



National Independent Review Panel

Annual Report

2017 and 2018

Foreword

The National Independent Review Panel (NIRP) was set up in 2017 and became operational in 2018. The NIRP has been established to enable the HSE to undertake reviews when things go seriously wrong involving people with a disability within HSE or HSE funded services. This is the first annual report.

The activities of the NIRP throughout 2017 and 2018 have been largely concerned with recruiting panel members and a service manager. In addition to building the NIRP team, the focus has also been on developing the NIRP Operational Guidelines and consulting widely with key stakeholders in order to achieve maximum buy in from both the HSE and other service providers. The NIRP established offices at Mellowe's Quay, Dublin and moved into them in June 2018.

In 2017 the NIRP accepted a referral to complete its first major review. The NIRP produced a comprehensive report and submitted this to the HSE in September 2018. The learning gained from completing this review has been beneficial for the NIRP in terms of review processes, legal constraints and report writing.

Towards the end of 2018 the NIRP accepted a second referral to complete a review which is currently underway.

The welfare and protection of people with a disability and the quality of services they receive from the HSE and HSE funded services, is a matter of considerable public concern. It is important that the quality and safety of service provision to people with disabilities is of the highest order. It is also important that the response of the HSE when things go wrong is as open and transparent as possible so that confidence in the system can be maintained.

The aim of the NIRP review process is to promote learning from cases where there have been extreme concerns about the safety and wellbeing of individuals with a disability within a HSE or HSE funded service. The NIRP will use a systematic approach in the review process. The aim is to understand what behaviours, cultures and weaknesses exist in the systems which have led to poor outcomes for those who receive services. The NIRP reports will focus on the identification of changes that could be made relating to:

- How services are commissioned and provided to ensure they meet the assessed needs of people with disabilities;
- What enablers, in terms of changes in legislation and policies, are required to make people with disabilities safer;

- How management systems can be improved to ensure appropriate oversight and accountability arrangements are in place throughout disability services.

I would like to take this opportunity to thank everyone who has been involved in setting up the NIRP and look forward to working in the future with everyone who is concerned with improving the lives of people with a disability in Ireland.

Bernie McNally

Independent Chair

NIRP

1.0 Our Background

The National Independent Review Panel (NIRP) was set up by the HSE in 2017 and became operational in 2018. The purpose the NIRP is to provide the HSE with a mechanism to independently review the most serious incidents and issues of concern relating to individuals with a disability in HSE and HSE funded agencies.

The NIRP is external to all HSE provided services and HSE funded services. Up until now, when the HSE required an independent review, within the disability sector, it procured independent professionals on an adhoc basis. The HSE believes that the establishment a panel of experts with an independent chair will ensure a more consistent approach to carrying out each review and will lead to the development of higher levels of expertise in this very specialist area. The HSE also believe that the appointment of an independent chair to provide oversight in each review will also provide an important quality assurance role to ensure each review is carried out in an open, transparent and professional manner. The establishment of a review panel also has the added benefit of enabling the HSE to commission such reviews expeditiously.

2.0 Our Vision

The core vision of the NIRP is to enhance the quality of life for people with disabilities by influencing improvements within HSE and HSE funded services in the disability sector in Ireland.

The NIRP will achieve this by examining the circumstances relating to people with a disability where there are extreme concerns about how services involved have managed the care of an individual or group of individuals.

The NIRP will seek to determine what the relevant services and individuals involved in the case might have done differently that would have led to a better outcome. The purpose of all reviews completed by the NIRP is to ensure that lessons can be learned and that those lessons can be applied to future practice to prevent similar situations from occurring again.

It is the NIRP's intention that reviews will be conducted in trusted and safe environments that encourage honesty and sharing, to ensure individuals and organisations are able to learn lessons from the past.

The NIRP fully expect that its work will enhance confidence in the provision of disability services in Ireland through independent, impartial, expert and evidenced based reviews.

3.0 Governance

All reviews completed by the NIRP are commissioned by the National Director of Quality Assurance and Verification (QAV) on behalf of the HSE.

The NIRP Chairperson will write to the National Director QAV to accept or reject a referral. Upon completion of a review, the NIRP Chairperson will submit the report in full to the National Director QAV.

