

### Notice of Decision

<b>Registrant</b>	<b>Philomena Helena Marley</b>
<b>Registration number</b>	<b>6031117</b>
<b>Part of Register</b>	<b>Part 2 – Adult Residential Care Worker</b>
<b>Sanction</b>	<b>Removal by Agreement</b>
<b>Date of Effect</b>	<b>25<sup>th</sup> February 2021</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 your criminal convictions, as defined in Part 1, Rule 4 of the NISCC 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. On 9 December 2020, the Registrant pleaded guilty to the four criminal charges, as set out below. She was subsequently convicted at Laganside Magistrates Court on 13 January 2021:-
  - Charge 1: 'Defendant on the 06/04/2020 – 24/05/2020, stole a bank card to value unknown or thereabouts belonging to [redacted], contrary to Section 1 of the Theft Act (Northern Ireland) 1969.'
  - Charge 2: 'Defendant on the 06/04/2020 – 24/05/2020, dishonestly made a false representation, namely, used another person's bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [redacted] or to expose him to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.'
  - Charge 3: 'Defendant on an unknown date between the 17th day of March 2020 and the 3rd day of April 2020 stole a bank card belonging to [redacted] and [redacted], contrary to Section 1 of the Theft Act (Northern Ireland) 1969.'

- Charge 4: 'Defendant on various dates between the 3rd day of April 2020 and the 24th day of May 2020 stole monies totaling £4278.29 or thereabouts belonging to [redacted] and [redacted], contrary to Section 1 of the Theft Act (Northern Ireland) 1969.'
- 2. The offences occurred while the Registrant was working in her trusted capacity as a care assistant, and she took advantage of her position to facilitate the theft which occurred against a service user and their spouse.
- 3. By reason of the convictions set out above, the Registrant's fitness to practise is deemed to be impaired.
- 4. The public has the right to have confidence in social care services. The most vulnerable people in society need to be protected from those who commit criminal offences, in particular those who take advantage of their position of trust. The Registrant has been convicted of a substantial theft from a service user and their spouse, causing direct harm to those she was employed to care for and protect. Given the dishonest nature of her actions, she is no longer deemed suitable to remain on the Northern Ireland Social Care Register. Confidence in the social care profession would be undermined by allowing the Registrant to remain on the Register.
- 5. The Registrant has breached the following provisions of the NI Social Care Council's Standards of Conduct and Practice for Social Care Workers:

Standard of Conduct 2: As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

2.1 Being honest and trustworthy.

Standard of Conduct 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;

5.2 Exploit service users, carers or colleagues in any way;

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;

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 an application to be removed from the Register on 22<sup>nd</sup> February 2021. In making the application, you admitted the allegations, agreed the 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 by law from working as a social care worker in any of the following regulated positions:

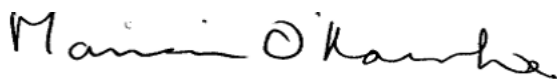
1. A member of care staff at a:
  - a) Children's home
  - b) Residential care home
  - c) Nursing home
  - d) Day care setting
  - e) Residential family centre.
2. A person who is supplied by a domiciliary care agency to provide personal care to individuals in their own homes for persons who by reason 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
  - 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 (Amendment) Rules 2019, 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 25<sup>th</sup> February 2021.



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Interim Director of Regulation and Standards

25<sup>th</sup> February 2021

Date