

## PUBLIC SESSION MINUTES

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**RQIA Board Meeting**  
**Board Room, Riverside Tower, Lanyon Place, Belfast**  
**5 July 2012, 2:00pm**

### **Present**

Ian Carson (Chairman)  
Richard Adams  
Geraldine Donaghy  
Lilian Jennett  
Ruth Laird  
Allen McCartney  
Patricia McCoy  
Denis Power  
Colin Reid  
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**

Sarah Havlin  
Una O'Kane  
Austin Smith

### **Apologies**

None

## **12.76 Item 1 - Welcome and Chairman's Remarks**

12.76.1 The Chairman welcomed Board members and Officers of the Board to the meeting. He noted apologies from Sarah Havlin, Una O'Kane and Austin Smith.

12.76.2 The Chairman, on behalf of the Board, congratulated Ruth Laird who had received a CBE in the recent honours list.

## **12.77 Item 2 - Minutes of the meeting of the Board held on Thursday 10 May [Paper min/May12/public]**

12.77.1 The Board **APPROVED** the minutes of the Board meeting held on 10 May.

### **Resolved Actions**

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

## **12.78 Item 3 - Matters arising from minutes**

### **12.59.3 Transforming Your Care**

12.78.1 The Chairman confirmed that he, along with the Chief Executive, had met the Permanent Secretary to discuss the outworking of

Transforming Your Care. He said that it had been a useful meeting and that he was assured that RQIA would be consulted and included in decisions regarding matters relating to regulation.

#### **12.60.5 Regulation of Private Dentistry**

- 12.78.2 The Chairman confirmed that the number of practices which had not yet submitted an application for registration was 9 and that legal proceedings were being instigated in respect of these practices.

#### **12.60.6 Lagan Valley Hospital**

- 12.78.3 The Director of Mental Health and Learning Disability advised that, following the inspection in April, RQIA had received the Quality Improvement Plan from the Trust and is closely monitoring the outworking of the recommendations.

#### **12.60.1 Inspection of Maghaberry Prison**

- 12.78.4 A Board member asked when the report of the inspection would be available. The Director of Reviews advised that the report was due in the autumn.
- 12.78.5 A Board member asked for an update on the transfer of staff from the Prison Service to the HSC. The Chief Executive said that he understood this process was to have been completed by 1 April 2012, but due to difficulties with recruitment, some Prison Service staff had agreed to remain in post.

#### **12.79 Item 4 - Declaration of Interests**

- 12.79.1 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.
- 12.79.2 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. Ruth Laird has been appointed as a National Trustee for Barnardo's and will take over the role of Northern Ireland Chair from 1 October 2012.

#### **12.80 Item 5 - Chairman's report - Chairman [Paper F/04/12]**

- 12.80.1 The Chairman presented his report to the Board and noted that he had attended 4 meetings on behalf of RQIA since the previous Board meeting.
- 12.80.2 The Chairman advised Board members that he had attended the Northern Ireland Assembly Health Committee briefing on the

pseudomonas review. He added that he had had an opportunity to meet with the Minister and that the Minister was very complimentary about the review and the methodology, particularly the liaison with family members. The Chairman confirmed that he had written to members of the Review Team expressing his thanks for their involvement in the review.

12.80.3 The Chairman told the Board that an Accountability Review meeting with DHSSPS had taken place in June and that the minute of the meeting would be forwarded when it is available.

12.80.4 The Chairman said that he had attended a meeting of the Chairs' Forum with the Northern Ireland Commissioner for Public Appointments, Mr John Keanie. The Chairman said that he hoped that the process of recruiting new members for the RQIA Board would commence shortly.

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

**12.81 Item 6 - Chief Executive's Report - Chief Executive [Paper G/04/12]**

12.81.1 The Chief Executive presented his Report to the Board and began by giving an overview of key meetings he had attended. He told the Board he had attended a conference in London on the regulation of health and social care providers which included a presentation delivered by a representative of the Care Tribunal.

