

### Notice of Decision

<b>Registrant</b>	Hayley Eileen Martin
<b>Registration number</b>	6030995
<b>Part of Register</b>	Part 2 –Domiciliary Care Worker
<b>Sanction</b>	Undertakings
<b>Date of Effect</b>	22 August 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 actions, as outlined below, amount to impaired fitness to practise by reason of misconduct:

On 29 April 2017 and 30 April 2017 you attended a breakfast call with Service User A and:

- i. Asked Service User A to remain in bed until the lunchtime call
- ii. Neglected to complete all duties required in respect of Service User A
- iii. Claimed payment for a full 30 minute call from your employer despite not attending to Service User A for this full period of time.

#### Reasons

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

- This type of behaviour breaches the trust and confidence placed in you by service users and your employer, who are entitled to expect that you will provide a high standard and appropriate level of care at all times. You failed to treat the service user with consideration and respect and failed to protect the service user's interests and wellbeing.
- 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 this behaviour breaches are:

**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:**

- 1.1 Treating each person as an individual

- 1.2 Treating people with consideration, respect and compassion
- 1.4 Respecting and, where appropriate, representing the individual views and wishes of both service users and carers

**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:**

- 2.1 Being honest and trustworthy
- 2.6 Being reliable and dependable
- 2.7 Honouring work commitments, agreements and arrangements and, when it is not possible to do so, explaining why to service users and carers
- 2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

**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
- 5.2 Exploit service users, carers or colleagues in any way

**Standards 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
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions

## **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. That within 6 months of entering a role in social care which requires registration with the Northern Ireland Social Care Council (NISCC) you will:
  - i. Provide a report from your Line Manager addressing the standard of your performance. In particular, confirming that you have complied with your employer's policies and procedures and that you have undertaken all duties required of you.
  - ii. Submit evidence, verified by your employer that you have availed of all relevant training and specify the training undertaken.
- 2. That 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) 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 misconduct took place at work.
- You have a history with regards to not undertaking the duties expected of you as a social care worker. You were disciplined by your employer following a similar incident in March 2017.
- You failed to fulfil the responsibilities placed on you as a NISCC registered member of staff.

Mitigating circumstances taken into account:

- There is no evidence that actual harm occurred to service users.
- You have co-operated with the NISCC investigation.
- You have no previous record of misconduct with the Council.
- You have demonstrated insight into your behaviour and remorse for your actions.

## 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 22 August 2017



Patricia Higgins  
Director of Regulations and Standards



Date