

Minutes

Meeting: Board

Date: 26 June 2015

Time: 2.00 pm

Venue: Rooms 7/8, Compass House

Present: Paul Edie, Chair
Mike Cairns, Board Member
Denise Coia, Board Member
Christine Dunlop, Board Member
Anne Haddow, Board Member
Anne Houston, Board Member
Linda Pollock, Board Member
David Wiseman, Board Member

In Attendance: Karen Reid, Chief Executive
Rami Okasha, Acting Director of Strategic Development
Robert Peat, Director of Inspection
Gordon Weir, Director of Corporate Services
Kenny McClure, Head of Legal Services
Alan Baird, Chief Social Work Adviser
Charlene Guild, Senior Professional Adviser - Involvement and Equality (item 8)
Clare Butter, Directorate Support Officer
Olivia Mieszala, Admin Assistant
Winnie Whyte, Inspection Volunteer (item 8)
Catherine McAvoy, Inspection Volunteer (item 8)
Fozia Ahmad, (temporarily working with the Legal Team)

Apologies: Ian Doig, Board Member
Jim McGoldrick, Board Member
Cecil Meiklejohn, Board Member
Arvind Salwan, Strategic Communications Manager

Item**Action**

The Chair welcomed everyone to the June Board meeting and in particular Charlene Guild, Senior Professional Adviser for Involvement and Equality, Winnie Whyte and Catherine McAvoy, Inspection Volunteers who were in attendance to present the New Involvement Strategy at item 6 on the agenda. The Chair also welcomed Fozia Ahmad, a lawyer from England who was working with the Care Inspectorate Legal Team to gain experience to practice in Scotland and Clare Butter, Directorate Support Officer as observers at the meeting.

The Chair also welcomed Karen Reid in her new capacity as Chief Executive and Rami Okasha in his new capacity as Acting Director of Strategic Development.

The Chair also thanked Robert Peat, who was soon to move to the new advisor post, for his work over the last 2 years.

1.0 APOLOGIES FOR ABSENCE

Apologies for absence, as listed above, were noted.

2.0 DECLARATION OF INTEREST

No declarations of interest were noted.

3.0 MINUTE OF MEETING HELD ON 6 MARCH 2015

The minute of the meeting held on 6 March 2015 was submitted and approved as a correct record.

4.0 ACTION RECORD OF MEETING HELD ON 6 MARCH 2015

The action record of the meeting held on 26 March 2015 was noted and updated. Members noted that a meeting had taken place with the Scottish Public Services Ombudsman (SPSO) to ensure the Memorandum of Understanding (MoU) between the SPSO and the Care Inspectorate reflected the additional requirements discussed recently at an evidence session in parliament and the responsibilities of complaints bodies in light of integration health and social care.

5.0 MATTERS ARISING

There were no matters arising.

6.0 NEW INVOLVEMENT STRATEGY 2015-18 AND REVIEW OF INVOLVEMENT ACTIVITIES 2012-15

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REPORT NO: B-06-2015

The Senior Professional Adviser for Involvement and Equality presented the above report which detailed the progress to date in relation to the Involvement Action Plan 2012-2015 and sought approval for the proposed new Involvement Strategy and Action Plan 2015-2018. The Board noted that the new Strategy set out six outcomes based on the Involvement Charter and that volunteer inspectors and young inspectors would be combined into a single involvement team.

Highlighted points within the report were as follows:

- There had been significant increase from 400 inspections involving inspection volunteers on 2012/13 to 600 inspections in 2014/15.
- The training course for inspection volunteers was to be redesigned to ensure it was fit for purpose and that more initiatives would be developed to improve the opportunities for engaging inspection volunteers and young volunteers in the Care Inspectorate.
- An easy read leaflet would be produced by the Involved People Group to explain and communicate the new Involvement Strategy.
- That the Care Inspectorate had signed up for the Investors in Volunteers Award.
- The Involvement Team will pursue accreditation from Volunteer Scotland where nine volunteer outcomes are assessed over a 9 – 12 month period.
- The Chief Executive proposed measures for performance and evaluation would be included and reported via corporate KPIs.

The Senior Professional Adviser for Involvement and Equality introduced two Inspection Volunteers who shared their experience of being volunteers in inspection as well as the Involved People group.

Members heard from Winnie and Catherine about their backgrounds and why they had been keen to work with the Care Inspectorate. They explained how their personal experiences had driven them to want to be a part of the work of the Care Inspectorate and how, along with joining inspections, shaping policy and practice, they often contributed by communicating to the public and people in care raising awareness of the work of

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the Care Inspectorate.

