

## Minutes

- Meeting:** Board
- Date:** 30 March 2017
- Time:** 10.30 am
- Venue:** Room 0.6/0.7, Compass House, Dundee
- Present:** Paul Edie, Chair  
Mike Cairns  
Gavin Dayer  
Ian Doig  
Christine Dunlop  
Anne Haddow  
Anne Houston  
Cecil Meiklejohn  
Linda Pollock
- In Attendance:** Karen Reid, Chief Executive  
Kevin Mitchell, Executive Director of Scrutiny and Assurance  
Kenneth McClure, Head of Legal Services  
Helen Happer, Chief Inspector, Strategic Scrutiny (Executive Adviser to the Board)  
Kenny Dick, Head of Finance and Corporate Governance (deputising for Executive Director of Corporate and Customer Services)  
Fiona Angus, Committee Support Officer
- Observers:** Clive Pegram, Joint Chair, Partnership Forum  
Erika Brazenaite, PA to Executive Director of Strategy & Improvement
- Apologies:** Dr Catherine Calderwood, Chief Medical Officer  
Denise Coia, Board member  
David Wiseman, Board member  
Jim McGoldrick, Board member  
Rami Okasha, Executive Director of Strategy and Improvement  
Gordon Weir, Executive Director of Corporate and Customer Services  
Arvind Salwan, Strategic Communications Manager

**1.0 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting, in particular Erika Brazenaite, who would be observing as part of her wider induction to the Care Inspectorate, and Clive Pegram, the Partnership Forum representative.

**2.0 APOLOGIES**

Apologies for absence were received as noted above.

**3.0 DECLARATIONS OF INTEREST**

Ian Doig, Board member, declared an interest as a member of CIPFA, in relation to agenda item 24.

**4.0 MINUTE OF MEETING HELD ON 16 DECEMBER 2016**

The minute of the meeting held on 16 December 2016 was approved as an accurate record.

**5.0 ACTION RECORD OF MEETING HELD ON 16 DECEMBER 2016**

All actions had been completed and the record was noted.

**6.0 MATTERS ARISING**

There were no matters arising.

**STANDING ITEMS**

**7.0 POLICY COMMITTEE PAPERS**

**7.1 Report from Policy Committee of 15 February 2017**

The Chair presented the report of the Policy Committee meeting held on 15 February 2017. There had been detailed discussion on the state of social work in Scotland, led by a presentation from Audit Scotland. The Board noted the report.

**8.0 RESOURCES COMMITTEE PAPERS**

**8.1 Report from Resources Committee of 27 February 2017**

There were no questions on any aspects of the report and it was noted by the Board.

## **9.0 AUDIT COMMITTEE PAPERS**

### **9.1 Report from Audit Committee of 10 March 2017**

The Acting Convener presented the report and drew members' attention in particular to item 13.0 in relation to the General Data Protection Regulations, and the penalties facing organisations that did not comply with the regulations.

The Chief Executive assured the Board that the Executive Team had data protection Freedom of Information compliance under strict control and that the Care Inspectorate would be fully compliant with the 2018 Act during the course of 2017. An external consultant was now engaged to take forward work on Information Governance.

## **10.0 COMPLAINTS COMMITTEE PAPERS**

### **10.1 Report from Complaints Committee of 21 February 2017**

The Convener presented the report and drew the Board's attention to item 7.0, which covered the process for handling complaints against the Care Inspectorate. The revised process had been developed following meetings with the Scottish Public Services Ombudsman (SPSO) and the Board was informed that the Care Inspectorate was fully compliant. The Board noted the report.

## **11.0 MONITORING OUR PERFORMANCE 2016/17 – QUARTER 3 REPORT NO: B-01-2017**

The Chief Executive presented the quarterly report, which measured the Care Inspectorate's performance in delivering the strategic objectives outlined in the Corporate Plan 2016-18.

The report featured a case study of a rural care home which, despite significant improvement support provided to the service, had resulted in a Section 65 application being lodged with the Sheriff Court based on robust evidence. Consequently, the service had been closed. Members were advised of the complexities of the case and the factors that had had to be taken into consideration, including the risk to life, and the detailed process of the Section 65 application. The Board was assured that the Care Inspectorate had been justified in its decision and had made all attempts necessary, in working closely with the local health and social care partnership, to safeguard the safety of the residents.

The Board noted that, in relation to providing public assurance and confidence, the key performance areas included:

- An increase in the total number of scrutiny and improvement interventions to 31 December 2016, compared with the same period the previous year, from 11,229 to 11,580
- At 31 December 2016, 99% of statutory inspections had been completed
- An increase in the percentage of people who use services and staff in care services who considered scrutiny interventions had a positive effect on improvement.
- The Care Inspectorate's contribution to the Sharing Intelligence for Health and Care group to ensure that intelligence is shared across a range of scrutiny bodies
- Work with Her Majesty's Inspectorate of Prison Services to support their inspection of HMP Kilmarnock.

