

### Notice of Decision

<b>Registrant</b>	<b>Owen Fegan</b>
<b>Registration number</b>	<b>6038487</b>
<b>Part of Register</b>	<b>Part 2</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 2 years</b>
<b>Date of Effect</b>	<b>26<sup>th</sup> August 2022</b>

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 2 years.

#### Misconduct

Whilst being employed in a regulated social care role, undertaking waking nightshift duties with M Care Limited, you;

- a. Left a Service User alone in bed during a waking night shift for approximately 6 hours failing to notify your employer, the Service User's family or adhering to your employer's procedures and policy.
- b. Due to your actions at (a) above, you failed to meet the necessary requirements of your role, and placed a service user at risk.

#### Reasons

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

- Your actions were inappropriate. You were required to remain for the duration of a nightshift and you failed to do so leaving a Service User alone in bed.
- 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 safeguard them from any potential risk of harm. By leaving a Service User alone your actions placed them at 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**

The Standards of Conduct and Practice 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 carers.

### **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 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.

## **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 2 years.

## **Reasons for the Sanction**

When reaching its decision, the Council considered the following aggravating and mitigating factors:

- You have admitted to leaving a Service User alone during a night shift.
- You did not provide adequate details or evidence to mitigate your reason for leaving the shift.

- 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.
- While no harm came to the Service User, your actions were reckless and a clear breach of the standards expected from a Social Care Worker.

The following mitigating circumstances were considered in reaching this decision:

- The incident was a one-off occurrence. No other concerns were raised in respect of your practise.
- You provided some mitigation and explanation on your behalf during the Council's enquiries.
- You have shown remorse in respect of your actions.
- There has been no repetition of any incidents of misconduct.
- No harm came to the Service User.

#### **Date of Effect**

This warning comes into effect on 26<sup>th</sup> August 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 practise.



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Director of Regulation and Standards

26<sup>th</sup> August 2022

Date