

Public Notice of Decision of the Northern Ireland Social Care Council's Fitness to Practise Committee

Name: Alfred James Purcell

SCR No: 6032994

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at a hearing on **04 and 05 December 2018**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found the facts proved;

The Committee found that your fitness to practise is impaired by reason of MISCONDUCT;

The Committee decided to make a Conditions of Practice Order for a specified period of TWO years.

The Conditions of Practice are as follows:

1. You must notify NISCC within 14 days of any social care appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide NISCC with contact details of your employer.
2. You must inform NISCC of any professional investigation started against you and / or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.
3.
 - a) You must within 14 days of accepting any post or employment requiring registration with NISCC, or any course of study connected with social work or social care, provide NISCC with the name / contact details of the organisation offering the post, employment or course of study.
 - b) You must within 14 days of entering into any arrangements required by these conditions of practice provide NISCC with the name and contact details of the individual / organisation with whom you have entered into the arrangement.
4. At any time you are employed or otherwise providing social care work, you must not practise without having either an equal or senior staff member also being on duty during the period of the shift.
5. At any time you are employed or otherwise providing social care work:
 - (a) You must notify NISCC of the name of your mentor or supervisor within 14 days of commencing your employment;
 - (b) You must meet with your mentor or supervisor on a weekly basis for the initial period of six weeks to formulate a Personal Development Plan specifically designed to address the deficiencies in the de-escalation of challenging behaviours from service users;

- (c) After the initial six week period, you must meet with your line manager, mentor, or supervisor at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan.
6. You must forward to NISCC a copy of your Personal Development Plan within six weeks of the date on which these conditions become effective, or the date on which you take up an appointment, whichever is later.
 7. Within 6 months of the conditions coming into effect, you must submit a written reflective account, the content of which must be to the satisfaction of NISCC. Your reflective account should specifically address:
 - a. your reflection on the incident which occurred and the impact upon the service user;
 - b. your understanding of how your behaviour breached the Standards of Conduct and Practice;
 - c. any lessons which you have learnt;
 - d. your reflection on how the values and principles of social care relate to the role of the social care worker;
 - e. how the Standards of Conduct and Practice for Social Care Workers apply to the role of social care worker;
 - f. how the role of social care worker impacts on the service users you work with, their families and your colleagues.
 8. At any time you are employed or otherwise providing social care work, you must send a report from your line manager, mentor or supervisor setting out the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan to NISCC eight weeks before any review or hearing.
 9. At any time you are employed or otherwise providing social care work, you must allow NISCC to exchange as necessary information about the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan with your line manager, mentor or supervisor or any other person who will be involved in your training and supervision with any employer, prospective employer and at any educational establishment.
 10. Within six months of returning to practice, you must attend and complete an accredited training course in relation to managing challenging behaviour and provide NISCC with written evidence of successful completion.
 11. At any time you are employed or otherwise providing social care work, you must immediately inform the following parties that you are subject to a Conditions of Practice Order under NISCC's fitness to practise procedures and disclose the conditions listed at 1 to 10 above to them:
 - Any organisation or person employing, contracting with, or using you to undertake social care;
 - Any agency you are registered with or apply to be registered with (at the time of application);
 - Any prospective employer (at the time of application);

- Any educational establishment at which you are undertaking a course of study connected with social work or social care, or any such establishment to which you apply to take such a course (at the time of application).

Particulars of the Allegation:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst working as a support worker for [REDACTED]:

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| 1. | On 23 July 2017, you failed to follow trained techniques to de-escalate the behaviours of Resident M in line with his Behaviour Support Plan. |
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And that by reason of the matters set out above, your fitness to practise is impaired because of your misconduct.

Procedure

The hearing was held under the fitness to practise procedure.

Legal Advice Given

Advice given to the Committee by the Legal Adviser is contained within the body of this Decision.

Preliminary Matters

The Registrant was not in attendance. The Council was represented by Mr Gilmore, solicitor.

Service

In a Notice of Hearing dated 05 November 2018, sent by Special Delivery post and addressed to the Registrant at his last known address, the Council notified him of the date, time and venue for this hearing. The Notice was signed for and collected on 09 November 2018.

