



care
inspectorate

Minutes

Meeting: Public Board

Date: 15 December 2022

Time: 10.30 am to 1.00 pm

Venue: By Teams video-conference

Present: Doug Moodie, Chair
Naghat Ahmed
Charlotte Armitage (part)
Audrey Cowie
Sandra Campbell
Gavin Dayer
Rona Fraser
Paul Gray
Ronnie Johnson
Bill Maxwell
Maria McGill
Rosie Moore

In Attendance: Jackie Irvine, Chief Executive (CE)
Edith Macintosh, Deputy Chief Executive and Executive Director of Strategy and Improvement (DE/EDSI)
Kevin Mitchell, Executive Director of Scrutiny and Assurance (EDSA)
Jackie Mackenzie, Executive Director of Corporate and Customer Services (EDCCS)
Gordon Mackie, Executive Director of IT and Digital Transformation (EDITDT)
Kenny Dick, Head of Finance and Corporate Governance (HoFCG)
Lisa Rooke, Head of Corporate Policy and Communications (HoCPC)
Fiona McKeand, Executive and Committee Support Manager (ECSM)
Alison Cook, Senior Solicitor (deputising for Kenny McClure, Head of Legal Services)
Ingrid Gilray, Intelligence and Analysis Manager (items 12 and 13 only)

Observers: Fiona Birkin, Joint Chair Partnership Forum (official observer)

Apologies: Carole Wilkinson, Board member
Keith Redpath, Board member
Kenny McClure, Head of Legal Services

Item**Action**

Version: 0.2	Status: APPROVED 09/02/2023	Date: 04.01.2023
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1.0 WELCOME

The Chair welcomed everyone to the meeting with apologies that, due to travel disruption and weather conditions, a decision had to be made to hold the meeting by video-conference.

2.0 APOLOGIES

Apologies were received, as noted above.

3.0 DECLARATIONS OF INTEREST

There was one potential declaration of interest from Board member Audrey Cowie, in relation to section 8 of the Chief Executive's report. It was noted that there no plans to hold detailed discussions under this section but due consideration would be given to the declaration while the matter was covered.

4.0 MINUTES OF BOARD MEETINGS HELD ON 29 SEPTEMBER 2022 and 21 NOVEMBER 2022

The Board noted two minor amendments to the minutes of both meetings, relating to Board member attendance details and a correction to the date of February meeting. With these changes noted, the Board **approved** the minutes of the September and November 2022 meetings.

E&CSM

5.0 ACTION RECORD OF BOARD MEETINGS HELD ON 29 SEPTEMBER 2022 and 21 NOVEMBER 2022

The Board noted that all actions arising from the meetings held in September and November 2022 had been completed.

6.0 MATTERS ARISING

Under item 12 of the September meeting, relating to exit interviews of departing employees, the Board requested that the completion rate of these interviews be included, which would help provide context to the information gleaned. It was noted that the next quarterly report in March would feature exit interviews completion rates.

7.0 CHAIR'S REPORT

For this meeting, the Chair provided a verbal update on his activities and engagements since the September and November meetings, which included individual discussions with each of the executive directors around their directorate teams and work priorities. Similarly, he had been able to meet with individual Board members which provided a good insight to the skills, knowledge and expertise that they brought to the work of the Board.

The Chair's other main focus areas had been the work of The Promise Scotland, the Feeley Review and the National Care Service Bill. Scoping work would be taking place in the New Year around Board Development Events for 2023/24 and a Board strategic event had been confirmed for 26 January. Further opportunities to share a development day with colleagues in Healthcare Improvement Scotland and the Scottish Social Services Council were also being considered in discussion with respective Chairs, Convener and Chief Executives.

8.0 CHIEF EXECUTIVE'S REPORT - REPORT NO: B-36-2022

The Chief Executive presented her report, which provided the Board with a quarterly update on significant developments and new or completed activities that directly supported the Corporate Plan and its strategic outcomes. The report also covered attendance and participation at events, conferences, meetings, working groups, hearings and inquiries, and the Board noted the series of introductory meetings that the Chief Executive had undertaken with a range of key regulatory and partner organisations since starting in September 2022.

