

### Notice of Decision

<b>Registrant</b>	<b>Pauline Martina McGirr</b>
<b>Registration number</b>	<b>7006332</b>
<b>Part of Register</b>	<b>Part 2 – Adult Residential Care Worker</b>
<b>Sanction</b>	Warning to remain on your registration for a period of 2 years
<b>Date of Effect</b>	27 <sup>th</sup> 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 conviction in the UK for a criminal offence or a conviction elsewhere for an offence, which, if committed in the UK, would constitute a criminal offence 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 2 years.

#### Convictions

Whilst registered as a social care worker with the Northern Ireland Social Care Council;

1. On 23rd August 2024 you were convicted of the following criminal offences at the Magistrates' Court:
  - a. [Registrant] on 08/07/2023 drove a motor vehicle on the road, namely, WITHIN THE VICINITY OF, AUGHER ROAD TYRONE Northern Ireland BT76 0AD after so much alcohol that the proportion of it in your breath exceeded the prescribed limit contrary to Article 16(1)(a) of the Road Traffic (Northern Ireland) Order 1995.
  - b. [Registrant] on 08/07/2023 resisted [REDACTED NAME] a constable in the execution of their duty contrary to Section (66)(1) of the Police (Northern Ireland) Act 1998.
  - c. [Registrant] on 08/07/2023 used disorderly behaviour in a public place, namely, WITHIN THE VICINITY OF, AUGHER ROAD TYRONE Northern Ireland BT76 0AD contrary to Article 18(1)(a) of the Public Order (Northern Ireland) Order 1987.
2. You assaulted two Gardai Officers during an incident at a hotel in Letterkenny, Co Donegal on 21 September 2022, and were subsequently convicted of the offences.

#### Reasons

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

- While not directly linked to your work as a social care practitioner, your behaviour outside of the workplace resulted in convictions. Service users have the right to have confidence in the social care workers in whom they place their trust, to behave in ways both in and outside of work, that will not call into question their suitability to work in social care services; and,
- your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council.

## 2. 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:
- **Standard 5.8:** Behave in a way, in work or outside 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 2 years.

### Reasons for the Sanction

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

- You were convicted of 3 x Northern Ireland convictions of driving with excess alcohol, disorderly behaviour and resisting arrest for an incident that occurred in July 2023.
- You were convicted of assaulting 2 Gardai Officers in a hotel in Letterkenny during an altercation.
- While you have taken steps to remediate and address your behaviour the convictions are relatively recent.

The following mitigating circumstances were considered in reaching this decision:

- You self-referred your charges to the Council approximately a month after the incident in Northern Ireland.
- You fully engaged with your employer and the Council throughout enquiries. You provided context and expressed insight and remorse.
- The 3 confirmed Northern Ireland convictions are related to the same incident.
- The 2 Republic of Ireland convictions are related to the same incident.
- You were experiencing a period of emotional stress during this time and medical records supported this account.
- You have taken active personal steps to address your behaviour.
- You had a previously clear record with the Council and no further concerns have been raised.
- The convictions are not related to your work or service users and nor are they dishonesty offences that might have a higher level of transferable risk.

## Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 24<sup>th</sup> January 2025. A record of the warning has been placed on your entry in the Register for a period of 2 years and does not affect your ability to practise.

## Date of Effect

This warning comes into effect on **27<sup>th</sup> January 2025**.

*Oliver Mancher*

27/01/25

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**Co-Director of Regulation and Standards (Interim)**

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**Date**