

Minutes

- Meeting:** Board
- Date:** 17 January 2018
- Time:** 10.30 am
- Venue:** Room 0.6/0.7, Compass House, Dundee
- Present:** Paul Edie, Chair
Gavin Dayer
Ian Doig
Anne Haddow
Anne Houston
Linda Pollock
Bernadette Malone
- In Attendance:** Karen Reid, Chief Executive (CE)
Gordon Weir, Executive Director of Corporate and Customer Services (EDCCS)
Kenneth McClure, Head of Legal Services (HLS)
Fiona Angus, Executive and Committee Support Manager (ECSM)
- Guests/
Observers:** Iona Colvin, Chief Social Work Adviser
Clive Pegram, Joint Chair, Partnership Forum
Sam McLean, CIPFA (item 3)
Ashley Smith, PA to Executive Director of Strategy and Improvement
David Robb, Chief Executive, Office of the Scottish Charity Regulator (OSCR)
Judith Hayhow, Head of Support Services (OSCR)
- Apologies:** Mike Cairns, Board member
Christine Dunlop, Board member
Denise Coia, Board member – Chair, Healthcare Improvement Scotland
Jim McGoldrick, Board member - Convener of Scottish Social services Council
David Wiseman, Board member
Rami Okasha, Executive Director of Strategy and Improvement
Kevin Mitchell, Executive Director of Scrutiny and Assurance
Helen Happer, Executive Adviser to the Board
Gordon Paterson, Chief Inspector – Adult Services
Arvind Salman, Strategic Communications Manager

Item**Action****1.0 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting, in particular Bernadette Malone, who was attending her first public meeting as Advisor to the Board. The Chair congratulated Iona Colvin on her appointment to the post of Chief Social Work Adviser.

The Board noted that two of its members – Anne Haddow and Christine Dunlop - would be retiring from office during February and March respectively. The Chair offered thanks to Anne Haddow for her exemplary service over the years to the former Care Commission and the Care Inspectorate. Her service to the Scottish Social Services Council was also noted. Appreciation was shown to the wealth of experience that she had brought to the Board, most notably her background as a carer.

Members noted that the Chief Executive had passed over her interim responsibilities with Education Scotland to its recently appointed Chief Executive.

The Chair informed the Board of an invitation to the Care Inspectorate to send a representative to meet with members of the Japanese Government in Japan to outline the work of the organisation. The invitation was seen as international recognition of the role of the Care Inspectorate.

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: CIPFA MARK OF EXCELLENCE AWARD

The Care Inspectorate had recently achieved the Merit of Excellence Award from CIPFA and had become the first UK regulator to achieve such an award. It demonstrated the commitment of the Care Inspectorate's Board, Executive Team and staff to good governance and its achievement in becoming a centre of excellence.

The Board received a presentation from Sam McLean on behalf of CIPFA, which outlined the work that had been carried out under the review since the previous Board meeting in September 2017. The accompanying final report and concluding assessment provided members with detailed information on the assessment categories

and scoring, a summary of the key findings, examples of good practice and a set of recommended continuing improvement actions.

The Board considered the next steps for implementation of the recommended improvement actions and sought advice from the Chief Executive on how these would be developed and taken forward. The Chief Executive suggested two options to the Board; the development of a stand-alone Improvement Plan or as part of the quarterly performance report and embedding it within three areas which were being outlined in the development of the new corporate plan, namely impact, value and sustainability.

Members debated the pros and cons of both approaches and **agreed** that it would be beneficial to embed the improvement actions within the quarterly performance report, but with a stand-alone improvement plan being developed in parallel. Members considered that including the actions within the performance report would help demonstrate a coherent approach to the Care Inspectorate's improvement process.

The Board was asked to forward their views on the possibility of holding a parliamentary reception to promote the findings of the review and also on including it as an item at the CIPFA conference in March.

On behalf of the Board, the Chair extended thanks to CIPFA and congratulations to the Chief Executive and staff on achieving the award.

