

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

**REDACTED**

**Name:** Gwendoline Dorothy McCarter

**SCR No:** 6015068

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **13 December 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 conviction;**

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

**Particulars of the Allegation:**

That, on 18 March 2021, as set out below, whilst being registered, as a social care worker, under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), you were convicted of the following offences at the Magistrates' Court:

1. [You] on or before Friday 19 January 2018 at [REDACTED], you the said defendant, being the keeper of a black and tan terrier type dog did cause the dog to suffer unnecessarily contrary to Section 4 of the Welfare of Animals Act (NI) 2011.
2. [You] on 19 January 2018 at [REDACTED], you the said defendant, were the keeper of two dogs, to wit one black and tan terrier type dog and one terrir type dog for which you failed to take reasonable steps to ensure the needs of the aminal were met to the extent required by good practise including the need for a suitable environment, suitable diet, the need to be able to exhibit normal behaviour patterns and the need to be housed with, or apart, from other animals and the need to be protected from pain, suffering, injury and disease contrary to Section 9 (1) and Section 31(1) of the Welfare of Animals Act (NI) 2011. contrary to Section 9(1) of the Welfare of Animals Act (NI) 2011.[SIC]
3. [You] on or before Friday 19 January 2018, without reasonable excuse abandoned an animal for which you were responsible, contrary to Article 14 (1) of the Welfare of Animals Act (Northern Ireland) 2011.

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**

The Registrant was not in attendance, nor was she represented. The Council was represented by Mr Anthony Gilmore, Solicitor, Directorate of Legal Services.

## **Service**

Mr Gilmore told the Committee that the Notice of Hearing and hearing bundle were emailed to the Registrant's registered email address on 03 November 2021. The documents were also emailed to the Registrant's solicitor on the same date, and electronic delivery receipts for both emails were received on 03 November 2021. The Committee Clerk called the Registrant on 29 November 2021, and she said that she would be speaking to her solicitor that week and would confirm if she would be attending the hearing. The Committee Clerk issued a further email to the Registrant and her solicitor on 09 December 2021, asking if it was their intention to attend the fitness to practise hearing on 13 December 2021. Neither the Registrant nor her solicitor responded to this email.

The Committee received legal advice from the Legal Adviser. 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, 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 Registrant's absence was a voluntary waiver of her right to attend. Mr Gilmore outlined the communications between the Council and the Registrant, and said that the Registrant had not responded to the request to confirm her attendance at the hearing. Mr Gilmore further suggested that it was in the public interest for there to be an expeditious disposal of the hearing. He noted that there had been no request for an adjournment, nor any reason given for the non-attendance.

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 reminded the Committee to avoid reaching any improper conclusion about the Registrant's absence, and not to accept it as an admission in any way.

The Committee reminded itself that fairness to the Registrant should be a prime consideration. The Committee bore in mind the public interest in the expeditious disposal of the hearing. The Committee noted the telephone call between the Committee Clerk and the Registrant on 29 November 2021, and the subsequent emails to both her and her solicitor. The Committee noted that neither the Registrant nor her solicitor had asked for an adjournment in any communication with the Council. Therefore, after careful consideration of all of the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, taking into account the serious nature of the Particulars of the Allegation, and the need to strike a careful balance between fairness to the Registrant and the wider public interest. The Committee, in all of the circumstances, considered that the Registrant has voluntarily absented herself from today's hearing. However, the Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence, nor treat the absence as an admission.

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

Mr Gilmore requested that the hearing bundle be admitted into evidence. The Committee accepted the bundle into evidence and marked it as Exhibit 1.

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

The Chair of the Committee advised that all Committee Members had confirmed that they did not have any conflict of interest with the case.

### **Background**

This matter was first brought to the Council's attention upon receipt of an Employer Referral Form ('ERF') which was sent to the Council by the Registrant's employer on 02 March 2021. The Registrant commenced employment as a care assistant at Deanfield Private Nursing Home on 03 February 2013. The Registrant was first registered on Part 2 of the Social Care Register on 06 March 2015.

