

### Notice of Decision

<b>Registrant</b>	Leah Shilliday
<b>Registration number</b>	6012575
<b>Part of Register</b>	Part 2 –Domiciliary Care Worker
<b>Sanction</b>	Undertakings
<b>Date of Effect</b>	31 January 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

The misconduct is that on 14 September 2016 whilst employed as a Bank Care Assistant at Rathfriland Manor Nursing Home you were verbally abusive towards a service user causing the service user distress.

#### Reasons

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

- Your behaviour caused distress to the service user at whom it was directed. 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. Furthermore, the behaviour occurred in a place where the service user should have felt, and were entitled to feel, safe and secure.
- 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 that your actions have breached are as follows:

**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:**

1.2 Treating people with consideration, respect and compassion

**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:**

2.2 Communicating in an appropriate, open, accurate and straightforward way

**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

**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

6.3 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 and in particular addressing your communication skills and interactions with service users.

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.
- Your actions had an adverse emotional impact on the service user at the time.
- You failed to fulfil the responsibilities placed on you as a NISCC registered member of staff

Mitigating circumstances taken into account:

- You have co-operated with NISCC's investigation.
- There are no other reported concerns in relation to your general standard of care and the incident appears to have been isolated.

- You have no previous record of misconduct with the Council.

### **Agreement**

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the two 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 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:

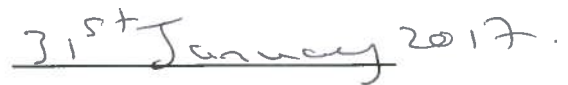
- (a) Refer the original allegations to the Preliminary Proceedings Committee; and
- (b) Treat the failure to comply with an undertaking as a separate allegation of impaired fitness to practise and refer this allegation to the Preliminary Proceedings Committee.

### **Date of Effect**

The undertakings come into effect on 31 January 2017



Patricia Higgins  
Director of Regulations and Standards



Date