



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

Name: Valerie Neilsa Wilkinson

SCR No: 2011481

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **26 April 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 a caution in the United Kingdom for a criminal offence;

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), and whilst working as a care assistant for Ann's Home Care (employer):

1. On 18 November 2021, you accepted a Police Caution for the offence of Theft, in relation to the taking of money from Service User A and Service User B to the value of £20 on 04 March 2020.

And your actions as set out above show that your fitness to practise is impaired by reason of your caution in the United Kingdom for a criminal offence.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

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

Service

Mr Carson told the Committee that the Notice of Hearing for today's hearing and the hearing bundle were emailed to the Registrant's registered email address on 21 March 2023. An electronic delivery receipt was received on the same date. A further email was sent to the Registrant on 05 April 2023 to advise her that today's hearing would now be taking place in person, and a delivery receipt was received for this email on the same date. The Registrant did not respond to the second email.

The Committee received legal advice from the Legal Adviser, and he 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 and Paragraph 5 of Schedule 2.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing had been served in accordance with the Rules.

Proceeding in the Absence of the Registrant

Mr Carson made an application to proceed in the absence of the Registrant.

Mr Carson told the Committee that the Registrant had sent an email, dated 21 March 2023, to the effect that she would not be attending the hearing. Mr Carson, in those circumstances, invited the Committee to conclude that the Registrant had voluntarily waived her right to attend 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 satisfied itself that all reasonable efforts had been made to notify the Registrant of the hearing, and accepted the advice of the Legal Adviser. He referred the Committee to the cases of *R v Jones* and *Adeogba*. He 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.

In reaching its decision, the Committee had regard to the following:

- The Registrant, in her email, had made it clear that she would not be attending today's hearing;
- 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 an adjournment in order to be legally represented at any future hearing.

The Committee, taking into account these factors, concluded that the Registrant's absence was deliberate and voluntary, and that she had waived her right to attend the hearing.

The Committee considered that there would be some disadvantage to the Registrant in not being able to attend the hearing, but concluded that such disadvantage was outweighed by the public interest, which included the need to protect service users, maintain the reputation of the social care workforce and uphold proper standards.

Therefore, after careful consideration of all of the issues, the Committee decided 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 into evidence, and marked it as Exhibit 1.

Background

The matter was first brought to the Council's attention upon receipt of an Employer Referral Form ('ERF') on 09 March 2020.

The ERF advised the Council that the family of a service user had contacted Ann's Care Home, where the Registrant was working as a care assistant, and stated that they '*had been concerned for a number of weeks that money had been going missing from their mothers handbag. As a result they had installed a camera in their home and had a number of clips showing care worker Valerie Wilkinson looking through [the service user's] handbag.*'

Upon receipt of this information, the Registrant was removed from her shift and invited to attend a meeting with her employer on 09 March 2020. The Registrant attended the meeting and was informed of the allegations, but not by whom they were made. The Registrant admitted during the meeting that she had taken £20 from the home of a different service user, and not the service user whose family had made the initial complaint. The Registrant stated that she took the money in question as she was short of money and was trying to keep a roof over her head.

A joint protocol investigation was instigated between the Southern Health and Social Care Trust and the PSNI.

On 26 April 2021, the PSNI confirmed that the Registrant had been interviewed on 14 April 2021, and had made admissions during the interview to the theft of £20 from Service User A, and approximately £10 from Service User B.

In November 2021, it was confirmed to the Council that an Adult Caution had been administered and accepted by the Registrant in relation to offences of theft.

In January 2022, the Council received a copy of the Adult Caution administered to the Registrant by the PSNI, and signed by her on 18 November 2021. The Certificate of Caution states:

'Valerie Wilkinson, whilst working as a home care assistant, took money from service users...'

The PSNI case summary reported that an allegation of theft had been raised by the son of a service user, who had concerns that money had been going missing from his mother's home, and that during the employer meeting the Registrant admitted to theft from a second service user.