The allegation against the Registrant in the ERF was that the Registrant had been convicted of criminal offences. The ERF stated:

*'Published in local newspaper, naming the staff member in question and stating they were charged with the offence. Failed to attend the hearing and has been instructed to attend for the sentencing.'*

*According to the media, our staff member was charged with causing unnecessary suffering to a dog, failing to meet the needs of two dogs and abandoning animals. The staff member confirmed that it was herself involved in the event.'*

The Registrant was suspended by her employer on 19 February 2021.

## **Evidence**

Mr Gilmore referred the Committee to the ERF received on 02 March 2021, which stated that the Registrant had been convicted of criminal offences relating to causing unnecessary suffering to a dog, failing to meet the needs of two dogs and abandoning animals. He referred the Committee to the three certificates of conviction within the bundle of documents. These show that the Registrant was convicted of three offences as follows:

### *'Charge 1*

*Defendant on or before Friday 19-JAN-2018 at [ADDRESS REDACTED], you the said Defendant being the keeper of a black and tan terrier type dog did cause the dog to suffer unnecessarily contrary to Section 4 of the Welfare of Animals Act (NI) 2011.*

### *Charge 2*

*Defendant On 19-JAN-2018 at [ADDRESS REDACTED], you the said defendant were the keeper of two dogs, to wit one black and tan terrier type dog and one terrir [sic] type dog for which you failed to take reasonable steps to ensure the needs of the aminal [sic] were met to the extent required by good practise including the need for a suitable environment, suitable diet, the need to be able to exhibit normal behaviour patterns and the need to be housed with, or apart, from other animals and the need to be protected from pain, suffering, injury and disease contrary to Section 9(1) and Section 31(1) of the Welfare of Animals Act (NI) 2011. contrary [sic] to Section 9(1) of the Welfare of Animals Act (NI) 2011.*

### *Charge 3*

*Defendant on or before Friday 19-JAN-2018, without reasonable excuse abandoned an animal for which you were responsible, contrary to Article 14(1) of the Welfare of Animals Act (Northern Ireland) 2011.'*

Mr Gilmore noted that the Registrant was sentenced to a period of four months' imprisonment, suspended for two years, and ordered to pay 'other parties compensation' of £1,111.17 and 'other parties costs' of £200. He also noted that the Court imposed on the Registrant a lifetime disqualification in respect of (a) owning animals, (b) keeping animals, (c) participating in keeping animals and (d) being party to an arrangement under which that person is entitled to control or influence the way in which animals are kept.

In response to queries raised by the Council in investigating this matter, Mr Gilmore referred the Committee to the information provided by Derry City and Strabane District Council. A Case Summary was received by the Council on 20 April 2021, which set out background details and the findings of both an animal welfare officer and a veterinarian officer. He referred the Committee to the provisions of Paragraph 12 (5) of Schedule 2 of the

Rules, and submitted that certificates of conviction were conclusive proof of the convictions and the facts underlying them.

### **Finding of Facts**

The Committee heard and accepted the advice of the Legal Adviser. She reminded the Committee that it must apply the standard of proof as applicable in civil proceedings, which is the balance of probabilities. She further referred the Committee to Schedule 2, Paragraph 12 (5) of the 2019 Rules. In addition, she reminded the Committee not to draw any adverse inference in the Registrant not attending or giving evidence. She reminded the Committee that some of the documents within the bundle may contain hearsay evidence, requiring careful assessment and the application of appropriate weight.

The Committee reminded itself that the burden is 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 is more likely than not to have occurred.

