

APMS Ambulance Service Limited

# APMS Ambulance Service Limited

## Inspection report

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This report describes our judgement of the quality of care at this service. It is based on a combination of what we found when we inspected, information from our ongoing monitoring of data about services and information given to us from the provider, patients, the public and other organisations.

### Ratings

#### Overall rating for this location

Inspected but not rated



Are services safe?

Inspected but not rated



Are services well-led?

Inspected but not rated



# Summary of findings

## Overall summary

APMS Ambulance Service Limited provides patient transport services (PTS). The service opened in 1997 and registered with the Care Quality Commission (CQC) in December 2015. It is an independent ambulance service in Peterborough. The service primarily serves the communities of the Peterborough and Cambridgeshire region but also offers PTS services out of county on request.

Following our previous inspection of this service on the 18 and 23 November 2020, we told the provider it must take action to bring services in line with legal requirements. This action related to the patient transport service. The provider submitted an action plan outlining the steps they were taking to improve.

On 19 March 2021 CQC received information of concern in relation to the recruitment of individuals employed with APMS Ambulance Service Limited. Due to the significance of the concerns on 24 March 2021 we served an urgent notice of suspension of registration as a service provider, in respect of all regulated activities, under Section 31 of the Health and Social Care Act 2008.

We carried out an urgent focused inspection on 31 March 2021, which corroborated concerns in relation to the providers recruitment practices and staff records. Due to the lack of assurance that the provider could address the concerns prior to the end of the suspension period on the 9 April 2021, we extended the urgent suspension until the 14 May 2021.

On the 23 April 2021, the registered manager voluntarily cancelled their registration as the registered manager of the service. On the 27 April 2021, the provider told us that no progress had been made in relation to responding to the concerns identified during our inspection and the provider was looking to sell APMS Ambulance Service Limited.

On the 5 May 2021, the provider told us they had made no progress towards addressing the concerns we identified during inspection. There was no post inspection action plan and a new registered manager had not been appointed for the service. The provider told us that they had been in liaison with several interested parties with a view to selling APMS Ambulance Services Limited and not going to continue to provide regulated activities.

An application to cancel APMS Ambulance Service Limited registration and cancel all the activities we regulate was received on 10 May 2021 and we cancelled the providers registration for all regulated activities on the 13 May 2021.

To get to the heart of patients' experiences of care and treatment, we normally ask the same five questions of all services: are they safe, effective, caring, responsive to people's needs, and well-led? During this urgent responsive inspection, we looked at parts of the safe and well led domain.

We found that:

- Leaders did not ensure that patients, staff and the public were protected from abuse.
- Leaders did not consistently follow the providers recruitment policy.
- Leaders did not demonstrate integrity and honesty in relation to the management of the service.
- The provider did not apply effective governance processes for the employment of staff, specifically those with criminal records.
- Leaders did not demonstrate a culture of openness and honesty within the service which may have placed patients and staff at risk.

# Summary of findings

## Our judgements about each of the main services

### Service

#### Patient transport services

Inspected but not rated



### Rating

### Summary of each main service

We did not rate this service at this inspection. We found that:

- Leaders did not ensure that patients, staff and the public were protected from abuse. Not all staff were subject to appropriate employment and recruitment checks and were not risk assessed to ensure suitability for the role in which they were employed.
- Leaders did not demonstrate integrity and honesty in relation to the management of the service. We found there had been a failure to disclose full and transparent details of current employees and provision of employee records.
- The provider did not apply governance processes for the employment of staff, specifically those with criminal records. Leaders did not consistently follow APMS Ambulance Service Limited recruitment policy.
- Leaders did not demonstrate a culture of openness and honesty within the organisation which may have placed patients and staff at risk of abuse within the service.

# Summary of findings

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# Summary of this inspection

## Background to APMS Ambulance Service Limited

On 19 March 2021, the Care Quality Commission (CQC) received concerns in relation to APMS employees who had criminal convictions of a serious nature.

