

Minutes

Meeting: Board

Date: 28 September 2017

Time: 10.30 am

Venue: Room 0.6/0.7, Compass House, Dundee

Present: Paul Edie, Chair
Denise Coia
Mike Cairns
Gavin Dayer
Ian Doig
Christine Dunlop
Anne Haddow
Anne Houston
Linda Pollock

In Attendance: Karen Reid, Chief Executive
Rami Okasha, Executive Director of Strategy and Improvement
Gordon Weir, Executive Director of Corporate and Customer Services
Gordon Paterson, Chief Inspector, Adult Services
Kenneth McClure, Head of Legal Services
Helen Happer, Chief Inspector, Strategic Scrutiny (Executive Adviser to the Board)
Arvind Salman, Strategic Communications Manager
Claire Drummond, Service Manager – Adults (item 11.2)
Marie Paterson, Service Manager – Complaints and Inspection (SM-C&I) (item 14)
Fiona Angus, Committee Support Officer

**Guests/
Observers:** Dr Catherine Calderwood, Chief Medical Officer
Clive Pegram, Joint Chair, Partnership Forum
Selena Graham, Solicitor, Legal Services

Sam McLean, CIPFA (private item 28)
Don Peebles, CIPFA (private item 28)

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Apologies: Anne Haddow, Board member
David Wiseman, Board member
Jim McGoldrick, Board member
Kevin Mitchell, Executive Director of Scrutiny and Assurance
Iona Colvin, Chief Social Work Adviser

Item **Action**

1.0 WELCOME AND INTRODUCTIONS

The Chair welcomed the Chief Medical Officer, Dr Catherine Calderwood and there were round-the-table introductions.

Care Inspectorate colleagues, Claire Drummond, Service Manager (Adults) and Marie Paterson, Service Manager (Complaints and Inspection), who were attending as presenters of items 11.1 and 14, and Selena Graham, Solicitor, who was attending as an observer, were also welcomed to the meeting.

2.0 APOLOGIES

Apologies for absence were received as noted above.

3.0 DECLARATIONS OF INTEREST

There were no declarations of interest.

4.0 PRESENTATION: REALISING REALISTIC MEDICINE

The Chief Medical Officer's presentation was based on her second annual report, which aimed to put into practice the philosophy of Realistic Medicine, outlined in her first report.

She described how Realistic Medicine put the person receiving health and care at the centre of decision-making and created a personalised approach to their care. Its aim was to reduce harm, waste and unwarranted variation, whilst managing risks and innovating to improve.

In developing her report, the Chief Medical Officer explained that extensive consultation had taken place with all NHS Boards, special health boards and other health and social care organisations, to evidence the extent that Realistic Medicine was, or was not being, developed by the health and care workforce.

There was some wider discussion on the measurement tools that were in place and others that could be developed to measure the success of the strategy. Realistic Medicine's focus on engaging with people that receive care and support and patient reported outcome

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measures, including the new National Health and Social Care Standard, were amongst the measurement tools that would be used.

One of the issues highlighted was communication channels and access to records, particularly across more than one NHS Board area. The Chief Medical Officer explained that the new electronic patient record would alleviate some of the current problems, together with new national pathways for medicine.

The Chief Executive suggested that the Care Inspectorate might have a role in helping to promote health literacy, with its access to a large number of care services. This approach also had the potential to improve the knowledge and expertise of some social care staff. It was agreed that the Executive Director of Strategy and Improvement would follow this up through the office of the Chief Medical Officer.

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Members were keen to learn how this new approach and change in culture could be realised. The CMO explained that it would be a step-change, from individual level and moving towards a system-wide change. She went on to explain that the Royal Colleges were supportive of Realistic Medicine, and referred to the global initiative “Choosing Wisely”, published in October 2016 by the Academy of Medical Royal Colleges.

The Chair thanked the Chief Medical Officer for taking the time to present to the Board.

5.0 MINUTE OF MEETING HELD ON 29 JUNE 2017

The Board **approved** the minute of the meeting held on 29 June 2017.

6.0 ACTION RECORD OF MEETING HELD ON 29 JUNE 2017

The Board reviewed the action record and noted its completion.

7.0 MATTERS ARISING

There were no matters arising from the previous minute.

STANDING ITEMS

8.0 QUALITY AND STRATEGY COMMITTEE PAPERS

8.1 Minute of Quality and Strategy Committee of 24 August 2017

The Chair presented the minute of the Quality and Strategy Committee meeting held on 24 August 2017. He highlighted the information on the Competition and Markets Authority study into

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care homes and which the Care Inspectorate had submitted responses to the two-stage consultation associated with the study.

Members' attention was also drawn to the Scottish Government's consultation on the Socio-Economic Duty, which the Care Inspectorate had also responded to.

