

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

Name of Registered Establishment or Agency: Knock Orthodontic Practice & Coulter's Dental Surgery	FTC Ref: FTC/IHC-DT/11410/2016-17/01
Address of Registered Establishment or Agency: 416 Upper Newtownards Road, Belfast, BT4 3EZ	
Name of Registered Person: Mr W Coulter and Mrs C J Coulter	Issue Date: 18 August 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 11 May 2015 it was identified that three staff had commenced employment in Knock Orthodontic Practice & Coulter's Dental Surgery since registration with RQIA. A review of the records identified that two of the staff had commenced employment prior to receipt of an AccessNI enhanced disclosure check. In relation to the third member of staff, no AccessNI information was available for review. It was confirmed that the missing information was not retained at the practice. A requirement was made to address this.	

During the announced inspection on 25 July 2016 there were no staff personnel files available for review. It was confirmed that the personnel files were not retained at the practice. As a result of the information not being available for review RQIA was unable to conclude the inspection on 25 July 2016. It was agreed with Mr Coulter that the inspection could be concluded on 8 August 2016 on his return from a period of planned leave.

During the announced inspection on 8 August 2016 Mr Coulter confirmed that one member of staff, who had been employed following the inspection on 11 May 2015, had commenced employment prior to receipt of a satisfactory AccessNI enhanced disclosure check. The date of commencement of employment nor the date of receipt of a satisfactory AccessNI enhanced disclosure check were recorded. It was confirmed during discussion that the staff member had commenced work in the practice in May 2015. It was also confirmed during discussion that a satisfactory AccessNI enhanced disclosure check had not been received until March 2016, some 10 months following the requirement having been made, and the staff member commencing employment.

A number of other issues in relation to the recruitment process were also identified. Records, including written references, criminal conviction declarations and confirmation of satisfactory medical fitness were not retained in a satisfactory manner. Recruitment processes were not evidenced to be robust.

Despite having raised these issues with Mr Coulter during inspections, RQIA is concerned that the safeguards to protect and minimise risk to patients, during recruitment, are being 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 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 recruitment processes 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 20 October 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.