

Notice of Decision

Registrant	James Kenneth Magee
Registration number	6024095
Part of Register	Part 2 – Social Care Worker
Sanction	Warning to remain on your registration for a period of two years
Date of Effect	11th May 2018

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 the Caution you have received from the Police Service of Northern Ireland, 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 two years.

Caution

- On the 1st August 2017, your conduct towards a service user was deemed to constitute an assault. Due to this, an Adult Caution was administered to you by the Police Service of Northern Ireland on 19th February 2018.

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 protect them from harm. Your conduct on 1st August 2017 exposed a service user to the 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.

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 two years.

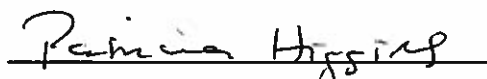
Reasons for the Sanction

When reaching its decision the Council considered the following factors:


- Your behaviour constitutes a serious disregard for the Standards of Conduct and Practice for Social Care Workers.
- The incident occurred whilst you were on duty, and directly affected a service user.
- You have no previous record of misconduct with the Council, and have a previous good work history.
- No injury was noted to the service user.
- You accepted wrongdoing and fully co-operated with the PSNI.
- The incident represents a single, isolated incident of misconduct on your part.

Date of Effect

This warning comes into effect on 11th May 2018. A record of the warning has been placed on your entry in the Register for a period of two years and does not affect your ability to practise.



Director of Regulations and Standards



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.