



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

**REDACTED**

**Name:** Hannah Sarah Lily Bates

**SCR No:** 6031702

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **10 November 2021**, made the following decision about your registration with the Northern Ireland Social Care Council:

**The Committee found the facts proved;**

**The Committee found that your fitness to practise is impaired by reason of your convictions;**

**The Committee decided to make an Order for removal of your registration from the Register ('a Removal Order').**

**Particulars of the Allegation:**

That, whilst registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended) you were convicted of the following offences:

In the Crown Court in Northern Ireland on 14 January 2020, you were convicted as follows:

1. Defendant on the 6th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal of £200.00 cash from an ATM at the Kennedy Centre, Belfast, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 5]
2. Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £4501.27 from Debenhams, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the

	Fraud Act 2006. [COUNT 6]
3.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £3495.69 from Marks and Spencers Foreign Exchange, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 7]
4.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £4500.00 from Thomas Cook Travel, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 8]
5.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £4003.32 from Travelex UK Ltd, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 9]
6.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £1169.34 from Travelex UK Ltd, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 10]
7.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £1504.59 from Travelex@Sainsburys, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 11]
8.	Defendant on the 7th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal to the value of £2669.72 from TUI FX 686, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the

	Fraud Act 2006. [COUNT 12]
9.	Defendant on the 9th day of November 2017 dishonestly made a false representation, namely, that during a withdrawal of £40.00 cash from an ATM at Royal Avenue, Belfast, you represented that you were entitled to debit that sum from [REDACTED] Account Numbered [REDACTED] with the intention, by making the representation, to make a gain for yourself or another or to cause loss to Danske Bank or to expose Danske Bank to a risk of loss, in breach of section 2 of the Fraud Act 2006 contrary to Section 1 of the Fraud Act 2006. [COUNT 13]
In the Crown Court in Northern Ireland on 30 January 2020, you were convicted as follows:	
10.	Defendant on the 4 November 2017, had possession of criminal property, contrary to Section 329 (1) (c) of the Proceeds of Crime Act 2002. [COUNT 1]
And your actions as set out above show that your fitness to practise is impaired by reason of your convictions.	

## Procedure

The hearing was held under the fitness to practise procedure.

## Preliminary Matters

### Service

Mr Gilmore told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 05 October 2021. Proof of delivery was received on the same date. On 07 October 2021, the Council received an email from the Registrant's solicitor, stating that neither he nor his client would be in attendance at the hearing.

The Committee received legal advice from the Legal Adviser, and she referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's ('the Council') Fitness to Practise (Amendment) Rules 2019 ('the Rules') and, in particular, Rule 3 which states that proof of service shall be treated as being effected on the day after it was properly sent. The Committee took into account that the Notice of Hearing provided details of the date and time of the hearing, and that it was to be held virtually. In addition, it contained information about the Registrant's right to attend, be represented and call evidence, as well as the power to proceed in her absence.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing had been served in accordance with Rule 3 of the Rules, and the requirements of Paragraph 5 of Schedule 2 of the Rules.

### Proceeding in the Absence of the Registrant

Mr Gilmore made an application to proceed in the absence of the Registrant under Paragraph 15 of Schedule 2 of the Rules, and submitted that the Committee should hear and determine the case in her absence. He invited the Committee to conclude that the email received from the Registrant's solicitor communicating to the Council

that she did not wish to attend was a voluntary waiver of her right to do so. He further suggested that it was in the public interest for the case to proceed, as this would ensure a fair and expedient disposal of the hearing.

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 sought to satisfy itself that all reasonable efforts had been made to notify the Registrant of the hearing, and accepted the advice of the Legal Adviser. She referred the Committee to the cases of R v Jones 2003 1 AC, Adeogba and Visvardis v GMC 2016. She 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 advised the Committee to avoid reaching any improper conclusion about the Registrant's absence, and not to accept it as an admission in any way.

