



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

REDACTED

Name: Geraldine Patricia Walker

SCR No: 6022122

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **22 and 25 April 2022** 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 and misconduct.

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

Particulars of the Allegation:

That, 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:	
1.	Attended at your place of work, Ardarragh Resource Centre, on 19 March 2020, whilst under the influence of alcohol.
2.	Were convicted of the following offences on 27 August 2020 in the Magistrates' Court: Charge 1: Defendant on the 19 th day of March 2020, used a motor vehicle, namely a Volkswagen Passat, [REDACTED], on a road or other public place, namely, Ardglass Road, Downpatrick, without there being in force in relation to the user of the said motor vehicle by you, such a policy of insurance or such a security in respect of third-party risks as complied with the requirements of Part V111 of the Road Traffic (Northern Ireland) Order 1981, contrary to Article 90 (4) of the Road Traffic (Northern Ireland) Order 1981. Charge 2: Defendant on the 19 th Day of March 2020, drove a motor vehicle on a road, namely Ardglass

Road, Downpatrick, after consuming so much alcohol that the proportion of it in your breath exceeded the prescribed limit, contrary to Article 16 (1) (a) of the Road Traffic (Northern Ireland) Order 1995.

And your actions show that your fitness to practise is impaired by reason of your misconduct as set out above at Number 1.

And your actions show that your fitness to practise is impaired by reason of your conviction as set out above at Number 2.

Preliminary Matters

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

Service

Mr Carson told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered address by Special Delivery post on 15 March 2022. The parcel was delivered and signed for on 16 March 2022. The Committee Clerk called the Registrant and left a voicemail message on 08 April 2022, and again on 20 April 2022, asking her to confirm her attendance at the hearing by return email or phone call. The Registrant did not respond to either of these telephone messages.

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, 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 Carson 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. He suggested that it was in the public interest for there to be an expeditious disposal of the hearing, and that any disadvantage to the Registrant was outweighed in all of the circumstances.

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.

After careful consideration of all of the information, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, taking into account the serious nature of the allegations, and striking a careful balance between fairness to the Registrant and the wider public interest. The Committee, in all of the circumstances, considered that the Registrant had voluntarily absented herself from the hearing. However, the Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence, nor to treat the absence as an admission.

Application to Admit Hearing Bundle

The Committee accepted the hearing bundle into evidence, and marked it as Exhibit 1.

Declarations of Conflict of Interest

The Chair of the Committee confirmed that none of the Committee Members had a conflict of interest with this case.

Application for Hearing to be Held in Private

Mr Carson made an application for the parts of the hearing which related to the Registrant's health to be held in private.

The Committee heard advice from the Legal Adviser, who referred it to Schedule 2, Paragraph 10 of the Northern Ireland Social Care Council Fitness to Practise (Amendment) Rules 2019 ('the Rules').

The Committee noted that there was a presumption that hearings should be conducted in the presence of the Parties and held in public. However, taking into account the circumstances of this case, and that references would be made to the Registrant's health, the Committee decided that the parts of the hearing which deal with issues concerning the Registrant's health should be held in private. The Committee considered that this would cause no prejudice to either Party, and that the public interest is outweighed in these circumstances.

Application to Admit Disclosure Bundle

Mr Carson made an application to the Committee to admit a disclosure bundle, under Schedule 2 Paragraph 12 of the Rules. He told the Committee that the bundle comprised a witness statement from Witness 2, who was a colleague of the Registrant and was working with the Registrant on 19 March 2020. The bundle also included a number of occupational health reports from the South Eastern Health and Social Care Trust ('the Trust') in

relation to the Registrant, from 15 August 2019 to 09 April 2020. He told the Committee that the documents had been served on the Registrant and that the Council had received no objections to their contents.

Mr Carson submitted that these documents were very relevant to the allegations made against the Registrant and that, in the circumstances, it was fair that they be admitted into evidence.

The Committee heard and accepted the advice of the Legal Adviser. In the course of that advice, the Legal Adviser referred the Committee to the following authorities: *NMC v Ogbonna*, *R (Bonhoeffer) v GMC* and *Thorneycroft v NMC*.

