

Why are we here?

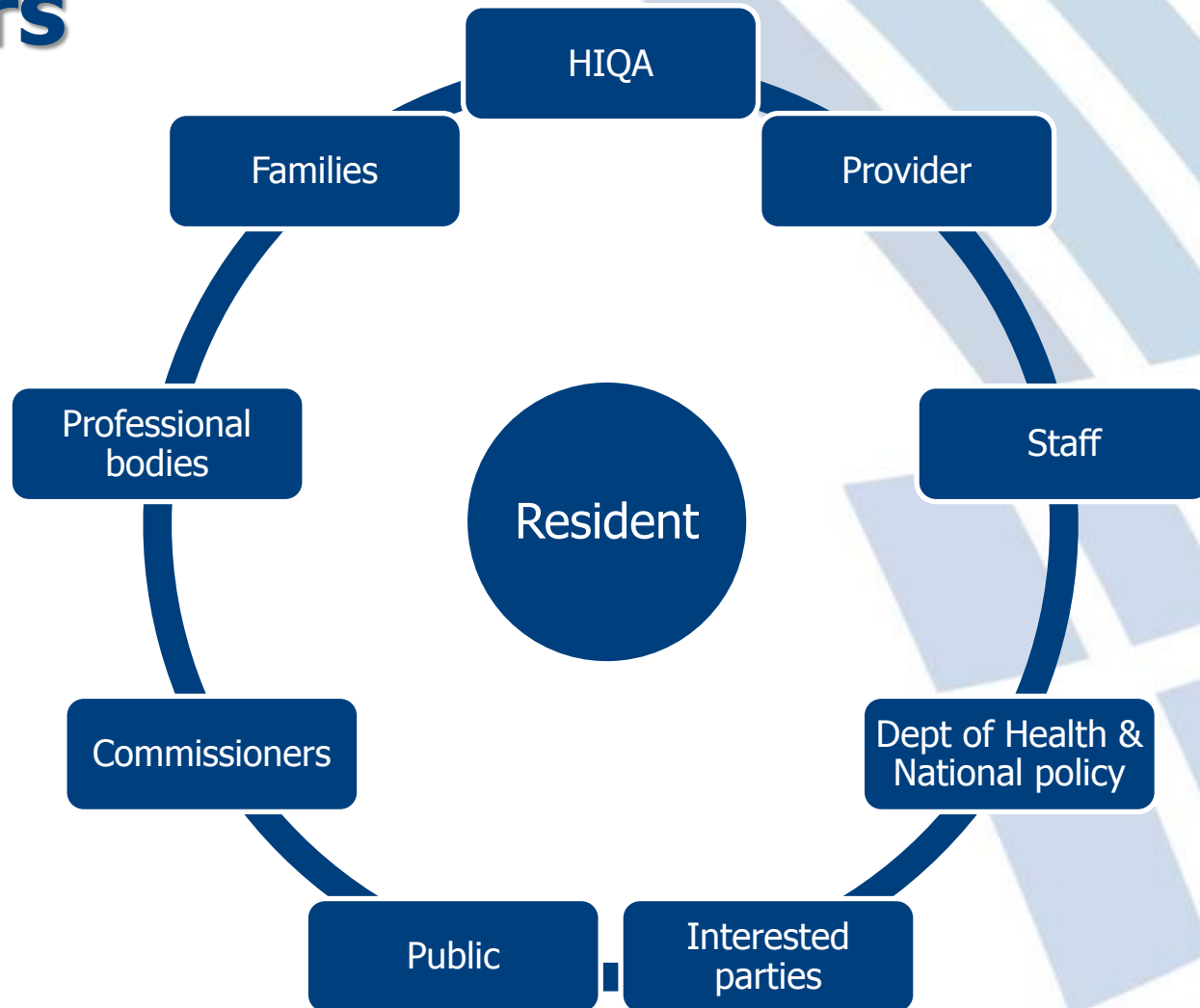
**The purpose of
regulation**

Carol Grogan and Susan Cliffe

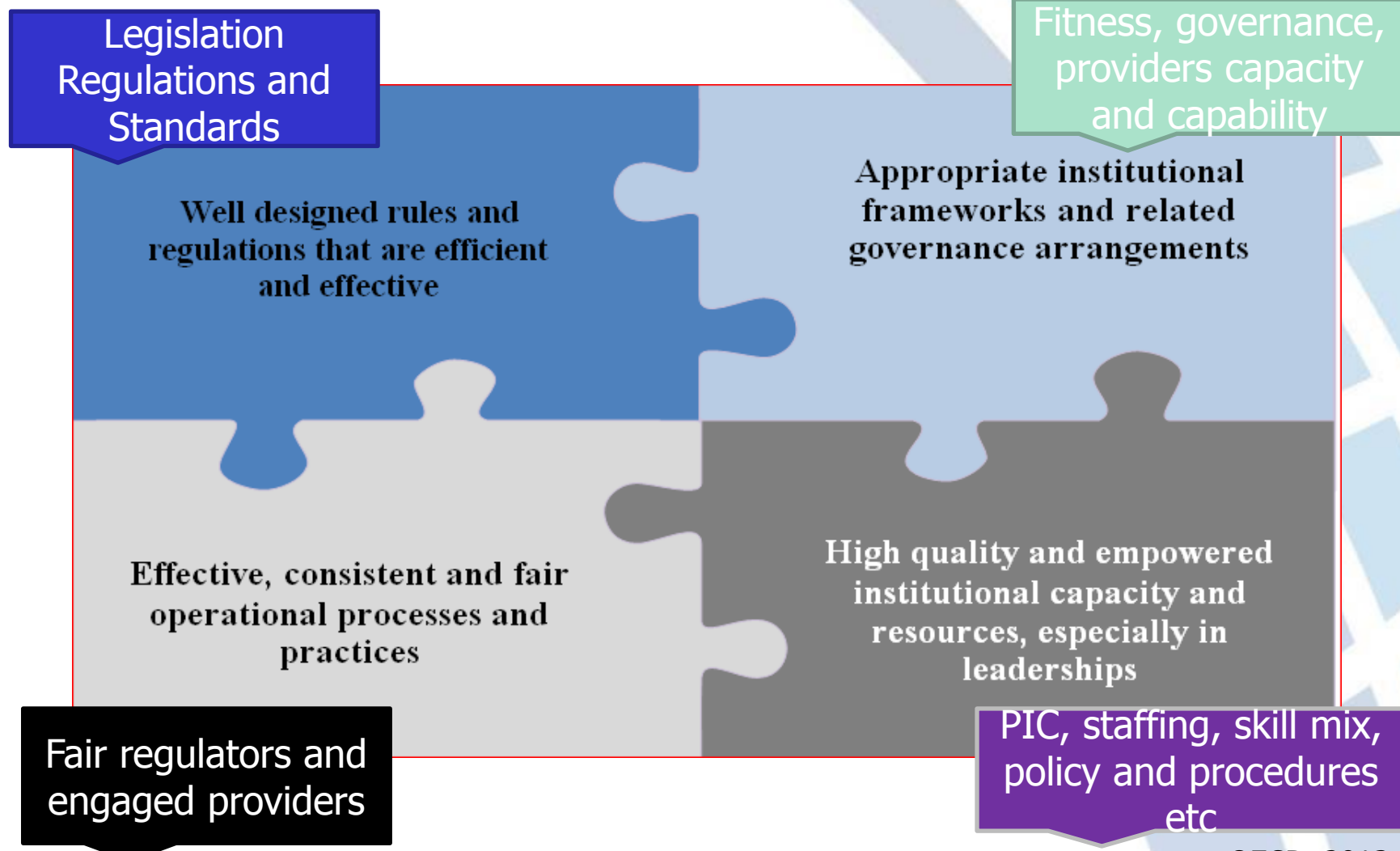
Dispelling the myths



Players



Elements of good regulatory outcome



Our Remit and Powers



Number 23 of 2007

