

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

Name of Registered Agency: Top Class Nursing Services (RQIA ID: 020436)	Name of Registered Person: Top Class Healthcare Ltd
Address of Registered Agency: 1 Castle Street Portadown BT62 1BA	
Issue Date: 27 May 2022	FTC Ref: FTC000182
Regulation not complied with: <i>The Nursing Agencies Regulations (Northern Ireland) 2005</i> <i>Fitness of nurses supplied by an agency</i> <i>Regulation 12</i> <i>12.—(1) The registered person shall ensure that no nurse is supplied by the agency unless –</i> <i>(a) he is of integrity and good character;</i> <i>(b) he has the qualifications, knowledge, skills and competencies which are necessary for the work which he is to perform;</i> <i>(d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 3.</i>	
Specific failings to comply with regulations: During the inspection of the nursing agency on 31 March 2022 serious concerns were identified regarding the lack of robust managerial oversight and governance arrangements in respect of staff recruitment and selection. RQIA is concerned that these shortfalls may negatively impact the safe recruitment and selection of staff which could then compromise the provision of safe and effective care to service users. A number of staff recruitment files were reviewed and significant failings identified in respect of the recruitment and selection process. Whilst two references had been received for each staff member, concerns were identified in relation to references not being sought from the last employer for two staff members. In one record, a reference had been sought from an employer from 2014.	

Two references had been provided by family relatives. Discussion with the Registered Person advised that applicants had been contacted and alternative references sought; however the details of these discussions were not reflected.

Four recruitment files contained employment gaps and no evidence that the agency had sought or recorded an explanation in three files and an inaccurate explanation was obtained by the Registered Person in a fourth file. A further recruitment file indicated there were restrictions on a nurse's practice, by way of supervision whilst on shift. There was no evidence of any discussion or follow by the Registered Person up to ascertain the reasons for this.

It is of further concern that the Registered Person and Registered Manager were not aware of the deficits in the recruitment and selection process, given the timescale pertaining to some matters. In addition, the monthly quality monitoring reports did not identify the issues or where identified these had not been addressed.

Action required to comply with regulations:

The Registered Person must ensure that:

- at all times staff are recruited and employed in accordance with statutory legislation and all necessary checks are carried out prior to an offer of employment being made
- all staff recruitment and selection records are reviewed to ensure that they contain all necessary information in keeping with statutory legislation and mandatory requirements
- all staff involved in the recruitment and selection of staff have received up to date training in recruitment and selection and such training is periodically reviewed in keeping with best practice
- a policy is in place for staff recruitment and selection which clearly defines the roles and responsibilities of those involved in the process
- anyone involved in the recruitment and selection process can clearly articulate these roles and responsibilities as they pertain to recruitment and selection
- there are robust arrangements in place to ensure that where potential issues are identified during the recruitment and selection process, these are effectively addressed in a timely manner by the manager and/or Registered Person
- a robust monitoring system is in place to ensure that the recruitment and selection process is compliant with statutory legislation and mandatory requirements including review during monthly monitoring visits
- staff are not supplied to any service user until all pre-employment checks are completed and the recruitment file is fully checked and approved in writing by the Registered Person.

The Registered Person may make written representations to the Chief Executive of RQIA regarding the issue of a failure to comply notice, within one month of the date of serving this notice.

Date by which compliance must be achieved: 27 August 2022

Elaine Connolly

Signed.....

Director of Adult Care Services

***This notice is served under The Health and Personal Social Services
(Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and
The Nursing Agencies Regulations (Northern Ireland) 2005***

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prosecute for specified offences.***

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Name of Registered Agency: Top Class Nursing Services (RQIA ID: 020436)	Name of Registered Person: Top Class Healthcare Ltd
Address of Registered Agency: 1 Castle Street Portadown BT62 1BA	
Issue Date: 27 May 2022	FTC Ref: FTC000183
Regulation not complied with: <i>The Nursing Agencies Regulations (Northern Ireland) 2005</i> <i>Staffing</i> <i>Regulation 14</i> <i>14.—(1) Where an agency is acting as an employment business, the registered person shall, having regard to the size of the agency, its statement of purpose and the number and needs of the service users, take all reasonable measures to ensure that there is at all times an appropriate number of suitably qualified, skilled and experienced persons employed for the purposes of the agency.</i>	
Specific failings to comply with regulations: During the inspection of the nursing agency on 31 March 2022 serious concerns were identified regarding the lack of robust managerial oversight and governance arrangements in respect of staff training. RQIA is concerned that this shortfall has the potential to compromise the provision of safe and effective care. The training records reviewed for staff were found to be inadequate as they did not contain the content of the training. The safeguarding training was not relevant to Northern Ireland and did not include any information pertaining to the Department of Health's (DoH) regional policy 'Adult Safeguarding Prevention and Protection in Partnership' July 2015 and did not specify the procedure for staff in reporting concerns.	

The Registered Person, as the Adult Safeguarding Champion for the agency, had not recognised that the safeguarding training was inadequate to meet the needs of the agency. This gave rise to concerns as to the Responsible Individual's understanding of both their role and responsibility as the Adult Safeguarding Champion and Responsible Individual.

Action required to comply with regulations:

The Registered Person must ensure that:

- safeguarding training is relevant to Northern Ireland legislation and must include information pertaining to the Department of Health's (DoH) regional policy 'Adult Safeguarding Prevention and Protection in Partnership' July 2015
- every staff member completes safeguarding training and they are aware of the procedure for reporting concerns
- a training matrix is developed to encompass all training that is considered mandatory by the agency, to ensure a composite record of staff training can be maintained
- all staff partake of the mandatory training programme and a record of such training is maintained to ensure that the care being delivered to service users is safe and effective
- training records are monitored frequently and refresher training booked within appropriate timeframes prior to expiry. Where training has expired, the Responsible Individual ensures staff members are booked onto the next available training date and records are maintained when the training has been successfully completed
- the nursing agency to retain the contents of the training and dates on which staff attended
- the nursing agency retains the qualifications of the trainers providing any training and records are available for review by RQIA
- any areas for improvement identified during monitoring of practice and/or during supervision are acted upon immediately and the staff member is provided with refresher training to ensure their competence and skills are up to date.

