

Notice of Decision

Registrant	Niall Curran
Registration number	6042975
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Warning to remain on your registration for a period of 2 years
Date of Effect	12th October 2020

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

Decision

The Council has decided:

1. That there is evidence that your Fitness to Practice is impaired by reason of the Caution you have received from the Police Service of Northern Ireland, as defined in Part 1, Rule 4(1)(d) of the NISCC Fitness to Practice (Amendment) Rules 2019.
2. To issue a warning and direct that a record of the warning should be placed on your entry in the Register for a period of two years.

Caution

- That whilst being registered as a social care worker, you on 26th November 2018, in the course of your employment as an Assistant Support Worker with Mainstay DRP, you physically assaulted a service user, by slapping him on the hand;
- Further to this physical assault, you accepted an Adult Caution from the PSNI on 01st August 2019.

Reasons

The reasons that this behaviour is considered to constitute impaired fitness to practice are:

- Your actions were inappropriate and physical in nature, perpetrated against a Service User under your care.
- A Caution for Common Assault perpetrated against a Service User is very serious. It demonstrates a disregard for the law and a disregard for the safety and wellbeing of others, especially those under your care.

- The public has the right to expect that social care workers, in whom it places its trust and confidence, will uphold the law and not engage in offending behaviour; nor otherwise behave in a way in work or outside work which would call into question their suitability to work in social services.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council.

NISCC Standards of Conduct and Practice for Social Care workers

The Standards of Conduct for Social Care Workers that your behaviour has breached are as follows:

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:

- 3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work.

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services.

In particular you must not:

- 5.1 Abuse, neglect or harm service users, carers or colleagues.
- 5.7 Put yourself or other people at unnecessary risk.
- 5.8 Behave in a way, in work or outside of work, which would call into question your suitability to work in social care services.

Standard 6: As a social care worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills.

This includes:

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way;
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions.
- 6.6 Informing NISCC and any employers your work for at the first reasonable opportunity if your fitness to Practice has been called into question. This includes ill-health that affects your ability to Practice, criminal convictions, disciplinary proceedings and findings of other regulatory bodies or organisations.

Sanction

Having regard to the document '*Consensual Disposal Indicative Sanctions*' the Council decided that the appropriate sanction was the imposition of a warning on your registration for a period of two years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

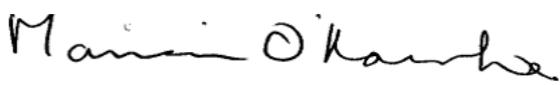
- Your actions were of an inappropriate, physical nature.
- Redness to the service user's right hand was noted by colleagues immediately following the slap.
- Your actions were committed against a vulnerable Service User, entrusted to your care within a Care Home setting.
- Your behaviour constitutes a serious disregard for the Standards of Conduct and Practice for Social Care Workers.
- Your actions are capable of undermining public confidence in the social care profession.
- You admitted the offence, and accepted an Adult Caution on 01st August 2019.

The following mitigating circumstances were taken into account in reaching this decision:

- You have no previous record of misconduct with the Council, nor has your Fitness to Practice been called into question in the past.
- There is no evidence of serious physical injury to the service involved.
- There has been no repetition or any incidents of misconduct, since this matter came to the Council's attention.
- You have co-operated with the Council investigation.
- You have shown some insight into your actions.

Date of Effect

This warning comes into effect on 12th October 2020. A record of the warning has been placed on your entry in the Register for a period of two years and does not affect your ability to practice.



Director of Regulation and Standards

13th October 2020

Date

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.