



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

Name: Angie Brolly

SCR No: 7008892

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **Thursday 19 January 2023**, 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 in the United Kingdom for a criminal offence and your inclusion on a list maintained by the Disclosure and Barring Service;

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

Particulars of the Allegation:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended):

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| 1. | On 22 February, 2022 you were convicted at the Magistrates' Court of the following offence: [You] on the 6 th day of August 2021 unlawfully assaulted [REDACTED], contrary to section 42 of the Offences Against the Person Act 1861 |
| 2. | On 18/7/2022 your name was included in the list of those barred from working with children by the Disclosure and Barring Service. |
| 3. | On 18/7/2022 your name was included in the list of those barred from working with (vulnerable) adults by the Disclosure and Barring Service. |

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

And your actions as set out at 2 and 3 above show that your fitness to practise is impaired by reason of your inclusion on the barred lists maintained by the Disclosure and Barring Service.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

The Registrant was not in attendance and 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 29 November 2022. A delivery receipt was received on the same day. An updated hearing bundle was emailed to the Registrant on 06 December 2022. On 12 January 2023, the Committee Clerk spoke to the Registrant by telephone, and the Registrant confirmed that she would not be in attendance at the hearing.

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 Fitness to Practise (Amendment) Rules 2019 ('the Rules') and, in particular, Rule 3 which states that service shall be treated as being effected on the day after the Notice was sent. The Committee took into account that the Notice of Hearing provided details of the date and time of the hearing and that it was to be held virtually. In addition, it contained information about the Registrant's right to attend, be represented and call evidence, as well as the power to proceed in her absence.

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

Proceeding in the Absence of the Registrant

Mr Gilmore made an application to proceed in the absence of the Registrant under Paragraph 15 of Schedule 2 of the Rules, and submitted that the Committee should hear and determine the case in her absence. He invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. He further suggested that it was in the public interest for the case to proceed, as this would ensure a fair and 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 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 should also be taken into account. She reminded the Committee to avoid reaching any improper conclusion about the Registrant's absence.

In reaching its decision, the Committee had particular regard to the factors as set out in the case of and R v Jones 2003 1 AC and noted that:

- The Registrant had not made an application for an adjournment;
- There was no reason to suppose that adjourning the case would secure her attendance at a future date;
- The Registrant had not sought to be legally represented;
- The Notice of Hearing provided details of the allegation, the time, the date and method of the hearing and, amongst other things, information about the Registrant's right to attend, be represented and call evidence, as well as the Committee's power to proceed in her absence. The Committee noted that the Registrant had told the Committee Clerk on 12 January 2023 that she did not intend to attend the hearing. The Committee, therefore, concluded that the Registrant's absence was deliberate and a waiver of her right to appear; and
- There was some disadvantage to the Registrant in not attending and giving evidence to the Committee, but this was outweighed by the public interest in the expeditious disposal of this case.

Therefore, after careful consideration of all of the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, striking a careful balance between fairness to the Registrant and the wider public interest. However, the Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence.

Application to Admit Hearing Bundle

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

Declarations of Conflict of Interest

The Chair of the Committee advised that none of the Committee Members had any conflict of interest with the case.

Background

Mr Gilmore provided the Committee with a background to the case. He told the Committee that the Registrant was registered on Part 2 of the Register, and that she was employed as an adult residential care worker.

Mr Gilmore submitted that this matter had come to the attention of the Council as a result of an Employer Referral Form ('ERF'), dated 10 August 2021. The ERF reported that the Registrant had been involved in an assault with another member of staff on 06 August 2021. It stated that physical harm was posed to a fellow staff member and that the assault occurred in front of, and was witnessed by, two service users. The employer also referred the matter to the Disclosure and Barring Service ('DBS') and to the Regulation and Quality Improvement Authority.

Mr Gilmore told the Committee that the injured party reported the matter to the police. He referred the Committee to the case summary provided by the police, which contained a background to the investigation and a summary of the police interview under caution with the Registrant. Mr Gilmore told the Committee that the Council was notified that on 22 February 2022, the Registrant was convicted of assault, arising from the incident on 06 August 2021.

Mr Gilmore submitted that on 04 May 2022, the Council wrote to the Registrant and invited her to respond to the allegations. The Registrant responded by email on the same day, and advised the Council that she would be suing her former employer for discrimination and hate crime. In a separate email, the Registrant explained that she was relentlessly bullied by a work colleague and that her employer did not protect her rights. In her email, she stated that 'the day in question at Mulhern, me and [REDACTED] had a scuffle in the corridor away from residents'.