Upon submitting the report, the NIRP have the following expectations:

- The report will be disseminated to the appropriate HSE service area;
- The HSE service area will indicate their acceptance or rejection of the recommendations. In the case where the recommendations are not accepted, rationale for this will be provided;
- The HSE service area will develop an action plan with responsibilities and timeframes for completion indicated.

3.1 The HSE Risk Committee

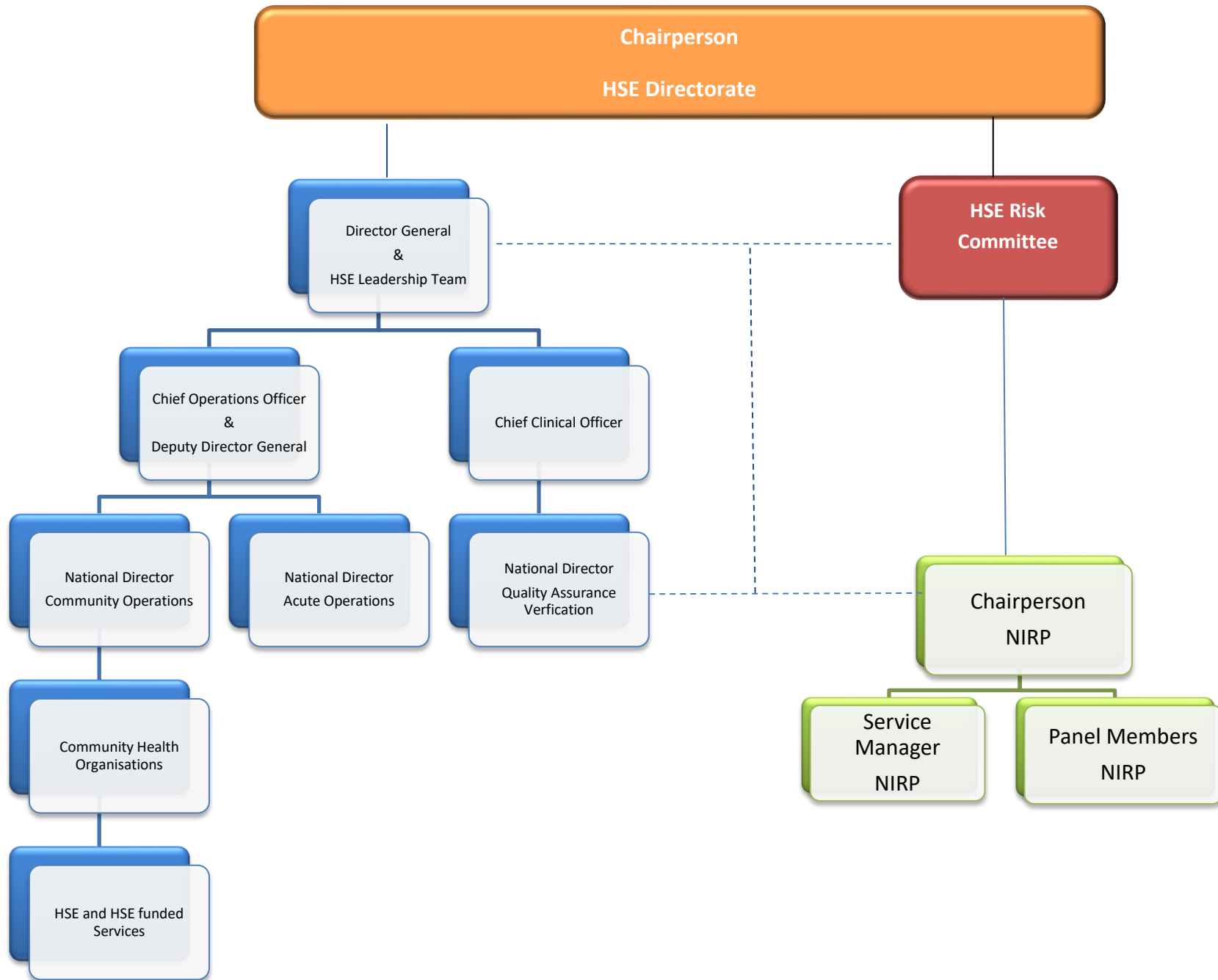
Strategic oversight of on-going reviews will be provided by the NIRP Chairperson who in turn will report to the Chair of the HSE Risk Committee.

