

Meeting	PUBLIC BOARD MEETING 15 November 2017
Agenda item Paper Number	5 CM/11/17/05
Item title	Chief Executive's report to the Board
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PURPOSE OF PAPER:

This is a paper for the Board to **note**.

Introduction

The report this month provides an update on the following matters:

Standing items:

Updates on all sectors will be given in the quarterly performance report in Item 6 of the agenda.

Further items:

1. Next Phase for Adult Social Care and Primary Medical Services
2. Update from Chief Digital Officer
3. Mental Health Act Review
4. CQC's Health, Safety and Well-being Committee Report
5. Information Security Internal Update Report
6. Sleep-ins
7. Publications
8. Appointment Processes

1. Next phase for Adult Social Care (ASC) and Primary Medical Services (PMS)

Following the publication of our response to the second consultation on 20 October, the next phase of regulation of ASC and PMS has started. Changes include:

- i. We will register all services with accountability for care, as well as those that directly deliver services. This will be done in a phased way across different types of providers in 2018/19.

ii. ASC introduced the new ASC assessment framework on 1 November and will move to more proportionate and targeted inspections focused on risks, concerns and improvement; will encourage improvements in services repeatedly rated as needing improvement; and introduced a more flexible care at home inspections with a new tool kit and an extended evidence-gathering period.

iii. PMS will start with a phased approach, using the new health assessment framework and introducing an inspection interval of up to five years for providers rated good or outstanding.

2. Update from Chief Digital Officer

In October the Board approved the direction for Digital and Intelligence under six priority focus areas, with a request to understand benefits, timelines and deliverability during 2018/19 and beyond. Work has commenced to build the initial benefits profiles, sequencing and scale of change for each of the core areas. These will be used, alongside measures of complexity to present plans back to the Board in December along with a proposed phasing of the portfolio of work.

Our first agile project, Provider Information Collection for Adult Social Care, has now passed the Government Digital Services assessment for the 'alpha' phase, marking a significant step to full delivery. The framework developed to deliver this project has been reused to create a revised "Share your Experience" service to enable the public to provide feedback directly to CQC. This will progress through the Government Digital Services assessment in November. Together, these provide the technical foundation for the development of Provider Information Collection for Primary Medical Services.

We are also pleased to confirm that the 'discovery' phase of work in both PMS Provider Information Collection and Registration is also now underway which will establish the pathway for their development. There is a resourcing risk for the project build phases which, the Digital team is actively addressing with Commercial colleagues.

In order to ensure that our Digital function has the right capabilities and approach to deliver the priorities that the Board have agreed, the first phase of a restructure has been initiated with support from colleagues in the People Directorate. This first phase of the restructure will focus on ensuring that CQC has the key agile capabilities that we will need. To ensure that we have key specialist capabilities available while that restructure takes place, we are securing some interim resource in the areas of product management, user research, application development and digital commercial capabilities.

3. Mental Health Act review

On 4 October 2017, the Government announced that an independent review of the Mental Health Act (MHA) will take place throughout 2018. Professor Sir Simon Wessely will lead the independent review. Terms of Reference have been published with a plan to produce an interim report in early 2018 and a final report with recommendations by autumn 2018.

Rising detentions and the overrepresentation of Black Ethnic Minority groups are priority areas in the review, although other areas of focus may be added following the initial consultation with stakeholders.

The independent review will be led by a small core group comprising legal and clinical professionals and a working group will also be established. CQC will participate as an expert member along with representatives from Mind and Centre for Mental Health.

CQC, as the independent monitoring body for the MHA, are expected to take a major role throughout the review, and will include responding to any specific requests from the independent review panel and sharing existing evidence and data from our MHA activities.

On 23 February 2017, the Department of Health asked CQC to evaluate the MHA Code of Practice 2015 which we have agreed to complete. In addition to our regular activities, this piece of work will allow us to provide the independent review, and the sector, with an understanding of the challenges, barriers and enablers of safe, high quality care for people subject to the MHA.

We have also written to the review panel and Secretary of State's office to confirm our plans for the next 12 months. This includes our delivery of our MHA products for the remainder of 2017/18 and our evaluation of the Code of Practice to inform the review, whilst maintaining our independence as monitoring body for the MHA throughout the review term.

