

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

RQIA Enforcement: Notice of Decision for publication on RQIA Website, 20 September 2021

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| Name of Registered Establishment or Agency: The Court Care Home (RQIA ID: 1451) | Name of Registered Person or Applicant: Model Group (NI) Ltd |
| Address of Registered Establishment : The Court Care Home 1a Queens Avenue, Ballymoney, BT53 6DF | |
| Issue Date: 15 September 2021 | NOD Ref: NOD000058 |
| <p>The Regulation and Quality Improvement Authority gives notice of a decision to Cancel the Registration of Model Group (NI) Limited (the Registered Provider) in accordance with Article 18 (4) (a) and Article 18 (6) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (2003 Order) in respect of:</p> <p>The Court Care Home (RQIA ID: 1451) 1a Queens Avenue, Ballymoney, BT53 6DF</p> <p>The relevant parts of the Order applicable to this Notice are as follows:</p> <p><i>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003</i></p> <p><i>Cancellation of registration</i></p> <p><i>15.—(1) The Regulation and Improvement Authority may at any time cancel the registration of a person in respect of an establishment or agency—</i></p> <p><i>(c) on the ground that the establishment or agency is being, or has at any time been, carried on otherwise than in accordance with the relevant requirements;</i></p> <p><i>(d) on any ground specified by regulations.</i></p> <p><i>(3) In this Article “relevant requirements” means—</i></p> <p><i>(a) any requirements or conditions imposed by or under this Part; and</i></p> <p><i>(b) the requirements of any other statutory provision which appear to the Regulation and Improvement Authority to be relevant.</i></p> | |

Notice of Proposals

18 (4) Except where it makes an application under Article 21, the Regulation and Improvement Authority shall give any person registered in respect of an establishment or agency notice of a proposal –

(a) to cancel the registration (otherwise than in accordance with an application under Article 16(1)(b));

(6) A notice under this Article shall give the Regulation and Improvement Authority's reasons for its proposal.

False statements in applications

27.—(1) Any person who, in an application for registration under this Part or for the variation of any condition in force in relation to his registration, knowingly makes a statement which is false or misleading in a material respect shall be guilty of an offence.

(2) A person guilty of an offence under this Article shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

The relevant parts of the “relevant requirements” applicable to this Notice are as follows:

The Nursing Homes Regulations (Northern Ireland) 2005

PART II REGISTERED PERSONS

Fitness of registered provider

7.—(1) A person shall not carry on a nursing home unless he is fit to do so.

(2) A person is not fit to carry on a nursing home unless the person –

(a) is an individual who carries on the nursing home –

(i) otherwise than in partnership with others, and he satisfies the requirements set out in paragraph (3);

(ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);

(b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);

(c) is an organisation; and

(i) the organisation has given notice to the Regulation and Improvement Authority of the name, address and position in the organisation of an individual who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the nursing home; and

(ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that –

(a) he is of integrity and good character; and

(b) he is physically and mentally fit to carry on the nursing home; and

(c) full and satisfactory information is available in relation to him in respect of the matters specified in paragraphs 1 to 7 of Schedule 2.

Registered person: general requirements

10.—(1) *The registered provider and the registered manager shall, having regard to the size of the nursing home, the statement of purpose, and the number and needs of the patients, carry on or manage the nursing home (as the case may be) with sufficient care, competence and skill.*

(2) If the registered provider is –

(a) an individual, he shall undertake;

(b) an organisation, it shall ensure that the responsible individual undertakes;

(c) a partnership, it shall ensure that one of the partners undertakes;

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the nursing home.

(3) *The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the nursing home.*

Financial Position

28.—(1) *The registered provider shall carry on the nursing home in such a manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.*

Notice of changes

32. *The registered person shall give notice in writing to the Regulation and Improvement Authority as soon as it is practicable to do so, if any of the following events takes place or is proposed to take place –*

(a) a person other than the registered person carries on or manages the nursing home;

(b) a person ceases to carry on or manage the nursing home;

(c) where the registered person is an individual, he changes his name;

(d) where the registered provider is a partnership, there is any change in the membership of the partnership;

(e) where the registered provider is an organisation –

(i) the name or address of the organisation is changed;

(ii) there is any change of director, manager, secretary or other similar officer of the organisation;

(iii) there is to be any change of responsible individual;

(f) where the registered provider is an individual, a trustee in bankruptcy is appointed;

(g) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or

(h) the premises of the nursing home are significantly altered or extended, or additional premises are acquired.