5.0 MINUTE OF MEETING HELD ON 28 SEPTEMBER 2017

The Board reviewed and **approved** the minute of the meeting held on 28 September 2017.

6.0 ACTION RECORD OF MEETING HELD ON 28 SEPTEMBER 2017

The Board reviewed the action record and noted that work with the Office of the Chief Medical Officer had been initiated in respect of the Care Inspectorate's role in helping to promote and improve health literacy.

Members also noted the Legal Services team was currently drafting a letter to the Cabinet Secretary in relation to the action under item 25 of the meeting held on 28 September 2017.

7.0 MATTERS ARISING

There were no matters arising.

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STANDING ITEMS

8.0 QUALITY AND STRATEGY COMMITTEE PAPERS

8.1 Minute of Quality and Strategy Committee of 23 November 2017

The Chair presented the minute of the Quality and Strategy Committee meeting held on 23 November 2018. He highlighted the presentation that had been given to members on the Care Inspectorate's revised methodology for regulated care services, which was currently undergoing testing and refinement. It was noted that a further update would be provided to the next Quality and Strategy Committee in May 2018.

The Committee had also received a presentation on the dementia inspection focus area, whose purpose had been to measure how care homes in Scotland were meeting the dementia standards. Since the committee meeting, the findings – which provided an evidence base for where improvement was needed - had been published in a national report in November 2017

The Board had no further questions and noted the minute.

9.0 AUDIT COMMITTEE PAPERS

9.1 Minute of Audit Committee of 21 September 2017

In the absence of the Committee Convener, the Executive Director of Corporate and Customer Services presented the minute of the Audit Committee meeting held on 21 September 2017. This had been a routine meeting, when the main focus had been the annual report and accounts, which the Committee had approved.

The Board had no further questions and noted the minute.

9.2 Minute of Audit Committee of 16 November 2017

In the absence of the Convener, the Executive Director of Corporate and Customer Services outlined the main business that had been conducted at the Audit Committee meeting held on 16 November 2018. This had included an update on the General Data Protection Regulation and the internal auditors' report on progress with the 2017/18 audit plan.

The Committee had discussed the timeline for the annual report and accounts and, having taken into account the work being done through the business transformation programme, had agreed no change to the timetable was required.

The Committee had also discussed in detail the Care Inspectorate's risk management regime and had approved proposals for further developments and next steps in advance of the annual review of the strategic risk register.

The Board had no further questions and noted the minute.

10.0 RESOURCES COMMITTEE PAPERS

10.1 Minute of Resources Committee of 5 December 2017

In the absence of the Committee Convener, the Executive Director of Corporate and Customer Services presented the minute of the Resources Committee meeting held on 5 December 2017.

The Committee had received updates on the Care Inspectorate's Estates position and had agreed changes to the Financial Regulations for submission to the Board.

The Board noted the extensive discussion that the Committee had had in relation to in-year budget monitoring and the Care Inspectorate's aim of containing expenditure as much as possible in order to retain its reserve position.

The Executive Director of Corporate and Customer Services explained to the Board the importance of being aware of the challenges facing the Care Inspectorate, noting that reserves would help to balance the budget but there would still be budgetary pressures in future years. The Care Inspectorate's seven-year financial strategy was helping to identify and address those pressures.

The Board asked if the Care Inspectorate would receive any additional monies from the Scottish Government as a means of funding the delivery of national policy initiatives such as the expansion of early years and childcare services (EY&C). The Chief Executive explained that detailed discussions with the Sponsor team were identifying the costs of delivering the range of Care Inspectorate activities. There had been some additional funding made available for EY&C and also for Care About Physical Activity initiatives. There was, however, a need to consider how to make risk-based, targeted efficiencies while still delivering national policies.

The Board had no further questions and noted the minute of the Resources Committee.

11.0 MONITORING OUR PERFORMANCE 2017/18 – QUARTER 2 REPORT NO: B-27-2018

The Chief Executive presented the Quarter 2 performance report and highlighted several key areas.