We urgently requested information from the provider including up to date employee lists, a copy of the providers recruitment policy alongside recruitment checks and disclosure barring service (DBS) checks for the specific employees named by the Police. On 24 March 2021, CQC attended a professionals meeting with Police and other key stakeholders. Following this meeting due to ongoing concerns in relation to the provider and a lack of assurance that patients and staff were being safeguarded within the service, we immediately served a Notice of Decision under Section 31 of the Health and Social Care Act 2008 to urgently suspend all of the providers regulated activities from the 24 March 2021 until the 9 April 2021.

In order to follow up on our concerns we carried out a responsive inspection on the 31 March 2021 and interviewed the nominated individual, the registered manager and reviewed eleven employee personnel files. During our inspection we found no evidence of harm caused to any patients or staff due to the provider failing to carry out the appropriate checks on all employees. However, the lack of effective recruitment processes, employee checks and poor governance posed a serious risk to people using the service.

## How we carried out this inspection

You can find information about how we carry out our inspections on our website: <https://www.cqc.org.uk/what-we-do/how-we-do-our-job/what-we-do-inspection>.



# Our findings

## Overview of ratings

Our ratings for this location are:

	Safe	Effective	Caring	Responsive	Well-led	Overall
Patient transport services	Inspected but not rated	Not inspected	Not inspected	Not inspected	Inspected but not rated	Inspected but not rated
Overall	Inspected but not rated	Not inspected	Not inspected	Not inspected	Inspected but not rated	Inspected but not rated

# Patient transport services

Safe	Inspected but not rated 
Well-led	Inspected but not rated 

## Are Patient transport services safe?

Inspected but not rated 

We did not rate this service at this inspection.

### Safeguarding

#### Managers did not ensure that patients, staff and the public were protected from abuse.

- On 19 March 2021, the Care Quality Commission (CQC) received concerns in relation to two APMS employees (staff member A and staff member B) who had criminal convictions in relation to the sexual abuse of children and making indecent images of children. The registered manager also disclosed to the Police that he had employed other staff with criminal records in relation to theft and fraud.
- Following these concerns, we requested specific information in relation to the two identified individuals. In addition, we requested details of the employment process in place, including a full list of employees alongside the providers recruitment policy, staff recruitment details and disclosure barring service (DBS) checks.
- From the details provided by the Police and the provider we identified one member of staff with criminal convictions of a sexual nature who was under supervision by the Police and employed in July 2019. We identified one other staff member with spent criminal convictions relating to sexual offences who was employed in December 2020. We also identified other staff members with convictions of a less serious nature.
- We found there were discrepancies between evidence provided on 22 March 2021 and that provided at the time of our previous inspection between 18 and 23 November 2020. At no point either during the previous inspection, or within subsequent information submissions was it disclosed that APMS employed staff who were currently under supervision by the Police due to their offending history or that had criminal convictions.
- In November 2020, we were given information that indicated 44 staff were employed by APMS. The staff member with current criminal convictions and under supervision by the Police was employed at the time of inspection between 18 and 23 November 2020 and had not been included on the staff list that was disclosed to us during inspection.
- On 22 March 2021, we were provided with employment details for both staff who had convictions for sexual offences. We were also provided with a list of staff employed as of 23 March 2021, the APMS Ambulance Service Recruitment Policy dated 30 January 2020, an additional six staff interview records and four staff references for staff who had not been included on the post inspection data requests in November 2020.
- During our inspection we interviewed the Nominated Individual (NI) and Registered Manager (RM). We reviewed 10 staff personnel files; of these, eight were employees, one was the NI and one the RM. We reviewed one further employee record that was representative of changes the provider told us they would be implementing following the Section 31 Notice being served on 24 March 2021. This record demonstrated that the provider had implemented changes to respond to the issues identified in the Section 31 Notice.
- We found evidence to show the authority to make employment decisions was inconsistent and not in line with the APMS recruitment policy. Of the eleven employee personnel files we reviewed, five had interview records that demonstrated the RM had been the only interviewer. The APMS recruitment policy stated that two senior staff would normally interview potential employees.