4. CQC's Health, Safety and Well-being Committee

A meeting of the Health, Safety & Wellbeing Committee was held on 13 October 2017. It was well attended by cross directorate representatives and Trade Union colleagues and a number of reports were received. For accidents and near misses, there were 16 accidents reported during the period 1 June – 30 September 2017, a slight increase on the same period in previous years. The main cause of accidents was minor Road Traffic Collisions. There were no RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) reportable accidents during this time. All reports are investigated and corrective actions put in place. The data included violence/threats to staff; as well as revised guidance having been made available, all Inspection Directorates are involved in developing risk assessments for their activities, supported by the Health & Safety team.

The driving safely report highlighted an increase from 54% to 77% of staff that have completed their mandatory online driving safely training and risk assessment. The workstation safety compliance report highlighted that 63% of staff have completed their workstation risk training assessment. While good progress has been made with Driving Safely this needs to be replicated for the Workstation Safety programme.

A revised Health & Safety Policy was presented to the committee. This policy reflects CQC's commitment to health and safety and clearly identifies organisational and individual responsibilities. The policy also includes statements of intent from the Chief Executive and Chair of the Board and outlines roles and responsibilities for each level of staff across the organisation.

A revised Driving for Work Code of Practice was agreed for implementation across the business. The code of practice sets out statutory requirements and identifies revised standards for hand held mobile phones, requirement to produce relevant driving and insurance documentation and practical advice for drivers and vehicle maintenance.

A new Risk Assessment Code of Practice was agreed by Committee and details CQC's arrangements for the completion of risk assessments for significant risks to health and safety. It is the responsibility of the Executive Team member in each Directorate to ensure that arrangements are in place to develop and implement risk assessments within their work area. A new Health & Safety for Homeworkers Code of Practice was agreed at the meeting. This code of practice supports the Homeworking Policy by providing practical health and safety guidance.

5. Information Security Internal Update Report

Following the review of information security arrangements in 2016, it was stated that a further review would be conducted to monitor progress on information security arrangements within CQC. That second review has now taken place and a final report has been received. The report will be published on the day of the Board meeting and a verbal update will be provided on the findings and recommendations.

6. Sleep-ins

On 1 November, the Government announced it was ending its three month suspension of HMRC enforcement actions relating to minimum wage for sleep in provision, and is now requiring providers to pay full wages for sleep-in shifts. This policy decision presents material financial risks to a number of providers and personal budget holders. Social care employers presenting risks of National Minimum Wage underpayment for sleep-in shifts will be permitted to enter a new scheme run by HMRC, the Social Care Compliance Scheme (SCCS), and twelve months in which to conduct a self-review. These employers will not be subject to financial penalties and will not be eligible for naming. All arrears identified as part of the SCCS scheme must be repaid to workers by March 2019. Similar arrangements will be offered to those organisations currently in HMRC investigations. In parallel, work continues to explore the case for Government financial support for affected providers, including discussions with the European Commission. By contrast, providers who do not meet the minimum criteria for the SCCS scheme, or who decide not to opt-into the scheme, will be subject to the full HMRC investigative process.

The Board have previously been made aware of these issues by the CQC's Market Oversight team, which continues to work with providers and across Government to monitor the impact now that further clarification has been published.

7. Publications

Review of Children's and Young People's Mental Health Services (CAMHS)

On 26 October we published our phase one report on children's and young people's mental health services, highlighting the difficulties that children and young people face in accessing appropriate support for mental health concerns.

Phase two of the review will involve fieldwork across ten local systems in England, looking in-depth at how agencies contribute and work together to provide timely access to high quality care. We will publish phase two, including recommendations, in March 2018.

A copy of the CAMHS report can be found here:

<http://www.cqc.org.uk/news/releases/cqc-completes-initial-review-mental-health-services-children-young-people>

8. Appointment Processes

Following the departure of Eileen Milner, Executive Director of Customer and Corporate Services, from CQC, we are looking to fill the vacancy that she leaves behind. The advert for the role of Chief Operating Officer closed on 10 November and we will update the Board as this recruitment progresses.

The Board is asked to **note** these items.

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Date: 8 November 2017