The reasons for serving this Notice of Decision are:

The Model Group (NI) Ltd applied to RQIA on 19 October 2020 to register The Court Care Home. This was granted on 18 January 2021.

RQIA was notified on 12 May 2021 that the Responsible Individual (RI) for the service was no longer in position and an acting RI was in position pending a new application for registration in respect of the Court Care Home (Ireland) Ltd. This application was received by RQIA on 26 May 2021.

RQIA became aware of issues with the registration of The Court Care Home when the application for registration was being assessed in respect of the new provider applicant, The Court Care Home (Ireland) Ltd.

The current registered provider raised concerns with RQIA by way of email and in a meeting on 19 July 2021, raising issues relating to the proposed new applicant's RI and the financial arrangements underpinning the new application, specifically referring to a scheme known as 'invest in rooms'.

Searches conducted by RQIA have revealed that a number of commercial transactions were completed in respect of this home dating back to March 2020, with the intention that it would be carried on under the ownership and management of Court Care Home (Ireland) Ltd.

Given the issues surrounding the ownership of this home it has become apparent that the current registered provider has not been in full control of the home since January 2021. This has resulted in difficulties with regard to recruitment and retention of staff and uncertainty in respect of the responsibility of the running costs of the home, not only of staff wages, but agency and supplier costs. RQIA believes that this has affected the financial viability of the home.

An internet search verified that rooms in the home were being offered to individual investors. Further, from a review of Land Registry records it is apparent that individual leases have been granted in respect of various rooms to these investors. The current registered provider has failed to bring this financial approach to the attention of RQIA in a timely manner.

RQIA registered Model Group (NI) Ltd based on the information submitted in support of the application. A declaration was signed by the then RI confirming, on behalf of Model Group (NI) Ltd, that all information in respect of the application was, to the best of their knowledge and belief, correct and complete.

Furthermore, they confirmed by signature that they were aware of their responsibility to inform RQIA of any information that would be relevant to the application and to update us accordingly.

It has become apparent during the course of this process that the application made in October 2020 provided incorrect and misleading information in respect of the Organisation seeking to be registered in respect of The Court Care Home. The application was made in respect of Model Group (NI) Ltd. In addition, RQIA was not informed in a timely manner of any issues in relation to the registration.

The failure to register correctly has materially affected the ability of Model Group (NI) Ltd to operate The Court Care Home. RQIA therefore, intend to cancel this registration, which will potentially have a profound impact on the residents living in The Court Care Home.

RQIA has significant concerns that Model Group (NI) Ltd is not in meaningful operational control of the home. RQIA has concerns about the ongoing financial viability of the home and its ability to continue to achieve the outcomes as set out in the statement of purpose.

In recent meetings and discussions it has been repeatedly stated by the Registered Provider that the current financial situation in the Home is unsustainable. RQIA therefore cannot be assured of the home's financial viability going forward.

Furthermore, RQIA has not been notified of changes which it believes have taken place since October 2020, such as, a person other than the Registered Provider carrying on or managing the Home or where the Registered Provider is an organisation, any change of a director, manager, secretary or other similar officer of the Organisation in accordance with Regulation 32 of the Nursing Home Regulations (Northern Ireland) 2005.

RQIA discussed with the current registered provider the intention of RQIA to propose to cancel this registration. RQIA has not been sufficiently satisfied in respect of the concerns raised or issues identified to withdraw the proposal to cancel the registration of Model Group (NI) Limited (the Registered Provider) in respect of The Court Care Home, Ballymoney.

Under Article 22 of the 2003 Order the Registered Person/Applicant may, within 28 days of the service of this notice, make an appeal to the Care Tribunal concerning any matter which that person wishes to dispute.

This notice is served under Article 20 of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

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.