12.81.2 The Chief Executive advised that he had attended a Guardianship conference organised by RQIA, in conjunction with QUB. He thanked the Director of Mental Health and Learning Disability and her team for organising the conference. He said that the feedback received had been very positive.

12.81.3 The Chief Executive gave an overview of the progress of RQIA reviews listed in the Report.

12.81.4 The Director of Regulation advised the Board that in relation to Owenvale Court Residential Care Home, RQIA had cancelled the registration of The St John of God Association. He added that RQIA was working with the Belfast Trust and HSC Board with regard to two other facilities provided by The St John of God Association, Dympna House and Molinas domiciliary care agency. He advised that RQIA had issued notices to cancel the registration of those services on the basis of the fitness of the registered provider.

12.81.5 The Director of Regulation said that RQIA is part of a regional contingency group, chaired by the HSC Board looking at contingency planning in the event that a registered provider may be affected financial or other types of service failure.

- 12.81.6 The Director of Regulation specifically noted an increase in the number of enforcement notices being issued against children's homes, mainly for breaches of their statements of purpose.
- 12.81.7 The Director of Regulation informed the Board that further enforcement action had been taken against Kilwee Care Home, a nursing home in the Dunmurry area. He said that a notice of proposal in respect of the service had been issued following concerns about the fitness of the registered provider.
- 12.81.8 The Director of Regulation noted that there were a number of emerging themes in respect of the recent enforcement activity, for example, fire safety, inappropriate placements of residents, lack of monitoring by Trusts and specific issues within learning disability facilities. He said that RQIA had plans for awareness raising sessions in the autumn to assist registered services to develop robust governance and assurance arrangements, in line with regulations.
- 12.81.9 The Chief Executive said that RQIA was analysing the reasons for the significant increase in enforcement activity. A Board member asked whether RQIA had the capacity to deal with this additional work. The Director of Regulation confirmed that there was a risk that RQIA may not be able to fulfil its statutory minimum programme of inspections. He added that there was a duty of care on RQIA to closely monitor facilities where risk had been identified. This could result in an increase in unannounced inspections and the requirement for two or more inspectors being present at an inspection.
- 12.81.10 A Board member asked about the impact on patients when a registration was cancelled. The Director of Regulation said that RQIA would work with Trusts to minimise the impact. However, the Chief Executive acknowledged that there could be a difficulty for Trusts in a situation where urgent cancellation was deemed to be the most appropriate course of action given the circumstances. The Director of Regulation stated that RQIA needed to act in line with legislation and would continue to work with commissioners of services and other stakeholders in the best interests of service users.
- 12.81.11 A Board member noted that a failure to comply notice had been issued against Ailsa Lodge. The Director of Regulation confirmed that this was based on similar issues identified in the home last year.
- 12.81.12 A Board member asked about how quickly RQIA would react to an issue which related to foods or fluids. The Director of Regulation said that RQIA would be prompt and this usually involved the issue of a formal "early action" letter and a meeting with the registered provider as soon as possible, as part of the pre-enforcement action.

- 12.81.13 The Chief Executive confirmed that legal proceedings have been initiated in respect of nine dental practices which have yet to submit an application for registration to RQIA.
- 12.81.14 The Chief Executive updated the Board on human resource issues such as new appointments and members of staff who have left the organisation since the last Board meeting.
- 12.81.15 The Chief Executive confirmed that RQIA would be establishing an in-house ICT team with effect from 16 July 2012. He said that RQIA would be making a submission to the Ireland Quality Awards in September 2012.
- 12.81.16 The Chief Executive said that there had been 11 reported instances of whistleblowing since the last Board meeting. He said that each report is analysed immediately and added that as a result of whistleblowing activity, additional inspections have been undertaken at a number of registered establishments.
- 12.81.17 The Board **NOTED** the Chief Executive's report.

**12.82 Item 7 - Finance Report – Director of Corporate Services [Paper H/04/12]**

- 12.82.1 The Director of Corporate Services advised that the Finance Report up to 31 May 2012 projected a year-end break even position. He said that RQIA had received an amended revenue resource limit (RRL) letter, confirming receipt of recurrent funding for dental regulation.
- 12.82.2 The Director of Corporate Services noted that there was a small amount of fees outstanding from 2011/12 and that the invoices for fees due in 2012/13 had just been issued.
- 12.82.3 The Board **NOTED** the Finance Report.