The Board:

- Welcomed the report and noted the valuable input of inspection volunteers. It was agreed that the Care Inspectorate had always had an ambitious vision for involving people in its work and this was good. Whilst members agreed that resources should be made available to progress the new initiatives within the Strategy, they were clear that the Care Inspectorate should ensure that the six outcomes outlined in the strategy were achievable.

The Board further:

- Noted its interest in the proposals within the Strategy for inspection volunteers to be involved in complaints work.
- Noted the report and thanked everyone involved in co-producing an ambitious strategy for involvement.

7.0 REPORT FROM POLICY COMMITTEE OF 27 MAY 2015 (DRAFT MINUTE)

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- The policy and parliamentary planner.
- The update in relation to the development of the National Care Standards.

The Board:

- Noted the report.

8.0 REPORT FROM RESOURCES COMMITTEE OF 12 JUNE 2015 (DRAFT MINUTE)

The Convener of the Resources Committee presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points from the minute were noted:

- That the Care Inspectorate had met its Public Sector efficiency expectations for 2014/15.
- That there had been a review of Health and Safety roles, responsibilities, processes and practices and a further report would come to the Board via the Resources Committee in due

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course.

- That work in relation to member/officer engagement to establish a group that looked at financial and operational planning would be progressed.
- That the proposal for a part time fixed term Executive Adviser to the Board had been approved and appointment would be transitional depending recruitment to the Director of Inspection post from 1 July 2015.

The Board:

- Noted the report.

8.1 Health and Safety Briefing Report

The Director of Corporate Services presented the report which detailed the actions that were in place to progress the outcomes of the recent review of Health and Safety arrangements, systems, roles and responsibilities. The Board noted that a professional health and safety consultant had carried out an independent review of the situation in February 2015 and had made recommendations to the organisation in the form of an action plan. The action plan had been discussed at a recent Health and Safety Forum of which the Director of Corporate Services is Chair.

There had been progress in terms of the actions and the Health and Safety Policy was currently being updated.

In response to question about governance of health and safety the Director of Corporate Services noted that health and safety would be reviewed quarterly by the Executive Team; the updated Health and Safety action plan and annual report would be brought to the next Resources Committee and Board.

The Board:

- Welcomed the update report.
- Noted the report.

9.0 REPORTS FROM AUDIT COMMITTEE

9.1 18 March 2015 (approved minute)

The Convener presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. Members noted:

- That there had been detailed discussion in relation to the

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internal audit plan 2014/15 progress report.

- That a proposed Performance Framework for 2015/16 had been agreed which focussed on the need to change and enhance quality indicators to place more emphasis on qualitative aspects of the Care Inspectorate's work.

That the Committee had agreed to recommend to the Board that the first one year contract extension option with Moore Stephens (operating as Scott-Moncrieff) would be exercised. This would extend the internal audit services contract to 31 March 2016.

The Board:

- Noted the minute.

9.2 12 June 2015 (draft minute)

The Convener presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. The following points in particular were noted:

- The recent internal audit of the Care Inspectorate's largest change programme to date – development of methodologies had been given a satisfactory audit with no significant recommendations.
- That a tender exercise would be undertaken in partnership with SSSC for internal audit services

The Board:

- Noted the minute and the verbal report from the Chair.

10.0 REPORT FROM COMPLAINTS COMMITTEE OF 28 MAY 2015 (DRAFT MINUTE)

The Convener of the Complaints Committee presented the minute to the Board for consideration and reported on the discussions of the recommendations made by the Committee. The following points in particular were noted:

- That the current vacancies within the complaints team were impacting on performance. In response the Chief Executive advised that in very recent recruitment assessment centres, 13 potential candidates passed assessment and a further assessment centre would be held the following week where it was anticipated that the 21 vacancies in Inspection, Complaints and Registration would be mostly filled. This would address vacancy issues across inspection and complaints teams alongside the, some movement within

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teams to alleviate the problem.

- That the issues that there had been with gathering intelligence from PMS would be reviewed by the Director of Strategic Development and the Director of Corporate Services. DoCS

The Board:

- Highlighted the importance of engagement and prompt sharing of minutes between all of the Committees as the Resources Committee had not been aware of the ICT issue in relation to PMS which had been highlighted at the Complaints Committee. The Director of Corporate Services agreed to ensure that this would be actioned as part of the committee servicing process.
- Noted the report.

