

Notice of Decision

Registrant	John Joseph Shaw
Registration number	6036804
Part of Register	Part 2
Sanction	Removal by Agreement
Date of Effect	28th November 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 misconduct, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2016.
2. to remove you from the Register, following your application to be Removed by Agreement, as defined in Rule 18 of the NISCC Fitness to Practise Rules 2016.

You (the Registrant) have agreed to the following Statement of Facts:

- I. You were employed by Choice Housing Association as a relief support worker.
- II. On 8th July 2018, you were working as a relief support worker in Inverary House. During the course of your employment you became involved in an incident with Service User A.
- III. Service User A, who was seemingly under the influence of drink and/or drugs, attempted to gain entry to Inverary House.
- IV. You refused entry to Service User A who appeared to become hostile and abusive. It seems Service User A also made personal threats against you.
- V. Upon being refused entry to Inverary House, Service User A caused deliberate damage to the door of Inverary House. Service User A also smashed a flower pot at the front door of Inverary House.
- VI. You attended the front door of Inverary House and examined the damage caused by Service User A. You were subjected to further verbal abuse from Service User A.
- VII. You stated that you "lost it" and "slapped" Service User A. You instruct that you "missed the top of his head the first time but I hit him the second time".

- VIII. You accept that you attempted to strike Service User A twice but only made contact once.
- IX. You also accept that you grappled Service User A to the ground in an aggressive and unacceptable manner.
3. By reason of the misconduct set out above, your fitness to practise is deemed to be impaired.
4. The public has a right to have confidence in social care services. Your actions were violent, aggressive and in total contravention of the standards expected of social care workers. By striking a vulnerable Service User and behaving in a violent manner you have displayed a level of conduct that is fundamentally incompatible with being a social care worker. Your behaviour is deemed so serious that you are no longer deemed suitable to be a Registrant upon the Northern Ireland Social Care Council.
5. You have breached the following provisions of the NISCC Standards of Conduct and Practice for Social Care Workers:
- Standard 1: 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 3: Promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:
- 3.2 Using established processes and procedures to assess, respond to and manage dangerous, abusive, discriminatory or exploitative behaviour and practice;
- 3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work;
- 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;

Application for Removal by Agreement

Having regard to the document '*Consensual Disposal Indicative Sanctions*', the Council was minded to grant you Removal by Agreement. The Council served papers on you, inviting you to apply for Removal by Agreement. Having been advised of the consequences, and having been recommended to take independent advice, The Council received your written application to be removed from the Register on

22nd November 2018. In making the application, you admitted the allegations, signed the agreed statement of facts (as set out above), and admitted the facts amounted to your fitness to practise being impaired.

The effect of this decision is that your entry on the Register has been removed.

You are prohibited by law from working as a social care worker in any of the following regulated positions:

- A member of care staff at a children's home, residential care home, nursing home, day care setting or residential family centre;
- A person who is supplied by a domiciliary care agency to provide personal care to individuals in their own homes;
- A manager of a residential care home, day care setting, residential family care centre or domiciliary care agency.

It is **compulsory** for the above social care workers to be registered with the Northern Ireland Social Care Council in order to work. This is pursuant to the Northern Ireland Social Care Register (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017.

In accordance with Schedule 3, Paragraph 9 of the NISCC Fitness to Practise Rules, you may not apply to be restored to the Register within five years from the date of removal.

Date of Effect

This notice comes into effect on 28th November 2018.

Marian O'Keefe
Director of Regulation and Standards

28th November 2018.
Date

