

Minutes

Meeting: Board
Date: 21 March 2013
Time: 2.00 pm
Venue: Rooms 6, 7 and 8 Compass House

Present: Frank Clark, Chair
Theresa Allison
Mike Cairns
Denise Coia
Garry Coutts
Ian Doig
Anne Haddow
Douglas Hutchens, Deputy Chair
Cecil Meiklejohn
David Wiseman
Sally Witcher

In Attendance: Annette Bruton, Chief Executive
Karen Anderson, Director of Strategic Development
Gordon Weir, Director of Corporate Services
Kenny McClure, Head of Legal Services
Rami Okasha, Communications Manager
Alexis Jay, Chief Social Work Adviser (outgoing)
Alan Baird, Chief Social Work Adviser (incoming)
Anne Forsyth, Executive Assistant

Apologies: Morag Brown, Board Member

Item

Action

The Chair welcomed everyone to the meeting including four observers.

The Chair, on behalf of the Board, took the opportunity to wish Alexis Jay, Chief Social Work Adviser a long and happy retirement and welcomed Alan Baird who would take up the post of Chief Social Work Adviser.

The Chair also took the opportunity, on behalf of the Board, to wish Heather Stevenson, HR Manager farewell and thanked her for all the advice she had given to the Board both within the Care Commission and in particular around the transitional period.

1.0 APOLOGIES FOR ABSENCE

Apologies for absence, as listed above, were noted.

2.0 DECLARATION OF INTEREST

The following declarations of interest were noted:

- Douglas Hutchens, Deputy Chair in respect of item 6.8.
- David Wiseman, Board Member in respect of holding the position of strategic board member of IRISS.
- Garry Coutts, Board Member in respect of holding the positions of Convener of the Scottish Social Services Council and Chair of NHS Highland.

3.0 MINUTE OF MEETING HELD ON 18 JANUARY 2013

The minute of the meeting held on 18 January 2013 was submitted and approved as a correct record.

4.0 MATTERS ARISING

There were no matters arising.

5.0 REPORT FROM STRATEGY AND PERFORMANCE COMMITTEE OF 21 DECEMBER 2012 (APPROVED MINUTE)

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee. Members noted that this had been ratified by the Board on 18 January 2013 in respect of the Corporate and Inspection Plans and approved budget for 2013/14.

The Board:

- Noted the report.

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6.0 REPORT FROM THE STRATEGY AND PERFORMANCE COMMITTEE OF 5 MARCH 2013 (DRAFT MINUTE)

The Chair presented the minute to the Board for consideration and discussion of the recommendations made by the Committee.

The Board:

- Noted the report and considered the undernoted items in detail.

6.1 Monitoring Our Performance Q3 2012/13 Report No: B-02-2013

The Director of Strategic Development presented the Q3 2012/13 report on performance. The following points in particular were highlighted:

- That 91% of planned inspections started had been completed by 31 December 2012, which, compared to the same period in 2011, showed an increase.
- That there had been completion of 119 unscheduled inspections and a further 90 inspections for services that had since cancelled or become inactive.
- That 9% of planned inspections in Q1-Q3 did not take place, due to focus on poorly performing services.
- That there had been an increase in inspection intensity to cover all four quality themes at every inspection.
- That the Care Inspectorate remained on target to complete all planned inspections by 31 March 2013 and that targets were revised on a month-to-month basis.
- That a total of 3,777 care inspections had been carried out as unannounced inspections. 30% had been made at short notice and 3% were announced.
- That all Initial Scrutiny Level Assessments (ISLAs) of Local Authorities had been published.
- That by 31 December 2013 there were 14,327 registered care services and that 725 new registration had been completed, 73% of which were childminders. This represented a decrease compared to 2011.
- That during the period between April to December 2012 the Care Inspectorate had received 2,482 complaints. This represented a significant increase compared to 2011. 1,486 were registered as formal complaints, which was again a significant increase compared to 2011.
- That 98% of complaints were acknowledged within three working days, which represented an improvement from 2011.