The Committee took into account the submissions from Mr Gilmore on behalf of the Council, and had careful regard to all of the documentary evidence submitted. The Committee finds that, on the balance of probabilities, the facts contained in the Particulars of the Allegation have been established. Taking into account Paragraph 12 (5) of Schedule 2 of the Rules, the Committee was satisfied that the certificates of conviction against the Registrant proved the facts therein. The certificates of conviction related to causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal for which the Registrant was responsible. The Committee noted that the Registrant was sentenced on 18 March 2021 to a period of four months' imprisonment, suspended for two years, and ordered to pay 'other parties compensation' of £1,111.17 and 'other parties costs' of £200. Further, the Court imposed a lifetime disqualification in respect of (a) owning animals, (b) keeping animals, (c) participating in keeping animals and (d) being party to an arrangement under which that person is entitled to control or influence the way in which animals are kept.

The Committee noted that the Registrant had not disputed the certificates of conviction relating to her, nor was there an appeal against the convictions.

Taking all of this into account, the Committee finds proved, on the balance of probabilities, the facts in accordance with Rule 4 (1) (d) of the Rules.

### **Fitness to Practise**

The Committee proceeded to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Mr Gilmore, who advised that there was no formal admission from the Registrant in relation to impaired fitness to practise. He submitted that the Registrant's convictions 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. He referred the

Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards'), which he submitted that the Registrant's criminal convictions breached, at 5.8 of the Standards. He noted that the Registrant's conduct, as detailed in the Case Summary, took place outside her work place. He submitted that her criminal convictions constituted a breach of her duty to uphold public trust and confidence in social care services.

Mr Gilmore told the Committee that the Registrant's convictions and conduct fell far below the minimum standard expected of a registered social care worker, and called into question her fitness to practise.

He said that in light of the Registrant's lack of engagement and her failure to attend the hearing, there was nothing to persuade the Committee that the Registrant's behaviour would not be repeated in the future. There was also no evidence from the Registrant that she had remediated her behaviour. He told the Committee that the Council's concerns related to the risk posed to the public, as the Registrant's failure to care for her pets raised similar concerns as to the Registrant's ability to care for the vulnerable in society. Mr Gilmore submitted that the public interest, and confidence in the social care profession, would be undermined if a finding of current impairment was not made in these particular circumstances.

He put the question to the Committee that if the Registrant is unfit to look after her dog, how can she be fit to care for vulnerable services users? He suggested that a reasonable member of the public with full knowledge of this matter would have no confidence in the Registrant remaining unrestricted on the Register. He submitted that the Registrant's conduct and criminal convictions brought the social care workforce into disrepute. He asked the Committee to pay particular attention to the details in the Case Summary.

The Committee considered the submissions from Mr Gilmore on behalf of the Council, 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 the Standards of Conduct and Practice for Social Care Workers. In particular, she asked it to take into account the nature and content of the criminal convictions against the Registrant, and reminded the Committee that it is being asked to determine whether the Registrant's fitness to practise is impaired because of these convictions. She referred the Committee to the case Remedy UK Ltd v General Medical Council 2010, which reviewed several authorities in relation to the meaning of misconduct and fitness to practise. She advised the Committee that a registrant's conduct may involve actions of a morally culpable or otherwise disgraceful kind which may occur outside the course of their professional practice. She asked the Committee to consider whether the wider public interest in the social care profession, and confidence in the regulatory process, is of greater significance and may outweigh considerations of the Registrant's risk of harm or lack of risk to potential service users. She further referred the Committee to the findings of Dame Janet Smith in the 5<sup>th</sup> 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 2011.

The Committee carefully considered whether the Registrant's fitness to practise is impaired by reason of her convictions 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 noted that the Registrant's convictions for causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal for which the Registrant was responsible were very serious. The Committee noted that the Registrant received a custodial sentence of four months' imprisonment, suspended for two years, and that the Registrant is still under this period of suspension.

The Committee had regard to the Standards of Conduct and Practice for Social Care Workers and the Council guidance titled 'Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation'. The Committee was satisfied that the Registrant's actions were in breach of the following Standards of Conduct:

**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.

In view of the Registrant's lack of engagement to date, the Committee had no evidence to satisfy itself that the Registrant had developed any insight into the impact of her criminal behaviour. The Committee noted that the Registrant has a lifetime disqualification from owning or keeping animals. In addition, the Committee had no evidence from the Registrant of remorse or regret as regards her criminal behaviour.

