



Notice of Decision of the Northern Ireland Social Care Council's Fitness to Practise Committee

REDACTED

Name: Alison Longmore

SCR No: 1151182

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **15 October 2020**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found that your fitness to practise remains impaired;

The Committee decided to revoke the Suspension Order and impose a Removal Order.

Preliminary Issues

The Suspension Order review hearing was held remotely by way of video link. Neither the Council nor the Registrant joined the meeting. The Council provided written submissions to the Committee, which were considered on the day of the hearing.

Service

The Notice of Review Hearing was emailed to the Registrant's registered emailed address on 04 September 2020, and a delivery receipt was received on the same date. The Committee Administrator called the Registrant on 10 September 2020 to confirm receipt of the Notice and bundle, and to provide the required password. The Registrant stated that she no longer uses email and that correspondence should be posted.

The Committee Clerk called the Registrant on 11 September 2020 and explained that her case had been listed for a Suspension Order review hearing on 15 October 2020. The Clerk agreed to post the documents by Special Delivery post to the Registrant's new address, and she understood that the 28 day notice period had been adhered to as the documents had been emailed to the Registrant's registered email address. During the phone call, the Registrant confirmed that she would not be attending the hearing and that she was content that the hearing could proceed in her absence. The Notice and hearing bundle were posted to the Registrant's new address on 11 September 2020 by Special Delivery post. The package was returned to the Council on 29 September 2020, marked as 'addressee unknown'. The Committee Clerk called the Registrant to confirm her

address and the package was re-issued by Special Delivery post on 30 September 2020, and was received and signed for by the Registrant on 01 October 2020. During the phone call, the Registrant stated that her position remained the same and that she did not want to attend the hearing. The Committee Administrator called the Registrant on 09 October 2020 and she confirmed that she had received all documentation.

The Legal Adviser reminded the Committee of the provisions of Rule 3 and Paragraph 33 (5) of Schedule 2 of the Northern Ireland Social Care Council Fitness to Practise (Amendment) Rules 2019 ('the Rules'), and is satisfied that the Notice of Review Hearing has been served as it was sent by email to the Registrant's registered email address, and also sent by Special Delivery post to the Registrant's new postal address. The Committee is therefore satisfied that service has been effected in accordance with the Rules. In addition, the Committee noted the phone calls between the Registrant and the Committee Clerk, and that the Registrant confirmed receipt of the Notice and hearing bundle.

Proceeding in Absence

The Committee noted the telephone calls between the Committee Clerk and the Registrant on 11 September and 30 September 2020, and that the Registrant was given the choice to join the hearing by way of video link or to provide the Committee with written submissions. The Registrant stated that she did not want to participate in the hearing and was content for the hearing to proceed in her absence.

The Legal Adviser told the Committee that during these unprecedented times, the Council has decided to hold all hearings remotely, with registrants given the choice of joining a hearing by video link or providing written submissions to the Committee.

The Committee was mindful that the discretion to proceed in the absence of the Registrant should only be exercised with the utmost care and caution. In considering the application, the Committee satisfied itself that all reasonable efforts had been made to notify the Registrant of the hearing. The Committee heard and accepted the advice of the Legal Adviser, who referred the Committee to the cases of R v Jones 2003 1 AC and Adeogba and Visvardis v GMC 2016. The Legal Adviser reminded the Committee that in exercising its discretion to proceed in the Registrant's absence, it must have regard to all of the circumstances with fairness to the Registrant being of prime consideration, although fairness to the Council and the public interest must also be taken into account. She reminded the Committee of the requirement to exercise its discretion to proceed with the utmost care and caution. She further advised the Committee to avoid reaching any improper conclusion about the Registrant opting not to provide a written submission or to join the remote hearing.

The Committee noted that this is a mandatory review, that the Suspension Order will expire on 07 November 2020 and that the Registrant did not attend the hearing on 08 May 2019. The Committee took into account that there is no suggestion from the Registrant that she wants an adjournment or that she would be more likely to attend if the hearing was adjourned to another date. The Committee took into account the Registrant's comments to the Committee Clerk on 11 September and 30 September 2020, when the Registrant was given the opportunity to participate in today's hearing, and her indication that she did not wish to attend the hearing. The

Committee therefore determined that nothing would be gained by adjourning the case. The Committee determined that the Registrant was aware of these proceedings and had voluntarily absented herself from the process. The Committee also considered the issues of public protection and the public interest in ensuring that the current Suspension Order is reviewed before it expires. Accordingly, the Committee, in all of the circumstances, is satisfied that it is appropriate to proceed with this hearing without the direct participation of the Registrant.