After careful consideration of all of the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, striking a careful balance between fairness to the Registrant and the wider public interest. It noted that:

- The Registrant had not made an application to adjourn the hearing;
- The Registrant instructed her solicitor to notify the Council that she did not wish to attend the hearing;
- There was no reason to suppose that adjourning the hearing would secure her attendance at a future date;
- The Particulars of the Allegation related to events that occurred in 2017; and
- There was a strong public interest in the case proceeding as listed.

The Committee accepted that there was some disadvantage to the Registrant in proceeding in her absence, but determined that the limited disadvantage was the consequence of the Registrant's decision to absent herself from the hearing, waive her right to be attend or to be represented.

In these circumstances, the Committee decided that it was fair, appropriate and proportionate to proceed in the absence of the Registrant.

### **Application to Admit Hearing Bundle**

The Committee accepted the bundle into evidence, and marked it as Exhibit A. The written submissions sent by Flynn & McGetrick Solicitors, dated 07 October 2021, were admitted into evidence and marked as Exhibit B.

### **Declaration of Conflicts of Interest**

The Chair of the Committee confirmed with all Committee Members that there were no conflicts of interest.

### **Background**

The Registrant was registered on Part 2 of the Register on 31 May 2017.

The Registrant came to the Council's attention as a result of a self-referral. Mr Gilmore directed the Committee to a letter from the Registrant's solicitor within the bundle, detailing the background to the case. He told the Committee that in September 2017, the Registrant began working in a call centre. He told the Committee that during the two months of working at the call centre, she made it known to staff and colleagues [REDACTED]. The Registrant's colleague subsequently approached her and offered her a way of making money by permitting funds to be lodged into her account. Thereafter, the Registrant was to withdraw the money when requested and she would receive a percentage.

The Committee was told that a total of £25,300 was paid into the Registrant's bank account over a period of five days in November 2017 and that, in turn, she was paid £3000.

## **Evidence**

Mr Gilmore directed the Committee to the evidence contained within the hearing bundle, and submitted that the Council sought to rely on this evidence to prove the case.

Mr Gilmore directed the Committee to the transcript of the PACE interview with the Registrant on 29 April 2019. The Committee heard that when questioned by the Police, the Registrant made full admissions during a relatively short PACE interview of thirty minutes.

Mr Gilmore directed the Committee to the 'Case Summary' contained within the bundle of documents. He submitted that this document confirmed that the Registrant had no previous convictions, but reiterated that the losses from the overall scam were in the region of £124,000. From this total amount, a sum of around £25,000 was transferred into the Registrant's account, which she then distributed to the organisers.

Mr Gilmore also asked the Committee to consider the correspondence from the Registrant's solicitor, dated 08 February 2021, and the more recent submissions, dated 07 October 2021.

Mr Gilmore asked the Committee to pay careful attention to the Certificate of Conviction. He submitted that this document was evidence that it was found proved beyond reasonable doubt that the Registrant had pleaded guilty to nine counts of fraud by false representation, and one count of possessing criminal property. She was sentenced to four months' imprisonment, suspended for a period of 18 months, and was instructed to pay a monetary fine of £1500.

## **Finding of Facts**

The Legal Adviser reminded the Committee that under Paragraph 12 (5) Schedule 2 of the Rules, a Certificate of Conviction issued in any UK Criminal Court '*shall be conclusive proof of the facts or conviction so found*'. She advised the Committee that a registrant could challenge a certificate of conviction if it did not refer to the Registrant, or where the conviction had been challenged successfully on appeal. She informed the Committee that the Certificate of Conviction in this case was issued before the Crown Court, a competent Court of jurisdiction and, in the absence of any other evidence, the Committee was entitled to rely on the Certificate of Conviction to establish conclusively that the Registrant was convicted of the offences as set out. She also

advised the Committee that the Certificate could also be relied upon to establish the facts underlying the convictions.

The Committee reminded itself that the burden was on the Council to prove the facts as set out in the Particulars of the Allegation, and that to find the facts proved the Committee must be satisfied on the balance of probabilities. This means that for any fact to be found proved, the Committee must be satisfied that it was more likely than not to have occurred.

