

Notice of Decision

Registrant	Luisito Cortez Dimitui
Registration number	2015984
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Warning to remain on your registration for a period of four years
Date of Effect	6 th July 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 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 four years.

MISCONDUCT

That whilst being registered as a social care worker and employed at Electus Healthcare as an Adult Residential Care Worker:

- a: on 20th December 2020 a service user reported that you showed him pornographic content on your phone during the course of your work and your actions caused him distress a;
- b: you admitted to watching pornographic content on your phone in the workplace and that a service user viewed it from over your shoulder.

Reasons

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

- 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 protect them from harm. By watching inappropriate content whilst in the workplace you placed a service user at risk of harm by exposing them to pornographic content whether intentionally or recklessly and this caused them distress.
- Your behaviour has fallen far 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 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 and respect.

1.8 Respecting and maintaining the dignity and privacy of service users.

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;

3.3 Following practise and procedures designed to keep you and other people safe from violent or abusive behaviour at work.

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. This includes;

5.1 You must not 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.

5.9 Use social medial or social networking sites or other forms of electronic communications in a way that contravenes professional boundaries, organisational guidelines or Social Care Council standards.

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 practise 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 four years.

Reasons for the Sanction

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

You had limited engagement with The Council for a considerable time.

A service user was caused emotional distress as a result of being exposed to pornographic material through your actions.

You provided a reflective account with limited insight or remorse as to the impact of your actions on a service user.

While you refute some details of the allegation you admitted to watching pornographic material whilst in the workplace on your mobile phone.

You provided partial admissions and explanation as to how a service user unintentionally viewed the content on your phone.

You have no previous record of misconduct with the Council.

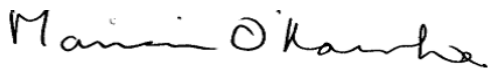
Your behaviour has demonstrated a serious disregard for the NISCC Standards of Conduct and Practice.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 24th June 2023. A record of the warning has been placed on your entry in the Register for a period of four years and does not affect your ability to practise.

Date of Effect

This warning comes into effect on 6th July 2023



6th July 2023

Director of Regulation and Standards

Date