The HSE Risk Committee was established by the HSE Directorate in accordance with Section 16M of the Health Act 2004 (as inserted by the Health Service Executive (Governance) Act 2013) for the purposes of providing assistance and advice to the HSE Directorate in relation to the performance of its functions.

The NIRP Chairperson will interact with the Risk Committee, in the following ways:

- Report overall findings, key learning points and recommendations from work completed by the NIRP;
- Attend the Risk Committee as and when required;
- Submit an annual report to the Risk Committee.

The diagram overleaf demonstrates how the NIRP interact with the HSE:



4.0 Independent Chairperson

Ms Bernie McNally, Chair of NIRP was recruited independently through the Public Appointments Service (PAS) and appointed in 2017. Bernie has significant knowledge and understanding of health and social care services. She has vast experience in investigating serious incidents and significant failings in care provision. Bernie is also the Independent Chair of the Safeguarding Board for Northern Ireland.

Bernie has been appointed as Chair of the NIRP for a three period.

4.1 Panel Members

The following Panel Members were independently recruited and appointed in early 2018 and hold a Service Level Agreement with the HSE for a three year period.

The panel members are:

- Dr. Kevin McCoy
- Ms. Liz Chaloner
- Mr. Colm Lehane
- Ms. Clare Quigley
- Ms. Jacqueline McGarvey

Panel members' appointment to the panel is based on strict adherence to eligibility criteria which stipulates;

1. Individuals cannot be a current employee of the HSE, HSE funded agency or Tusla in the past 3 years;
2. Individuals must have significant practice and/or management experience related to the practice of safeguarding vulnerable people;
3. Individuals must have a proven ability to analyse complex information, examine documentation and obtain sensitive information from concerned parties, including service users, whether orally or in writing;
4. Individuals must have experience in dealing objectively and sensitively with challenging situations, possibly in the face of conflicting information;
5. Individuals must have a proven track record of working as part of a team and delivering timely results.

The role of the panel members is to complete comprehensive reviews, that report findings based on fact, provide expert analysis, highlight learning opportunities and provide recommendations that when implemented should lead to positive change.

4.2. Recruitment of Service Manager

In early 2018 a public recruitment process took place in order to appoint a service manager to the NIRP. A service manager was appointed in June 2018.

The role of the service manager is to manage the secretariat of the NIRP, act as a point of contact for the NIRP and coordinate all review processes.

The service manager is a full time, permanent employee of the HSE.

5.0 Development of NIRP's Operational Guidelines

Central to the operation of the NIRP are the operational guidelines which guide its work. The NIRP are in the process of developing operational guidelines. These guidelines will set out the rationale for the establishment of the NIRP, the purpose and principles of the NIRP and provide clear guidance on the review process that will be followed for all reviews completed by the NIRP.

5.1 Policy Framework

The operational guidelines will provide the policy and legislative framework that the NIRP works within. It is envisaged that the NIRP's work will be conducted within the HSE's Incident Management Framework (IMF) 2018. The IMF sets out the principles, governance requirements, roles and responsibilities and process to be applied for the management of incidents and adverse circumstances in all service areas.

The IMF identifies three categories of incidents:

Category 1: Major/Extreme

Category 2: Moderate

Category 3: Minor/Negligible

It is intended that the NIRP will have a role in only category 1 incidents related to individuals with a disability, where there are enduring concerns and where it is believed that an independent review is required.

5.2 Legislative Framework

The NIRP derives its legislative authority from the HSE. The HSE was set up under the Health Act 2004, wherein the object and function of the HSE is to 'use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public'. This legislative basis allows the NIRP to complete reviews within HSE and HSE funded services, such as section 38 and 39 agencies, where a service level agreement exists.

5.3 Stakeholder Engagement

The development of the operational guidelines to date has involved wide consultation with key stakeholders. Two stakeholder's days were held in 2018, the first in February and the second in November. There was wide representation from all nine Community Health Organisations including chief officers, the heads of social care, safeguarding and protection team staff and operational managers from disability services. The National Director for Quality Assurance and Verification and the National Director Community Operations both attended the opening of the consultation process and encouraged ownership and cooperation from all their staff. The purpose of the consultation process was to provide information on the role and function of the NIRP and receive feedback on development of operational guidelines to govern the review process.

