

What does it mean to be a Person in Charge?

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Regulation and Healthcare

- Governance and Management
- Resident Safety is Paramount
- Resident Quality of Life is Prioritised
- Staff Involvement
- Quality Improvement

Disability Standards and Legislation

- Standards published 14th May 2013
- Legislation passed 1st November 2013
- HIQA inspections commenced December 2013
- By the end of August 2014, 491 inspections have been undertaken
- What have they found?

HIQA Report Trend Analysis

The 5 HIQA outcomes identified as carrying the greatest number of concerns were as follows:

- **Health, Safety and Risk Management** (*80% non compliant*)
- **Workforce** (*60% non compliant*)
- **Safeguarding and Safety** (*60% non compliant*)
- **Healthcare Needs** (*40% non compliant*)
- **Medication Management** (*35% non compliant*)

Health and Safety and Risk Management

- ..did *not have a sufficient or approved risk management policy* in place which detailed arrangements for the following:
 - Hazard identification
 - Assessment of risk throughout the centre
 - Management of risks
 - Risk control measures
 - Ongoing review of risks

Health and Safety and Risk Management

- ... risk management policy did not outline the arrangements for *identification, recording, investigation of, and learning from serious, incidents or adverse events* involving residents
 - Accidental injury
 - Aggression and violence
 - Self-harm

Workforce (HIQA Reports)

- Staff files *did not include all of the documents* as required by Schedule 2 of the Health Act
- The *number and skill mix of staff was not adequate* to meet the needs of residents living in the centre
- There was *no training plan in place* and staff had not been provided with mandatory staff training
- Staff were *not supervised* appropriately to their role

Healthcare Needs

- ..*inconsistent record keeping*
- .. Staff member did not know there was a care plan in place
- All healthcare needs of the resident were *not fully outlined in their personal plan*
- *Lack of consistency* in relation to the implementation of the organisation's nutritional policies and procedures

Medication Management

- Medication prescriptions were *not completed accurately*
- Residents had not been assessed for their capacity or capability to *self-medicate*
- There were *no appropriate policies and procedures* in place relation to safe administration of medication practices
- Medication which was *out of date* was not stored separately from medication which was in use

Safeguarding and Safety (HIQA Reports)

- The staff had not been provided with appropriate *training* in relation to the safeguarding of residents and the prevention etc of abuse..
- *Restraint interventions were not being adequately risk assessed* to ensure their safe use for residents'
- There was *no documented evidence* that all alternatives had been considered prior to the use of bedrails

Legislation

- Protection 8. (7)

‘The Person in Charge shall ensure that all staff receive appropriate training in relation to safeguarding residents and the prevention, detection and response to abuse’

Legislation

- Positive Behavioural Support 7. (5)

‘The Person in Charge shall ensure that, where a resident’s behaviour necessitates intervention under this Regulation –

(b) All alternative measures are considered before a restrictive procedure is used; and

(c) The least restrictive procedure, for the shortest duration necessary, is used

Why this level of non compliance?

Because it's hard.

That's the role of the Person in Charge.

Legislation

- Health Act 2007. Number 23 of 2007
 - Establishment and responsibilities of HIQA
- S.I. 367 of 2013 Care and support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities (1st Nov 2013)
- **S.I. 366 of 2013 Registration of Designated Centres for Persons (Children and Adults) with Disabilities (1st Nov 2013)**
- S.I. 236 of 2009 Regulations for the Care and Welfare of Residents in Residential Homes for Older People (30th June 2009)
- S.I. 36 of 2010. Health Act 2007 Amendment (9th Feb 2010)
 - Changes to Person in Charge & Record maintenance

S.I. 367 of 2013 (Part 2 – 10)

- *Statement of Purpose*
- *Individualised assessment & PP*
- *Policies and Procedures*
- *Health care*
- *Positive behavioral support*
- *Protection*
- *Residents' rights*
- *Communication*
- *Visits*
- *Personal Possessions*
- *Welfare and Development*
- *Staffing & Training*
- *Premises*
- *Food and Nutrition*
- *Information And Records*
- *Insurance*
- *Governance and Management*
- *Temporary absence, transition and discharge of residents*
- *Risk management procedures*
- *Protection against infection*
- *Fire precautions*
- *Medicines and pharmaceutical services*
- *Volunteers*
- *Notification of Incidents*
- *Notification for periods, procedures and arrangements when PIC is absent*
- *Complaints*

S.I. 367 : Specific PIC Responsibilities

- Individualised assessment and personal plan
- Healthcare
- Positive behavioral support
- Protection
- Communication
- Visiting
- Personal Possessions
- General Welfare & Development
- Staff, Training & Development
- Food and Nutrition
- Admissions and contract for the provision of services
- Temporary absence, transition and discharge of residents
- Fire Precautions
- Medicines and pharmaceutical services
- Volunteers
- Notification of incidents

PIC – Specific Requirements

- The *person appointed as the person in charge of a designated centre* pursuant to Regulation 14 and named in the Certificate of Registration issued in respect of the designated centre.
- *The registered provider shall appoint a person in charge of the designated centre*
- The post of the person in **charge shall be full-time and shall require the qualifications, skills and experience necessary to manage the designated centre**, having regard to the size of the designated centre, the statement of purpose and the number and needs of the resident'

