

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

Name of Registered Agency: Top Class Healthcare (RQIA ID: 020437)	Name of Registered Person: Ms Acknowledge Ngwena
Address of Registered Agency: 1a Bridge Street, Kilkeel, Newry, BT34 4AD	
Issue Date: 15 June 2020	FTC Ref: FTC000096
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> Regulation 11(1).— <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: <p>During the inspection undertaken on 1 June 2020, the inspectors identified deficits in the oversight, monitoring and governance arrangements in the agency.</p> <p>The process for the management of complaints was inadequate and failed to ensure that complaints were dealt with effectively. Discussion with the Registered Person and two relatives confirmed a number of complaints had been made however there were no records of these complaints maintained within the agency. The inspectors were not provided with any evidence or assurance of how these complaints were managed, what action was taken and if the complainant was satisfied with the outcome.</p> <p>The governance systems including 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.</p> <p>The process for the recruitment of staff was inadequate and there was insufficient evidence of robust recruitment practices.</p> <p>The process for the management of records was inadequate and raised concerns in relation to the storage and retrieval of confidential records.</p>	

There was limited assurance that the Registered Person was aware of the failings of the operation and management of the agency as there did not appear to be any oversight in relation to the recruitment process, management of complaints or management of records. This 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 a record of all complaints is held in the agency and include details of all communication with complainants, the result of any investigations, the action taken, whether or not the complainant is satisfied and how this level of satisfaction was determined.

The Registered Person must ensure that the monthly quality monitoring reports are completed in accordance with regulations, contain clear, time-bound action plans, detailing all areas of improvement required and ensure all actions are addressed in a timely manner.

The Registered Person must implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legalisation and regulations and standards.

The Registered Person must ensure all records are maintained and stored in line with statutory legalisation and the General Data Protection Regulation (GDPR).

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: 27 July 2020

Signed...............**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

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Issue Date: 15 June 2020	FTC Ref: FTC000097
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> <i>Regulation 13(a) and (d)</i> <i>The registered manager shall ensure that no domiciliary care worker is supplied by the agency unless –</i> <i>(a) he is of integrity and good character;</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 inspection undertaken on 1 June 2020, the agency's arrangements for the recruitment of staff were examined. There was insufficient evidence of robust recruitment practices. The inspectors reviewed six recruitment files and partially reviewed a further three. Upon reviewing these files, there were significant failings in respect of the recruitment process. There were gaps in employment for five staff members and the organisation requested employment background for a five year period, this does not meet the criteria specified in Schedule 3, where a full employment history is required. Three members of staff commenced employment prior to their AccessNI check being completed and one AccessNI check was not applied for in relation to another member of staff. The inspectors did not observe induction records for four members of staff, nor any interview notes completed or reviewed by the registered person. There were also concerns in relation to the references. It was noted that the previous employer was not contacted for a reference for three members of staff and two members of staff commenced employment prior to their references being received.	

This raises significant concern that the relevant pre-employment checks were not completed prior to these members of staff providing care and support to vulnerable service users, which could potentially place them at risk of harm.

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 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. Records must be kept of all documentation relating to the recruitment process.

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 undertake a formal structured induction lasting a minimum of three full working days and records are maintained in this regard.

The Registered Person must ensure that all staff involved in the recruitment process receive training or refresher training in recruitment and selection and a record maintained.

The Registered Person must ensure that an audit is undertaken of staff recruitment records to ensure that any identified shortfalls are addressed in accordance with this regulation, the minimum standards and the agency's policies and procedures.

A weekly action plan to be submitted to RQIA detailing the Registered Person's actions to ensure compliance.

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.

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THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

Name of Registered Agency: Top Class Healthcare (RQIA ID: 020347)	Name of Registered Person: Ms Acknowledge Ngwena
Address of Registered Agency: 1a Bridge Street, Kilkeel, Newry, BT34 4AD	
Issue Date: 15 June 2020	FTC Ref: FTC000098
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> Regulation 14(a), (b), (d) and (e) <i>Where the agency is acting otherwise than as an employment agency, the registered person shall make suitable arrangements to ensure that the agency is conducted, and the prescribed services arranged by the agency, are provided-</i> <i>(a) so as to ensure the safety and well-being of service users;</i> <i>(b) so as to safeguard service users against abuse or neglect;</i> <i>(d) so as to ensure the safety and security of service users' property, including their homes;</i> <i>(e) in a manner which respects the privacy, dignity and wishes of service users, and the confidentiality of information relating to them;</i>	
Specific failings to comply with regulations: Concerns were raised by a whistleblower on 22 May 2020 via RQIA's duty system and an unannounced inspection was undertaken to the service on 1 June 2020. The concerns raised related to the registered person/registered manager not attending calls as a second carer and requesting family members to undertake care, moving and handling care and support tasks. This was substantiated upon reviewing the duty roster as well as through discussion with service users' relatives. Through consultation with the Southern Health and Social Care Trust (SHSCT) it was noted there was an issue of falsification of records as it was alleged that another care worker signed the daily logs despite not being in attendance for the care call and a further concern that pages were ripped out of a service user's daily log book. This raises concern in relation to the safety of the care of the service users as there is a potential risk of harm if two care workers are not attending to their assessed needs.	

Further concern was raised regarding a care worker who was transported to care calls by her partner and on at least one occasion with a third party in the vehicle. It also came to light during inspection that another person working in the service was also transporting a care worker to and from service users' homes. Background checks have not been completed on any of these individuals which presents as a potential risk to vulnerable service users. This is a breach of confidentiality as well as a breach of the service users' human right to privacy. The registered person was aware of this however did provide any explanation or rationale for this practice and did not appear to understand the risk this posed to the service users when discussed during the inspection.