8.2 Policy Committee Annual Report to the Board – Report No: B-15-2017

The Board noted the work of the Policy Committee during 2016-17, as detailed in the report. It was noted that the report had not outlined the Committee's terms of reference and it was recommended that these form part of all of the Committees' annual reports in future.

CSO

8.3 Complaints Committee Annual Report to the Board – Report No: B-16-2017

The Board noted the work of the Complaints Committee during 2016-17, as detailed in the report and had no further questions.

9.0 AUDIT COMMITTEE PAPERS

9.1 Minute of Audit Committee of 17 August 2017

The Convener of the Audit Committee presented the draft minute of the meeting held on 17 August 2017, which had been a single-item meeting to discuss the first draft annual report and accounts. Members had had the opportunity to comment and make recommendations on the draft before further consideration by the Committee at its September meeting. The Board noted the minute.

10.0 RESOURCES COMMITTEE PAPERS

10.1 Minute of Resources Committee of 12 September 2017

In the absence of the Committee Convener, the Chair presented the minute of the Resources Committee meeting held on 12 September. The Board noted the minute.

10.2 Resources Committee Annual Report to the Board – Report No: B-17-2017

The Board noted the work of the Resources Committee during 2016-17, as detailed in the report, and had no further questions.

11.0 MONITORING OUR PERFORMANCE 2016/17 – QUARTER 1 REPORT NO: B-18-2017

The Executive Director of Strategy and Improvement presented the first quarterly report for 2017/18, which set out the key priorities of the Care Inspectorate's strategic objectives and discussed the performance against the Key Performance Indicators, Monitoring Measures and Quality Indicators.

It was reported that the new Health and Social Care Standards had been published, following agreement by Scottish Government Ministers. The new standards would have an impact on the way the Care Inspectorate would carry out its work in the years ahead.

Members were pleased to note the significant regulated care inspection activity that had been carried out during the first quarter. In total, 605 inspections had been completed, which exceeded the Key Performance Indicator and was an increase of 140 inspections in the same period the previous year. This was the first time that a planned target had been over-achieved and had been delivered through the new structure and capacity measures. Thanks were extended to the Executive Director of Scrutiny and Assurance, chief inspectors, managers, senior inspectors and inspectors.

It was noted that the numbers of inspection volunteers involved in inspections had reduced slightly, due to capacity issues, however, a further 10 volunteers had been recruited. Overall, a total of 916 people experiencing care had been spoken with by the inspection volunteers, amounting to 518 hours.

The Board was pleased to note the positive impact that the Care Inspectorate's work was having on people's opinions on quality of care. A new means of gathering information from young people attending mainstream school care accommodation services, by way of an online questionnaire, had been introduced during quarter 1 and would be used routinely as part of all inspections.

The report showed that complaints about the Care Inspectorate remained low and, of those investigated, 89% had been completed within the timescales required by the Scottish Public Services Ombudsman. This was an almost 20% increase on the same quarter the previous year.

Under Strategic Objective 3, Key Priority 3.2, the Board recommended that the report could describe the positive role of inspectors and inspection volunteers in engaging with vulnerable people, including those whose ability to make decisions under the Adults with Incapacity Act was limited. It was agreed that this information could be provided by inspectors who had undergone

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SOFI2 (Short Observational Framework for Inspection 2) training and some examples could be included in a future report.

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The Board noted the report.

11.1 PRESENTATION: CARE HOME CASE STUDY

A case study presentation in respect of a nursing home run by a large provider was presented to the Board. Members learned the series of events, arising from inspection findings, investigated complaints and intelligence gathering, which had led to an enforcement order being enacted. The learning outcomes for the Care Inspectorate in this particular case had highlighted the need to proceed to enforcement more quickly and for the enforcement report to be written at an earlier stage and be used to inform decision making.

The Board welcomed the detailed information provided to them, which also demonstrated the learning aspects for the Care Inspectorate arising from the case. In particular, a new enforcement procedure had been agreed and further support was being provided through the Enforcement Support Team. Members were also pleased to note the close engagement between the Care Inspectorate and the Health and Social Care Partnership in the area, which had safeguarded the continued provision of care to residents.

12.0 EXECUTIVE ADVISER SOCIAL WORK – VERBAL UPDATE

The Executive Adviser to the Board reported that the first joint inspection under the revised methodology for services for adults had been undertaken with Healthcare Improvement Scotland (HIS). Evaluation from both organisations would be fed back to the Board in due course.

Joint inspections were underway with Her Majesty's Inspectorate of Constabulary in Scotland and HIS on adult support and protect arrangements.

Ministerial approval had been granted for outline proposals to establish a new approach to joint inspections of services for children and young people with effect from 1 April 2018.