## Patient transport services

- During our interviews the NI and the RM told us that interview panel members were either the APMS RM, NI or the team leader. The use of two managers on the interview panel was dependent on capacity and availability. However, they both confirmed that most interviews were undertaken alone by the RM. The NI told us they interviewed when the RM was not available.
- There is a risk that service users will or may be exposed to the risk of harm if employed staff have not been subject to appropriate employment and recruitment checks and are not risk assessed to ensure suitability for the role in which they are employed.
- There was evidence within the employee files we reviewed that the provider had failed to consistently apply effective recruitment and employment processes in line with the APMS recruitment policy. Appropriate checks for staff identity, references and decisions to employ were not completed or recorded consistently. Within the eight employee personnel files we reviewed we found:
  - Three members of staff had no interview record on file.
  - Five members of staff had two references recorded, two members of staff had one reference recorded, APMS policy stated that as a minimum two references would be sought. The staff member who disclosed a previous spent criminal conviction for sexual offences on their employment application form, had provided details of a family member as a referee, no references were recorded in their personnel file. A second staff member who disclosed a previous criminal conviction on their application form used the NI as one referee and a family member as their second referee, both references were recorded. Therefore, the NI had provided a reference for one of their own employees.
  - Only four members of staff had two forms of proof of identity recorded (either passport, driving license or birth certificate). Two of the staff who had disclosed previous criminal convictions had only one form of identity recorded. The staff member with active criminal convictions had no proof of identity recorded.
  - At the time of employment on 31 July 2019, the staff member with active criminal convictions had no DBS recorded, however this had been undertaken on 16 December 2019. All eleven employee files had a completed DBS, which had been checked against both the children and vulnerable adults' lists. This check identifies people who must not be employed to work with children or adults.
  - The provider had developed its own DBS screening tool to track all staff DBS records, this was entitled the APMS DBS checklist. Staff members A and B had no APMS DBS checklists completed within their employee file. This meant we had no assurance the registered manager had oversight of employee records or was reviewing these for any concerns in relation to the staff who may have criminal records or pose a risk within the service.
  - Where the provider had employed staff with criminal records there was a failure to undertake or record the decision-making process for these appointments. Leaders did not carry out individual employee risk assessments for these staff to establish and mitigate any potential risks that these employees may pose within the service.
  - We identified three members of staff with criminal convictions, some of a serious sexual nature where the provider had failed to carry out risk assessments to manage any risks they may pose within the service.
  - It was noted during our inspection that the staff member employed in January 2021, with previous criminal convictions relating to theft and fraud had an employment risk assessment undertaken on 30 March 2021. This was after we served the initial Section 31 notice to the provider. This demonstrated that the provider had not previously risk assessed this member of staff.

### Are Patient transport services well-led?

Inspected but not rated 

We did not rate this service at this inspection.

