the Board that RQIA had received formal approval of its Corporate Strategy from the Department of Finance and Personnel.

**12.40 Item 4 - Declaration of Interests**

12.40.1 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.

12.40.2 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.

**12.41 Item 5 - Chairman's report - Chairman [Paper C/02/12]**

12.41.1 The Chairman presented his report to the Board and noted that he had attended 3 meetings on behalf of RQIA since the previous Board meeting.

12.41.2 The Chairman advised that he had attended two recent conferences, the NICON conference and the annual user/carer conference which is jointly organised by RQIA. He said that both events were well attended and very successful.

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

**12.42 Item 6 - Chief Executive's Report - Chief Executive [Paper D/02/12]**

12.42.1 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 Jenny Irwin of McClure Watters regarding a landscape review of the role and function of the Northern Ireland Social Care Council (NISCC) and that the report would be due by the end of March.

12.42.2 The Chief Executive acknowledged the work undertaken by RQIA, in partnership with NISCC, SCIE and the PCC to organise the user/carer conference. He said that from next year, the Patient Client Council would be taking over the co-ordination of the event.

12.42.3 The Chief Executive gave an update of the review programme and advised that two reports were with DHSSPS and that RQIA was awaiting a response from DHSSPS in respect of both reports, namely the Radiology Stage II and NISAT Stage I reviews.

- 12.42.4 The Director of Regulation gave an overview of current enforcement actions. He explained that with regard to Clanrye Nursing Home, following a fire risk assessment, a Notice of Proposal had been issued to cancel the registration of the facility. He added that in addition, three pharmacy inspectors were visiting the facility today to inspect pharmacy records.
- 12.42.5 The Director of Regulation said that a number of Failure to Comply notices had been issued on Trust facilities. He added that children's homes and a supported living service had also been served with notices. He acknowledged the work of the team to manage enforcement notices, in addition to the on-going programme of registration and inspection.
- 12.42.6 The Chief Executive said that RQIA had convened representation panels follow the issuing of failure to comply notices in respect of two facilities and he thanked Board members who had assisted with these panels.
- 12.42.7 The Chief Executive advised the Board that a number of roadshows had taken place for regulated services and that these had been well attended. He added that the information from these roadshows was available on the RQIA website.
- 12.42.8 The Chief Executive updated the Board on dental regulation. He said that to date, 45 practices had not yet applied to be registered.
- 12.42.9 The Chief Executive updated the Board on human resources issues. He advised that since the previous Board meeting, two members of staff had left the organisation; Claire Richardson had left to take up a post in the private sector and Mark Campbell would be heading up a team inspecting healthcare facilities in the Isle of Man. He wished both employees well in their new appointments.
- 12.42.10 The Chief Executive told the Board that RQIA had received approval of its ICT Outline Business Case (OBC).
- 12.42.11 The Chief Executive concluded his report by saying that, since the previous Board meeting, he had been advised by a complainant of her intention to refer her complaint to the Northern Ireland Ombudsman.
- 12.42.12 The Board **NOTED** the Chief Executive's report.
- 12.43 Item 7 - Finance Report – Director of Corporate Services [Paper E/02/12]**
- 12.43.1 The Director of Corporate Services presented the Finance Report to the Board and advised that the current projections showed a forecast underspend of £48k. He said that the main variable for this

underspend was the projected income from dental regulation. He added that another factor behind the increased surplus was the cumulative underspend in salaries and wages.

12.43.2 The Director of Corporate Services said that RQIA was awaiting confirmation from DHSSPS regarding the definition of breakeven but added that RQIA was keeping the DHSSPS apprised regarding its year-end position.

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

**12.44 Item 8 – Risk Management Strategy – Director of Corporate Services [Paper F/02/12]**

12.44.1 The Director of Corporate Services advised the Board that following the previous Board meeting, RQIA had taken into account comments received from members and had updated the Risk Management Strategy accordingly. He said that this Strategy would continue to be reviewed annually by the Audit Committee and Board.

12.44.2 The Chairman said that the revised document incorporated the main concerns raised by the Board and asked the Board for approval.