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- That as part of revisions to the Care Inspectorate's complaints procedure, complaint investigations should be completed within 20 working days, this took effect from 8 October 2012. Overall 99% of complaints investigations were completed within the timescale.
- That there had been 48 complaints against the Care Inspectorate. Five of these had been completed and were not upheld.
- That there had been ten complaint review requests between October to December 2012, eight brought forward from Q2. Eleven reviews had been completed, seven were supported or partially supported and four not supported.
- That there had been 53 non-technical enforcements issued between April to December 2012, this represented a decrease compared to 2011.
- That from 2013/14 onwards there would be more thematic detail included in the reporting of enforcement action.
- That the Involvement Plan agreed by members in 2012 was well underway, particularly in relation to how the Care Inspectorate involved people in the work of the Care Inspectorate and the deployment of Lay Assessors.
- That between April to December 2012, lay assessors were involved in 327 inspections, an increase of 55% compared to 2011. It was hoped to increase this further by 25% per annum over the next four years.
- That the National Enquiry Line (NEL) had received 5,711 calls in the period October to December 2012.
- That 4.8% of graded care services had grades of 3 or less for all quality themes assessed by 31 December 2012, an increase compared to 2011.
- That 56% of all care services graded by 31 December 2012 had received a grade 5 or 6 for involving people quality statements. Officers planned to improve reporting by increasing qualitative analysis to interpret statistical measures.
- That across most service types and sectors, the distribution of grading had remained fairly stable.
- That 5,387 draft care service inspection reports had been issued between April to December 2012, 86% being issued within 20 working days.
- That 16 new documents had been published within Q3, which members received copies of.
- That the Care Inspectorate's analysts were co-ordinating intelligence to inform the research on child sexual exploitation that CELCIS had been commissioned to undertake.

- That the reports from the first two pilot inspections of the Joint Inspections of Services for Children had been published and would inform the inspection methodology.
- The task of identifying new inspection teams as part of the organisational restructure had gone well and was due to commence on 1 April 2013.
- That during Q3, 75 freedom of information requests, 40 data protection requests and 22 parliamentary questions had been received.

The Board:

- Noted and considered the performance against the interim KPIs for the Care Inspectorate and agreed to reflect on performance reporting for 2013/14 – in particular introducing more qualitative indicators.

6.2 Lessons Learned from the Francis Report (February 2013) – a summary of key messages

The Chief Executive presented the report which summarised the lessons learned from the Francis Report and the scrutiny experience in England. The following points in particular were highlighted:

- That Scottish Government had been preparing for this in advance of the publication and was reflecting on the report in relation to the Integration of Health and Social Care and how best scrutiny needed to be deployed to support that.
- That leadership and governance played an important part.
- That the Care Inspectorate had offered assistance to Scottish Government in relation to the revision of the National Care Standards and that this work had accelerated.
- That Governance of different sectors varied and lessons needed to be applied across all the social care sector and the Care Inspectorate had a role to support that.

The Board:

- Noted and endorsed the Strategy and Performance Committee's actions.

6.3 Progress Report – Intelligence and Risk Action Plan

6.5 Report No: B-03-2013

Intelligence and Risk Frameworks – Key Deliverable 2013/14

Report No: B-04-2013

The Director of Strategic Development presented the reports that informed members of progress to 31 December 2012 in relation

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to 14 key deliverables in the Intelligence and Risk action plan and proposed the Risk and Intelligence Deliverables for 2013/14.

The following points were noted:

- That substantial progress had been made in respect of the majority of key deliverables and that the risk and intelligence delivery programme dashboard was clear, setting out progress against intended outcomes. It was anticipated that all but one of the key deliverables would have been fully delivered.
- That the Intelligence and Risk Framework was a dynamic process and it was important that the strategy was reviewed on a continuing basis.
- That the Strategy and Performance Committee had made significant and reassuring comment and that the progress to date was positive.

The Board:

- Noted the progress on the 14 key deliverables, now combined to create 12 for 2012/13/
- Discussed and approved the key deliverables for 2013/14.

6.4 Good Practice Sharing and the Hub

The Director of Strategic Development presented the report that advised the Board of the development of the policy/research hub and how this would fit in with the move towards inspections carried out by subject specialists and the Care Inspectorate's role in signposting innovation and improvement. The following points in particular were noted:

- That the Hub, due to be launched by the end of May 2013, would be accessible to both internal and external stakeholders, providing access to a library of good practice guidance.
- That the Care Inspectorate had received input to the project from key external partners.
- That the process of what established good practice needed to be rigorous and that currency was key.