**12.83 Item 8 – Corporate Risk Assurance Framework Report – Director of Corporate Services [Paper I/04/12]**

- 12.83.1 The Director of Corporate Services presented the Corporate Risk Assurance Framework Report to the Board and said that following the Board workshop in April 2012, the Executive Team had considered the list of risks proposed by the Board and that the updated Report reflected these risks. He went on to say that the Audit Committee had considered the Report at its meeting on 28 June and as a result, further improvements had been made to the description of the risks and the actions.
- 12.83.2 The Director of Corporate Services drew members' attention to the

change log at the back of the Report and pointed out that two of the previous risks had been amalgamated into one new risk. He added that following the Audit Committee, three new key controls had been added and three further actions identified.

- 12.83.3 The Director of Corporate Services said that Risks 3 and 4 were the two new risks added following the Board workshop, although Risk 4 which concerned funding for dental regulation could now be removed as RQIA had received confirmation of the recurrent funding.
- 12.83.4 A Board member said that there continues to be the risk that RQIA may be unaware of failings in the standard or quality of care being delivered by a registered agency or establishment, and asked if this risk existed on operational risk registers and what RQIA was doing to mitigate it. The Chairman felt that every regulator carries this type of risk and that this risk ensures RQIA maintains its focus on its work programme. A Board member felt that from the Board's perspective, any regulator will be in the line of fire if it misses something significant. RQIA must manage the expectations of the public as there are limitations to regulation and RQIA must be able to respond to issues promptly.
- 12.83.5 A Board member said that another issue which should feature on the corporate register concerns staff and succession planning. The Chief Executive said that the Executive Team had discussed this risk at a recent meeting and would be taking steps to reflect this in a future version of the register.
- 12.83.6 The Chairman noted that the Executive Team would continue to manage risks. He said that at the recent Accountability Review meeting, he had noted that the increased level of RQIA's profile had brought with it increased expectations. He said it was important that RQIA maintained a focus on its core business and that it was important that the Board continued to receive relevant information.
- 12.83.7 A Board member referred to horizon scanning and said that the work that was begun at the April workshop should be built upon and how Board members could be involved in the process. The Chief Executive noted the points made in the discussion and agreed that there was still thought to be given to issues that could be added to the register. He acknowledged the role of the Board to challenge the Executive Team's thinking in this regard and he said that the Executive Team would continue to give thought to how the risk around people and succession planning could be defined.
- 12.83.8 The Chairman proposed that the Chief Executive took time to further refine the paper produced from the April workshop before it is shared with Board members. The Board agreed to this proposal.
- 12.83.9 A Board member felt that there should be a risk around HSC IT and

noted that if IT issues emerged in an area subject to regulation, would RQIA staff have the necessary skills to investigate these issues.

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

**12.84 Item 9 - Audit Committee Update - Committee Chair [Paper J/04/12]**

12.84.1 The Chair of the Audit Committee advised the Board that the Committee had met on 28 June to consider the Annual Report and Accounts. She began by asking Board members to note the minutes of the meeting of 23 April. The minutes were **NOTED**.

12.84.2 The Committee Chair said that before the meeting with Officers of the Board, the Committee had met with members of the Internal and External Audit teams to consider matter of mutual interest and concern. They were both complimentary of the co-operation of RQIA staff during their audit work.

12.84.3 The Committee Chair said that the Committee would be having a workshop in August to consider and address the Departmental self-assessment questionnaire and to undertake its annual review of the Committee's terms of reference. She said that the Committee had requested a presentation on the enforcement process and was pleased that this would be taking place at the Board workshop in October 2011.

12.84.4 The Committee Chair advised that the Committee had discussed the role of the Serious Concerns and Complaints Group (SCCG) and had wished to look at the capacity and workload of the Group. The Committee had expressed a view that the Board should receive more in-depth analysis of complaints. She added that the Committee had noted a proposal that a separate report on enforcement is brought to the Board.

