

### Notice of Decision

<b>Registrant</b>	<b>Kirsty Leigh McMaster</b>
<b>Registration number</b>	<b>6005384</b>
<b>Part of Register</b>	<b>Part 2 – Adult Residential Care Worker</b>
<b>Sanction</b>	<b>Warning to be imposed on your registration for a period of three years</b>
<b>Date of Effect</b>	<b>21 August 2017</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 three years.

#### Misconduct

Whilst employed as a care assistant at Chester Nursing Home, Belfast

- a) On 20 December 2014, you continued to feed a resident soup which was not of the required consistency, despite the matter being raised with you by the manager at the time.
- b) On 5 March 2015, you used verbally abusive language towards a service user.
- c) On 5 March 2015, you were physically abusive to the same service user

#### 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. By failing to check the consistency of the soup when the matter was raised with you by the manager on 20 December 2014, you placed the resident at risk of serious harm.
- Service users have the right to expect to be protected from verbal and physical ill-treatment and to be treated with respect and compassion. By subjecting a service user to ill-treatment on 5 March 2015 you caused him distress.
- 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 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;*

### **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 three years.

### **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- You failed to adequately check the consistency of soup being fed to a resident and thereby placed him at serious risk of harm. Your actions necessitated the intervention of the manager.
- While pushing a resident in his wheelchair, you subjected him to verbal and physical abuse. Your actions caused the resident distress.

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

- You stated to your employer that you thought the soup was thick enough but admitted to your employer that continuing to feed the unthickened soup was "stupid".
- You informed your employer that by calling a resident names, you did not mean to be cheeky

- You informed your employer that roughly handling the resident was an automatic response.
- You have no previous record of misconduct with the Council

### **Date of Effect**

This warning comes into effect on 21 August 2017. A record of the warning has been placed on your entry in the Register for a period of three years and does not affect your ability to practise.

Patricia Higgins

Director of Regulation and Standards

21<sup>st</sup> Aug → 2017

Date

**You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing to the Care Tribunal within 28 days of the date of this Notice of Decision.**