Under Strategic Objective 1, it was reported that 96% of statutorily required inspections had been completed up to end of September 2017. The total number of scrutiny and improvement interventions up to the same date was 7,863. Those that had not been completed were due to changes within services and staff illness. At the current time during quarter 3, Board members were informed that 70% of the target for completion of required inspections had already been reached, which was a significant achievement.

It was reported that ministerial approval had been granted for the proposed model of joint inspections of services for children and young people and that this would commence later in the year.

Under Strategic Objective 3, further information was provided to the Board on the continuing recruitment of inspection volunteers. A total of 280 inspections during the quarter had been completed involving a volunteer.

Members noted that, using the newly developed complaints procedure model, 77% of complaints investigated about services had been completed within the 40 days' timescale, a slight improvement on the same time the previous year.

It was noted that there had been an increase in the numbers of complaints against the Care Inspectorate that had been completed through front line resolution and further work would be considered on how to measure customer satisfaction in these cases.

The report highlighted the progress being made with the organisation's cultural change programme, including two cohorts of three-day coaching skills training that had been completed during quarter 2. The Board also noted the development of the Reward and Recognition Strategy, the launch of the Innovation Challenge Fund and the foundation work that had commenced on future leadership development pathways.

The staff absence rate for quarter 2 stood at 4.1%, slightly below the CIPD national average rate for the public sector. It was reported that absence management was being addressed by the Executive Team (ET) and that regular analysis of absence data was undertaken at each ET meeting.

The Board queried the quarter 2 staff absence rate percentage against the current and previous year as the figure appeared different in the narrative of the report compared with the tabulated performance data and management information. It was agreed that this would be followed up with the Executive Director of Corporate and Customer Services.

EDCCS

There was discussion around the work being undertaken by registration inspectors with the Scottish Borders Council in trying to reduce delayed discharge through the opening of a closed unit for a temporary period over the winter as a suitable alternative to older people. On a national basis, factors such as demand level and recruitment issues were impacting on delayed discharge. It was mooted that staffing levels would be taken into account as part of the Scottish Government's national workforce plan.

The Board discussed in detail the format and content of the quarterly performance report, noting that it currently provided a range of performance data as well as activity updates. It was suggested that some of the latter might be covered as part of the Chief Executive's report instead. The Board also considered how the report could provide more information on the action being taken to address variations. It was recommended that consideration be given how best to report on performance, in alignment with the improvement plan being developed from the CIPFA governance review.

There was some further discussion on the extrapolation and production of performance data and the need for clarity on what information the Board required in order to undertake its governance role. Consideration was given to a balanced score card approach, rather than a narrative report and this was supported by the Board.

It was agreed that more detailed discussions should take place between the Chief Executive, the Executive Director of Corporate and Customer Services and the Adviser to the Board with a view to updating the Board at its meeting on 29 March 2018.

CE/
EDCCS/
Adviser

The Board noted the report.

11.1 Video Presentation: Care About Physical Activity (CAPA)

The Board was presented with a video clip of the type of improvement activity that was being rolled out under the CAPA initiative.

11.2 Video Presentation: Young Inspection Volunteers

The Board was presented with a video clip of the type of engagement activity the Care Inspectorate was involved in with young inspection volunteers. The Chief Executive explained the vital role of young

people in obtaining information from other young people that was often not shared with inspectors. Board members were pleased to note the valuable contribution from the young volunteers and welcomed the detailed feedback that was given in the video clip.

12.0 EXECUTIVE ADVISER SOCIAL WORK – REPORT NO: B-28-2018

In the absence of the Executive Adviser, the Chief Executive presented the report which provided an update on scrutiny of strategic level partnerships, link inspectors and the Social Work Scotland Summit that had been held on 8 December 2017.

The Chief Adviser for Social Work commended the Care Inspectorate staff on their approach to joint inspections of services for children and young people.

The Board noted the report.

ITEMS FOR DECISION

13.0 DEVELOPING A NEW CORPORATE PLAN FOR THE CARE INSPECTORATE – REPORT NO: B-29-2018

The Chief Executive presented the report, which outlined the progress made with the three-stage approach to developing the new corporate plan. Stages 1 and 2 were complete and stage 3 would move to preparing a first draft for formal consultation.

