

Minutes of the Public Board Meeting
151 Buckingham Palace Road, London, SW1W 9SZ
21 November 2018 at 11.00am

Peter Wyman (PW)	Chair
Ian Trenholm (IT)	Chief Executive
Louis Appleby (LA)	Non-Executive Board Member
Edward Baker (EB)	Chief Inspector of Hospitals
Paul Corrigan (PC)	Chief Inspector of General Practice
Steve Field (SF)	Non-Executive Board Member
Robert Francis (RF)	Chair, Healthwatch England and Non-Executive Board Member
John Oldham (JO)	Non-Executive Board Member
Paul Rew (PR)	Non-Executive Board Member
Mark Saxton (MS)	Non-Executive Board Member
Liz Sayce (LS)	Non-Executive Board Member
Kirsty Shaw (KS)	Chief Operating Officer
Andrea Sutcliffe (AS)	Chief Inspector of Adult Social Care
In attendance	
Chris Day (CD)	Director of Engagement
Chris Usher (CU)	Director of Finance, Commercial & Infrastructure
Rebecca Lloyd-Jones (RLJ)	Legal Adviser to the Board
Martin Harrison (MH)	Senior Corporate Secretary (minutes)
David Hastings (DH)	CQC equality networks representative
Henrietta Hughes (HH)	National Guardian (item 4)
Mark Edmonds (ME)	Director of Performance, Change & Improvement (items 6 and 7)

ITEM 1 – APOLOGIES & DECLARATIONS OF INTEREST

1. PW welcomed Board members and other attendees. Apologies for absence had been received from Jora Gill and Malte Gerhold. There were no interests declared.

ITEM 2 – MINUTES OF THE MEETING HELD ON 17 OCTOBER 2018 (REF: CM/11/18/02)

2. The minutes of the meeting held on 17 October 2018 were accepted without amendment.

ITEM 3 – MATTERS ARISING AND ACTION LOG (REF: CM/11/18/03)

3. The action log was noted.
4. There were no matters arising.

ITEM 4 – NATIONAL GUARDIAN'S OFFICE (NGO) – ANNUAL REPORT (REF: CM/11/18/04)

5. HH joined the meeting to present the National Guardian's Office Annual Report and to summarise some key developments from the last 12 months.

6. Board welcomed the Annual Report and the work that had been carried out. The value of developing good networks was particularly highlighted. In discussion, Board acknowledged the challenges around guardians having sufficient time to fulfil their role. HH reported that those employers who did provide sufficient time to carry out the role tended to be perceived more positively and were therefore seen as more attractive places to work, a positive feature that resonated at the highest levels of an organisation.
7. HH highlighted the key role played by staff surveys in measuring improvement. As the confidence of staff in organisational speak up models improved, the results should be reflected in staff surveys. The National Guardian's Office would build a library of case studies to be used as a practical resource and to track improvement. On training, HH confirmed that trained guardians were now delivering training in trusts. The aim was that trust training should align with NGO training. HH reported that NGO was working with a range of primary care services to test models and develop systems that could be implemented in a primary care setting.

Decision: The Board congratulated HH and her colleagues on the work of the National Guardian's Office and noted the Annual Report and the summary of key developments from the last 12 months as set out in the written report

ITEM 5 – EXECUTIVE TEAM REPORT (REF: CM/11/18/05)

8. IT introduced the Executive Team report to Board. The following matters were highlighted:
Section 48 request for a thematic exploring segregation and restraint
9. Prompted by a recent case which had raised wider concerns, Board noted the request from Secretary of State that CQC undertake a review of segregation and prolonged seclusion of people with mental health problems, learning difficulties and/or autism in health and care settings. The review would also look into restraint. It was suggested that problems around segregation and restraint were already well known and therefore, the challenge would be to identify practical solutions. IT confirmed this intention, also noting that the review would seek to highlight examples of good practice. CQC would also look at how it could learn from the findings of the review. LS drew attention to work on restraint by the Equality & Human Rights Commission and suggested that it could be helpful to link with them.
Update on Allied Healthcare
10. Further to the update in the written report, AS reported that the stage 6 notification had been issued to a further 2 local authorities on 16 November. Allied Healthcare had written to stakeholders on 16 November and it was noted that Allied had publicly criticised CQC and, while CQC had given a robust response, a full and detailed public response was impossible due to the nature of CQC's role. Nevertheless, AS confirmed that she had written to Allied to provide a detailed explanation of CQC's decision. It was noted that lending facilities for Allied had been extended from 30 November for a further 3 weeks. CQC's Market Oversight team was continuing to work closely with all key stakeholders to monitor the situation and act accordingly. The team was commended for their work

11. AS acknowledged that this was a worrying time for those receiving care from Allied and their families but was confident that it was appropriate for CQC to make the Stage 6 notification in this case.