Regulations – Person in Charge

(3) A person who is appointed as person in charge on or after the day which is 3 years after the day on which these Regulation come into operation shall have –

- (a) a minimum of 3 years' experience in a management or supervisory role in the area of health or social care; and
- (b) An appropriate qualification in health or social care management at an appropriate level

(4) A person may be appointed as person in charge of more than one designated centre ***if the chief inspector is satisfied that he or she can ensure the effective governance, operational management and administration of the designated centres concerned.***

Specific PIC Responsibilities (Workforce)

- ‘The Person in Charge shall ensure that he or she has obtained *in respect of all staff the information and documents* specified in Schedule 2’.
- ‘The person in charge shall ensure that there is a *planned and actual staff rota*, showing staff on duty during the day and night and that it is properly maintained’.

Specific PIC Responsibilities (Workforce)

‘The person in charge shall ensure that

- (a) Staff have access to *appropriate training, including refresher training*, as part of a continuous professional development programme;
- (b) Staff are appropriately *supervised*
- (c) Staff are informed of the Act and any regulations and standards made under it’

Specific PIC Responsibilities (Assessment and Personal Plan)

‘The person in charge shall ensure that a *comprehensive assessment, by an appropriate health care professional, of the health, personal and social care needs of each resident is carried out:*

- (a) Prior to admission..
- (b) Subsequently as required ... but no less frequently than on an annual basis’

Specific PIC Responsibilities (Assessment and Personal Plan)

‘The person in charge shall, .. prepare a personal plan for the resident which –

- (a) Reflects the residents needs, as assessed....
- (b) Outlines the *supports required to maximise the residents personal development* in accordance with his or her wishes
- (c) Is developed through a *person centred approach* with the maximum participation of each resident, and where appropriate his or her representative, in accordance with the resident’s wishes, age and the nature of his or her disability’

Specific PIC Responsibilities (Medicines and Pharmaceutical Services)

‘The person in charge shall ensure that

- (a) Any medicine that is kept ... is stored securely
- (b) Medicine which is prescribed is administered as prescribed to the resident for whom it is prescribed and to no other resident
- (c) Out of date or returned medications are stored in a secure manner that is segregated ..’

Specific PIC Responsibilities (Medicines and Pharmaceutical Services)

‘The person in charge shall ensure that following a *risk assessment* and assessment of capacity, each resident is encouraged to *take responsibility for his or her own medication*, in accordance with his or her wishes and preferences and in line with his or her age and the nature of his or her disability.’

HIQA Notifiable Events

31(1) The person in charge shall give the chief inspector notice in writing within 3 working days of the following adverse incidents occurring in the designated centre: ...

- Information which must be supplied to the Chief Inspector as required by legislation which notifies of:
 - Incidents involving service users
 - Incidents involving the centre
 - Changes in governance arrangements

Person in Charge and Registered Provider

14 (1) The registered provider shall appoint a person in charge of the designated centre

Visits

- The registered provider shall facilitate each resident to receive visitors in accordance with the resident's wishes
- The person in charge shall ensure that, as far as reasonably practicable, residents are free to receive visitors without restriction ...

Other Relevant Legislation

- Data Protection Act 2003
- Safety, Health and Welfare at Work Act 2005
- Safety, Health and Welfare at Work (General Application) Regulations 2005 & 2007
- Employment Equality Act (1998-2008)
- Freedom of Information Act (1997)
- Nurses and Midwives Act (2011)
- Parental Leave Act (1998 -2006)
- Equal Status Act (2000)
- Minimum Notice and Terms of Employment Acts (1973 - 2001)
- Organisation of Working Time Act (1997) etc

Relevant Standards

- *HIQA National Standards for Residential Centres for People with Disabilities (2013)*

Also:

- HIQA National Standards for the Protection and Welfare of Children: For HSE Children and Family Services (2012)
- HIQA National Standards for Safer, Better Healthcare (2012)
- HIQA National Standards for Residential Care Settings for Older People in Ireland (2009)
- HIQA National Standards for the Prevention and Control of Healthcare Associated Infections (2009)

HIQA Standard Theme 2

Standard 2.1 Each person has a personal plan which details their needs and outlines the supports required to maximise their personal development and quality of life, in accordance with their wishes.

2.1.9 The person in charge appoints a key worker in agreement with each person and/or their representatives, whose primary responsibilities are to assist the person, in accordance with their wishes, in developing their personal plan and to oversee its implementation. Other key staff participate in the planning process as requested.

Additional Roles of PIC

- Registration
- Onsite Inspection
 - Involvement of Residents
 - Preparation of Staff
 - Documentation
- Action Plans
- Ongoing Monitoring and Quality Improvement

Where do we start?

Where to Start?

- Safety and Risk – Individual Residents
- Quality of Life
- Health and Safety and Risk Management
- Workforce
- Safeguarding and Safety
- Governance

How to Approach

Identify Gaps

➡ Prioritise Work to be Done

➡ Act on it with staff and residents

➡ Monitor progress

The role of the Person in Charge?

Leader

Manager

Ensure rights of People we provide services to
are upheld

Thank You

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