

Minutes

Meeting: Board
Date: 20 October 2011
Time: 2.00 pm
Venue: Rooms 0.18/0.24 Compass House

Present: Frank Clark, Chair
Theresa Allison
Mike Cairns
Denise Coia
Garry Coutts (via VC)
Anne Haddow
Douglas Hutchens
Cecil Meiklejohn
Carol Paton
David Wiseman
Sally Witcher

In Attendance: Jacquie Roberts, Interim Chief Executive
Karen Anderson, Director of Operations
David Cumming, Director of Operations
Gill Ottley, Director of Operations
Gordon Weir, Director of Resources
Kenny McClure, Head of Legal Services
Alexis Jay, Chief Social Work Adviser
Anne Forsyth, Executive Assistant

Apologies: Morag Brown, Board Member
Colin McAllister, Corporate Planning, Communications and
Engagement Manager

Item

Action

The Chair welcomed everyone to the meeting including one observer.

1.0 APOLOGIES FOR ABSENCE

Apologies for absence, as listed above, were noted.

2.0 DECLARATION OF INTEREST

The following declarations of interest were made:

- David Wiseman, Douglas Hutchens, Board Members and Alexis Jay, Chief Social Work Adviser in respect of Item 7.
- Garry Coutts, Board Member in respect of holding the positions of Convener of the Scottish Social Services Council and chair of NHS Highland.

3.0 MINUTE FROM PUBLIC BOARD MEETING HELD ON 18 AUGUST 2011

The minute of the meeting held on 18 August 2011 was submitted and approved as a correct record.

4.0 MATTERS ARISING

Item 4.0 – The Board noted the progress made in relation to an interim position to ensure that members of Care Inspectorate staff and authorised persons held appropriate qualifications and were appropriately registered with the SSSC. Confirmation of the decision would be made at the SSSC's Qualifications Panel on 2 November 2011.

The Board noted that an update on the Care Inspectorate's role in relation to continued financial viability of care providers had been included in Report Number B-11-2011, Item 9.

Item 8.0 – The Board noted the continued progress with Scottish Government and the Fire and Rescue Service to produce a full and clear understanding concerning statutory responsibilities for compliance with fire safety. It was clear that agreements must be in place to minimise risks to people who use care services and to the Care Inspectorate.

The Board noted that an update on the Minister for Public Health's visit to the Care Inspectorate had been included in Report Number B-11-2011, Item 9.

Item 9.0 – The Board noted that the report on the inspection of services for looked after children in the States of Jersey would not be published by the States of Jersey until at least the end of November 2011.

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The Director of Operations (Planning, Assurance and Public Reporting) confirmed that when the review of the Care Standards Questionnaires were undertaken questionnaires for and views of carers would be included.

Item 10.0 – The Board noted that an update on Southern Cross Care Services had been included in Report Number B-11.2011, Item 9.

5.0 **REPORT FROM STRATEGY AND PERFORMANCE COMMITTEE OF 13 SEPTEMBER 2011 (UNCONFIRMED MINUTE)**

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee.

The Board:

- Noted the introduction and publication of the new Equality Impact Assessment template and guidance and that this would be issued to all members.
- Noted the development of an Intelligence Strategic Framework.
- That the first series of Care Inspectorate staff seminars had concluded and had received positive feedback from staff.
- Noted the work carried out on the Change Delivery Project to improve scrutiny and establish a risk framework.
- Took assurance that both the Intelligence and Risk frameworks were being taken forward under good project planning and controls with good external challenge which would be further considered by the Committee.
- That learning from complaints would add to the intelligence framework.
- Agreed to provide the Complaints Sub Committee Convener with ideas about what members would want to see included in report from the Complaints Sub Committee.

**DoO
(PA&PR)**

Members

6.0 **REPORT FROM RESOURCES COMMITTEE OF 27 SEPTEMBER 2011 (UNCONFIRMED MINUTE)**

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee and for the approval of the following:

Draft Capital Plan 2011-12

The Director of Resources presented the Draft Capital Plan 2011-12.

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The Board:

- Approved the Draft Capital Plan 2011-12.

Information and Communication Technology (ICT) Infrastructure

The Director of Resources presented the ICT Infrastructure report and in particular the following point was noted:

- The first draft of the ICT Strategy was being carried out and this would be submitted to the Resources Committee on 29 November 2011.

The Board, after discussion and detailed questioning:

- Noted the unique circumstances (linked to the initial 25% cost reduction target) which had given rise to the projected under spend.
- Noted that the 2011/12 outturn was not reflective of the necessary planned expenditure in 2012/13.
- Noted the prediction by the Chair in December 2009 that significant investment in ICT (including systems development) would likely be required to support the business needs of the new unified scrutiny body.
- Welcomed the opportunity which the underspend provided to bring forward part of the required investment and the benefits which this would have in terms of the effectiveness of the business processes of both the Care Inspectorate and the Scottish Social Services Council.
- Noted that the costs represented 'best estimates' at that stage.
- Agreed that the case as presented should form the basis of a funding bid to Scottish Government.
- Was assured that if funding was approved, all aspects of the submission would be subject to formal procurement arrangements which could be completed by 31 March 2012.
- Agreed that regular progress reports would be made to the Resources Committee.

