

Minutes

Meeting: Board

Date: 28 March 2014

Time: 2.00 pm

Venue: Rooms 6/7/8, Compass House

Present: Paul Edie, Chair
Mike Cairns, Board Member
Ian Doig, Board Member
Anne Haddow, Board Member
Jim McGoldrick, Board Member
David Wiseman, Board Member
Sally Witcher, Board Member
Linda Pollock, Board Member
Christine Dunlop, Board Member

In Attendance: Annette Bruton, Chief Executive
Karen Anderson, Director of Strategic Development
Robert Peat, Director of Inspection
Gordon Weir, Director of Corporate Services
Kenny McClure, Head of Legal Services
Rami Okasha, Communications Manager
Alan Baird, Chief Social Work Adviser
Louise Bremner, Directorate Support Officer
Elaine Cranston, Directorate Support Officer

Apologies: Denise Coia, Board Member
Anne Houston, Board Member
Cecil Meiklejohn, Board Member

Item**Action**

The Chair welcomed everyone to the meeting including two new Board members. Introductions and a brief description of Members' backgrounds took place.

1.0 APOLOGIES FOR ABSENCE

Apologies for absence, as listed above, were noted.

2.0 DECLARATION OF INTEREST

The Chair advised that he was a current member of the SSSC Council and Board of H.I.S.

3.0 MINUTE OF MEETING HELD ON 13 DECEMBER 2013

The minute of the meeting held on 13 December 2013 was submitted and approved as a correct record.

4.0 ACTION RECORD OF MEETING HELD ON 13 DECEMBER 2013

It was noted that the action plan needed to be updated to correspond with the action column in the minute and reflect relevant timescales.

5.0 MATTERS ARISING

There were no matters arising that were not covered already on the agenda.

6.0 REPORT FROM STRATEGY AND PERFORMANCE COMMITTEE OF 4 MARCH 2014 (DRAFT MINUTE)

The Chair presented a verbal report to the Board in addition to the minute of the above Committee for consideration and discussion by the Committee. In addition to a number of reports which had been referred to the Board the following points were highlighted.

Item 9.0 – User Focus – Impact of Additional Hours

The committee had endorsed the change of the title from “Lay Assessors” to “Inspection Volunteers”. Members also noted the progress in terms of additional recruitment to these posts and ongoing training taking place.

Item 10.0 – Responding to Significant Incidents – The Care Inspectorate Role

The above report was noted by the Committee who had agreed that more details in relation to this work should be circulated to Board members. There was discussion around health and medical expertise and it was clarified that advice would be sought from NHS if required.

DoSD

Item 11.0 – Towards a Quality Improvement Strategy

Noted the progress made to date and the plans to create a small member officer working group. At the Board meeting the Chair appealed for volunteers from the Board Membership to be part of this group.

6.1 Monitoring Our Performance 2013/14

The Director of Strategic Development presented the Quarter 3 (Q3) 2013/14 summary report on performance. Information that had been provided to the Strategy and Performance Committee in relation to key performance indicators, monitoring measures and quality indicators was noted and the following points were highlighted:

- That there were 14,173 registered care services in operation as at 31 December 2013, 73% of which had maintained or improved on grades of four or above for every quality theme since 1 April 2013. That meant that of the 427 of 10,762 services that started the year with good grades had declined in at least one quality theme since their last inspection.
- That 66% of requirements made at previous inspection had been confirmed as met in 2013/14 inspection reports finalised in Q1 to Q3. However since amending the Inspection Reporting Template this figure had reduced to 62%.
- That in the year to date up to 31 December, lay assessors had been involved in 319 inspections, spending 2034 hours on inspection activity and speaking to 2,252 service users.
- That in Q1 to Q3 there had been 42 complaints received

against the Care Inspectorate. As at 31 December 2013, 19 remained in progress and 9 had been completed. The remaining 14 had been withdrawn.

