

### Notice of Decision

<b>Registrant</b>	<b>Miss Donna Marie Carr</b>
<b>Registration number</b>	<b>6027395</b>
<b>Part of Register</b>	<b>Part 2 – Domiciliary Care Worker</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 2 years</b>
<b>Date of Effect</b>	<b>4<sup>th</sup> January 2023</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 a conviction and 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 two years.

#### Impaired Fitness to Practise on grounds of your Convictions and Misconduct

That whilst registered as a social care worker:

1. On 23<sup>rd</sup> March 2022 at [Craigavon] Magistrates' Court you pleaded guilty and were convicted of the following offences:
  - a) On 4<sup>th</sup> June 2021 without lawful excuse damaged or destroyed a tee shirt belonging to [REDACTED] intending to damage or destroy such property or being reckless as to whether such property would be damaged or destroyed contrary to Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977.
  - b) On 4<sup>th</sup> June 2021 you unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861.
2. Having been convicted of the above offences on 23<sup>rd</sup> March 2022, you withheld the full extent of your convictions to the Council and your employer, by only declaring the criminal damage conviction set out at 1 (a) as the outcome of the court process. In doing so you withheld the fact that you had also been convicted of unlawful assault, as set out at 1 (b).
3. Your actions as set out at 2 were dishonest.

#### Reasons

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

- The public has the right to expect social care workers, in whom it places its trust and confidence, to uphold the law and not to engage in offending behaviour or otherwise behave in a way in work or outside work which would call into question their suitability to work in social services.
- You must inform NISCC and any employers you work for at the first reasonable opportunity if your fitness to practise has been called into question, including criminal convictions.

- As a social care worker, you must be honest and trustworthy.
- 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:

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:

2.1 Being honest and trustworthy;

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.

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:

6.6 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.

## **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 factors:

- Your actions are a direct breach of Standard 5.8 (Behave in away, in work or outside work, which would call into question your suitability to work in social care services) and Standard 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 criminal convictions).
- Despite informing the Council and your employer of a conviction for criminal damage to a T-shirt, you failed to inform the Council and your employer of a conviction for unlawful assault on the same date at the first reasonable opportunity. Your actions were therefore misleading and dishonest.
- There has been a serious disregard for the NISCC Standards of Conduct and Practice.
- Your actions had the potential to bring the profession into disrepute.

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

- Your convictions do not relate to your work as a care worker.
- You have no previous record of misconduct with the Council.
- You have engaged with the Council's enquiries, provided a reflective account and expressed remorse for your actions.

- Distressing personal circumstances at the time of court proceedings.

### **Consent**

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 4<sup>th</sup> January 2023. 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.

### **Date of Effect**

This warning comes into effect on 4<sup>th</sup> January 2023.

*Oliver Mander*

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Head of Fitness to Practise

4<sup>th</sup> January 2023

Date