11.0 MONITORING OUR PERFORMANCE 2014-15 REPORT NO: B-07-2015

The Acting Director of Strategic Development presented the Quarter 4 (Q4) 2014/15 summary report on performance. The following points from the report were highlighted:

- That the Care Inspectorate had completed 99% of its statutory and “must do” inspections.
- That of the 65 required inspections not completed, 17 services had no service users, one service was inactive, one service was not operating, one service was operating only occasionally, one service had an on-going adult protection investigation and 11 services had ongoing legal/enforcement issues. Four of these were statutory inspections. In the remaining 33 inspections, the most common reason for not completing the inspection was resource issues.
- That the remaining 147 outstanding inspections were inspections planned ahead from future years known as ‘smoothed inspections’ which were only undertaken if there was excess capacity to do so.
- That in Q4 the Care Inspectorate completed the fieldwork for inspections of children’s services in Renfrewshire and Shetland and published reports of the joint inspections in South Lanarkshire and Aberdeen City.
- That in 2014/15 467 enforcement notices had been generated and sent. These included a large number of technical enforcements not related to the quality of care but rather for services which had become inactive.
- That there had been a 19% increase in complaints compared to 2013/14.
- That 86% of registrations had been completed within required

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timescales in 2014/15.

- That there had been a 45% increase on the number of variations completed compared to the number in 2013/14.

In addition to the above members noted the Care Inspectorate needed to review inspection planning to ensure stronger alignment between performance planning and more rigorous scrutiny.

The Board discussed the above and noted that in terms of resourcing the budget only just met what was required to achieve targets and KPIs and agreed that a balance was required in terms of promoting a qualitative approach whilst striving for best value.

The Board:

- Noted the performance over the year in relation to the inspection plan and in doing so providing public protection and assurance.
- Agreed that the information provided in relation to performance monitoring was crucial to the Board but that some aspects of it should be investigated in more detail by the Resources Committee to better align financial planning with operational planning and performance before coming to Board for overall governance.

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12.0 DEVELOPMENT OF NEW NATIONAL CARE STANDARDS: AN UPDATE REPORT REPORT NO: B-08-2015

The acting Director of Strategic Development presented the report which advised on developments in relation to the update of the National Care Standards. The following points were noted:

- The Care Inspectorate and Health Improvement Scotland would be working closely together on the new National Care Standards. That this brought significant opportunity to shape care standards for the future but required careful management of risk and resources.

The Board:

- Noted the report.

13.0 INVOLVEMENT AND EQUALITIES ACCREDITATION SCHEMES REPORT NO: B-09-2015

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The acting Director of Strategic Development presented the report which advised on two accreditation schemes, 'Investing in Volunteers' (IiV) and the 'Lesbian, Gay, Bisexual and Transgender (LGBT) Charter Mark'. The Board noted the work that would be required in undertaking these accreditation schemes and the benefits in relation to our work with volunteers and fulfilling our public sector equality duty responsibilities.

The Board:

- Agreed the work in relation to undertaking the accreditations.
- Noted that funding for these would be from the 2014/15 involvement budget.

ADoSD

14.0 REVIEW OF COMMITTEE TERMS OF REFERENCE AND MINOR CHANGES TO RESERVATION OF POWERS AND SCHEME OF DELEGATION AND STANDING ORDERS REPORT NO: B-10-2015

The Head of Legal Services presented the report which advised on the proposed changes to the Reservation of Powers and Scheme of Delegation and Standing Orders. The proposed amendments related to slight changes to the Terms of Reference for the Policy, Resources and Audit Committees and a one word change in the Standing Orders.

The Board:

- Highlighted that the word "Audit" in paragraph 7.3.8 of the Audit Committee Terms of Reference should be replaced with the word "Resources".
- Requested a summary document of all changes be produced.
- Noted the report.

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15.0 ON BOARD: A GUIDE FOR BOARD MEMBERS OF PUBLIC BODIES IN SCOTLAND

The Head of Legal Services presented the report and highlighted some points to the Board. It was explained that the On Board guidance set out a new scene for members of Public Bodies in Scotland and that the new guidance note (2) had been influenced by the financial crisis, lack of diversity and governance failures in some organisations.

Guidance note (3) introduced a fourth main function for Boards in that there was an additional responsibility to provide strategic leadership and hold management to account through constructive challenge. There were four additions to the roles and responsibilities of Board members and slight changes to the role

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and responsibility of the Accountable Officer.

The Board further noted:

- That the section on efficient conduct of Board business had been removed.
- That the Board, Chief Executive and Executive Team must demonstrate an effective financial management of public funds
- That changes had been introduced to the Bribery Act 2010.
- That the policy on the use of social media had been updated
- That an effective complaints policy must be put in place.

The Board:

Discussed and noted the information contained in the report.

16.0 PUBLIC SECTOR EQUALITY DUTY REPORTING 2015 REPORT NO: B-11-2015

The acting Director of Strategic Development presented the report on the equality progress 2013-2015 and the equality outcomes for 2015-2017. The following points were noted:

- That a specific consultation event had been held with equality organisations to discuss the Care Inspectorate's proposed approaches and the new outcomes had been based on this as well as the feedback from Board members at the development event in March 2015.
- That the report compares the make up of the organisation with the population of Scotland as reported in the results of 2011 census.

