



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

Name: Sarah McNair

SCR No: 7018586

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **29 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 a Caution in the United Kingdom for criminal offences.

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

Particulars of the Amended Allegation:

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

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|----|---|
| 1. | You accepted a caution in the United Kingdom on 15 August 2022, for the criminal offence of theft, in that you stole a purse worth £40 on 06 May 2022. |
| 2. | You accepted a caution in the United Kingdom on 15 August 2022, for the criminal offence of attempted fraud by false representation, in that you attempted to use a bank card for £13.13 in Spar, Culmore Road, on 06 May 2022. |

And your actions as set out at 1 and 2 above show that your fitness to practise is impaired by reason of a caution in the United Kingdom for criminal offences.

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 Ms Sinead Owens, solicitor, Directorate of Legal Services.

Service

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were emailed to the Registrant's registered email address on 19 May 2023. A delivery receipt was received on the same day.

The Committee received legal advice from the Legal Adviser, and she referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's ('the Council') Fitness to Practise (Amendment) Rules 2019 ('the Rules') and, in particular, Rule 3 which states that proof of service shall be treated as being effected on the day after it was properly sent.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing has 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. She referred the Committee to the Council's recent attempts to contact the Registrant using her registered telephone number and noted that calls were unable to be connected to this number. She told the Committee that the Committee Clerk sent a further email to the Registrant on 22 June 2023, asking her to confirm if she would be attending the hearing today and also to update her contact details. She told the Committee that the Registrant did not respond to this email. She submitted that the Committee should hear and determine the case in the Registrant's absence. She invited the Committee to conclude that the Registrant's non-attendance was a voluntary waiver of her right to attend. She further suggested that it was in the public interest for the case to proceed, as this would ensure a fair and expedient 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 must also be taken into account. She reminded the Committee to avoid reaching any improper conclusion about the Registrant's absence at this stage 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, 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 noted the Registrant has failed to engage with the Council and has not made a request to adjourn today's proceedings. The Committee, in all of the circumstances, considered that the Registrant had voluntarily absented herself from the hearing. 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.

Declaration of Conflict of Interest

The Chair of the Committee confirmed that all Committee Members had no conflicts of interest with this case.

Application to Amend the Particulars of Allegation.

Ms Owens made an application to amend the Particulars of the Allegation to withdraw the third Particular of dishonesty on the basis that Particulars 1 and 2 relate to matters that are inherently dishonest. She further submitted that the Council would, therefore, not be relying on the Registrant's fitness to practise being impaired by reason of her misconduct. She told the Committee that the Registrant was not on notice of this application. However, Ms Owens submitted that this amendment would be fair to the Registrant, ensure a fair hearing and would not be prejudicial in any way.

The Committee received advice from the Legal Adviser who referred it to Rule 18 of Schedule 2 of the Rules which states that a Committee may amend the Particulars of the Allegation at any stage prior to any finding of fact, subject to considerations of fairness.

The Committee determined that the removal of Particular 3 and the corresponding ground of fitness to practise would not be prejudicial to the Registrant and that there would be no injustice caused to her in all of the circumstances. The Committee considered that the amendments, therefore, were proportionate and fair and agreed to the proposed amendments.

Background

Ms Owens told the Committee that the Registrant was first registered on Part 2 of the Register in November 2021 as a social care worker. She said that this matter was first brought to the Council's attention upon receipt of an Employer Referral Form (ERF), dated 15 August 2022, from East Eden Limited. The ERF reported an alleged incident of theft, on 06 May 2022, at Owen Mor Care Home, where the Registrant worked. On this date it was alleged that the Registrant had stolen a purse belonging to one of her colleagues from a staff room. It was also alleged that shortly after the theft, the Registrant attempted to use the colleague's bank card at a local shop but the card was declined.

Ms Owens told the Committee that when the colleague discovered that her bank card had been stolen and used without her permission, she contacted the PSNI to make a report about what had happened. The PSNI were able to identify the Registrant as the person who had attempted to use the card.

The PSNI subsequently interviewed the Registrant under caution on 09 August 2022, during which she made full admissions to stealing her colleague's purse and card and attempting to use the card in the shop.

On 15 August 2022, the Registrant was issued with a Caution whereby she admitted the following offences:

- A. Theft of the purse; and
- B. Attempted Fraud by False Representation.

Evidence

Ms Owens referred the Committee to the Certificate of Caution and the police case summary, as provided by the PSNI. She noted that the case summary confirmed the incident took place on 06 May 2022 and that the Registrant made full admissions to stealing the purse and attempting to use the bank card.

Ms Owens submitted that the Certificate of Caution was proof of the Particulars of the Allegation against the Registrant, in accordance with Rule 4 (1) (d).

Ms Owens further referred the Committee to the information provided in the ERF and the PSNI case summary. She noted that the offences admitted by the Registrant were of a dishonest nature. She further noted that the Registrant in her police interview referred to personal matters involving having no money and that her mother was ill. She referred the Committee to the Registrant's comments that she was not in the right mind set at the time of the theft.

Miss Owens submitted that the evidence presented was clear and reliable and that the facts underpinning the Particulars of the Allegation were proved on the balance of probabilities.