The Committee noted that the submissions from the Registrant's solicitor, dated 07 October 2021, confirmed that the facts in the allegation were accepted, the Registrant having made full admissions to the police during her interviews.

The Committee took into account the submissions from Mr Gilmore on behalf of the Council, the written submission from Mr Morgan on behalf of the Registrant, and had careful regard to all of the documentary evidence submitted. The Committee noted the facts contained in the Certificate of Conviction. The Committee concluded that the Certificate of Conviction was conclusive proof of the convictions and the underlying facts. The Committee, therefore, found the facts proved.

### **Fitness to Practise**

The Committee proceeded to consider if the Registrant's fitness to practise was impaired. The Committee heard submissions from Mr Gilmore.

Mr Gilmore submitted that the Registrant's actions which led to the convictions, a suspended custodial sentence and a monetary fine, called into question her ability to work in social care services and to remain on the Register without restriction, or to be registered at all.

The Committee heard that at the time of the offences, the Registrant was a registered social care worker although she was working in a call centre, not in social care services. Mr Gilmore told the Committee that at the time of her convictions, she was working as a social care worker. Mr Gilmore submitted that there was a difference between being young and vulnerable and not understanding the impact of your actions. The Registrant was culpable in the criminal matters and, in the view of the Council, took advantage of the situation for her own benefit. Mr Gilmore submitted that the Registrant played a willing and active part in a significant scam, for which she received a significant benefit in terms of the £3,000 paid to her.

Mr Gilmore directed the Committee to the submissions on behalf of the Registrant, and the 2020 judgment by the Recorder of Belfast which acknowledged that *'the typical money mule will be a vulnerable individual'*. Mr Gilmore submitted that there was a difference between the focus of a Criminal Court and a Fitness to Practise Committee. The Council is concerned that if the Registrant was vulnerable (as her solicitor had asserted), this was further evidence that she presented an ongoing risk when providing social care services. The Council was concerned that she may be a risk to service users if she could be taken advantage of, and that this could subject service users to a risk of harm.

Mr Gilmore submitted that the first nine offences set out in the Certificate of Conviction contained an element of dishonesty, which was relevant to social care even if committed outside of the workplace. In that regard, the Council was concerned that her fitness to practise was currently impaired in respect of both the convictions and the nature of the offences she had been convicted of. Mr Gilmore told the Committee that the convictions were recent, and that the Registrant remained subject to a suspended sentence.

In terms of remediation, Mr Gilmore stated that there was some evidence of insight. He directed the Committee to the PACE interview, where the Registrant made full admissions and pleaded guilty. However, he submitted that there was no actual evidence that she had remediated and that past dishonesty was a difficult issue to fully remediate, especially as in this case where the dishonesty was deliberate, occurred over the course of days and was on such a scale.

With regard to the risk of repetition, Mr Gilmore submitted that it was difficult to align the account of telling colleagues about [REDACTED]. Mr Gilmore submitted that without remediation, there was an ongoing risk of repetition. Mr Gilmore accepted that the Registrant's probation report indicated that there was a low risk of re-offending but, in the view of the Council, in the context of providing care to the vulnerable, a risk did exist. Mr Gilmore submitted that trust and honesty were essential aspects of being a social care worker.

Mr Gilmore submitted that the public would have a genuine concern, and an objective member of the public would consider that these offences were evidence of impairment of fitness to practise. In order to maintain public confidence in social care services, a finding of impairment should be made. Mr Gilmore told the Committee that this type of behaviour should be clearly marked as inappropriate, and that it required a finding of impaired fitness to practise.