Mr Gilmore submitted that the Registrant did not dispute the conviction and accepted that the incident, which she described as a scuffle, had taken place.

Evidence and Submission on the Facts

Mr Gilmore directed the Committee to the evidence contained within the hearing bundle and, in particular, the Certificate of Conviction, dated 22 February 2022. He submitted that the Council sought to rely on this document as proof that the Registrant had been convicted of the offence that was set out in the Allegation. Mr Gilmore told the Committee that the Registrant pleaded guilty on 22 February 2022, and was sentenced to pay a Monetary Penalty of £100.00, an Offender Levy of £15.00 and Other Parties Compensation of £300.00. He also highlighted the letter received from the Disclosure and Barring Service ('DBS'), informing the Council that the Registrant had been barred from working with children and vulnerable adults as of 18 July 2022.

Mr Gilmore referred the Committee to Paragraph 12 of Schedule 2 of the Rules, and submitted that the Registrant had not provided any evidence as set out at Paragraph 12 (7) to prove that she was not the person named in the Certificate of Conviction or the correspondence from the DBS, nor had she provided any evidence to show that she had appealed either the conviction or her current DBS status.

Mr Gilmore submitted that the Certificate of Conviction was conclusive proof of the facts in relation to the conviction. He further submitted that the correspondence from the DBS should be regarded as *prima facie* evidence with regards to the Registrant's current DBS status. Mr Gilmore, therefore, invited the Committee to find that the facts had been proved on the balance of probabilities.

Findings of Fact

The Legal Adviser reminded the Committee that under Paragraph 12 (5) Schedule 2 of the Rules, a certificate of conviction issued in any UK Criminal Court 'shall be conclusive proof of the facts or convictions so found'. She advised the Committee that a registrant could challenge a certificate of conviction if it did not refer to the Registrant, or where the conviction had been challenged successfully on appeal as set out under Paragraph 12

(7) of the Rules. She informed the Committee that it must be satisfied that the Certificate of Conviction in this case was issued by a competent Court of jurisdiction, and that it related to the Registrant. In the absence of any other evidence, the Committee was entitled to rely on the Certificate of Conviction to establish conclusively that the Registrant was convicted of the offence as set out in the Particulars of the Allegation. She further referred the Committee to Schedule 2, Paragraph 12 (6) of the Rules, which permit the Committee to view the written notification from the DBS of current barring status as *prima facie* evidence.

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 noted the facts contained in the Certificate of Conviction. The Committee concluded that the Certificate of Conviction was conclusive proof of the conviction. The Committee noted that the Certificate of Conviction was in the name of Angie Tregunno, and was satisfied that the Certificate of Conviction related to the Registrant. In reaching this decision, the Committee took into account the evidence from the police that the Registrant used both names, the evidence from the Council in relation to the emails with the Registrant which use both names, and the names used in the Registrant's application for registration with the Council. The Committee noted that the date of birth, date of incident and address on the Certificate were consistent with the documentation held by the Council, and that the Registrant had not raised any issue that she was not the person named in the Certificate. The Committee, therefore, found that, on the balance of probabilities, the facts contained in Particular 1 of the Allegation had been found proved.

The Committee accepted the written notification from the DBS of the Registrant's current barring status as *prima facie* evidence. In addition, the Committee had no evidence that the Registrant was not the individual referred to by the DBS, nor was there evidence of a successful appeal against her inclusion on the DBS lists. The Committee noted that the correspondence from the DBS, dated 29 July 2022, referred to the name 'A E M B'. The Committee was satisfied that this correspondence referred to the Registrant. Taking into account Paragraph 12 (6) of Schedule 2 of the Rules, the Committee was satisfied that the Final Decision from the DBS proved the facts therein. The Committee, therefore, found that, on the balance of probabilities, the facts contained in Particulars 2 and 3 of the Allegation had been established.

The Committee, therefore, found the facts proved.

Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise was impaired. The Committee heard submissions from Mr Gilmore, who advised that there were no formal admissions from the Registrant in relation to the Particulars of the Allegation. He submitted that the Registrant's conviction and current DBS status 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. Mr Gilmore directed the Committee to the Standards of Conduct and Practice (Standards of Conduct: Standard 1, 1.2 and 1.8, Standard 3, 3.3, Standard 5, 5.1, 5.7 and 5.8 and Standard 6, 6.13. Standards of Practice: Standard 2, 2.1, Standard 3, 3.1, 3.12), and invited the Committee to determine that the Registrant's conviction, and the actions which led to her inclusion on the DBS barred list, were in breach of these Standards.

