

Notice of Decision

Registrant	Richard William James Donnan
Registration number	6034733
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Warning to remain on your registration for a period of 3 years
Date of Effect	12th June 2023

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

Decision

The Council has decided:

- that there is evidence that your Fitness to Practise is impaired by reason of a conviction in the UK for a criminal offence and misconduct, as defined in Part 1, Rule 4(1)(a) and Rule 4(1)(d) of the NISCC Fitness to Practise Rules 2019.
- 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.

Conviction in the UK for a Criminal Offence and Misconduct

That whilst registered as a social care worker:

- On 3rd February 2023 at Newtownards Magistrates Court you pleaded guilty and were convicted of the following offence:
 - On 24th December 2022 you drove a motor vehicle on a road, namely, Millisle Road, Donaghadee, 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.
- Having been arrested, charged and interviewed for Driving with Excess Alcohol in Breath you withheld this information from the Council and denied that you had been driving. In your email to the Council dated 19th January 2023 you stated *'I also have a solicitor involved about the lies they have told by telling the police I was drunk driving, which that is not the case I wasn't as I wasn't driving the car'*.
- Your actions as set out at 2 above were dishonest.
- On 24th December 2022, you became unfit to continue your shift at Croagh Patrick Care Home, Donaghadee, due to consuming alcohol whilst on shift.
- On 24th December 2022, your conduct towards colleagues was inappropriate, and did not uphold the NISCC Standards of Conduct and Practice for Social Care Workers.

Reasons

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

- 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 or otherwise behave in a way in work or outside work which would call into question their suitability to work in social care 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, disciplinary proceedings and findings of other regulatory bodies or organisations.
- 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 - 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 3 – 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 - 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 - Be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills this includes:

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 practice, 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 3 years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You were unfit to work whilst on duty on 24th December 2022 as a result of consuming alcohol;
- You were convicted of Driving with Excess Alcohol in Breath and you have been disqualified from driving for 1 year;
- You showed serious disregard for the NISCC's Standards of Conduct and Practice;
- Your actions had the potential to bring the profession into disrepute;

- You have failed to demonstrate any remorse or insight for your actions;
- Your actions were capable of undermining public confidence in the social care profession.

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


- You have no previous record of misconduct with your Employer;
- There was no evidence of direct or indirect harm to service users;
- You have made full admissions that you were drinking at the home;
- You pleaded Guilty to Driving with Excess Alcohol in Breath;
- You have no previous record of misconduct with the Council;
- You have engaged with the Council and your employer.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 23rd May 2023. 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 12th June 2023.



12th June 2023

Head of Fitness to Practise

Date