Hillgreen Care Ltd prosecution

12. It was noted that a report would be presented to the next meeting of Board on the final outcomes of the Hillgreen case and the recommendations from the review carried out by Sir Paul Jenkins. On behalf of the Board, PW thanked legal and operational colleagues who had worked on the prosecution.

Action: AS to present report on Hillgreen outcomes and report recommendations. Secretariat to note forward plan

Joint winter communication with NHS Providers

13. EB reported that he would be writing to trusts in the next week to remind them of winter guidance around dealing with winter pressures.

Health Select Committee report on healthcare in prisons

14. SF drew attention to the Health Select Committee report on healthcare in prisons. A number of the report's recommendations were directed at CQC and a response was being drafted which would be shared with Board.

Decision: Board noted the Executive Team report.

ITEM 6 – 2018/19 QUARTER 2 CORPORATE PERFORMANCE REPORT (REF: CM/11/18/06)

15. KS, ME and CU presented the corporate performance report for the second quarter of 2018/19. In discussion, the following matters were highlighted:
16. LS drew attention to the amount of expenditure scheduled towards the end of the year and the risks that this presented. CU acknowledged this but confirmed that a large proportion of the expenditure was confirmed, significantly lowering risk. CU also confirmed that current business planning activity would encompass a full range of relevant topics including the identification of measures and targets.
17. AS confirmed that an interim solution had been agreed on the policy to ensure the regulatory history of a service continued when the legal entity of a provider changed. A longer-term solution would be developed as part of the Registration Transformation Programme.
18. MS highlighted providers in long-term breach of regulation but where no action was planned (slide 37). AS confirmed that actual numbers were small and that inspectors would be aware of the circumstances of each individual case. In most cases, specific action would have taken place but there was a time lag between recording the action on CRM and it showing in performance reporting.
19. LA highlighted the Mental Health Act (MHA) responsibilities of Second Opinion Appointed doctors (slide 32). EB noted the increased demand for SOADs and

reported that the MHA Team were taking action to improve performance. It was also suggested that some of the KPIs were structured in a way that did not practically reflect work. On monitoring visits under the Mental Health Act (slide 33), EB reported that these visits were providing a mixed picture although the key factor was how the system was responding.

20. On risk (slide 43), KS confirmed the expectation that transformation risks currently showing as red would be expected to move towards amber as work on the change programme progressed.

Decision: Board noted Quarter 2 performance as set out in the written report and attached annex.

ITEM 7 – CHANGE PROGRAMME UPDATE (REF: CM/11/18/07)

21. KS presented a progress update on the change programme.
22. Board welcomed the range of work taking place across the portfolio. While there were still variables within the programme due to the ‘enabling’ nature of some of the elements, a clear baseline was now in place setting realistic expectations which would be confirmed as the work progressed and developed.
23. KS confirmed that the business planning process currently taking place would allow an opportunity to consider workloads and expectations around change programme activity so that it would not impact adversely on colleagues’ normal workload.

Decision: Board noted the progress update as set out in the written report.

ITEM 8 – ANY OTHER BUSINESS

24. Prosecutors’ Convention Award
Board noted the recent success of CQC’s Litigation, Prosecution and Inquests team in winning the Prosecutors’ Convention Award 2018 “*in recognition of its excellent work with other agencies and efficient use of resources in respect of highly important work undertaken in prosecuting offences committed in health and social care settings*”. The team was responsible for defending CQC’s civil enforcement decisions in the First-tier Tribunal and for bringing prosecutions when criminal enforcement powers were exercised. On behalf of the Board, PW congratulated the team on the award and thanked them and operational colleagues who worked with the team.
25. There was no further business. Time allowed for Bren McInerney (BM) to report briefly on a recent event at the House of Lord which was the culmination of a pilot scheme that looked at whether ALBs could harmonise their approach at a neighbourhood level. David Prior and Dido Harding had been amongst those in attendance at the event along with representatives from community groups in Gloucestershire and similar groups from other areas. Further work would begin on 30 November, to implement the principles developed through the pilot scheme in

Plymouth. Other activity was also planned. BM thanked, PW, PC and CD for their support and involvement in the event.

26. PW thanked all for attending and brought the public session to a close.

CLOSE

27. The meeting closed at 12:30pm.

DRAFT