12.84.5 The Chief Executive said that RQIA had a stepped approach to enforcement and that enforcement actions are now reported on the RQIA website.

12.84.6 The Committee Chair expressed the Committee's concern that not all RQIA staff had completed mandatory training on Information Governance and ICT Security. The Director of Corporate Services said that Directors would be following this up with the intention of achieving 100% compliance.

12.84.7 The Committee Chair said that the update on the Audit Action Plan had indicated that only two recommendations were rated as "red" at the end of May 2012.

- 12.84.8 The Committee Chair advised that the Northern Ireland Audit Office “Report to those Charged with Governance” had given RQIA an unqualified audit opinion.
- 12.84.9 The Committee Chair said that the Committee had considered the updated Internal Audit work programme for 2012/13 and noted that a proposed audit of hygiene inspections had been deferred until 2013/14 as this did not currently feature on the Corporate Risk Assurance Framework Report.
- 12.84.10 The Committee Chair gave an overview of the Audit Committee’s Annual Report for 2011/12 and said that the Committee was continuing to improve on the assurances that it receives.
- 12.84.11 A Board member asked if under the Data Protection Policy, RQIA has a Clear Desk Policy. The Director of Corporate Services confirmed that staff are responsible for ensuring that confidential material is locked away at the end of each day.
- 12.84.12 A Board member complimented the Audit Committee for the range of work undertaken and encouraged the Chair to meet at least once annually with the heads of Internal and External Audit. He requested that a report, similar to the one considered by the Audit Committee on “Matters of Interest” should be brought to the Board. The Chief Executive said that the report had a mainly internal focus but he agreed to discuss this suggestion with the Director of Corporate Services. The Director of Corporate Services said that this could be linked to the planned review of the format of the Chief Executive’s Report.
- 12.84.13 The Board **NOTED** the update from the Committee Chair.
- 12.85 Item 10 – Improvement and Efficiency Operational Plan 2012/13 – Director of Corporate Services [Paper K/04/12]**
- 12.85.1 The Director of Corporate Services presented the Improvement and Efficiency Operational Plan to the Board. He explained that a 4-year Improvement and Efficiency Plan had been developed, in line with savings required under the Comprehensive Spending Review and that this had been presented to the Board in November 2011. He said that RQIA was committed to developing an annual operational plan. He said that the confirmation of recurrent funding for dental regulation has given RQIA a greater degree of confidence about its ability to manage within the increased financial allocation.
- 12.85.2 The Director of Corporate Services said that following a workshop in March 2012, which had representation from all directorates and the Board, three key messages had emerged. Firstly, any improvement initiatives would be integrated with work RQIA was committed to in

its annual Business Plan. Secondly, the improvement work would be branded in a manner that could easily be communicated across the whole organisation and finally, progress on all initiatives should be reported once, and once only.

- 12.85.3 The Director of Corporate Services said that the updated operational plan had been revised following amendment to the gap analysis but he explained that the budget build for non-pay expenditure had yet to be completed. He felt that the £35k gap identified in 2012/13 could be managed effectively through in-year slippage on vacancies.
- 12.85.4 The Director of Corporate Services explained the format of the plan and advised that updates will be provided in the Corporate Performance Report and the Finance Report.
- 12.85.5 A Board member asked about the status of the initiatives. The Director of Corporate Services explained that the purpose of this report was to outline the initiatives and that progress would be reported in the Corporate Performance Report, with the report on the first quarter of 2012/13 due to be brought to the Board in September.
- 12.85.6 A Board member noted that despite the efficiency savings, the overall work programme of the organisation was not reducing.
- 12.85.7 The Board **NOTED** the update on the Improvement and Efficiency Operational Plan.

