

**Notice of Decision**

<b>Registrant</b>	<b>Sylvanna Weir</b>
<b>Registration number</b>	<b>6008345</b>
<b>Part of Register</b>	<b>Part 2 – Adult Residential Care Worker</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 3 years</b>
<b>Date of Effect</b>	<b>24 October 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 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 senior care assistant with Cairnmartin Court Care Home, on the 27<sup>th</sup> March 2022:

- a. You failed to follow the correct procedure in regards to Service User A falling, in that you failed to report and record the incident.
- b. You were later asked by a colleague whether you knew if Service User A had fallen. You advised your colleague that no fall had occurred.
- c. Later that night you returned to the Care Home and made an entry into Service User A's progress notes, providing details of an unwitnessed fall. You timed the entry as having been made at 19:10 hours, however you made the entry approximately between 23:30 hours and 00:00 hours.
- d. You asked another member of staff not to tell anyone about your actions, as set out in 'c' above.
- e. Your actions, as set out at 'b', 'c' and 'd' above were dishonest.

**Reasons**

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

- Service users have the right to have trust and confidence in the practice of social care workers in relation to the appropriate recording, handling, sharing and storage of information. Competent, accurate and up-to-date recording of information is essential to the quality, delivery and safety of care provided to service users.
- Social care workers are expected to establish and maintain the trust and confidence of service users and carers. Failing to report and record the incident resulted in a delay in the service user receiving appropriate medical attention.

- Service users have the right to have trust and confidence in the practice of social care workers and this includes an expectation that social care workers are honest and trustworthy. Returning later to write up the record and asking staff not to say anything is dishonest.
- 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;
- 2.5 Holding, using and storing records in line with organisational procedures and data protection requirements.

**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. This includes:**

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way;
- 6.4 Maintaining clear and accurate records as required by procedures established for your work;
- 6.11 Being open and honest with people if things go wrong, including providing a full and prompt explanation to your employer of what has happened.

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

**Standard 1: As a social care worker, you must understand the main duties and responsibilities of your own role within the context of the organisation in which you work. This includes:**

- 1.7 Keeping records that are up to date, complete, accurate and legible;
- 1.8 Reporting any adverse events, incidents, errors and near misses that are likely to affect the quality of care and wellbeing of service users or carers.

## **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 inaction in failing to report and record a service user fall, resulted in a delay in the service user receiving necessary medical attention.
- You were in a position of responsibility as senior care assistant.
- You asked another colleague not to say anything and was a deliberate attempt to cover up your actions.
- Your actions were dishonest.
- 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 the Council.
- You have engaged and co-operated in the employer investigation and there has been some engagement in the Council's investigation.
- You made admissions to the allegations during the employer investigation.
- You, through the employer investigation, have demonstrated some remorse and regret for your actions.
- You have undertaken further supervision and training in respect to incident reporting.
- There has been no repetition of this behaviour since the matter was brought to the Council's attention.

### **Date of Effect**

This warning comes into effect on 24 October 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.

Mansi Okarha

Director of Regulation and Standards

24<sup>th</sup> October 2023

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.**