

Enforcement Monitoring Inspection Report 07 June 2016



Foreglen Community Association

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Assurance, Challenge and Improvement in Health and Social Care

1.0 Summary

An announced enforcement monitoring inspection of Foreglen Community Association took place on 07 June 2016 from 11.00 to 16.30 hours.

The purpose of the inspection was to monitor and assess the level of compliance achieved with the required actions indicated within two Failure to Comply Notices issued to the registered person of Foreglen Community Association on 25 April 2016. The areas for improvement and compliance with regulations related to policies and procedures and the recruitment of staff and volunteers in the day care setting. The date for compliance with the two notices was 07 June 2016.

1. FTC Ref: DCS/11005/2016-17/01

Evidence was available that some progress was being made to address the required actions within the above Failure to Comply notice. We were advised that forty-eight policies and procedures had been reviewed since the previous care inspection. The six policies and procedures examined during the previous inspection were reviewed and showed improvements had been made to the quality of information contained within them, however they did not specify or make references to The Day Care Setting Regulations (Northern Ireland) 2007, DHSSPS Minimum Standards for Day Care Settings (January 2012), and relevant legislation.

Following a enforcement decision meeting at RQIA on 09 June 2016, it was decided to extend the compliance date of this notice up to the maximum timeframe of three months with compliance to be achieved by 27 July 2016.

2. FTC Ref: DCS/11005/2016-17/02

Evidence was available that seven individuals had received a satisfactory Access NI Enhanced Disclosure, one volunteer's vetting check was outstanding and confirmation was obtained that the individual was not working in the day care setting. However it was noted an additional three volunteers had not been Access NI checked and had continued to work with service users in Foreglen Community Association since the care inspection on 14 April 2016.

Following an enforcement decision meeting at RQIA on 09 June 2016, it was decided the registered person of Foreglen Community Association would be issued with a Notice of Proposal. This was issued on 15 June 2016.

This inspection was underpinned by The Day Care Setting Regulations (Northern Ireland) 2007, the DHSSPS Day Care Settings Minimum Standards (January 2012) and The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

1.1 Inspection outcome

Following the announced enforcement monitoring inspection of Foreglen Community Association on 07 June 2016, a meeting took place on 09 June 2016 in RQIA to discuss the evidence reviewed during the inspection.

The registered person was subsequently invited to attend a meeting on 13 June 2016. As a result of this meeting, a decision was made by RQIA to extend the Failure to Comply Notice relating to policies and procedures and to issue a Notice of Proposal to apply conditions on the registration of Foreglen Community Association.

Additional enforcement action resulted from the findings of this inspection.

1.2 Actions/enforcement taken following the most recent care inspection

Following an unannounced care inspection on 14 April 2016, two Failure to Comply Notices were issued to the registered person with regards to policies and procedures and the recruitment of staff and volunteers employed in the day care setting.

2.0 Service details

Registered organisation/registered person: Foreglen Community Association/Ms Anne Hegarty	Registered manager: Mr William Somerville
Person in charge of the establishment at the time of inspection: Mr William (Norman) Somerville	Date manager registered: 24 July 2009
Number of service users accommodated on day of Inspection: Not examined	Number of registered places: 25

3.0 Methods/processes

Specific methods/processes used in this inspection included the following:

- Discussion with the registered manager
- Discussion with the registered person
- Discussion with one staff member
- Observation of care practices in the main group room
- Evaluation and feedback.

The following records were examined during the inspection:

- Six policies and procedures
- Two files (one staff member and one volunteer)
- Foreglen Community Association's Daily Attendance record
- Recruitment and vetting documentation.

4.0 The inspection

4.1 Review of requirements and recommendations from the most recent inspection dated 14 April 2016

This inspection was to monitor and assess the level of compliance achieved within the two failure to comply notices issued to the registered person of Foreglen Community Association on 25 April 2016.