Having carefully considered the matter, the Committee decided to grant the application to admit the witness statement of Witness 2 and the Trust's occupational health reports without the need for either of them to be called as witnesses at the hearing. In doing so, the Committee noted that the Registrant had not challenged this evidence. The Committee considered the documentary evidence in the disclosure bundle to be relevant to the Particulars of the Allegation, and considered the admission of this evidence to be fair in all of the circumstances. The Committee reminded itself that in relation to this documentation, there would not be an opportunity to raise questions or to assess the credibility of the witness statement. In light of this, the Committee reminded itself of the necessity to assign appropriate weight to the documentation. The Committee labelled the disclosure bundle as Exhibit 2.

Background

Mr Carson told the Committee that the Registrant was registered on Part 2 of the Register as a domiciliary care worker. He said that this matter was first brought to the Council's attention upon receipt of an Employer Referral Form ('ERF') on 27 August 2019, from the Day Care Manager at Ardarragh Resource Centre ('Ardarragh'). He said that the Registrant was employed at Ardarragh from 01 June 1999.

[REDACTED]

[REDACTED]

[REDACTED]

On 19 March 2020, it was alleged that the Registrant attended work under the influence of alcohol. As a result, the Registrant was asked to leave her place of work and the PSNI was notified that she was seen to be driving a car. The Registrant was arrested by the PSNI, and subsequently pleaded guilty to charges relating to driving without insurance and driving whilst being over the prescribed alcohol limit. The Registrant received a monetary fine and was disqualified from driving for a concurrent period of three years in relation to both offences.

Evidence

In relation to Particular 2, Mr Carson referred the Committee to the certificates of conviction in Exhibit 1. He advised that the convictions against the Registrant related to driving without insurance and driving whilst being over the prescribed alcohol limit. He told the Committee that the Registrant pleaded guilty to both offences on 27

August 2020. In relation to the charge of driving whilst under the influence of alcohol, the Registrant was disqualified for a period of three years, until tested. The Registrant's disqualification was ordered to be reduced by nine months on successful completion of a Road Traffic Offenders course by 27 September 2022.

In relation to the conviction for driving without insurance, the Registrant was disqualified from driving for a period of six months, this to run concurrent with the aforementioned conviction.

In relation to Particular 1, the Committee heard evidence from Witness 1. Witness 1 was a Band 5 day care worker at Ardarragh and was at times the person in charge of the centre, and at the time of this incident was responsible for managing the Registrant. She told the Committee that the Registrant was a long-term colleague. She gave evidence that on 19 March 2020, the Registrant arrived at work at around 8.30 am. She said that the Registrant appeared flustered, and that she could smell alcohol on the Registrant's breath. She said that she asked her colleague, Witness 2, to come with her when she spoke to the Registrant. She said that it was a delicate situation and that she had asked the Registrant if she had been drinking. Witness 1 said that the Registrant replied that she had not had any alcohol since the previous day, and that she had not brushed her teeth properly.

Witness 1 told the Committee that Ardarragh catered for approximately 15 service users with complex needs. She said that the service users use wheelchairs and require hoists to move. She said that the service users have speech and language difficulties, which require one to one attention when eating and drinking. In the circumstances, she considered that the Registrant would be unsafe to provide care for the vulnerable service users. In addition, she was concerned about the Registrant's wellbeing and gave evidence that she asked the Registrant to leave the premises. She told the Committee that it then registered with her that the Registrant may have been driving and that her colleague, Witness 2, went after the Registrant in an attempt to stop her from driving away. However, the Registrant had left the building very quickly and had driven away. Witness 1 said that, in the circumstances, she felt that she had no option other than to ring the police. She said that she regretted not being able to stop the Registrant before she drove away in her car.

The Committee received into evidence the written witness statement from Witness 2, dated 20 October 2020. The Committee took account of the evidence within this statement. In addition, the Committee received into evidence Trust occupational health reports in relation to the Registrant, from 15 August 2019 to 09 April 2020.

Finding of Facts

The Committee heard and accepted the Legal Adviser's advice. In accordance with Paragraph 13 of Schedule 2 of the Rules, the burden of proving the facts set out in the Particulars of the Allegation rested upon the Council. The standard of proof to be applied was the balance of probabilities. The Legal Adviser told the Committee that an event is proved on the balance of probabilities if the Committee was satisfied that, on the evidence, the event was more likely than not to have occurred.

The Committee then turned to consider the Particulars of the Allegation.

