



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

**Name:** Damien Joseph McLaughlin

**SCR No:** 1100547

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meetings on **20 September 2022 and 31 October 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 misconduct;**

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

### Particulars of the Allegation:

That, during the period from 2014-2015, whilst being registered as a Social Worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed as a Social Work Manager by the Western Health and Social Care Trust, you:	
1.	Raised false requests to the Western Health and Social Care Trust's Finance Department for cash on behalf of service users in the 16+ Service.
2.	Stole in or around £6471.00 in cash from the safe located in the 16+ Service Office, which was money that had been requested for the use of service users in the 16+ Service.
And your actions as set out above show that your fitness to practise is impaired by reason of your misconduct.	

### Preliminary Matters

The Registrant was neither present nor represented. The Council was represented by Mr Peter Carson, Solicitor, Directorate of Legal Services.

## **Service**

The Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 15 August 2022. An electronic proof of delivery receipt was received on the same date. Updated hearing bundles were sent to the Registrant's registered email address on 09 September 2022 and 20 September 2022 and electronic proof of delivery receipts were received on each date. The Committee Clerk called the Registrant on 13 September 2022 and left a voicemail message, asking the Registrant to confirm if he would be in attendance at the Fitness to Practise hearing. No response to the communication was received from the Registrant.

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 and 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 the Registrant's absence. He invited the Committee to conclude that the Registrant's absence was a voluntary waiver of his right to attend. He outlined to the Committee that on 13 September 2022, the Committee Clerk had attempted to call the Registrant and left a voicemail message asking him to confirm if he would be attending the hearing. There had been no contact from the Registrant in response to the emails or the telephone call. In light of this information, Mr Carson submitted that in all of the circumstances, it was fair to proceed with the hearing in his absence. He further submitted that proceeding in absence was in the public interest, and also was justified to ensure the expeditious 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 and GMC v Adeogba. 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 noted the telephone call by the Committee Clerk to the Registrant on 13 September 2022 and the lack of response received. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later date, nor was there any request for such an adjournment or

indication that the Registrant was seeking legal representation. Accordingly, the Committee was satisfied that the Registrant, with notice of the hearing, had voluntarily waived his right to attend. In addition, the Committee noted the serious nature of the allegations faced by the Registrant and concluded that the public interest was strongly engaged in this case.

For these reasons, the Committee considered that it was fair and appropriate to proceed in the absence of the Registrant.

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

The Committee admitted the hearing bundle and marked it as 'Exhibit 1'.

### **Declaration of Conflict of Interest**

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

### **Preliminary Issue**

After the hearing had commenced, the Committee Clerk received an email from the Registrant at 11:56am, where he stated as follows:

*"Can I ask what time this hearing is at as I have a few issues that I would like addressed and a few queries of which I require answers to in relation to confidentiality and whistleblowing policy.*

*Thanks*

*Damien McLaughlin"*

As a result, the hearing was adjourned and an email was sent to the Registrant, inviting him to join the proceedings. In addition, the Committee Clerk left a voicemail on his registered mobile telephone number, inviting him to join the proceedings and indicating that the hearing had been adjourned to enable him to do so. A further email was sent by the Committee Clerk 35 minutes later, advising the Registrant that if he did not join the proceedings, the matter would continue to proceed in his absence. The Registrant did not respond to any of the emails, nor the voicemail message and the hearing resumed.

The hearing took place over two days, with the second day resuming on 31 October 2022. The Registrant was advised on 22 September 2022 that the hearing would take place over two days and was advised of his right to join the resumed hearing. The Registrant did not respond to this correspondence and did not participate in the resumed hearing on 31 October 2022.

### **Background**

Mr Carson told the Committee that the Particulars of the Allegation against the Registrant related to a period between 2014 and 2015, and concerned allegations of misconduct. He told the Committee that the Council received an Employer Referral Form ('ERF') from the Western Health and Social Care Trust ('the Trust'), dated

22 May 2016. The ERF related to concerns as regards suspicious financial activity involving the Registrant. He said that the Registrant was a qualified social worker, registered at Part 1 of the Social Care Register, and had been employed by the Trust as a Band 7 social worker from 2000. He said that at the time of the allegations, the Registrant was a Social Work Manager in the 16+ Service, which provides support to 16 to 21-year olds, covering a wide range of financial support for items such as setting up home payments, payment for driving lessons, materials and equipment for education or training requirements and incentives for achievement. Mr Carson told the Committee that, as a result of a concern around a financial irregularity, the Counter Fraud and Probity Services ('CFPS') were engaged for an audit and provided a report. As a result of this report, the Trust commenced its own investigation into an allegation that the Registrant had taken an amount of £6471.00 by way of falsifying requests, known as FA1s, for monies which should have benefited service users. However, it was alleged that the monies requested were never used for their intended purpose or received by the service users, and instead were taken by the Registrant.