Background

Following a hearing on 08 May 2019, at which the Registrant was neither present nor represented, a Fitness to Practise Committee found the following allegation against her proved:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst working as a Support Worker for Radius Housing at Barn Halt Cottages:

1. On or about 30 November 2017, you stole £100 belonging to Service User A.

And that by reason of the matters set out above, your fitness to practise is impaired by reason of your misconduct and / or health.

The Committee, in May 2019, considered that the Registrant's actions amounted to misconduct and, further, that she was currently impaired by reason of her misconduct and or / health. In its impairment decision, that Committee noted:

'The Committee first considered the reason for the alleged impairment of fitness to practise. The Committee noted that in the agreed statement of facts, the Registrant admits that at the time when she stole the money from Service User A, her actions amounted to misconduct and at that time her fitness to practise was impaired. The Committee accepted the evidence of [REDACTED] at the time of the alleged incident, and that this impaired her fitness to practise. Accordingly, the Committee was in no doubt that the Registrant's fitness to practise was impaired at the time when she stole £100 from Service User A as a result of her misconduct and her health.

In terms of the reason for her current impairment, the Committee heard evidence [REDACTED].

[PARAGRAPHS REDACTED]

After careful consideration of all of the evidence, the Committee determined that it was more likely than not that the misconduct at the time when the Registrant stole £100 from Service User A was caused or substantially contributed to by [REDACTED]. Therefore, the Committee determined that the reason for the Registrant's alleged impairment of fitness to practise is her health.

The Committee determined that the Registrant is in breach of the following Standards of Conduct for Social Care Workers:

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:*

1.8 *Respecting and maintaining the dignity and privacy of service users.*

Standard 2: *As a social 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.*

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;*

5.3 *Abuse the trust of service users and carers or the access you have to personal information about them or to their property, home or workplace; or*

5.8 *Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.*

The Committee next considered whether the impairment is capable of remediation. The Committee heard evidence from [REDACTED].

The Committee concluded that the Registrant's [REDACTED].

The Committee did not have evidence to demonstrate that the Registrant is [REDACTED], and therefore concluded that the risks of the Registrant repeating the behaviour [REDACTED] remains.

The Committee considered the public interest and determined that a finding of impairment on public interest grounds was also required. While the Registrant continues to [REDACTED], a finding of impairment is required to meet the need to uphold proper professional standards and public confidence in the profession.

Accordingly, the Committee determined that the Registrant's fitness to practise is currently impaired by reason of her health.'

The original Committee determined the following with regard to sanction:

'In reaching its decision on sanction, the Committee had careful regard to all of the evidence in the case, together with the submissions from Miss Kelly on behalf of the Council. The Committee heard and accepted the advice of the Legal Adviser. The Committee took into account that any sanction must be appropriate and proportionate and although not intended to be punitive, its effect may have such consequences.

In deciding which sanction to impose, the Committee took into account:

- a) *the seriousness of the Particulars of the Allegation;*
- b) *the degree to which the Registrant has fallen short of any expected standards;*
- c) *the protection of the public;*

- d) *the public interest in maintaining confidence in social care services; and*
- e) *the issue of proportionality.*

The Committee first considered the mitigating and aggravating factors in this case, and found the mitigating factors to be:

- *the Registrant has a good work history and good character;*
- *there have been no previous concerns raised with the Council;*
- *the Registrant submitted a supportive testimonial from a previous employer;*
- *the Registrant has fully cooperated with the Council investigation;*
- *the Registrant made an early admission of the facts alleged;*
- *the Registrant has made genuine expressions of remorse, both to her colleagues and to the Council;*
- *the Registrant has demonstrated some insight - she is aware that she has health issues and expressed sincere regret for the impact of her actions on Service User A;*
- *the Committee received some evidence that the Registrant has engaged with treatment and that appropriate rehabilitative steps have been taken;*
- *the Committee noted the medical evidence in the papers of the longstanding circumstances of a sensitive nature which have impacted on the Registrant's health.*

The Committee considered the aggravating factors to be:

- *the Registrant stole money from a service user;*
- *the Registrant's actions had a premeditated element to them;*
- *the Registrant initially concealed her wrong doing and this was an abuse of trust;*
- *the offence was committed at work;*
- *the Registrant's actions caused harm to Service User A, who felt vulnerable in her own home.*

Having balanced the aggravating and mitigating factors, the Committee proceeded to consider the appropriate sanction to apply in this case.

