

Notice of Decision

Registrant	Daniela Zikova
Registration number	6028535
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Undertakings
Date of Effect	4th June 2021

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 (Amendment) Rules 2019.
2. to agree undertakings with you.

Impairment

Your actions, as outlined below, amount to impaired fitness to practise by reason of misconduct:

Whilst employed as a Community Care Assistant by Ann's Home Care:

- a. On 19 October 2020, you were verbally abusive towards Service User A in their own home, whilst there to provide personal care.

Reasons

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

- Service users have the right to expect that the care and support they receive from social care workers, in whom they place their trust, will protect them from harm. Service users should also expect to be treated with dignity and respect at all times. By your actions, as set out above, you failed in your duty of care towards the service user.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct that your actions have breached are as follows:

Standard of Conduct 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;
- 1.8 Respecting and maintaining the dignity and privacy of service users.

Standard of Conduct 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 of Conduct 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;
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

The Standards of Practice that your actions have breached are as follows:

Standard of Practice 3: As a social care worker, you must deliver person-centred care and support which is safe and effective. This includes:

- 3.1 Promoting and applying person-centred values in your day to day work with service users and carers;
- 3.12 Contributing to the physical and emotional well-being of service users and carers.

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. You must notify the Social Care Council within 14 days of any social care appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the Social Care Council with contact details of your employer.
2. That within 6 months of entering a role in social care which requires registration with the Social Care Council you will:
 - a. Provide a report from your Line Manager addressing the standard of your performance. In particular, this should address the standard of your communication and interactions with service users.
 - b. Submit evidence, verified by your employer that you have availed of all relevant training and specify the training undertaken.
3. That within 12 months of entering a role in social care which requires registration with the Social Care Council you will:

a. Provide a report from your Line Manager addressing the standard of your performance. In particular, this should address the standard of your communication and interactions with service users.

4. That you will inform the Social Care Council of any investigation started against you, and/or any disciplinary proceedings taken against you within 14 days of you receiving notice of them.

5. That you will inform the following parties that you are subject to undertakings under the Social Care Council's Fitness to Practise procedures, and disclose the undertakings listed 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:

Aggravating factors:

- The misconduct took place whilst you were working and related directly to a service user in your care;
- Your actions had the potential to cause emotional and psychological harm to a service user;
- You failed to fulfil the responsibilities placed on you as a registered member of staff.

Mitigating factors:

- You have no previous record of misconduct with the Council;
- You have made full admissions and displayed insight into your practice failures;
- You have engaged with the Council's enquiries and have carried out a reflective practice piece of written work.

Agreement

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the 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 13 (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

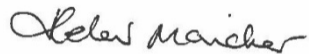
Under Rule 13 (13), if the Council receives information that you have not complied with an undertaking, or you fail to provide information to confirm compliance when requested, the Council may:

- (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.

The onus is on you to provide any information or documentation to the Council outlined in the undertakings. You must ensure that this is provided within the stipulated timeframe. Failure to provide agreed documentation on time will be treated as a failure to comply with the undertakings, and may result in you being referred to the Preliminary Proceedings Committee.

Date of Effect

The undertakings come into effect on 4th June 2021



Date: 4th June 2021

Helen McVicker
Head of Fitness to Practise