It was noted that the Care Inspectorate was working closely with Audit Scotland, following publication of Audit Scotland's report "Self-Directed Support: 2017 progress report", and that the publication would guide the Care Inspectorate's work in this area.

The Board's attention was also drawn to the recently published Scottish Government document "Justice in Scotland: Vision and Priorities", which would build upon the outcomes and approach set

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out in the first Strategy for Justice in Scotland in 2012. It was agreed that the document would be circulated to members for information.

ITEMS FOR DECISION

13.0 ANNUAL REPORT AND ACCOUNTS

13.1 Draft Annual Report and Accounts 2016/17

The Convener of the Audit Committee informed the Board that the Committee had opportunity to scrutinise the draft annual report and accounts on two occasions at its meetings in August and September. Members had been guided on the detail by officers and had agreed changes and subsequent submission to the Board.

The Board **agreed** it was appropriate for the Chief Executive to sign the Annual Report and Accounts at all of the appropriate points within the document.

The Board **approved** the 2016/17 Annual Report and Accounts.

13.2 Combined ISA260 Report to those Charged with Governance and Annual Report on the Audit

The Executive Director of Corporate and Customer Services explained that this was the final version of the documentation, having been presented in draft form and agreed with the Audit Committee on 21 September 2017. The report summarised the findings of the work undertaken by the external auditors, Grant Thornton, for the financial year ending 31 March 2017. The work had covered an audit of the 2016/17 financial statements, a review of the Performance Report and Accountability Report, completion of an EU Funding data return and Role of the Board's return and completion of the National Fraud Initiative return and review of data matching progress.

The Board noted the report.

13.3 Audit Committee Annual Report to the Board – Report No: B-19-2017

The Board noted the work of the Audit Committee during 2016-17, as detailed in the report, and had no further questions or comments.

14.0 COMPLAINTS PROCEDURE REVIEW – REPORT NO: B-20-2017

The Service Manager for Complaints and Inspection presented the Board members with details of the revised procedure for handling complaints about registered care services. The changes to the

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process had previously been outlined to the Quality and Strategy Committee in August and some further modifications had been made to the procedure on the recommendations of the Committee.

The Board noted the change to the procedure had been driven by the need to ensure that the Care Inspectorate was continuing to meet its legislative requirements and target its resources appropriately to protect those most at risk, while supporting improvement.

The key changes included a new definition of a complaint, a risk pathway which introduced options for frontline resolution and provider resolution and a new Post-Investigation Review right for complained and complained about.

The Board suggested that a minor change be made to the procedure at the top of page 5, under the section “Public protection and criminal acts”, so that it would read “We will normally let you know...”

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The Board also recommended that it be made clear in the section on page 9 “What happens when you contact us?” that the complainant will receive an acknowledgement within three working days.

With minor modifications, the Board **approved** the revised process for handling complaints about registered care services.

15.0 PROPOSED BOARD AND COMMITTEE SCHEDULE 2018/19 – REPORT NO: B-21-2017

The Board received and **agreed** the proposed dates for the 2018/19 cycle of Board and Committee meetings, noting that the Audit Committee and Resources Committee would both take place on the same dates as each other.

ITEMS FOR DISCUSSION/INFORMATION

16.0 PRESENTATION: DEVELOPING NEW MODEL OF SERVICE DELIVERY – UPDATE ON WORK WITH CORNERSTONE SCOTLAND

The Chief Inspector for Adult Services presented on the Care Inspectorate’s work with Cornerstone Scotland in developing a new model of care service provision, based on the Buurtzorg nurse-led model operating in the Netherlands. The principles of the Dutch model focussed on self-management, from the perspective of the person experiencing care and by the teams providing the care and support.

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The Care Inspectorate's work with Cornerstone would help inform the development of new inspection methodologies in the context of the new National Health and Social Care Standards. The organisation was keen to support innovative work that would lead to better outcomes and the Chief Executive advised the Board that she had written to the Sponsor department to highlight where regulatory requirements were hampering innovation. The Head of Legal Services would be meeting with the Sponsor department at the beginning of October to discuss the matter in more detail.

**17.0 DRAFT IMPROVEMENT STRATEGY 2017-19 –
REPORT NO: B-22-2017**

The Executive Director of Strategy and Improvement presented the Board with details of the Care Inspectorate's draft Improvement Strategy, which set out the direction and focus of the organisation's developing approach and contribution to supporting improvement in social care and social work for the next two years.

