

Notice of Decision

Registrant	Eamonn Patrick Guilfoyle
Registration number	1083795
Part of Register	Part 1 – Qualified Social Worker
Sanction	Undertakings
Date of Effect	2nd September 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 lack of competence, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise (Amendment) Rules 2019 ('the Rules').
2. to agree undertakings with you.

Impairment

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

That, whilst being registered as a social worker, and whilst employed as a Band 6 Social Worker by the Belfast Health & Social Care Trust ('the Trust'), based within an Acute Mental Health Inpatient Team setting:

1. In and around 2020, you failed to record evidence of sufficient and consistent contact with patients assigned to you, as required by the Trust;
2. In and around 2020, you failed to maintain contemporaneous records on patients' files, as required by the Trust;
3. In and around 2020, you failed to satisfactorily identify and/or manage risk, including Adult Safeguarding and Child Safeguarding. Examples included insufficient or incomplete information in risk assessments, mental health assessments, reports, patient records, discharge documentation and no appropriate onward referral to colleagues, other services and agencies; thereby placing patients at potential risk;
4. In and around 2020 to 2021, you failed to satisfactorily update, complete or address identified concerns regarding incomplete work on patients' files, despite being given time and support to do so.

Reasons

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

- As a social worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes meeting relevant standards of practice and maintaining clear and accurate records as required by procedures established for your work.
- As a social worker you must manage your role as a professional social worker, practising safely and effectively within the context of your organisation, requirements of legislation and scope of practice, prioritising and managing your work effectively and maintaining accurate, complete, retrievable and up to date records that comply with applicable legal and organisational requirements.
- As a social worker you must practise competently within your area of practice. This includes fulfilling organisational and statutory responsibilities.
- As a social worker you must be able to assess needs, circumstances, rights, strengths and risks in partnership with those involved and respond appropriately. This includes undertaking accurate comprehensive and person-centred assessments in line with agreed standards and procedures and making professional judgements about needs, risks and protective factors to inform planning.
- Your behaviour has fallen below the standard expected of a social worker registered with the Northern Ireland Social Care Council.

NISCC Standards of Conduct and Practice for Social Workers

The Standards of Conduct that you have breached are as follows:

Standard of Conduct 6: As a social 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;
- 6.4 Maintaining clear and accurate records as required by procedures established for your work.

The Standards of Practice that you have breached are as follows:

Standard of Practice 6: As a social worker, you must be able to assess needs, circumstances, rights, strengths and risks in partnership with those involved and respond appropriately. This includes:

- 6.1 Undertaking accurate, comprehensive and person-centred assessments in line with agreed standards and procedures;
- 6.2 Assessing the nature, level, urgency and implications of any risks identified in compliance with legal and other requirements;
- 6.3 Making professional judgements about needs, risks and protective factors to inform planning, while balancing service users' rights and responsibilities.

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. Within 14 days of accepting any social work post, you will provide the Council with the name and contact details of the employing organisation.

2. Within 6 months of entering a social work role which requires registration with the Council, you will:

i. Provide a report from your Line Manager confirming that you have engaged appropriately in regular formal and informal supervision and that no concerns have been identified regarding your practice. The report should address the standard of your performance in the following areas in particular - meeting relevant standards of practice and maintaining clear and accurate records that comply with applicable legal and organisational requirements, prioritising and managing your work effectively, fulfilling statutory responsibilities, undertaking accurate comprehensive and person centred assessments in line with agreed standards and procedures and making professional judgements about needs, risks and protective factors to inform planning.

ii. Provide confirmation of completion of relevant induction training to include training around applicable legal and organisational requirements for record keeping, risk management and care planning.

iii. Provide a written reflective account, the content of which must be to the satisfaction of the Council. Your reflective account should specifically address the areas of concern in your practice outlined in this Notice of Decision.

3. After 12 months (and before the expiry of 14 months) of entering a social work role which requires registration with the Council, you will:

i. Provide a report from your Line Manager confirming that you have engaged appropriately in regular formal and informal supervision and that no concerns have been identified regarding your practice. The report should address the standard of your performance in the following areas in particular - meeting relevant standards of practice and maintaining clear and accurate records that comply with applicable legal and organisational requirements, prioritising and managing your work effectively, fulfilling statutory responsibilities, undertaking accurate comprehensive and person centred assessments in line with agreed standards and procedures and making professional judgements about needs, risks and protective factors to inform planning.

4. You will inform the following parties that you are subject to undertakings under the 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 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 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:

- Your shortcomings involved a substantial number of issues and concerns on multiple patients' files;
- Your actions had the potential to put service users at risk;
- Your behaviour has demonstrated a serious disregard for the NISCC Standards of Conduct and Practice.

Mitigating factors:

- There is no evidence of direct harm to service users;
- You have engaged with the Council's investigation;
- You have accepted that there were shortcomings in your practice;
- There is no previous record of misconduct with the Council.

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) of the Rules you can apply to be released from the undertakings, and the Council will consider your request at that time.

Consequences of non-compliance with an undertaking

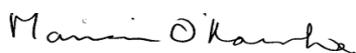
Under Rule 13 (13) of the Rules, if the Council receives information that you have not complied with an undertaking, or you fail to provide information to confirm compliance when requested, the Council may:

- (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 2nd September 2022.



Date: 2nd September 2022

Marian O'Rourke
Interim Director of Regulation and Standards