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Address of Registered Agency: 1 Castle Street Portadown BT62 1BA	
Issue Date: 27 May 2022	FTC Ref: FTC000184
Regulation not complied with: <i>The Nursing Agencies Regulations (Northern Ireland) 2005</i> <i>Records</i> <i>Regulation 18</i> <i>18. The registered person shall ensure that the records specified in Schedule 4 are maintained, are available at all times for inspection and that they are –</i> <i>(a) kept up to date, in good order and in a secure manner; and</i> <i>Schedule 4</i> <i>10. Details of every allegation of abuse –</i> <i>(a) against a nurse; or</i> <i>(b) by a nurse (which is not the subject of a complaint made under regulation 19), who is employed by the agency, including details of the investigations made, the outcome and any action taken in consequence.</i>	
Specific failings to comply with regulations: During the inspection of the nursing agency on 31 March 2022 serious concerns were identified regarding the lack of robust managerial oversight and governance arrangements in respect of the process for safeguarding service users. RQIA is concerned that this shortfall has the potential to place service users at risk. The nursing agency did not have records of any safeguarding incidents despite RQIA being aware that one matter had been raised with the Northern Health and Social Care Trust (NHSCT). Incidents had been recorded on a complaint template; however	

the information was brief and did not contain the details of the incident, any actions taken or any correspondence with the NHSCT.

It was noted whilst reviewing the complaints records that there were further safeguarding incidents which were not forwarded to the relevant trust for investigation, rather the incident was managed internally. Again, the records were not robust as to the actions taken and the outcome.

RQIA is concerned as to the Registered Person's understanding of their role and responsibility as the Adult Safeguarding Champion and the Registered Person.

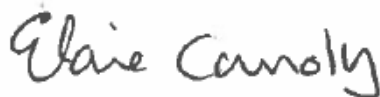
Action required to comply with regulations:

The Registered Person must ensure that:

- all staff including the Registered Person and manager are provided with training in adult safeguarding as it applies in Northern Ireland and staff are deemed competent in this regard
- there is an Adult Safeguarding Champion in the nursing agency who is fully trained and their knowledge and skills are current
- all safeguarding allegations are referred to the relevant Trust team for screening in a timely manner
- there is a comprehensive written record of every safeguarding investigation and actions taken
- strategy meetings arranged by the relevant Trust are attended and a minute of the meeting is retained and any actions addressed
- the conclusion of any safeguarding investigation is accurately recorded
- the agency to notify RQIA of any safeguarding investigation in a timely manner
- the documentation relating to every safeguarding investigation is available for review by the RQIA.

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Director of Adult Care Services

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Address of Registered Agency: 1 Castle Street Portadown BT62 1BA	
Issue Date: 27 May 2022	FTC Ref: FTC000185
Regulation not complied with: <i>The Nursing Agencies Regulations (Northern Ireland) 2005</i> <i>Review of quality of service provision</i> <i>Regulation 20</i> <i>20.—(1) The registered person shall introduce and maintain a system for reviewing at appropriate intervals the quality of services provided by the agency.</i> <i>(2) The registered person shall supply to the Regulation and Improvement Authority a report in respect of any review conducted by him for the purposes of paragraph (1) and shall make a copy of the report available upon request for inspection by service users and persons acting on behalf of service users.</i> <i>(3) The system referred to in paragraph (1) shall provide for consultation with service users and persons acting on behalf of service users.</i> <i>(4) The registered manager shall ensure that the agency delivers services effectively on a daily basis and reports as required to the registered person.</i>	
Specific failings to comply with regulations: During the inspection of the nursing agency on 31 March 2022 serious concerns were identified regarding the lack of robust managerial oversight and governance arrangements in place in respect of provision of care delivered by way of the quality monitoring reports. RQIA is concerned that this shortfall has the potential to compromise the provision of safe and effective care.	

A review of the quality monitoring reports identified that they did not contain accurate information or have a full and robust analysis of the operation of the agency. The reports did not provide evidence that all key stakeholders were consulted regarding the quality of service. There was no evidence that feedback from those using the nursing agency had been obtained. Feedback observed had been obtained in relation to Top Class Healthcare, a separately registered domiciliary care agency. Recruitment files reviewed were also in relation to domiciliary care workers rather than registered nurses. The reports were not signed by the Registered Person therefore RQIA was not assured that they had been reviewed by the Registered Person and any actions identified had been addressed.

Failure to effectively evaluate the provision of service quality has the potential to place service users and staff at risk or harm.

Action required to comply with regulations:

The Registered Person must ensure that:

- there is a system in place to monitor the operation of the nursing agency on a monthly basis
- there is a suitably skilled and competent person to undertake the monitoring visits of the nursing agency
- all records are provided to the monitoring officer for review
- the quality monitoring reports contain feedback from relevant stakeholders, obtained independently by the monitoring officer
- the person with the responsibility of undertaking the monthly quality monitoring visits specifically reviews the recruitment process and associated records
- the quality monitoring reports include a review of the nurses' registration with the Nursing and Midwifery Council (NMC)
- the information reviewed is solely in relation to the nursing agency
- the quality monitoring reports are signed by the Registered Person to provide RQIA with assurances that the reports are reviewed and any actions identified are taken forward.

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