



The Regulation and  
Quality Improvement  
Authority

# **RQIA Decision Making Panel Procedures in Respect of Urgent Procedures**

**(Document 6 in a Suite of 6)**

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## **1. Introduction**

- 1.1. These procedures should be read as part of a suite of documents regarding enforcement action taken by RQIA that includes:
  - RQIA Enforcement Policy (Document 1 in a Suite of 6)
  - RQIA Enforcement Procedures (Document 2 in a Suite of 6)
  - RQIA Enforcement Review Panel Procedures in Respect of Written Representation Regarding Improvement Notice/s (Document 3 in a Suite of 6)
  - RQIA Enforcement Review Panel Procedures in Respect of Written Representation Regarding Failure to Comply Notice/s (Document 4 in a Suite of 6)
  - RQIA Decision Making Panel Procedures in Respect of Notice/s of Proposal (Document 5 in a Suite of 6)
- 1.2. This procedure outlines the process to be followed by RQIA's decision making panel (DMP) in respect of Urgent Procedures.
- 1.3. In line with Standing Order Three, a DMP will be convened by RQIA when:
  - RQIA proposes to make application to a Lay Magistrate (formerly Lay Magistrate (formerly Justice of the Peace)) for an order (ref: The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 Article 21 and Standing Order 3)
- 1.4. This procedure does not outline the process to be followed in respect of a Notice of Proposal. (Ref to RQIA Decision Making Panel Procedure in Respect of Notices of Proposal)
- 1.5. This procedure must be adhered to by all staff and RQIA Board members.

## **2. Composition of the Decision Making Panel**

- 2.1. Membership of the DMP will consist of the following members:
  - RQIA Board members: two Board members appointed by the RQIA Chair, who will nominate the Chair of the DMP
  - RQIA Chief Executive, or their nominated deputy who will be a Director not associated with the enforcement action under consideration.
- 2.2. The Director of Regulation and Nursing (or a nominated deputy) will be in attendance to present the case and to answer any questions in respect of the matter under consideration.
- 2.3. The Complaints and Representations Manager will provide administrative support to the DMP.

### **3. Procedure**

#### **Setting up the DMP**

- 3.1. The Director of Regulation and Nursing will advise the Chief Executive that RQIA intend to make an application to a Lay Magistrate (formerly Justice of the Peace). The Chief Executive should be notified following the Enforcement Decision Meeting (EDM)
- 3.2. The Chief Executive will advise the Complaints and Representations Manager who will convene a DMP within two working days.
- 3.3. The Director of Regulation and Nursing and relevant head of programme will be informed of the date of the DMP meeting. The Director of Regulation and Nursing will ensure that all relevant documentation relating to the application is made available to the DMP
- 3.4. The DMP will be convened by the Complaints and Representations Manager who will contact Board members and supply them with papers ahead of the meeting.

#### **DMP Meeting**

- 3.5. The chair of the DMP will ensure that the panel determines the terms of reference for the Panel. A guide to draft terms of reference for consideration by the panel is attached at Appendix 1.
- 3.6. The Director of Regulation and Nursing will present the application to the DMP.
- 3.7. If the chair of the DMP determines that legal advice is required, this advice may be sought by contacting the Directorate of Legal Services, BSO.
- 3.8. The DMP's decisions will be documented against each term of reference. (Template 1)
- 3.9. The DMP will make its determination promptly and within two working days of receipt of the application.
- 3.10. The DMP will present a report of this decision at the next Board meeting.

#### **Decision of the DMP**

- 3.11. The Panel's outcome decision will be as follows:
  - RQIA's decision is not to approve the application Lay Magistrate (formerly Justice of the Peace).
  - RQIA's decision is to approve the application to a Lay Magistrate (formerly Justice of the Peace) and the DMP will authorise the application to be made to the Lay Magistrate (formerly Justice of the Peace) on behalf of RQIA.

#### **4. Appeals to the Care Tribunal**

4.1. The registered person has the right of appeal to the Care Tribunal in respect of an order served by RQIA.

4.2. Contact details for the Care Tribunal are as follows:

The Care Tribunal  
2nd Floor  
Royal Courts of Justice  
Chichester Street  
Belfast BT1 3JF

Tel: 0300 200 7812

Email: [tribunalsunit@courtsni.gov.uk](mailto:tribunalsunit@courtsni.gov.uk)

4.3. If a Lay Magistrate (formerly Justice of the Peace) makes an order it shall have effect from the time when the order is made.

# Core Terms of Reference

## Core Terms of Reference

The Decision Making Panel should consider whether -

1. Are the details of the regulations and/or parts of the 2003 Order breached including relevant enforcement history of non-compliance outlined.
2. Is there evidence to support RQIA's application for an order and specific statements about the risks to a service users life, health or wellbeing if the order is not made.

# Associated Templates



