

# THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

## FAILURE TO COMPLY NOTICE

<b>Name of Registered Establishment:</b> Victoria Court RQIA ID: 1400	<b>Name of Registered Person:</b> Tamlaght Care Limited  Responsible Individual: Sharon Duffy
<b>Address of Registered Establishment:</b> Victoria Court 34 Larne Road, Carrickfergus, BT38 7DY.	
<b>Issue Date:</b> 12 November 2024	<b>FTC Ref:</b> FTC000230
<b>Regulation not complied with:</b>  <i>The Nursing Homes Regulations (Northern Ireland) 2005</i>  <i>Registered person: general requirements</i>  <b>Regulation 10. — (1)</b> <i>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.</i>	
<b>Specific failings to comply with regulations:</b>  Information was received by RQIA at 4.30pm on 28 October 2024 from the Northern Health and Social Care Trust advising RQIA that a family had raised concerns that there had been no heating in the home since 25 October 2024 and that their loved one had complained they were cold. RQIA had not been notified of the heating system failure and undertook an unannounced inspection that evening which concluded on the 29 October 2024.  Significant concerns were identified regarding the lack of robust governance and management oversight within the home to manage the current heating failure. RQIA had not been notified appropriately regarding the heating issue. On arrival to the home staff advised RQIA that there were a number of electric heaters in place but they were unable to advise RQIA on the location of the electric heaters. No measures had been initiated to manage the additional fire risks posed by these heaters. The manager was on annual leave and the nurse left in charge in their absence had difficulty accessing support from senior managers. RQIA Inspectors had to advise staff on the measures to initiate to manage the risks in the home, in the absence of support from senior management.	

RQIA were informed that the fire alarm system was being replaced and that this work had been ongoing since September 2024. No risk assessment or method statement was available to view in relation to these works and no fire safety checks had been put in place by management to mitigate potential or actual risks. RQIA were not notified of the works to the fire alarm system or other works, both ongoing and planned, to the water, heating and electrics within the home. These works have the potential to adversely impact on the health and wellbeing of patients and must be carefully risk assessed and managed.

Further significant concerns were raised when RQIA were informed by the home's contracted fire engineer that part of the building was not covered by the fire alarm system due to the ongoing works. The nurse in charge and staff were unaware of this deficit.

It was observed that a training room in the home was now being used as a maintenance store. This room contained various hazards, such as maintenance tools, was unlocked and accessible by patients. Inspectors requested that this room be kept locked. No application to vary the use of this room has been received by RQIA.

RQIA was also informed, during the inspection, that the Responsible Individual (RI), had resigned from their role. A search of Companies House ascertained that the RI had resigned as a Director of the Organisation in April 2024. RQIA had not been notified of this, in breach of Regulation 32 of The Nursing Homes Regulations (NI) 2005. No application has been received in respect of an appropriate RI for Tamlaght Care Ltd.

RQIA are not assured that there are appropriate governance arrangements in place to support the day to day operation of the home. This is unacceptable and this undoubtedly contributed to the poor management of the utility failures and resultant fire risks in the home, which have now been addressed following the intervention of RQIA.

RQIA are also concerned that there is a lack of progress with the areas for improvement on the Quality Improvement Plan (QIP) from the inspection undertaken on 8 September 2023. Areas for improvement, including fire training, the quality of the internal environment and infection prevention control have still not been complied with.

RQIA are not currently assured that there is a manager appointed to direct and lead the delivery of safe and effective care and to drive the necessary improvements to enable the home to be compliant with regulations and standards.

#### **Action required to comply with regulations:**

- an application for Responsible Individual is submitted without delay.
- a manager is appointed who is capable of achieving registration with RQIA.
- clear systems of communication are developed between the Director, manager and staff team in relation to matters impacting the day to day operation of the home. This includes but is not limited to the ongoing maintenance works.
- RQIA are notified without delay of notifiable events in accordance with the Nursing Homes Regulations (NI) 2005.

- a business continuity plan should be developed, to include the action to be taken in the event of system failures such as, the heating system, fire system, nurse call system, staffing arrangements.
- relevant staff are aware of the business continuity plan.
- the system to identify, recognise and manage various types of hazards to patients is clearly understood by staff commensurate with their role and responsibilities.
- there is evidence that the utility systems within the home are regularly checked and monitored as required. For example, the fire alarm system testing, hot water testing, nurse call system testing, emergency lighting system.
- the manager's oversight of the ongoing maintenance work and checks is clearly evidenced.
- a robust system of audit is in place which includes but is not limited to; review of staff training, infection prevention and control (IPC) measures and staff practice and the internal environment.