The Committee determined that the Notice of Hearing has been served in accordance with Rule 3 of the NISCC Fitness to Practice Rules 2016 ("the Rules") and the requirements of Paragraph 5 of Schedule 2 of the Rules.

Proceeding in the Absence of the Registrant

Mr Gilmore made an application to proceed in the absence of the Registrant pursuant to Paragraph 15 of Schedule 2 of the Rules. Mr Gilmore submitted that the Registrant is aware of the hearing and has advised the Council that he is unable to attend as he has started a new job and is unable to obtain leave. The Committee heard that the Registrant did not request an adjournment or postponement, that he consented to the hearing bundle being provided to the Committee in advance of the hearing and that the Registrant provided written submissions. Mr Gilmore submitted that the Council had three witnesses in attendance today, and in all of the circumstances it was appropriate to proceed in the absence of the Registrant.

The Committee heard and accepted the advice of the Legal Adviser. The Legal Adviser reminded the Committee of the principles from R v Jones, and that the discretion to proceed in the absence of the Registrant should only be exercised with the utmost care and caution.

The Committee took into consideration the detailed information contained within the Notice of Hearing, which provides the Registrant with details of the allegations, the time, date and the venue of the hearing and, amongst other things, the Registrant's right to attend and to be represented as well as the Committee's power to proceed in his absence. The Committee accepted that the Registrant is aware of the hearing, and noted that he advised the Council that he would not be attending but had not sought a postponement. The Committee concluded that the Registrant had voluntarily waived his right to attend. The Committee considered the extent of the disadvantage to the Registrant in not being able to give evidence or to present his account of events relating to the allegations. The Committee carefully balanced the rights of the Registrant against the wider public interests in the expeditious disposal of the case.

Taking all of these factors into account, and after careful consideration, the Committee decided to exercise its discretion to proceed in the absence of the Registrant.

Background

The Registrant is registered on Part 2 of the Register and at the relevant time was employed as Senior Support Worker for a Unit which provides residential care to service users with complex needs. The Registrant was first registered with the Council on 16 May 2017.

On 23 July 2017, two staff members from a sister site in the same Group reported that the Registrant had shouted at Resident M, pushing and pulling him, and that he had held him against the wall. The Committee heard that Resident M had been resident elsewhere prior to moving to the Unit, and was a young person with a range of difficulties and challenging behaviour.

Evidence

The Committee received into evidence a bundle of evidence, referred to as Exhibit 1. The Committee also admitted into evidence submissions from the Registrant, referred to as Exhibit 2. The Committee took full account of the documents provided.

The Committee received oral evidence from three witnesses, and submissions from Mr Gilmore on behalf of the Council.

Witness 1 adopted her written statement into evidence. The Committee assessed her credibility, based largely on her written statement to NISCC, the contemporaneous statement she made at the time and responses she gave to her employer during an investigatory meeting. The Committee found Witness 1 to be a credible witness. The Committee noted that Witness 1 did not know the Registrant, and the Committee therefore saw no reason for her to have a grudge against him or to give misleading evidence. The Committee noted that Witness 1 was

largely consistent in her contemporaneous statement, the answers she gave as part of the employer's investigation and her statement to NISCC.

The Committee found Witness 2 to be a credible witness. The Committee noted that she had given a first-hand account of what she had seen shortly after the events had occurred. The Committee did find that there were some inconsistencies in her evidence. However, these related to specific issues such as the history of the Resident or whether or not the Registrant had deliberately pushed Resident M against a wall. The Committee otherwise accepted the evidence of Witness 2, and also found no reason for her to bear a grudge against the Registrant or to give misleading evidence.

Witness 3 was not present during the relevant events and her direct evidence to the Committee was limited. The Committee found Witness 3 to be very knowledgeable, credible and professional. The Committee was greatly assisted by the evidence she gave about the Unit, records of training completed by the Registrant and the Behaviour Support Plan in place for Resident M.

