

Notice of Decision

Registrant	Ionut Costinescu
Registration number	6011967
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Warning to remain on your registration for a period of 4 years
Date of Effect	2 March 2017

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 misconduct, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2016.
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 four years.

Misconduct

The misconduct referred to is that while employed as a Care Assistant at Park Manor Private Nursing Home:-

- a. you failed to report to management a serious safeguarding concern which you state was reported to you by a resident in/around the start of July 2016
and
- b. you slept on duty on a number of occasions during your night shifts

Reason

The reason that your behaviour is considered to constitute impaired fitness to practise is that:-

- Vulnerable adults rely on those who care for them to act in their best interests. By failing to report a serious safeguarding concern, you exposed the resident to a risk of repetition and prevented a thorough and timely investigation to be carried out.
- The public has a right to have confidence in social care services. By sleeping on duty, you wilfully disregarded your responsibilities for the care and safety of the residents in your care and therefore undermined that public confidence. Furthermore, whilst asleep, you were unable to fulfil your duties in any way, in respect of either regular care needs or in response to any emergency, nor were you available to assist colleagues if required.
- 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 and Practice for Social Care Workers that your behaviour has breached, are as follows:

Standard 2: As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

2.6 Being reliable and dependable;

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;

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;

6.9 Helping service users and carers to make complaints where required, taking complaints seriously and responding to them or passing them to the appropriate person including your employer or NISCC;

The Standards of Practice for Social Care Workers that this behaviour breaches are:

Standard 4: As a social care worker, you must support the safeguarding of individuals. This includes:

4.3 Knowing your own role and responsibilities in relation to safeguarding;

4.5 Taking the appropriate actions to safeguard a service user or carer if you suspect they are being harmed or abused or if they disclose that they are being harmed or abused;

4.6 Reporting suspected or actual harm or abuse to the designated person in accordance with employer safeguarding policies.

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 four years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You failed to fulfil the responsibilities placed on you to ensure that a serious safeguarding concern was reported and duly investigated thereby exposing a resident to the risk of further harm
- Sleeping on duty was a regular occurrence and your failure to remain fully awake and alert placed residents at risk of harm
- You appear to have a previous good work history
- You have no previous record of misconduct with the Council
- There is no evidence that actual harm occurred to any resident in your care

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 23 February 2016. A record of the warning has therefore been placed on your entry in the Register for a period of four years and does not affect your ability to practise.

Date of Effect

This warning comes into effect on 2 March 2017.

Helen Mander

Helen McVicker
Head of Fitness to Practise

2/3/17

Date