The Committee carefully considered the written submissions made by the Registrant's solicitor, dated 07 October 2021, and noted that the offences in question took place in 2017 whilst the Registrant was working in a call centre. Mr Morgan submitted that the Registrant was 20 years old at that time and [REDACTED]. A colleague who was aware of this offered her the opportunity to be paid £3,000 in exchange for allowing her bank account to be used for the various transactions which took place. He highlighted the judicial authority which acknowledged that the typical 'money mule' will be a vulnerable individual, and that the individuals who operate these frauds will deliberately target people with debts or money difficulties and induce them with the offer of a 'quick buck'. Mr Morgan submitted that the Registrant made full admissions to police during her interviews, and entered guilty pleas at Court. She was assessed by probation as posing a low likelihood of re-offending. He told the Committee that she had a clear criminal record and that she had not come to police attention since. Mr Morgan advised the Committee that the money she received was paid back. He submitted that no issues had ever been raised in relation to the Registrant as a social care worker, and that she now had a stable lifestyle with a young son and may wish to return to social care work once he was of school age. On this basis, he submitted that the Registrant's fitness to practise was not impaired.

The Committee considered the submissions from Mr Gilmore on behalf of the Council, and the written submissions from Mr Morgan on behalf of the Registrant, and had regard to all of the evidence in the case. The Committee accepted the advice of the Legal Adviser. She referred the Committee to Paragraph 24 (3) of Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen, looking at the current competence and behaviour of the Registrant, along with the need to protect service users, members of the public, the upholding of proper standards of behaviour and maintaining of public confidence in social care services. She further referred the Committee to the findings of Dame Janet Smith in the 5th Shipman Report as regards the potential causes of impairment. She also referred the Committee to the cases of GMC v Meadows 2006 and CHRE v NMC & Grant [2001] EWHC 927.

The Committee considered whether the Registrant's fitness to practise was impaired by reason of her conviction as set out in the Particulars of the Allegation.

The Committee, in considering the issue of impairment of fitness to practise, took account of Paragraph 24 (3) of Schedule 2 of the Rules, which states that it should have regard to:

- (a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;
- (b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- (c) whether the impairment is capable of remediation;
- (d) whether the impairment has been remediated;
- (e) the risk of repetition; and
- (f) the public interest.

The Committee had regard to Rule 4 (d) of the Rules, which states that fitness to practise may be impaired by a conviction. The Committee was satisfied that the Registrant's convictions were the reason for the alleged impairment of fitness to practise.

The Committee had regard to the Standards of Conduct and Practice for Social Care Workers. The Committee was satisfied that the Registrant's actions were in breach of the following Standards of Conduct:

**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:**

2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

**Standard 5: As a social care worker, you must uphold public trust and confidence in social care services. In particular you must not:**

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 noted that Mr Morgan had submitted that the offences occurred prior to the Registrant's registration with the Social Care Council. The Committee accepted the evidence from the Council that



registration was granted on 31 May 2017, which was prior to the offences. The Committee did accept that the offences occurred outside of work and before the Registrant had commenced working in social care services, but found that as a registered social care worker she should have been in receipt and aware of the Standards of Conduct and Practice for Social Care Workers. The Committee determined that the Registrant's convictions were serious as she had been convicted of nine counts of fraud by false representation, and one count of possessing criminal property. In the view of the Committee, the Registrant's behaviour which led to her convictions fell far below the standards which would be expected of a registered social care worker.

Whilst the Committee was of the view that dishonesty can be difficult to remediate, the Committee concluded that the events which led to the convictions were capable of remediation. The Committee paid careful regard to the submissions from Mr Morgan, and accepted that the people who organised this type of fraud would target individuals who were susceptible to being induced into this type of behaviour. However, there was no information or evidence from the Registrant to demonstrate that she had developed sufficient insight and had undertaken the necessary action to remedy her behaviour. The Committee noted that she had shown some insight by accepting her actions during the police interview and by entering a guilty plea. The Committee was of the view that the Registrant's insight was limited, and that the submissions from her solicitor did not include any evidence of regret for her actions or how she would behave differently in the future.