No Sanction - *the Committee had no hesitation in concluding that it would neither be appropriate nor proportionate if no sanction were imposed in this case. In the view of the Committee, if no sanction were imposed this would not mark the seriousness of the Registrant's actions or meet the public interest in this case.*

Warning - *the Committee considered a Warning. The Committee did not consider a Warning to be appropriate as it would allow the Registrant to work unrestricted as a social care worker. A Warning would not meet the risk of repetition and the concerns relating to the Registrant's ongoing health condition.*

Conditions of Practice Order - *the Committee next considered a Conditions of Practice Order. The Registrant is not present today. The Committee has no evidence as to the Registrant's current employment circumstances,*

whether she is currently [REDACTED] or whether she would agree to any conditions imposed. In these circumstances, the Committee was unable to formulate workable conditions which would allow the Registrant to deal with her health issues.

Suspension - the Committee determined that a Suspension Order would be both appropriate and proportionate in this case. Suspension gives a clear message to the public and to the social care profession that, irrespective of her health condition, the Registrant's actions were inappropriate. The Registrant has demonstrated some insight, and the Committee is of the view that with continued treatment during the course of her suspension, she could be fit to return to practise as a social care worker. The Committee carefully considered the period of time required, and determined to make Suspension Order for a period of eighteen months. The time period is not intended to be punitive, but rather is considered an appropriate timescale to allow the Registrant sufficient time to restore her health, taking into account [REDACTED] clinical guidance.

The Committee commends the Registrant on her engagement with treatment to date, and would direct her to the opinion given by [REDACTED]. At the end of the period of suspension, evidence of [REDACTED] would assist the Council or a reviewing Committee.

Removal - the Committee did consider a Removal Order. However, in light of the positive testimonial from her previous employer and her long work history, the Committee concluded that the Registrant had been a valued social care worker. The Committee had already determined that the theft of money from a service user was likely to have been caused or significantly contributed to by her health condition. As a result, the Committee concluded that her actions were not fundamentally incompatible with being a registered social care worker. On balance, the Committee was persuaded that a Removal Order at this stage would not be appropriate.

The Committee concluded that a Suspension Order for a period of eighteen months was the most suitable, appropriate and proportionate sanction to be imposed on the Registrant's registration with immediate effect¹.

Decision on Current Fitness to Practise

This is the first review of a Suspension Order made against the Registrant. The Committee considered the written submissions from the Council and the communication between the Registrant and the Committee Clerk.

The Council submitted that it issued a letter to the Registrant on 27 July 2020, inviting her to provide information which would address the issue of whether or not her fitness to practise remains impaired. No response was received following this letter, and the Council have received no information from the Registrant addressing the concerns that were raised about her health, which resulted in the Suspension Order being made.

The Council further submitted that the Registrant was contacted by phone on 11 September 2020 to advise her of the process involved in the review hearing, and that during this telephone call, she was again invited to submit any medical evidence. The Registrant responded that she would not be submitting any medical evidence. Due to the lack of updated medical evidence from the Registrant, the Council does not know if the Registrant's

[REDACTED] is in remission, has remained the same or indeed is worse than at the time when the Suspension Order was imposed.

In reaching its decision, the Committee heard and accepted the legal advice from the Legal Adviser. The Committee was reminded that it was not required to go behind the previous decision in assessing facts, and that it was required to review any evidence provided since the hearing on 08 May 2019. The Committee was reminded that it is assessing current impairment and needed to take into account any evidence of remediation, insight and risk of repetition. The Committee was also reminded of the need to take account of the wider public interest, which includes upholding standards and maintaining confidence in the regulatory process.

The Committee first considered whether the Registrant's fitness to practise remains impaired. The Committee reminded itself that impaired fitness to practise describes those circumstances which call into question the suitability of a Registrant to remain on the Register without restriction, or to be registered at all. In considering the matter, the Committee carried out a comprehensive review of the Suspension Order in light of the submissions which it received, and the hearing bundle provided for the review hearing. The Committee exercised its own independent judgement in reaching a decision.

