



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

Name: Adam Page

SCR No: 6028344

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **Monday 19 and Wednesday 21 June 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 misconduct;

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

Particulars of the Allegation:

That, on 03 October 2021, whilst being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed as a support worker by Autism Initiatives, you:

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| 1. | Attended your place of work, Autism Initiatives at Highfields, Lisburn, whilst unfit to carry out your duties as a support worker due to being under the influence of alcohol. |
| 2. | Drove a service user's car whilst unfit due to alcohol and, in so doing, placed the service user at serious risk of harm. |

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

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

The Registrant was not in attendance, nor was he represented. The Council was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Service

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 12 May 2023. An electronic delivery receipt was received on the same date. The Committee Clerk called the Registrant and left a voicemail message on 12 June 2023, asking him to confirm his attendance at the fitness to practise hearing by return email or telephone call. No response was received from the Registrant.

Ms Owens told the Committee that an Amendment to the Notice of Hearing was sent to the Registrant on 14 June 2023. The Amendment to the Notice of Hearing confirmed a change of venue from a remote hearing to a face-to-face hearing. Ms Owens told the Committee that the Registrant did not respond to this amendment.

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 service shall be treated as being effected on the day after it was properly sent.

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

Proceeding in the Absence of the Registrant

Ms Owens 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 his absence. She invited the Committee to conclude that the Registrant's absence was a voluntary waiver of his right to attend. She told the Committee that the Registrant had not requested an adjournment of the proceedings, nor had he provided any written submissions. She said that the Council had three witnesses available to give evidence before the Committee. She suggested that it was in the public interest for there to be an expeditious disposal of the hearing and that any disadvantage to the Registrant was outweighed in all of the circumstances.

The Committee was mindful that the discretion to proceed in the absence of the Registrant should only be exercised with the utmost care and caution. In considering the application, the Committee sought to satisfy itself that all reasonable efforts had been made to notify the Registrant of the hearing, and accepted the advice of the Legal Adviser. She referred the Committee to the cases of R v Jones 2003 1 AC, Adeogba and Visvardis v GMC 2016. She reminded the Committee that in exercising its discretion to proceed in the Registrant's absence, it must have regard to all of the circumstances with fairness to the Registrant being of prime consideration, although fairness to the Council and the public interest must also be taken into account. She reminded the Committee to avoid reaching any improper conclusion about the Registrant's absence and not to accept it as an admission in any way.

The Committee reminded itself that fairness to the Registrant should be a prime consideration. The Committee bore in mind the public interest in the expeditious disposal of the hearing.

After careful consideration of all of the information and the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, taking into account the serious nature of the allegations and striking a careful balance between fairness to the Registrant and the wider public interest. The Committee, in all of the circumstances, considered that the Registrant had voluntarily absented himself from the hearing. The Committee noted that the Registrant had been properly served with details as regards the hearing, and was aware of the Council investigation. The Committee considered that an adjournment of the proceedings would not, therefore, ensure the Registrant's attendance at a later date, and noted the attendance of three witnesses. However, the Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence, nor treat the absence as an admission.

Application to Admit Hearing Bundle

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

Background

The Registrant is registered on Part 2 of the Social Care Register.

This matter was first brought to the Council's attention on 05 October 2021 by way of an Employer Referral Form ('ERF') received from Ms Cathy Hayes, Area Manager, Autism Initiatives. It confirmed that the Registrant was employed as a support worker with Autism Initiatives, based at their Highfields Service ('Highfields'), Lisburn, at the time when the allegations arose. It was alleged that on Sunday 03 October 2021, the Registrant took a service user out for a drive in the service user's vehicle at approximately 4 pm, and when they returned to the service at 7:15 pm it was alleged that the Registrant appeared to be under the influence of alcohol and smelled of alcohol. Following this, the Registrant was placed on precautionary suspension on 04 October 2021, pending investigation.

On 12 October 2021, the Council wrote to the Registrant regarding receipt of the ERF. On 05 January 2022, the Council's registration team received an email from the Registrant requesting to be removed from the Register. The Council responded to the Registrant's email request, and advised that this would not be possible during an active fitness to practise investigation.