The Chief Executive highlighted a number of key developments in the report, which generated some further discussion and questions from the Board.

The Board was pleased to note that the Chair of the Independent Review of Inspection, Scrutiny and Regulation, Dame Sue Bruce, had accepted an invitation to speak with the Board on 9 February. Members were also pleased to that that a progress report on the Care Inspectorate's work on The Promise would be given to the Board meeting in February.

The Board welcomed the reinstatement of the series of Quality Conversations (QC) events, which had been put on hold during the pandemic. It was agreed to circulate a copy of the QC presentation slides to Board members and, in advance of future QC events, to share information with members on event themes identified through provider engagement.

E&CSM

**HoCCP/
Comms team**

In response to a question on the regulation of tele-care, it was agreed that the legal services team would look at the legal definitions covering this.

**Senior
Solicitor**

There was some discussion on the engagement with Scottish Parliamentary committees, and the constructive, professional and consistent position the Care Inspectorate and its Board would wish to present. Members were assured that, supported by the policy team, the organisation had been clear in its response and evidence provision on the new National Care Service and had presented a position that outlined its experience of scrutiny to date and how it worked across a number of different structures nationally. The Care

Inspectorate had been able to demonstrate its contribution, taking account of its legal obligations.

The Board's comments were noted on cross-border placements in residential child-care and upholding the rights of children far from home, which had been a focus of the conference held by the Scottish Institute for Residential Childcare. Board members considered this to apply equally to children moving from the Scottish Islands, not solely cross-UK borders. It was agreed to circulate a copy of the workshop slides from the Conference to the Board.

E&CSM

The Board noted the Chief Executive's report.

STRATEGY AND POLICY

9.0 ESTATES STRATEGY – REPORT NO: B-37-2022

The Executive Director of Corporate and Customer Services presented the report, which incorporated a draft of the Care Inspectorate's Estates Strategy for the five-year period 2023-2029, for the Board's consideration and approval. The report highlighted how the Covid-19 pandemic had changed the way the organisation worked but this was not yet a settled position and a hybrid working trial was still underway.

The Board was advised that consultation with staff, along with the findings of the working trial and option appraisal by regional estates working groups, would underpin the decisions on the most appropriate property options going forward, subject to Scottish Government approval.

In respect of Headquarters at Compass House, the Board was advised that co-tenancy arrangements had been submitted for approval to the Scottish Government and a decision was awaited. This would involve relinquishing some of the Care Inspectorate's office space on the ground floor but maintaining the head office as a main location, with a re-design of layout for workspaces, meetings and training areas.

The Board **approved** the Estates Strategy and noted that an annual estates update report would be added to the schedule of business, to be submitted with effect from the first meeting of the new Board cycle in May 2023.

E&CSM

10.0 DRAFT SCRUTINY AND ASSURANCE DIRECTORATE STRATEGY – REPORT NO: B-38-2022

The Executive Director of Scrutiny and Assurance presented the report which provided the Board with the historical background to the development of the scrutiny and assurance plan. The documentation for 2023/24 had, at the request of the Board, been separated into two parts, namely the strategy and the plan. The Board was invited to

Version: 0.2	Status: APPROVED 09/02/2023	Date: 04.01.2023
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approve the strategy, subject to any amendments requested and, pending approval, a shorter scrutiny and assurance plan for 2023-24 would be submitted to the Board in February 2023.

The Board discussed the draft strategy in detail and made the following recommendations.

Page 2 – paragraph covering The Promise

The Board requested that this be more specific and align the Care Inspectorate's responsibilities under The Promise Plan 21/24 (reference to page 37 of the Plan and the reference to a holistic framework for regulation being developed that valued what children and families value). It was agreed to include a link to The Plan in this section of the strategy.