The Committee heard submissions from Mr Gilmore that the Council had presented clear evidence that the Registrant had completed a comprehensive programme of training, which included a two day tailored package of training in February 2017 in relation to managing challenging behaviour. Mr Gilmore directed the Committee to the Behaviour Support Plan for Resident M, which he submitted sets out pro-active strategies which must be employed and reactive strategies which must be employed, none of which involve physical intervention. Mr Gilmore submitted that the evidence of two eye witnesses confirmed that the Registrant was loud, over bearing and carried out physical interventions which were unnecessary and disproportionate to the situation which he faced. Mr Gilmore submitted that the Registrant did not use the techniques which he had been trained in to de-escalate the behaviours of Resident M, and that the evidence proved the facts on the balance of probabilities.

Finding of Facts

The Committee received advice from the Legal Adviser, which focused on the principles associated with the burden and standard of proof. The Committee recognised and accepted that the onus was on the Council to prove its case on the balance of probabilities.

The Committee noted that the bundle of evidence contained reference to witnesses who had not provided statements as part of the NISCC investigation. The Committee sought clarification from NISCC in respect of these witnesses and, in particular, whether the two individuals recorded in the Safeguarding Log as 'didn't see anything' had been asked to provide statements. Mr Gilmore on behalf of NISCC advised that these individuals were not approached as they had indicated to the employer that they had seen nothing. The Committee would have been assisted by further clarification from these witnesses, but accepted that the burden of proof rests with the Council and it is for the Council to prove its case.

The Committee first considered the Behaviour Support Plan, dated 15 June 2017, for Resident M. The Committee determined that the Behaviour Support Plan clearly documents what actions should be taken to de-

escalate the challenging behaviours of Resident M. The Committee noted the range of techniques which start with low level interventions, proactive strategies, reactive strategies, asking for assistance from other staff or a request for PRN medication. The Committee noted that the Behaviour Support Plan sets out that Resident M has a range of difficulties which include being highly elated and aggressive, destructive to property and that he can be very unpredictable. The Behaviour Support Plan recorded that Resident M could also display inappropriate sexualised behaviour whenever elated. The Committee accepted the evidence of Witness 3 who stated that in accordance with the Behaviour Support Plan, Resident M does not require physical intervention, although in the case of an emergency or as a last resort it may be relevant.

The Committee next considered whether the Registrant had been trained in these techniques. The Committee noted that on 13 and 14 February 2017, the Registrant completed PROACT-SCIPr, which is face to face person-centred training in challenging behaviour. The Committee was also provided with a list of the Registrant's e-learning records which included Managing Challenging Behaviour and Autism training. The Committee heard evidence from Witness 3 that the staff members on induction would be provided with the opportunity to review and read the Behaviour Support Plan for residents in the Unit. The Committee determined that the Registrant was trained in techniques to de-escalate the behaviours of Resident M.

The Committee received conflicting evidence on whether the Registrant failed to follow the techniques in the Behaviour Support Plan. The Committee noted that the Registrant denies the allegation. During the interview with his employer, the Registrant explained that to try to engage with the Resident he may have been 'over-loud'. The Committee determined that being 'over-loud' to try to engage Resident M was not a breach of the Behaviour Support Plan. The Registrant stated that on reflection he could have tried redirection, which the Committee took to be an acceptance that redirection was not employed. The Committee found that the Registrant had not therefore employed all of the techniques in which he had been trained to de-escalate the behaviour of Resident M.

It was alleged that the Registrant used physical force on Resident M. The Committee concluded that there was no evidence of an emergency situation on 23 July 2017, and if physical force was used the Committee was of the view that this would have been in breach of the Behaviour Support Plan. The Committee then went on to consider whether it was more likely than not that physical force had been used on Resident M.

The Committee noted that during the employer's investigation, the Registrant was clear that he did not place his hands on Resident M. The meeting of his interview recorded that when he was asked:

'M- did you at any time block his path? Put your hands on him/threaten him?'

F- no I didn't put my hands on him'.

This was in direct conflict with the evidence of Witness 1 and Witness 2. The Committee heard from these witnesses that the Registrant used physical interventions on Resident M on three separate occasions in the day room, at the smoke hut and in the corridor. The Committee was satisfied that an incident had occurred on 23

July 2018 involving Resident M. This was in the context of Resident M having touched Witness 1 on the bottom, and the Registrant feeling anxious as he was aware that Resident M could hit out at others.