HEALTH ACT 2007

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY MATTERS



Functions of the Chief Inspector

- Establish and maintain the register
- Register
- Inspect

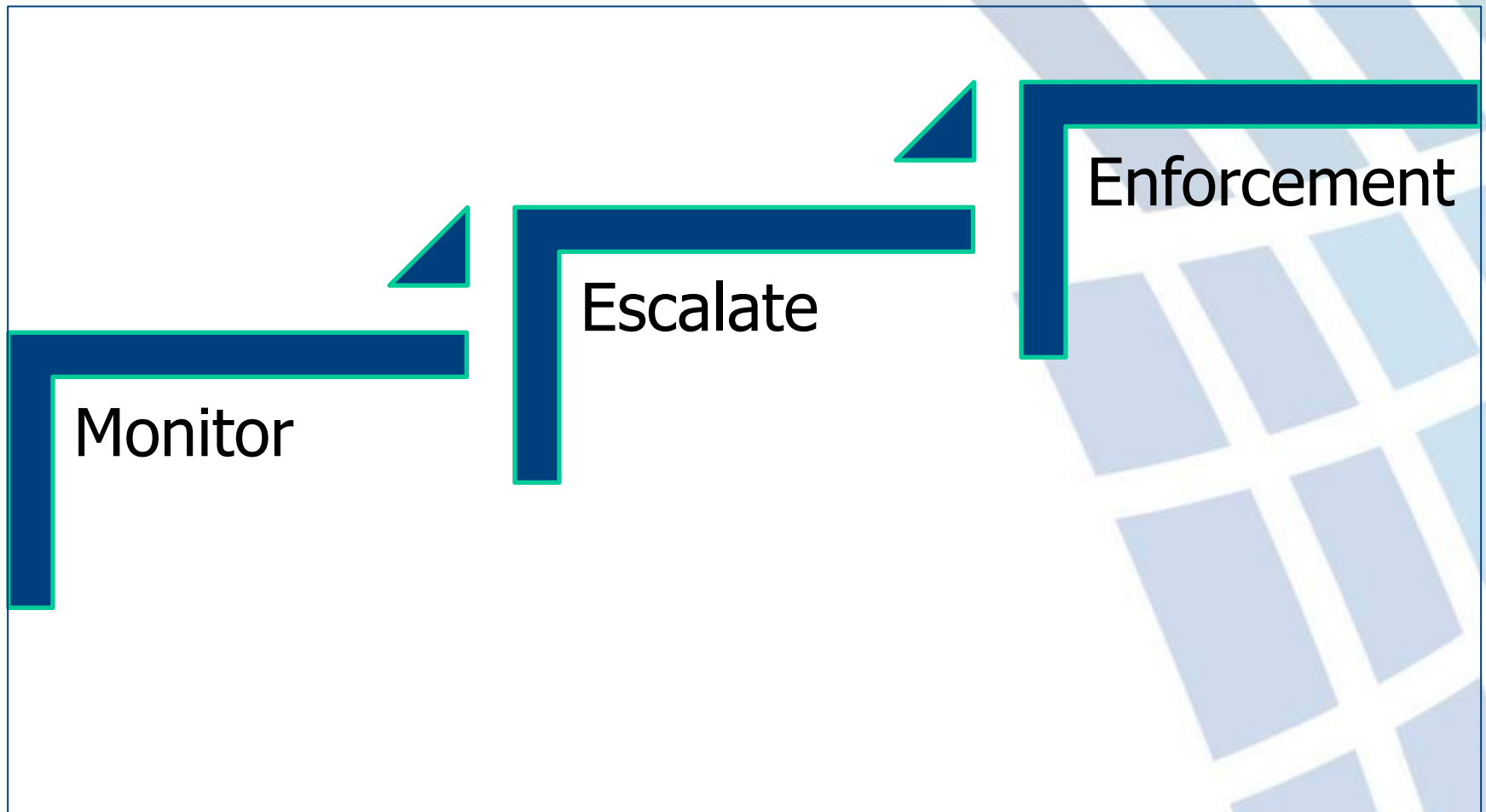
Powers of the Chief Inspector

- Section 50 – to register (or refuse)
- Section 51 – to vary, remove or attach a condition of registration or cancel registration
- Section 52 – to grant (or refuse) an application by a provider to vary or remove a condition of registration
- Section 58 – to seek a court order to enforce certain decisions of the Chief Inspector