### **Evidence**

The Committee received into evidence Exhibit 1 and heard oral evidence from Witness 1, who was the Principal Social Worker in the 16+ Service within the Trust at the time of the allegations and was the direct line manager of the Registrant.

### **Finding of Facts**

In reaching its decision on the facts, the Committee considered all of the evidence adduced in this case, together with the submissions made by Mr Carson, on behalf of the Council. The Committee heard and accepted the advice of the Legal Adviser. The Committee was aware that the burden of proof rested on the Council, and that the standard of proof was the civil standard, namely the balance of probabilities. This meant that the facts would be proved if the Committee was satisfied that it was more likely than not that the incidents occurred as alleged.

The Committee then considered the Particulars of the Allegation:

#### **Particular 1: Raised false requests to the Western Health and Social Care Trust's Finance Department for cash on behalf of service users in the 16+ Service.**

Witness 1 gave evidence that he carried out an investigation into the allegations against the Registrant, arising from a period in 2014-2015, when the Registrant was working within the 16+ Service. He gave evidence that the Registrant was a Social Work Manager with the Trust from August 2006 and described the Registrant's role as being broad with responsibility for managing staff and Trust resources. He told the Committee that the service provided support to young people aged 16 and over who were looked after children (LAC) up to the age of 21 and sometimes beyond. He said each young person had an assigned social worker and a personal adviser, and that some young people were involved with the service as a result of being in foster care, and some came through the route of residential care.

He gave evidence that the Trust used a cash-based system to provide support and that the process raised concerns for him and senior management. He told the Committee that the system in place at the time was weak and had since been changed and modified.

He gave evidence that when financial support was needed for a service user, a form called FA1 was completed which identified the amount of money needed and why the money was requested. The FA1 was usually completed by either the service user's social worker or personal adviser, and then counter signed by the Band 7 social worker who forwarded the form to the office administrator. The form was then sent to the finance department, who issued a cheque which was subsequently cashed, with the cash then deposited in the office safe in an envelope, marked with the name of the service user. He said the social worker or personal assistant then went to the safe to retrieve the cash, which was signed for by the office administrator, and receipts were then obtained to ensure the cash was spent appropriately. Witness 1 gave evidence that, as a result of an issue concerning the withdrawal of an amount of £325.00 from the safe to pay for a service user's driving lessons, he was made aware of an alleged financial irregularity. It was alleged that the initials on the register of withdrawal indicated that the amount had been taken out by the Registrant but the cash was never given to the service user or used to pay for the driving lessons. He said that it was common practice to deal exclusively in cash to avoid labelling the service user as being someone in care. He gave evidence that the Registrant said he had given the cash to a colleague who denied having received this.

As a result of the CFPS report, Witness 1 gave evidence that 22 transactions were highlighted to be of particular concern. He said that the Registrant admitted signing a small amount of the cash requests, but he denied signing the majority of the requests. He gave evidence that, although the CFPS report recommended referral to the Police, after deliberation the Trust decided that this would not happen to avoid placing vulnerable service users in difficult circumstances with the possible impact of them appearing as witnesses in a criminal court. As a result, the decision was made to commence a Trust investigation into the alleged irregularities. He told the Committee that the CFPS audit linked the majority of the cash requests under investigation to the Registrant's email account. He gave evidence that he completed an investigation into 22 incidents involving funds in the amount of £6471.00, and that as a result of the investigation, the Registrant was referred to a formal Trust disciplinary panel.