The case summary advised that the Registrant attended for voluntary police interview on Wednesday 14 April 2021, and admitted to two offences of theft from two different service users. It was noted that the Registrant was

very remorseful for her actions. She stated that she had never acted in this manner before and would never do anything of a similar nature again. The Registrant also stated that, at the relevant time, she had been going through difficult personal issues in her life.

Evidence

The Committee considered the evidence as contained in Exhibit A. This included, but was not limited to, a copy of the Certificate of Caution, the ERF and relevant correspondence. The Committee considered this evidence to be cogent and reliable.

Finding of Facts

The Committee heard a submission from Mr Carson. He invited the Committee to find the facts proved by reference to the Certificate of Caution contained in the hearing bundle. Mr Carson submitted that the Certificate of Caution, signed by the Registrant on 18 November 2021, was sufficient evidence to demonstrate the Registrant's acceptance that she had committed two offences of theft against two service users in her care on 04 March 2020.

The Legal Adviser advised the Committee as to the burden and standard of proof which was applicable at the fact finding stage of the proceedings. He also reminded the Committee that a caution would only be administered where: 1.) the evidence was sufficient to provide a real prospect of conviction; 2.) the offender unequivocally admitted having committed the offence; and 3.) the offender agreed to accept the caution and understood the significance of doing so.

Having accepted the Legal Adviser's advice, the Committee was satisfied that the facts were proved by reason of the Certificate of Caution, which the Registrant had signed on 18 November 2021.

Fitness to Practise

The Committee heard a submission from Mr Carson to the effect that a finding of current impairment of the Registrant's fitness to practise was necessary to protect the public and to uphold the public interest.

The Legal Adviser advised the Committee as to those matters which ought to be taken into account at this stage of the proceedings. In particular, the Legal Adviser referred the Committee to the cases of Meadow, Cohen and Grant. The Committee accepted the Legal Adviser's advice.

By her actions, as admitted, the Registrant had stolen money from two vulnerable service users in her care in the course of her duties as a registered social care worker. In that regard, her actions were serious and represented a significant departure of the standards to which the public expect social care workers to adhere. In particular, the Committee considered that the Registrant had breached the following Standards of Conduct and Practice for Social Care Workers (November 2015) (the Standards):

Standard 2: As a social care 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.

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;
- 5.2 Exploit service users, carers or colleagues in any way;
- 5.3 Abuse the trust of service users and carers or the access you have to personal information about them or to their property, home or workplace; 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.

In principle, the Committee was prepared to accept that, with appropriate and compelling evidence of insight and remediation, the Registrant's admitted actions were capable of remedy.

The Committee considered whether, in fact, the Registrant had remedied her actions. The Committee noted that the Registrant had made admissions to her employer and police in interviews that she had stolen money from two service users in the course of her duties. She had, in the course of these interviews, expressed regret and remorse for her actions. However, in these proceedings, the Registrant did not engage with her regulatory body in a meaningful way. She did not demonstrate evidence of regret or remorse for her actions in these proceedings, nor did she provide evidence of remedial action such as to persuade the Committee that there would be no repetition of her offending behaviour.

As a result, while the Committee identified some evidence of insight on the Registrant's part in relation to the seriousness of her actions, this was very limited, and was focused on the impact which her actions had upon her rather than on the service users from whom she had stolen money. As a result, the Committee was satisfied that there was a high risk of the Registrant, faced with similar circumstances, repeating her offending behaviour. The Committee concluded that it was necessary to make a finding that the Registrant's fitness to practise was currently impaired in order to protect the public in general, and service users in particular.

The Committee next considered the public interest, which includes public protection together with the need to maintain proper standards of conduct and to uphold the reputation of the social care workforce. In light of its findings, the Committee concluded that public trust and confidence in the social care workforce would be undermined if a finding of current impairment of the Registrant's fitness to practise was not made. Further, the Committee concluded that a failure to make a finding of current impairment would fail to uphold proper standards of conduct in the social care workforce. For those reasons, the Committee decided that a finding that the Registrant's fitness to practise was currently impaired was also necessary in the public interest.

Accordingly, the Committee is satisfied that the Registrant's fitness to practise is currently impaired by reason of her caution.