Mr Gilmore submitted that the Registrant's conviction was a relatively recent event as she was convicted in February 2022. He submitted that her inclusion on the DBS barred list for children and vulnerable adults showed that there was a clear and fundamental impairment of her fitness to practise. By being placed on those lists, she had been deemed no longer fit to work with either children or vulnerable adults by another body.

Mr Gilmore told the Committee that the Registrant's conviction, DBS barring and conduct fell far below the minimum standard expected of a registered social care worker, and called into question her fitness to practise. He submitted that the Registrant's actions constituted an abuse of her position of trust, and showed a complete lack of respect for her colleague. He said that 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 said that there was limited evidence of regret or remorse from the Registrant, nor was there information to suggest that she would act differently in the future. Mr Gilmore accepted that the Registrant did co-operate with the police investigation, she did plead guilty and did express some sorrow at her actions. However, Mr Gilmore submitted that the Council remained concerned that her remarks were conditional, and that the Registrant still believed that she was in some way the victim. Mr Gilmore told the Committee that the Registrant described the assault as a 'scuffle' and, in the view of the Council, that this downplayed what had actually happened. In the circumstances, Mr Gilmore submitted that there remained a future risk of harm to others if the Registrant was allowed to practise without restriction.

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.

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, and advised it to adopt a sequential approach when considering this issue. In particular, she asked it to take into account the nature and content of the criminal conviction against the Registrant, and the reason for her inclusion on the barred lists. She reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise was impaired because of this conviction and current DBS status. 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. 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 was impaired by reason of her conviction and inclusion on lists maintained by the DBS, as set out in the Particulars of the Allegation.

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

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

The Committee had regard to Rule 4 (d) and (f) of the Rules, which states that fitness to practise may be impaired by a conviction and / or inclusion on a list maintained by the Disclosure and Barring Service. The Committee was satisfied that the Registrant's conviction and inclusion on the barred lists constituted proper reasons for the alleged impairment of fitness to practise. The conviction and inclusion on the barred lists occurred as a result of a serious assault on a co-worker, which took place at work and in the presence of service users. The Committee considered that the Registrant was in a position of trust as a team leader, and had abused that trust when she assaulted her colleague whilst at her place of employment. The Committee noted the Registrant's colleagues' statements in relation to this incident.

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 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:

- 1.2 Treating people with consideration, respect and compassion; and
- 1.8 Respecting and maintaining the dignity and privacy of service users.

Standard 3: As a social care worker, you must promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:

- 3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work.

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

- 5.1 Abuse, neglect or harm service users, carers or colleagues;

- 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.

Standard 6: As a social care worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes:

- 6.13 Working openly and co-operatively with colleagues and treating them with respect.

The Committee had no information or evidence from the Registrant as regards any action which she had taken to remediate her behaviour. The Committee paid careful regard to the expressions of regret made by the Registrant during her police interview, and noted that she stated that she would leave work and go home if a similar incident occurred again. However, the Committee found that the Registrant's assault of a colleague amounted to a very serious matter, and that a risk of repetition remained.

The Committee considered that such conduct was not easily remediable. In the view of the Committee, the assault could, in certain circumstances, be remediated. The Committee determined that it was difficult to remediate the inclusion on the DBS barred lists whilst the barring remained in place. The Committee concluded that this could be remediated in the future if steps were taken by the Registrant to seek a review of her inclusion in the barred lists.

In the view of the Committee, it had not yet been remediated. The lack of meaningful reflection from the Registrant meant that the Committee had no basis on which it could be satisfied that the Registrant had full insight into her behaviour. The Committee acknowledged that the Registrant, in pleading guilty to the criminal charge, showed some insight but noted that there was no evidence that she had considered how her actions may have impacted on the service users who were present.

The Committee concluded that the Registrant's conviction for unlawful assault brought the social care profession into disrepute, and that the public would find it totally unacceptable if a finding of current impairment was not made in these 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 is currently impaired by reason of her criminal conviction and inclusion on the DBS barred lists for children and vulnerable adults.

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 mitigating factors and advised that the Registrant had no previous referrals to the Council, she had co-operated with the

police investigation, pleaded guilty at Court, and provided the Council with her views on the circumstances in her workplace at the time which she felt contributed to the incident.

As regards aggravating factors, Mr Gilmore submitted that this was a violent assault on a co-worker, which occurred at her place of work and in front of service users.