The Committee, in considering this allegation, paid particular attention to the oral evidence given by Witness 1 as regards his investigation of the alleged false requests made by the Registrant. The Committee considered Witness 1's evidence to be credible, clear and concise, and noted that he accepted the Trust process in dealing with cash requests for service users at this time was weak. The Committee took time to consider very carefully, the contents of Witness 1's investigation report, dated 20 July 2020, along with the investigation notes of witness interviews. The Committee noted the particular details provided in relation to each of the 22 incidents involving the Registrant and the FA1 forms provided. The Committee accepted that the evidence provided indicated that the Registrant had raised false requests during the period of 2014-2015, and therefore, found this Allegation proved on the balance of probabilities.

**Particular 2: Stole in or around £6471.00 in cash from the safe located in the 16+ Service Office, which was money that had been requested for the use of service users in the 16+ Service.**

Witness 1 gave evidence that during the Trust investigation, it was found that many of the requests for cash made by the Registrant were done so in unusual circumstances. He said that 13 of the requests under investigation made by the Registrant, were requested to be paid to a colleague who was on long term sick leave at the time. He gave evidence that the Registrant, as this colleague's line manager, was aware of their absence. He told the Committee that during the investigation process, the Registrant was unable to recall specifics in relation to the cash amounts he had requested. He said that the Registrant was not able to provide receipts in relation to any of the cash amounts he had requested or provide any explanation as to where the cash had gone. He gave evidence that no direct approach had been made to service users as regards receipt of monies, and that the relevant social worker or personal adviser would have been aware of whether the monies had been received or not.

Witness 1 gave evidence that the Registrant had advised the Trust of his personal circumstances, and made accusations against senior management and the HR team, which Witness 1 felt were unsubstantiated, and were attempts to paint a flawed picture of the process. He acknowledged that there had been no issues with the Registrant before these allegations and that the Registrant was aware of the weaknesses of the system but did not do anything about this. He gave evidence that the Registrant worked in an engaging way with service users, and before this, he had considered him to be a person of integrity who had the respect of his colleagues.

He gave evidence that the cash system in place for support of service users involved large amounts of £5000-£6000 which were held in the office safe, and that on an annual basis, cash in excess of "hundreds of thousands" was distributed. As regards the amount of £6471.00, alleged to have been taken by the Registrant, he referred the Committee to the investigation report and the annexed summary tables compiled, which analysed the amounts in issue and the signatures present on the FA1s. He further referred the Committee to the findings of his investigation in each of the 22 incidents and the responses of the Registrant.

In considering this allegation, the Committee paid particular attention to the oral evidence of Witness 1 and his investigation report. In addition, the Committee took into account the summary tables annexed to the investigation report, which confirmed the amount of £6471.00 as being under investigation. The Committee further found that the Registrant did not use the requested funds for their purpose, and noted that there were no receipts provided to show how the money was spent for each service user. The Committee noted that during the Trust investigation, the Registrant failed to give an explanation as to what had happened to the cash that had been withdrawn, and had denied involvement in the withdrawal. The Committee noted that in each of the 22 incidents, the Registrant denied having any knowledge of what happened to the cash requested by him or why there were no validating receipts.

Taking all of the evidence into account, and on the balance of probabilities, the Committee considered that the Registrant, as a Social Work Manager, and an experienced social worker, would have been aware of the need to

deal with cash payments in a correct and proper manner. The Committee found that the Registrant's actions were not accidental, inadvertent, or isolated in nature. The Committee considered that the Registrant's actions in taking £6471.00 in cash from the office safe would be considered deplorable by the objective standards of ordinary, decent people.

Accordingly, the Committee found this particular Allegation proved on the balance of probabilities.

### **Fitness to Practise**

The Committee moved on to consider if the Registrant's fitness to practise was impaired. The Committee heard submissions from Mr Carson. He referred the Committee to Paragraph 24 (3) of Schedule 2 of the Rules. He submitted that the Registrant's fitness to practise was impaired by reason of his misconduct, as evidenced by the Trust investigation documents and the sworn oral evidence from Witness 1. He further noted that the Registrant had neither admitted nor denied the allegations. He submitted that in the opinion of the Council, the following Standards of Conduct had been breached: 2, in particular 2.1 and 2.11. He submitted that the Registrant's actions in raising false financial claims and then stealing the money from the 16+ service office safe, which was requested for the use of service users, resulted in a significant financial gain to him, with a corresponding loss to his employer. He said that the Registrant's misconduct fell far below the minimum standards expected of a social worker. Mr Carson submitted that, in considering remediation and whether the Registrant's actions were capable of remediation, the Registrant had not shown any insight into the effect of his actions or accepted responsibility for them. Mr Carson said the Registrant had failed to engage with this Committee, and when he engaged with the Trust investigation, appeared to have no recall as to what happened. Mr Carson further submitted that there was a risk of repetition and said that the Registrant's actions were an abuse of his position as a Social Work Manager, and there was nothing to suggest that he would not repeat his behaviour in the future. Mr Carson submitted that the public interest in this matter was engaged and that the public should have confidence in the Council as a regulator of social workers, and particularly those who care for the vulnerable and are in a position of trust. In all of the circumstances, he submitted that the Registrant's fitness to practise was impaired by reason of his serious misconduct.