6.0 Reviews undertaken to date

In July 2017 the HSE commissioned The National Independent Review Panel (NIRP) to review the case of a person with an intellectual disability. This review was concluded and submitted to the Commissioner in September 2018.

This review involved a woman with a disability who had been known to the HSE from her early childhood. The woman is currently in fulltime residential care. The review concentrated on the response of the HSE to the concerns that emerged throughout this woman's life.

The review made twenty eight recommendations for improvement in services to people with disabilities.

6.1 NIRP Learning

This review was the first one completed by the NIRP. The learning will be used to inform the operational guidelines currently under development.

Timescales

It took 13 months in total to complete this review. This was much longer than anticipated and largely due to a much longer than anticipated process relating to the completion of Fair Procedures and Factual Accuracy checks. There was also a significant amount of information and files relating to the person. These files had to be examined thoroughly to ensure all relevant facts were established prior to the analysis of what went wrong in the management of the individual's care.

This process highlighted the importance of information being provided to the NIRP in a searchable, accessible and indexed format. There were also issues relating to files which had either been previously destroyed or lost in the system.

Stakeholder engagement

On-going engagement with key stakeholders including the person's family took place throughout this review and was found to have worked particularly well in terms of sharing information and getting access to relevant documents and details.

6.2 Summary of Learning

In total twenty eight recommendations were made in this report. In brief these recommendations highlighted areas for learning and improvements in the following areas:

- Child protection and planning;
- Assessment and care planning for children;
- HSE governance over adult services, particularly relating to the commissioning of services, reporting requirements and case management systems;
- Adult safeguarding with an emphasis on a need for a legislative framework and the creation of a joint working protocol between the HSE and An Garda Síochána relating to adult protection issues.

6.3 Involvement of other State agencies

During this review the NIRP requested information from a number of other agencies most notably the Department of Social Protection and An Garda Síochána. However, the NIRP have no statutory basis on which to compel other State agencies or private agencies to share such information. This is a serious weakness in the process as it could result in an incomplete picture of the entire state's involvement in the patient/clients life and undue emphasis on the role of HSE or HSE funded bodies.

6.4 Current Review: Referral & Acceptance

In late 2018 the NIRP received and accepted a referral to complete a review on the governance arrangements for a HSE Disability Service.

A review team of two NIRP panel members have now been appointed to carry out the review. It is anticipated that this review will be completed by the middle of 2019.

7.0 Setting up of Offices

The offices of the NIRP are located at:

Unit 1, Usher St, Mellows Quay, D.8

Phone: 01 921 3691

Email: nirp@hse.ie

These offices have been acquired by the HSE on the NIRP's behalf. The NIRP moved into these offices in June 2018.

8.0 Strategic Communication

The NIRP are currently engaging with all relevant stakeholders both internal and external to the HSE. The purpose of this engagement is to provide information on the NIRP and the review process. To date the NIRP have engaged with the following stakeholders:

- Health Service Executive (HSE);
- Community Health Organisation (CHO) personnel: Chief Officers, Heads of Social Care, Disability Managers;
- HSE Safeguarding and Protection Team staff;
- HSE National Safeguarding Office;
- HSE Quality Safety Patient Staff;
- SAGE advocacy;
- National Federation of Voluntary Bodies;
- Safeguarding Ireland.

In 2019 the NIRP will engage with:

- Voluntary agencies via the National Federation of Voluntary Bodies;
- Advocacy agencies who represent individuals with disability;
- Department of Health;
- All Chief Officers in each of the CHO areas.

9.0 Conclusion

The NIRP has had a necessary lead in period from 2017 into 2018. This period has allowed for the setting up of the panel and the NIRP office. The NIRP will now finalise the operational guidelines which will outline the framework for conducting NIRP reviews. The effectiveness of the operational guidelines will be evaluated once a number of reviews have been conducted.

The NIRP will continue to monitor the National Incident Management System (NIMS) on a monthly basis to ensure all relevant category 1 incidents relating to people with a disability are given due consideration by the review panel.

By the end of 2018 the NIRP had submitted one review report to the commissioner and had accepted a referral to complete another review. The NIRP are now fully operational and look forward to engaging with key stakeholders where the common goal is to improve disability services in Ireland.