

Consultation on the Proposed Publication of RQIA Inspection Reports of Services for Children and Young People

**Consultation Period:
14 July to 20 October 2022 (14 weeks)**

Contents

Section 1 – About RQIA and Context for this Consultation	3
Section 2 – The Children’s Services RQIA inspect	4
Section 3 – What is being proposed and why change?	7
Section 4 – Section 75 of the Northern Ireland Act 1998	11
Section 5 – Consultation and Engagement	13
Appendix 1 – Consultation Response Form	15

Alternative formats

This document can be made available, upon request, in other formats including Braille, large print, and audio tape or in another language (based on needs). For alternative formats please contact:

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Foreword



Our work as the regional system regulator for health and social care services in Northern Ireland requires the Regulation and Quality Improvement Authority (RQIA) to undertake the inspection of a wide range of services, provided to both adults and to children and young people.

After these inspections we produce an inspection report that sets out what we found in terms of the required standards being met, what we heard from children and young people, their families and carers, and from staff providing the services.

We issue about 1,700 inspection reports to service providers each year and we publish the inspection reports relating to adult services on our website at www.rqia.org.uk.

We do not publish the individual inspection reports relating to services provided to children and young people. This current policy is designed with the aim of protecting the privacy of children and young people and prevents attempts by anyone who would seek to target and exploit them. However, this decision to not publish inspection reports relating to services provided to children and young people removes a layer of public scrutiny and prevents the wider public from having information about the services being provided. It also prevents demonstrating how these services are functioning, what is working well, the issues and challenges, any poor practices found, and what actions are being taken to improve services.

RQIA wishes to address this situation and provide greater transparency around the regulation of these services. We propose to publish these inspection reports in an anonymised format, protecting the identity of the location of the service and the privacy of the children and young people who access these services. In this consultation document we put forward a proposed way of doing this.

Thank you for taking the time to let us know your views on these proposals.

Briega Donaghy
Chief Executive

Section 1 - About RQIA and Context for this Consultation

The Regulation and Quality Improvement Authority (RQIA) is established as a body corporate under Article 3 and Schedule 1 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the 2003 Order).

RQIA is an arm's length body of the Department of Health (DoH); and under the Department's Framework Document (2011). RQIA has an overall responsibility to provide independent assurance to the Department on the quality and availability of health and social care in Northern Ireland, and to drive improvement in these services.

RQIA works to ensure that everyone in Northern Ireland experiences a better quality of health and social care as a result of RQIA's regulatory actions, inspections, reviews and audits. We strive to ensure care is safe, effective, compassionate and well led, listening to the experience of patients and service users, and working in partnership with a range of other organisations; both those involved in providing services and those who commission them, and with advocates and representatives of those who use these vital services.

As part of our work as the system regulator for health and social care services in Northern Ireland, we undertake inspections of services for children and young people and services for adults.

RQIA generally publishes the full inspection reports of its health and social care inspections on its website. However, currently, RQIA does not publish inspection reports where the service relates to children and young people, on the grounds of the need to protect the privacy and the physical and psychological safety of the children and young people, many of whom are very vulnerable.

However, we have at times released some redacted inspection reports in accordance with requests under the Freedom of Information Act (FOIA) 2000. It is clear that this approach does not serve either the intent to protect vulnerable children and young people by not publishing the reports; or achieve the benefits of transparency about the issues, and inform stakeholders and the wider public.

Therefore RQIA is now reviewing its current policy of not publishing inspection reports in respect of Children's Services. This Consultation document sets out a proposed approach to publication, referred to as a 'Framework for Publication'. We welcome your views on the proposed approach.

Section 2 –The Children’s Services RQIA Inspect

2.1 Services Inspected by RQIA

As part of its role as the systems regulator for health and social care services in Northern Ireland, RQIA inspect approximately 85 services for children and young people. The services include those set out below.

