

### Notice of Decision

<b>Registrant</b>	<b>Brian Paul Gibson</b>
<b>Registration number</b>	<b>7025466</b>
<b>Part of Register</b>	<b>Part 2 – Domiciliary Care Worker</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 4 years</b>
<b>Date of Effect</b>	<b>6<sup>th</sup> September 2024</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 your conviction in the UK for a Criminal Offence, 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 4 years.

#### Conviction in the UK for a Criminal Offence

That whilst registered as a social care worker:

1. On 20<sup>th</sup> October 2023 at Laganside Magistrates Court you pleaded guilty and you were convicted of the following offences:
  - a. You, on 7<sup>th</sup> September 2023 when in the course of an investigation into whether you had committed an offence of driving a motor vehicle [REDACTED], on Duncairn Gardens, Belfast in contravention of Article 16(1) (a) of the Road Traffic (Northern Ireland) Order 1995, without reasonable excuse failed to provide a specimen of breath when required to do so in pursuance of Article 18 of the said Order contrary to Article 18(7) of the Road Traffic (Northern Ireland) Order 1995.
  - b. You, on 7<sup>th</sup> September 2023, being the driver of a mechanically propelled vehicle and knowing that an accident had occurred owing to the presence of that vehicle on a road or other public place whereby damage was caused to property other than the vehicle or property in or on the vehicle or property of your own or of the owner of the vehicle failed to keep the vehicle standing at or near the place where the accident occurred for such a period as was reasonable in all the circumstances, contrary to Article 175 of the Road Traffic (Northern Ireland) Order 1981.
  - c. You, on 7<sup>th</sup> September 2023 drove a mechanically propelled vehicle within the vicinity of Duncairn Gardens, Belfast without due care and attention, contrary to Article 12 of the Road Traffic (Northern Ireland) Order 1995.

## Reasons

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

- 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 or 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 and Practice 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:**

- 5.7 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:**

- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions;
- 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;
- 6.12 Co-operating with any investigation or formal inquiry into your conduct, the conduct of others, or the care or services provided to a service user where appropriate;

## 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 4 years.

## Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You have not engaged with the employer or with the Council.
- Your behaviour has demonstrated a serious disregard for the NISCC Standards of Conduct and Practice.
- The vehicle you used was clearly marked with the company logo of your employer and identified the vehicle as belonging to a social care provider. Your actions therefore had the potential to undermine public confidence in the social care profession, and to bring the profession into disrepute.

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

- No previous record of misconduct with the employer.
- There was no evidence of direct or indirect harm to service users.
- You have pleaded Guilty to the charges.
- No previous record of misconduct with the Council.

## Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 4<sup>th</sup> September 2024. A record of the warning has been placed on your entry in the Register for a period of 4 years and does not affect your ability to practise.

## Date of Effect

This warning comes into effect on 6<sup>th</sup> September 2024.

*Manni Okamba*

6<sup>th</sup> Sept 2024

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Director of Regulation and Standards

Date