The Committee heard and accepted the advice of the Legal Adviser. She referred the Committee to Paragraph 24 of Schedule 2 of the Rules and the requirements as set out in the case of GMC v Cohen. She directed the Committee to the findings of Dame Janet Smith in her 5<sup>th</sup> report to the Shipman Inquiry and her guidance on the causes of impairment. She also referred the Committee to the cases of GMC v Roylance, CHRE v Grant, Dey v GMC 2001 and Remedy UK Ltd v GMC.

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 the Committee shall 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 first considered whether the facts found proved amounted to misconduct. The Particulars of Allegation against the Registrant related to him raising false requests for money from the Trust's finance department and subsequently stealing that money from the 16+ service office safe. The Committee noted that the Trust investigation related in particular to 22 incidents, with the amount of £6471.00 in cash being removed from the office safe - this money being kept for the benefit of service users between the ages of 16 and 21. The Committee found the evidence from Witness 1 to be clear and credible as regards the findings of the CFPS and subsequent Trust investigation.

The Committee was satisfied that the general public would consider the Registrant's actions as found proved in the Particulars of Allegation to be deplorable and falling short of what is expected of a registered social worker. The Committee considered that the Registrant's actions, therefore, amounted to serious misconduct.

The Committee had regard to the Standards of Conduct and Practice for Social Workers and found the Registrant's misconduct to be in breach of the following standards:

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

- 2.1 Being honest and trustworthy;
- 2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

The Committee determined that the facts found proved involved serious and repeated departures, over a prolonged period of time, from the Standards of Conduct expected of a registered social worker. The Registrant's actions in raising false requests for cash and in stealing £6471.00 from the office safe, breached a fundamental tenet of the social work profession, namely honesty, and brought the social work profession into disrepute. Health authorities must be able to place complete reliance on the integrity of social workers and the Committee regarded the Registrant's actions as undermining that confidence.

The Committee next considered whether as a result of the misconduct found proved, the Registrant's fitness to practise was impaired. The Committee kept at the forefront of its mind, when reaching this decision, the duty to protect the public, uphold proper standards of conduct and behaviour and maintain public confidence in the social work profession.

In the Committee's judgment, the Registrant's theft and false requests for monies brought the social work profession into disrepute. The Committee determined that honesty was a fundamental tenet of the social work profession and the Registrant was in breach of this. The Committee took into account that when the Registrant raised false requests for monies and stole £6471.00, he was a Senior Social Work Manager, and his actions involved colleagues with an impact on both them and service users.



With regard to consideration of future risk, the Committee concluded that the Registrant's misconduct, in all of the circumstances, was not capable of remediation. The Committee noted the complete lack of engagement by the Registrant with the hearing. The Committee found that the Registrant's actions were repeated and involved colleagues whom he managed and who reported to him. The Committee found that the Registrant's actions constituted an abuse of trust, and had no evidence to show that the Registrant accepted his wrongdoing or displayed remorse for his actions. The Committee accepted that his behaviour was difficult to remediate. However, the Committee had no evidence from the Registrant as regards insight into his behaviour and therefore considered there to be a continued risk of repetition in relation to his serious misconduct.

The Committee considered the public interest and concluded that the public interest is engaged in this matter. In all of the circumstances, the Committee determined that public confidence in the profession and the Council as a regulator would be undermined if a finding of impairment was not made. The Committee was concerned that if a finding of impairment was not made, other social workers may consider the Registrant's actions as deemed acceptable. The Registrant's pattern of behaviour in falsifying finance requests and taking the cash from the safe was in clear breach of the Standards of Conduct and Practice for Social Workers. Therefore, the Committee determined that a finding of impairment on public interest grounds was also required.