- That during Q1 to Q3, the Care Inspectorate received 2642 complaints. This had been an increase compared to the 2483 received over the same period last year.

The Board considered the information and the points highlighted and noted that the QI for Leadership and Direction would be measured in August 2014 by undertaking a staff survey.

Noted that the Personal Development Review System was being updated following benchmarking with other bodies.

Concern was expressed at the low rate of return of self assessment by services and would expect the Care Inspectorate to work to ensure improvement in this area. The Chief Executive informed members that it was the intention to build this work into the Link Inspector role.

In terms of QI2, the increased number of Inspection Volunteers was noted and welcomed.

The percentage of care homes for older people with reduced grades was noted and an analysis of this will be carried out later in the year and information will be provided to the Board.

DoSD

Members noted that service providers' feedback had been positive in terms of the specialist teams.

The Board:

- Considered and noted the report.

6.2 DISCUSSION PAPER ON FUTURE ROLE OF THE COMPLAINTS SUB COMMITTEE

The Chair of the Complaints Sub Committee introduced this item highlighting the discussions which had taken place at the Complaints Sub Committee surrounding the two reports on the future of the Complaints Sub Committee.

The above report was then presented by the Director of Strategic Development. The report highlighted the fact that the Scottish Ombudsmans office would shortly take on looking at Complaints about the Care Inspectorate.

The Head of Legal Services was to consider governance arrangements with a view to amending the Standing Orders in relation to this.

The Board discussed the options presented for ensuring a model complaints process which met the requirements of the SPSO and agreed to adopt Option 2:

“Retention of the Complaints Sub Committee with an enhanced governance function and a reformed complaint review role, reporting to either the Board or Strategy Committee”

The Board:

- Considered the paper.
- Agreed Option 2 on the basis that the Complaints Sub Committee should be a Committee of the Board and should thus report directly to the Board.

7.0 RESOURCES COMMITTEE PAPERS

7.1 Verbal Update from the Resources Committee of 18 MARCH 2014

Officers explained that the above minute had been delayed due to staff sickness. A verbal update of the decisions made was provided to the Board by the Convenor of the Resources Committee.

The following points in particular were noted:

- Financial Regulations
- Budget Monitoring
- 2014 Draft Budget
- Revised Shared Service Strategy
- Policy Review Programme
- Dignity at Work
- Team Committee
- Voluntary Early Retirement
- Occupational Health Contract

The Board:

- Noted the verbal update.
- Agreed to consider further and review the minute at the next meeting in June 2014.

7.2 2013-14 Budget Monitoring

The Director of Corporate Services presented the report which advised on the projected financial position of the year to 31 March 2014 (based on December 2013 ledger). The following points in particular were noted:

It was highlighted that the projected net variance was for an underspend of £77k which was a decrease of £453k from the previous projection reported to the last Board meeting.

The underspend was due to a number of movements including an agreed reduction in grant-in-aid of £180k and the impact of bringing forward spending plans from future year's £280k; and a further reduction in the staff costs projection.

The Board agreed the budget had been managed well and welcomed the end of year position.

The Board:

- Noted the report.

8.0 AUDIT COMMITTEE PAPERS

8.1 Verbal Update from Audit Committee of 18 MARCH 2014

The Officers explained that the above minute had been delayed due to staff sickness. A verbal update of the decisions made was provided to the Board by the Convenor of the Audit Committee.

The Board noted the following papers had been submitted:

- Internal Audit 2013/14 Progress Report
- The Draft Strategic Internal Audit Plan 2013/16
- Annual Internal Audit Plan 2014/15

Also the following internal audit reports had been considered at the Committee:

- C8 Quality Assurance
- B8 Governance Arrangements
- A7 Budget Monitoring

The Board noted that the Governance Arrangements audit had highlighted that the five control objectives had been assessed as adequate and effective.

