

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY (RQIA)

FAILURE TO COMPLY NOTICE

Name of Registered Establishment : Knockmoyle Lodge (RQIA ID:1208)	Name of Registered Person: Mr John O'Donnell (Acting)
Address of Registered Establishment: 29 Knockmoyle Road, Omagh, BT79 7TB	
Issue Date: 11 September 2017	FTC Ref: FTC/NH/1208/2017-18/02
Regulation not complied with: The Nursing Homes Regulations (Northern Ireland) 2005 Regulation 21. – <i>(1) The registered person shall not employ a person to work at the nursing home unless –</i> <i>(b) subject to paragraph (5), he has obtained in respect of that person the information and documents specified in paragraphs 1 to 7 of Schedule 2;</i> SCHEDULE 2 INFORMATION AND DOCUMENTS TO BE OBTAINED IN RESPECT OF PERSONS, CARRYING ON, MANAGING OR WORKING AT A NURSING HOME. <ol style="list-style-type: none">1. <i>Proof of the person's identity, including a recent photograph.</i>2. <i>Either –</i><ol style="list-style-type: none"><i>(a) where a certificate is required for a purpose relating to registration under Part III of the Order, or the position falls within section 115(3) or (4) of that Act, an enhanced criminal record certificate issued under section 115 of the Police Act 1997(a); or</i><i>(b) in any other case, a criminal certificate issued under section 113 of that Act, including, where applicable, the matters specified in sections 113(3EA) and 115(6EA)(b) of that Act and the following provisions once they are in force, namely section 113(3EC)(a) and (b) and section 115(6EB)(a) and (b)(c) of that Act.</i>3. <i>Two written references relating to the person, including a reference from the person's present or most recent employer, (if any).</i>4. <i>Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as it is reasonably practicable, verification of the reason why the employment or position ended.</i>5. <i>Details and documentary evidence of any relevant qualifications or accredited training of the person and if applicable, registration with an appropriate professional regulatory body.</i>	

6. *A full employment history, together with a satisfactory written explanation of any gaps in employment.*
7. *Evidence that the person is physically and mentally fit for the purposes of the work which he is to perform with regard to or at the nursing home or, where it is impracticable for the person to obtain such evidence, a declaration signed by the person that he is so fit.*

Specific failings to comply with regulations:

During an unannounced inspection on 21 August 2017, RQIA were unable to evidence that recruitment processes had been adhered to. A review of one personnel file evidenced that an AccessNI enhanced disclosure check had not been completed in respect of this staff member. A discussion and review of the duty rota evidenced that this staff member had worked seven shifts prior to this inspection and was rostered for further duty.

Further discussion about the recruitment process highlighted that another member of staff had not been employed in accordance with best practice. In addition to the non-completion of an AccessNI enhanced disclosure check, an application form had not been completed and references had not been obtained. During the inspection instructions were given that the two identified staff could not work until the necessary checks had been completed and received. On 22 August 2017 RQIA were informed that one of the identified staff had worked a further shift despite the instructions given.

RQIA are therefore concerned that the necessary safeguards to protect and minimise risk to patients, through robust effective recruitment practice, are being compromised.

Actions required to comply with regulations:

- The acting 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 the commencement of employment. Records must be kept of all documentation relating to the recruitment process.
- The acting registered person must ensure that the staff recruitment policy and procedure makes reference to the need to obtain all the required information as listed within Regulation 21 (1) (b) and Schedule 2 of The Nursing Homes Regulations (Northern Ireland) 2005.
- The acting registered person must implement robust monitoring systems to ensure that the recruitment process is compliant with statutory legislation and mandatory requirements.
- The acting registered person must ensure that all staff involved in the recruitment process receives training or refresher training in recruitment and selection.
- The acting registered person must demonstrate an understanding and knowledge of the recruitment policy and procedures.

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 the date of serving this notice.

Date by which compliance must be achieved: 9 November 2017

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

This notice is served under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Nursing Homes 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.