In considering whether the Registrant's fitness to practise remains impaired, the Committee reminded itself of the requirements set out at Paragraph 33 of Schedule 2 of the Rules. Unfortunately, the Committee has not received any evidence from the Registrant on remediation. After careful consideration of all of the documents provided, the Committee concluded that there was no evidence that the Registrant is willing or has any intention to [REDACTED] or to provide the Council with evidence of any steps which she has taken to [REDACTED]. The Committee determined that without any evidence of [REDACTED], the risks of the Registrant repeating the behaviour associated with [REDACTED] remain. The Committee considered the public interest and determined that until there is evidence that the Registrant has achieved [REDACTED], a finding of impairment is required to meet the need to uphold proper professional standards and public confidence in the social care services. In light of the lack of evidence provided, the Committee concluded that the Registrant's fitness to practise remains impaired.

The Committee took into account the Standards of Conduct and Practice for Social Care Workers, as set out in the previous decision, and determined that the Registrant remains in breach of the same Standards.

Sanction

There was no submission from the Council with regard to sanction, other than to list the available sanctions.

The Committee heard and accepted the independent legal advice in relation to sanction. The Committee was reminded that the purpose of a sanction was not to punish but to protect the public, and that any sanction had to be proportionate and fair. The Committee considered the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees in reaching its decision.

The Committee first considered whether it would be appropriate and proportionate to allow the current Order to expire and make no further Order. Even though the evidence before the Committee suggests that the Registrant is not currently working in social care and does not wish to do so, she might change her mind in the future. In light of the risks of repetition identified, the Committee concluded that to allow the current Order to expire would not protect the public, nor would it meet the public interest.

Conditions of Practice Order – the Committee considered revoking the Suspension Order and replacing it with a Conditions of Practice Order. The Committee has no information regarding the current health of the Registrant and noted that she is not currently working in social care services. Therefore, the Committee was unable to formulate workable conditions that would enable the Registrant to deal with her health issues whilst protecting service users from the risk of harm.

Suspension Order - the Committee then went on to consider whether it would be appropriate to impose a further period of suspension. The Committee considered that the Registrant's misconduct was serious. During this period of suspension, the Registrant failed to engage with the recommendations made by the previous Committee. The Registrant did not provide any submissions or evidence to go before the Committee today. The Committee viewed her lack of engagement in the review process and, in particular, the failure to provide any evidence of remediation, as being a further aggravating factor. The point of the Suspension Order was to allow the Registrant time to [REDACTED] and to produce evidence that [REDACTED]. The Committee concluded that the Suspension Order was an opportunity for the Registrant to address [REDACTED], but that there was no evidence that she had taken this opportunity. In all of these circumstances, the Committee concluded that nothing would be gained from a further period of suspension.

Removal Order – after careful deliberation, the Committee determined to revoke the Suspension Order and impose a Removal Order in accordance with Paragraph 33 (8) (g) of Schedule 2 of the Rules. The Registrant's misconduct constituted a serious departure from the Standards of Conduct and Practice for Social Care Workers. The Committee further noted the ongoing risk to service users. If the Registrant was allowed to work as a social care worker without any evidence of [REDACTED], the risks of her repeating the behaviour [REDACTED] remain. The Committee concluded that removal from the Register is the only appropriate and proportionate sanction. The Committee concluded that the Registrant's serious misconduct, compounded by her failure to produce evidence of remediation, is fundamentally incompatible with being a registered social care worker. The Committee also considered the public interest, and concluded that confidence in the social care profession would be undermined by allowing the Registrant to remain on the Register.

The Committee considered the potential devastating impact of a Removal Order on the Registrant. The Committee concluded that public safety and the public interest outweighed the impact of a Removal Order on the Registrant.

The Committee determined that a Removal Order was a suitable, appropriate and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect.

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.

You should note that the Fitness to Practise Committee's decision takes effect from the date upon which it was made.

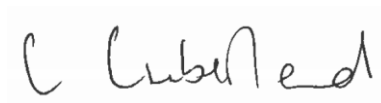
The effect of this decision is that your entry in the Register has been removed.

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

1. A member of care staff at a:
 - a.) Children's home;
 - b.) Residential care home;
 - c.) Nursing home;
 - d.) Day care setting;
 - e.) Residential family centre.
2. A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
3. A manager of a:
 - a.) Residential care home;
 - b.) Day care setting;
 - c.) Residential family care centre; or
 - d.) 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 Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and the Northern Ireland Social Care Council (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. This does not affect your right to appeal the Committee's decision to the Care Tribunal. You are prohibited from working in a social care role until a successful application for restoration onto the Register has been made to the Council.



Regulatory Committee Manager

15 October 2020

Date