

**THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY**

**FAILURE TO COMPLY NOTICE**

<p><b>Name of Registered Establishment or Agency:</b></p> <p>Kesh Domiciliary/Supported Living Service</p>	<p><b>FTC Ref:</b></p> <p>FTC/DCA/11274/2016-17/01</p>
<p><b>Address of Registered Establishment or Agency:</b></p> <p>26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX</p>	
<p><b>Name of Registered Person:</b></p> <p>Praxis Care Group</p>	<p><b>Issue Date:</b></p> <p>19 December 2016</p>
<p><b>Regulation not complied with:</b></p> <p>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</p> <p>Regulation 16 (1) (a)</p> <p>16.—(1) Where an agency is acting otherwise than as an employment agency, the registered person shall, having regard to the size of the agency, the statement of purpose and the number and needs of the service users, ensure that—</p> <p>(a) there is at all times an appropriate number of suitably skilled and experienced persons employed for the purposes of the agency;</p>	
<p><b>Specific failings to comply with regulations:</b></p> <p>Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspections, the supply of staff to work with service users was examined. It was noted that for two full days in December 2016, the staffing levels provided fell below the minimum staffing required to provide safe, effective and compassionate care. Additionally, the agency's staffing records did not provide adequate assurances that the numbers and experience of staff being supplied were adequate to meet the assessed needs of the service users. Failure to supply staff in the numbers required places service users and the staff at significant risk. The failure to clearly identify the member(s) of staff responsible for the coordination and management of the service in the absence of the manager also has the potential to place service users and staff at risk.</p> <p>The management response to the staffing shortages was discussed with the registered person at a meeting at RQIA offices on 15 December 2016. The registered person acknowledged that the staffing shortages on these days had not been managed in accordance with the organisation's policies and procedures.</p>	

**Action required to comply with regulations:**

The registered person must ensure that there are at all times an appropriate number of suitably skilled and experienced persons employed for the purposes of the agency.

The registered person must ensure that relevant staff receive training in the agency's procedures for ensuring adequate staffing arrangements are in place, and for escalating instances when this is either potentially or actually compromised.

The registered person must ensure that records maintained by the agency clearly identify the roles and responsibilities of all staff supplied to work with service users.

**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: 16 January 2017**

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 Domiciliary Care Agencies Regulations (Northern Ireland) 2007.**

***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.***

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<b>Name of Registered Establishment or Agency:</b> Kesh Domiciliary/Supported Living Service	<b>FTC Ref:</b> FTC/DCA/11274/2016-17/02
<b>Address of Registered Establishment or Agency:</b> 26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX	
<b>Name of Registered Person:</b> Praxis Care Group	<b>Issue Date:</b> 19 December 2016
<b>Regulation not complied with:</b>  The Domiciliary Care Agencies Regulations (Northern Ireland) 2007  Regulation 16 (5) (a) (b)  (5) Where an agency is acting otherwise than as an employment agency, the registered person shall ensure that— (a) a new domiciliary care worker (“the new worker”) is provided with appropriately structured induction training lasting a minimum of three full working days; and (b) during that induction training— (i) the new worker is not supplied to a service user unless accompanied by another domiciliary care worker who is a suitably qualified and competent person; (ii) a member of staff (“the staff member”) who is suitably qualified and experienced, is appointed to supervise the new worker; (iii) the staff member (or another suitably qualified and competent person if the staff member is unavailable) will always be available to be consulted while the new worker is on duty; and (iv) subject to the consent of the service user, the staff member makes arrangements to observe, on at least one occasion, the new worker carrying out his duties.	
<b>Specific failings to comply with regulations:</b>  Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspections it was noted that staff from other agencies had been supplied by Praxis Care Group to work in the homes of service users. The arrangements in place to ensure that these staff had received an appropriate induction were examined during the inspection and discussed with the acting manager on 9 and 13 December 2016.	

It was noted that on several occasions, members of staff from another agency had been supplied to work unsupervised and alone overnight in the home of a service user prior to their induction being completed. The failure to provide an appropriate induction for a new member of staff working with a service user who requires an intensive staffing provision and behaviour support places the service user and the member of staff at significant risk. There was also an absence of induction records relating to those staff who had been appointed as 'relief team leaders'.