Sanction

The Committee heard a submission from Mr Carson the question of what, if any, sanction should be imposed following its finding that the Registrant's fitness to practise was currently impaired by reason of her caution. He submitted that the only appropriate sanction to impose, in the public interest, was a Removal Order.

The Legal Adviser gave advice to the Committee in relation to the proper approach to be adopted when considering a sanction, and referred the Committee to the 'Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees' (June 2017) published by the Council. The Committee accepted the Legal Adviser's advice.

At the outset, the Committee considered the mitigating and aggravating factors.

In the Committee's view, the following were mitigating factors:

- No previous adverse regulatory findings;
- Early admission as to facts;
- Insight – limited, partial and self-focused; and
- Co-operation with PSNI and employer.

In the Committee's view, the following were aggravating factors:

- Lack of insight into the financial and emotional impact on service users;
- Not isolated and evidence of pre-meditation;
- Registrant's offending committed in service users' homes in the course of her employment; and
- Serious disregard for applicable Standards.

Having identified the seriousness of the Registrant's admitted actions, the Committee considered what, if any, sanction to impose.

No sanction - the Committee was satisfied that it would be wholly inappropriate to take no further action in relation to the Allegation found proved.

Warning - the Committee was mindful that imposing a Warning would permit the Registrant to practise unrestricted. In light of its findings, such a step in the Committee's view would fail to protect the public or uphold the public interest.

Conditions of Practice Order - the Committee was aware that such an Order was usually appropriate in circumstances where deficiencies had been identified in the Registrant's practice and, for the duration of any such Order, conditions were appropriate to address those deficiencies. A Conditions of Practice Order was not appropriate where, as here, the regulatory concern arose as a result of an attitudinal issue, and related to the Registrant's dishonesty. Further, there was no up to date information as to the Registrant's current employment status, if any. The Committee had no assurance that the Registrant would co-operate with a Conditions of

Practice Order. The upper-most consideration, however, was the seriousness of the Allegation found proved. The Committee was satisfied that a Conditions of Practice Order was inadequate to protect the public, and was insufficient to uphold the public interest.

Suspension Order - a Suspension Order is appropriate where the allegation found proved is not so serious as to justify removal from the Register. In this case, there was no meaningful engagement in the regulatory process by the Registrant. She had demonstrated some insight which was limited to her own circumstances. There was no recognition of the seriousness of her actions and the adverse impact which they could have had to the service users in question, both financially and emotionally. The Committee had also found, as a result of this limited insight and a lack of evidence of remediation, that there was a high risk of repetition. For those reasons, the Committee concluded that a Suspension Order was inadequate to protect the public, and was insufficient to uphold the public interest.

Removal Order - accordingly, the Committee decided to impose a Removal Order. The Registrant stole money on two occasions from vulnerable service users in her care. She did not self-declare her offending. Rather, the Registrant was detected as a result of being filmed by a relation of one of the service users. The Registrant expressed no regret or remorse in relation to the adverse impact, financially and emotionally, which her actions would have had on the service users from whom she had stolen money. Her insight was limited to expressing regret for her personal circumstances and how she, by her actions, had brought her career as a social care worker to an end. Social care workers enjoy a privileged position, and are entrusted by the public to deliver personal care to some of the most vulnerable service users in society. The Registrant abused the trust placed in her by the public. In a pre-meditated fashion, on two occasions, she took money from service users in her care. In the Committee's judgement, the Registrant's actions were deplorable and represented a significant departure from the standards to be expected of a registered social care worker. As such, the Committee concluded that the Registrant's actions were fundamentally incompatible with remaining on the Register, and the only appropriate and proportionate response to her actions was to impose a Removal Order.

The Committee decided that the Interim Suspension Order currently in place be replaced with the Removal Order 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.

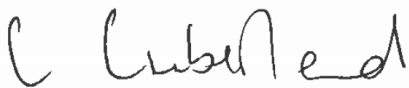
You are prohibited from working as a social care worker in any of the following positions:

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 2023

Head of Hearings Services

Date