

Notice of Decision

Registrant	John Malliagh
Registration number	6023613
Part of Register	Part 2 - Adult Residential Care Worker
Sanction	Consensual Warning – 3 years
Date of Effect	08 th February 2022

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 issue a warning and direct that a record of the warning should be placed on your entry in the Register for a period of 3 years.

Misconduct

- It has been substantiated by way of an Adult Safeguarding investigation, and subsequently admitted by you in written correspondence to the Council that you deliberately flicked the ear of a vulnerable Service User suffering from dementia, momentarily causing her pain, shock and discomfort.

Reasons

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

- Deliberately striking a vulnerable Service User in such fashion constitutes serious misconduct and displays a serious lack of compassion, sympathy and dignity for the vulnerability of that Service User.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council and therefore has the potential to undermine public confidence in social care services.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct and Practice for Social Care Workers that your behaviour has breached, is as follows:

Standard 1. 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 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.

Sanction

Having regard to the document '*Consensual Disposal Indicative Sanctions*' the Council decided that the appropriate sanction was the imposition of a warning on your registration for a period of 3 years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

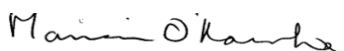
- You caused unnecessary pain, shock and discomfort to a vulnerable Service User in your care.
- You showed disregard for the Service User and demonstrated a lack of respect, compassion or dignity for her welfare and wellbeing.
- Whilst you made belated admissions to the Social Care Council with regards to the facts of the matter, you made an initial and subsequent denials in respect to the same during your employer and latterly the Trust Adult Safeguarding investigations in respect of the incident, demonstrating a lack of honesty, insight and awareness on your part.

The following mitigating circumstances were taken into account in reaching this decision:

- You have now made an admission in respect of the incident and offered an apology in relation to your misconduct.

Date of Effect

This warning comes into effect on 08th February 2022. A record of the warning has been placed on your entry in the Register for a period of three years and does not affect your ability to practise.



Director of Regulations and Standards

Date: 8th February 2022

You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing within 28 days from the date of this Notice of decision.