At a meeting at RQIA offices on 15 December 2016 the registered person acknowledged that staff had been supplied to work with a service user prior to having an adequate induction.

**Action required to comply with regulations:**

The registered person must ensure that all staff supplied to work with service users receive an appropriate induction prior to their supply.

The registered person must ensure that staff receive induction in accordance with this regulation and in accordance with Standard 12.1 of the Domiciliary Care Agencies Minimum Standards (2011).

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**Date by which compliance must be achieved:** 16 January 2017

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<b>Address of Registered Establishment or Agency:</b> 26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX	
<b>Name of Registered Person:</b> Praxis Care Group	<b>Issue Date:</b> 19 December 2016
<b>Regulation not complied with:</b>  The Domiciliary Care Agencies Regulations (Northern Ireland) 2007  Regulation 21 (1) (a) (c)  21.—(1) The registered person shall ensure that the records specified in Schedule 4 are maintained, and that they are— (a) kept up to date, in good order and in a secure manner; (c) at all times available for inspection at the agency premises by any person authorized by the Regulation and Improvement Authority.	
<b>Specific failings to comply with regulations:</b>  Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspections it was noted that the staff duty rotas and a range of other information requested by the inspector were not maintained in accordance with regulations. The records did not specify all of the information relating to domiciliary care workers and service users, nor were there records of all training and development of staff. The details of each supply of a domiciliary care worker to a service user were not available, and there was no information available for inspection in relation to the needs and care plans of four service users.  In light of the staffing shortages evidenced during the inspection, and the acting manager's acknowledgement of these on 9 December 2016, it is not possible from the agency's records to ascertain if service user(s) were adequately supported during these times. The absence of this information reduces any assurances about the quality of service provision during these periods.	

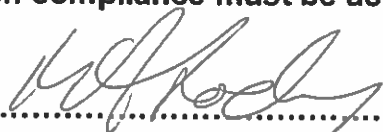
At a meeting at RQIA offices on 15 December 2016, the registered person advised that the records maintained by the agency had been reviewed. However, there was insufficient evidence presented to confirm that all of the records specified in Schedule 4 were available at the agency premises.

**Action required to comply with regulations:**

The registered person must ensure that agency records relating to domiciliary care workers and service users, and to the training and development of staff are maintained in accordance with Regulation 21.

**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.**

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**FAILURE TO COMPLY NOTICE**

<b>Name of Registered Establishment or Agency:</b> Kesh Domiciliary/Supported Living Service	<b>FTC Ref:</b> FTC/DCA/11274/2016-17/04
<b>Address of Registered Establishment or Agency:</b> 26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX	
<b>Name of Registered Person:</b> Praxis Care Group	<b>Issue Date:</b> 19 December 2016
<b>Regulation not complied with:</b>  The Domiciliary Care Agencies Regulations (Northern Ireland) 2007  Regulation 15 (8)  (8) The registered person shall make suitable arrangements, including training, to ensure that domiciliary care workers operate a safe system of working, including in relation to lifting and moving service users and the operation of any special equipment.	
<b>Specific failings to comply with regulations:</b>  Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspections it was noted that the procedures in place to ensure the safety of agency staff had not been adhered to consistently. A Pager/Panic Alarm Issue Control Form was shown to the inspector on 12 December 2016, and this included directions to all staff to sign out/in pagers/alarms at the commencement and at the end of shifts. From these records it was noted that there were gaps ranging from several days to several weeks when the alarms were not being signed out or in. In particular, the records evidenced that alarms had not been signed out or in for nineteen consecutive days in October 2016; seventeen consecutive days in November 2016 and a further twelve days at the end of November and beginning of December 2016. It was particularly concerning to note that inexperienced staff members from other agencies had been supplied to work with a service user unsupervised overnight, in a lone working situation, in the absence of an adequate induction, and without having been issued with a pager/panic alarm.	

The registered person's failure to ensure that workers operate a safe system of working has the potential to place staff and service users at risk.

**Action required to comply with regulations:**

The registered person must ensure that all staff operate a safe system of working and that equipment supplied to staff is maintained and used in accordance with the agency's existing health and safety policies and procedures.