On 19 January 2022, Autism Initiatives confirmed by email to the Council that the Registrant had resigned on 02 January 2022, and that no investigation had been completed. On 20 January 2022, the Council received signed statements from the Registrant's colleagues and notes of investigation meetings.

Evidence and Submission on the Facts

Ms Owens referred the Committee to the information as set out in Exhibit 1. The Committee heard oral, affirmed evidence from Witnesses 1 and 2, who were members of Autism Initiatives' staff working the same shift as the Registrant on the day of the allegation. In addition, the Committee heard sworn evidence from Witness 3, an area manager with Autism Initiatives, who investigated the alleged incident on 03 October 2021.

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 Ms Owens, on behalf of the Council. Ms Owens submitted that the evidence provided was substantial and reliable, and that the facts were proved on the balance of probabilities.

The Committee heard and accepted the advice of the Legal Adviser. The Committee was aware that the burden of proof rests on the Council, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that the facts will be proved if the Committee is satisfied that it was more likely than not that the incident occurred as alleged.

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

Particular 1: Attended your place of work, Autism Initiatives at Highfields, Lisburn, whilst unfit to carry out your duties as a support worker due to being under the influence of alcohol.

The Committee received affirmed evidence from Witness 1 who was employed as a senior support worker at Autism Initiatives, based at Highfields. She gave evidence that she has worked with Autism Initiatives since September 2021, and was working on shift on 03 October 2021. She confirmed that she had provided a statement of events to her employer, dated 04 October 2021, and attended an investigation meeting on 12 October 2021. She told the Committee that Highfields provides one-to-one support on a 24 hour a day basis for three people with severe autism and other needs. She told the Committee that she started her shift on this date with the Registrant in and around 2 pm, and that everything was normal with the Registrant at this stage. She gave evidence that she saw the Registrant leave Highfields with a service user in and around 4 pm, and that he was driving the service user's mobility car as the service user was unable to drive. She confirmed that the purpose of this was to go for a drive and a walk with the service user. She gave further evidence that the Registrant and the service user arrived back at Highfields after 7 pm. She said that she noticed the Registrant's behaviour at this stage as it was out of the ordinary, he was slurring his speech, and there was a distinct smell of alcohol. She told the Committee that the Registrant went to make coffee in the kitchen and found it difficult to focus on his phone. Witness 1 said that she contacted her service manager about what she had observed, and was told that the Registrant should be asked to leave the premises with an offer to organise a taxi or a lift. At this stage, another colleague was asked to come and take over the Registrant's shift.

Witness 1 gave evidence that no contact was made with the PSNI as the main concern was to remove the Registrant from the service. She said that the service user appeared to be in fine health and was presenting normally, but that he would not have the capacity to respond to specific questioning. Witness 1 gave evidence that when asked to leave Highfields, the Registrant confirmed that he would leave and, whilst leaving, shouted at her saying 'you are wrong about this [Witness 1], you are wrong'. Witness 1 said that she observed the Registrant heading in the direction of where his car was parked, and that she saw him walking into the back of another service user's car at this time.

Witness 1 confirmed to the Committee that prior to this event, she had a friendly working relationship with the Registrant and that there had never been any issues during her dealings with him. She told the Committee that the Registrant had indicated that he was late returning with the service user as the service user required two rest stops on the motorway.

The Committee heard evidence from Witness 2, who was a support worker employed by Autism Initiatives at Highfields. She gave evidence to the Committee that on 03 October 2021, she was completing eLearning in the kitchen. She said that she noticed that the Registrant had arrived back late with the service user and that this was odd. She said that the Registrant consumed three coffees one after the other, and responded strangely to a question that she had raised. She told the Committee that she could not smell alcohol from the Registrant as he was some distance from where she was seated. She said that he had told her that he had stopped with the service user on two occasions on the motorway. She gave evidence that the Registrant left the kitchen by the back door, and that she noticed him stumbling on the way out. She confirmed to the Committee that she did not see the Registrant leave Highfields, although she heard some commotion outside. She gave evidence that she always liked the Registrant, and found him to be smart and able to talk to her about everything.

