

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

NOTICE OF PROPOSAL

Name of Registered Establishment: Carn-vaddy (RQIA ID: 1348)	Name of Registered Person: Mrs Margaret Magee Carn-vaddy
Address of Registered Establishment: 15 Doctors Road, Ballymena, BT42 4HL	
Issue Date: 5 March 2021	NOP Ref: NOP000047
<p>The Regulation and Quality Improvement Authority gives notice of a proposal to cancel the registration of you, Margaret Magee, as the Responsible Individual for Carn-vaddy and being the provider registered to carry on the establishment known as Carn-vaddy.</p> <p>The relevant parts of the Order and Regulations are as follows:</p> <p><i>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003</i></p> <p><i>Article 15.—(1) The Regulation and Improvement Authority may at any time cancel the registration of a person in respect of an establishment or agency—</i> <i>(c) on the ground that the establishment or agency is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements;</i></p> <p><i>and;</i></p> <p><i>The Residential Care Homes Regulations (Northern Ireland) 2005</i></p> <p><i>Registered person: general requirements</i></p> <p><i>Regulation 10.—</i> <i>(1) The registered provider and the registered manager shall, having regard to the size of the residential care home, the statement of purpose, and the number and needs of the residents, carry on or manage the home (as the case may be) with sufficient care, competence and skill.</i> <i>(2) If the registered provider is –</i> <i>(b) an organisation it shall ensure that the responsible individual undertake: from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the home.</i></p>	

Requirements to ensure quality of care and other service provision

Regulation 12.—

- (1) *The registered person shall provide care and any other services to residents in accordance with the statements of purpose, and shall ensure that the care, treatment, if necessary, and other services provided to each resident –*
- (a) *meet his individual need;*
 - (b) *reflect current best practice;*

Health and welfare of residents

Regulation 13.—

- (1) *The registered person shall ensure that the residential care home is conducted so as –*
- (a) *to promote and make proper provision for the health and welfare of residents;*
 - (b) *to make proper provision for the care and where appropriate, treatment and supervision of residents.*

(2) *The registered person shall so far as practicable enable residents to make decisions with respect to the care they are to receive and their health and welfare.*

(3) *The registered person shall, for the purpose of providing care to residents, and making proper provision for their health and welfare, so far as practicable, ascertain and take into account their wishes and feelings.*

- (4) *Subject to paragraph (5) the registered person shall make suitable arrangements for the ordering, storage, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the home to ensure that –*
- (a) *any medicine which is kept in a home is stored in a secure place; and*
 - (b) *a written record is kept of the administration of any medicine to a resident.*

(8) *The registered person shall make suitable arrangements to ensure that the home is conducted –*

- (a) *in a manner which respects the privacy and dignity of residents;*
- (b) *with due regard to the sex, religious persuasion, ethnic origin, and cultural and linguistic background and any disability of residents.*

Further requirements as to health and welfare

Regulation 14.—

- (2) *The registered person shall ensure as far as reasonably practicable that –*
- (a) *all parts of the residential care home to which residents have access are free from hazards to their safety;*
 - (c) *unnecessary risks to the health, welfare or safety of residents are identified and so far as possible eliminated;*
- (4) *The registered person shall make arrangements, by training persons employed or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.*

Staffing

Regulation 20.—

(1) The registered person shall, having regard to the size of the residential care home, the statement of purpose and the number and needs of residents –

(a) ensure that at all times suitably qualified, competent and experienced persons are working at the home in such numbers as are appropriate for the health and welfare of residents;

(c) ensure that the persons employed by the registered person to work at the home receive –

(i) appraisal, mandatory training and other training appropriate to the work they are to perform; and

(ii) are supported to maintain their registration with the appropriate regulatory or occupational body; and

(iii) are enabled from time to time to obtain training and/or further qualifications appropriate to the work they perform; and

(iv) are provided with a job description outlining their responsibilities.

Fitness of premises

Regulation 27.—

(4) The registered person shall –

(a) have in place a current written risk assessment and fire management plan that is revised and actioned when necessary or whenever the fire risk has changed;

(b) take adequate precautions against the risk of fire.

The reasons for serving this Notice of Proposal are:

An inspection was undertaken in Carn-vaddy on 23 and 30 November 2020. Following this RQIA issued three Failure to Comply Notices (FTC) to Carn-vaddy on 16 December 2020. A compliance inspection was undertaken on 20 January 2021 and the three FTC notices were extended to 22 February 2021 to allow the Registered Person more time to achieve full compliance.