Particular 1: Attended at your place of work, Ardarragh Resource Centre, on 19 March 2020, whilst under the influence of alcohol.

In considering this Particular, the Committee took into account the sworn evidence from Witness 1 and the written statement from Witness 2. Witness 1 was clear in her recollection of the events concerning the Registrant on 19 March 2020. Witness 1 was a senior member of staff on this date and, at the time, was the Registrant's line manager. Her evidence to the Committee was that due to her observations, she sought to have another member of staff with her when she spoke to the Registrant. Witness 1 told the Committee that she had never had to challenge a colleague like this before, and was nervous in approaching the Registrant about the smell of alcohol. She gave evidence about the vulnerable service users who attended Ardarragh and their need for a high level of care. She confirmed in her evidence that she regretted not being able to prevent the Registrant from driving away from Ardarragh but that everything had happened very quickly, and that Witness 2 had attempted to stop the Registrant without success.

The Committee took account of the information in the witness statement from Witness 2. She confirmed that she was present with Witness 1 when the Registrant was questioned as regards smelling of alcohol. She said that she was present throughout the conversation between the Registrant and Witness 1. The Committee did not have the opportunity to question Witness 2, and therefore did not place any particular weight on her evidence other than its corroboration of the evidence from Witness 1.

The Committee found this Particular of the Allegation proved on the balance of probabilities.

Particular 2: Were convicted of the following offences on 27 August 2020 in the Magistrates' Court:

Charge 1: Defendant on the 19th day of March 2020, used a motor vehicle, namely a Volkswagen Passat, [REDACTED], on a road or other public place, namely, Ardglass Road, Downpatrick, without there being in force in relation to the user of the said motor vehicle by you, such a policy of insurance or such a security in respect of third-party risks as complied with the requirements of Part V111 of the Road Traffic (Northern Ireland) Order 1981, contrary to Article 90 (4) of the Road Traffic (Northern Ireland) Order 1981.

Charge 2: Defendant on the 19th Day of March 2020, drove a motor vehicle on a road, namely Ardglass Road, Downpatrick, after consuming so much alcohol that the proportion of it in your breath exceeded the prescribed limit, contrary to Article 16 (1) (a) of the Road Traffic (Northern Ireland) Order 1995.

The Committee took into account the submission from Mr Carson, the certificates of conviction and the PSNI summary. The Committee noted that the certificates of conviction relate to the events on 19 March 2020, and that the Registrant pleaded guilty on 27 August 2020 to the offences of driving without insurance and whilst under the influence of alcohol. There is no information before the Committee that the Registrant appealed these convictions, or that she is not the defendant referred to.

The Committee confirmed that in accordance with Paragraph 12 (5) of Schedule 2 of the Rules, the certificates of conviction, as contained in the hearing bundle, were conclusive proof of the convictions and the facts underlying them, which comprised Particular 2 of the Allegation. The Committee, accordingly, found Particular 2 proved on the balance of probabilities.

Fitness to Practise

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

Mr Carson told the Committee that the Registrant had not made any admission that her fitness to practise was currently impaired. He submitted that the Registrant's misconduct and her 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 noted that the Registrant had pleaded guilty to driving without insurance and whilst under the influence of alcohol. Arising from the Registrant's conduct and convictions as set out in the Particulars of the Allegation, he referred the Committee to the potential breaches of the Standards of Conduct and Practice for Social Care Workers as follows: Standard of Conduct 5.7 and 5.8 and Standard of Practice 5.5.

He submitted that there was a basic need for social care workers to act responsibly, and that the Registrant's convictions and attending work smelling of alcohol was behaviour that fell far below the minimum standards expected of a registered social care worker. He submitted that the Registrant had not shown any insight into her actions, and referred the Committee to a telephone call between the Registrant and the Council on 07 March 2022, when the Registrant was recorded as saying '[Witness1] should not have let me drive the car that morning...[Witness 1] let me get in the car and drive home.' Mr Carson said that the Registrant did not appear to accept responsibility for her actions and continued to blame others. He said that the Registrant's actions had brought the social care profession into disrepute.

