

Notice of Decision

Registrant	Gerard Thomas McAuley
Registration number	6008701
Part of Register	Part 2 – Residential Child Care Worker
Sanction	Warning to remain on your registration for a period of 3 years
Date of Effect	23 rd August 2016

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:

- a) that during the nightshift of 8/9 March 2015 at Aisling House, Glenmona Resource Centre, you deliberately went to sleep whilst on duty in the full knowledge that Aisling House is classed as an Intensive Support Unit and requires the presence and alertness of 2 staff members at all time.
- b) that during the nightshift of 8/9/ March 2015 at Aisling House, Glenmona Resource Centre, by virtue of you being asleep, you were not in a position to provide adequate supervision for Looked After Children and support for colleagues.
- c) that during the nightshift of 8/9 March 2015 at Aisling House, Glenmona Resource Centre, by virtue of you being asleep, you did not contribute to the requisite checks, recordings and handovers of the shift as required by the post

Reasons

The reasons that your behaviour is considered to be Misconduct are:

- The public has a right to have confidence in social care services. By sleeping on duty, you wilfully disregarded your responsibilities for the care and safety of the young people in your care and therefore undermined that public confidence. Furthermore, you were unable to fulfil your duties in any way, in respect of either regular care needs or in response to any emergency, nor were you available to assist your colleague if required.

NISCC Standards of Conduct and Practice for Social Care Workers

The Council considers that your behaviour has fallen below the standards expected of a person registered with the Northern Ireland Social Care Council. The Standards of Conduct for Social Care Workers that your actions breached 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 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;

6.4 Maintaining clear and accurate records as required by procedures established for your work;

6.13 Working openly and co-operatively with colleagues and treating them with respect;

6.14 Taking responsibility for work delegated to you, recognising and working within the limits of your knowledge, skills and experience;

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 were deliberate
- You were aware of the need to be fully awake and alert
- Your actions placed your colleague at risk of harm
- Your actions placed young people at risk of harm
- You failed to fulfil the responsibilities placed on you as a NISCC-registered member of Glenmona staff

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

- You have a previous good work history
- You made an early admission of the allegations to your employer
- You have demonstrated insight regarding your actions,
- You have expressed remorse for your actions
- You have no previous record of misconduct with the Council
- There is no evidence that actual harm occurred to any young person or your colleague

Date of Effect

This notice comes into effect on 23rd August 2016.

Patricia Higgins

Director of Regulations and Standards

23rd August 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.