

Notice of Decision

Registrant	Mr Rajesh Rajendran Nair
Registration number	7027248
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Warning to remain on your registration for a period of 3 years
Date of Effect	2nd May 2024

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 3 years.

Misconduct

- On 21st June 2023 you, by your own admission, behaved in a sexually inappropriate manner with a work colleague within a work setting.

Reasons

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

- Your colleague has the right to be treated with consideration and respect. Your behaviour undermines any consideration and respect for your colleague and directly conflicts with your responsibility to maintain an open and co-operative working relationship.
- Your unwanted behaviour violated the dignity of your work colleague and took place in a work setting.
- Your behaviour demonstrates a lack of insight into the main duties and responsibilities of your own role within the context of the organisation in which you worked.
- Your behaviour has the potential to undermine the public trust and confidence placed in social care services.
- 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 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, respect and compassion.

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:

6.13 Working openly and co-operatively with colleagues and treating them with respect.

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:

- 1.1 Knowing the aims, objectives and values of the service in which you work;
- 1.2 Accessing full and up-to-date details of policies, procedures and agreed ways of working from your employer and adhering to them.

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 3 years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- Your behaviour undermines any consideration and respect for your colleague and directly conflicts with your responsibility to maintain an open and co-operative working relationship.
- Your unwanted behaviour violated the dignity of your work colleague and took place within a work setting.
- Your behaviour demonstrates a lack of insight into the main duties and responsibilities of your own role within the context of the organisation in which you worked.
- In your response to the Council you are unable to provide a comprehensive account of your actions.

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

- There is no evidence of any direct or indirect harm to service users.
- You have no previous record of misconduct with the Council.
- You have engaged with the Council and made early admissions in respect of your a behaviour.
- You have expressed your regret and apologised.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 29th April 2024. 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 2nd May 2024.

Mansi Okasha

2nd May 2024

Director of Regulation and Standards

Date