The requirements and recommendations from the QIP of the inspection of 14 April 2016 were not reviewed as part of this inspection. These matters will be carried forward to the next care inspection of Foreglen Community Association.

4.2 Inspection findings

4.2.1 Failure to Comply Ref: DCS/11005/2016-17/01

The Day Care Setting Regulations (Northern Ireland) 2007

Regulation 13 (1) (a)

Care and welfare of service users - The registered person shall ensure that the day care setting is conducted so as:

(a) to promote and make proper provision for the care and welfare of service users.

FTC Ref: DCS/11005/2016-17/01 - Action required to comply with regulations:

The registered person was required to undertake a review of the policies and procedures in place and to ensure that those policies and procedures outlined in Appendix 2 of the Day Care Settings Minimum Standards are in place and in accordance with statutory requirements and good practice guidance.

The registered person must ensure that there are appropriate arrangements in place to ensure that all staff employed in the day care setting have an awareness of policies and procedures and how to access these.

Action taken by the day care setting

On 07 June 2016 the registered person informed RQIA the Foreglen Community Association had employed a management consultant specifically to review all of the policies and procedures specified in Appendix 2 of the Day Care Settings Minimum Standards. We were advised that forty-eight policies and procedures had been reviewed since the previous care inspection. The six policies and procedures examined during the previous inspection were reviewed again by RQIA:

- Accident (Preventing, Reporting, Recording and Notification)
- Staff Recruitment
- Staff Induction
- Staff Training and Development
- Volunteers
- Whistleblowing.

Review of these policies showed that they were all dated 19 May 2016. Improvements had been made to the quality of content, however they did not specify or make references to the relevant legislation, they were not robust, or in accordance with the Day Care Setting Regulations (Northern Ireland) 2007, Minimum Standards for Day Care Settings and current good practice guidelines. The following issues were noted:

- **Accident** (Preventing, Reporting, Recording and Notification) – this policy was entitled ‘Untoward Incidents’ although it incorporated the management and reporting of accidents. The policy made reference to the ‘senior manager’. There is a registered manager for Foreglen Community Association, however there is no senior manager. The policy provides examples of the different types of accidents and incidents that occur, however did not make reference to all of the matters specified in Regulation 29. It did not detail those accident and untoward incidents that require to be reported to RQIA. An untoward incident was defined as ‘bad behaviour’ or ‘habitual unwelcome physical or verbal action between persons.’ RQIA advises more respectful language should be used and explained that inappropriate behaviour between service users does not have to be habitual for it to be an untoward incident.

A copy of the centre’s template for the recording of accidents and untoward incidents was not included in the policy or procedure. The policy did not include the need to report accidents and untoward incidents to the service user’s relative or representative (where appropriate) or to the service user’s named worker in the respective HSC Trust.

- **Staff Recruitment** – there were no references made to current recruitment legislation or the Day Care Setting Regulations (Northern Ireland) 2007, specifically Regulations 8, 10 and 21 and Schedule 2 or Minimum Standard 20 of The Day Care Settings Minimum Standards (January 2012). The policy did not specify that one of the references should be from the individual’s current or most recent employer.
- **Staff Induction** – there were no references made to the Northern Ireland Social Care Council (NISCC) ‘Standards of Conduct and Practice for Social Care Workers’ (November 2015). The policy was brief and did not contain examples of:
 - the types of matters an induction should include
 - the time frames in which these should be discussed with the new staff member, volunteer etc.
 - induction records should be signed and dated by both a designated person in the centre i.e. registered manager and by the new employee, volunteer etc.
- **Staff Training and Development** – There were no references made to specific regulations in the Day Care Setting Regulations (Northern Ireland) 2007 or the Minimum Standard 21, NISCC Standards of Conduct and Practice for Social Care Workers. The policy specified some of the mandatory training for staff but no examples were given of other relevant training that should be provided for staff based on the needs of service users in Foreglen Community Association and the centre’s Statement of Purpose.

