

Notice of Decision

Registrant	Mihaela Feraru
Registration number	6037128
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Removal by Agreement
Date of Effect	20 th December 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 your criminal convictions, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise (Amendment) Rules 2019 ('the Rules').
2. to remove you from the Register, following your application to be Removed by Agreement, as defined in Rule 14 of the Rules.

You (the Registrant) have agreed to the following Statement of Facts:

1. The Registrant was convicted of the following criminal offence at Lisburn Magistrates' Court, on 23rd April 2021:

 Charge 1: Defendant on 13th day of October 2020 unlawfully assaulted [*a named service user*], contrary to Section 42 of the Offences Against the Person Act 1861.
2. By reason of the conviction set out above, the Registrant's fitness to practise is deemed to be impaired.
3. The assault on the service user occurred whilst the Registrant was assigned to Railway Lodge Care Home in a Healthcare Assistant role, through her employment with by FiloHeartbeat International Ltd (a healthcare employment agency).

4. On 13th October 2020, the Registrant was working as a Care Assistant in a one-to-one care role with a named service user, at Railway Lodge Care Home. The service user was agitated when the Registrant was working with him, and he was lashing out. During the course of providing care services, the Registrant unlawfully assaulted the service user.
5. The public has the right to have confidence in social care services. The most vulnerable people in society need to be protected from those who commit violent criminal offences against service users. The Registrant's offence was committed against a service user under her care, and led to a custodial sentence of 6 months suspended for 3 years. She is no longer deemed suitable to remain as a registered social care worker. Confidence in the social care profession would be undermined by allowing the Registrant to remain registered.
6. The Registrant has breached the following provisions of the NI Social Care Council's Standards of Conduct and Practice for Social Care Workers:

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 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:

3.2 Using established processes and procedures to assess, respond to and manage dangerous, abusive, discriminatory or exploitative behaviour and practice;

3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work.

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;

5.7 Put yourself or other people at unnecessary risk;

5.8 Behave in a way, in work or outside of 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;
- 6.6 Informing the Social Care Council and any employers your work for at the first reasonable opportunity if your fitness to Practice 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;
- 6.12 Co-operating with any investigation or formal enquiry into your conduct, the conduct of others, or the care or services provided to a service user where appropriate.

Application for Removal by Agreement

Having regard to the document '*Consensual Disposal Indicative Sanctions*', the Council was minded to grant you Removal by Agreement. The Council served papers on you, inviting you to apply for Removal by Agreement. Having been advised of the consequences, and having been recommended to take independent advice, you made an application to be removed from the Register on 23rd November 2021. In making the application, you admitted the allegations, agreed the statement of facts (as set out above) on 07th December 2021, and admitted that the facts amounted to your fitness to practise being impaired.

The effect of this decision is that your entry in the Register has been removed.

You are prohibited by law from working as a social care worker in any of the following regulated positions:

1. A member of care staff at a:
 - a) Children's home
 - b) Residential care home
 - c) Nursing home
 - d) Day care setting
 - e) Residential family centre.

2. A person who is supplied by a domiciliary care agency to provide personal care to individuals in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

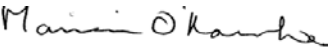
3. A manager of a:
 - a) Residential care home
 - b) Day care setting
 - c) Residential family care centre
 - d) Domiciliary care agency.

It is **compulsory** for the above social care workers to be registered with the Northern Ireland Social Care Council in order to work. This is pursuant to the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017.

In accordance with Schedule 3, Paragraph 9 of the NISCC Fitness to Practise (Amendment) Rules 2019, you may not apply to be restored to the Register within five years from the date of removal.

Date of Effect

This notice comes into effect on 20th December 2021.



Interim Director of Regulation and Standards

20th December 2021
Date