

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

FAILURE TO COMPLY NOTICE

<b>Name of Registered Establishment or Agency:</b> Ross Lodge/Ross House (1710)	<b>FTC Ref:</b> FTC/RCH/1710/2015-16/01
<b>Address of Registered Establishment or Agency:</b>  288 Moyarget Road Dervock Ballymoney BT53 8EG	
<b>Name of Registered Person:</b>  Mr Alex McKinney Mrs Joyce McKinney	<b>Issue Date:</b>  7 May 2015
<b>Regulation not complied with:</b> <b>The Residential Care Homes Regulations (Northern Ireland) 2005</b>  <b>Regulation 19 (2)</b>  The registered person shall maintain in the home the records specified in Schedule 4.	
<b>Specific failings to comply with regulations:</b>  During a finance inspection on 23 April 2015 a sample of service users' records was examined. No records were in place identifying monies received on behalf of service users in relation to:  <b><u>Social Security Benefits</u></b> The registered person failed to maintain a record of the benefits received on behalf of service users. The inspector was unable to reconcile the benefits paid directly into a bank account, in the name of the registered manager, against the service users for which the benefits were being received.  No records were maintained of the amount of benefits retained by the registered person as payment towards the service users' fee.  No record was maintained of the personal allowance monies (including mobility monies) paid over to service users following the deduction for fees.  The registered person was unable to confirm if additional benefits for Christmas bonus and fuel allowance were received on behalf of service users.  The registered person failed to maintain a record of the person working at the home acting as appointee for all of the service users identified during the inspection.	

### **Power of Attorney**

The registered person failed to maintain a record of the name of the person working at the home acting as power of attorney for the service user identified during the inspection.

No record of the social security benefits received on behalf of this service user was maintained at the home.

### **Personal Allowance**

The registered person failed to maintain a record of the additional amount of personal allowance monies received on behalf of a service user.

No records were maintained of the purchases made on behalf of the service user from the additional amount or of the balance remaining following the purchases.

### **Financial Arrangements**

No records of the financial arrangements for each service user were in place including:

- the agreed financial arrangements for the service users for whom the registered manager acts as an appointee, including authorisation for the benefits to be paid into a bank account in the name of the registered manager.
- the agreed arrangements for the registered manager to act as a power of attorney for one service user, including authorisation for the benefits to be paid to the service user's relative.
- the arrangements for the registered persons to retain the additional personal allowance monies for one service user, including the arrangements for making purchases on behalf of the service user.
- agreement for the registered persons to retain the mobility monies for service users as payment towards their journeys.

### **Action required to comply with regulations:**

#### **The registered person must ensure that:**

- A record is maintained of the social security benefits received on behalf of service users. The record must show the amount being retained by the registered person for payment of fees. The record must also show the amount of personal allowance monies (including mobility monies) paid over to service users following the deduction for fees.
- Records of benefits received on behalf of service users must be reviewed (as far back as records allow) to identify if additional benefits such as Christmas bonus and fuel allowance were received. Any amounts of additional benefits received must be paid over to service users.
- Written confirmation is obtained from The Social Security Agency of the name of the person at the home acting as appointee for service users.

- Written confirmation is obtained from the Office of Care and Protection for the registered manager to act as power of attorney for the service user identified during the inspection.
- The additional amount of personal allowance received on behalf of the service user, identified during the inspection, must be refunded from when the registered person commenced receiving the monies.  
A record of the service user or their representative, acknowledging receipt of the refund must be retained.
- The Health and Social Care Trust is informed of the amount being refunded to the service user.

Financial arrangements must be in place for each service user at the home. These arrangements must include:

- the agreed arrangements for the registered manager to act as the service users' appointee
- authorisation for service users' benefits to be paid into a bank account in the name of the registered manager.
- The agreed arrangements for the registered manager to act as power of attorney for one service user, including the arrangements for receiving the service user's benefits.

**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: 6 July 2015**

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 HPSS (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, and The Residential Care Homes Regulations (NI) 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.***

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<b>Name of Registered Person:</b> Mr Alex McKinney Mrs Joyce McKinney	<b>Issue Date:</b> 7 May 2015
<b>Regulation not complied with:</b> <b>The Residential Care Homes Regulations(Northern Ireland) 2005</b>  <b>Regulation 14(4)</b>  The registered person shall make arrangements by training persons employed or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.	
<b>Specific failings to comply with regulations:</b>  During a finance inspection on 23 April 2015 a sample of service users' records was examined. Mobility monies received on behalf of a number of service users are retained by the registered person towards the cost of using a minibus owned by the home.  No agreements were in place between the registered person and service users for using the minibus. No transport policy was in place at the home.  No records were maintained of the details of journeys for which service users were charged including, the date of the journey, the destination and the miles incurred.  The registered person failed to recognise and report a potential safeguarding issue in respect of a service user not receiving their personal allowance monies for which the registered manager is power of attorney.	

**Action required to comply with regulations:**

**The registered person must ensure that:**

A review is undertaken, with the Health and Social Care Trust, to ascertain that service users have been appropriately charged for using the minibus. The registered person must submit to RQIA an outcome of the review with an acceptable proposal for making repayments if any charges have been found to be inappropriate.

Any transport scheme in place at the home must be fair, transparent and proportionate to the needs of the service user. The charges to service users for using the scheme must be equitable.

Agreements must be in place between the registered person and the service user or their representative detailing the terms and conditions for using the transport scheme.

Records must be maintained of the journeys undertaken by service users including the date of the journey, the destination and the miles incurred.

The registered person, as power of attorney, must contact the Office of Care and Protection and the Social Security Agency, in writing, informing them that they do not receive benefits on behalf of the service user.

The designated vulnerable adults officer at the Trust must be informed, in writing, of a potential safeguarding issue in relation to personal allowance monies for a service user being retained by their relative.

The registered person must ensure that relevant staff are adequately trained in the safeguarding of service users' finances.  
A record must be retained confirming that members of staff received the training.

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