Accordingly, the Committee determined that the Registrant's fitness to practise is currently impaired.

### **Sanction**

In reaching its decision on sanction, the Committee considered the submissions of Mr Carson on behalf of the Council and had careful regard to all of the evidence in this case.

Mr Carson directed the Committee to the various mitigating and aggravating factors, and the NISCC Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance'). He advised the Committee that the Registrant has no previous disciplinary record with the Council. He noted that the Registrant had engaged with the Trust investigation. However, as regards to aggravating factors, he submitted that the Registrant's misconduct took place over a long period of time, was repeated and constituted an abuse of trust in his position as a Senior Social Work Manager. Mr Carson further noted the Registrant's lack of engagement with the Fitness to Practise hearing. He submitted that imposing no sanction, a warning or conditions of practice would not address the seriousness of the Registrant's misconduct and the risk of repetition identified by the Committee, nor protect the public. He said that none of these sanctions would address the serious issue of the Registrant's fraud and theft or prevent repetition of this. He said the Registrant's theft of monies was particularly serious as these monies were designed to help vulnerable young service users. He submitted that the Registrant's serious misconduct required the imposition of a sanction at the higher end of the scale. He suggested that, therefore, consideration should be given to a Removal Order.

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.

The Committee referred 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').

In deciding which sanction to impose, the Committee took 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 recognised that the purpose of sanction is not to be punitive, although sanction may have a punitive effect. The Committee first considered the mitigating and aggravating factors in this case.

The Committee considered the mitigating factors to be:

- The Registrant engaged with the Trust investigation; and
- The Registrant had no previous disciplinary record with the Council.

The Committee considered the aggravating factors to be:

- The Registrant's misconduct took place when he was a Senior Social Work Manager and trusted by his staff;
- The Registrant's actions took place over a prolonged period of time and were premeditated and repeated;
- The Registrant's actions impacted upon his colleagues and involved monies intended for the use of vulnerable young service users; and
- The Registrant did not engage with these proceedings.

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 includes 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.

Having balanced the aggravating and mitigating factors, the Committee considered the aggravating factors far outweighed the mitigating factors and proceeded to consider the appropriate sanction to apply in this case.

**No Sanction-** the Committee had no hesitation in concluding that it would neither be appropriate or proportionate if no sanction was imposed in this case. In the view of the Committee, if no sanction was imposed this would not mark the seriousness of the misconduct, meet the public interest in this matter or address the concerns identified.

**Warning** - the Committee considered the issue of a Warning in this case. The Committee considered that the Registrant's serious misconduct demonstrated a disregard for the Standards of Conduct and Practice for Social Workers. The Registrant's impairment of fitness to practise was not at the lower end of the spectrum, particularly in relation to his behaviour concerning theft and falsification of financial requests. In addition, the circumstances were not such that the Committee would be confident that this sanction would provide adequate public protection as far as the Registrant's suitability was concerned, bearing in mind that a Warning would entitle the Registrant to work unrestricted as a social worker. The Committee noted that there was no evidence before it as regards the Registrant's remorse or insight into his behaviour and its impact on his colleagues and service users. Therefore, a Warning would not be appropriate or proportionate to the serious misconduct identified in this case.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Committee noted the Guidance at Paragraph 4.13, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance and where a Committee is satisfied that it is appropriate for an individual to remain on the Register. The Registrant had not demonstrated any insight into his serious misconduct, nor expressed remorse or a desire to remediate his behaviour. The Committee had no evidence as regards the Registrant's current employment. Therefore, the Committee concluded that a Conditions of Practice Order was not sufficient to meet the public interest in this matter, given the seriousness of the Registrant's departure from the standards expected of a registered social worker. In these circumstances, the Committee could not formulate workable, enforceable, or verifiable conditions which would address the Registrant's serious misconduct and adequately protect the public.

**Suspension** – the Committee next considered a Suspension Order. In considering this the Committee took into account the Guidance at Paragraph 4.19 and 4.20 as follows:

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.

