

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

Name of Registered Agency: Potens Domiciliary Care Agency (RQIA ID: 11279)	Name of Registered Person: Miss Nicki Stadames
Address of Registered Agency: 8 Creamery Road, Main Street, Derrygonnelly, BT93 7FZ	
Issue Date: 14 August 2020	FTC Ref: FTC000107
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> <i>Regulation 11(1).—</i> <i>The registered providers and the registered manager shall, having regard to the size of the agency, the statement of purpose and the number and needs of the service users, carry on or (as the case may be) manage the agency with sufficient care, competence and skill.</i>	
Specific failings to comply with regulations: During the care inspection of 3 and 4 August 2020, concerns were identified regarding the governance and management oversight of the agency. The service has had a number of changes of manager in the last year. In the months prior to the inspection, the acting manager and area manager had been based in England due to the Covid-19 pandemic and did not have robust oversight of the day-to-day running of the agency. There was a lack of robust systems to regularly review the quality of care and other services provided by the agency. This included, but is not limited to, the oversight and management of infection prevention and control measures, recording and reporting of accidents and incidents, quality of record keeping, management of adult safeguarding concerns, staff appraisal, staff competency and capability assessments, staff training and monthly quality monitoring reports. Given the deficits in governance systems, RQIA lacks assurance that safe and effective care is being delivered to service users. During interviews with service users it was reported that a member of staff did not wear a mask in the service, in line with current Covid-19 guidance. During an interview with the staff member they confirmed to the inspectors that they did not wear a mask. The inspectors discussed this matter with the service manager and service co-ordinator and they were unaware of the matter. This raises concerns that there is	

inadequate oversight of the service by the management. Other staff members had also not recognised that this is a serious breach of infection prevention and control procedures that should be escalated to management.

Review of accident and incident records identified that they were not recorded, reported and actioned appropriately. Review of elements of two care records and accident and incident records identified that these records were not accurate or up to date and did not contain clear evidence of contact between the agency and Health and Social Care Trust representatives, other agencies or with the service user's representative (where appropriate). The agency had recorded eight accidents or incidents. On review of information provided by the behaviour support specialist it was noted that there had been 33 incidents relating to one service user. The details in relation to a number of accident and incidents contained insufficient detail. The date, time, persons spoken with and action taken was not always recorded. This means that any review of accidents and incidents to ensure that they were managed appropriately could not be fully completed and any learning could not be identified to prevent a recurrence.

It was difficult to follow the timeline of events surrounding one service user's deteriorating health due to a lack of detail in the daily records.

RQIA were not notified in accordance with Regulation 15 (12) (b) (i) of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007 of an incident that had been reported to the Police.

Through consultation with representatives of the Western Health and Social Care Trust and review of adult safeguarding records and accident and incident records, it was noted that three adult safeguarding referrals were not made to the appropriate Health and Social Care Trust representatives in a timely manner. The management team gave an assurance that all staff had been trained in adult safeguarding procedures; therefore this raised concerns as to the reason the policies and procedures had not been followed if the staff had fully understood the training and were competent in managing safeguarding concerns. There was a lack of clarity regarding the identity of the adult safeguarding champion.

Annual staff appraisal for all staff had not been completed in accordance with Regulation 16 (2) (a) of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007.

A competency and capability assessment for staff who were left in charge of the agency in the absence of the manager had not been undertaken.

Review of staff training records and additional training information identified a number of staff had not attended training in recruitment and selection, staff supervision and behaviours which challenge. Staff must be fully trained and assessed as competent in all areas appropriate to their roles and responsibilities to ensure that service users' needs can be fully met.

The monthly quality monitoring visits completed in accordance with Regulation 23 of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007 were not

effective in reviewing the quality of the service delivered and driving the required improvements.

The failure to ensure the appropriate processes are implemented has the potential to place service users at risk of harm.