The Committee concluded that the Registrant's convictions for causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal for which the Registrant was responsible brings the social care profession into disrepute. The Committee considered that the Registrant's actions brought disgrace to the social care profession and noted that that the matter was reported in the Press. The Committee took into account the comments in the ERF that the nursing home where the Registrant worked received hate calls and that the nursing home was named on social media. The Committee concluded that the public interest in this matter was high.

The Committee considered that the public would find it totally unacceptable that a registrant convicted in these circumstances remained on the Register without restriction. The Committee considered that the public would perceive that someone unfit to care for her pet dogs would be unfit to care for a vulnerable person. The Committee considered that being registered as a social care worker carried with it the expectation that a registrant's behaviour outside the workplace would be in compliance with the Standards of Conduct and Practice. The Committee had no information as regards the Registrant's current employment or evidence that the Registrant presented a risk of harm in her social care practice. However, the Committee noted that the Registrant did not notify her employer of the criminal charges against her, and did not advise the Council of her criminal convictions.

In all of the circumstances, the Committee concluded that a finding of impaired fitness to practise was, therefore, necessary for the maintenance of public confidence in the social care profession, and the Council as its regulator, and that public confidence in the social care profession 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 was currently 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, and had regard to all of the evidence in this case. Mr Gilmore referred the Committee to the mitigating factors, and advised that the Registrant had a clear work record with no previous referrals to the Council and that the matter did not relate to the care of service users. As regards to aggravating factors, Mr Gilmore submitted that the Registrant's behaviour in causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal could not be considered to be at the lower end of the spectrum of behaviour. He said that the Registrant received a suspended custodial sentence and a life time disqualification from owning or keeping animals. He suggested that the Registrant's criminal behaviour was fundamentally incompatible with remaining on the Register. He further submitted that the Registrant had failed to substantively engage with the Council during its investigation.

He submitted that imposing a sanction was appropriate and fair, and that the sanctions of warning or conditions of practice would not be sufficient to protect the public or be appropriate in all of the circumstances. As regards the sanction of suspension, he suggested that there may be circumstances where this would be appropriate, such as if there had been an acknowledgement by the Registrant of the impact of her criminal behaviour, therefore the risk of repetition would be low. However, he said that taking into account the Northern Ireland Social Care Council Indicative Sanctions and Use of Interim Orders: Guidance Fitness to Practise Committees ('the Guidance'), the sanction of a Removal Order should be considered. He referred the Committee to Paragraph 4.7 of the Guidance, and submitted that the reputation of the social care profession was more important than the fortunes of one registrant. He said that in the circumstances a severe sanction was required,



and that the Registrant's convictions showed a lack of care, compassion and empathy. He submitted that these failings go to the fundamental character of the Registrant and, allied with her lack of insight and engagement, that the sanction of removal should be considered.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the 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 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 taking 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 Guidance, bearing in mind that the decision on sanction is one for its own independent judgement.

The Committee recognised that the purpose of sanction is 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 aggravating factors to be:

- The Registrant was convicted of three separate offences, for which consecutive suspended custodial sentences were imposed, along with a life time disqualification from the keeping of animals.
- The Registrant did not express any insight or remorse arising from her criminal convictions.
- The Registrant failed to substantively engage with the Council's investigation and the fitness to practise hearing.

The Committee considered the mitigating factors to be:

- There were no previous concerns raised with the Council and no issues raised during her previous work history;
- The Registrant's criminal convictions did not relate to her social care work or involve service users.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and public interest, the Committee considered that a sanction was appropriate and proceeded to consider which sanction to apply in this case. The Committee had no information with regards to the financial impact that this may impose, nor were there testimonials or references provided.