The Committee received sworn evidence from Witness 3, who confirmed that she worked for Autism Initiatives as an area manager, although she was not based at Highfields. She gave evidence that she was asked to investigate the incident on 03 October 2021, and that she was provided with witness statements from Witness 1, Witness 2 and Support Worker 1. She interviewed these parties on 12 October 2021 and took notes of the meeting, which she confirmed were as contained in the exhibit to her witness statement to the Council. She referred to the statement which she took from Support Worker 1, who was asked to attend the shift on 03 October 2021 due to the issues that had arisen with the Registrant. She told the Committee that she could recall meeting the Registrant on one occasion for the purposes of training, but that she had never worked with him.

In considering the Particulars of the Allegation, the Committee took into account the evidence from Witness 1, who was working on shift with the Registrant on 03 October 2021. The Committee found the evidence from Witness 1 to be credible and very relevant to this allegation. The Committee noted Witness 1's evidence that she observed the Registrant on return to Highfields, and described his behaviour as being very different from her observations at the start of the shift. She gave evidence that the Registrant's speech was slurred, he was stumbling and smelt of alcohol. As a result of her concerns, Witness 1 sought advice from her area manager and subsequently asked the Registrant to leave the service. She described his words to her on leaving Highfields as being threatening.

In addition, the Committee took into account the evidence from Witness 2, who was in the kitchen at Highfields on the date in question, and observed the Registrant's behaviour when he returned from the drive with the service user. Witness 2 gave evidence that the Registrant's behaviour was odd, and that she observed him stumbling out of the back door. She was not seated close to the Registrant in the kitchen and did not smell any alcohol.

The Committee took into account the evidence from Witness 3, and gave particular attention to the contents of the investigation meeting notes of 12 October 2021. In considering this particular allegation, the Committee gave greater weight to the oral evidence from Witness 1 and 2. The Committee noted that Support Worker 1 was not available to give evidence at the hearing as he no longer worked for Autism Initiatives. The Committee took into account the statement of Support Worker 1 provided during the local investigation carried out by Witness 3.

Taking all of the evidence into account, the Committee found Particular 1 proved on the balance of probabilities.

Particular 2: Drove a service user's car whilst unfit due to alcohol and, in so doing, placed the service user at serious risk of harm.

In considering this allegation, the Committee took into account the oral evidence from Witness 1 and 2.

Witness 1 gave evidence that she observed the Registrant leaving Highfields with the service user in and around 4 pm on 03 October 2021. She gave evidence that she observed the Registrant returning to Highfields some time after 7 pm, when she noticed that his speech was slurred, he was stumbling and he smelt of alcohol. She confirmed to the Committee that it was usual for a support worker to take the service user for a drive and a walk, and to use the service user's mobility car. She gave evidence that she saw the service user's car in the car park after the Registrant and service user returned at around 7 pm.

The Committee accepted the evidence from Witness 1 that the Registrant returned to Highfields, having driven the service user's car and, as a result of her observations, was unfit to do so whilst under the influence of alcohol. Witness 1 confirmed that she observed the Registrant leaving Highfields with the service user and returning to Highfields. After observing the Registrant and the service user returning, she noticed that the service user's car was back in the carpark. Witness 1 gave evidence as regards the service user's limited capacity, and their complete reliance on a support worker who was capable, competent and provides care on a one to one basis for all of their needs. The Committee noted that there was no evidence before it in relation to the events during the Registrant's time with the service user between 4 pm and his return to Highfields. However, the Committee noted the clear evidence from Witness 1 as regards the Registrant's demeanour when he returned from the drive with the service user.

Taking all of the evidence into account, the Committee, therefore, found that Particular 2 was proved on the balance of probabilities.

Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Ms Owens.

Ms Owens told the Committee that the Registrant had not made any admission that his fitness to practise was currently impaired. She submitted that the Registrant's misconduct called into question his ability to work in social care services, and to remain on the Register without restriction, or to be registered at all. Arising from the Registrant's actions as set out of the Particulars of the Allegation, she referred the Committee to potential

breaches of the Standards of Conduct and Practice for Social Care Workers ('the Standards') as follows: 5, 5.7, 5.8, 6, 6.1 and 6.3.