The Board:

- Noted the report and the Strategy and Performance Committee's comments.

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6.6 Public Reporting Strategy 2013-15 Report No: B-05-2013

The Director of Strategic Development advised Board members that the strategy was work in progress over time and was there to deliver on the Corporate and Operational Plans. It required to be a flexible document to ensure that the Care Inspectorate was clear in the way it reported.

The Communications Manager presented the report that advised members on the draft public reporting strategy. The following points were noted:

- That who and what the Care Inspectorate does was clear and concise.
- That the message of the Care Inspectorate being a 'thought leader', 'opinion former' and 'opinion leader' was of particular importance which was in line with the recommendations on the lessons learned from the CQC and scrutiny experience in England.
- That the objectives and target audiences laid out in the strategy was strong and showed the diverse nature of the audience.
- That the strategy's key messages had been carefully constructed and would be accurately targeted and communicated in a variety of ways.
- That the strategy used a flexible mix of communications to get the Care Inspectorate's message across, in particular there was a growing shift to online and online channels.
- That the suggested activity and timescales were in line with what would be useful for members.
- That further work around stakeholder analysis and engagement was needed.

The Board:

- Noted and agreed the contents of the Public Reporting Strategy 2013-15.

6.7 Care Inspectorate Corporate Plan 2011-2014 Report No: B-06-2013

The Director of Strategic Development presented the report which advised members of changes to the 2011-2014 Corporate Plan. These changes reflected discussions held at the Board Strategic Event held on 13/14 December 2012 and provided clarity for all stakeholders on the Care Inspectorate's visions, outcomes and objectives over 2013 and 2014. The following points in particular were noted:

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- That there had been no significant changes to the outcomes and objectives set originally for the three year plan.
- That updates had been made within the Plan to reflect the changing external operating environment, national policy development and progress on the internal changes programme.

The Board:

- Was content to adopt the revisions on the recommendation from the Strategy and Performance Committee which should be shared with a wide range of stakeholders.

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6.8 Formation of Joint Improvement Partnership Board – Discussion Paper

The Chief Executive presented the report which focussed on the announcement by Scottish Government of a Joint Improvement Partnership Board. Subsequent to the extensive discussion that took place at the Strategy and Performance Committee, members noted the following:

- That it was important that the Care Inspectorate aligned itself with HIS and the SSSC to this new Board to move forward into the integration agenda.
- That sight of expectations or of what the expectations were should not be lost.
- That the involvement of service users and carers had been omitted.
- That it would be important that services and partnerships should have their own improvement plan in place.

The Board:

- Welcomed the actions taken by the Strategy and Performance Committee, and stressed the importance of complementary roles of the Care Inspectorate and partner organisations.

6.9 Involvement and Equalities Update 2012/13

The Director of Strategic Development presented the report that advised and updated members of all Care Inspectorate involvement and equality activities and provided a progress report on the Involvement Action Plan in 2012/13. The following points were noted:

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- That a number of involvement events had been held that had included the Involving People Group (IPG), Young Inspectors and Lay Assessors and that planning was underway for continued events.
- That the IPG had been asked to consider how Board members could be involved with their work.
- That the allocation of resources and requirements would be submitted to the Resources Committee, however the resources across the organisation would need to be delivered within the actual budget. The Executive Team was looking to see how much flexibility, if any, was available within the budget by May/early June 2013.

The Board:

- Noted and endorsed the Strategy and Performance Committee's actions.

6.10 Proposed Changes to Regulations Implementing the EU Services Directive

The Head of Legal Services presented the report which provided members with the Care Inspectorate's response to the consultation in respect of proposed changes to regulations implementing the EU Services Directive.

Members noted that this potentially had a profound and significant effect on the Care Inspectorate's discharge of its duties and responsibilities and that colleagues within Scottish Government should be made fully aware of what the implications would be.

The Board:

- Noted and endorsed the Strategy and Performance Committee's actions, taking assurance from the minute and the response.
- Agreed that members should be kept up-to-date as and when information became available.

