

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

NOTICE OF PROPOSAL

<b>Name of Registered Establishment:</b> Valley Nursing Home (RQIA ID: 1502)	<b>Name of Registered Person:</b> Mr Paul Warren-Gray
<b>Address of Registered Establishment:</b> 8 Tullybroom Road, Clogher, BT76 0UW	
<b>Issue Date:</b> 27 December 2019	<b>NOP Ref:</b> NOP000023
<p><b>The Regulation and Quality Improvement Authority gives notice of a proposal to cancel registration of you, Mr Paul Warren-Gray, as the responsible individual for the Valley Nursing Home (MPS Ltd.) in respect of Valley Nursing Home (the home), Clogher.</b></p> <p>The relevant parts of the Order and Regulations are as follows:</p> <p><b>The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003,</b></p> <p>Article 15.—(1) The Regulation and Improvement Authority may at any time cancel the registration of a person in respect of an establishment or agency—</p> <p>(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;</p> <p>and;</p> <p><b>The Nursing Homes Regulations (Northern Ireland) 2005,</b></p> <p><b>Registered person: general requirements</b></p> <p><b>Regulation 10.—</b></p> <p>(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.</p> <p><b>Requirements to ensure quality of nursing and other service provision</b></p> <p><b>Regulation 12.—</b></p> <p>(1) The registered person shall provide treatment, and any other services to patients in</p>	

accordance with the statement of purpose, and shall ensure that the treatment and other services provided to each patient –

- (a) meet his individual needs;
  - (b) reflect current best practice
- (2) The registered person shall ensure that all aids and equipment used in or for the purpose of the nursing home is –
- (a) suitable for the purposes for which it is to be used; and
  - (b) properly maintained and in good working order.
- (4) The registered person shall ensure that food and fluids –
- (a) are provided in adequate quantities and at appropriate intervals;
  - (b) are properly prepared, wholesome and nutritious and meets their nutritional requirements;
  - (c) are suitable for the needs of patients;
  - (d) provide choice for the patients; and
  - (e) that the menu is varied at suitable intervals.

### **Health and Welfare of patients**

#### **Regulation 13.—**

(1) *The registered person shall ensure that the nursing home is conducted so as –*

- (a) to promote and make proper provision for the nursing, health and welfare of patients;
- (b) to make proper provision for the nursing and where appropriate, treatment and supervision of patients.

(7) The registered person shall make suitable arrangements to minimise the risk of infection and toxic conditions and the spread of infection between patients and staff.

(8) The registered person shall make suitable arrangements to ensure that the nursing home is conducted –

- (a) in a manner which respects the privacy and dignity of patients;

### **Further requirements as to health and welfare**

#### **Regulation 14.—**

(2) The registered person shall ensure as far as reasonably practicable that –

(a) all parts of the home to which patients have access are free from hazards to their safety;

(b) any activities in which patients participate are free from avoidable risks; and

(c) unnecessary risks to the health or safety of patients are identified and so far as possible eliminated; and

(d) shall make suitable arrangements for the training of persons employed in first aid.

(3) The registered person shall make suitable arrangements to provide a safe system for moving and handling patients.

(4) The registered person shall make arrangements, by training staff or by other measures, to prevent patients being harmed or suffering abuse or being placed at risk of harm or abuse.

## **Assessment of patients**

### **Regulation 15.—**

- (2) The registered person shall ensure that the assessment of the patient's needs is –
- (a) kept under review; and
  - (b) revised at any time when it is necessary to do so having regard to any change of circumstances and in any case not less than annually.

## **Patient's plan**

### **Regulation 16.—**

- (1) The registered person shall ensure that a written nursing plan is prepared by a nurse in consultation with the patient or patient's representative as to how the patient's needs in respect of his health and welfare are to be met.
- (2) The registered person shall ensure that –
- (b) the patient's plan is kept under review;
  - (c) where appropriate and, unless it is impracticable to carry out such consultation, after consultation with the patient or a representative of his, revise the patient's plan; and
  - (d) notify the patient of any such revision.