The policy did not state:

- how the day care setting identifies staff training needs
 - the frequency of supervision; appraisal, staff meetings
 - how staff training is evaluated, the importance of same and the quality improvement / cycle of learning
 - the record of training provided to staff.
- **Volunteers** – the policy did not contain pertinent information or make reference to Minimum Standard 24 or links to the day care setting’s recruitment policy, legislation and day care regulations. The centre’s “Volunteer Registration form:”, “Volunteer Handbook and Volunteer Agreement” were not included in the policy.

Information on the induction and training of the volunteer needs to be expanded to include a tour of the centre, fire safety, working with vulnerable service users, expectations regarding training requirements etc. The section on "Problems/Issues Arising" needs to be reviewed. It was confusing regarding the centre’s reporting procedures as the following language was used ‘named contact’ and ‘senior manager’. The policy stated: “report situation to the association’s Board with permission of the volunteer,” and should be reviewed.

- **Whistleblowing** – the policy did not state the Public Interest Disclosure (Northern Ireland) Order 1998, the legislation that informs the policy. The policy should be reviewed to ensure that it clearly reflects the reporting procedures for all types of whistleblowing e.g. about staff or the registered manager. The policy should also include the role of RQIA as a designated body to whom concerns can be reported.

Since the previous care inspection on 14 April 2016, there was no documentation to evidence there had been discussions with staff employed in the day care setting concerning policies and procedures and how to access these. The registered manager and registered person informed RQIA they would be discussing the policies and procedures with staff and volunteers when they were finalised and ratified.

RQIA discussions with one care staff member showed that she was aware policies and procedures are retained in the office and she can access these at any time. An example was given by the staff member of her understanding of the centre’s Safeguarding Vulnerable Adults policy and procedure and the reporting procedures.

Areas for improvement

Following this enforcement monitoring inspection and in accordance with RQIA Enforcement Policy and Procedures, the findings were discussed with senior management and further enforcement action was considered at a meeting held in RQIA on 09 June 2016. As a result of this meeting and the lack of improvements RQIA decided to extend the compliance date of this failure to comply notice up to the maximum timeframe of three months. Compliance must be achieved by 27 July 2016.

4.2.2 Failure to Comply Ref: DCS/11005/2016-17/02

The Day Care Setting Regulations (Northern Ireland) 2007

Regulation 21 (1) (2) (3)

Fitness of workers - The registered person shall not employ a person to work in the day care setting unless —

- (a) the person is fit to work in the day care setting;
- (b) subject to paragraph (3), he has obtained in respect of that person the information and documents specified in Schedule 2;
- (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

(2) The registered person shall not allow a person who is employed by a person (“the employer”) other than the registered person to work in a position where he may have regular contact with service users in the day care setting, unless—

- (a) he is fit to work in the day care setting;
- (b) the employer has obtained in respect of that person the information and documents specified in Schedule 2; and has confirmed in writing to the registered person that he has done so; and
- (c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.

(3) For the purposes of paragraphs (1) and (2), a person is not fit to work at a day care setting unless—

- (a) he is of integrity and good character;
- (b) he has qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;
- (c) he is physically and mentally fit for the purposes of the work he is to perform in the day care setting;
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

FTC Ref: DCS/11005/2016-17/02 - Action required to comply with regulations:

The registered person and registered manager were required to take immediate action to address the matters identified during the unannounced inspection of 14 April 2016.

This included undertaking a review of the fitness of all workers to ensure that all the matters outlined in Regulation 21 (1) (2) (3) and Schedule 2.were addressed. The registered person was also required to ensure there were robust arrangements implemented to ensure compliance with this regulation.

Action taken by the day care setting

Since the previous care inspection of Foreglen Community Association on 14 April 2016, we were informed there have been no new staff or volunteers recruited.