During stages 1 and 2, three key themes had been identified, which would provide an opportunity for the new corporate plan to set out how the organisation would empower people and communities; contribute to reducing inequalities and help to improve people's wellbeing. It was proposed that this approach would form the basis of three strategic objectives and one cross-cutting theme.

The proposed objectives were grouped as Leadership; Learning and Living and the Board's views were sought on these themes and the development of corporate principles. Members broadly welcomed the development of the three objectives through the themed approach and agreed that it helped to position the Care Inspectorate in a rapidly changing environment.

Specific comments were noted as follows:

- Recommendation that the wording of objective number 1 is modified where it reads "to secure".
- In the vision statement, where it reads "... experience high quality care", insert the words "and support".

- The term “compassionate care” to be referred to in the plan, to reflect the same terminology that was part of the new health and social care standards.

Members noted the report and that a draft corporate plan would be submitted to the Board meeting in June.

It was agreed that members, particularly those who had not been able to attend the Board meeting, should be invited to submit their comments by email. **ECSM**

14.0 ANNUAL REVIEW OF THE CARE INSPECTORATE FINANCIAL REGULATIONS - REPORT NO: B-30-2018

The Executive Director of Corporate and Customer Services presented the report which outlined the proposed changes to the Care Inspectorate Financial Regulations, as had been previously agreed by the Resources Committee at its meeting on 5 December 2017.

The Board queried why the Chief Executive, as Accountable Officer, was not able to autonomously authorise expenditure of an emergency nature. Members were advised that the proper route for making a change to the financial regulations of this nature was through the Reservation of Powers and Scheme of Delegation. This would be addressed through the forthcoming Board and Committee effectiveness reviews.

The Board **approved** the revised financial regulations.

ITEMS FOR DISCUSSION/INFORMATION

15.0 BUSINESS AND DIGITAL TRANSFORMATION PROGRAMME UPDATE – REPORT NO: B-31-2018

The Executive Director of Corporate and Customer Services presented the report which set out the developments that had been progressed since the last update to the Board in September 2017.

A new business transformation team had been established and testing on the new quality framework was underway. The Board was advised of the resources implications associated with agile working and the need to make changes to business methods and systems in order to modernise and adapt. Digital and business transformation formed a key strand of delivery of the seven year financial strategy.

Members were informed of discussions with the Resources Committee, when members had agreed to change the reserve limit in case of no funding being granted by the Scottish Government. Since that decision had been made, agreement had been granted by the

Scottish Government to provide £2.3m of a grant towards the £3m programme.

There was some discussion on the savings that could be generated through digital and business transformation, as well as the new risks it might generate. Members were advised that new digital systems would enable the Care Inspectorate to be more precise in intelligence analysis and risk prediction and the programme would have its own risk register.

New inspection methodology had been piloted in 17 care homes for older people and early feedback appeared to be positive. A further report to the Board in March would provide information on the impact and effectiveness of the methodology testing.

The Board noted the report.

16.0 THEMES EMERGING FROM COMPLAINTS ABOUT THE CARE INSPECTORATE 1 APRIL – 30 SEPTEMBER 2017 – REPORT NO: B-32-2018

The Chief Executive presented the report, which outlined the work that had been undertaken on the recommendation of the former Complaints Committee in relation to complaints about the Care Inspectorate. This first thematic report provided members with details of the learning points that had been identified through the complaints process, and which had helped the organisation to improve processes and practices. This approach, underpinned by cultural change, had been supported by staff-side of the Partnership Forum.

The report outlined the significant increase in the numbers of incidences of front-line resolution. It also showed that 75% of complaints that were investigated were not upheld.

Members welcomed the report and were pleased to note how the learning points were being taken forward and were helping to inform policy and practice. It was agreed that some further work should be undertaken to determine customer satisfaction levels, both from providers and from people experiencing care.

