

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

<b>Name of Registered Establishment or Agency:</b> Foreglen Community Association	<b>FTC Ref:</b> FTC/DCS/11005/2016-17/01
<b>Address of Registered Establishment or Agency:</b>  267 Foreglen Road Dungiven Co Londonderry BT47 4PJ	
<b>Name of Registered Person:</b> Foreglen Community Association Ms Anne Hegarty	<b>Issue Date:</b> 25 April 2016
<b>Regulation not complied with:</b>  <b>The Day Care Setting Regulations (Northern Ireland) 2007</b>  <b>Regulation 13 (1) (a)</b> 13.—(1) The registered person shall ensure that the day care setting is conducted so as— (a) to promote and make proper provision for the care and welfare of service users;	
<b>Specific failings to comply with regulations:</b>  An unannounced inspection of Foreglen Community Association was undertaken on 14 April 2016. During the inspection the registered manager confirmed the day care setting did not have policies and procedures in place regarding: <ul style="list-style-type: none"><li>• Whistleblowing</li><li>• Staff Induction</li><li>• Staff Training and Development</li></ul> In addition, the policies on staff recruitment, accident prevention, reporting, recording and notification, staff recruitment and volunteers were not robust or in accordance with The Day Care Settings Regulations (2007) or the Minimum Standards for Day Care Settings.  These matters had been raised during previous inspections of the day care setting however insufficient progress had been made to evidence compliance with this regulation. The absence of robust policies and procedures to direct the care provided has the potential to place service users at risk.	

**Action required to comply with regulations:**

The registered person is required to undertake a review of the policies and procedures in place and to ensure that those policies and procedures outlined in Appendix 2 of the Day Care Settings Minimum Standards are in place and in accordance with statutory requirements and good practice guidance.

The registered person must ensure that there are appropriate arrangements in place to ensure that all staff employed in the day care setting have an awareness of policies and procedures and how to access these.

**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 receipt of this notice.**

**Date by which compliance must be achieved 07 June 2016**

Signed.......... **Director of Regulation and Nursing**

**This notice is made under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Day Care Setting 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.***

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<b>Regulation not complied with:</b>  <b>The Day Care Setting Regulations (Northern Ireland) 2007</b>  <b>Regulation 21 (1), (2), (3)</b> Fitness of workers - The registered person shall not employ a person to work in the day care setting unless — (a) the person is fit to work in the day care setting; (b) subject to paragraph (3), he has obtained in respect of that person the information and documents specified in 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.  (2) The registered person shall not allow a person who is employed by a person (“the employer”) other than the registered person to work in a position where he may have regular contact with service users in the day care setting, unless— (a) he is fit to work in the day care setting; (b) the employer has obtained in respect of that person the information and documents specified in Schedule 2; and has confirmed in writing to the registered person that he has done so; and (c) the employer 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, and has confirmed in writing to the registered person that he is so satisfied.  (3) For the purposes of paragraphs (1) and (2), a person is not fit to work at a day care setting unless— (a) he is of integrity and good character; (b) he has qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;	

(c) he is physically and mentally fit for the purposes of the work he is to perform in the day care setting;  
(d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

**Specific failings to comply with regulations:**

During an unannounced inspection on 14 April 2016, the records of the recruitment of staff and volunteers were examined.

The registered person and registered manager advised inspectors that there were no recruitment records available in respect of some of the persons working in the day care setting and that a recruitment process had not been undertaken.

Inspectors were very concerned that Enhanced Access NI disclosure information had not been obtained for a number of the persons employed. Furthermore, references had not been sought in respect of a number of the persons employed by Foreglen Community Association.

These matters had been raised during previous inspections of the day care setting however insufficient progress had been made to evidence compliance with this regulation. The registered person's failure to put in place appropriate recruitment practices has the potential to place vulnerable service users at risk.

**Action required to comply with regulations:**

The registered person is required to undertake a review of the fitness of all workers and to ensure that this includes the matters outlined in Regulation 21 (1) (2) (3) and Schedule 2.

The registered person is required to ensure there are robust arrangements implemented to ensure compliance with this regulation.

**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 receipt of this notice.**

**Date by which compliance must be achieved 07 June 2016**

Signed.......... Director of Regulation and Nursing

This notice is made under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Day Care Setting Regulations (Northern Ireland) (2007).

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