Type of Service Inspected	A brief description
Children’s Homes	Children’s Homes aim to provide care and support for children and young people up to the age of 18, who are unable to remain at home with their parents or care givers.
Young Adult Supported Accommodation	Young Adult Supported Accommodation projects provides housing support, care and accommodation to children and young people aged 16 and 17, in addition to vulnerable adults aged 18-21+ where it is assessed their needs are best met in an environment that affords age and developmentally appropriate experiences of preparation for adult life.
Boarding Schools	Boarding Schools provide accommodation for children and young people who live away from home for the purpose of education.
Children’s Hospice	The Children’s Hospice provides in-patient and community services to children and young people with palliative care needs and their families. Palliative care is for children and young people with life limiting or life threatening conditions.
In-patient Units for children and young people living with mental health and learning (or intellectual?) disability	In-patient Units provide specialist multidisciplinary assessment and treatment services for children and young people who have a learning disability and mental health illness.
Nursing Home (that caters for children and young people)	Nursing homes provide care for children and young people living with complex learning and/or physical disability and health care needs who are assessed as requiring nursing led care.

Type of Service Inspected	A brief description
Residential Family Centre	Residential Family Centres are specialist units where families are referred by Health and Social Care (HSC) Trusts for assessment, support and intervention. Centres provide guidance and education in order to support parents to develop confidence and ability to care for their children; with the aim to prevent family breakdown.
Voluntary Adoption Agencies	Voluntary Adoption Agencies are not-for-profit agencies that provide adoption services to children, adopters and others involved in adoption; with the aim to identify a new family for children who cannot remain in the care of their parents/carers.

For some of these services the legislation that gives RQIA its role and powers (the 2003 Order) also sets out the frequency of inspection. For others there is no set frequency and RQIA will inspect on the basis of previous issues identified, risks and capacity. In both cases, RQIA will also inspect services on the basis of information we may receive, from children and young people, family or carer, a member of staff, a whistle blower or others. Based on a risk assessment, an inspection can be carried out at any time and is most usually unannounced, that is the provider will not be told in advance that RQIA inspectors are arriving.

2.2 Inspection Reports

The primary recipient of the inspection report, for both children's and adult services, is the Service Provider. The inspection report sets out the issues of concern and non-compliance against required standards, and the requirement for improvement within a given timescale, including RQIA taking enforcement action, as appropriate.

The inspection report may also be shared with the relevant HSC Trust, which is responsible for the commissioning of the service when the provider is an Independent Sector provider; the Trust having a contract or service agreement in place.

RQIA will also advise the DoH of serious concerns, safety, quality and access issues; enforcement actions, for both statutory provided services (provided by Trusts) and by independent providers.

Whilst inspection reports from adult services are published on our website, we do not publish the inspection reports from the above listed children's services. This has been due to our concern about the potential of identifying children and young people who are vulnerable to exploitation and protecting privacy and well-being.

Whilst inspection reports do not identify individual children or young people, by revealing the name of the service and its location (address), we have held a concern that this may be used to target children and young people. However, not publishing inspection reports means that the public do not have the opportunity to be advised of the types of issues that are being identified in these service settings, and are not given the opportunity to be assured of the actions being taken through regulation.

We have engaged with a small group of people with an interest in the provision of services for children and young people as part of a task and finish group to prepare a proposed way forward. As a result we have developed a proposed method of publishing the inspection reports relating to services for children and young people. We believe that in adopting this proposed approach, we will continue to protect the identity of individuals and the location of services, while ensuring the wider public have the opportunity to be kept informed about the delivery of these services.

Section 3 – What is being proposed and why change?

3.1 Proposed Publication Arrangements

The proposed approach identifies these key elements:

1. No individual will be identifiable within an inspection report. The inspection report will only report on the service wide issues, findings and any areas for improvement. No reference to the individual children or young people will be made and no personal identifiable information will be included within the report, nor any personal information relating to the staff involved in the delivery of the service.
2. The name of the service and its location will not be included. A complex code will be used to identify the service and only the HSC Trust area that the service is located in will be identified. This will be placed on the front/ title page of the inspection report.
3. The inspection report will be published on the RQIA website without any restrictions (i.e. open to the public).
4. Service providers will be requested and encouraged by RQIA to tell service users, their families and carers (as appropriate) that the service has been inspected by RQIA, the findings of the inspection and actions being taken, and to evidence actions taken in this regard.
5. RQIA will identify specific organisations who have a clear role in the protection, safety and wellbeing of children and young people. A limited number of named individuals within those organisations (expected to be no more than two people) will be supplied separately with a list of the complex codes with the name of the service available in that list. For these organisations, RQIA will put in place a Data Sharing Agreement, which will prevent the organisation from sharing the information in the inspection report outside their role or with other organisations and individuals. This may differentiate between statutory organisations and non-statutory organisations.