The Board suggested that the positive change in culture be communicated to providers as a means of showing the Care Inspectorate taking a more progressive and less adversarial approach. The Chief Executive confirmed that this had been discussed during a recent meeting with the Coalition of Care and Support Providers Scotland (CCPS) and that the Care Inspectorate would be working with them to communicate how the organisation's culture was changing. The Board noted the report and that further reports would be provided on a six-monthly basis.

17.0 INFORMATION GOVERNANCE IMPROVEMENT PROGRAMME AND THE GENERAL DATA PROTECTION REGULATION – REPORT NO: B-33-2018

The Chief Executive presented the report, which provided the background to the Care Inspectorate’s information governance arrangements and, in particular, work that was underway to make improvements necessary to ensure the organisation was meeting its current and new regulatory obligations.

The improvement programme had made very good progress in four broad areas, namely handling requests for information; record management and data protection; building organisational capacity and understanding around information governance; and preparing for the GDPR in May 2018.

The Board was assured that work was well underway on revising the Care Inspectorate’s Data Protection Policy in order to be GDPR compliant.

The Board noted the report.

18.0 COMPETITION AND MARKETS AUTHORITY (CMA): MARKET STUDY INTO CARE HOMES FOR OLDER PEOPLE – REPORT NO: B-34-2018

The Chief Executive presented the report, which provided the Board with information on the findings of the CMA’s year-long study into care homes for older people. The scope of the study had included consumer protection and funding issues; regulation of care homes; and competition between care service providers.

Although the study had focussed on the market in England and Wales, the Care Inspectorate had contributed by clarifying the specific operating conditions in Scotland. Specific recommendations had been made in the report in relation to the Care Inspectorate and Scottish Government. The Board was invited to consider these recommendations and the initial responses of the Care Inspectorate, with a view to further discussion with the Sponsor Branch.

Having considered the details in the report, the Board **agreed** with the Care Inspectorate’s position in relation to the recommendations.

19.0 CHAIR’S REPORT – REPORT NO: B-35-2018

The Chair presented his report, which provided an update on key developments since the Board meeting in September 2017. It highlighted the forthcoming Board member retirements, the Public Body Chairs Event that had been held on 24 October 2017, the Cross-Party

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Group on Carers event and the Chair's attendance at the British Health Technologies Association Parliamentary reception.

20.0 CHIEF EXECUTIVE'S REPORT – REPORT NO: B-36-2018

The Chief Executive presented her quarterly report which gave details of key developments since the Board meeting in September 2017, with a focus on the organisation's four key leadership themes.

The Board's attention was drawn in particular to the thematic review of adult support and inspection arrangements, undertaken in partnership with HMICS. A number of national themes had been identified through the review and a report would be published at the end of March 2018.

Members were assured that the development of the new performance and development review system (PDRS) had been progressed through a highly effective working group. The new system had been piloted firstly on members of the group, with a second six-week pilot being undertaken by staff volunteers. The new PDRS would be introduced across the organisation from 1 April 2018.

The two new roles of practitioner inspector and inspection assistant were being monitored through the Career Pathways pilot, which was showing a positive impact for both roles. The piloting exercise would assist with future recruitment requirements and strategic workforce planning.

Members also noted the work that had been undertaken with HIS and the Scottish Government in establishing the first meeting of the Implementation Steering Group for the new Health and Social Care Standards.

The Board noted the report.

21.0 BOARD SCHEDULE OF BUSINESS 2017/18

The Board noted the Schedule of Business for the remainder of the 2017/18 cycle.

22.0 IDENTIFICATION OF RISK

The Board agreed that there was a strategic risk linked with the Care Inspectorate's budget, in particular the financial risks associated with delivering the digital transformation programme.

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23.0 ANY OTHER COMPETENT BUSINESS

It was reported that the Care Inspectorate was taking part in a public sector cyber essentials action plan. This was a pre-assessment of the organisation's cyber-readiness in the face of any attack on cyber security. This news was welcomed by the Board.

24.0 DATE OF NEXT MEETING

The date of the next meeting was noted at Thursday 29 March 2018 at 10.30 am in Compass House, Dundee.

Signed:



Paul Edie
Chair