Action required to comply with regulations:

The registered person must ensure that:

- robust management structures are in place;
- all staff adhere to current regional Covid-19 guidance;
- monitoring system in relation to ongoing staff practice regarding infection prevention and control and personal protective equipment is implemented;
- systems are in place to ensure that accident and incidents are recorded, reported and actioned appropriately;
- accidents and incidents are audited on a monthly basis to identify any trends, patterns and learning;
- RQIA are notified of any event occurring in the agency in accordance with Regulation 15 (12) (b) (i) of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007;
- all records are clear, accurate and up to date;
- adult safeguarding concerns are reported to the appropriate Health and Social Care Trust representatives in a timely manner;
- all staff have the appropriate adult safeguarding training, competency assessment and the adult safeguarding champion is clearly identified;
- staff appraisal is implemented in accordance with Regulation 16 (2) (a) of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007;
- a competency and capability assessment must be undertaken for any member of staff left in charge of the agency in the absence of the manager;
- staff are provided with training appropriate to their roles and responsibilities in relation to recruitment and selection, staff supervision and behaviours which challenge and ensure training is fully embedded into practice;
- quality monitoring reports are completed in accordance Regulation 23 of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007 and review the quality of service delivered and drive the required improvement; and
- quality monitoring reports are submitted to RQIA on a monthly basis, until further notice. They should be with RQIA no later than five days after the last day of the month.

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: 28 September 2020

Signed..........
Deputy Director of Assurance

This notice is served 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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Address of Registered Agency: 8 Creamery Road, Main Street, Derrygonnelly, BT93 7FZ	
Issue Date: 14 August 2020	FTC Ref: FTC000108
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> <i>Regulation 13</i> <i>The registered manager shall ensure that no domiciliary care worker is supplied by the agency unless –</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 care inspection of 3 and 4 August 2020, concerns were identified regarding staff recruitment. The inspectors reviewed four recruitment records. The inspectors noted that one member of staff commenced employment two months prior to their AccessNI check being received by the agency. The AccessNI Enhanced Disclosure was received on 31 July 2020. Two staff members that undertake staff recruitment were not trained in recruitment and selection. The process for the recruitment of staff was inadequate and there was insufficient evidence of robust recruitment practices. RQIA are concerned that if recruitment processes are not robust, service users' may be at risk of harm from persons who would not be suitable to provide care to them.	
Action required to comply with regulations: The registered person must ensure that: <ul style="list-style-type: none">• at all times, staff are recruited and employed in accordance with statutory legalisation and mandatory requirements. This includes the receipt of a	

satisfactory AccessNI Enhanced Disclosure check prior to the commencement of employment and full and satisfactory information is available in relation to them in respect of each of the matters specified in Schedule 3 of The Domiciliary Care Agencies Regulations (Northern Ireland) 2007. Records must be kept of all documentation relating to the recruitment process;

- implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legalisation and mandatory requirements; and
- all staff involved in the recruitment process receive training or refresher training in recruitment and selection and a record of this training is maintained.

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: 28 September 2020

Signed.......... DR. JUNE - ANNE WATSON
Deputy Director of Assurance

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Address of Registered Agency: 8 Creamery Road, Main Street, Derrygonnelly, BT93 7FZ	
Issue Date: 14 August 2020	FTC Ref: FTC000109
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> <i>Regulation 15(2)</i> <i>The registered person shall, after consultation with the service user, or if consultation with the service user is not practicable, after consultation with the service user's representative, prepare or ensure that a written plan ("the service user plan") is prepared which shall -</i> <i>(a) be consistent with any plan for the care of the service user prepared by any Health and Social Services Trust or Health and Social Services Board or other person with responsibility for commissioning personal social services for service users.</i>	
Specific failings to comply with regulations: During the care inspection of 3 and 4 August 2020, concerns were identified regarding care records. The inspectors reviewed elements of three care records. The inspectors were aware of an adult safeguarding referral made to the Western Health and Social Care Trust (WHSCT) on 9 July 2020. The inspectors had been advised by the agency of the outcome/recommendations made by the safeguarding team, prior to the inspection. On review of the service user's file the inspectors could not evidence that care and support plans were updated to reflect the discussions that were had with the safeguarding team. Poor care planning and guidance for staff increases the risk to service users who may not experience care safely nor in the manner that effectively meets their individual needs and preferences.	
Action required to comply with regulations: The registered person must ensure that:	

- all service users have up to date care and support plans in place to direct staff in the delivery of care and support;
- a system is in place to audit care records to ensure that these are accurate, up to date and matters or concerns regarding the health and well-being of the service user is reported appropriately; and
- there is a clear action plan where deficits are identified through the audit process, to ensure the necessary improvements are made.

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: 28 September 2020

Signed..........**DR. JULIE ANN WAINMAN**.....**Deputy Director of Assurance**

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