The Committee considered, in light of the very limited insight on the Registrant's part and the absence of any evidence of remedial action, that there was a likelihood of repetition of financial irregularity. Although these events occurred outside of the workplace, because of the serious nature of the offences, the Committee was concerned that the Registrant would pose a risk to vulnerable service users. Social care workers are in a privileged and trusted position and are required to be honest, often providing care in isolation in people's own homes where they could have access to their finances. The Registrant had recently been convicted of serious fraud offences and remained subject to a suspended sentence. In these circumstances, the Committee found a risk of repetition.

The Committee also concluded that a finding of current impairment of fitness to practise was also necessary in the public interest. It was considered by the Committee that public confidence in social care services, and the Council as its regulator, would be undermined if a finding of impaired fitness to practise was not made.

Therefore, the Committee concluded that the Registrant's fitness to practise continued to be impaired by reason of her criminal convictions.

## **Sanction**

In reaching its decision on sanction, the Committee considered the submission of Mr Gilmore on behalf of the Council, the written submissions from Mr Morgan on behalf of the Registrant, and had regard to all of the evidence in this case. Mr Gilmore referred the Committee to mitigating factors, and advised that the Registrant had no previous disciplinary referrals to the Council.

Mr Gilmore submitted that whilst sanction was entirely a matter for the Committee, in the view of the Council the appropriate sanction would be either a Suspension Order or Removal Order.

Mr Morgan submitted that the Committee should impose no sanction, or as lenient a sanction as possible.

The Committee accepted the advice from the Legal Adviser. She referred the Committee to the Sanctions Guidance, and reminded the Committee to consider the question of sanction in ascending order of severity, paying particular attention to the issue of proportionality.

She referred the Committee to Paragraph 26 of Schedule 2 of the Rules which provides that, upon a finding of impairment of fitness to practise, the Committee may:

- (a) impose no sanction; or
- (b) warn the Registrant and direct that a record of the warning should be placed on the Registrant's entry in the Register for a specified period of up to 5 years; or
- (c) make a Conditions of Practice Order for a specified period not exceeding 3 years; or
- (d) make an Order suspending the Registrant's registration for a specified period not exceeding 2 years (a 'Suspension Order'); or
- (e) make an Order for removal of the Registrant's registration from the Register ('a Removal Order').

She further reminded the Committee that in deciding which sanction to impose, the Committee should take 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 applied the principles of fairness, reasonableness and proportionality, weighing the public interest with the Registrant's interests, and took into account any aggravating and mitigating factors in the case. The public interest included the protection of members of the public, including service users, the maintenance of public confidence in the profession, and the declaring and upholding of proper standards of conduct and behaviour within the profession. The Committee took into account its powers under Paragraph 26 of Schedule 2 of the Rules in relation to the sanctions available to it, and also had regard to the Sanctions Guidance, bearing in mind that the decision on sanction was one for its own independent judgement.

The Committee recognised that the purpose of sanction was not to be punitive, although a sanction may have a punitive effect. The Committee considered the aggravating and mitigating factors in this case.

The Committee considered the mitigating factors to be:

- The Registrant made early admissions during her police interview, and pleaded guilty to all offences;
- The Registrant made a self-referral to the Council and has co-operated with the Council investigation;
- The Registrant had the benefit of previous good character and, in particular, the Committee noted that no issues had been raised about her work as a social care worker; and
- The offences were committed outside of work.

The Committee did consider the submissions received from the Registrant's solicitor about events in her life leading up to the convictions, but did not consider that there was sufficient evidence, for example medical reports, to allow the Committee to take this into account as a mitigating factor.

The Committee considered the aggravating factors to be:

- Nine of the convictions arose from fraud charges, which were matters of dishonesty;
- This was not an isolated incident; the events which led to her convictions occurred over a number of days;
- The Registrant had demonstrated limited insight;
- There was limited evidence of regret or remorse; and
- The Registrant showed a serious disregard for the Social Care Council's Standards of Conduct and Practice. The Committee had previously found that her convictions meant that her actions fell far below the standards which could be expected of a registered social care worker.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and the public interest, the Committee proceeded to consider which sanction to apply in this case.

