

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

Name of Registered Establishment or Agency: Joan Mangan and Associates Dental Practice	FTC Ref: FTC/IHC-DT/11582/2016-17/01
Address of Registered Establishment or Agency: 13 Belfast Road, Antrim, BT41 1NY	
Name of Registered Person: Ms Joan Mangan	Issue Date: 01 June 2016
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 12 August 2015 it was identified that one staff member had commenced employment in Joan Mangan and Associates Dental Practice during October 2014 without the required Access NI enhanced disclosure check having being undertaken. A requirement was made to address this. During the announced inspection on 23 May 2016 it was identified that the Access NI enhanced disclosure check for the previously identified staff member had not been received until April 2016, some nine months after the initial requirement had been made and some 19 months following commencement of their employment.	

It was also identified that two new staff members had commenced employment during November 2015, and the Access NI enhanced disclosure checks for these staff members had not been received until April 2016, some five months following commencement of their employment.

Despite having raised this matter with you during inspection, 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 Access NI enhanced disclosure check prior to commencement of employment
- The registered person must ensure that the staff recruitment policy and procedure contains details of all the required information as listed within Regulation 19 (2) and Schedule 2 of The Independent Health Care Regulations (Northern Ireland) 2005
- 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 03 August 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.