The draft strategy, which had been discussed and supported by the Quality and Strategy Committee in August, had been designed to apply across the whole of the Care Inspectorate and intrinsically supported the cultural and strategic changes in the organisations' approach to scrutiny and improvement. Details of the improvement projects that would take place over the timeframe of the strategy included a programme for specialist dementia units in collaboration with Healthcare Improvement Scotland, NHS Education Scotland and Scottish Care; the development and delivery of training in improvement science and improvement support for Care Inspectorate staff; and the Care About Physical Activity improvement programme.

The Board **agreed** the draft Improvement Strategy 2017-19.

**18.0 ANNUAL HEALTH AND SAFETY REPORT –
REPORT NO: B-23-2017**

The Executive Director of Corporate and Customer Services presented the annual report, which provided members with information on the Care Inspectorate's health and safety performance for 2016-17 and comparative data for the previous year.

The Board noted that verbal aggression was the main reason for incident reporting in 2016-17 and sought assurance that this was being monitored. The Chief Executive confirmed that the Executive Team was addressing this and had requested the more detailed information behind the headline data.

The Board noted the report.

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19.0 BUSINESS TRANSFORMATION PROGRAMME – VERBAL UPDATE

The Executive Director of Strategy and Improvement updated the Board on the progress being made on the Business Transformation Programme. Specialist consultants had been recruited and were currently looking at ICT systems and methodologies, and development work was continuing in consultation with staff and providers. Members noted that new quality indicator frameworks would align with work at strategic level. Testing was planned for a small number of care homes for older people during April and work on early learning and childcare was being progress with Education Scotland.

The Board noted the update.

20.0 INFORMATION GOVERNANCE – VERBAL UPDATE

The Executive Director of Strategy and Improvement informed the Board of the work being undertaken to address the recommendations made by the external consultant on the Care Inspectorate’s information governance arrangements. A new risk register had been put in place, along with a new asset register that identified the types of information retained by the organisation. The next phase of the work would develop clear guidelines and procedures on the retention of documentation, as well as a new handling procedure for information security. The work programme would take into account the team structure and skills, the new General Data Protection Regulations and the strategic advice required on information governance in order to support the team.

The Board noted the update.

21.0 CARE INSPECTORATE WRITTEN MATERIALS – STYLE GUIDE REPORT NO: B-24-2017

The Executive Director of Strategy and Improvement presented the report which sought the Board’s approval of the Care Inspectorate’s writing style guide.

The style guide was designed to address the common issues needed to promote Plain English, to empower the people about and for whom the Care Inspectorate was writing and to ensure consistent and accurate written communication. This version of the guide had been updated since the original issued to staff in 2016.

The Board welcomed the revised guide and recommended that easy read versions of the organisation’s publications be made readily available, which would encourage greater access to information.

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The Chief Executive explained that part of the work in developing the new corporate plan would be to look closely at its language and terminology, with the aim of being easier to understand.

The Board noted and **agreed** the style guide.

22.0 CHAIR'S REPORT – REPORT NO: B-25-2017

The Chair presented his report of activities undertaken since June 2017. Of particular note was the visit by Professor Tadashi Matsubasa of the Japanese Ministry of Health, Labour and Welfare who had met with the Chair and staff in September to discuss aspects of scrutiny and assurance for children's services. The Chair recorded his thanks to Board member Dr Anne Haddow for her assistance in organising the visit.

The Board noted the report.

23.0 CHIEF EXECUTIVE'S REPORT – REPORT NO: B-26-2017

The Chief Executive presented her quarterly report and drew members' attention to some more recent developments, namely:

- the launch of the Care Inspectorate resource, "My Childminding Experience", produced in collaboration with the Scottish Childminding Association;
- Community Justice scrutiny work, for which the organisation was awaiting confirmation of funding;
- review of the National Performance Framework and the need to consider this as part of the development of the Care Inspectorate's corporate plan; and
- the Care Inspectorate's success in gaining Quality Scotland accreditation for Committed to Excellence

The Board noted the report.

24.0 BOARD SCHEDULE OF BUSINESS 2017/18

The Board noted the Schedule of Business.

25.0 IDENTIFICATION OF RISK

The Chief Executive raised the matter of vicarious liability and CNORIS insurance to provide support where employers could be held liable for the actions or omissions of its employees that took place in the course of their employment. Although the Care Inspectorate had been advised this did not apply to the organisation, the Chief Executive recommended a letter from the Chair to the

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Scottish Government was required to clarify the situation, particularly since Care Inspectorate staff did provide advice to service providers.

The Board **agreed** that the matter be raised with Scottish Government in a letter from the Chair.

CE/Chair

26.0 ANY OTHER COMPETENT BUSINESS

It was noted that all Board members and the Executive Team had undergone and passed the required Health and Safety training.

27.0 DATE OF NEXT MEETING

The date of the next meeting was noted at Thursday 17 January 2018 at 10.30 am in Compass House, Dundee.

Signed:



Paul Edie
Chair