## **Review of quality of nursing and other service provision**

### **Regulation 17. —**

- (1) The registered person shall introduce and ensure systems are maintained for reviewing at appropriate intervals the quality of nursing and other service provision in or for the purposes of the nursing home and that any such review is undertaken not less than annually.*

## **Facilities and services**

### **Regulation 18. —**

- (1) Subject to regulation 3(3), the registered person shall provide facilities and services to patients in accordance with the statement of purpose required by Regulation 3(1)(b) in respect of the nursing home.
- (c) provide in rooms occupied by patients adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of patients and screens where necessary;

## **Staffing**

### **Regulation 20.—**

- (1) The registered person shall, having regard to the size of the nursing home, the statement of purpose and the number and needs of patients –

- (c) ensure that the persons employed by the registered person to work at the nursing home receive –
- (i) appraisal, mandatory training and other training appropriate to the work they are to perform; and
  - (ii) are supported to maintain their registration with the appropriate regulatory or occupational body;
- (3) The registered person shall ensure that at all times a nurse is working at the nursing home and that the registered manager carries out a competency and a capability assessment with any nurse who is given the responsibility of being in charge of the home for any period of time in his absence.

### **Fitness of workers**

#### **Regulation 21.—**

- (1) The registered person shall not employ a person to work at the nursing home unless –
- (b) subject to paragraph (5), he has obtained in respect of that person the information and documents in paragraphs 1 to 7 of Schedule 2;
  - (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

### **Complaints**

#### **Regulation 24.—**

- (1) The registered person shall establish a procedure (“the complaints procedure”) for receiving, managing and responding to complaints made to the registered person by a patient or person acting on the patient’s behalf.
- (2) The complaints procedure shall be appropriate to the needs of patients.
- (3) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

### **Fitness of premises**

#### **Regulation 27.—**

- (1) The registered person shall not use the premises for the purposes of a nursing home unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.
- (2) The registered person shall, having regard to the number and needs of the patients, ensure that –
- (b) the premises to be used as the nursing home are of sound construction and kept in a good state of repair externally and internally;
  - (c) equipment provided at the nursing home for use by patients or persons who work at the home is in good working order, properly maintained in accordance with the manufacturer’s guidance, and suitable for the purpose for which it is to be used;
  - (d) all parts of the nursing home are kept clean and reasonably decorated;

**The reasons for serving this Notice of Proposal are:**

An inspection of the Valley Nursing Home was undertaken on the 6 and 8 July 2019. Issues of concern were identified during this inspection, in relation to the management and governance arrangements of the home, the health and welfare of patients, the management of infection prevention and control and the internal environment. An intention to issue Failure to Comply Notices meeting was held on 10 July 2019. As a result seven Failure to Comply Notices were issued on 16 July 2019. Compliance with these notices were achieved within specified timescales up to the three month point.

Due to the serious concerns outlined in the seven Failure to Comply Notices and their potential to negatively impact on the delivery of safe and effective care to patients, RQIA served a Notice of Proposal to impose conditions in relation to the registration of the Valley Nursing Home. The Notice of Proposal was issued on 24 July 2019. A Notice of Decision was issued on 18 September 2019. An appeal to the care tribunal has been made by the responsible individual in respect of this notice.

Following receipt of further intelligence on 30 October 2019, an unannounced inspection of the Valley Nursing Home was conducted on 31 October 2019. Concerns were once again identified with regard to care delivery, fire safety, staff training, robustness of managerial oversight and governance arrangements. An intention to issue a Notice of Proposal meeting to cancel registration was held on 4 November 2019 in RQIA with the responsible individual. Assurances were provided during this meeting of six actions that would be undertaken by you as outlined in our correspondence to you dated 5 November 2019. RQIA also agreed to undertake a series of inspections in order to monitor compliance with regulations.

Unannounced inspections were conducted on 3, 16 and 17 December 2019. Significant concerns were again noted with regard to the management and governance arrangements of the home, the health and welfare of residents, the management of infection prevention and control and the internal environment. RQIA was concerned that the responsible individual was unable to sustain the improvements necessary to ensure full compliance with the required regulations.

An intention to issue a Notice of Proposal to cancel registration meeting was held on 20 December 2019. RQIA was not assured during this meeting about your capacity to improve. Given the lack of sustained improvements since July 2019, and the potential for the matters outlined in this notice to negatively impact on the delivery of safe and effective care to patients, this Notice of Proposal has been issued.

**Under Article 19 of the 2003 Order, the Registered Person/Applicant may, within 28 days of the service of this notice, make written representations to the Chief Executive of RQIA concerning any matter which that person wishes to dispute.**

Signed.....*Theresa Nixon*.....  
Director of Assurance

***This notice is served under Article 18 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.***