Further reports that were submitted to the Audit Committee were as follows:

- Audit Scotland Annual Audit Plan 2013/14
- Care Inspectorate KPIs/QIs 2014/15
- Audit Recommendations Progress Report
- Annual Review of Prevention of Fraud and Bribery Policies
- Internal Audit Contingency Time
- Update on Strategic Risk Register

The Board agreed the proposals for use of internal audit contingency time.

The Board:

- Considered the update.
- Noted the points raised.

9.0 2014-15 DRAFT BUDGET REPORT NO: B-01-2014

The Director of Corporate Services presented the report on the draft budget proposals for 2014-15. The draft budget had been developed alongside the Inspection and Strategic Planning 2014-15 report that had been considered by the Strategy and Performance Committee on 12 November 2013.

The Board considered the report and noted that:

- Scottish Government had protected grant-in-aid funding.
- The overall gross expenditure budget was £35m
- Thee main budgeting assumptions had including pay award provision, staff head counts, staff slippage assumptions and employer's pension costs.
- That the pay award effective from 1 April 2014 included a £250 increase to all staff who received a salary of less than £21k per annum. There would be a 1% increase for all staff.
- The Board approved the budget.

10.0 CARE INSPECTORATE FINANCIAL REGULATIONS REPORT NO: B-02-2014

The Director of Corporate Services presented the report which provided the Board with the reviewed Care Inspectorate Financial Regulations. The following points in particular were noted:

- The Care Inspectorate had adopted the Care Commission's Financial Regulations but that these had now been revised specifically for the Care Inspectorate.
- That the revised Financial Regulations had been considered by the Resources Committee at its meeting on 18 March and comments had been incorporated prior to submission to the Board.

The Board:

- Approved the Care Inspectorate Financial Regulations.

11.0 NDPB EXECUTIVE FRAMEWORK REPORT NO: B-03-2014

The Director of Corporate Services presented the report on the NDPB Executive Framework. The latest draft of the framework was attached as Appendix 1 to the report. Members noted that the document set out the broad framework within which the Care Inspectorate operated and defined the key roles and responsibilities which underpinned the relationship between the Scottish Government and the Care Inspectorate.

The Executive Framework, once approved by the Board and the Scottish Government, would replace the Management Statement and Financial Memorandum. The Board noted that an earlier draft of the Framework had previously been considered by the Resources Committee.

The Director of Corporate Services advised that the version submitted to members was a near final draft and was based firmly on the on the model framework which had been produced by a joint working group of NDPB and Scottish Government officials.

The framework required only minor amendments to confirm the date of budget allocation and to make it clear in paragraph 23 that Scottish Government Internal Audit access to Care Inspectorate Records was subject to Data Protection and Information Governance legislation and contractual agreements.

Members discussed the document and whilst noting that some minor amendments were required, were content that the model framework had been used as its basis. Members also discussed the underlying relationship between Scottish Government and NDPBs, noting the significant interest and control that Scottish Government retained.

Concern was expressed that the Care Inspectorate's status as an independent regulator could potentially be undermined by the reporting relationship set out in the framework document, but were reassured following consideration of paragraph 1, which clearly stated that Legislative provisions would take precedence.

The Board :

- Approved the framework subject to the minor amendments.
- Agreed that the Convener could authorise any further minor amendments to the framework and would circulate details of these to members.

- Agreed that if any more substantial changes were required then a full report would be brought back to the Board.

**12.0 CARE INSPECTORATE CORPORATE PLAN 2014-2018
REPORT NO: B-04-2014**

The Director of Strategic Development presented the report which provided the Board with the Corporate Plan.

The Board considered the paper and noted that:

- All staff had been consulted and had been engaged in the development of the Corporate Plan.
- It should be aligned to the Care Inspectorate's statutory duties and the inspection plan.
- The staff feedback was detailed in Appendices 2a and 2b.

Members made a number of comments in terms of suggested areas for minor rewording.

Chief
Exec

In addition to the above a glossary of terms should be appended to the Corporate Plan.

DoSD

The Board:

- Considered the Corporate Plan.
- Approved the Corporate Plan subject to the amendments and incorporation of the suggested documents.

