

### Notice of Decision

<b>Registrant</b>	Sheila Malocco
<b>Registration number</b>	6000621
<b>Part of Register</b>	Part 2 – Domiciliary Care Worker
<b>Sanction</b>	Undertakings
<b>Date of Effect</b>	05 May 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 agree undertakings with you.

#### Impairment

Your action, as outlined below, amounts to impaired fitness to practise by reason of misconduct:

- That on 11 October 2016, whilst having just ended your shift as a care worker with Platinum Support & Care Services Ltd, you were arrested around one hour later for driving your car under the influence of alcohol. The first reading being 113 micrograms/100ml breath, the second reading being 118 micrograms/100ml breath.

#### Reasons

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

- The public has the right to expect that social care workers, in whom it places its trust and confidence, will protect them and themselves from harm. Your actions put yourself, other drivers and pedestrians at unnecessary risk of harm.
- Your behaviour has fallen substantially 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 this behaviour breaches are:

**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 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:**

3.6 Complying with employers' health and safety policies, including those relating to substance misuse.

**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:**

- 6.5 Informing your employer or the appropriate authority in a timely manner about any personal difficulties that might affect your ability to do your job competently and safely.
- 6.6 Informing NISCC and any employers you work for at the first reasonable opportunity if your fitness to practise has been called into question. This includes ill-health that affects your ability to practise, criminal convictions, disciplinary proceedings and findings of other regulatory bodies or organisations.

### **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 to monitor your performance. An undertaking is an agreement between you and the Council, setting out limits within which you must practise.

#### Agreed Undertakings:

1. That you provide a report from your employer 6 months after commencing social care employment:
  - Addressing the standard of your performance.
  - Confirming that you have attended and passed any regulated and mandatory training.
  - Confirming that you have attended regular formal and informal supervision and that no concerns have been identified regarding your practice.
2. That you provide a report from your employer 12 months after the commencing social care employment:
  - Addressing the standard of your performance.
  - Confirming that you have attended regular formal and informal supervision and that no concerns have been identified regarding your practice.
3. That you provide a report from your General Practitioner at 6 months after the undertakings come into effect:
  - Addressing whether there are any ongoing health conditions which would impact on your ability to work in social care services.
  - Confirming whether you have attended any specialist counselling sessions.
4. That you provide a report from your General Practitioner 12 months after the undertakings come into effect addressing whether there are any ongoing health issues which would impact on your ability to work in social care services.

5. That you will inform the following parties that you are subject to undertakings under the NISCC's fitness to practise procedures, and disclose the undertakings listed at (1-4) above, to them:
- Any organisation or person employing, contracting with, or using you to undertake social care work.
  - Any agency you are registered with or apply to be registered with (at the time of application).
  - Any prospective employer (at the time of application).
  - 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).
  - Your General Practitioner.
  - And, that you inform NISCC immediately when you commence work within a social care role.

### **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- The amount of alcohol and time period in which you had consumed the alcohol and then drove your motor vehicle.
- You understood the risks and dangers of your behaviour at the time which led to your conviction on 07 November 2016.
- Your actions had the potential to cause harm to yourself and others.
- There has been a serious disregard for the Standards of Conduct and Practice for Social Care Workers.
- You have had recent misconduct concerns raised about you to the Council.

Mitigating circumstances taken into account:

- You have demonstrated insight regarding your actions.
- You have expressed genuine regret and apology for your action.
- You have co-operated fully with the Council's investigation where able.
- There was no identified actual harm to service users.
- You have offered mitigation in respect of the offence.
- The Council is satisfied that the likelihood of you repeating the behaviour is low if you maintain contact and support from your healthcare specialists.

### **Agreement**

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the undertakings proposed by the Council. 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 affected.

### **Duration of undertakings**

The undertakings will continue indefinitely. However, under Rule 17(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 17(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.

**Date of Effect**

The undertakings come into effect on 05 May 2017

  
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Patricia Higgins  
Director of Regulations and Standards

05 May 2017  
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Date