He suggested that the Registrant's actions were fundamentally incompatible with remaining on the Register. He submitted that a sanction must be appropriate and fair, and that the sanctions of Warning or Conditions of Practice would not be sufficient to protect the public or be appropriate. He noted that the Registrant had failed to meaningfully engage with the Council and the hearing process. He referred the Committee to Paragraph 4.27 of the Northern Ireland Social Care Council Indicative Sanctions and Use of Interim Orders: Guidance Fitness to Practise Committees ('the Guidance'), and suggested that the sanction of a Removal Order 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 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 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 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 the benefit of a previous good work history and, in particular, the Committee noted that no previous issues had been raised with the Council about her work as a social care worker;
- The Registrant told the Council that she felt bullied and harassed at work prior to the incident;
- The Registrant co-operated with the police investigation and pleaded guilty to the charge which she faced; and
- The Registrant expressed some remorse during her police interview, and stated that whilst she felt that she was provoked by the injured party, she accepted that what she did was wrong and that she was truly sorry.

The Committee considered the aggravating factors to be:

- The conviction in this case arose from a serious assault. The Committee found that descriptions of the assault as a prolonged and violent attack add to the seriousness of the offence;
- The assault took place at work and in the presence of service users;
- The Registrant sought out the injured party when she left the meeting with her employers;
- The Registrant demonstrated limited insight; and
- There was limited evidence of regret or remorse.

The Committee was in no doubt that the Registrant had shown a serious disregard for the Social Care Council's Standards of Conduct and Practice. The Committee previously found that her conviction and inclusion on the DBS barred lists meant that her actions fell far below the standards which could be expected of a registered social care worker.

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

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

Warning – the Committee considered whether to impose a Warning. Having regard to its previous findings, the Committee considered that such a step would be inadequate to protect the public and would fail to uphold the public interest. The Committee considered that the Registrant’s conviction was not at the lower end of the spectrum, and that a Warning would not address the risk of repetition.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Registrant’s conviction was for a serious assault committed at work, and the Committee was of the view that it was not something which could be addressed through re-training or conditions. The Registrant did not attend the hearing, and the Committee had no evidence as to whether or not she would agree to any conditions, if imposed. Furthermore, the Committee concluded that a Conditions of Practice Order would be insufficient to protect the public and uphold the public interest, given the seriousness of the Registrant’s departure from the standards expected of a registered social care worker. As the Registrant was on the barred lists, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant’s behaviour, adequately protect the public and address the wider public interest.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it had made findings that the conviction in this case was very serious, and fell far below the standards to be expected of a registered social care worker. The Committee also noted that the Registrant was on the barred lists, preventing her from working with children or vulnerable adults.

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

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

The Committee had no evidence before it that the Registrant had acknowledged her failings in so far as they impacted on her registration as a social care worker. The Registrant had demonstrated limited insight and had provided no evidence of remediation. The Committee had earlier determined that there was a risk of repetition in the future. The Registrant had not satisfied the Committee that she would realistically remedy her behaviour during a period of suspension. Furthermore, the Committee was not satisfied that a Suspension Order would be appropriate or would take into account that the Registrant was on the DBS barred lists.

The Committee concluded that a Suspension Order would be insufficient to protect the public or to address the seriousness of the Registrant’s criminal conviction, and would not meet the high public interest taking into account that the Registrant had been placed on the DBS barred lists.

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

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

It concluded that given the seriousness of the Registrant's criminal conviction and inclusion on the DBS barred lists, a Removal Order was the only appropriate sanction to protect the public and to maintain public confidence in the social care profession and in the Council as its regulator. The Registrant's actions constituted a very serious departure from the professional standards as set out in the Standards. The Committee determined that the Registrant's criminal behaviour, and her inclusion on the DBS barred lists, identified her as being unfit to be a member of a caring and responsible profession.

The Committee was satisfied that the Registrant's conviction for assault on a co-worker was so serious that it was fundamentally incompatible with continued registration. Public confidence in the Council, and in social care services, would be undermined if a social care worker who was convicted of such a serious and violent offence, and as a result was barred from working with children and vulnerable adults, was permitted to remain on the Register. The Committee considered that a sanction short of a Removal Order would fail to declare and uphold proper standards of conduct and behaviour.

The Committee did take into account the Registrant's previous good work history. However, balancing all of the factors in this case, and after taking into account all of the evidence, the Committee determined that the appropriate and proportionate sanction was that of a Removal Order. Having regard to the effect of the Registrant's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered social care worker should conduct herself, the Committee concluded that nothing short of this would be sufficient.

The Committee decided, in order to protect the public and in the public interest, to make a Removal Order with immediate effect in respect of the Registrant's registration. As a result, the Interim Order on the Registrant's registration is hereby revoked.

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.



Committee Clerk

25 January 2023

Date