She submitted that there was a basic need for social care workers to act responsibly, and that the Registrant's actions of attending work under the influence and smelling of alcohol was behaviour that fell far below the minimum standards expected of a registered social care worker. She submitted that the Registrant had not shown any insight into his actions. Ms Owens said that the Registrant did not appear to accept responsibility for his actions. She said that the Registrant's actions had brought the social care sector into disrepute.

Ms Owens further submitted that the Registrant did not provide any evidence of remediation. She said that as the Registrant failed to appear before the Committee to reassure it that his behaviour would not be repeated and was remediated, the risk of repetition remained. She submitted that there was a fundamental public interest in there being trust in those caring for vulnerable service users, and that the Registrant's actions directly exposed a vulnerable to a high-level risk of harm.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Standards, and advised it to adopt a sequential approach when considering this matter. In particular, she asked it to take into account the nature and content of Exhibit 1, the oral evidence from Witnesses 1, 2 and 3 along with its findings of fact, and reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise is impaired because of these matters. She referred the Committee to Paragraph 24 of Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen, looking at the current competence and behaviour of the Registrant along with the need to protect service users and members of the public, the upholding of proper standards of behaviour, and maintaining of public confidence in the social care sector. 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 his misconduct as set out in the Particulars of the Allegation.

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

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

The Committee had regard to the Standards of Conduct and Practice for Social Care Workers, and the Council guidance titled 'Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation'. The Committee was satisfied that the Registrant's actions were in breach of the following Standards of Conduct:

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

- 5.7 Put yourself or other people at unnecessary risk; or
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

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:

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way;
- 6.3 Being personally accountable for your actions and able to explain and account for your actions and decisions; and
- 6.12 Co-operating with any investigation or formal inquiry into your conduct, the conduct of others, or the care or services provided to a service user where appropriate.

The Committee noted that the Registrant's attending work whilst under the influence of alcohol and driving a service user in their car whilst unfit due to alcohol was serious, and fell far short of the standards to be expected of a registered social care worker and amounted to misconduct. In addition, the Registrant's actions at Particular 2 placed the service user at serious risk of harm.

The Committee considered whether the Registrant's actions were capable of remediation and had been remedied. The Committee noted the failure by the Registrant to show any insight or remorse into his behaviour on 03 October 2021. Whilst the Committee accepted that the Registrant's misconduct was capable of remediation, no evidence was provided in this regard, nor did the Registrant accept responsibility for his behaviour on this occasion or engage with the investigation by his employer or the Council. In attending work and driving a service user in their car while under the influence of alcohol, the Registrant's actions put the service user at risk of harm. In these circumstances, the Committee considered that there was a risk of the Registrant repeating his behaviour in the future.

The Committee also considered the public interest, which included the need to declare and uphold the proper standards of conduct and behaviour and the reputation of the social care workforce, and the Council in its regulatory function. The Registrant's misconduct involved placing a very vulnerable service user at significant risk of harm. The Registrant's misconduct took place while he was working with this service user, who required one-to-one care. The Committee was satisfied, in all of the circumstances, that a failure to make a finding of current impairment of fitness to practise on public interest grounds would undermine the public's trust and

confidence in the social care workforce, and would fail to declare and uphold proper standards of conduct and behaviour and maintain confidence in the Council as a regulator. For these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise was required on public interest grounds.

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

Sanction

In reaching its decision on sanction, the Committee considered the submission from Ms Owens on behalf of the Council and the oral evidence from Witnesses 1, 2 and 3. Ms Owens referred the Committee to various aggravating factors and the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance'). She told the Committee that the Registrant had a previous referral to the Council on 11 July 2019. The referral related to a different employer and a matter unrelated to the nature of the misconduct before this Committee. Ms Owens advised the Committee that this referral was disposed of, on 25 March 2020, by way of issue of advice with a reminder to the Registrant of the Standards.

Ms Owens submitted that the Registrant had not shown any insight, remorse or remediation as regards his misconduct, and that by attending work under the influence of alcohol he directly placed a vulnerable service user at an extremely high risk of harm. She further submitted that the Registrant had failed to meaningfully engage with the Council. She submitted that the Registrant's misconduct took place within his work, and that the misconduct showed a serious disregard for the Standards.

