

Regulation and Quality Improvement Authority (RQIA)

Basics	Web site	http://www.rqia.org.uk/home/index.cfm
	Geographical coverage	Northern Ireland
Constitutional Aspects	Legal Framework/Basis	<p>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (available at: http://www.opsi.gov.uk/si/si2003/20030431.htm).</p> <p>Website: In 2001, the Northern Ireland Executive's Programme for Government included a commitment to raise the quality of public services. In 2002, Ministerial agreement to proposals in 'Best Practice, Best Care', a consultation document published by the Department of Health, Social Services and Public Safety (DHSSPS), meant that for the first time health and social care organisations had to fulfil a statutory duty of quality.</p> <p>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, created the enabling legal framework for raising the quality of health and social care services in Northern Ireland, and extended regulation and quality improvement to a wider range of services. In April 2005, the Regulation and Quality Improvement Authority (RQIA) was established as a non-departmental public body of the DHSSPS.</p> <p>From April 2009, under the Health and Social (Reform) Bill, RQIA undertook also the functions previously carried out by of the Mental Health Commission.</p> <p>From April 2009, following the transfer of responsibility for prison health and social care to the Department of Health and Social Services and Public Safety, RQIA became responsible for oversight of the provision of health and social care in those additional places of detention.</p>
	Independence	According to Article 1 of Schedule 1 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, the NI Health and Personal Social Services Regulation and Improvement Authority "[...] shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown."
	Financial Independence	Sponsor Department is the Department for Health and Social Services and Public Safety.

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Membership	Composition of body	<p>Schedule 1 Membership</p> <p>4. The Regulation and Improvement Authority shall consist of a chairman and other members appointed by the Department.</p> <p>Schedule 1 Appointment, procedure etc.</p> <p>5. The Department may by regulations make provision as to-</p> <p>(a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment);</p> <p>(b) the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);</p> <p>(c) the appointment of, constitution of and exercise of functions by committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of the Regulation and Improvement Authority); and</p> <p>(d) the procedure of the Regulation and Improvement Authority and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment).</p>
	Appointment	<p>Schedule 1 Appointment, procedure etc.</p> <p>5. The Department may by regulations make provision as to - (a) the appointment of the chairman and other members (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment); (b) the tenure of office of the chairman and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office); (c) the appointment of, constitution of and exercise of functions by committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of the Regulation and Improvement Authority); and (d) the procedure of the Regulation and Improvement Authority and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment).</p>
	Expertise	<p>The RQIA encompasses the full range of health and social care disciplines. They have a range of qualified inspectors operating in all sectors of care provision in Northern Ireland. RQIA has a number of participation fora for service users and in particular in 2010 engaged through a variety of meetings, with ex prisoners, prisoner representatives, NGO's, academics and lawyers to gain an insight into issues arising in health and social care in prisons. These ongoing liaison are informing RQIA's prisons work. They have further liaised with existing criminal justice oversight bodies through our facilitation roundtable style.</p>

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Visiting Mandate	Places of deprivation of liberty to be visited	<p>RQIA inspects a very wide range of state facilities used to house a variety of persons, both within the criminal justice system and the care system. RQIA regulates residential and care homes, children's homes, children's secure accommodation as well as mental health and learning disability sites. RQIA further inspects hospitals and supported living situations.</p> <p>See Article 8 (and Arts. 9, 10 and 11...)of the Order: Further to the transfer of responsibility for health and social care in prisons to the Department of Health Social Services and Public Safety, the RQIA is now responsible for oversight in such settings.</p> <p>Since 2011 the mental health team of RQIA also visits prisons in collaboration with the HMIP.</p>
	Frequency of visits	<p>According to Article 40 of the Order, persons authorised by the Authority to visit may do so at any time.</p> <p>Facilities may receive at least two inspections per year. There is a rolling programme of visits with persons who are detained by law either in mental health facilities or prisons.</p>
	Types of visits	<p>Under Article 40(3) of the Order, "A person authorised by virtue of this Article to enter and inspect premises may-</p> <p>(a) make any examination into the state and management of the premises and treatment of patients or persons accommodated or cared for there which he thinks appropriate[...]" Visits may be unannounced: Article 40(2) provides that persons authorised by the Authority may "at any time enter and inspect premises which are used, or which he has reasonable cause to believe to be used, as an establishment or for the purposes of an agency." However, the Department of Health, Social Services and Public Safety may issue regulations that require the Authority to make arrangements with "premises which are used as an establishment or for the purposes of an agency to be inspected on such occasions or at such intervals as may be prescribed."(Article 40(7)).</p> <p>For persons who are clearly detained, RQIA has initiated a programme of patient experience review which ensures that in addition to programmed site inspection visits are paid directly to patients purely to ascertain and respond to their experiences of the facility.</p> <p>Additionally, the RQIA conducts a programme of reviews which are themed intensive inspection of services over a longer period of time, for example a review of maternity services across NI.</p> <p>RQIA may at any time, if it deems necessary, to make a visit, on its own or jointly with another NPM, to a prison in which healthcare is being provided.</p>
	Private interviews	<p>Article 40(3)(c) (d) and (e) of the Order allows inspectors to conduct interviews in private with respectively managers of establishments or agencies, persons employed there, and patients or persons accommodated or cared for in establishment or agencies. The latter may only be interviewed if they give their consent. Physical/medical examinations (with and without consent) of patients in establishments are possible if the inspector is a medical practitioner/registered nurse and there are reasonable causes to believe that patients do not receive proper care. (Article 40(5) and (6)).</p> <p>Additionally, under the Mental Health (NI) Order 1986 articles 86 and 87 RQIA may conduct private interviews with patients and indeed medically examine them.</p>