**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: 16 January 2017**

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<b>Address of Registered Establishment or Agency:</b> 26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX	
<b>Name of Registered Person:</b> Praxis Care Group	<b>Issue Date:</b> 19 December 2016
<b>Regulation not complied with:</b> The Domiciliary Care Agencies Regulations (Northern Ireland) 2007 Regulation 23 (1) (4) 23.—(1) The registered person shall establish and maintain a system for evaluating the quality of the services which the agency arranges to be provided. (4) The report shall also contain details of the measures that the registered person considers it necessary to take in order to improve the quality and delivery of the services which the agency arranges to be provided.	
<b>Specific failings to comply with regulations:</b> Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspection of 12 December 2016, the inspector requested the reports of quality monitoring undertaken either by or on behalf of the registered person. Several reports were examined, and reflected an assessment of the quality of service provision across the whole service. The reports of quality monitoring undertaken in January, March, June, August and November 2016 were not available for inspection, and it was not clear whether any monitoring of the service provision had been undertaken during these periods. A report of quality monitoring completed in October 2016 was examined, and included references to a missing induction record; a disorganized agency staff file and staff shortages being managed by the manager.  It was not clear from the reports examined what actions were being taken by the agency to address the matters that were identified during the inspections by RQIA.	

At a meeting at RQIA offices on 15 December 2016, the registered person advised that three of the missing quality monitoring reports had been located, and that two reports remain missing. The reports of quality monitoring undertaken in June, August and November 2016 were passed to RQIA during the meeting. The registered person acknowledged that quality monitoring undertaken on his behalf had failed to identify a range of quality issues, and highlighted a number of areas for improvement to be made to the system of quality monitoring.

The registered person's failure to establish and maintain an effective system for evaluating the quality of services provided has the potential to impact on the delivery of safe, effective and compassionate care.

**Action required to comply with regulations:**

The registered person must ensure that quality monitoring is undertaken in accordance with this regulation and Standard 8.11 of the Domiciliary Care Agencies Minimum Standards (2011).

The registered person must ensure that areas for quality improvement are identified in a timely manner, and that appropriate actions are taken to deliver quality improvements.

In accordance with Regulation 23 (2) (3), the registered person must forward to RQIA reports of quality monitoring undertaken on a monthly basis until further notice.

**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.**

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<b>Address of Registered Establishment or Agency:</b> 26 Pettigo Road Letterkeen Kesh Fermanagh BT39 1QX	
<b>Name of Registered Person:</b> Praxis Care Group	<b>Issue Date:</b> 16 December 2016
<b>Regulation not complied with:</b> The Domiciliary Care Agencies Regulations (Northern Ireland) 2007 Regulation 13 13. The registered person shall ensure that no domiciliary care worker is supplied by the agency unless— (a) he is of integrity and good character; (b) he has the experience and skills necessary for the work that he is to perform; (c) he is physically and mentally fit for the purposes of the work which he is to perform; and (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 3.	
<b>Specific failings to comply with regulations:</b> Unannounced inspections of the agency were undertaken on 8 and 12 December 2016. During the inspection of 12 December 2016, the inspector requested the information relating to the fitness of the staff members that had been supplied by Praxis Care Group from another agency to work with a particular service user. These records were not available, and a relief team leader, when prompted by the inspector, contacted the employment agency and successfully obtained some information relating to the fitness of four workers who had been supplied. It was noted that this information was not in accordance with that outlined in Regulation 13, Schedule 3.  At a meeting at RQIA offices on 15 December 2016 the registered person acknowledged that not all of the required information relating to the fitness of domiciliary care workers had been obtained prior to their supply to a service user.	

The registered person's failure to obtain assurances about the fitness of staff supplied to work with service users has the potential to place service users at risk. This is particularly concerning as these staff members had been supplied to work unsupervised in a lone working situation overnight with a vulnerable service user.

**Action required to comply with regulations:**

The registered person is required to develop a robust system to ensure that no domiciliary care worker is supplied by the agency unless full and satisfactory information is available in relation to him.

The registered person is required to complete an audit of all existing domiciliary care workers' pre-employment records to identify any gaps in documentation or information obtained.

The registered person is required to retrospectively obtain full information in respect of all existing domiciliary care workers, or demonstrate that they have made all reasonable efforts to obtain full information as detailed within Regulation 13 Schedule 3 of the Domiciliary Care Agencies Regulations (Northern Ireland) 2007.

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