**13.0 PROGRESS ON INSPECTION PLAN 2013/14
REPORT NO: B-05-2014**

The Director of Inspection presented the report which provided the Board with a projection of the shortfall in the achievement of the 2013/14 Inspection Plan.

The Board noted the up to date position with regard to the inspection plan. It was noted that there was a shortfall and that this had been due to a number of factors, including:

- The creation of the new specialist inspection teams
- The timing of the staff development week which was held in February
- The new centralised inspection planning process

It was noted that statutory requirements for inspection had been met and that the overall inspection plan target was 97%. Members were assured that the final shortfall would be calculated by 4 April 2014.

Board members referred to a slide which contained information in the form of a “ladder slide” which had been presented to the Strategy and Performance Committee. It was agreed that this information should be circulated to members at the Board Development event on 2 May 2014.

Chief
Exec

14.0 UPDATE ON THE FORTHCOMING LEGISLATIVE CHANGES REPORT NO: B-06-2014

The Communications Manager presented the report which provided an update on the principal provisions of, and implications for the Care Inspectorate, of recent legislation, including the Children and Young People (Scotland) Bill and Public Bodies (Joint Working) (Scotland) Bill, as passed, and the Regulatory Reform (Scotland) Act.

The Board noted that the secondary legislation and guidance in relation to the Bills was to follow. In the meantime, the Policy Team had identified the implications of the legislative changes and that these had been captured in the development of the Corporate Plan.

It was agreed that a future development day for members would be arranged to discuss in more depth the issues surrounding the Children’s and Young People Act as discussion on the Care Inspectorate’s responsibilities in relation to corporate parenting.

The Board:

- Welcomed and noted the information in the report.
- Agreed that members of the Policy Team should attend the development day once arranged.
- Considered the report and noted the information.

15.0 COMMITTEE MEMBERSHIP REPORT NO: B-07-2014

The Board reviewed the Committee Membership report.

The Board:

- Agreed the report with the addition of the memberships of Paul Edie to Strategy and Performance, Mike Cairns to Audit and David Wiseman to Resources whose names had been inadvertently missed off the membership lists.

Version: 2.0	Status: Approved 27.06.14	Date: 27/06/14
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**16.0 CHAIR'S REPORT
REPORT NO: B-08-2014**

The Chair presented the report which provided an update on key developments since the 13 December 2013 Board meeting.

In particular, the following additional points were noted:

- That the Chair had attended a ministerial launch of our physical activity resource with Michael Matheson MSP the Minister of Health and Wellbeing that went well.
- That the Chair had a meeting with Aileen Campbell MSP the Minister for Children and Families.
- That the Chair had recently met with Ranald Mair (Chief Executive of Scottish Care) to discuss issues of mutual interest.

The Board:

- Noted the report.

**17.0 CHIEF EXECUTIVE'S REPORT
REPORT No: B-09-2014**

The Chief Executive presented the report which provided an update on key developments since the 13 December 2013 Board meeting. In particular, the following points were noted:

- That a Capacity Planning Tool had been developed to support Team Managers to plan and manage the capacity of their team.
- That in terms of resources a contingency plan was being developed and would be submitted to the Board once completed.
- That an internal quality and consistency panel has been chaired by the Director of Inspection as part of the quality assurance processes established for publishing reports.
- That the Health Improvement Team continued to play a critical role in supporting inspection colleagues in evaluating the quality of care.
- The progress in terms of the Communications Strategy.

Chief
Exec

A video that had been produced by the Young Inspectors was then shown to Board members.

The Board:

- Noted the report.

18.0 AOCB

The Chair advised that Board Members would be consulted about their availability for future dates and a decision would also be reached on the location of these meetings.

19.0 DATE OF NEXT MEETING

The date of the next meeting was noted as 27 June 2014 at 2.00 pm, Compass House, Dundee.

Signed:



Paul Edie
Chair