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7.0 REPORT FROM RESOURCES COMMITTEE OF 6 DECEMBER 2012 (APPROVED 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 in particular were noted:

- The Care Inspectorate's compliance with the Scottish Digital Public Services Strategy, in particular the early development of a young person's portal.

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- The progress in Youth Employability had been positive and well received by the Committee. Members were updated on two young people who had completed an eight week placement within HQ which was a good example of what the Care Inspectorate can make available for young people.

The Board:

- Noted the report.

8.0 REPORT FROM RESOURCES COMMITTEE OF 11 JANUARY 2013 (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 Board:

- Noted the report which had received detailed and rigorous discussion at the Board Strategic Event on 13/14 December 2012, Strategy and Performance Committee on 21 December and Board on 21 January 2013.

9.0 REPORT FROM RESOURCES COMMITTEE OF 26 FEBRUARY 2013 (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 in particular were noted:

- That the within the procurement strategy and action plan, it was highlighted that there had been benefits of going through the Scottish Government's procurement portal, especially in relation to compliance with best value. This was reassuring to members.
- That a matrix showing all new/revised HR Policies and Procedures would be submitted to the Committee which would provide a good way forward for future discussion.

The Board:

- Noted the report.

10.0 REPORT FROM AUDIT COMMITTEE OF 6 DECEMBER 2012 (DRAFT MINUTE)

The Convener of the Audit Committee presented the minute to the Board for consideration and discussion of the

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recommendations made by the Committee. The following points in particular were noted:

- That confirmation from Sponsor was still awaited in respect of whether the current practice of viewing write-off limits at individual invoice level remained acceptable.
- That the Committee had received a positive Annual Report on the 2001-12 Audit from Audit Scotland.

The Board:

- Noted the report and took assurance from the Audit Scotland Annual Report.

10.1 Appointment of Internal Auditors

Members considered the outcome of the internal audit service procurement evaluation process, together with the Audit Committee's recommendation to appoint Moore Stephens as internal auditors to the Care Inspectorate.

The Board:

- Accepted the Audit Committee's recommendations to appoint Moore Stephens, who operate as Scott-Moncrieff in Scotland, to provide the Care Inspectorate's internal audit services.

11.0 REPORT FROM REMUNERATION COMMITTEE OF 11 FEBRUARY 2013

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

- That the pay remit for 2013-14 had been submitted to the finance Pay Policy Team of Scottish Government and a response was awaited.
- That feedback had been given to the Partnership Forum.

The Board:

- Noted the Report.

12.0 CHIEF EXECUTIVE'S REPORT REPORT NO: B-07-2013

The Chief Executive presented the report which provided an update on key developments since the 18 December 2012 Board meeting. In particular, the following points were noted:

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- That the Chief Executive, Director of Strategic Development, Chair and Deputy Chair had met with the Cabinet Secretary on 30 January 2013 to discuss the Inspection Plan 2013/14. Approval of the Plan was still awaiting confirmation in writing and members would receive this as soon as it became available.
- That a formal announcement had been made on the composition of the new inspection teams which was a significant milestone in terms of the organisation restructuring.
- That the Self-Directed Support (SDS) Bill had been passed and was in statute.
- That the Ministerial response to the consultation on the Integration of Health and Social Care system had been published. It was hoped that this would be one of the foci of the Board Development Event on 2 May 2013.
- That the first pilot strategic inspections had taken place in Orkney and Edinburgh and reports published.
- That a good performance in the third quarter of 2012/13 had been sustained in respect of complaints.
- That the methodology in respect of Joint Inspections of Services to Children and Adults were linking up which would provide a coherent approach to scrutiny across services.
- That the 'All Stars' appeal had been heard by the UK Supreme Court on 30 January 2013 and contingencies were in place in respect of any expenses.
- That the project to implement the new payroll service and associated HR management information system was progressing to plan. Data migration work had commenced and parallel running had commenced in preparation for the 'live' implementation of the May 2013 payroll.
- That preparation and planning for the financial year end 2012/13 was underway which included close monitoring of the projected financial position as at 31 March 2013 and the planning for a revised style of Annual Report and Accounts.
- That appointments to senior posts were progressing well and that an updated structure chart was provided.