Proposal for SCSWIS to Produce Official Statistics

The Director of Operations (Intelligence and Complaints) presented the report and the following particular points were noted:

- The Care Inspectorate was being asked to agree in principle and care was to be taken about cost implications.

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- The implementation and expectations from Scottish Government requests could be managed by an agreed protocol.
- Staffing issues needed to be kept to the fore ie TUPE question needed to be asked if Scottish Government staff transferred.

The Board:

- Agreed in principle, subject to above and also the continued periodic reporting to the Resources Committee.

For Information:

Budget Monitoring and Budget Forecast 2011-12

The Board:

- Noted the Budget and Monitoring and Budget Forecast 2011-12 which had been the subject of detailed discussion at the Board Strategic Event on 29/30 September 2011.

7.0 REPORT FROM AUDIT COMMITTEE OF 27 SEPTEMBER 2011 (UNCONFIRMED MINUTE)

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee and for the approval of the following:

Care Commission Audit Committee Annual Report

The Chair presented the report which presented a summary of the work of the Care Commission's Audit Committee and gave the Committee's opinion on the assurance that the work had provided to the Care Inspectorate Board.

The Board:

- Noted the work of the Care Commission's Audit Committee.
- Noted the Committee's assessment of its performance.
- Noted the positive assurance that the Care Commission Audit Committee provided the Board.

- Noted that the Care Commission Audit Committee had reviewed the draft Statement on Internal Control (SIC) as at 14 March 2011 and believed that the SIC was appropriate.

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Care Commission Final Draft Annual Report and Accounts 2010-11

The Chair informed the Board that there were no issues about factual accuracy and that typographical errors had been amended.

The Board:

- Agreed that one tick, not two, was appropriate at Objective 7 as the Care Commission's evidence had focussed more on whether the Service Providers submitted the Self Assessment, rather than how good these assessments were.
- Approved the Care Commission Annual Report and Accounts 2010-11 subject to above amendment.

For Information: SWIA Annual Report and Accounts

The Board:

- Noted the SWIA annual Report and Accounts which had been audited and that the balance sheet ran concurrently with the Care Commission's balance sheet into the Care Inspectorate's starting balance.

Draft Letter of Representation

The Board:

- Noted that the Draft letter of Representation would be signed by the Interim Chief Executive.

Appointment of Internal Auditors

The Board:

- Noted that the change in the appointment process for Internal Auditors from 2012. This would be in the form of applications to the Scottish Government's framework.

8.0 REPORT FROM REMUNERATION COMMITTEE OF 27 SEPTEMBER 2011 (UNCONFIRMED MINUTE)

The Director of Resources presented the minute to the Board for consideration and discussion of the recommendations made by the Committee and for the approval of the following:

Proposed Pay Remit 2011-12

The Director of Resources presented the report and the following points were noted:

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- The Care Inspectorate was required to submit a pay remit in line with the Public Sector pay policy for Staff Remits issued by the Scottish Government.
- A joint submission from three of the recognised Trade Unions would be submitted as an Appendix to the Pay Remit.
- The Pay Policy guidance required that, whilst informal discussions could take place, public bodies should not enter into formal negotiations with Trade Unions until their remit had been approved by Scottish Government.

The Board:

- Approved the pay remit.
- Noted that it was in compliance with the Pay Policy and that talks would continue with the Trade Unions through the Care Inspectorate's Partnership Forum.

**For Information:
Chief Executive Recruitment Report**

The Board:

- Noted the update of applications received for the Chief Executive post and that shortlisting would take place on 2 November 2011 with final interviews being held on 9 November 2011.

**9.0 INTERIM CHIEF EXECUTIVE'S REPORT
REPORT NO: B-11-2011**

The Interim Chief Executive presented the report which provided the Board with an update on key developments since the August 2011 Board meeting. In particular the following points were noted:

- The risk-based assessments and scrutiny of Local Authority social work services were on track and that the analyses of aggregated findings had commenced. A Child Protection overview report would be drafted nearer completion of the Child protection programme in early 2012.
- The Operational Directors were provided with regular updates by Inspection Programme Managers on all high risk and poorly performing services.
- The internal consultation on the new complaints procedure for the Care Inspectorate had been completed in September 2011 and the responses had been analysed and external consultation had commenced in October 2011.