**12.86 Item 11 – Three Year Review Programme: Board Input – Director of Reviews [Paper L/04/12]**

- 12.86.1 The Director of Reviews explained that the final review reports from the Three Year Review Programme for 2009/12 were currently being written up. He proposed that 2 Board members be nominated to read each of the reports before they would be presented to the Board in September 2012 for approval.
- 12.86.2 Following discussion the following nominations were **AGREED**:
- Children Under 18 on Adult Wards – Allen McCartney and Ruth Laird
  - NISAT Phase II – Denis Power and Una O’Kane
  - Risk Assessment: Mental Health Services – Sarah Havlin and Lillian Jennett
  - Cardiovascular Framework - Richard Adams and Patricia McCoy
- 12.86.3 The Director of Reviews proposed that for the new Three Year Review Programme, a Board member be nominated who would be involved in reviewing the terms of reference and being kept updated on the progress of the review.

12.86.4 Following discussion the following nominations were **AGREED**:

- Learning Disability Community Services: Phase 1 – Austin Smith
- Safeguarding Arrangements – Lindsay Smith
- Hospitals at Night and Weekends – Patricia McCoy
- Management of Controlled Drugs in Hospitals – Richard Adams
- Sexual Health – Colin Reid
- Northern Ireland Guardian ad litem Agency – Geraldine Donaghy
- Oversight of Patient Finances in Residential Settings – Denis Power

12.86.5 It was **AGREED** that Jacqui Murphy would contact the relevant Board members with further information.

### **12.87 Item 12 - Any Other Business**

12.87.1 Reference was made to the recent press coverage regarding the backlog of x-rays which had been reported by the Belfast Trust and a concern that the recent RQIA Radiology Review had indicated that there were no significant issues with reporting of x-rays within the Trust following assurances given by the Trust in this regard. A Board member felt that this raised a reputational issue for RQIA.

12.87.2 The Director of Reviews explained that it was his understanding that, in May 2012, the Belfast Trust were conducting an audit of reporting of x-rays and identified x-rays that had no reports. The Trust investigated this further and discovered other x-rays, with no linked reports, some dating back to 2007. He said that when reporting x-rays, two different systems are used. The images of the x-rays are stored on the Picture Archiving and Communication System (PACS) and the report on the Radiology Information System (RIS).

12.87.3 The Director of Reviews stated that, at the time of the radiology review, in March 2011, the Belfast Trust did report two backlogs of reporting, due to staffing issues which had occurred at the Mater and Musgrave Park Hospitals, but it would appear the Trust would not have been aware of this particular issue at that time. He explained that the Trust were carrying out a full investigation as this matter was required to be reported as a Serious Adverse Incident (SAI) and that RQIA would receive the report in due course. He added that under legislation governing the Ionising Radiation (Medical Exposure) Regulations (IRMER), all x-rays should have a clinical evaluation. He said that RQIA had been in contact with the Trust in respect of its responsibility under IRMER and has asked the Trust to provide a copy of the SAI and the investigation report when it was available. These would then be considered in relation to RQIA's responsibilities

under IRMER.

- 12.87.4 A Board member queried how robustly the Review Team had assured itself of the Trust's risk assessment and risk management processes. The Director of Reviews said that the issue involved technical aspects of computer software. He said that there was no process that RQIA engaged in during the review that would have detected this particular issue.
- 12.87.5 A Board member asked if RQIA had written to the Belfast Trust and DHSSPS expressing its concerns. The Director of Reviews said that RQIA had written to the Trust in relation to its role as the IRMER inspectorate and the matter was being dealt with under SAI procedures. He confirmed that he had also spoken to DHSSPS. He added that RQIA would continue to deal with the issue under IRMER and advised that it was the responsibility of the HSC Board to carry out the performance management of the Trust regarding this incident.
- 12.87.6 A Board member asked if RQIA should raise this matter formally with DHSSPS. The Chairman said that RQIA will await the outcome of the SAI investigation and exercise its duties and responsibilities under IRMER.
- 12.87.7 There was no other business and the Chairman drew the public session to a close at 4:25pm.

**Date of next meeting:**

**Tuesday 4 September 2012, Board Room, Craigavon Area Hospital**

Signed

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Dr Ian Carson  
Chairman

Date

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