

Notice of Decision

Registrant	Pauline Kelly
Registration number	6024302
Part of Register	Part 2 Domiciliary Care Worker
Sanction	Undertakings
Date of Effect	26.06.2019

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 Practise is impaired by reason of lack of competence as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2019.
2. to agree undertakings with you.

Impairment

Your actions, as outlined below, amount to impaired fitness to practise by reason of lack of competence specifically in relation to the administration of medication and your use of restrictive practice.

1) Whilst employed as a Senior Care Assistant at Bohill House Care Home:

- (a) On 15th and 16th October 2018 you failed to administer Ferrous Sulphate to Service User A as prescribed.
- (b) On 15th and 16th October 2018 you incorrectly administered Betahistine to Service User A.
- (c) By your own admission you retrospectively altered the medication records to reflect that the Betahistine had been administered.
- (d) On 21st October 2018 you demonstrated the use of restrictive practice by locking Service Users in their bedrooms during a period when a Service User was displaying challenging behavior.

2) That whilst employed as an agency Healthcare Assistant at Camphill Care Home:

- (a) On 27th January 2019 you demonstrated the use of restrictive practice by using two chairs to prevent a Service User from getting out of bed.

Reasons

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

There is an obvious and potentially harmful risk to the safety and welfare of Service Users should they fail to receive their correct medication, and/or, should they be administered with incorrect medications.

Your errors in that regard together with your insight following the same that you do not consider yourself sufficiently confident or competent in the safe administration of medication without further training has resulted in a consideration by Council that your fitness to practise in that practice area is currently impaired and would require further relevant training to rectify.

Furthermore, your actions on 21st October 2018 and 27th January 2019 as described above amounted to instances of restrictive practice falling below the high standards expected of a social care worker and practise capable of causing distress to Service Users.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Practice that your actions have breached are as follows:

Standard of Practice 5: As a social care worker, you must maintain health and safety at work. This includes:

5.2 Applying your organisation's policies and procedures in relation to medication and health care tasks;

Standard of Practice 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 preference

Sanction

Having regard to the document '*Indicative Sanctions for Consensual Disposal*' the Council decided that the appropriate course of action was to agree undertakings with you. An undertaking is an agreement between you and the Council, setting out limits within which you must practise.

Agreed Undertakings:

1. You will provide NISCC with the name and contact details of any new social care employer within 14 days of accepting new employment which requires NISCC registration.
2. You will submit a written report from any new employer within 6 months of commencing social care employment which addresses the standard of your performance.
3. You will attend all training requested by any new employer.

4. You will not assume any position whereby you are tasked with the administration of medication, other than under direct supervision, before successfully completing additional training in that practice area, such training to be agreed beforehand with NISCC and your employer.
5. You will inform the following parties that you are subject to an undertaking under the NISCC's fitness to practise procedures, and disclose the undertaking listed at (1-4) above, to them:
 - i. Any organisation or person employing, contracting with, or using you to undertake social care work
 - ii. Any agency you are registered with or apply to be registered with (at the time of application)
 - iii. Any prospective employer (at the time of application)
 - iv. Any educational establishment at which you are undertaking a course of study connected with social care work, or any such establishment to which you apply to take such a course (at the time of application).

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- The behaviour could have caused direct harm to service users.
- There were a number of performance issues raised by two separate employers.
- You were at the material time of some of these matters in a position of responsibility as a Senior Care Assistant.

Mitigating circumstances taken into account:

- There is no evidence of actual harm caused to any service users;
- The circumstances being faced by you in respect of each incident and the care challenges they presented;
- The insight and reflection that you have shown in relation to your actions;
- The steps you have undertaken to date to improve the quality of your care (in particular your recent completion of Level 3 Safeguarding Vulnerable Adults Training); and;
- Your recognition and insight that additional training is required on your part prior to undertaking any further medication providing care roles.

Agreement

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the undertakings detailed above. A record of the undertakings has been placed on your entry in the Register. Other than the restrictions detailed in the undertakings your ability to practise is not otherwise affected.

Duration of undertakings

The undertakings will continue indefinitely. However, under Rule 13(12) you can apply to be released from an undertaking, and the Council will consider your request at that time.

Consequences of non-compliance with an undertaking

Under Rule 13(13), if the Council receives information that you have not complied with an undertaking, or you fail to provide information to confirm compliance when requested, the Council may:

- (a) Refer the original allegations to the Preliminary Proceedings Committee; and
- (b) Treat the failure to comply with an undertaking as a separate allegation of impaired fitness to practise and refer this allegation to the Preliminary Proceedings Committee.

The onus is on you to provide any information or documentation to the Council outlined in the undertaking. You must ensure that this is provided within the stipulated timeframe. Failure to provide agreed documentation on time will be treated as a failure to comply with the undertaking, and may result in you being referred to the Preliminary Proceedings Committee.

Date of Effect

The undertakings come into effect on 26th June 2019



Marian O'Rourke
Director of Regulations and Standards

26/6/19
Date