

Notice of Decision

Registrant	Daryl Gerald Paul Fox
Registration number	6028311
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Warning to remain on your registration for a period of 3 years
Date of Effect	03 October 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

That whilst being registered as a social care worker and employed as a health care assistant with Provincial Care Services Agency:

- a. On the 04 September 2021, whilst attending to Service User A in their home, you ripped the t-shirt of Service User A having dealt with Service User A in a forceful manner.
- b. Due to (a) above, a Caution for Assault was administered to you by the Police Service of Northern Ireland, on 04 May 2022.

Reasons

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

- Your actions were inappropriate and physical in nature towards a vulnerable service user under your care.
- The public has the right to expect that social care workers, in whom it places its trust and confidence, to uphold the law and not to engage in offending behaviour nor otherwise behave in a way in work or outside work which would call into question their suitability to work in social care services.
- 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 and Practice for Social Care Workers that your behaviour has breached, are as follows:

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.

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;

5.7 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.

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.

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:

- Your actions, when providing personal care to the service user, were described as 'forceful'.
- Your actions resulted in the t-shirt of the service user being 'ripped'.
- Your actions were capable of undermining public confidence in the social care profession.
- You admitted to the offence of assault and accepted a Police Caution on 04 May 2022.
- Your behaviour has 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 no previous record of misconduct with the Council.
- There is no evidence of physical injury to the service user.
- You have fully engaged and co-operated in the Council's investigation.
- You have demonstrated remorse and regret for your actions.
- You have the benefit of a previous good work history.
- There has been no repetition of this behaviour since the matter was brought to the Council's attention.
- The Council is satisfied that the likelihood of you repeating the behaviour is low.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 29 September 2022. A record of the warning has been placed on your entry in the Register for a period of 3 years and does not affect your ability to practise.

Date of Effect

This warning comes into effect on 03 October 2022.

Mansi Okawa

03 October 2022

Director of Regulation & Standards

Date