

Notice of Decision

Registrant	Derek Thomas Bolton
Registration number	6039654
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Warning to remain on your registration for a period of 4 years
Date of Effect	3 August 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 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 four years.

Misconduct

That whilst registered as a social care worker, and whilst working as a support worker with Positive Futures on 18 June 2021 you:

- Inappropriately prodded Service User A with a metal pole remarking “he would enjoy it”;
- Threatened to use the action of a hug in the knowledge that Service User A does not like to be hugged, in order to coerce same Service User;
- Instructed staff to ignore Service User B when he was distressed and displaying challenging behavior.

Reasons

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

- 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 be carried out in a dignified, respectful and compassionate manner. By failing to treat service users with dignity, consideration, respect and compassion, you have undermined this trust and therefore placed service users at risk of harm and distress.
- You failed to respect a vulnerable Service User A’s view and inappropriately suggested that the care plan of the Service User should be changed to include using coercion (by using a hug) to support his behaviour.
- You failed to adhere to a vulnerable Service Users care plan and to support his emotional wellbeing, instructing staff to ignore Service User B at a time when he was anxious and distressed.
- 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 for Social Care Workers that your behaviour has 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;
- 1.4 Respecting and, where appropriate, representing the individual views and wishes of both service users and carers;
- 1.8 Respecting and maintaining the dignity and privacy of service users;

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:

- 3.7 Recognising and using responsibly with service users and carers, the power that comes from your work role.

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:

- 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 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:

- 1.2 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 3: As a social care worker, you must deliver person-centred care and support which is safe and effective. This includes:

- 3.2 Delivering care in line with assessed needs and service user and carer preferences;
- 3.10 Supporting service users in their daily living;
- 3.12 Contributing to the physical and emotional well-being of service users and carers;

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

- 4.1 Knowing the main types of abuse and the factors that may make a service user or carer vulnerable to harm or abuse;
- 4.2 Knowing the regional policies and procedures relating to safeguarding;
- 4.3 Knowing your own role and responsibilities in relation to safeguarding;

Standard 6: As a social care worker, you must develop yourself as a social care worker. This includes:

- 6.2 Evaluating your own knowledge, performance and understanding against relevant standards;
- 6.3 Reflecting on your practice to continuously improve the quality of service provided;

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 four years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You showed a serious lack of respect, compassion, and dignity for vulnerable Service Users.
- You demonstrated a lack of insight into safeguarding and the potential concerns of using a metal pole to "tickle" a vulnerable Service User.
- You demonstrated a lack of knowledge in relation to effectively supporting vulnerable Service Users, instructing staff to ignore a distressed and vulnerable Service User contrary to the care plan and inappropriately suggested that the care plan of another vulnerable Service User should be changed to include using coercion (using a hug) to support his behaviour.
- You have verbalised a reluctance to the Safeguarding Team to change your practice when interacting with Service Users.
- You resigned prior to your former employer's investigation on 21 January 22 and have failed to provide a response to the allegations to the Council.
- You have demonstrated no remorse for your actions to the Safeguarding Team or the Council.
- You have demonstrated a serious disregard for the NISCC Standards of Conduct and Practice.

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

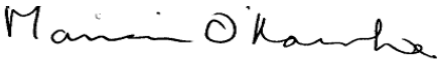
- You have admitted the allegations during the safeguarding investigation.
- You have no previous record of misconduct with the Council.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 31 July 2022. A record of the warning has been placed on your entry in the Register for a period of four years and does not affect your ability to practise.

Date of Effect

This warning comes into effect on 3 August 2022.



Director of Regulation and Standards

3rd August 2022
Date