



Association for Real Change (NI)

Response to RQIA Consultation on
'Revised Inspection Policy for Regulated Services'

April 2016

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Association for Real Change, Northern Ireland (ARC NI) is an umbrella body, representing 36 providers of learning disability services. Members include statutory, voluntary and private organisations, all of whom provide a range of services to the learning disability population. ARC NI welcomes the opportunity of responding to this consultation.

1. Consultation Process

ARC NI wishes to feedback its member's views regarding the consultation process.

Firstly ARC NI is disappointed in an 8 week timeframe, particularly in light of Easter falling within this period. **ARC NI is unclear why the standard 12 week consultation period was not made available.**

The events were very professionally presented and useful in setting the scene. The recapping of the Corporate Plan 2015-18; the three domains; and the shift to larger numbers of unannounced inspections that were introduced as a result of the Plan; were useful in setting the context of the change in RQIA processes since the last Inspection Policy (2008).

The presenters steered attendees' through the main process changes for 2016-17, including the introduction of the fourth domain 'is care well led?' and the report format, specifically the front cover and colour rating. The clarity of information appeared to bring assurance to attendees and resulted in few questions being asked.

RQIA confirmed their intention to implement the new process and report format as of the 1st April 2016. This was noted as concerning, given the consultation period didn't finish until 29 April 2016. **ARC NI members have queried whether due process has been followed in this regard. Furthermore members reported that they found the consultation unclear in that many were not aware that the policy was also being consulted on.** This was highlighted to RQIA, with the request for an extension to the consultation deadline, to no avail.

The survey monkey methodology was quick and accessible however of the 7 questions asked, 3 of which focused on individual respondent's information, **none specifically sought feedback on the revised policy.** This heightens the concerns of ARC NI members about the meaningfulness and ultimate benefit of this exercise.

2. Feedback on Draft Policy & Inspection format

2.2 of the proposed Policy states *'The policy should be read in conjunction with RQIA's Inspection Procedure and all current associated guidance and protocols'*. As confirmed by RQIA these are not completed yet and as this will be critical to this consultation **ARC NI is keen to secure confirmation from RQIA that these procedures will be consulted on when complete. ARC NI also advocates the need for a list of exactly what will be included as appendices to the policy.**

2.3 of the proposed Policy states *'This policy applies to registered establishments and agencies (not to reviews and MHLA)'*. **This is unclear and is perhaps an unfinished sentence which requires clarification and confirmation.**

ARC NI also notes that the 2008 Policy referenced the Mental Health (NI) Order 1986 and assumes this removal from the draft 2016 Policy is because of the imminent introduction of the Mental Capacity Bill, passed for Royal Assent in March 2016. **ARC NI believes that this needs to be referenced in the new Policy.**

4.2 of the proposed Policy states *'Regulation should be focused on the problem and minimise side effects'*.

The introduction of the colour coding system, based on a 1-day inspection of a service arguably conflicts with the potential impact on the market. As previously communicated to RQIA, both at the Stakeholder event in February and in our Survey Monkey response, the public's understanding of what these colour codes mean may not easily correlate with the findings of the assessment and could significantly damage the public's view of a service which was determined at a specific point in time. The uncertainty and instability in the provider sector, created not least by financial constraints, is significant for providers who are expected to do more for less. **ARC NI would advocate the need to pilot the new system for 1 year, without the colour-coding element of the reports being made public to increase confidence and bring reassurance to providers that this system is fair and equitable.**

4.3 of the proposed Policy states *'Inspections shall be carried out so as to promote a culture of best practice and continuous improvement. In order to assure service users and the public of the rigor of RQIA's assessment, inspections shall be undertaken with a transparent, evidence based, proportionate and targeted approach.'* RQIA's Corporate Plan 2015-18 confirms one of the values defining their culture as Integrity by being honest, open fair and transparent with all stakeholders. **ARC NI would strongly suggest that it would be fairer that the coding system is reviewed so as to reflect any improvements which have been made since the inspection, rather than have this remain on public record for a period of 1 year.**

4.5 of the proposed Policy states *'All planned inspections will focus on the following four domains against which the relevant regulations and standards will be assessed as described in Appendix 2.0.'*

- Is Care Safe?
- Is Care Effective?
- Is Care Compassionate?
- Is the service Well-led?

This reads as if the regulations and standards are being assessed. **ARC NI proposes the following amendment 'All planned inspections will focus on the following four domains against which services will be assessed according to the relevant regulations and standards as described in Appendix 2.0.**

4.5, para 3 of the proposed Policy states '*Other inspections including compliance monitoring, pre-registration, follow-up and other ad-hoc inspections will focus on the relevant issue depending upon the purpose of the inspection*'. ARC NI is unclear and is concerned this sentence refers to concepts that have not been defined. **ARC NI would seek an amendment to the Policy explicitly outlining what is meant.**

4.7 of the proposed Policy states '*this policy should be read in conjunction with RQIA's Enforcement Policy and Procedure*'. We understand that these document(s) were due for review in April 2016. **ARC NI would seek clarification as to the timeline for this review** Furthermore the Policy states that *RQIA will consider enforcement action when inspections identify:· risks to the health, welfare and safety of service users · concerns about the establishment / agencies failure to improve and/or lack of compliance.* We would suggest that failure to comply with regulations is not explicit and it is difficult to see how the first point above can be established in a service where the inspector relies largely on documentation.

Furthermore at Appendix 1.1, it states that *an assessment of risks to the welfare of the service users will determine:·the actual number of inspections (if more than the minimum frequency), the issues to be addressed during an inspection, whether inspections should be announced or unannounced.* **RQIA has not been clear about its approach to assessment and whether they will advise providers of the outcome of their assessment.**

6.0 of the proposed Policy outlines the training needs of staff involved in regulation. As accepted by RQIA one of the challenges it faces is the consistency of inspections and decision-making by inspectors. ARC NI would suggest that this training needs to be an ongoing requirement for inspectors, rather than training just being delivered in response to a change in policy. **ARC NI advocates the need for the inclusion of a reference to facilitating in-house consistency workshops within Section 6.0.**

Finally 9.0 of the proposed Policy states '*This policy will be reviewed in January 2018 to evaluate its effectiveness.*' The 2008 Policy stated '*This policy will be reviewed in response to any issues which may be raised, where necessary, and in April 2008 following the pilot of the new inspection methodology.* Given the changes to both policy and process, **ARC NI would strongly advocate the need for this to be reviewed in line with the practices underpinning the 2008 policy**