

Notice of Decision

Registrant	Claire McMahon
Registration number	6004657
Part of Register	2 – Adult Residential Support Worker
Sanction	Warning to remain on your registration for a period of two years
Date of Effect	13th June 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 a conviction in the UK for a criminal offence, 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.

Convictions

That on 11 July 2017 at Omagh Magistrates Court you pleaded guilty and were convicted of the following charges:

Charge 1: Defendant on the 13th day of March 2013 with a view to obtaining Income Support for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that, the information you had given was correct and complete, whereas, in fact, the information you had given was not correct and complete, because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

Charge 2: Defendant on the 3rd day of November 2014 with a view to obtaining Income Support for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that, the information you had given was correct and complete, whereas, in fact, the information you had given was not correct and complete, because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

Charge 3: Defendant on the 15th day of January 2013 with a view to obtaining Housing Benefit for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that, the information you had given was correct and complete, whereas, in fact, the information you had given was not correct and complete, because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

Charge 4: Defendant on the 9th day of January 2014 with a view to obtaining Jobseekers Allowance for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that, the information you had given was correct and complete, whereas, in fact, the information you had given was not correct and complete, because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

You were sentenced to 3 months imprisonment suspended for 2 years.

Reasons

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

- Benefit fraud is a dishonesty related offence.
- The public has the right to expect that social care workers, in whom it places its trust and confidence, to uphold the law and not to engage in offending behaviour nor otherwise behave in a way in work or outside work which would call into question their suitability to work in social services.
- 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 2: As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

- 2.1 Being honest and trustworthy.
- 2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:

- 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 two years.

Reasons for the Sanction


When reaching its decision the Council considered the following factors:

- Your actions were dishonest and had the potential to bring the reputation of the profession into disrepute.
- The amount of monies fraudulently received by you was of a significant value. The original overpayment was £3,455.22 which has now been reduced to £2,355.22.
- There has been a serious disregard for the Standards of Conduct and Practice for Social Care Workers.
- Your behaviour did not cause direct or indirect harm to service users.

- You have made efforts of reparation by entering into a repayment scheme for monies over claimed.
- You have shown remorse and apologised for your actions.
- There has been no repetition of the behaviour since your convictions.
- You have co-operated with the Council's investigation.
- You have no previous record with the Council.
- You have a previous good work history.
- The Council is satisfied that the likelihood of you repeating the behaviour is low.

Date of Effect

This warning comes into effect on 13th June 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 Regulation 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.

