

### Notice of Decision

<b>Registrant</b>	<b>Judith Anne Horner</b>
<b>Registration number</b>	<b>6013752</b>
<b>Part of Register</b>	<b>Part 2 – Adult residential care worker</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 3 years</b>
<b>Date of Effect</b>	<b>13 October 2016</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 misconduct, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2016.
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

The Misconduct is that on 26 May 2016 while working as an agency Care Assistant at Faith House Nursing Home you:

- a. Were rude, abrupt and rough towards Service User A when providing personal care during night duty.
- b. Were verbally abusive towards Service User A during breakfast. When Service User A asked for a jug of milk you responded by shouting in a nasty manner *"I gave you a jug of milk."*

#### 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 be carried out in a dignified, respectful and compassionate manner. By failing to treat Service User A with dignity, consideration, respect and compassion, you have undermined this trust and therefore placed Service User A at risk of harm and distress.
- 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. By roughly handling Service User A you placed service user at risk of harm.
- 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 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:**

- 1.2 Treating people with consideration, respect and compassion.
- 1.8 Respecting and maintaining the dignity and privacy of service users.

**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:**

- 2.2 Communicating in an appropriate, open, accurate and straightforward way.

**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 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.

### **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:

- The misconduct took place at work.
- Your actions were deliberate.
- Your actions could have caused direct harm to Service User A.
- You failed to fulfil the responsibilities placed on you as a NISCC-registered member of staff.
- At the beginning of the Staff Nursing investigation you demonstrated a lack of insight into your behaviour. You stated at a meeting on 28 June 2016 that you could not see what you had done wrong in relation to Service User A.
- There has been a serious disregard for the Standards of Conduct and Practice for Social Care Workers.

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

- This was an isolated incident.
- You have no previous record of misconduct with the Council.
- There is no evidence that actual harm occurred to Service User A.

- You took the opportunity to reflect on your practice and submitted a reflective account to Staff Nursing which evidenced that you have shown genuine regret for your behaviour.

**Date of Effect**

This notice comes into effect on 13 October 2016.

Patricia Higgins

Director of Regulations and Standards

13<sup>th</sup> October 2016

Date

**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.**