Actions to be taken forward by EDSA, EDITDT and Intelligence and Analysis team

Page 4 – Person Centred

The Board agreed that this phrase needed to have some context and it would be helpful to provide some detail of how the Care Inspectorate listened to people and took action.

Page 18 – complaints

It was agreed that the Intelligence and Analysis team would determine if there was sufficient data on levels of awareness of raising complaints, which might demonstrate one of the reasons for the year on year rise in number of complaints being received.

Page 29 – significant increase in the number of notifications

The Board requested if some context could be provided in relation to the increase in notifications. It was recognised that this was a complex area, therefore no specific details were required, however, members considered it would be helpful to have an overarching explanation.

Page 5 – Mission Values – bullet points under Principles

The Board was interested to gain an understanding of how the Care Inspectorate would evaluate success against these, and evidence how outcomes were changing. It was recognised that an element of self-evaluation was required, but members raised the question of potential external scrutiny and validation.

In relation to the use of data, information and intelligence in underpinning how the organisation would improve the quality of care, it was agreed that there were also other ways of improving quality of care, not solely through the use of intelligence sources.

The Board considered it important that, as a regulatory body, the Care Inspectorate's principles should relate to good practice in regulation. Although alignment to the Crerar review report was referred to, there was a view that the Care Inspectorate's principles were more aligned to Better Regulation Task Force Principles of Good Regulation.

General comments

The Board recognised the aim of the strategy in meeting the needs of its own operations, the Board, Scottish Government and the public and welcomed the split between the strategy and the plan. The Board recommended the addition of a “Conclusions” section at the end of the strategy, to highlight the key changes the organisation would make to its scrutiny and improvement plan in line with its Corporate Plan.

In summary, it was agreed that further modifications would be made to the draft strategy and it would be brought for final review to the Board Development Event on 26 January 2023.

11.0 BUDGET DEVELOPMENT SHORT LIFE WORKING GROUP – TERMS OF REFERENCE – REPORT NO: B-39-2022

The Head of Finance and Corporate Governance presented the Board with the draft terms of reference of the Budget Development Member/Officer Short Life Working Group, the constitution of which the Board had agreed to at its meeting on 29 September 2022.

Members were informed that six meetings of the working group had been scheduled to take place before June 2023 and that the Board would receive regular updates in line with the timings of those meetings.

The Board **approved** the terms of reference of the short life working group.

MONITORING AND GOVERNANCE

12.0 MONITORING OUR PERFORMANCE 2022/23 QUARTER 2 – REPORT NO: B-40-2022

The Executive Director of IT and Digital Transformation presented the report, which provided the Board with a detailed account of the Care Inspectorate’s key performance indicators (KPIs) and work in support of its strategic objectives over the first two quarters of 2022/23.

The Board noted that, of the eight KPIs detailed in the Corporate Plan 2022-25, at the end of Q2 2022/23, six were measured and compared to target, of which all six met or exceeded target. The remaining two, KPI-4 and KPI-5, would not be reported on until Q3 officially, although initial performance had been provided.

The Board noted the report.

13.0 COMPLAINTS ACTIVITY MID-YEAR REPORT – REPORT NO: B-41-2022

The Executive Director of IT and Digital Transformation presented the report, which provided the Board with a statistical mid-year summary for the first six months of 2022/23. It reported on trends and patterns in complaints received and investigated noting any particular variation compared with the same period last year.

The continued provision of a mid-year report to the Board was discussed, noting that a full annual report was submitted in June each year. It was agreed that the matter of mid-year reporting would be considered at the Board Governance Review at the end of March 2023.

E&CSM

The Board noted the mid-year report.

14.0 BUDGET MONITORING AND STAFFING UPDATE – REPORT NO: B-42-2022

The Head of Finance and Corporate Governance presented the report, which provided the Board with details of the projected 2022/23 financial position and incorporated an update on the staffing position.

The Board noted that, mainly due to the inclusion of the greater than budgeted pay award included in the recently submitted (and still to be agreed) 2022/23 pay remit, the projected net expenditure position had increased by £1.200m from the last position reported.