12.44.3 The Board **APPROVED** the revised Risk Management Strategy.

**12.45 Item 9 – Mental Health and Learning Disability Reports:**

- **Oversight Report of Mental Health Inpatient Facilities**
- **Oversight Report of Learning Disability Inpatient Facilities**
- **Provision of Advocacy Services in Mental Health and Learning Disability in Patient Facilities in Northern Ireland**

**[Paper G/02/12]**

12.45.1 The Director of Mental Health and Learning Disability gave an overview of the three reports. She explained that as part of the methodology interviews were conducted with 133 service users. She detailed the main strengths and challenges of the mental health and learning disability reports and highlighted areas where improvements in services still require to be made. With regard to the advocacy report, the main recommendation was that advocacy services should be more widely available.

12.45.2 The Director of Mental Health and Learning Disability introduced Patrick Convery, Head of Programme and Carolyn Maxwell, Inspector to the meeting and invited questions from Board members about the reports.

12.45.3 A Board member acknowledged the work undertaken to complete these reports. He asked if RQIA was concerned about the delays in the reporting of Serious Adverse Incidents (SAIs). Patrick Convery explained that there was a concern as the standard timeframe for the

completion of SAI reports by the Trust, following notification to RQIA, is 12 weeks but he explained that this deadline was sometimes not met because families needed to be involved in the process. The Director of Mental Health and Learning Disability added that a report on RQIA's review of its monitoring of SAIs from April 2011 to March 2012 will be presented at a future Board meeting.

- 12.45.4 A Board member asked if RQIA was content with the escalation process. The Director of Mental Health and Learning Disability said that when issues are escalated to Chief Executive level that the follow up process by Trusts is usually prompt but RQIA frequently has to convene further meetings with senior staff in the Trust to discuss the actions proposed or taken. RQIA follows up progress made in their next inspection of the ward concerned.
- 12.45.5 Patrick Convery explained that some of the concerns highlighted in the reports related to issues of privacy or dignity, but he acknowledged that due to the nature of the estate of some of the older hospital sites, these issues were difficult for Trusts to manage. Issues were picked up relating to care and treatment of patients, and staff attitudes and the Director of Mental Health and Learning Disability said that RQIA followed up on the issues in the inspection reports, and quality improvement plans have been received regarding these issues from the Trusts.
- 12.45.6 A Board member asked about physical interventions and safety and care issues. Patrick Convery said that staff are trained in these areas but that this will be a focus for RQIA inspections in future.
- 12.45.7 A Board member said that the staff should be commended for the work undertaken to produce these overview reports but felt that the information within the reports could be presented more sharply and that there should be more analysis and a clear distinction between the findings and the recommendations. She added that the narrative should use percentages, rather than numbers, as this made it difficult to fully appreciate the analysis.
- 12.45.8 A Board member said that within the advocacy report, there should be more information on the role of the RQIA Advocacy Forum. Carolyn Maxwell said that RQIA will put in place arrangements to monitor the commissioning of advocacy services and in particular, their quality and availability. Board members were informed that there were many different types of advocacy and Patrick Convery added that RQIA was supporting the establishment of a commissioning framework for advocacy services by the HSC Board.
- 12.45.9 A Board member asked if there were arrangements in place for advocacy in nursing homes. Carolyn Maxwell said that the Patient Client Council is developing a toolkit for advocacy services in nursing and residential homes which is due to be launched in the next 2

weeks. This will be available on the PCC website.

- 12.45.10 The Chairman said that these reports demonstrated the wide range of work that RQIA is involved in and he asked about the target audience of the reports and if they would be published on the RQIA website. He also sought to clarify if the reports were to be approved by the Board.
- 12.45.11 The Chief Executive compared these type of reports to the reports completed as part of the hygiene and infection control inspection programme whereby individual reports would be uploaded onto the RQIA website but that the Board would receive summary reports of the key findings over a period of time. He said that it was RQIA's intention to publish individual reports of mental health and learning disability inspections on the website to demonstrate openness and transparency in this area of work.
- 12.45.12 A Board member asked whether the findings of inspections of EMI facilities should form part of these reports. The Director of Regulation acknowledged that there are similarities with these types of facilities but also some differences. The Director of Mental Health and Learning Disability added that nursing inspectors from the regulation team and one of the sessional medical staff assisted the mental health and learning disability inspectors in the review of dementia wards.
- 12.45.13 The Chairman proposed that 3 Board members, Geraldine Donaghy, Richard Adams and Sarah Havlin work with the Director of Mental Health and Learning Disability to refine the reports so that a template can be created for future reports.
- 12.45.14 The Board **NOTED** the reports on mental health, learning disability and advocacy.
- 12.46 Item 10 – Northern Ireland Human Rights Commission Report – In Defence of Dignity – Recommendations for RQIA – Chief Executive**
- 12.46.1 The Chief Executive presented an overview of the recent Northern Ireland Human Rights Commission (NIHRC) report and outlined the key recommendations for RQIA which emanated from the report.
- 12.46.2 One of the recommendations proposed that the Nursing Homes Minimum Standards should be revised to integrate human rights standards. The Chief Executive said that RQIA had previously raised the issue of revising the standards with DHSSPS. The NIHRC report proposed across two recommendations, that RQIA carries out its inspections within a human rights framework and that staff should be trained in this area. The Chief Executive advised that a human rights framework had already been developed for Patient Experience