With regard to informing national and local policy, under Strategic Objective 2, the main achievements included the publication of the findings from the "Keys to Life" inspection focus area and the collaborative work between the registration team and Police Scotland in relation to potential providers of care who may be linked to serious crime.

The Board noted that considerable work had been undertaken in a number of key national policy areas, including the Child Protection Improvement Programme, self-directed support, the national care home contract and the design principles for early learning and childcare. More information would be provided to the Board in due course in relation to joint inspections of children's services.

With regard to promoting standards and ensuring people are heard, under Strategic Objective 3, the Chief Executive reported that a new inspection focus area in relation to dementia was being undertaken. Engagement work was also being carried out with people who had early diagnosis of dementia with a view to involving them as inspection volunteers. Early feedback had been very positive and offered shared learning about what might help to influence the design of care services in the future.

The Board noted the numbers of inspections that had been carried out involving an inspection volunteer and there was some discussion on the inclusion of a target figure under the Key Performance Indicator. It was generally acknowledged that target setting for this KPI could be difficult but it was agreed that a baseline figure would be helpful.

Members noted that the numbers of people using services and carers that inspection volunteers had spoken with had decreased since the same quarter the previous year. It was agreed to examine the reasons for this and provide the Board with some further information.

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There was further discussion about the expectations of people who use care services and their carers in relation to the quality of care services. The Chief Executive referred to the new National Care Standards and the significant number of consultation respondents - almost 85% - who had provided very favourable feedback on the proposed new standards. It would be part of the Care Inspectorate's role to ensure that there was an awareness and understanding of the new standards, in terms of quality and choices, particularly since they had been drawn up from a human rights perspective. The Care Inspectorate would expect to see some evidence from every care provider regarding their engagement activities.

With regard to effective and efficient working, under Strategic Objective 4, members noted that a range of collaborative activities had been undertaken, including with the Dutch Inspectorate and Education Scotland. It was reported that the Care Inspectorate's staff absence rate stood at 4.2%, which was below the public sector benchmark.

In noting the information, members considered the quarterly performance report to be most encouraging and the Board recorded its thanks to the Executive Team and staff.

## **12.0 EXECUTIVE ADVISER SOCIAL WORK – VERBAL UPDATE**

There were no matters of which to inform the Board at the current time but a further update would be provided to the June meeting of the Board.

### **ITEMS FOR DECISION**

## **13.0 SCRUTINY AND IMPROVEMENT PLAN 2017/18 – REPORT NO: B-02-2017**

The Executive Director of Scrutiny and Improvement presented the draft Scrutiny and Improvement Plan which the Committees had previously been consulted on. It was noted that the Plan had been prepared slightly later than usual and this had been largely due to the timing of the Scottish Government's funding announcement.

The development of the Plan had also taken into account the discussion and agreement made by the Board at the Board Strategic Event in October 2016 and outlined the revised approach to all of the organisation's scrutiny and improvement activities. The Board was advised that sufficient resources were contained in the draft budget to support delivery of the Plan.

The Board endorsed the plan to be submitted for ministerial approval.

**14.0 CARE INSPECTORATE BUDGET 2017/18 – REPORT NO: B-03-2017**

The Head of Finance and Corporate Governance presented the draft budget proposals for 2017/18 and the indicative budgets for the financial years 2018/19 and 2019/20, for Board agreement.

The Chief Executive drew the Board's attention to the current budgetary position compared with the previous two years and the progress that been made in achieving a balanced budget. She commended the staff and the Partnership Forum for their support.

Members noted the decisions and measures that had had to be taken in order to deliver the balanced budget and there was some discussion in relation to the resource capacity available to undertake the range of Care Inspectorate activities but especially with regard to scrutiny and improvement. The Chief Executive assured the Board that, with the new staffing structure and the development of a workforce strategy, there was capacity to ensure that the inspection plan and other activities were deliverable.

The Board agreed:

- the draft 2017/18 budget;
- the draft 2017/18 capital plan; and
- that all fees charged to regulated care service providers remain unchanged from the 2016/17 rates

The Board also noted the projected budget position for 2018/19 and 2019/20.

**15.0 REVISED COMMITTEE STRUCTURE AND TERMS OF REFERENCE – REPORT NO: B-04-2017**

The Head of Legal Services presented the report which set out proposed changes to the Care Inspectorate's committee structure and consequential amendments to the Reservation of Powers and Scheme of Delegation (RoPSD).

From the discussions and agreements reached at each of the Committees' effectiveness sessions, the main proposed changes were to replace the Policy Committee and the Complaints Committee with a new Quality and Strategy Committee; amendments to the terms of reference for the Resources Committee and various minor changes to the terms of reference for all committees.