#### Leadership



# Patient transport services

## **Leaders did not demonstrate integrity and honesty in relation to the management of the service.**

- There was a lack of communication between the Nominated Individual (NI) and the Registered Manager (RM) in relation to recruitment and employment. This meant there was a lack of understanding in relation to the number of staff employed, failure to ensure staff had been recruited appropriately and ensure all essential employment checks and induction for new staff had been completed.
- During our inspection it was evident that the NI and RM had withheld information at our previous inspection in November 2020. This information would have highlighted concerns in relation to the employment of staff with active criminal convictions.
- In relation to the employment of the staff member with active criminal convictions, the RM told us they had not been involved with the recruitment process. They also told us they were not aware of the individual's criminal convictions until they were contacted by the Police on 19 March 2021, despite these convictions having been disclosed on their application form. This confirmed that there was no formal process for internal check and challenge for potential employees with a criminal record.
- In the employee file for the staff member with active criminal convictions there was no evidence to show that the NI had communicated with the RM at any point when making the decision to employ them. The NI had not followed the APMS recruitment process when employing the staff member. The NI was aware of their criminal offending history and employed them without performing all the necessary employment checks.
- The RM did not ensure that effective recruitment checks, training, induction and other key employment activities were completed for the staff with active criminal convictions. The RM told inspectors they had no knowledge of the significant criminal convictions in relation to the staff member and denied any knowledge that they may pose any risks within the service. The RM failed to recognise the significant risks of employing staff with convictions of a sexual nature and told us they would employ staff again without any concerns despite their offending history.
- The RM failed to provide a full list of all employees following our inspection in November 2020. When asked during this inspection the RM told us the discrepancies were due to only patient transport service (PTS) staff being detailed and those covering event had been excluded. On 29 November 2020 we were informed there were 44 members of staff employed, on 22 March 2021 we were informed there were 50 and then information provided on 24 March 2021 stated 51. Four of the eleven personnel files we reviewed had not been disclosed in the numbers during the November inspection but had been employed at that time. These included the staff member with active criminal convictions and another member of staff that had Nursing and Midwifery Council (NMC) restrictions on their practice.
- The NI told us they were not certain of the total number of employees and had relied on the number of staff stated by the RM.
- The NI and RM were unable to confirm why they had not included the staff with active criminal convictions details within post inspection data requests in November 2020. They claimed this was an oversight in relation to the data they provided.
- We were therefore not assured that leaders had demonstrated integrity and transparency during our previous inspection in November 2020 or that they had a clear understanding of the staff employed and any risks they may pose within the service. This demonstrated a failure to enact the roles and responsibilities of an RM and NI despite them both consistently telling us during inspection that they understood their responsibilities and what actions they needed to take in relation to recruitment.
- Following our inspection, the RM applied to the care Quality Commission (CQC) to cancel their registration as RM for APMS.

## **Governance**

### **The service did not apply governance processes for the employment of staff, specifically those with criminal records.**

# Patient transport services

- There was a lack of governance processes and systems in relation to staff recruitment and specifically staff with any criminal history. The NI and RM failed to follow the APMS recruitment policy to keep staff, patients and the public safe.
- Where the provider employed staff convicted of criminal offences, they failed to carry out risk assessments in relation to any risks this may pose within the service. This meant service users may have been exposed to the risk of harm. It was clear in our interviews with the NI and the RM that they had not taken on board the serious nature of the criminal convictions, the impact this could have on patients, staff and the provider reputation.
- We found that the RM and NI did not understand the potential risks and issues arising from failure to consider a staff members background history in order to put in place measures to safeguard service users. Prior to the section 31 notice of suspension, they had not considered the need to carry out risk assessments for staff convicted of offences.
- The NI and the RM told us there was no formal process to discuss any discrepancies or potential concerns arising from application or interview. Both confirmed that adhoc discussion may have been held on occasion, but no documentation was completed. The NI had also informed the Police at the time of employing the staff with active criminal convictions that they would always be under direct supervision. Evidence from our inspection and from the Police showed that this was not the case and that there would have been times when the staff member was not under supervision. We carried out our inspection based on serious concerns in relation to the health, safety and welfare of patients and staff. During our inspection we found no evidence of harm caused to any patients or staff due to the provider failing to carry out the appropriate checks on all employees. However, the lack of effective recruitment processes, employee checks and poor governance posed a serious risk to people using the service.

## Culture

### **Leaders did not demonstrate a culture of openness, honesty or a focus on staff and service user safety within the service.**

- The NI and RM demonstrated a lack of honesty and integrity in relation to recruitment activities. Both the NI and RM highlighted a culture of poor communication between leaders and a lack of consistency in applying the APMS recruitment policy.
- The RM supplied evidence both during and following our inspection in November 2020, which demonstrated they had failed to be open and honest when providing information in relation to the service.
- The NI and RM did not demonstrate a focus on staff wellbeing and service user safety. They failed to recognise or minimise the risks to staff and service users by taking all reasonable mitigating steps to ensure employment processes were appropriate, consistently applied and effective in ensuring staff employed did not pose a safeguarding risk within the service.