



RQIA Enforcement Policy

(Document 1 in a Suite of 6)

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1. Introduction

The Regulation and Quality Improvement Authority (RQIA) was established under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the 2003 Order). RQIA provides independent assurance about the quality, safety and availability of health and social care services in Northern Ireland, encourages continuous improvement in those services and safeguards the rights of service users.

Enforcement action is an essential element of the responsibilities of RQIA. There is a range of enforcement options to ensure compliance with regulations and minimum standards; to effect improvements; and to afford protection to service users. RQIA will normally adopt a stepped approach to enforcement.

2. Scope

All employees of RQIA are required to adhere to this policy and procedure. The appropriate use of enforcement powers, including prosecution, is important: to secure compliance with legislation and minimum standards; and, to ensure that registered providers are held to account for failures to safeguard the health, safety and welfare of service users.

This policy will apply to the regulation and inspection of any establishment or agency, and to persons registered under the 2003 Order. This may include the HSC Board, HSC trust or special agency, if RQIA believes that the board, trust or agency is failing to comply with any statement of minimum standards.

This policy should be read as part of a suite of documents regarding enforcement action taken by RQIA including:

- 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)
- RQIA Decision Making Panel Procedures in Respect of Urgent Procedure (Document 6 in a Suite of 6)
- Registration regulations
- Service specific regulations

This policy should be read in conjunction with its associated procedures, and other relevant RQIA policies and procedures, including RQIA Escalation Policy (this relates to the reporting and management of concerns, direct allegations and/or disclosures arising from inspection and/or review activity).

3. Policy Statement

This policy sets out the general principles and approach that RQIA will follow in relation to enforcement. The 2003 Order provides RQIA with statutory powers to take enforcement action. These actions are designed to protect the safety of service users and to address situations where there are significant failings and/or lack of improvement in the quality of service provision.

RQIA believes in a system of firm but fair regulation. It has adopted the principles outlined in the Principles of Good Regulation, Better Regulation Task Force, 2003. These principles are:

- proportionality
- consistency
- targeting
- transparency
- accountability

It should be noted that RQIA may employ simultaneous enforcement actions in regard to a registered service, provided the action is related to separate breaches of standards and/or regulations.

RQIA may increase inspection activity to monitor compliance and ensure that the necessary improvements are being made.

RQIA may also escalate enforcement actions at any time. Enforcement action will be proportionate and related to the level of risk to service users and the severity of the breach of regulation. RQIA will follow up enforcement action to ensure that quality improvements are achieved.

4. The Legislative Framework

Registered establishments and agencies are required to comply with the 2003 Order and the associated service specific regulations.

Other services including HSC Board, HSC trust or special agency are required to comply with DHSSPS minimum standards (Article 39) (Article 35) of the 2003 Order. Failure to do so may result in enforcement action.

Article 34 of the 2003 Order also places a statutory duty of quality on the Health and Social Care Board and on HSC trusts in respect of the services they provide.

The 2003 Order and associated regulations are available on RQIA's website at www.rqia.org.uk/publications/legislation.cfm.

Registered persons/managers should ensure that their service operates in accordance with the minimum standards relevant to their establishment or agency issued by the Department of Health, Social Services and Public Safety (DHSSPS) (now known as the DoH).

The list of minimum standards (DoH) is available on RQIA's website at <https://www.rgia.org.uk/guidance/legislation-and-standards/standards>

5. The Responsibilities of RQIA

RQIA Board - is responsible for approving the Enforcement Policy. Board members are required to Chair and to serve on DM Panels, as necessary.

The Chief Executive or his/her nominated deputy - is accountable for the effective implementation of the Enforcement Policy and will delegate responsibility to the relevant director for the operational management of the procedures.

Directors or their nominated deputies - are responsible for the effective operation of the procedures. They will ensure that relevant training and guidance is embedded within all teams.

Assistant Directors - are responsible for the day-to-day operation of the procedures and will ensure that staff are appropriately trained and supported in the implementation of any enforcement action. Assistant Directors will endeavour to ensure consistency and standardisation of approach in all enforcement activity across operational teams. Assistant Directors must also ensure that all information relating to enforcement activity is kept up to date and shared as appropriate.

Senior Inspectors - are responsible for coordinating enforcement action for the relevant service type.

Inspectors - are responsible for bringing any failings to the attention of line management.

Communications Manager - is responsible for the publication of enforcement action.

Information and Intelligence Manager - is responsible for ensuring that information systems are in place to record enforcement action.

Information Analyst - is responsible for compiling and circulating monthly reports to the relevant manager.

Information and Intelligence Manager - is responsible for ensuring RQIA's register of establishments and agencies is up to date.

Complaints and Representations Manager - is responsible for providing administrative support to panels.

Administrative Team Supervisor - is responsible for ensuring that the procedures are adhered to at all times by all administrative staff within their team.

Administrators - are responsible for issuing enforcement documents to Registered Providers, Stakeholders and relevant internal staff in line with the procedures. They are responsible for taking a note of relevant actions at enforcement meetings.

6. Training

Training on this policy and its related procedures will be provided to all relevant RQIA staff and board members as required.

7. Equality

This policy was equality screened in August 2015 found to have a neutral impact; therefore the policy does not require to be subjected to a full equality impact assessment

8. Monitoring/Evaluation

This policy will be monitored on a regular basis by RQIA's Executive Management Team. The implementation of the policy and associated procedure and any deficiencies within the policy will be noted by the Chief Executive or his/her nominated deputy. Any proposed amendments will require Board approval.

9. Review of Policy

This policy will be reviewed in September 2018 to evaluate its effectiveness and to review the associated procedures.

10. Development and Consultation

The Enforcement Policy has been developed by a Project Group within RQIA and in consultation and engagement with all members of staff including the RQIA Board and Executive Management Team.