Members were advised that the role of the Quality and Strategy Committee would incorporate that of the Policy Committee in monitoring the internal and external environments and making recommendations to the Board on strategic direction. The Committee would also have a general quality monitoring role across the range of the Care Inspectorate's activities.

There was some discussion on the new enabling provision within the RoPSD to allow the Board to secure the attendance of advisers at Board meetings. The advisory role would be to support the Board in fulfilling its responsibilities where it considered that external expertise might be necessary. The RoPSD set out clear parameters regarding the status of the adviser role.

Members noted the additional clause that referred to the Scottish Regulators' Strategic Code of Practice, which demonstrated the Care Inspectorate's commitment to compliance with the Code. The Board also noted the amendment to the Audit Committee's terms of reference where it referred to "Board resources", and that this had been amended to "public resources".

The Board approved the proposed amendments to the Committees' terms of reference and agreed to adopt the amended Reservation of Powers and Scheme of Delegations.

## **ITEMS FOR DISCUSSION/INFORMATION**

### **16.0 EQUALITY DUTY REPORTING – ANNUAL PROGRESS REPORT – REPORT NO: B-05-2017**

The Chief Executive presented the biennial report, covering the Care Inspectorate's fulfilment of legal responsibilities and specific duties in relation to equality work.

The report included an Equality Outcomes and Action Plan Review 2015-17 which detailed the progress the Care Inspectorate had made on each of its equality outcomes. Members noted in particular that there was greater involvement amongst communities that were under-represented and with those that had protected characteristics. The organisation had achieved accreditation for inspection volunteers and was working towards an LGBT Charter. Its corporate parenting role was a key focus for the Care Inspectorate and the development of the new National Care Standards had taken a human rights-based approach.

The report also set out the new equality outcomes for 2017-2021 and the Care Inspectorate's intended approach to mainstreaming equality throughout the organisation, as required under the regulations.

Members were pleased to note the level of detail and evidence within the report. It was recommended that the figures regarding Board members gender profile on the Employee Monitoring Information be corrected.

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The Board noted the report and accompanying Equality Outcomes and Mainstreaming Review 2015-17 and the Equality Outcomes report for 2017-21.

**17.0 UNWRITTEN GROUND RULES UPDATE REPORT – REPORT NO: B-06-2017**

The Head of Organisational and Workforce Development presented the report which updated the Board on the Care Inspectorate's cultural change programme around Unwritten Ground Rules (UGRs). Members were informed of the cultural change stocktakes that had taken place in October 2015 and again in January 2017. The latter had involved a staff survey to find out what changes staff had experienced over the previous 15 months.

The Board also received a presentation on the findings of the survey and information on the next steps of the cultural change programme. Members noted the Partnership Forum's support for the programme. It was intended to incorporate cultural behaviour as part of a redesigned staff appraisal system in order to demonstrate its effect on delivering objectives. The Board welcomed this and recommended that appraisals be regularised. The Board noted the report.

**18.0 BRIGHT IDEAS INITIATIVE – REPORT NO: B-07-2017**

The Chief Executive presented the report which provided the Board with an update on the Bright Ideas initiative that had been introduced by the Chief Executive in July 2015. Members received details of a selection of themed ideas received from staff and the progress of these within Directorates. It was noted that the initiative had been well received and used by staff and many of the ideas would help develop new and more effective ways of working. The Board welcomed the update and noted the report.

**19.0 CHAIR'S REPORT – REPORT NO: B-08-2017**

The Chair presented his report, which updated members on key developments and activities during the previous three months. He highlighted the Chief Executive's achievement in being shortlisted under three categories of the Institute of Directors (Scotland) Director of the Year Awards.

Members congratulated the Chair on his re-appointment and noted the report.



## 20.0 CHIEF EXECUTIVE'S REPORT – REPORT NO: B-09-2017

The Chief Executive presented her report, which provided the Board with an update on key developments since December 2016.

She highlighted a number of points, including the setting up of a short life working group to analyse the findings of the inspection focus area on dementia, and which would produce a report during the year.

The Care Inspectorate had recently been successful in gaining accreditation as a Living Wage employer and its materials and website would carry the Living Wage Employer Mark in order to promote this achievement.

The Chief Executive's breakfast meetings with staff across the country had been very well attended and had provided staff with an open forum to discuss anything they wished. It was the Chief Executive's intention to introduce the discussions as ongoing events.

The coaching conversations undertaken with the Senior Management Team would be extended to middle managers and form part of the workforce development programme. The Board noted the report.

## 21.0 IDENTIFICATION OF RISK

The Board commented on the potential impact of Brexit on the social care workforce and were advised that the Care Inspectorate would be monitoring the situation closely.

The Board considered there to be no new risks.

## 22.0 AOCB

There was no other competent business.

## 23.0 DATE OF NEXT MEETING

The date of the next meeting was noted as Thursday 29 June 2017 at 10.30 am in Compass House, Dundee.

Signed:



Paul Edie  
Chair