A further enforcement compliance inspection of Carn-vaddy was undertaken on 22 February 2021. During this inspection, it was evident that the actions within the three FTC Notices, issued on 16 December 2020, had not been fully met and in some instances had regressed. In addition, RQIA evidenced further significant concerns in relation to a change in staffing arrangements of the home.

The Registered Person made the decision to move an employee and their family into the registered Residential Care Home without evidence of any consultation with residents, their next of kin or relevant agencies, such as the Northern Health and Social Care Trust (Northern Trust) and RQIA. RQIA were concerned that the Registered Person was not operating the Residential Care Home in accordance with The Residential Care Homes Regulations (Northern Ireland) 2005.

As a result of the new information, a further unannounced inspection was undertaken on 24 February 2021 to review the change to the operation of the home.

RQIA identified significant concerns in relation to the day to day operation of the home, governance arrangements, staffing, the health, welfare and safety of residents, the delivery of care, residents' rights, fire safety, and the Registered Person's recognition, understanding and management of any potential risk of harm to residents. There was no supervision of residents during the night time period, as the one member of staff on duty went to bed after residents had settled. There was no effective system for residents to call for assistance using call bells or alarms. Staff who undertook night duty said that although they were asleep they would hear if a resident had fallen, or became unwell during the night.

Both the Registered Person and staff lacked robust knowledge and understanding of their roles and responsibilities in relation to Adult Safeguarding, Deprivation of Liberty Safeguards or Child Protection. There was no consideration of the potential risks posed to those living at the home due to the change in living arrangements in the home.

There was a failure to adequately manage potential risk to residents in the home in respect of, management of medication, fire safety and the management of hazardous substances. Both residents' and staff medications were stored and accessible in the home's communal fridge. The most recent fire risk assessment was not available for inspection and the Registered Person confirmed that this had not been updated to reflect the recent changes to the home. There was no evidence that those now living at the home adhered to COVID-19 Guidance for Nursing and Residential Care Homes in Northern Ireland.

RQIA observed multiple examples of staff not prioritising the privacy and dignity of residents. Personal health information for one resident readily available in the kitchen; staff entered bedrooms without knocking or seeking permission from the resident and one resident did not have access to their clothes as they were stored in an office rather than their bedroom. RQIA were particularly concerned at the lack of consultation or involvement of resident's regarding the change in living arrangements and their access to all communal parts of the home.

There was a notable lack of effort made to engage residents in any meaningful activity or therapeutic interventions. Interactions with residents were basic and task-orientated. Throughout the inspection, residents remained alone in their bedrooms, only leaving to use the bathroom or to have breakfast in the kitchen. There was no planned or structured activity available in the home. The Registered Person advised that residents were quiet and preferred to remain in their bedrooms to watch television. However, prior to COVID-19 restrictions, we noted that two residents had enjoyed socialising and engaging in activities outside the home. No sufficient alternative arrangements were now in place.

There were clear deficits in the internal governance arrangements which failed to effectively recognise or address the issues identified at the inspection. Records were not accurate or up to date. This included the duty rota which did not accurately reflect staff working in the home, the Statement of Purpose and care records which did not reference restricted practices or the individual needs of residents. The management of recruitment, staff induction and training was not robust or safely managed to protect residents from potential harm. There was no evidence of accurate recording of accidents and incidents in the home, or that the required systems were in place to notify these to RQIA or the NHSCT.

RQIA were concerned that the deficits identified in the governance and management arrangements during the inspections on 22 and 24 February 2020; and the lack of progress in relation to the three FTC Notices issued on 16 December 2020, present a significant risk to resident's health, welfare and well-being. Given the length of time these issues have persisted, RQIA are concerned in relation to the efficacy and tenability of the current arrangements.

Under Article 19 of the 2003 Order, the Registered Person/Applicant may, within 28 days of the service of this notice, make written representations to the Chief Executive of RQIA concerning any matter which that person wishes to dispute.

Karen Harvey

**Signed.....
Karen Harvey
Professional Advisor for Social Work/Project Lead Assurance, RQIA**

This notice is served under Article 18 of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

It should be noted that failure to comply with some regulations is considered to be an offence and RQIA has the power under regulations to prosecute for specified offences.