

Notice of Decision

Registrant	Tia Abbeygale O'Brien
Registration number	7013801
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Warning to remain on your registration for a period of 2 years
Date of Effect	14th April 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 Practice is impaired by reason of misconduct, as defined in Part 1, Rule 4(1)(a) of the NISCC Fitness to Practice (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 two years.

Misconduct

Whilst being employed in a regulated social care worker role, undertaking waking nightshift duties with Mencap, you:

- (a) Fell asleep on three different occasions, when you were required to remain awake during those shifts;
- (b) Due to your actions at (a) above, you failed to meet the necessary requirements of your role, and placed service users at risk.

Reasons

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

- Your actions were inappropriate, given that you were required by your employer to remain awake during these nightshifts.
- 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 prevent them from any potential risk of harm.
- 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 for Social Care Workers that your behaviour has breached are as follows:

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:

- 2.6 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 carer.

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services.

In particular you must not:

- 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;
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions;
- 6.5 Informing your employer or the appropriate authority in a timely manner about any personal difficulties that might affect your ability to do your job competently and safely;
- 6.6 Informing NISCC and any employers you work for at the first reasonable opportunity if your fitness to practise 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 inquiry into your conduct, the conduct of other, or the care of services provided to a service user were appropriate.

The Standards of Conduct for Social Care Workers that your behaviour has breached are as follows:

Standard 1: As a social care worker, you must understand the main duties and responsibilities of your own role within the context of the organisation in which you work.

This includes:

- 1.1 Knowing the aims, objectives and values of the service in which you work;
- 1.2 Accessing full and up-to-date details of policies, procedures and agreed ways of working from your employer and adhering to them;
- 1.3 Knowing your main responsibilities to those service users and carers you support including duty of care;

Standard 4: As a social care worker, you must support the safeguarding of individuals.

This includes:

- 4.2 Knowing the regional policies and procedures relating to safeguarding;
- 4.3 Knowing your own role and responsibilities in relation to safeguarding;

Standard 5: As a social care worker, you must maintain health and safety at work.

This includes:

- 5.1 Applying your organisation's policy and procedures in relation to health and safety in your work setting and with regard to the service users and carers you support the regional policies and procedures relating to safeguarding;
- 5.4 Knowing what you can and cannot do relating to general health and safety commensurate with your role and training.

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 two years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You have admitted sleeping on duty on three occasions, during the Mencap Probationary review meeting on 25th March 2021.
- Your actions demonstrate a pattern of behaviour, in that you fell asleep on three different occasions.
- You have admitted that your actions were wrong.
- Your behaviour constitutes a disregard for the Standards of Conduct and Practice for Social Care Workers.

- Your actions are capable of undermining public confidence in the social care profession.
- Your actions occurred soon after you first became registered as a social care worker.
- You failed to co-operate fully with the Council's investigation.

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

- The concerns only arose in respect of social care work during nightshifts. There are no concerns about your work during any of the dayshifts you completed.
- You provided mitigation on your behalf, during the employer's disciplinary proceedings.
- You have shown remorse in respect of your actions.
- There has been no repetition of any incidents of misconduct, since this matter came to the Council's attention.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 12th April 2022.

Date of Effect

This warning comes into effect on 14th April 2022. A record of the warning has been placed on your entry in the Register for a period of two years and does not affect your ability to practice.

Head of Fitness to Practise



Helen McVicker

Date 14/04/22