

Notice of Decision

Registrant	Neil Thomas Agnew
Registration number	6026262
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	18th April 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 Practice 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

That whilst being employed in a regulated social care worker role, and in the course of providing social care activities within a service user's home, you:

- (a) On 05th March 2023, unlawfully assaulted [a female colleague] contrary to section 42 of the Offences Against the Person Act 1861;
- (b) On 04th January 2024, you pleaded guilty to the above offence at the Magistrates' Court. You received a Conditional Discharge for 2 years, and a 'Restraining Order - Protection from Harassment' was imposed against you until 04th January 2026.

And your actions as set out at (a) and (b) above show that your fitness to practise is impaired by reason of your misconduct.

Reasons

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

- Your actions were inappropriate, and physical in nature, perpetrated against a female colleague.
- Your actions occurred whilst you were on duty, and otherwise in the course of delivering social care services within a service user's home.

- 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 nor otherwise behave in a way in work or outside work which would call into question their suitability to work 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 5: As a social care worker, you must uphold public trust and confidence in social care services.

In particular you must not:

- 5.1 Abuse, neglect or harm service users, carers or colleagues;
- 5.8 Behave in a way, in work or outside of work, which would call into question your suitability to work in social care services.

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 the Sanction

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

- The Council has considered the Court Order Certificates, confirming your guilty plea and court outcomes;
- Your actions were committed against a female care worker colleague;
- You admitted physically assaulting your female colleague;
- Your actions took place within a service user's home, whilst you were on duty;
- You informed the Council that you were innocent of any misconduct whatsoever, and did not advise us at any time, that you had in fact pleaded guilty to a s.42 Offences Against the Person 1861 offence.
- You have not indicated any remorse or insight into your actions; and you have not demonstrated any concern for your victim.
- Your behaviour constitutes a disregard for the Standards of Conduct and Practice for Social Care Workers.
- Your actions are capable of undermining public confidence in the social care profession.

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

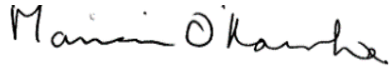
- You have no previous record of misconduct with the Council, nor has your fitness to practice been called into question in the past.
- The assault incident does not involve service users; and there are no concerns about your social care work with service users.

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 31st March 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 18th April 2024.



Marian O'Rourke
Director of Regulation and Standards

18th April 2024

Date