Funding discussions were ongoing with the Sponsor department and it was noted that the announcement of the Scottish Government budget was imminent. Officers indicated a pressing need for a response from SG by the end of January and a significant amount of work would require to be undertaken by the Budget Development Member/Officer working group.

The Board noted the report.

15.0 REPORT OF AUDIT AND RISK COMMITTEE MEETING OF 16 NOVEMBER 2022

The Committee Convener presented the report of the meeting held on 16 November 2022, and invited the Board to note the main points of business which were outlined in the accompanying narrative. These had included the final stages of the annual report and accounts for recommendation to the Board, continuing series of positive internal audit reviews and the identification of a proposed new strategic risk relating to the sustainability of our legacy business applications. The Committee recommended to the Board that this be added to the strategic risk register and more information was provided under item 18. The Board noted the report and thanked the Committee for its work.

Version: 0.2	Status: APPROVED 09/02/2023	Date: 04.01.2023
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16.0 HEALTH AND SAFETY ANNUAL REPORT 2021/22 – REPORT NO: B-43-2022

The Executive Director of Corporate and Customer Services presented the report which reviewed the Care Inspectorate's health and safety performance for 2021/22 and provided comparative information to previous years. The report also summarised health and safety plans for 2022/23. The Board was advised that the timing of the report was slightly out of sync but would revert to being submitted to the first meeting of each Board cycle.

The Board noted that the Care Inspectorate/SSSSC Health, Safety and Wellbeing Committee had agreed at its last meeting to disband as a joint group and for each organisation to return to having its own committee.

The Board asked if it would be possible for a further breakdown of the information in relation to the drop in number of stress/mental health risk assessments and also lone working risk assessments.

**Estates,
Health and
Safety
Manager**

OPERATIONAL ITEMS

17.0 HR QUARTERLY REPORT – REPORT NO: B-43-2022

The Executive Director of Corporate and Customer Services presented the report, which provided the Board with HR metrics covering quarter 2 from July 2022 to September 2022. The report included data on staff absence and turnover as well as an overview of recruitment during the period and an update on the HR structure.

The Board noted the much-improved position regarding the recruitment of inspectors and asked about the timescales for retention of candidates in the talent pool. It was agreed to provide this information following the meeting.

Head of HR

The Board requested further information as follows and it was agreed to incorporate this where possible to the next quarterly report in March 2023.

1. Agency staff to be added as a separate line to the headcount numbers.
2. Consideration of a graduate entry scheme for inspectors.
3. Any trend data for CI's ageing workforce.

The Board noted the report.

STANDING ITEMS

18.0 IDENTIFICATION OF RISK

18.1 NEW STRATEGIC RISK – REPORT NO: B-45-2022

The Head of Finance and Corporate Governance presented the report, which had emanated from a recommendation by the Audit and Risk Committee that a risk on the sustainability of the Care Inspectorate's legacy business applications should be added to the Strategic Risk Register. Details had also been provided under item 14 of the meeting agenda, the report of the Audit and Risk Committee.

The Board was invited to approve the inclusion of the new risk on to the Strategic Risk Register and to note that the position would then be reviewed at each meeting of the Audit and Risk Committee.

The Board **approved** the addition of the new strategic risk and requested that under "Key Controls" that a third point be added to show that the Care Inspectorate was continuing to stress this to Scottish Government to ensure their clear understanding of the risk.

HoFCG

19.0 BOARD SCHEDULE OF BUSINESS 2022/23

The Board noted the schedule of business.

20.0 ANY OTHER COMPETENT BUSINESS

The Chair advised the Board that, following an invitation to members for notes of interest in the position of Vice-Chair, and having held discussions with candidates, he was pleased to announce that Audrey Cowie had accepted the role with immediate effect.

21.0 CLOSE OF PUBLIC MEETING AND DATE OF NEXT MEETING

The Board noted the date of the next Board meeting as Thursday 9 February 2023 at 10.30 am in Compass House, Dundee

Signed:



Doug Moodie, Chair