Mr Carson further submitted that the Registrant had not provided any evidence of remediation. He said that as the Registrant had failed to appear before this Committee to reassure it that her behaviour would not be repeated, the risk of repetition remained. He submitted that the public should have confidence in those who care for vulnerable service users.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Standards of Conduct and Practice for Social Care Workers, and advised it to adopt a sequential approach when considering the case. In particular, she asked it to take into account the nature and content of the certificates of conviction, along with its findings of fact, and reminded the Committee that it is being asked to determine whether the Registrant's fitness to practise is impaired because of these matters. She referred the Committee to Paragraph 24 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 the social care profession. 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 2011.

The Committee considered whether the Registrant's fitness to practise is impaired by reason of her convictions and misconduct 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 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 Guidance'). The Committee was satisfied that the Registrant's actions were in breach of the following Standards:

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:

- 5.7 Put yourself or other people at unnecessary risk; 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.

Standards of Practice:

Standard 5: As a social care worker, you must maintain health and safety at work. This includes:

- 5.5. Recognising the risks to your personal safety and wellbeing in your work setting and taking steps to minimise these.

Standard 6: As a social care worker, you must develop yourself as a social care worker. This includes:

- 6.1 Being aware of relevant standards that relate to your work role.

The Committee noted that the Registrant's convictions for driving without insurance and whilst under the influence of alcohol were serious, and fell far short of the standards to be expected of a registered social care worker and amounted to misconduct. In addition, the Registrant's conduct in arriving for work whilst under the

influence of alcohol was serious, and also amounted to misconduct which fell short of the standards expected of a registered social care worker. Whilst the Registrant's behaviour took place both in her work place and in a non-work place environment, the circumstances overlapped in that both involved misuse of alcohol. [REDACTED]

The Committee considered whether the Registrant's actions were capable of remediation and had been remedied. The Committee noted the failure by the Registrant to show any insight or remorse into her behaviour on 19 March 2020. The Committee took into account the Registrant's comments in her telephone conversation with the Council, when she appeared to blame her colleague for allowing her to drive whilst under the influence of alcohol, and subsequently reporting her to the police. Whilst the Committee accepted that the Registrant's misconduct was capable of remediation, no evidence was provided in this regard, nor did the Registrant accept responsibility for her behaviour on this occasion. In attending work under the influence of alcohol, the Registrant's actions put her colleagues and service users at risk of harm. In these circumstances, the Committee considered that there was a risk of the Registrant repeating her behaviour in the future.

The Committee took into account that the Registrant pleaded guilty to the criminal charges. However, the criminal convictions were of a serious nature and, although they took place outside the workplace, they carried with them a risk of harm to both the Registrant and others. For all of these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise was required for public protection reasons.

The Committee also considered the public interest, which included the need to declare and uphold the proper standards of conduct and behaviour, and the reputation of the social care workforce and the Council in its regulatory function. The Committee was satisfied, in all of these circumstances, that a failure to make a finding of current impairment of fitness to practise on public interest grounds would undermine the public's trust and confidence in the social care workforce, and would fail to declare and uphold proper standards of conduct and behaviour.

For these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise was required on public interest grounds.

The Committee determined that the Registrant's fitness to practise is currently impaired by reason of her convictions and her misconduct.

Sanction

In reaching its decision on sanction, the Committee considered the submission from Mr Carson on behalf of the Council. Mr Carson referred the Committee to various mitigating and aggravating factors, and the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Indicative Sanctions Guidance'). He told the Committee that the Registrant had no previous disciplinary record with the Council. He noted that the Registrant pleaded guilty to the offences in Court. However, he submitted that the Registrant has not shown any insight to her actions, and that by attending work under the influence of alcohol she placed

vulnerable service users at risk of harm. He also stated that the Registrant placed herself and others at risk of harm when she drove her car whilst under the influence of alcohol. He further submitted that the Registrant had failed to appropriately engage with the Council.

As regards sanction, he submitted that a Warning would be totally inappropriate and inadequate in all of the circumstances, and would not provide protection for the public. He noted the Registrant's prior good working history, although he submitted that the Registrant's behaviour on this occasion was on the high end of seriousness. He submitted that a Conditions of Practice Order was also not relevant, proportionate or workable, taking into account the serious nature of the Registrant's convictions and misconduct, and also her lack of engagement. He suggested that the Committee may wish to consider the sanctions of a Suspension Order or Removal Order, in all of the circumstances.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Indicative 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 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 Indicative 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 had no previous referrals to the Council;
- The Registrant pleaded guilty to the criminal charges; and
- [REDACTED].