**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: 16 January 2025**



**Signed.....**  
**Director of Adult care services**

***This notice is served under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Nursing Homes Regulations (Northern Ireland) (2005)***

***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.***

# THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

## FAILURE TO COMPLY NOTICE

<b>Name of Registered Establishment:</b> Victoria Court RQIA ID: 1400	<b>Name of Registered Person:</b> Tamlaght Care Limited  Responsible Individual: Sharon Duffy
<b>Address of Registered Establishment:</b> Victoria Court 34 Larne Road, Carrickfergus, BT38 7DY	
<b>Issue Date:</b> 12 November 2024	<b>FTC Ref:</b> FTC000231
<b>Regulation not complied with:</b>	
<b><i>The Nursing Homes Regulations (Northern Ireland) 2005</i></b>	
<b><i>Fitness of premises</i></b>	
<b><i>27.— (2) The registered person shall, having regard to the number and needs of the patients, ensure that</i></b>	
<b><i>(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;</i></b>	
<b><i>(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;</i></b>	
<b><i>(d)all parts of the nursing home are kept clean and reasonably decorated;</i></b>	
<b><i>(j) there are provided at appropriate places in the premises sufficient numbers of lavatories, wash-basins, baths and showers fitted with a hot and cold water supply;</i></b>	
<b>Specific failings to comply with regulations:</b>	
Information was received by RQIA at 4.30pm on 28 October 2024 from the Northern Health and Social Care Trust advising us that a family had raised concerns that there had been no heating in the home since 25 October 2024 and that their loved one had complained they were cold. RQIA had not been notified appropriately of the heating system failure and undertook an unannounced inspection that evening which concluded on the 29 October 2024.	
A number of deficits were identified within the internal environment regarding the ongoing refurbishment, redecoration and general maintenance of the home. Flooring in bedrooms and corridors was damaged or stained. A significant number of patient's	

bedrooms required redecoration and the furniture, including drawers, bedside tables bed foot boards, headboards and bedrails required to be replaced. Paintwork to door frames and skirting boards was chipped and could not be effectively cleaned as well as being unsightly. A window pane in one bedroom was broken. The walls in the front entrance hall, stairs and landing were observed to have damp ingress from above. There was ineffective cleaning of equipment including manual handling equipment, shower chairs, commodes, some of which were rusted and required to be replaced.

RQIA are significantly concerned at the lack of progress with this area for improvement, first stated as a result of the inspection undertaken on 28 April 2022; despite assurances having been provided and action plans submitted to RQIA since 2022. RQIA are also concerned regarding the lack of value that had been placed on the quality of the patient's environment over this time.

RQIA determined that the hot water supply temperatures were intermittent and tepid at best throughout the home. The time taken for the domestic hot water to reach outlets was too long, in some cases upwards of 2 minutes with no hot water. RQIA are concerned that this was not identified by staff in the home and that staff had to go to another room with hot water when this was required.

Ineffective maintenance of the hot water system could result in water borne diseases such as legionella, posing a risk to patients. Despite requests for information, RQIA have not receive any assurances that there is a safe system in place to control and manage the risk of legionella infection.

#### **Action required to comply with regulations:**

- the hot water system is tested by an accredited assessor/laboratory for indications of legionella bacteria.
- copies of microbiological monitoring test reports including interim reports are forwarded to RQIA, without delay, following receipt by Tamlaght Care Ltd.
- a robust system to ensure that the control measures to manage the risk of legionella is developed in line with the ACoP L8 and HSG274 and implemented.
- the manager has oversight and knowledge of the systems put in place to manage legionella risk.
- equipment used by patients is maintained clean.
- damaged furniture is repaired or replaced without delay.
- redecoration of bedrooms is commenced without delay.
- an action plan is to be developed with a clear time bound actions detailing the refurbishment of the internal environment to include the flooring in bedrooms and corridors and is updated to evidence progress.

**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: 16 January 2025

*Elaine Connolly*

Signed.....  
Director of Adult Care Services

*This notice is served under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Nursing Homes Regulations (Northern Ireland) (2005)*

*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.*