3.2 Protecting Children and Young People

In developing these proposals to publish inspection reports relating to services provided for children and young people, RQIA considered the benefits of publication, referred to earlier in this Consultation document, and the absolute need to protect children and young people from harm, exploitation and to protect their well-being and privacy.

The actions we plan to take to ensure the protection of children and young people are set out below. These responses have influenced the proposed publication approach set out above.

Issue to consider	Proposed Approach in Publication
Protecting identification of the service and its location	<p>A database (list with key pieces of information) identifying the reference code for each service (and its location) will be developed by RQIA and made available to key statutory and voluntary organisations only.</p> <p>The database will be kept updated as services change, for example if a new service opens or a service closes. An identified individual in RQIA will be given the task of maintaining the database, with the list of the codes and services, and issuing this confidentially as required to the named individuals in the agreed statutory and voluntary organisations.</p> <p>A Data Sharing Agreement would be set out by RQIA and put in place with each of the organisations who are to have access to the list of service codes. RQIA would decide which organisations meet the criteria to have a Data Sharing Agreement with us for this purpose.</p> <p>The Data Sharing Agreement between those organisations and RQIA will set out the purpose for sharing information. It will also set out how the organisation would meet with RQIA and communicate on an ongoing basis about their work in the safety, protection and wellbeing of children and young people.</p> <p>The recipient organisation would also set out information it proposes to share with RQIA that can add to our regulatory work.</p>

	<p>Inspection reports would be published on the RQIA website, with no personal identifiable information in its content (see below). Only the HSC Trust area where the service is delivered will be identifiable on the published inspection report along with the complex code (complex means it is a code that cannot identify the service from any other source – it would be made up of numbers or letters or a combination).</p> <p>The names of staff involved in delivery of the service will not be published in the inspection report, as it is considered by RQIA that by searching on-line for an individual's name, it may be possible to connect that individual with a specific children's service. By consequence, this may enable the identity of the service and its location to be determined. Therefore staff names will not be published in the inspection report.</p>
<p>Potential for identifying children or young people in the inspection report</p>	<p>The inspection report will only report on the service wide issues, findings and recommendations. No reference to any individual children or young people will be made, though consolidated feedback will be given about the experience of children and young people, without providing individual identification.</p> <p>The inspection report will be provided to the Provider of the service. RQIA will request the Provider to ensure service users/family or carers are aware an RQIA inspection has taken place, and also to share the findings including any areas for improvement identified, and what actions they are taking, and to evidence actions taken in this regard.</p> <p>Staff working in the service should also be told by the service provider about the inspection and its findings, and should be involved in the provider's actions in relation to the inspection report and the provider's response to it.</p>

<p>Exceptions to publication on website of inspection report</p>	<p>Where the service or facility serves only to meet the needs of a single individual, this inspection report would still be published on the RQIA website, making sure it only covers broad themes and findings.</p> <p>However, if RQIA consider that despite efforts to ensure the service or service user is not identified, if this cannot be assured, then an inspection report may not be published if it is deemed the identity of the individual and the service location could not be satisfactorily protected.</p> <p>Any such decisions not to publish the inspection report will be clearly documented in line with RQIA internal governance arrangements.</p>
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3.3 Benefits of Publication

RQIA proposes to publish inspection reports relating to services for children and young people. We believe there are benefits of publishing the inspection reports including:

- Public awareness of issues identified, enabling choice when faced with need to access services
- Confidence building in regulation, examining and reporting on service safety and quality of these vital services
- Sharing good practice and identifying poor practice, prompting providers to review their own practice and achieve compliance with and raise standards
- Enabling positive developments in other organisations, both statutory and voluntary, through access to information that drives their work in commissioning, improving safety and experience for children and young people
- Demonstrating a commitment to wider transparency and openness

Section 4 – Section 75 of the Northern Ireland Act 1998

Section 75 of the Northern Ireland Act 1998 requires RQIA, in undertaking its role and functions, to have due regard to the need to promote equality of opportunity between nine categories of persons, namely:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to its obligations above, the RQIA must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Equality Scheme outlines how we fulfil our statutory duties under Section 75. Within the Scheme, we commit to applying the screening methodology below to all new and revised policies and where necessary and appropriate to subject these policies to further equality impact assessment.

