

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

Name of Registered Establishment or Agency: Bradbury Dental Surgery	FTC Ref: FTC/IHC-DT/11402/2015-16/01
Address of Registered Establishment or Agency: 46 Bradbury Place, Belfast, BT7 1RR	
Name of Registered Person: Mr Robert A McMitchell	Issue Date: 14 October 2015
Regulation not complied with: The Independent Health Care Regulations (Northern Ireland) 2005 Regulation 19 (2) A person is not fit to work in or for the purposes of an establishment, or for the purposes of an agency unless – (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2. SCHEDULE 2 INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON, MANAGE OR WORK AT AN ESTABLISHMENT OR AGENCY (2) Either – (a) Where a certificate is required for a purpose relating to registration under Part 111 of the Order, or the position falls within section 115 (3) or (4) of the Police Act 1997 (a), an enhanced criminal record certificate issued under section 115 of that Act.	
Specific failings to comply with regulations: During the announced inspection on 10 December 2013 it was identified that two staff had commenced employment in Bradbury Dental Surgery without the required AccessNI enhanced disclosure checks having been undertaken. A requirement was made to address this. As a result of this and other regulatory breaches you were invited to attend a serious concerns meeting at the offices of RQIA on Tuesday 17 December 2013. During this meeting the importance of ensuring an AccessNI enhanced disclosure check is in place prior to commencement of employment was discussed with you. You were also informed of your regulatory responsibilities in relation to recruitment of staff as outlined in the legislation. During the announced follow-up inspection on 12 March 2014 it was established	

that the arrangements for obtaining an AccessNI enhanced disclosure check had not been fully implemented and subsequently new and existing staff were continuing to work without the appropriate checks being in place. A requirement to address this breach in legislation was stated for the second time.

During the announced inspection on 7 January 2015 a review of the records and discussion with the registered manager confirmed that four recently employed staff had commenced employment prior to receipt of a satisfactory AccessNI enhanced disclosure check. Given that this requirement had been stated for a second time, enforcement action was considered in discussion with the Head of Programme for Nursing Homes, Independent Health Care and Pharmacy Regulation. It was concluded that enforcement action was not appropriate at that time and subsequently the requirement was stated for the third and final time.

During the announced inspection on 9 October 2015 it was again identified that the most recently employed member of staff had commenced work prior to receipt of a satisfactory AccessNI enhanced disclosure check.

Despite having raised these matters during inspections and during the serious concerns meeting with you on 17 December 2013 RQIA are concerned that the safeguards to protect and minimise risk to patients, during recruitment, are being continuously compromised.

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 mandatory requirements. This includes the receipt of a satisfactory AccessNI enhanced disclosure check prior to commencement of employment
- The registered person must ensure that the staff recruitment policy and procedure contains details of all the required information as listed within Regulation 19 (2) and Schedule 2 of The Independent Health Care Regulations (Northern Ireland) 2005
- The registered person must implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legislation and mandatory requirements
- The registered person must ensure that all staff involved in the recruitment process receive training or refresher training in selection and recruitment
- The registered person must ensure that all staff involved in the recruitment process receive training or refresher training in safeguarding of children and vulnerable adults.

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 receipt of this notice.

Date by which compliance must be achieved is 16 December 2015

Signed.......... **Director of Regulation and Nursing**

This notice is made under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Independent Health Care Regulations (Northern Ireland) (2005)

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.