

Notice of Decision

Registrant	Mr Curtis Nesbitt
Registration number	6036391
Part of Register	Part 2
Sanction	Warning
Date of Effect	7th January 2019

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 two years.

Misconduct

- The Council has decided that there is a real prospect of a finding of impaired fitness to practise by reason of misconduct on the basis that there is sufficient evidence to prove the following allegations;
- That whilst working as a Care Assistant at Limetree House on 26th October 2017, you were found to be sleeping on night duty during a time when you were accountable for the care of vulnerable children.

Reasons

The reasons that this behaviour is considered to constitute impaired fitness to practise 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 service users in your care and therefore undermined that public confidence.
- 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 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:

2.6 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;

The Standards of Practice for Social Care Workers that this behaviour breaches are:

Standard 1: As a social care worker, you must understand the main duties and responsibilities of your own role within the context of the organisation in which you work. This includes:

1.1 Knowing the aims, objectives and values of the service in which you work;

1.2 Accessing full and up-to-date details of policies, procedures and agreed ways of working from your employer and adhering to them;

1.3 Knowing your main responsibilities to those service users and carers you support including duty of care;

Standard 4: As a social care worker, you must support the safeguarding of individuals. This includes:

4.2 Knowing the regional policies and procedures relating to safeguarding;

4.3 Knowing your own role and responsibilities in relation to safeguarding;

Standard 5: As a social care worker, you must maintain health and safety at work. This includes:

5.1 Applying your organisation's policies and procedures in relation to health and safety in your work setting and with regard to the service users and carers you support;

5.4 Knowing what you can and cannot do relating to general health and safety commensurate with your role and training;

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:

- The misconduct took place at work.

- You were aware of the need to be fully awake and alert.
- Your actions placed service users at risk of harm.
- You have not shown full co-operation with the NISCC investigation, in that you have not maintained accurate and up to date contact details when requested, nor have you offered sufficient replies to the Council.

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

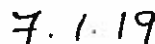
- You have no previous record of misconduct with the Council
- You have a previous good work history
- There is no evidence that actual harm occurred to any service users
- The Council is satisfied that the likelihood of repetition is low as you no longer work within social care employment

Date of Effect

This warning comes into effect on 7th January 2019. 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.



Head of Fitness to Practise



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.