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	<p>Access to information</p>	<p>Article 40 of the Order provides ample possibility of accessing information by the Authority and its inspectors: Article 40: "(1) The Regulation and Improvement Authority may at any time require a person who carries on or manages an establishment or agency to provide it with any information relating to the establishment or agency which the Regulation and Improvement Authority considers it necessary or expedient to have for the purposes of its functions.[...] (3)(b) inspect and take copies of any documents or records required to be kept in accordance with regulations under Part III, Article 10 of the Adoption (Northern Ireland) Order 1987 (NI 22), Article 27(2)(a) or 75(2) of the Children (Northern Ireland) Order 1995 (NI 2) or section 1(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11); (4) The powers under paragraph (3)(b) include- (a) power to require the manager or the person carrying on the establishment or agency to produce any documents or records, wherever kept, for inspection on the premises; and (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away." Under the Mental Health (NI) Order 1986 articles 86 and 87, RQIA has access to all relevant materials in relation to patients.</p>
	<p>Publication of findings after visits</p>	<p>RQIA produces an overview of its activities and reports on progress against its business plan objectives on a quarterly basis. Copies of these reports are available on the website. RQIA is developing summary versions of reports in order to make them more accessible to the service user and public in general and a specific feedback process for those with learning disabilities.</p>
	<p>Coordination of visits</p>	<p>RQIA has carried out joint inspections with other regulatory bodies including Criminal Justice Inspection Northern Ireland. They further liaise with the Prisoner Ombudsman in relation to health and social care aspects of her work, the NI Ombudsman in relation to prison complaints in health and other local NPM's. The RQIA has further engaged with the Coronial service of NI in relation to the investigation processes following deaths in custody and in particular have discussed concerns of the legal profession in relation to the issue of health factors of deaths in police custody and the separate procedures for provision between police and other forms of custody in Northern Ireland. Since 2011 the mental health team of RQIA also visits prisons in collaboration with the HMIP.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Other Aspects of Mandate</p>	<p>Recommendations and suggestions for amendments to legislation</p>	<p>RQIA is responsible for advising the Department, the Minister and the Secretary of State and Assembly in relation to quality, accessibility and availability of health and social care in Northern Ireland. RQIA respond to both draft legislation and advice on the necessary amendments for current legislation in accordance with our powers and duties.</p>
	<p>Preventive activities</p>	<p>In addition to the preventative action produced by the rolling programme of inspections themselves, RQIA issue requirements and recommendations following inspections in processes tailored to the different sectors inspected. They further issue notices of failure to comply and in some settings may prosecute for failures. RQIA may further make recommendations to both the Department and Secretary</p>

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		<p>of State and we report to a NI Assembly Committee on Health and Social Care. Where local resolution of issues does not occur we can forward complaints to the Ombudsman for NI and conduct our own investigations.</p>
Standards	Legal standards applied	<p>Inspections based on 'Minimum Standards' and 'Quality Standards' assessment tools, which are published documents on the website (see: http://www.rgia.org.uk/publications/useful_documents.cfm). Basis for developing these has been the consultation document "Best Practice – Best Care", published in April 2001, which sets out the detail of this framework, to improve the quality of care. This included links to national standard setting bodies such as the National Institute for Health and Clinical Excellence (NICE) and the Social Care Institute for Excellence (SCIE).</p> <p>Additionally the Northern Ireland Health and Social Care Board, whose commission services in the prison have established Northern Ireland expectations around care in prisons and the RQIA has referred to those.</p> <p>RQIA has worked with leading international human rights experts in order to develop expectation statements and indicators which operate within a human rights framework and are focused on outcome.</p>
Reports	Annual reports	<p>The Authority reports annually to the Department of Department of Health, Social Services and Public Safety. See Article 7 (1) of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003: "As soon as possible after the end of each financial year, the Regulation and Improvement Authority shall make a report to the Department- (a) on the way in which the Regulation and Improvement Authority has exercised its functions during that year; and (b) on what it has found in relation to services during that year."</p> <p>RQIA is further developing reporting mechanisms in relation to the oversight of prison health and social care and that in mental health and learning disability facilities which will include annual review designed to share best practice.</p>