The Committee first considered whether the Registrant had used physical force on Resident M to remove him from the day room. The Committee determined that on the balance of probabilities, the Registrant did place his hands on Resident M to remove him from the day room. In her statement to NISCC, Witness 1 stated:

'The Registrant grabbed Resident M by the shoulder very forcibly and dragged him out of the TV lounge. Resident M was going backwards'.

In her statement to NISCC, Witness 2 stated:

'He put his hand on Resident M's shoulder and pushed him to the door telling him to go to his room'.

The Committee gave careful consideration to the entry in the Safeguarding Log that two witnesses 'didn't see anything'. In his written submissions to the Council, the Registrant states that these witnesses were in the room. However with no evidence, either written or oral evidence from the witnesses presented by the Council or from the Registrant, the Committee determined that the entries in the Safeguarding Log could not corroborate the Registrant's account of events. The Committee had no evidence to explain whether these witnesses saw the Registrant deal with the incident and saw nothing to report, or whether they were engaged in other duties and therefore did not see anything. The Committee could not therefore apply any weight to the entries in the Safeguarding Log.

The Committee next considered an allegation that at the smoking hut, the Registrant dragged Resident M indoors. Witness 1 and Witness 2 both consistently stated that they observed the Registrant blocking, then pushing and pulling Resident M. On the balance of probabilities, the Committee determined that, in the circumstances where Resident M had already touched Witness 1 and then had run out towards her again and the Registrant was feeling anxious, it was more likely than not that physical contact occurred between the Registrant and Resident M.

The Committee accepted that the likelihood of physical contact between the Registrant and Resident M in the corridor was high. The Committee heard from Witness 2 that there was another member of staff present in the corridor. The Committee would have been assisted by evidence from this witness. The Committee accepted the evidence of Witness 1 and Witness 2 that the Registrant stood as a physical barrier or a shield to stop Resident M getting to the witnesses, and used physical contact to get him to go down the corridor.

The Committee considered that the most serious concern raised by Witness 1 and Witness 2 was that the Registrant pushed Resident M down the hall and that Resident M was pushed against the wall. The Committee found that the evidence was conflicting and the Committee did not therefore accept, on the balance of probabilities, that the Registrant pushed the Resident against the wall.

Although the Committee did not find that the Registrant pushed Resident M against the wall, the Committee found on the balance of probabilities that the Registrant had used physical intervention on Resident M in the day

room, the smoke hut and the corridor. Therefore, the facts giving rise to the Particulars of the Allegation were proved.

Fitness to Practise

The Committee moved on to consider if the Registrant's fitness to practise is impaired.

The Committee heard submissions from Mr Gilmore. He submitted that the Registrant's fitness to practise is impaired by reason of misconduct. Mr Gilmore stated that impairment was defined in the Rules as circumstances which call into question the suitability of a registrant to remain on the Register without restriction or at all, and referred to the requirements of Paragraph 24 of Schedule 2 of the Rules. Mr Gilmore submitted that, in the opinion of the Council, the following Standards have been breached: Standards of Conduct 1.2, 1.3, 3.1, 3.7, 4.2, 5.1, 5.8 and 6.1 and Standards of Practice 2.3, 3.1, 3.2, 3.8 and 3.13.

The Committee heard and accepted the advice of the Legal Adviser. She referred the Committee to Paragraph 24 of Schedule 2 of the Rules and the requirements as set out in the case of GMC v Cohen. She directed the Committee to the findings of Dame Janet Smith in her 5th report to the Shipman Inquiry and her guidance on the causes of impairment. She also referred the Committee to the cases of GMC v Roylance and CHRE v Grant.

The Committee, in considering the issue of impairment of fitness to practise, took account of Paragraph 24 (3) of Schedule 3 of the Rules, which states that the Committee shall have regard to:

- a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;
- b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- c) whether the impairment is capable of remediation;
- d) whether the impairment has been remediated;
- e) the risk of repetition; and
- f) the public interest.

