

### Notice of Decision

<b>Registrant</b>	<b>Nathan Porter Martin Gilmour</b>
<b>Registration number</b>	<b>6009551</b>
<b>Part of Register</b>	<b>Part 2 – Residential Child Care Worker</b>
<b>Sanction</b>	<b>Warning to remain on your registration for a period of 2 years</b>
<b>Date of Effect</b>	<b>14 December 2022</b>

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

#### Decision

The Council has decided:

1. that there is evidence that your Fitness to Practise is impaired by reason of an adult caution for a criminal offence, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise (Amendment) Rules 2019.
2. to issue a warning and direct that a record of the warning should be placed on your entry in the Register for a period of two years.

#### Caution in the United Kingdom for a criminal offence

- That on 3<sup>rd</sup> August 2021, whilst registered as a social care worker, you assaulted [a female known to you], outside of the workplace. This resulted in you receiving an adult caution for common assault from the PSNI on 1<sup>st</sup> March 2022 at Laganside Court.

#### Reasons

The reasons that this behaviour is considered to constitute impaired fitness to practise are:

- Your actions were inappropriate, aggressive and physical in nature.
- The public has the right to expect social care workers, in whom it places its trust and confidence, to uphold the law, to not engage in offending behaviour nor otherwise behave in a way in work or outside work which would call into question their suitability to work in social care services.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council and has the potential to undermine public confidence in social care services.

#### NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct and Practice for Social Care Workers that your behaviour has breached, are as follows:

**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;

5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

## Sanction

Having regard to the document '*Consensual Disposal Indicative Sanctions*' the Council decided that the appropriate sanction was the imposition of a warning on your registration for a period of 2 years.

## Reasons for the Sanction

When reaching its decision the Council considered the following factors:

### Aggravating factors:

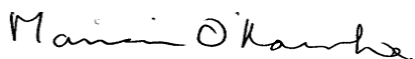
- When accepting the caution you admitted the offence of common assault.
- You have had limited engagement with the Council.
- You have not demonstrated remorse or provided any insight or reflection on your actions.
- Your behaviour constitutes a serious disregard for NISCC Standards of Conduct and Practice.
- Your actions are capable of undermining public confidence in the social care profession.

### Mitigating factors:

- The incident that led to the Adult Caution did not involve service users, and there are no concerns about your social care work.
- Your behaviour was an isolated incident, relating to stressful personal circumstances.
- You have no previous record of misconduct with the Council, nor has your fitness to practise been called into question in the past.
- You have been open and honest in informing your employers in regard to the Caution received, and positive feedback has been received from your employer where you continue to work.

## Date of Effect

This warning comes into effect on 14<sup>th</sup> December 2022. A record of the warning has been placed on your entry in the Register for a period of two years and does not affect your ability to practise.



14<sup>th</sup> December 2022

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Director of Regulation and Standards

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Date

**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.**