

### Notice of Decision

Registrant	Deborah McSorley
Registration number	1149654
Part of Register	Part 2 – Adult Residential Care Worker
Sanction	Undertakings
Date of Effect	17 February 2017

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 agree undertakings with you.

#### Impairment

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

- a. That on 31 March 2016 while on duty as a Support Worker at Bangor Supported Living/Ward House you were under the influence of a substance which you consumed on work premises. This substance was later tested and confirmed to be a 'legal high.'
- b. That on 1 April 2016 you reported for duty at Bangor Supported Living/Ward House and concerns were raised by management that you were again under the influence of a substance.

#### Reasons

The reasons that this 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, will protect them from harm. Your actions put vulnerable service users at unwarranted risk of harm.
- Your behaviour has fallen substantially 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 for Social Care Workers that this behaviour breaches are:

**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:**

- 2.6 Being reliable and dependable

**Standard 3: As a social care worker, you must promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:**

3.6 Complying with employers' health and safety policies, including those relating to substance misuse

**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

5.7 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:**

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

## **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- The misconduct took place at work.
- Premeditation was apparent with regards to bringing the substance to work on 31 March 2016.
- Your actions had the potential to place service users at risk of harm.
- At the time of the misconduct you held another position within the South Eastern Health and Social Care Trust (SEHSCT) as a Band 5 Senior Day Care Worker and were in a position of responsibility.
- There has been a serious disregard for the Standards of Conduct and Practice for Social Care Workers.

Mitigating circumstances taken into account:

- You have demonstrated insight regarding your actions.
- You have expressed genuine regret and apology for your action.
- You have co-operated fully with the Council's investigation.
- You have no previous record of Misconduct with the Council.
- There was no actual harm to service users.
- You made an early admission to your employer and answered questions put to you by your employer at an early stage.
- You have a previous good work history.
- You have offered mitigation in respect of the offence.
- The Council is satisfied that the likelihood of you repeating the behaviour is low.

## Agreement

Having been advised of the consequences, and having been recommended to take independent advice, you agreed to the undertakings proposed by the Council. 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 17(12) you can apply to be released from an undertaking, and the Council will consider your request at that time.

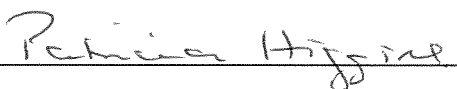
## Consequences of non-compliance with an undertaking

Under Rule 17(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:

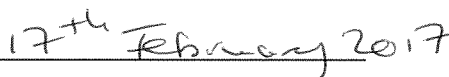
- (a) Refer the original allegations to the Preliminary Proceedings Committee; and
- (b) Treat the failure to comply with an undertaking as a separate allegation of impaired fitness to practise and refer this allegation to the Preliminary Proceedings Committee.

## Date of Effect

The undertakings come into effect on 17 February 2017



Patricia Higgins  
Director of Regulations and Standards



Date