The Board:

- Noted the report.

13.0 CHILDREN'S SERVICES INSPECTION

The Director of Strategic Development updated members on the development of children's services inspection. The following points were noted:

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- The development test site that took place over 2012 had informed a revision of the quality indicator (QI) framework, which would make an evaluation on the quality of care as part of the inspection process.
- Helpful indications in respect of the richness of intelligence had been implemented into the inspection process.
- Staff development events had taken place in October/November 2012 to launch the QIs over relevant stakeholder groups.
- Stakeholders wanted to see more focus on children and young people.
- The completion of the two pilots in Orkney and Edinburgh had provided positive comments and feedback had helped in terms of learning.
- The key aspects were reducing the scrutiny footprint by 21 days by more effective file reading and intelligence across scrutiny bodies.
- Further pilots were underway and learning from the children's services model would feature in the development of the adult services model.
- Extremely effective support had been received from partners, with valuable input from assessors and young inspectors.
- Feedback to Ministers from members had been submitted informing progress to date and an offer had been made for a meeting to hear about further developments and a suitable date was awaited.

14.0 EQUALITY DUTIES 2013 REPORT NO: B-08-2013

The Director of Strategic Development presented the report which advised members of progress made towards meeting the public sector equality duty and the specific duties for listed public authorities in Scotland. The following points in particular were noted:

- That the Equality Act 2010 set out duties for listed public authorities, including the Care Inspectorate, in relation to equalities.
- That the Equality Act 2010 (Specific Duties) (Scotland) Regulations were designed to help public authorities develop better policies and practices, improve transparency and accountability, and deliver better outcomes for everyone in Scotland. They came into force on 27 May 2012 and set out the duties to produce and publish specific equality information by 30 April 2013 and regularly thereafter until 2019.

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- That the Care Inspectorate had worked closely with partners and was leading joint work with Education Scotland, HIS and the SSSC to develop a shared approach to the way equality work was progressed and reported.
- That the Resources Committee needed to reflect further on the workforce profile.

The Board:

- Noted the work of the Equality project 2013.
- Agreed to an on-going programme of work to monitor progress and ensure Care Inspectorate equality duties were met over the next six years.
- Agreed that the Resources Committee should give consideration to some of the intermediate reporting and related issues in more detail to the workforce profile of the Care Inspectorate.
- Agreed to the publication of the mainstream equality report, employee information and equality outcome statements.

**Resources
Committee**

15.0 CONSULTATION ON PROPOSALS RE REDESIGNING THE COMMUNITY JUSTICE SYSTEM REPORT NO: B-09-2013

The Chief Executive presented the report which notified members of the Care Inspectorate's response to the Scottish Government's consultation on the 'Redesigning the Community Justice System'. The following points were noted:

- That the views of and professional experience of all staff across the Care Inspectorate, who had an interest in Criminal Justice inspection had been sought.
- That a response had been submitted to all three options for reform.

The Board:

- Was content with the consultation report and noted the content.

16.0 AOCB

As this was the final Board meeting for the Chair prior to his retiral, the Deputy Chair formally recorded members' and the organisation's thanks to the Chair for his all his hard work and contribution over the years.

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The Chair responded with his appreciation for the loyalty and support members had given him and acknowledged the tremendous progress that had been achieved. He had seldom worked with a more cohesive board and the quality of governance had been acknowledged by both internal and external auditors. There had also been good work carried out in relation to Board and Committee effectiveness. The Chair also noted his appreciation of the support he had received from the Executive Team. He concluded by wishing the organisation continued success in the months and years ahead.

17.0 DATE OF NEXT MEETING

The date of the next meeting was noted as 27 June 2013 at 2.00 pm, Compass House, Dundee.

ITEMS TAKEN IN PRIVATE

18.0 ARRANGEMENTS FOR CHAIR APPOINTMENT

The Chair updated the Board on the announcement of the new Chair.

The Board:

- Noted that appropriate arrangements were being made involving the Deputy Chair to provide the required continuity until the new Chair took up post.

Signed:

Professor Frank Clark CBE
Chair

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