The Committee first considered whether the facts found proved amount to misconduct. The Committee determined that the Registrant had not complied with his training, and that he had used physical contact on the Resident on more than one occasion, when it was not an emergency situation and contrary to the Behaviour Support Plan. The Committee recognised that the Registrant was dealing with a very vulnerable adult, but the Behaviour Support Plan clearly outlined techniques to de-escalate his behaviour. The Committee received evidence from Witness 1 and Witness 2 that the Registrant grabbed Resident M by the shoulder and pushed him out of the day room, tried to drag him away from the smoke hut and pulled Resident M forcefully along the corridor inside the Unit. The Committee found that this went against the PROACT-SCIPr training and the Behaviour Support Plan for Resident M, which stated that physical interventions were not required except in an emergency and as a last resort. As a result of all of the evidence considered, both in the hearing bundle and the oral evidence received, the Committee concluded that the Registrant's actions fell below the standard expected of a social care worker and were serious enough to amount to misconduct.

In reaching this decision, the Committee had regard to the Standards of Conduct for Social Care Workers and found the Registrant's actions to be in breach of the following provisions:

Standard 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:

1.2 Treating people with consideration, respect and compassion.

Standard 3: As a social care worker, you must promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:

3.1 Promoting service users' independence and empowering them to understand and exercise their rights; and

3.7 Recognising and using responsibly with service users and carers, the power that comes from your work role.

Standard 4: As a social care worker, you must respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people. This includes:

4.2 Following risk assessment policies and procedures to assess whether the behaviour of service users or others presents a risk of harm to themselves or other people.

The Committee next considered the Standards of Practice for Social Care Workers and found the Registrant's actions to be in breach of the following:

Standard 2: As a social care worker, you must be able to communicate effectively. This includes:

2.3 Using a range of communication methods and styles to meet a service user's communication needs, wishes and preferences.

Standard 3: As a social care worker, you must deliver person-centred care and support which is safe and effective. This includes:

3.2 Delivering care in line with assessed needs and service user and carer preferences; and

3.8 Contributing to the implementation of care or support plans and risk management plans.

The Committee next considered whether as a result of the misconduct found proved, the Registrant's fitness to practise is impaired. The Committee kept at the forefront of its mind when reaching this decision the duty to protect the public, uphold proper standards of conduct and behaviour and maintain public confidence in the social care profession.

The Registrant was working with very vulnerable residents with complex needs. A detailed Behaviour Support Plan had been put in place to allow the needs of Resident M to be met. The Committee concluded that the physical interventions which were in breach of this Behaviour Support Plan did pose a risk of harm to Resident M. The Committee determined that the Registrant's actions on that day did breach a fundamental tenet of the social care profession.

The Committee had no doubt that the Registrant's misconduct is capable of remediation. However, the Committee determined that it has not yet been remedied. The Registrant failed to follow the Behaviour Support Plan and there is a risk that he could act in the same way in the future. The Committee found that the Registrant had not demonstrated full insight. The Committee appreciated that the Registrant denied that the events occurred as described by Witness 1 or Witness 2. However, he has not demonstrated insight into the impact of his actions on Resident M or on his colleagues, or demonstrated any reflection on what the impact may have been if the Particulars of the Allegation were to be found proved. Until the misconduct has been remediated or full insight demonstrated, the Committee concluded that the Registrant's fitness to practise remains impaired.

The Committee considered the public interest and concluded that public confidence in the profession and NISCC as a regulator would be undermined if a finding of impairment were not made. In particular, the Committee noted the evidence of Witness 1 when she witnessed events at the smoke hut and said 'what is he trying to do to that poor boy', and considered her views to be reflective of any member of the public. On this basis, the Committee concluded that public confidence in the profession would be undermined if a finding of impairment were not made.

Therefore, the Committee determined that the Registrant's fitness to practise is currently impaired.

Sanction

In reaching its decision on sanction, the Committee considered the submissions of Mr Gilmore on behalf of the Council and had careful regard to all of the evidence in this case.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('Indicative Sanctions Guidance') and reminded the Committee to consider the question of sanction in ascending order of severity, paying particular attention to the issue of proportionality.