The Committee considered the aggravating factors to be:

- No engagement from the Registrant with the regulatory process;
- No evidence of insight, with the Registrant appearing to attribute blame for her actions on others;
- No expression of remorse or regret, either at the time of the incident or to date;
- [REDACTED];
- Serious breach of the Standards of Conduct and Practice;
- Placing vulnerable service users, colleagues and members of the public at a high-level risk of harm;
- The Registrant's misconduct occurred both outside and within the workplace;
- This misconduct was deliberate and irresponsible, with consistent denials to her colleagues and the police with regards to the timing and the circumstances of the consumption of alcohol; and
- No references or testimonials submitted.

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

No sanction - the Committee was in no doubt that it would be entirely inappropriate to impose no sanction in view of the seriousness of the case and the nature of the criminal convictions. To impose no sanction would be inappropriate in view of the seriousness of the findings and would not address the concerns identified.

Warning – the Committee considered the issue of a Warning. The Committee did not consider a Warning to be appropriate or proportionate as it would allow the Registrant to work unrestricted as a social care worker. A Warning would not provide adequate public protection. The Committee considered that the Registrant's criminal convictions and misconduct demonstrated a serious disregard for the Standards of Conduct and Practice for Social Care Workers. The Registrant's impairment of fitness to practise is not at the lower end of the spectrum.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted Paragraph 4.13 of the Indicative Sanctions Guidance, which states that conditions may be appropriate in

cases involving particular areas of a registrant's performance at work; for instance, following a single incident or where there is evidence of shortcomings in a specific area or areas of the Registrant's work. The Registrant has demonstrated no insight into the consequences of her actions, nor does the Committee have any information as regards her employment. The Registrant was not present today. The Registrant's misconduct took place both outside and inside the workplace, and therefore conditions of practice would not address the risk of harm arising from her criminal behaviour. In these circumstances, the Committee was unable to formulate workable conditions which would protect service users and the public from risk of harm, nor would be sufficient to meet the public interest in this matter given the seriousness of the Registrant's convictions and misconduct.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that the Registrant's convictions and misconduct were of a very serious nature, and involved breaching of the Standards of Conduct and Practice. The Committee took into account the Guidance at Para 4.19, which states: *'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 considered that the Registrant's convictions and misconduct evidenced behaviour that is fundamentally incompatible with unrestricted registration as a social care worker. The Committee determined that a Suspension Order would not address the risk of repetition as identified above. The Committee has no evidence of insight, remorse or remediation by the Registrant, nor has it any information to indicate that the Registrant is unlikely to repeat her misconduct in the future. [REDACTED]. The Committee considered that the public would view the Registrant's criminal behaviour and misconduct as falling far short of what would be expected of a registered social care worker.

In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to mark the seriousness and unacceptable nature of the Registrant's convictions and misconduct.

Removal Order – the Committee next considered a Removal Order. In considering this, the Committee took into account the Indicative Sanctions Guidance at Para 4.26 – 4.28. The Committee decided to make a Removal Order in this case. The Registrant failed to demonstrate insight into the seriousness of her actions and there was, in the Committee's view, a high risk of repetition. The Registrant failed to engage with her regulator and the regulatory process. The Registrant also sought to place blame for her misconduct on her colleagues. Her misconduct was serious, and but for the quick actions of her colleagues, had the potential to put both service users and colleagues at risk of harm. In addition, the Registrant's criminal convictions placed both her and members of the public at risk of harm. In the Committee's judgement, the Registrant's actions were fundamentally incompatible with remaining on the Register. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to protect the public and to meet the public

interest. The Committee considered the devastating impact of a Removal Order on the Registrant, but concluded that the safety and interests of service users was more important than the impact on the Registrant.

The Committee concluded that a Removal Order was the most suitable, appropriate and proportionate sanction to apply in this case, which will be imposed on the Registrant's registration with immediate effect.

The Interim Order currently in place will be revoked 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.

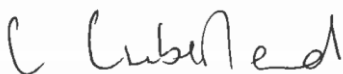
The effect of this decision is that your entry in the Register has been removed.

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.



27 April 2022

Regulatory Committee Manager

Date