

Notice of Decision

Registrant	Esther Smyth
Registration number	6042826
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	16 January 2025

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 whilst employed as an Agency Health Care Assistant with Ann's Nursing Care:

1. On or about 07 March 2024 you left your shift without authorisation at approximately 12 midnight, leaving your colleague alone and returned at approximately 06:45am before handover at 07:00am
2. Upon submitting your timesheet for the above shift, you made no reference to the period of time you were away from the facility and fraudulently claimed payment for the sum of £88.50 for 9.5 hours when in fact you only worked 3.5 hours.
3. Your actions at point 1 above put service users and staff at risk of harm.
4. Your actions at point 2 above were dishonest.

Reasons

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

- Social care workers are expected to establish and maintain the trust and confidence of service users and carers. Failing to honour work commitments without explanation or authorisation undermines that trust and confidence and put service users and staff at risk of harm.
- Your actions in respect to claiming payment for hours not worked was 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;
- 2.6 Being reliable and dependable;
- 2.7 Honouring work commitments, agreements and arrangements and, when it is not possible to do so, explaining why to service users and carers;
- 2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

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;
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions;
- 6.5 Informing your employer or the appropriate authority in a timely manner about any personal difficulties that might affect your ability to do your job competently and safely.

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 actions had the potential to put service users and staff at risk of harm.
- You were in a paid position to provide support to service users.
- You dishonestly claimed and accepted payment for work you knowingly did not complete.
- This is not the first matter brought to the Council's attention and on 28 September 2018 you were issued with advice and reminded of NISCC Standards of Conduct and Practice, in particular 2.11 and 5.8.
- Your actions are capable of undermining public confidence in the social care profession.

- Your behaviour has demonstrated a serious disregard for the NISCC Standards of Conduct and Practice.

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

- No evidence of direct or indirect harm to service users or staff.
- You engaged in the employer investigation.
- You reported, during the employer investigation, personal family difficulties which led to your actions.

Date of Effect

This warning comes into effect on 16 January 2025. 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.



Co-Director of Regulation & Standards (Interim)

Date 16.01.25

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.