When screening policies/proposals the RQIA considers:

- What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?
- Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?
- To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group?
- Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

In keeping with the RQIA commitments in its Equality Scheme the above screening criteria has been applied to the proposed publication of RQIA Inspection Reports of Children's services. The screening process is used to identify which policies/proposals are likely to have an impact on equality of opportunity or good relations. Screening assesses the likely impact as major, minor or none.

The screening outcomes are outlined below. Four possible outcomes are recorded:

1. The policy has been '**screened in**' for equality impact assessment;
2. The policy has been '**screened out**' with mitigation or an alternative policy proposed to be adopted;
3. The policy has been '**screened out**' without mitigation or an alternative policy proposed to be adopted.
4. The policy will be **subjected to ongoing screening**. For more detailed strategies or policies that are to be put in place through a series of stages, screening should be considered at various times during implementation.

In keeping with the commitments in our Equality Scheme we have carried out an equality screening of this proposal. The outcome of this was the proposal was '*screened out on the basis of mitigation actions taken*'.

A copy of the equality screening template can be found at www.rqia.org.uk .

RQIA invites views on this screening assessment and will consider all feedback received during the consultation period which runs to **20 October 2022**.

Section 5 - Consultation and Engagement

RQIA is consulting on these proposals over a 14 week period from **14 July 2022 to 20 October 2022**.

We wish to consult widely and have taken the following steps to ensure a broad range of people and organisations are aware of the Consultation and have the opportunity to put forward a response:

- Correspondence will be issued to all consultees listed on the RQIA consultee database, setting out details of the Consultation process
- RQIA will notify all providers of these services who are registered with RQIA and / or are subject to RQIA inspections, on how to access the Consultation process
- A copy of this consultation document is available on the RQIA website at www.rqia.org.uk
- Consultation events will be held over the Consultation period. Dates and how to access these will be published on our website, promoted on social media and by correspondence with key stakeholders
- Focussed Consultation events will be arranged in co-operation with organisations who directly engage with children and young people in receipt of care to ensure children and young people who have experience of these services have an opportunity to be heard in terms of their views about these proposals
- Focussed Consultation events will be offered to providers of these services and for those who commission such services or provide formal advocacy or representation services for children and young people

For those who wish to provide written feedback, a consultation response form is available in Appendix 1. It is also available on the RQIA website at www.rqia.org.uk. However, we also welcome your feedback in any format. You can respond to the consultation document by e-mail, or letter as follows:

The Regulation and Quality Improvement Authority
7th Floor, Victoria House
15-27 Gloucester Street
Belfast
BT1 4LS

Tel: (028) 9536 1111
Email: info@rqia.org.uk

The closing date for responses is **20 October 2022 by 5pm**.

Before you submit your response, please read the section on Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises, at the end of the consultation response form.

This consultation document also includes an assessment of the impact of the proposal on the nine equality categories as detailed in Section 75 of the Northern Ireland Act 1998. The RQIA has equality screened the proposal as required under Section 75 of the Northern Ireland Act 1998. Copy of the equality screening template can be found at www.rqia.org.uk

If you have any queries about this document, and its availability in alternative formats , including Braille, disk and audio cassette, and in minority languages (to meet individual needs) then please contact us at :

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In compliance with legislative requirements, when making any final decision about this proposal, RQIA will take into account the feedback received from this consultation process. A consultation feedback report will be published on the website setting out the nature of responses and our consideration of these.

APPENDIX 1

Consultation Response Form



Consultation on the Proposed Publication of RQIA Inspection Reports of Services for Children and Young People

Consultation Response Form

The aim of this consultation is to obtain views from a wide range of stakeholders. The RQIA would appreciate if you would respond by completing this response form. Please answer each question by ticking the box that most describes your views and then adding by typing or writing in your reasons for your answer in the space provided. The closing date for this consultation is **20 October 2022 at 5pm** and we need to receive your completed comments form on or before that date.