As regards sanction, Ms Owens submitted that taking no action or imposing a Warning would be totally inappropriate and inadequate in all of the circumstances, and would not provide protection for the public. She submitted that a Conditions of Practice Order was also not relevant, proportionate or workable, taking into account the serious nature of the Registrant's misconduct, and also his lack of engagement. She submitted that in relation to the sanction of suspension, there had been no acknowledgement by the Registrant of his failings and that, therefore, the risk of repetition was high. She noted that the sanction of removal was appropriate where the misconduct was fundamentally incompatible with the role of a social care worker, and where a registrant's actions were serious and constituted persistent contempt for the safety of service users.

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, reasonableness and proportionality, weighing the public interest with the Registrant's interests, and taking into account any aggravating and mitigating factors in the case. The public interest included the protection of members of the public including service users, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour within the profession. The Committee took into account its powers under Paragraph 26 of Schedule 2 of the Rules in relation to the sanctions available to it, and also had regard to the Guidance, bearing in mind that the decision on sanction was one for its own independent judgement.

The Committee recognised that the purpose of sanction is 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's misconduct was an isolated incident;
- There was no evidence of premeditation by the Registrant; and
- The Registrant had a previous good working history with Highfields.

The Committee considered the aggravating factors to be:

- Abuse of trust;
- No engagement from the Registrant with the regulatory process;
- No evidence of insight;
- No expression of remorse or regret, either at the time of the incident or to date;
- Serious breach of the Standards of Conduct and Practice;

- Placing vulnerable service users, colleagues and members of the public at a high-level risk of harm;
- The Registrant's misconduct occurred whilst providing care to a vulnerable service user; and
- Previous referral to the Council with advice issued.

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

No sanction - the Committee was in no doubt that it would be entirely inappropriate to impose no sanction in view of the seriousness of the misconduct.

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

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted Paragraph 4.13 of the NISCC Indicative Sanctions Guidance, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance at work, for instance, following a single incident or where there is evidence of shortcomings in a specific area or areas of the Registrant's work. The Registrant had demonstrated no insight into the consequences of his misconduct, nor did the Committee have any information as regards his current employment. The Registrant was not present at the hearing. The Registrant's misconduct took place whilst he was providing care for a vulnerable service user and, therefore, conditions of practice would not address the risk of harm arising from his misconduct. In these circumstances, the Committee was unable to formulate workable conditions which would protect service users and the public from risk of harm, or would be sufficient to meet the public interest in this matter given the seriousness of the Registrant's misconduct.

Suspension Order – the Committee next considered a Suspension Order. The Committee carefully considered whether a Suspension Order was appropriate and proportionate. The Committee noted that the Registrant's misconduct was of a very serious nature, and involved breaching of the Standards.

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

The Committee considered that the Registrant's misconduct evidenced behaviour that was fundamentally incompatible with unrestricted registration as a social care worker. The Committee determined that a Suspension Order would not address the risk of repetition as identified above. The Committee had no evidence of insight, remorse or remediation by the Registrant, nor had it any information to indicate that the Registrant was unlikely to repeat his misconduct in the future. The Registrant failed to engage with the Council investigation and the fitness to practise hearing. The Committee considered that the public would view the Registrant's misconduct as falling far short of what would be expected of a registered social care worker.

In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to mark the seriousness and unacceptable nature of the Registrant's misconduct, nor adequate to protect the public and uphold the public interest.

Removal Order – the Committee next considered a Removal Order. In considering this, the Committee took into account the Guidance at Paragraphs 4.26 – 4.28. The Committee decided to make a Removal Order in this case. The Registrant has failed to demonstrate any insight into the seriousness of his misconduct and there was, in the Committee's view, a high risk of repetition. The Registrant failed to engage with his regulator and the regulatory process. His misconduct was serious, and had the potential to put both service users and colleagues at risk of harm. In the Committee's judgement, the Registrant's actions were fundamentally incompatible with remaining on the Register. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to protect the public and to meet the public interest.

The Committee took into account the Registrant's email of 05 January 2022, when he stated that he wished to be removed from the Social Care Register and that he no longer worked in social care. The Committee considered the devastating impact of a Removal Order on the Registrant, but concluded that the safety and interests of service users far outweighed the impact on the Registrant.

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

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

23 June 2023

Date