

Notice of Decision

Registrant	Cherry Gretchen Villela
Registration number	2036371.
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Undertakings
Date of Effect	26 th September 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 lack of competency as defined in Part 1, Rule 4 of the NISCC Fitness to Practise (Amendment) Rules 2019.
2. to agree undertakings with you.

Impairment

Your actions, as outlined below, amount to impaired fitness to practise by reason of lack of competency:

- Whilst employed as a Senior Care Assistant by Holygate Lodge, you failed to correctly administer medication to service users by way of omission on 6 separate occasions on dates between August 2023 and May 2024.

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. Any errors in administering medication, puts service users at risk of harm. You therefore failed in your duty of care and placed service users at risk of harm on several occasions.
- You have displayed a lack of competence when administering medication and recording

medication administered.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct that your actions have 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;

Standard 2.6: Being reliable and dependable

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:

Standard 5.7: Put yourself or other people at unnecessary risk

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;

Standard 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way

Standard 6.2 Taking personal and, where appropriate, collective responsibility for quality improvement and safety in line with your job role

Standard 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions

Standard 6.4 Maintaining clear and accurate records as required by procedures established for your work

Sanction

Having regard to the document '*Indicative Sanctions for Consensual Disposal*' the Council decided that the appropriate course of action was to agree undertakings with you. An undertaking is an agreement between you and the Council, setting out limits within which you must practise.

Agreed Undertakings:

1. That you will not administer medication to service users, or involve yourself in the recording, reporting or auditing of matters relating to medication.
2. That you will inform the following parties that you are subject to an undertaking under the NISCC's fitness to practise procedures, and disclose the undertakings listed above, to them:
 - i. Any organisation or person employing, contracting with, or using you to undertake social care work
 - ii. Any agency you are registered with or apply to be registered with (at the time of application)
 - iii. Any prospective employer (at the time of application)
 - iv. Any educational establishment at which you are undertaking a course of study

- connected with social care work, or any such establishment to which you apply to take such a course (at the time of application).
- v. You are also required to notify Council within 7 days of accepting any post or employment requiring registration with NISCC and provide the name and contact details of the organisation offering you the post.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- Your employer raised concerns in relation to medication errors on 6 separate occasions on dates between August 2023 and May 2024.
- Your actions had the potential to place service users at risk of harm.
- Your actions took place while you were at work, and in a position of responsibility as Senior Care Assistant.
- Despite being subject to an employer final warning for medication errors, and the completion of medication administrative training, further errors occurred.

However;

- You have co-operated with your former employer's investigation and have received a severe sanction of dismissal.
- You have not been subject to any previous referral to the Council during your employment at Holgate Lodge.
- There is no evidence of intent to cause harm.
- You made admissions to the allegations in regard to your actions, citing human error.
- No direct harm was caused to service users.

Agreement

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the undertakings detailed above. A record of the undertakings has been placed on your entry in the Register. Other than the restrictions detailed in the undertakings, your ability to practise is not affected.

Duration of undertakings

The undertakings will continue indefinitely. However, under Rule 13 (12) you can apply to be released from an Undertaking, and the Council will consider your request at that time.

Consequences of non-compliance with an undertaking

Under Rule 13 (13), if the Council receives information that you have not complied with an undertaking, or you fail to provide information to confirm compliance when requested, the Council may:

- (a) Refer the original allegations to the Preliminary Proceedings Committee; and

- (b) Treat the failure to comply with an undertaking as a separate allegation of impaired fitness to practise and refer this allegation to the Preliminary Proceedings Committee.

The onus is on you to provide any information or documentation to the Council outlined in the Undertaking. You must ensure that this is provided within the stipulated timeframe. Failure to provide agreed documentation on time will be treated as a failure to comply with the Undertaking, and may result in you being referred to the Preliminary Proceedings Committee.

Date of Effect

The undertakings come into effect on 26th September 2024

Manni Okarha

26th September 2024

Director of Regulations and Standards

Date