

Notice of Decision

Registrant	Andrea Smullen
Registration number	6023040
Part of Register	Part 2
Sanction	Consensual Warning – 3 years
Date of Effect	29 th October 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 a conviction for a criminal offence, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise (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 3 years.

Conviction

- In a Court in Spain on 9th October 2017 you were convicted of *Assault Occasioning Actual Bodily Harm* for which you received a four month prison sentence suspended for two years.

Reasons

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

- Convictions for assault are very serious and show a disregard for the law and a disregard for the health, safety and wellbeing of others.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council and therefore has the potential to undermine public confidence in social care services.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct and Practice for Social Care Workers that your behaviour has breached, is as follows:

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:

- 5.7 Put yourself or other people at unnecessary risk;
5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

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 3 years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You committed a violent act against a police officer.
- You showed a disregard for the law.

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

- You have no previous record of misconduct with the Council.
- You have no previous disciplinary record and a positive endorsement from your previous employer who was your employer at the material time.
- Your behaviour appears to have been a one off isolated incident.
- You responded to the Council in writing on 7th January 2019 providing your account.
- You were not in attendance at the relevant court hearing to provide any account in your defense or any mitigation.

Date of Effect

This warning comes into effect on 29th October 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 practise.



Director of Regulations and Standards



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.