She referred the Committee to Paragraph 26 of Schedule 2 of the Rules which provides that, upon a finding of impairment of fitness to practise, the Committee may:

- a) warn the Registrant and direct that a record of the warning should be placed on the Registrant's entry in the Register for a specified period of up to 5 years; or
- b) make a Conditions of Practice Order for a specified period not exceeding 3 years; or
- c) make an Order suspending the Registrant's registration for a specified period no exceeding 2 years (a Suspension Order);
- d) make an Order for removal of the Registrant's registration from the Register ('a Removal Order');
- e)

She further reminded the Committee that in deciding which sanction to impose, the Committee shall take into account:

- a) the seriousness of the Particulars of the Allegation;
- b) the degree to which the Registrant has fallen short of any expected standards;
- c) the protection of the public;
- d) the public interest in maintaining confidence in social care services; and
- e) the issue of proportionality.

The Committee took these factors into account and had careful regard to the Council's Indicative Sanctions Guidance. The Committee recognises that the purpose of sanction is not to be punitive, although sanction may have a punitive effect. The Committee first considered the aggravating and mitigating factors in this case and found the aggravating factors to be:

- the Registrant was providing care to very vulnerable service users;
- the Registrant was in a senior role;
- the Registrant had received training and was aware of the Behaviour Support Plan for Resident M;
- there was a risk of harm to Resident M, although no harm occurred;
- the incident occurred at work;
- the Registrant has not expressed any remorse.

The Committee considered the mitigating factors to be:

- the Registrant has a good work history;
- the Registrant has recently obtained a Bachelor of Science in Child Behaviour with the Open University and is studying for a Masters;
- the Registrant has co-operated with the NISCC investigation and, although he could not attend the hearing, he did provide written submissions;
- this was an isolated incident;
- it was not pre-meditated;
- the Registrant reported being anxious at the time this incident occurred because of the risk of Resident M hitting out at others.

The Committee proceeded to consider the appropriate sanction to apply in this case:

Warning - the Committee considered a Warning but was not satisfied that a Warning was the appropriate sanction in this case. The Committee concluded that the Registrant's misconduct was of a serious nature and has not been remediated. The Committee determined that a risk of repetition remained and, when considered in conjunction with the Registrant's lack of insight, concluded that a Warning was not appropriate.

Conditions of Practice Order - the Committee next considered a Conditions of Practice Order. The Committee had already determined that the Registrant's misconduct could be remediated, and determined that Conditions of

Practice would allow the Registrant the opportunity to remedy his misconduct. The Committee had written submissions from the Registrant which suggested that he was employed in retail and had no information on whether or not the Registrant would agree to any conditions imposed. However, the Committee took into consideration his written submissions, in which he stated that he was unable to attend the hearing as his employer had put a block on holidays throughout the period of December. The Committee noted that the Registrant was studying for a Masters, and concluded that if not currently in a social care role it was likely that he would want to return to the profession. The Committee has decided that there are workable, measurable and time bound conditions which are relevant and proportionate and address the Registrant's failings. These conditions could be placed on his registration and would prevent any risk of repetition at any time the Registrant is employed, or otherwise providing social care.

The Conditions of Practice which are appropriate in this case are:

1. You must notify NISCC within 14 days of any social care appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide NISCC with contact details of your employer.
2. You must inform NISCC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.
3. a) You must within 14 days of accepting any post or employment requiring registration with NISCC, or any course of study connected with social work or social care, provide NISCC with the name/contact details of the organisation offering the post, employment or course of study.
b) You must within 14 days of entering into any arrangements required by these conditions of practice provide NISCC with the name and contact details of the individual / organisation with whom you have entered into the arrangement.
4. At any time you are employed or otherwise providing social care work, you must not practise without having either an equal or senior staff member also being on duty during the period of the shift.
5. At any time you are employed or otherwise providing social care work:
 - (a) You must notify NISCC of the name of your mentor or supervisor within 14 days of commencing your employment;
 - (b) You must meet with your mentor or supervisor on a weekly basis for the initial period of six weeks to formulate a Personal Development Plan specifically designed to address the deficiencies in the de-escalation of challenging behaviours from service users;
 - (c) After the initial six week period, you must meet with your line manager, mentor, or supervisor at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan.
6. You must forward to NISCC a copy of your Personal Development Plan within six weeks of the date on which these conditions become effective or the date on which you take up an appointment, whichever is later.