Reviews in the mental health and learning disability team. He advised that further work would be required to extend the approach to all registered nursing homes.

- 12.46.3 The Chief Executive told the Board that the NIHRC report recommended that RQIA review its guidelines for the determining the ratio of staff to residents. He said that this was an extremely complex area and that RQIA was the only regulator in the British Isles to publish guidance on this area on its website. He said that the guidance had been published at the request of the sector and had been based on the Telford and Rees-Heron methodologies but he cautioned that no formula was suitable to cover all of the intricacies of staff numbers and dependency levels.
- 12.46.4 The Chief Executive outlined the next steps for RQIA. He said he wished to discuss all of the recommendations within the report with DHSSPS. He also felt it would be useful for RQIA to engage with NIHRC regarding human rights training.
- 12.46.5 The Board challenged whether RQIA agreed with the recommendations in the report. The Board noted that the research was based on a small sample of four nursing homes and 25 care records. The call for evidence had resulted in further contacts to the telephone line and a small number of written submissions. The Chairman acknowledged that the recommendations were aimed, in the main, at the Northern Ireland Assembly and DHSSPS. He acknowledged that RQIA needed to work with DHSSPS in taking forward the key recommendations.
- 12.46.6 The Chief Executive said that RQIA noted the report but assured the Board that RQIA considers itself to be a champion for the human rights of people who use the services that it regulates. He added that RQIA carries a sophisticated and proportionate programme of inspections and has a track record of challenging poor practice. He also noted that human rights is cited within the current Nursing Standards.
- 12.46.7 The Director of Regulation expressed discomfort at the tone of the report and challenged the methodology used and the lack of follow up and verification on the evidence received to inform the report. He felt that although the recommendations were valid and that some of them could be achieved, he reiterated that it was impossible for RQIA to review the staffing guidelines in the absence of any appropriate methodology for doing so.
- 12.46.8 A Board member said that RQIA should consider a response to the report and affirm its position in the field of human rights. The Chairman asked if RQIA would respond directly with its concerns to NIHRC. The Chief Executive said that RQIA would initially discuss the report with DHSSPS. Other Board members agreed that it was

important for RQIA to publicise its commitment to human rights.

- 12.46.9 The Chief Executive advised the Board that RQIA is considering updating its website with a section on enforcement activity as a similar approach has been adopted by the Care Quality Commission. He said that this would demonstrate how RQIA deals with services which are operating in breach of regulation. The Director of Regulation added that one of RQIA's key principles is around service user outcomes and that one of the issues raised in the report concerned person-centred care.
- 12.46.10 A Board member suggested RQIA should establish if the recommendations are legally binding. The Chairman said this issue could be raised at the meeting with DHSSPS on 9 March.
- 12.46.11 The Chief Executive concluded the discussion by summarising the next steps. He said that RQIA would seek appropriate advice and would meet with DHSSPS to discuss the recommendations. He added that RQIA would seek to ensure that its commitment to human rights in made more explicit in reports of its work.
- 12.46.12 The Board **NOTED** the briefing from the Chief Executive on the report.

**12.47 Item 11 - Any Other Business**

- 12.47.1 There was no other business and the Chairman drew the public session to a close at 5:15pm.

**Date of next meeting:  
Thursday 10 May 2012, Board Room, Riverside Tower**

Signed   
Dr Ian Carson  
Chairman

Date 10/05/12