

Notice of Decision

Registrant	Richard Raymond Lawrence Clarke
Registration number	6040096
Part of Register	Part 2 – Social Care Worker
Sanction	Removal by Agreement
Date of Effect	6th January 2020

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 for a criminal offence, as defined in Part 1, Rule 4 of the Northern Ireland Social Care Council Fitness to Practise (Amendment) Rules 2019 ('the Rules').
2. to remove you from the Register, following your application to be Removed by Agreement, as defined in Rule 14 of the Rules.

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

1. The Registrant was convicted of the following criminal offence at Magherafelt Magistrates Court on 16 October 2019:
 - Defendant on 16th day of May 2018 unlawfully assaulted [a service user], contrary to section 42 of the Offences Against the Person Act 1861.
2. By reason of the conviction set out above, the Registrant's fitness to practise is deemed to be impaired.
3. The public has the right to have confidence in social care services, and the most vulnerable people in society need to be protected from those who display a propensity for violence. The Registrant has been convicted of assaulting an elderly female service user in his care. The Registrant is no longer deemed suitable to remain on the Northern Ireland Social Care Register.
4. The Registrant has breached the following provisions of the Standards of Conduct and Practice for Social Care Workers:

1. Protect the rights and promote the interests and wellbeing of service users and carers

This includes:

- 1.1 Treating each person as an individual;
- 1.2 Treating people with consideration, respect and compassion.

2. 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.

5. 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, you made a written application to be removed from the Register on 19th December 2019 (which was received by the Council on 23rd December 2019). In making the application, you admitted the allegations, signed the agreed Statement of Facts (as set out above), and admitted that the facts amounted to your fitness to practise being impaired.

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 Rules, you may not apply to be restored to the Register within five years from the date of removal. 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.

Date of Effect

This notice comes into effect on 6th January 2020.

Kelen Mencher

Head of Fitness to Practise

6.1.20

Date