The registered person provided evidence Enhanced Disclosure Access NI checks had been applied for eight individuals (six staff and two volunteers). Seven Enhanced Disclosures Access NI checks had been received; one volunteer 's Enhanced Disclosure Access NI check was outstanding. Assurances were given by the registered person that the identified volunteer would not be working in the centre until the relevant information had been received.

The registered person stated there was only one volunteer working with service users in the centre and a satisfactory Enhanced Disclosure Access N.I check has been received for him/her.

A collective template had been devised by the registered person and discussion took place with the registered person about the confidentiality of information and the need to ensure that individual templates are recorded for each staff member and retained in their personnel file. RQIA advised the template should include a column if the Enhanced Disclosure form was checked for content and to state what it said. With regards to accountability, the registered person was advised this should be signed by either the registered manager or registered person.

Two recruitment files (one staff and one volunteer) were reviewed by RQIA during this inspection. The information in both complied with Minimum Standard 20 (Recruitment of Staff). Copies of the Terms and Conditions for the staff member were included and had been signed by the staff member and registered person. There was a completed Volunteer form in the volunteer's file which stated the person's name, address, contact telephone number, details of their next of kin, the days of the week the volunteer works; their previous volunteer work; if he/she had a driving licence; if he/she had any health problems; qualifications and two references. The registered person informed RQIA of the duration of time the volunteer has been working in the centre.

Foreglen Community Association's Daily Attendance Record was reviewed during this inspection. This record contains information on the names and numbers of service users, the names of staff and volunteers attending on a daily basis.

The record contained the names of three additional volunteers who had not been Access NI checked by the day care setting. This was discussed with the registered person who stated she only became aware of this on 06 June 2016 during a visit to the centre and from a discussion with the registered manager. RQIA expressed concern that following the issue of the Failure to Comply Notice arrangements had not been put in place to check if all volunteers had Enhanced Disclosure Access N.I checks undertaken. This is a continued breach of Regulations 8, 10 and 21 and is a matter of serious concern due to the risk for vulnerable adults in the day care setting.

RQIA continue to be concerned about the effectiveness of the current recruitment; management, governance arrangements and risk management systems in the day centre.

Areas for improvement

Following this enforcement monitoring inspection, a senior management meeting was held at RQIA on 09 June 2016. RQIA issued the registered person with a Notice of Proposal to apply the following conditions to the registration of Foreglen Community Association:

- a) Foreglen Community Association must recruit a manager who has the qualifications, skills and experience necessary for managing the day care setting.
- b) The registered person must ensure suitable arrangements are in place to recruit staff and volunteers and that these arrangements are embedded in practice.
- c) The registered person must ensure that appropriate arrangements are in place to monitor the matters set out in The Day Care Setting Regulations (Northern Ireland) 2007 Schedule 3. The monthly monitoring reports of Foreglen Community Association must be forwarded to RQIA from June–December 2016 inclusive.

The Notice of Proposal was issued on 15 June 2016 because Foreglen Community Association failed to address the breaches of Regulation 21 (1), (2), (3) identified in the Failure to Comply notice issued on 25 April 2016.

The registered person/manager should note that failure to comply with regulations may lead to further enforcement action including possible prosecution for offences. It is the responsibility of the registered person/manager to ensure that all requirements and recommendations contained within the QIP are addressed within the specified timescales.

Matters to be addressed as a result of this inspection are set in the context of the current registration of your premises. The registration is not transferable so that in the event of any future application to alter, extend or to sell the premises the RQIA would apply standards current at the time of that application.

5.0 Quality improvement plan

There were no issues identified during this inspection, and a QIP is neither required, nor included, as part of this inspection report.

It should be noted that this inspection report should not be regarded as a comprehensive review of all strengths and areas for improvement that exist in the service. The findings reported on are those which came to the attention of RQIA during the course of this inspection. The findings contained within this report do not exempt the registered provider from their responsibility for maintaining compliance with the regulations and standards.



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