

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

<p>Name of Registered Agency:</p> <p>Sir Henry Care Ltd</p>	<p>Name of Registered Person:</p> <p>Sir Henry Care Ltd Ms Penelope Roberts (Responsible Individual)</p>
<p>Address of Registered Agency:</p> <p>Sir Henry Care Ltd 56 University Street, Office 7, Belfast, BT7 1HB</p>	
<p>Issue Date: 1 May 2026</p>	<p>FTC Ref: FTC000256</p>
<p>Regulation not complied with:</p> <p><i>The Domiciliary Care Agencies Regulations (Northern Ireland) 2007</i></p> <p><i>Fitness of domiciliary care workers supplied by an agency</i></p> <p><i>Regulation 13</i></p> <p><i>The registered person shall ensure that no domiciliary care worker is supplied by the agency unless—</i></p> <p><i>(a) he is of integrity and good character;</i> <i>(b) he has the experience and skills necessary for the work that he is to perform;</i> <i>(c) he is physically and mentally fit for the purposes of the work which he is to perform;</i> <i>and</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></p> <p>SCHEDULE 3</p> <p>INFORMATION AND DOCUMENTS REQUIRED IN RESPECT OF DOMICILIARY CARE WORKERS</p> <p><i>1. Name, address, date of birth and telephone number.</i> <i>2. Name, address and telephone number of next of kin</i> <i>3. Proof of identity, including a recent photograph.</i> <i>4. Two written references, relating to the person, including a reference from the person's present or most recent employer, if any.</i></p>	

5. *Where the person has previously worked in a position which involved work with children or vulnerable adults, verification, so far as reasonably practicable, of the reason why he ceased to work in that position.*
6. *Evidence of a satisfactory knowledge of the English language, where the person's qualifications were obtained outside the United Kingdom.*
7. *Details and documentary evidence of any relevant qualifications or accredited training of the person and, if applicable, registration with an appropriate regulatory body.*
8. *A full employment history, together with a satisfactory written explanation of any gaps in employment and details of any current employment other than for the purposes of the agency.*
9. *Details of physical and mental health record, including immunisation status.*
10. *A statement by the registered provider, or the registered manager, as the case may be, that the person is physically and mentally fit for the purposes of the work which he is to perform.*
11. *Details of any professional indemnity insurance.*
12. *When Part V of the Police Act 1997 is commenced in Northern Ireland, either—*
 - (a) where a certificate is required for a purpose which is prescribed by regulations under section 113B of that Act, an enhanced criminal record certificate issued under that section; or*
 - (b) in any other case, a criminal record certificate issued under section 113A of that Act, and an application for either certificate shall be accompanied where applicable by an adult's suitability statement under section 113D of that Act.*

Specific failings to comply with regulations:

During an unannounced inspection on 10 April 2026, serious concerns were identified in relation to the selection and recruitment of staff. For instance, it was identified that the agency had not obtained an enhanced AccessNI check in respect of one staff member prior to them commencing employment.

Discussion with the Manager and review of records during and following the inspection also confirmed that the agency had relied upon enhanced AccessNI checks for a further six staff which had been obtained by Sir Henry Recruitment Ltd (RQIA ID: 020460) nursing agency, for which Ms Roberts is also the registered Responsible Individual.

This failure to obtain up to date enhanced AccessNI checks for staff prior to them commencing employment within Sir Henry Care Ltd (RQIA ID: 021453) has the potential to place service users at significant risk of harm.

This is particularly concerning as these matters were previously raised in enforcement action by RQIA in Sir Henry Recruitment Limited (RQIA ID: 020460). As such, RQIA is concerned about the lack of due regard the Responsible Individual is demonstrating toward their duties and responsibilities as Responsible Individual in relation to Sir Henry Care Ltd (RQIA ID: 021453).

Review of selection and recruitment records also highlighted that information in relation to staff employment histories; fitness declarations; suitable references and inductions, had not been obtained and/or carried out in keeping with best practice.

In addition, while monthly monitoring reports had been undertaken these were not available on the day of inspection. On review of these following the inspection, it was concerning to note that the inspection findings outlined above had not been identified; as such, RQIA is concerned that the quality assurance arrangements are insufficiently robust so as to identify deficits and address them in a meaningful, consistent and timely manner.

Action required to comply with regulations:

The Responsible Individual must ensure that:

- Staff are recruited and employed at all times in accordance with statutory legislation and that all necessary checks are carried out prior to an offer of employment being made
- AccessNI enhanced checks are completed and robustly scrutinised prior to an individual commencing employment with the agency
- All staff involved in the selection and recruitment of staff have received training in selection and recruitment and that such training is periodically reviewed in keeping with best practice
- All staff who are involved in the selection and recruitment process can clearly articulate their roles and responsibilities as they pertain to selection and recruitment
- There are robust arrangements in place to ensure that selection and recruitment issues are effectively addressed in a timely manner by the Responsible Individual
- Monthly quality monitoring reports are conducted under Regulation 23, in a sufficiently robust manner so as to identify, drive and sustain any necessary improvements
- A copy of monthly quality monitoring reports is maintained within the agency and made available upon request to RQIA and/or other appropriate third parties in keeping with Regulation at all times.

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: 1 July 2026



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 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.