The Board:

- Noted the report.

17.0 EMPLOYEE SURVEY: DRAFT ACTION PLAN

The Director of Corporate Services presented the report which advised on actions taken in response to the Staff Survey results and the next steps to address and progress the action plan. The action plan was based on feedback and consultation sessions with staff but was still to be further developed to include an internal branding programme and improved collaborative working.

The following points were also noted:

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- That an employee suggestion scheme had been established called “Bright Ideas” and a mailbox had been set up and was being monitored by the Chief Executives office.
- That the Executive Team was working effectively with the Partnership Forum and staff.
- That any progress or outcomes in terms of actions would be jointly communicated with staff, sample testing would be considered and reflection on what had been achieved would be undertaken.

The Board:

- Agreed that there is a number of urgent issues which should be progressed and highlighted the importance of the Chief Executive’s role in these.
- Noted the report.

**18.0 CHAIR’S REPORT
REPORT NO: B-12-2015**

The Chair presented the report and highlighted:

- The appointment of the new Chief Executive, Karen Reid.
- That the Chair and the Director of Corporate Services had attended the Public Sector Pay Forum.
- That the Chair was involved in the High Level Advisory Group on Care Scrutiny
- That the Chair and Chief Executive had recently visited a local care home for older people and met with the staff and residents to mark National Care Home Day.
- The Chief Executive and Chair had recently met with Cabinet Secretary for Children and Young People.

The Board:

- Noted the report.

**19.0 CHIEF EXECUTIVE’S REPORT
REPORT NO: B-13-2015**

The Chief Executive presented the report and the following points were noted:

- That the Regulation and Quality Improvement Authority had asked the Care Inspectorate to assist them with a review of Health and Social Care Trust’s Early Years services in Northern Ireland. Two Team Managers would therefore travel to Belfast in June 2015.

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- That the Care Inspectorate was developing a National Partnership agreement with Police Scotland on looked after children who go missing from residential and foster care.
- That the video clips and dementia resources for regulators, created after the regional dementia events would be launched shortly.
- That the Care Inspectorate had been awarded the Healthy Working Lives Bronze Award.
- Suggested that when minutes are approved by the Convener, of a Committee they should then be circulated to all who attended the Committee and all other Conveners of Committees at the same time for information.

The Chief Executive further advised the following wording changes:

- “Implementation of Children and Young Person (Scotland) Act 2015 on page 13 under paragraph 5.0 should say “Implementation of Children and Young People (Scotland) Act 2014.
- Also in the same paragraph “application was made to Linlithgow Sheriff Court” should be updated to say “application was made to Livingston Sheriff Court”.

The Board:

- Congratulated the Care Inspectorate Professional Advisor (Continence) on receiving the Dorothy Mandlestam prize.
- Noted the report.

20.0 COMMUNITY EMPOWERMENT BILL BRIEFING REPORT NO: B-14-2015

The Chief Executive presented the report on the Community Empowerment (Scotland) Bill. The Board noted that the Care Inspectorate would be required to adapt to the changes that had been introduced specifically in relation to the opportunity for community groups to apply to register and run care services.

The Board:

- Noted the report.

21.0 AOCB

None.

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22.0 DATE OF NEXT MEETING

Friday, 2 October 2015.

ITEMS TAKEN IN PRIVATE

23.0 JOINT INSPECTIONS OF HEALTH AND SOCIAL CARE REPORT NO: B-15-2015

The acting Director of Strategic Development presented the report which advised on proposals to review the scope and methodological approach to our joint inspections of adult services. The following points in particular were noted:

- That a board member/ officer group would undertake a short sharp evaluation of joint inspections of services for adults Reporting by Autumn 2015.
- That the paper would be submitted jointly to Health Improvement Scotland and the Care Inspectorate Board for information.
- That the joint inspections methodology for future would be informed by the series of pilot inspections which had been undertaken.
- That there were two main goals – supporting partnerships as they develop and ensuring a sharper focus on the scrutiny of joint strategic commissioning.
- That the group would develop an appropriate approach and methodology to joint scrutiny work.
- That there were tests of change already being undertaken.
- That the new approach to joint inspections would need to be developed in the context of Health Improvement Scotland's Quality Care Reviews and the Care Inspectorate's Review of Scrutiny and Improvement.

The Board agreed that the paper was complex and thorough and noted the significance of the proposals. It was agreed that this presented a good opportunity for the Care Inspectorate whilst noting the resource implications. Overall, members agreed with the best value approach and offered to join the group and provide expertise where appropriate.

The Board:

- Noted the report.

Finally, the Chair congratulated the Chief Executive on joining the Court of Dundee University.

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Signed:

Paul Edie
Chair

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