

Notice of Decision

Registrant	Yvette Clare Smyth
Registration number	6033394
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Warning to remain on your registration for a period of three years
Date of Effect	9 March 2023

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 three years.

Misconduct and Conviction

That, whilst registered as a social care worker:

- a. On 24 December 2020, whilst on duty and whilst driving a colleague to provide care to vulnerable service users in their own homes, your vehicle collided with a Glider bus and you failed to remain at the scene of the accident.
- b. On 24 December 2020, following the Glider bus driver reporting the collision to the PSNI, you deliberately evaded PSNI attempts to meet with you, and PSNI had to contact your then employer, Bluebird Care Holywood, to obtain your location.
- c. On 22 January 2021, you pleaded Guilty to, and were convicted of the following criminal offence at the Magistrates' Court:

Charge 1: Defendant on 24.12.2020, drove a motor vehicle on a road, namely within the vicinity of, Upper Newtownards Road, Belfast, Down, Northern Ireland, BT4 3HW after consuming so much alcohol that the proportion of it in your breath exceeded the prescribed limit, contrary to Article 16 (1) (a) of the Road Traffic (Northern Ireland) Order 1995.

- d. Your conviction, as set out in 'c' above, proves that you were under the influence of alcohol when on shift as a social care worker on 24 December 2020, and when driving yourself and a colleague between service users' homes, and providing personal care to service users. You therefore placed yourself, your colleague, other road users and service users at risk of harm.
- e. You failed to bring this matter to the attention of the NI Social Care Council at the earliest opportunity.

Reasons

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

- Service users have the right to expect that social care workers, in whom they place their trust, will uphold the law. Your actions have called into question your suitability to remain on the NISCC Register for social care workers;
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council;
- Your behaviour placed vulnerable service users, your colleague, members of the public and yourself, at risk of harm.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct for Social Care Workers that this behaviour breaches are:

NISCC Standards of Conduct

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;

2.2 Communicating in an appropriate, open, accurate and straightforward way.

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:

3.6 Complying with employers' health and safety policies, including those relating to substance misuse.

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.

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;

6.6. Informing the Social Care Council 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.

NISCC Standards of Practice

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

6.1 Being aware of relevant standards that relate to your work role.

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 three years.

Reasons for Sanction

When reaching its decision, the Council considered the following factors:

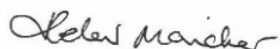
- You have been convicted of driving whilst under the influence of alcohol, in the course of your employment as a Registered Social Care Worker;
- You have not engaged with the fitness to practise investigation or provided any mitigating circumstances to the Council;
- Service users, a colleague and members of the public were placed at risk of harm as a result of your actions;
- You have demonstrated a serious disregard for the NISCC Standards of Conduct and Practice;
- You have provided no evidence of reflection, remorse or remediation to date.

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

- No direct harm resulted to service users.

Date of Effect

This warning comes into effect on 9 March 2023. A record of the warning has been placed on your entry in the Register for a period of three years and does not affect your ability to practise.



9 March 2023

Head of Fitness to Practise

Date

You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing within 28 days from the date of this Notice of Decision.