

Notice of Decision

Registrant	Mihaela-Luiza Enache
Registration number	6040782
Part of Register	Part 2
Sanction	3 Year Warning
Date of Effect	20th November 2019

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 a conviction in the United Kingdom for a criminal offence, 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 three years.

Conviction in the United Kingdom for a criminal offence

- That whilst being registered as a social care worker, you on 12th July 2018, in the course of your employment as a social care worker assigned to Rosemary Lodge, you physically assaulted a service user, by 'flicking' a sock into the Service User's face;
- Further to this physical assault, you were charged with Common Assault and your matter was heard in a contested hearing at Antrim Magistrates Court on 19th March 2019. You were convicted of Common Assault by the Court at that time. For this offence you were sentenced by the Court on 16th April 2019 to a Community Service Order of 150 hours.

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 conviction 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:

6.6 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 three years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- Your actions were of an inappropriate, physical nature.
- 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.
- You denied the offence in Police interview and also pleaded Not Guilty at Court. Nevertheless, the court found you Guilty of the Common Assault charge.
- You failed to disclose the Conviction to the Council following your sentencing.
- You have not shown full co-operation with the Council investigation, in that you have not offered sufficient written replies when invited to respond.
- You have failed to show insight into your actions.
- There is no evidence of remorse or regret for your actions.

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 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.

Date of Effect

This warning comes into effect on 20th November 2019. A record of the warning has been placed on your entry in the Register for a period of three years and does not affect your ability to practice.



 Director of Regulation and Standards

20-11-19

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.