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- The National Registration Team had improved procedures for checking new applicants at point of Registration.
- The National Registration Team continued to be processing the major piece of work in respect of the new registrations of services previously provided by Southern Cross.
- Professional Advisory Groups had been set-up to ensure an overarching and cohesive structure to progress specific professional workstreams, provide advice and to address specialist quality and consistency issues across the organisation.
- The Deputy First Minister's (DFM) Statement to parliament on 21 September 2011 stated that all care homes and personal care and support services would be inspected at least once per year, and that inspection frequency would be placed on a statutory basis. The Inspection Programme Managers had commenced preparation to move this forward. The DFM also confirmed the agreement with the Chair to the use by SCSWIS of the everyday name of the Care Inspectorate on a minimal cost basis.
- Scottish Government's participation in the All Stars Nursery's hearing of the Care Inspectorate's appeal against the decision of the Sheriff Principal to allow the nursery's appeal to cancel registration, which had been set for 22 and 23 November 2011, was still to be confirmed.
- The Care Inspectorate's application to the Sheriff to propose emergency cancellation of Moore House Care and Education had been refused. The Care Inspectorate nevertheless was very active in this case and continued to work with the service to ensure necessary improvement to the quality of care.
- A local media plan would be implemented to raise awareness of the Care Inspectorate and its complaints procedure, and would include joint awareness-raising of the professional code of practice between the Care Inspectorate and the SSSC.
- Liaison with Scottish Government had been very frequent. The Chair and Interim Chief Executive hosted a meeting with the Minister for Public Health on 19 August 2011 and the Chair had extended the same invitation to the Minister for Children and Young People.
- A number of solutions were being considered concerning the West of Scotland property strategy in close collaboration with Scottish Government and an options paper was being prepared for the Resources Committee on 29 November 2011.

The Board:

- Noted the Care Inspectorate's work with Scottish Government to ensure a shared understanding that the three year development plan needed time and that there should be continued discussion about risk and risk tolerance in the drive towards proportionate and targeted scrutiny.
- Noted that further submission had been made to the Health and Sport Committee on strengthening the Care Inspectorate's statutory powers to restrict registration and to carry out enforcements. The submission would be circulated to Board members.
- Noted the information contained in the report.

ICE

10.0 CARE INSPECTORATE CORPORATE PLAN REPORT NO: B-12-2011

The Director of Operations (Planning, Assurance and Public Reporting) presented the report which provided the Board with an updated version of the Corporate Plan 2011.2014. In particular the following points were noted:

- The particular amendments made to the narrative on pages 8 and 11 and the updated resources section.
- That a version of the next Corporate Plan would be worked on and taken forward taking account of the discussions at the Board Strategic Event that took place on 29/30 September 2011.

The Board:

- Commended the team on the Plan's simplicity and easy to read format.
- Noted the inclusion of updated information in light of the Scottish Spending Review 2011 and Scottish Government announcements on frequency of inspection.
- Agreed the publication of the Corporate Plan as amended.

11.0 DEVELOPING A NEW SCRUTINY METHODOLOGY FOR INSPECTION OF CHILDREN'S SERVICES REPORT NO: B-13-2011

The Director of Operations (Planning, Assurance and Public Reporting) presented the report which provided the Board with an overview of the policy background and request from Scottish

Ministers that the Care Inspectorate led the development of a new scrutiny methodology, and provided a summary of the approach that the Care Inspectorate would take to deliver this. The following points were noted:

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- The first meeting of the Programme Board had gone well.
- Much would be learnt from this process and what was being developed would be a solid foundation when considering multi-agency scrutiny of Adult Services and Criminal Justice services in the future.
- There was a commitment to ensure involvement with children and parents within the Internal Steering group.

The Board:

- Noted the policy context for the development of a new scrutiny methodology for inspection of children's services.
- Agreed the Care Inspectorate's response to the Ministerial request that the Care Inspectorate leads the development of a new scrutiny methodology.
- Noted the approach and progress to date in delivering the new scrutiny methodology for inspection of children's services.
- Agreed that progress reports should be made at regular intervals to the Strategy and Performance Committee.

**Executive
Assistant**

12.0 BOARD STRATEGIC PLANNING EVENT REPORT NO: B-13-2011

The Chair presented the report which provided the Board with a brief summary of the key issues identified at the Board Strategy Planning Event and which would be addressed in the Corporate Plan 2012-2015.

The Board:

- Noted that evaluation of the event had been issued.
- Agreed to include taking forward work around health and social care integration and self-directed support.
- Agreed that another session was booked for January/February 2011.

**Executive
Assistant**

13.0 AOCB

13.1 NDPB Conference – 15 December 2011 – Change to Date of Next Board Meeting

The Chair informed the Board that the next NDPB conference was to be held on 15 December 2011 and sought approval to reschedule the next Board meeting planned for that date.

The Board:

- Agreed that the next meeting of the Board would take place on 20 December 2011.

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13.2 Development Event – 15 November 2011

The Chair informed the Board that the Chief Executives of HIS, SSSC, MWC and ES would provide a presentation to members at its development time planned for the afternoon of 15 November 2011, when the focus would be Duty of Co-operation.

14.0 DATE OF NEXT MEETING

The date of the next Public Board meeting was noted as 20 December 2011, at 2.00 pm, Compass House, Dundee.

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