It was also raised that a particular care worker would present as significantly tired during care calls, after working a long day, a night sit and a further care call the following morning. It was also reported that another care worker disclosed they worked seven long days for a couple of months without a break. This raises concern as to the safety of the care being provided to the service users.

There was limited assurance from the registered person that she was aware of these practices nor assurance given in relation to her understanding of the risk of safety of the service users as well as the breach of confidentiality and the human rights of the service users.

Action required to comply with regulations:

- The Registered Person is to ensure that all calls to the service users are in accordance with their care plans and assessed needs.
- The Registered Person must undertake audits of the service users' daily logs to ensure all records are completed appropriately and maintained.
- The Registered Person is to ensure that no one transports a care worker to a service user's home without a satisfactory Access NI check being obtained and that person is an employee of the organisation.
- The Registered Person is to ensure the care workers get an appropriate period of rest between shifts to ensure safe and effective care is being provided to the service users.
- A weekly action plan to be submitted to RQIA detailing the Registered Person's actions to ensure compliance.

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: 27 July 2020

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Address of Registered Agency: 1a Bridge Street, Kilkeel, Newry, BT34 4AD	
Issue Date: 15 June 2020	FTC Ref: FTC000099
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> Regulation 21 1(a) and (c) <i>The registered person shall ensure that the records specified in Schedule 4 are maintained, and that they are-</i> <i>(a) kept up to date, in good order and in a secure manner;</i> <i>(c) at all times available for inspection at the agency premises by any person authorized by the Regulation and Improvement Authority.</i>	
Specific failings to comply with regulations: <p>Following concerns raised by a whistleblower, an unannounced inspection was undertaken to Top Class Healthcare on 1 June 2020.</p> <p>There were a number of documents not available for review following request by the inspectors. Concerns were raised in relation to the location of one care file as it was not provided to the inspectors and could not be located during the 7 hour inspection. This raised significant concern as to the storage of confidential information. This file was subsequently retrieved the following day as advised to the inspectors.</p> <p>The inspectors requested the daily logs for service users for review however these were not provided. Following the inspection and upon consultation with the Southern Health and Social Care Trust, concerns were raised as to the falsification of records by daily logs being signed by a second care worker who did not attend the care call. There was also a concern that pages were ripped out of care records as raised by a relative of a service user.</p> <p>From consultations with service users' relatives, it became evident that complaints had been made to the registered person; however there was no written record of these matters or actions taken to review the matters. This raises concern as to the management of complaints by the registered person.</p>	

There was limited assurance provided by the registered person during inspection that any complaint had been managed appropriately and feedback provided to the complainants.

Action required to comply with regulations:

- The Registered Person must ensure that all records are available for review by RQIA in accordance with regulations.
- The Registered Person must ensure that all confidential information in relation to service users and staff are stored securely within the premises and no unauthorised access to these documents should be given.
- The Registered Person must undertake audits of the service users' daily logs to ensure all records are completed appropriately and maintained.
- The Registered Person is to ensure that a record of all complaints is held in the agency and include details of the management of the complaint and feedback provided to the complainant.
- A weekly action plan to be submitted to RQIA detailing the Registered Person's actions to ensure compliance.

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.

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Issue Date: 15 June 2020	FTC Ref: FTC000100
Regulation not complied with: <i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i> Regulation 23 1, 2(a) and (b) i and ii, (c), 3, 4, 5 (1) The registered person shall establish and maintain a system for evaluating the quality of the services which the agency arranges to be provided. (2) At the request of the Regulation and Improvement Authority, the registered person shall supply to it a report, based upon the system referred to in paragraph (1), which describes the extent to which, in the reasonable opinion of the registered person, the agency- (a) arranges the provision of good quality services for service users; (b) takes the views of service users and their representatives into account in deciding- (i) what services to offer to them, and (ii) the manner in which such services are to be provided; and (c) has responded to recommendations made or requirements made imposed by the Regulation and Improvement Authority in relation to the agency over the period specified in the request. (3) The report referred to in paragraph (2) shall be supplied to the Regulation and Improvement Authority within one month of the receipt by the agency of the request referred to in that paragraph, and in the form and manner required by the Regulation and Improvement Authority. (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. (5) The system referred to in paragraph (1) shall provide for consultation with service users and their representatives.	

Specific failings to comply with regulations:

During an unannounced inspection undertaken on 1 June 2020 the agency's arrangements for evaluating the quality of the services provided were examined. Monthly quality monitoring reports were not completed in accordance with regulations to reflect the quality of the services provided. There was no evidence that service users, relatives or visiting professionals' views had been sought. There was no evidence that the areas for improvement previously required by RQIA at the pre-registration inspection had been reviewed. Failure to effectively evaluate the provision of good quality services has the potential to place service users and staff at risk or harm.

Action required to comply with regulations:

- The Registered Person must identify an external person to undertake the quality monitoring visits.
- The Registered Person should ensure that the person identified has the knowledge and skills to undertake the visits.
- The person identified should include in their report any areas for improvement in the RQIA quality improvement plan.
- The person with the responsibility of undertaking the monthly quality monitoring visits must specifically review the recruitment process and associated records.
- The Registered Person must ensure that there is follow up action taken in respect of areas for improvement identified in previous monthly quality monitoring reports.
- The Registered Person must ensure that the monthly quality reports are submitted to RQIA on a monthly basis, until further notice. This should be with RQIA no later than 5 days after the last day of the month.

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