**Warning** – the Committee considered the issue of a Warning in this case. The Committee considered that the Registrant's criminal convictions related to serious wrongdoing, and demonstrated a serious disregard for the Standards of Conduct and Practice for Social Care Workers. The circumstances of the Registrant's impairment of fitness to practise was not at the lower end of the spectrum, nor were the circumstances such that the Committee would be confident that this sanction would address the public interest and public protection concerns as far as the Registrant's suitability to remain registered. The Committee bore in mind that a Warning would entitle the Registrant to work as a social care worker. The Committee was concerned by the Registrant's lack of insight and remorse. In addition, the Committee had no evidence of rehabilitative steps taken by the Registrant, nor has she provided references or testimonials. Therefore, a Warning would not be appropriate or proportionate to the serious nature of the convictions in this case.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Registrant's convictions related to causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal, all of which took place outside her work environment. Therefore, a Conditions of Practice Order would not address the risk identified arising from the Registrant's criminal behaviour. The Committee concluded that a Conditions of Practice Order would not be sufficient to meet the public interest in this matter or address the need for public confidence in the profession, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. In these circumstances, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's criminal behaviour.

**Suspension Order** – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the fact and impairment stage of the proceedings which were of a very serious nature, and

related to the Registrant's breaching of fundamental tenets of the social care profession as set out in Standard 5 - 5.8.

The Committee took into account the Guidance at 4.19 and 4.20. The Committee considered that the Registrant has failed to express any insight or remorse, particularly in relation to the seriousness of her criminal convictions and the impact of her behaviour on both the public and the social care profession. The Committee noted the findings in the Case Summary and, in particular, the report from the vet. The vet reported as follows:

[REDACTED]

The Committee considered the public interest in this matter. The Committee found the Registrant to have shown no insight, and also failed to meaningfully engage with the Council. 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, and that she behaved in a way outside work which called into question her suitability to work in social care services. In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to address the seriousness and unacceptability of the Registrant's criminal convictions.

**Removal** – the Committee then considered a Removal Order. In considering this, the Committee took into account the Guidance at 4.26 - 4.28. In particular, the Committee noted 4.26, which states as follows:

*'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.'*

In addition, the Committee took into account Paragraph 5.18 of the Guidance, which states as follows:

***'Behaviour that is fundamentally incompatible with professional registration***

5.18 *In a small number of cases, a Registrant's behaviour or the attitudes they demonstrate identify them as being unfit to be a member of a caring and responsible profession. This problem could be evidenced by serious or persistent contempt for the safety, rights and dignity of others or by serious criminality such as violent behaviour.'*

The Committee concluded that, given the seriousness of the Registrant's criminal convictions and her lack of insight, a Removal Order was the only sanction appropriate to protect the public and to maintain public confidence in the social care profession and the Council as its regulator. The Committee considered that the Registrant's actions constituted a serious departure from the professional standards as set out in the Standards of Conduct and Practice for Social Care Workers. The Registrant's criminal behaviour involved causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal, and brought the social care profession into disrepute. The Committee considered the

public interest to be particularly engaged as a result of the circumstances of this incident. The Committee noted that the matter was reported in the Press and that the Registrant's place of work received hate messages. The Registrant has failed to meaningfully engage with the Committee in relation to today's hearing. Therefore, the Committee has very little information as regards the Registrant's current circumstances or any remediation undertaken. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it that would protect the public and meet the public interest in upholding confidence in the social care profession, and its regulator, by marking the seriousness and unacceptability of the Registrant's criminal behaviour. The Committee considered that public confidence in the social care profession, and the Council as its regulator, would be seriously undermined if a social care worker who was criminally convicted of causing unnecessary suffering to a dog, failing to take reasonable steps to ensure the needs of an animal were met and abandoning an animal was allowed to remain on the Register. The Committee considered a Removal Order to be a suitable, appropriate and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect.

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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:

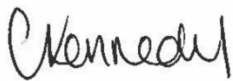
- a.) A member of care staff at
  - a) Children's home;
  - b) Residential care home;
  - c) Nursing home;
  - d) Day care setting;
  - e) Residential family centre.
- b.) A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
- c.) 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 December 2021

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Committee Clerk

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Date