

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

Name of Registered Establishment or Agency: Gentle Dental Care	FTC Ref: FTC/IHC-DT/11514/2015-16/01
Address of Registered Establishment or Agency: 58 Lisburn Road, Belfast, BT9 6AF	
Name of Registered Person: Mr Adam Keeva Jaffa	Issue Date: 13 November 2015
Regulation not complied with: The Independent Health Care Regulations (Northern Ireland) 2005 Regulation 19 (2) A person is not fit to work in or for the purposes of an establishment, or for the purposes of an agency unless – (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2. SCHEDULE 2 INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON, MANAGE OR WORK AT AN ESTABLISHMENT OR AGENCY (2) Either – (a) Where a certificate is required for a purpose relating to registration under Part 111 of the Order, or the position falls within section 115 (3) or (4) of the Police Act 1997 (a), an enhanced criminal record certificate issued under section 115 of that Act.	
Specific failings to comply with regulations: During the announced inspection on 19 March 2013 it was identified that one member of staff had commenced employment in Gentle Dental Care without the required AccessNI enhanced disclosure check having been undertaken. A requirement was made to address this breach in legislation. During the announced inspection on 10 January 2014 it was established that two new members of staff had been permitted to commence work in Gentle Dental Care without the required AccessNI enhanced disclosure checks having been undertaken. A requirement to address this breach in legislation was stated for the second time.	

During the announced inspection on 29 January 2015 a review of the records and discussion with Mr Jaffa confirmed that one new member of staff had been permitted to commence employment without the required AccessNI enhanced disclosure check relating to their work in Gentle Dental Care being in place. Mr Jaffa was advised during the inspection that AccessNI enhanced disclosure checks are not portable. Given that this requirement had been stated for a second time, enforcement action was considered in discussion with the Head of Nursing, Independent Health Care and Pharmacy Regulation. It was concluded that enforcement action was not appropriate at that time and subsequently the requirement was stated for the third and final time.

During the announced inspection on 3 November 2015 it was again identified that two staff members had commenced employment in the dental practice prior to receipt of a satisfactory AccessNI enhanced disclosure check.

Despite having raised these matters during previous inspections RQIA is concerned that the safeguards to protect and minimise risk to patients, during recruitment, are being continuously compromised.

Action required to comply with regulations:

- The registered person must ensure that at all times staff are recruited and employed in accordance with statutory legislation and mandatory requirements. This includes the receipt of a satisfactory AccessNI enhanced disclosure check prior to commencement of employment.
- The registered person must implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legislation and mandatory requirements.
- The registered person must ensure that all staff involved in the recruitment process receive training or refresher training in safeguarding of children and vulnerable adults.

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 is 15 January 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 Independent Health Care 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.