You can also choose to respond to the consultation document by e-mail, or letter as follows:

The Regulation and Quality Improvement Authority
7th Floor, Victoria House
15-27 Gloucester Street
Belfast
BT1 4LS

Email: info@rqia.org.uk

Question 1: Do you agree with the RQIA proposal to publish the Inspection Reports of Children’s Services on our website? (see Consultation document)

(Indicate one response which best describes your view)

Yes strongly agree: _____

Yes agree: _____

Neither agree nor disagree: _____

No I disagree: _____

No I disagree strongly: _____

I don’t know / undecided: _____

Please give reasons for your response below

Question 2: Do you agree with the RQIA proposal to ensure that no personal identifiable information, direct or indirect, is included in the Inspection Report - (this refers to both children and young people and the staff who provide the service) - and that the service will only be identified in the Inspection Report by a complex code and the Trust area within which the service is provided?

(Indicate one response which best describes your view)

Yes strongly agree: _____

Yes agree: _____

Neither agree or disagree: _____

No I disagree: _____

No I disagree strongly: _____

I don't know / undecided: _____

Please give reasons for your response below

Question 3: Do you agree with the proposal to provide the name of the service that relates to the complex code on the cover of the published Inspection Report, to a limited number of organisations. This would include the Provider of the service and organisations who have a formal role for the safety and well-being of children and young people in receipt of the services RQIA inspect, subject to a data sharing agreement between that organisation and RQIA.

(Indicate one response which best describes your view)

Yes strongly agree: _____

Yes agree: _____

Neither agree or disagree: _____

No I disagree: _____

No I disagree strongly: _____

I don't know / undecided: _____

Please give reasons for your response below

Question 4: Do you agree with the proposal that RQIA would request providers of services to let service users and their families or carers (as appropriate) know that the service has been inspected by RQIA? To include in that information, what the findings have been and what actions are being taken, and to provide evidence to RQIA that service users and families have been informed?

(Indicate one response which best describes your view)

Yes strongly agree: _____

Yes agree: _____

Neither agree or disagree: _____

No I disagree: _____

No I disagree strongly: _____

I don't know / undecided: _____

Please give your reasons for your response below

RQIA has screened this proposal to identify any impact on the nine Section 75 equality categories. A copy of the screening is available here www.rqia.org.uk. Please detail below other potential impacts you feel have not been considered in this assessment for example;

- Do you have any comments on the issues identified in the screening template under in relation to the equality profile of those affected by the plan and the needs of different equality groupings in relation to the plan?
- Can you identify any further equality issues?
- Do you think that the actions we are taking to address the equality issues will be sufficient?
- Do you have any suggestions for further actions to address the equality issues?
- Do you agree with the screening decision?
If not please explain and provide your supporting evidence.
- Do you have any suggestions to further promote equality of opportunity for any of the nine equality groups?

Please add any further comments you wish to make on the proposals outlined within the consultation document.

So that we can acknowledge receipt of your comments please fill in your name and address or that of your organisation. You may wish to withhold this information and that is your own choice. If you do withhold this information we will not be able to acknowledge receipt of your comments in our final report, though we will consider your comments in reviewing all the responses received and in making our decisions.

If you content to provide contact details for yourself or your organisation please complete below:

I am responding on behalf of an organisation	
Name:	
Position:	
Organisation:	
Address:	
Email:	

I am responding as an individual	
Name:	
Address:	
Email:	

Before you submit your response, please read this section on Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Freedom of Information Act (2000)

The RQIA will publish a summary of the responses received to our consultation process and analyse the findings. Responses received will be attributed to the submitting organisation or individual, unless that organisation or individual has asked not to be identified in the final Report. However, Under the Freedom of Information Act (FOIA) 2000, particular responses may be disclosed on request, unless an exemption(s) under the legislation applies.

Under the FOIA anyone has right to request access to information held by public authorities; the RQIA is such a public body. RQIA decisions in relation to the release of information that the RQIA holds are governed by various pieces of legislation, and as such the RQIA cannot automatically consider responses received as part of any consultation process as exempt.

However, confidentiality issues will be carefully considered before any disclosures are made.

Safeguarding Disclosures and Anonymity

If any safeguarding issues are disclosed during this consultation process we will recognise, respond, report and record them. If a safeguarding issue is disclosed, the information you have provided to us will be acted on by RQIA and in such cases it may not be possible to assure your anonymity, should you have provided personal identifiable information.

Thank you for taking the time to complete this Consultation Response Form.

Please submit your response by 5pm - 20 October 2022 to:

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