THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

NOTICE OF PROPOSAL

<table>
<thead>
<tr>
<th>Name of Registered Establishment or Agency:</th>
<th>Name of Registered Person or Applicant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TW Care Services (RQIA ID: 020203)</td>
<td>Mrs Olipah Gahadza</td>
</tr>
</tbody>
</table>

Address of Registered Establishment or Agency:
Office 5, The Business Hub, 51-53 Church Street, Ballymena, BT43 6DD

Issue Date: 8 June 2020

NOP Ref: NOP000028

The Regulation and Quality Improvement Authority gives notice of a proposal to cancel the registration of TW Care Services.

*The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*

15.—(1) The Regulation and Improvement Authority may at any time cancel the registration of a person in respect of an establishment or agency—
(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;
(d) on any ground specified by regulations.

The reasons for serving this Notice of Proposal are:

Since registration of the agency on 24 August 2016, there has been a pattern of continued non-compliance with regulation. A total of five inspections have been undertaken since registration. Deficits in recruitment were identified in every inspection undertaken, with the exception of the enforcement compliance inspection, undertaken on 08 May 2018. Despite the responsible person being previously required by RQIA to undertake training in respect of safe recruitment and selection practices, staff continued to be supplied without appropriate references.

RQIA issued a Failure to Comply Notice (FTC) to TW Care Services on 16 December 2019, in respect of breaches in regulation 23 of the The Domiciliary Care Agencies Regulations (Northern Ireland) 2007. The FTC Notice specified the identified failings with the regulations and the improvements necessary to achieve compliance with the regulations. The timescale provided, for the improvements to be made, expired on 16 March 2020.

Prior to the inspection, undertaken on 16 March 2020, the registered person had identified an external person to undertake the quality monitoring visits and the monthly quality monitoring reports had been submitted to RQIA, as required by the actions outlined in the FTC Notice.
During the inspection, there remained insufficient evidence to demonstrate that compliance been achieved in relation to four of the identified six actions. They are as follows:

- 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 from the RQIA quality improvement plan.
- The person with the responsibility for 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.

During the inspection the inspectors were advised that two different people had undertaken the monthly quality monitoring visits. The review of the quality monitoring reports undertaken by both individuals indicated that neither were sufficiently knowledgeable to undertake the visits. This was evidenced specifically in relation to deficits found in regards to the appropriateness of references obtained and compliance with the RQIA Quality Improvement Plan.

Deficits were identified in all four staff records reviewed. The inspectors had concerns in relation to the appropriateness of references in all records reviewed. The dates of employment did not consistently match the dates on the application forms. References were consistently unsigned or undated and the inspectors were unable to verify who had provided the reference. In one staff record, the references had not been provided from any of the three referees included on the application form. End dates were not consistently recorded, therefore the inspectors were unable to establish if gaps in employment existed. References were not consistently provided from the staff members last employer.

The review of the monthly quality monitoring reports during inspection identified that the actions from previous monitoring visits had not been appropriately considered and actioned. Information had been copied from one month to the next month and there was nothing measurable or meaningful within the action plan. The inspectors noted within the reports reviewed, comments which indicated that mandatory training was up to date. The staff training matrix was not up to date and training certificates were not available for review, to support training completed.

Three care records were reviewed. Whilst two care records were satisfactory, deficits were identified in the third record. In this record, there were two care plans in place, which contradicted each other. There was also reference to another service user’s name within the care plan. There was limited evidence within the monitoring reports reviewed, that service users’ care records had been reviewed.

In light of the current Covid 19 Pandemic, the decision was taken by RQIA on 22 April 2020 to allow a further period of time for improvements to be made in the areas identified above. The current FTC Notice remained in place and the registered person was required to submit an action plan to RQIA, detailing the steps they had taken to implement the measures contained in the FTC Notice.
Review of the action plan and monthly quality monitoring report submitted respectively on 05 May and 08 May 2020 did not assure RQIA that sufficient progress had been made in relation to the FTC Notice. RQIA was furthermore made aware on 28 May 2020 that there is no external person undertaking the monitoring visits.

The registered person was required to submit the annual quality report to RQIA by 28 May 2020. The report was not submitted. The responses submitted by the registered person, in the returned QIP, also demonstrate a limited understanding of regulation and the timescales afforded by RQIA, for improvement to be made.

Despite previous and current enforcement action taken and additional time afforded, to make the required improvements, RQIA are concerned about the continued lack of compliance with regulation and the registered person’s fitness to manage the agency with sufficient care, competence and skill.

The registered person was also required, in light of the recent Department of Health Guidance (COVID-19: Guidance for Domiciliary Care Providers, 10 April 2020), to confirm that the agency has the appropriate supply of PPE to meet the needs of service users and staff group, and if not present, the steps taken to acquire appropriate PPE provision. Additionally, they were required to outline how they were assured that the care workers were adhering to the current PPE Guidelines. A response was not received in this regard.

On 05 May and 06 May 2020, RQIA received further information, suggesting that the agency had not been carried on in accordance with the regulations. Information provided related to falsification of training certificates and the appropriateness of the registered person’s conduct during a service user contact.

The NHSCT Adult Safeguarding Team confirmed to RQIA, that they were following up with the responsible individual in relation to this incident. RQIA were further made aware that the responsible individual had failed to report a safeguarding incident. Requests for the responsible individual to submit information to the NHSCT Adult Safeguarding Team had not been completed.

The review of TW Care website highlighted concerns in relation to data protection breaches. A number of service users names and addresses were available on the public view. These have recently been removed.
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........................................................................

Acting Director of Improvement

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.