4.20 Suspension may be appropriate when some or all of the following factors are apparent (this list is not exhaustive):

- serious incident of misconduct where suitability to be registered is impaired and where a lesser sanction is not sufficient, but removal is not warranted;
- behaviour is not fundamentally incompatible with continuing to be a registered social care worker in the long term;
- interests of service users and the public are sufficiently protected by suspension;
- no real risk of repeating the behaviour;
- no evidence of harmful deep-seated personality or attitudinal problems;
- no evidence of a repetition of the behaviour since the incident/s;
- insight;
- where the evidence demonstrates that the Registrant will be able to resolve or remedy the cause of the misconduct during the period of suspension.

The Committee considered that the Registrant's misconduct evidenced behaviour that was fundamentally incompatible with registration as a social worker. The Registrant's misconduct, in relation to raising false finance requests and then stealing the money from the office safe, took place over a prolonged period of time and was repeated. The Committee, in the particular circumstances of this matter, found the Registrant's misconduct was not capable of remedy. The Committee considered concerns around his serious misconduct as being difficult to remediate. It therefore determined that a Suspension Order would not address the risk of repetition as identified above or the public interest. The Committee had no evidence of insight, remorse or remediation from the Registrant, nor had it any information to indicate that the Registrant was unlikely to repeat his behaviour in the future. The Committee considered that the public would view the Registrant's behaviour as falling far below what would be expected of a registered social worker. In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to mark the serious and unacceptable nature of the Registrant's misconduct.

**Removal** – The Committee next considered a Removal Order. In considering this the Committee took into account the Guidance as follows:

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.

4.27 Removal may be appropriate where some or all of the following factors are apparent (this list is not exhaustive):

- i. Misconduct
- ii. Lack of competence
- iii. Physical or mental health
- iv. A conviction of caution in the UK for a criminal offence or a conviction elsewhere for an offence which, if committed in the UK, would constitute a criminal offence
- v. A determination made by another Regulatory Body (see Appendix 1).
- vi. Inclusion on a list maintained by the Disclosure and Barring Service.

5.10 The Standards state that social care workers must be honest and trustworthy (Standard of Conduct 2.1) and must recognise and use responsibly the power that comes from their work with people who use services and their carers (Standard of Conduct 3.7).

5.11 Dishonesty is particularly serious because it may undermine trust in social services. Examples could include cases of theft, fraud or embezzlement, lying to a manager about whether a work task has been undertaken, improperly amending records relating to people who use services, falsifying evidence or submitting or providing false references and information on a job application. The public must be able to place complete reliance on the integrity of Registrants.

5.13 Those who use services, employers, colleagues and others have a right to rely on the professional integrity of social care workers. Sometimes, life-changing choices about the options available to someone who uses services and significant financial decisions are made on the basis not only of the skill of Registrants but also of their honesty. Dishonesty, particularly when associated with professional practice, is so damaging to a Registrant's suitability and to public confidence in social care services that removal may be considered to be the appropriate outcome.

The Committee concluded that given the seriousness and repeated nature of the Registrant's misconduct and his lack of insight and remediation of his failings, a Removal Order was the only sufficient and proportionate sanction. The Committee determined that the Registrant's behaviour was fundamentally incompatible with being a registered social worker. The Registrant's misconduct was persistent, taking place in his role as a Senior Social Work Manager and impacted on his colleagues and service users. The Registrant failed to attend the hearing, demonstrate insight and remorse or assure the Committee there would be no repetition of his misconduct. The Committee found the Registrant's misconduct, involving stealing £6471.00 and raising false financial requests, to be serious and at the higher end of the spectrum. The Committee considered the Registrant abused his position as a social worker. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it to protect the public and to meet the public interest and to mark the seriousness and unacceptability of the Registrant's misconduct. The Committee considered the potential impact of a Removal Order on the Registrant, but concluded that the protection of service users and wider public interest in the system of regulation outweighed the impact on the Registrant.

The Committee concluded that a Removal Order was a suitable, appropriate, and proportionate sanction which will be imposed on the Registrant's registration 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.

It is compulsory for all qualified social workers to be registered with the Northern Ireland Social Care Council in order to work. If you practise as a qualified social worker, you will be guilty of an offence pursuant to Article 8 of the Health and Personal Social Services Act (Northern Ireland) 2001. Article 8 states that if a person who is not registered as a social worker in any relevant Register takes or uses the title of social worker or any description implying that s/he is registered as a social worker, or in any way holds him/herself out as registered, s/he is guilty of an offence.

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.



---

Committee Clerk

04 November 2022

---

Date