Powers of the Chief Inspector

- Section 59 – to seek an urgent order for the cancellation or variation of registration
- Section 60 – to seek the order under section 59 ex parte (without notice to the provider)
- Section 65 – to require the provider to submit information
- Section 73 – right of entry
- Section 79 – to bring prosecution for an offence

Decision Making



Powers of the Regulator



Methods of engagement

- Non-statutory
 - Feedback both at the end of the inspection and post report
 - Action plan response
 - Submissions
 - Quality Improvement Questionnaire
 - Provider meetings
 - Quarterly meetings with Nursing Homes Ireland
 - Provider-led investigations

Methods of engagement

- Statutory
 - Making representations on proposed Decisions of the Chief Inspector
 - Submission of information requested (section 65)
 - Appeals to the District or Circuit Court

The State

CI

DCI

IMs

Inspectors

ROs

Older Persons Programme

South

West

East

Greater
Dublin
Area

**Leadership and Management
Team**

Deputy Chief Inspector

No of Centres – 580

Registered Beds – 29,700

Four Areas



The South

Total Centres	153
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Inspector Manager: Noel Sheehan
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The West

Total Centres	132
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Inspector Manager: Damien Woods
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Greater Dublin Area

Total Centres	152
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Inspector Manager: Brid McGoldrick



The East

Total Centres	142
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Inspector Manager: Mary O'Donnell
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Inspection

“All inspection is essentially based on sampling”

“Sampling for the purpose of judging quality is a perfectly respectable approach and one which has a long history in many fields”

(Duncan, 2007, p.26)

Aim of Inspection



- Detecting presence of good practice
- Assessing compliance
- Confirming the accuracy of self-reporting
- Following up on information received (UROIs / Notifications)
- Verifying that each centre is 'fit' to operate

Three Cycles of Regulation

Cycle 1: Learning



Cycle 2: Consolidating



Cycle 3: Stretching

Good Regulatory Compliance

Inspections		Non Compliant - Major	Non Compliant - Moderate	Non Compliant - Minor	Sub- stantially Compliant	Compli ant
1	Report Published					2
2	Report Published					18

Increasing Regulatory Compliance

Inspections		Non Compliant - Major	Non Compliant - Moderate	Non Compliant - Minor	Sub- stantially Compliant	Compliant
1	Report Published		1	4		4
2	Report Published		2		5	11
3	Report Published				1	4

Poor Regulatory Compliance

Inspections		Non Compliant - Major	Non Compliant - Moderate	Non Compliant - Minor	Sub- stantially Compliant	Compliant
1	Report Published		5	4		9
2	Report Published	7	4		3	
3	Report Published	2	4		1	
4	Report Published		2		4	1

Worsening Regulatory Compliance

Inspections		Non Compliant - Major	Non Compliant - Moderate	Non Compliant - Minor	Sub- stantially Compliant	Compliant
1	Report Published		6	3		9
2	Report Published	6	3		1	3
3	Report Published	3	5		1	2
4	Report On Hold	7	2		2	1