**No sanction** - the Committee had no doubt that it would be entirely inappropriate to impose no sanction in this case. To impose no sanction would be inappropriate in view of the seriousness of the case, and would not address the concerns identified.

**Warning** – the Committee considered whether to impose a Warning in this case. Having regard to its previous findings, the Committee considered that such a step would be inadequate to protect the public, and would fail to uphold the public interest.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Registrant's convictions were serious. The Registrant was not currently working in social care and, as the Registrant did not attend the hearing, the Committee had no evidence as to whether or not she would agree to any conditions, if imposed. Furthermore, the Committee concluded that a Conditions of Practice Order would be insufficient to protect the public and to uphold the public interest, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. The Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's behaviour, adequately protect the public and address the wider public interest.

**Suspension** – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the impairment stage of the proceedings which were of a very serious nature, and fell far below the standards to be expected of a registered social care worker.

The Committee carefully considered the issue of proportionality, and whether suspension would address the concerns which it had identified. The Committee noted Paragraph 4.19 of the Indicative Sanctions Guidance, which states:

*4.19 Suspension from the Register may be an appropriate sanction for impairment which while very serious, is not so serious as to justify removal from the Register; for example, where there has been an acknowledgment of failings and where a Committee is satisfied that the behaviour is unlikely to be repeated, and the Registrant has no psychological or other difficulties preventing them from understanding and seeking to remedy the failings and the failings are realistically capable of being remedied, then suspension may be appropriate.*

The Committee had no evidence before it that the Registrant acknowledged her failings in so far as they impacted on her registration as a social care worker. The Registrant had demonstrated limited insight and had provided no evidence of remediation. The Committee had earlier determined that there was a risk of repetition in the future. The Registrant failed to express remorse, or demonstrate insight into the seriousness of her criminal convictions. The Registrant did not satisfy the Committee that she would realistically remedy her behaviour during a period of suspension.

The Committee considered the public interest. The Committee considered that the public would perceive the Registrant's criminal behaviour as falling far short of what would be expected of a registered social care worker.

The Committee concluded that a Suspension Order would be insufficient to protect the public and to address the seriousness of the Registrant's criminal convictions.

**Removal** – the Committee, therefore, decided to impose a Removal Order. The Committee took into account the Guidance at Paragraphs 4.26 – 4.28. In particular, the Committee paid careful regard to Paragraph 4.26, which states:

*4.26 This is the most serious sanction which a Committee can impose. A Removal Order is likely to be appropriate when the Registrant's behaviour is fundamentally incompatible with being a social care worker. Removal should be used where there is no other way to protect the public, for example, where there is a lack of insight, continuing problems and a pattern of unacceptable behaviour or denial, where there is no evidence that there is likely to be satisfactory remediation and where confidence in the social care profession would be undermined by allowing the Registrant to remain on the Register.*

It concluded that, given the seriousness of the Registrant's criminal convictions and her lack of insight and remediation of her failings, a Removal Order was the only appropriate sanction to protect the public and to maintain public confidence in the social care profession and the Council as its regulator. The Registrant's actions constituted a very serious departure from the professional standards as set out in the Standards of Conduct and

Practice for Social Care Workers. The public would be entitled to expect that social care workers would be honest and trustworthy to be trusted to provide care to the most vulnerable in society. The Committee determined that the Registrant's serious criminal behaviour identified her as being unfit to be a member of a caring and responsible profession.

The Committee was satisfied that the Registrant's convictions for fraud and possession of proceeds of crime were so serious that they were fundamentally incompatible with continued registration. Public confidence in the Council, and in social care services, would be undermined if a social care worker who was convicted of such serious offences, and who failed to show appropriate insight or remediation, was allowed to remain on the Register. The Committee considered that a sanction short of a Removal Order would fail to declare and uphold proper standards of conduct and behaviour.

The Committee decided, in order to protect the public and in the public interest, to make a Removal Order with immediate effect in respect of the Registrant's registration.

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**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.



16 November 2021

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Committee Clerk

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Date