7. Within 6 months of the condition coming into effect, you must submit a written reflective account, the content of which must be to the satisfaction of NISCC. Your reflective account should specifically address:
 - a. your reflection on the incident which occurred and the impact upon the service user;
 - b. your understanding of how your behaviour breached the Standards of Conduct and Practice;
 - c. any lessons which you have learnt;
 - d. your reflection on how the values and principles of social care relate to the role of the social care worker;
 - e. how the Standards of Conduct and Practice for Social Care Workers apply to the role of social care worker;
 - f. how the role of social care worker impacts on the service users you work with, their families and your colleagues.
8. At any time you are employed or otherwise providing social care work, you must send a report from your line manager, mentor or supervisor setting out the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan to NISCC eight weeks before any review or hearing.
9. At any time you are employed or otherwise providing social care work, you must allow NISCC to exchange as necessary information about the standard of your performance and your progress towards achieving the aims set out in your Personal Development Plan with your line manager, mentor or supervisor or any other person who will be involved in your training and supervision with any employer, prospective employer and at any educational establishment.
10. Within six months of returning to practice, you must attend and complete an accredited training course in relation to managing challenging behaviour and provide NISCC with written evidence of successful completion.
11. At any time you are employed or otherwise providing social care work, you must immediately inform the following parties that you are subject to a Conditions of Practice Order under NISCC's fitness to practise procedures and disclose the conditions listed at 1 to 10 above to them:
 - Any organisation or person employing, contracting with, or using you to undertake social care;
 - Any agency you are registered with or apply to be registered with (at the time of application);
 - Any prospective employer (at the time of application);
 - Any educational establishment at which you are undertaking a course of study connected with social work or social care, or any such establishment to which you apply to take such a course (at the time of application).

The Conditions of Practice Order is to last for a period of two years to allow the Registrant the opportunity to achieve the conditions and remedy his failings.

In considering sanction, the Committee did look at the next sanction in order of gravity, namely suspension. The Committee concluded that suspension would be disproportionate in all of the circumstances of this case.

You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing within 28 days from the date of this Notice of Decision.

You should note that the Fitness to Practise Committee's decision takes effect from the date upon which it was made.

The effect of this decision is that specified Conditions of Practice have been placed on your entry in the Register for a period of TWO years (05 December 2018 to 04 December 2020 inclusive).

Early Review

The Fitness to Practise Committee may, at your request, review the Conditions of Practice Order before the end of the period for which the Order has been imposed if there has been a material change of circumstances since the Order was imposed.

Additionally, the Council may request an early review of the Conditions of Practice Order if it receives information which suggests that the Order has not been complied with.

The Committee may, after early review of a Conditions of Practice Order, vary or revoke the terms of the existing Order, or replace the existing Order with a Suspension Order.

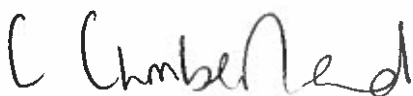
Compliance with Order

Condition Number 7 states that 'Within 6 months of the condition coming into effect, you must submit a written reflective account, the content of which must be to the satisfaction of NISCC.' **The reflective account must be submitted to the Committee Clerk NO LATER THAN 04 June 2019. Failure to do so may result in your case being referred to the Fitness to Practise Committee for non-compliance with the Conditions of Practice Order.**

Review at Conclusion of Sanction

A review of your fitness to practise will be undertaken towards the end of the period for which the Order has been imposed. The Council will write to you no later than 14 weeks before the expiry of the Order to request evidence to determine compliance with the imposed conditions of practice.

Following the Council's review, the matter may be referred for review by the Fitness to Practise Committee. If the Committee reviews the Order and it is satisfied that your fitness to practise remains impaired, it may impose a further Order to commence upon expiry of the existing Order, or it may impose a Suspension Order to commence upon expiry of the existing Order, or it may vary the terms of the existing Order, or it may revoke the existing Order and impose a Removal Order.



Committee Manager



Date