2016 - Top 3 Non-Compliances

■ Non compliant ■ Compliant

**Outcome 08: Health and
Safety and Risk
Management**

202

83

**Outcome 11: Health and
Social Care Needs**

188

103

**Outcome 02:
Governance and
Management**

160

119

Supporting Processes



- Factual accuracy
- Development of action plans
- Submission process

Factual Accuracy Form and Action Plans

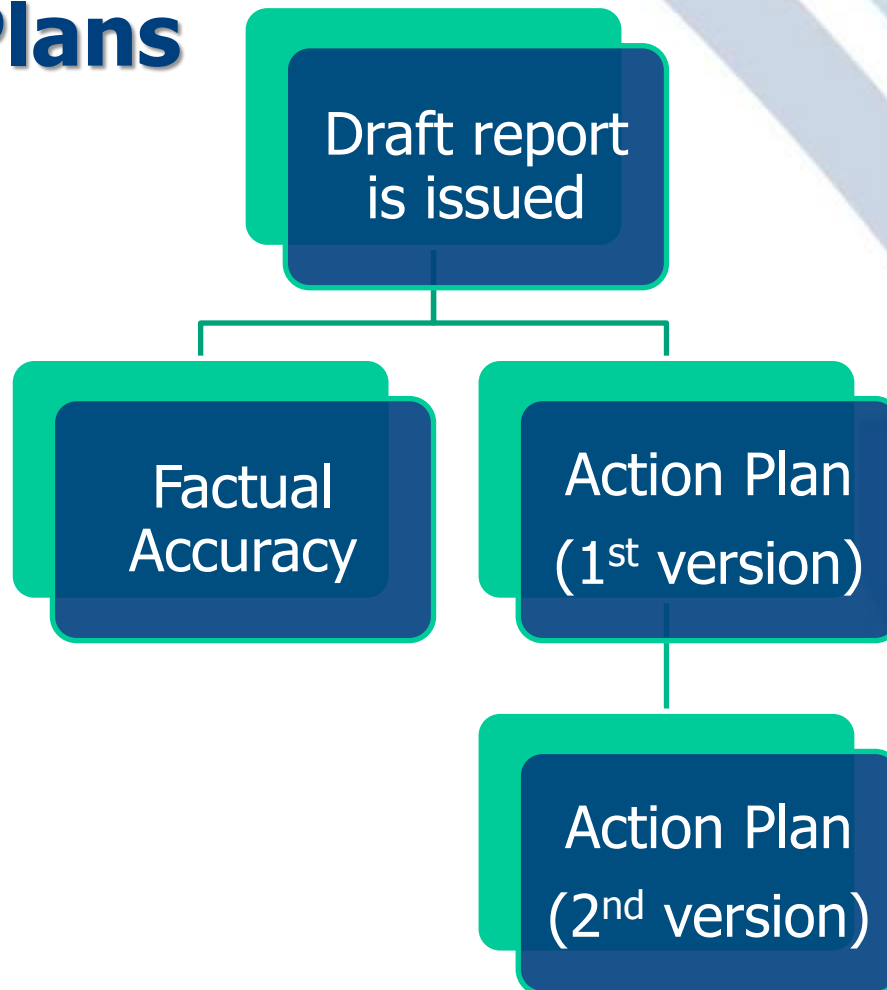
Step 1: Draft report issued to provider (within 10 working days)

Step 2: Provider returns Factual Accuracy form and Action Plan (within 10 working days)

Step 3: Inspector reviews Action Plan and Factual Accuracy (If action plan is rejected, the provider is allowed to review and submit a second action plan (within 5 working days))

Step 4: Report is processed for publication.

Factual Accuracy Form and Action Plans



Submissions

A provider can make a submission in relation to a regulatory judgment made in an inspection report, which the provider believes on reasonable grounds is not based on evidence or is disproportionate.

Submission Process

Inspector Manager Review

A letter of decision

Appeal on Submission
Decision Panel

Panel Decision and final
version of the report

Submission Process

In 2016 the DCOP Pillar received the following number of submissions

- 7 requests for an Inspector Manager Review
- 5 appeals to the decision of an Inspector Manager review

Type of regulatory decision	Number appealed in total	Inspector manager decision upheld	Provider appeal upheld
Outcomes	16	9	7
Other regulatory judgements	3	2	1

Making representations on proposed Decisions of the Chief Inspector

- Where I have made a proposed decision and issued that to you as a provider you have 28 days in which to make written representations (section 54)

The Future

- 2016
 - Has been a year of working behind the scene
 - Reviewing internal processes
 - Engaging with Providers
 - Trialling revised methodologies and tools
- 2017
 - Increased engagement with providers
 - Moving towards rolling out the revised methodologies and tools
 - We look forward to working with you in implementing these changes