Finding of Facts

The Committee heard and accepted the advice of the Legal Adviser. She reminded the Committee that it must apply the standard of proof as applicable in civil proceedings, which is the balance of probabilities. She further referred the Committee to Rule 4 (1) (d) of the 2019 Rules.

The Committee reminded itself that the burden was 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 Ms Owens, on behalf of the Council and had careful regard to all of the documentary evidence submitted, in particular, the Certificate of Caution and the PSNI case summary.

The Committee noted that the Registrant signed and accepted the Certificate of Caution and did not dispute any of the supporting information contained in the PSNI case summary.

The Committee noted that the Certificate of Caution referred to admissions made by the Registrant to theft of a colleague's purse, worth £40. The Registrant also admitted to attempting to use her colleague's bank card in a local shop for a purchase to the value of £13.13.

The Committee took into account the contents of the PSNI case summary which stated as follows:

"On Friday 6 h May 2022, [REDACTED] went to work and had paid in cash from her purse around 0730 hours. She left her bag in the staff break room at work and at approximately 1930 hours she got notification that her bank card had been declined.

Originally she thought she had maybe left her card at home and her mother had tried to use it so she ignored it. It wasn't until she got home that she realised that her whole purse was missing out of her bag. Her purse is a small card sized Green River Island purse which had [REDACTED] and her Halifax Bank Card. Her bank was able to tell her that it was declined (£13.13) at the Spar on the Culmore Road, Londonderry.

On Saturday 7th May 2022 [REDACTED] reported this matter to police and provided a statement on Monday 9th May 2022. On Saturday 30th July 2022, [REDACTED] attended Strand Road Police Station and conducted a controlled viewing of CCTV and positively identified Ms Sarah McNair, DOB 11/07/2001 as the suspect.

On Tuesday 9th August 2022, police conducted a PACE 10 voluntary interview with Ms McNair whereby she made full [sic] admissions to taking the purse and attempting to use the card in the store.

Interview commenced at 1556 hours

Q - Do you recall the events of 6th May 2022?

A - Yeah

Q - Can you explain what happened?

A - My mommy was sick for a couple weeks, we didn't have the money. I went on and done it, i shouldn't really have done it. I just wasn't in the right mindset

Q - To confirm admitting taking someone else's purse without permission and using the card?

A - Yes

Q - *Do you understand it is an offence to take property belonging to another without permission?*

A - Yeah

Q - *Did you attempt to use the bank card from the purse at Spar, Culmore Road?*

A - *I can't really remember, I must of, I wasn't in the right mindset, wasn't really thinking*

Q - *Can you confirm if this is you on CCTV?*

A - Yeah

Q - *Do you understand it is an offence to falsely represent yourself as the owner of this bank card and attempt to use it to cause another a loss?*

A - Yeah

Q - *Were you given permission to use this card?*

A - No

Interview terminated at 1609 hours"

The Committee noted that the Registrant has not objected to the contents of the PSNI case summary or the ERF and considered that the documentation presented, in addition to the Certificate of Caution, was relevant and admissible.

Taking into account Rule 4 (1) (d) of the Rules, the Committee was satisfied that the Certificate of Caution against the Registrant proved the facts therein. The Committee, therefore, found that, on the balance of probabilities, the facts contained in the Particulars of the Allegation had been established.

Impairment of Fitness to Practise

The Committee proceeded to consider whether the Registrant's fitness to practise was currently impaired by reason of her police caution.

The Committee heard a submission from Ms Owens. She said that the Registrant's actions called into question her suitability to work in social care services and to remain on the Register without restriction, or to be registered at all.

Ms Owens referred the Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards'), which she submitted that the Registrant had breached by reason of her caution, namely, Standards of Conduct 1 - 1.2, 2 - 2.1 and 2.11, 5 - 5.1 and 5.8. Ms Owens submitted that the Registrant's actions fell below the standards to be expected of a registered social care worker. She submitted that the Council is of the view that by virtue of the Registrant's lack of engagement with the Council she has displayed no insight into her

actions or the impact which they would have had on her victim. The Registrant has not shown any evidence of remorse and in all the circumstances the risk of repetition remains high. Whilst the Registrant made admissions to the offences, she has not engaged with the Council or provided any evidence of remorse or remediation. Ms Owens said if the Registrant was prepared to steal from a colleague at work, it is the Council's view that the Registrant could steal from service users.

Ms Owens submitted that the public interest was engaged in this matter. She submitted that a failure to make a finding of current impairment of the Registrant's fitness to practise would undermine public trust and confidence, and would fail to uphold proper standards of conduct and behaviour. Ms Owens stated that whilst the Registrant did not steal from a service user, the incident took place whilst the Registrant was at work and involved theft of a colleague's purse and bank card. Ms Owens noted the Registrant's explanations for her actions as given during her police interview. During the police interview, the Registrant referred to her mother being ill, not having enough money and not thinking right. Ms Owens noted the Registrant's young age at the time of the event and that there were no previous allegations against the Registrant. However, in all of the circumstances, Ms Owens invited the Committee to make a finding of current impairment by reason of the Registrant's caution for criminal offences.

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 the case. In particular, she asked it to take into account the nature and content of the Certificate of Caution against the Registrant, and reminded the Committee that it is being asked to determine whether the Registrant's fitness to practise is impaired because of this caution. 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, members of the public, the upholding of proper standards of behaviour and maintaining of public confidence in the social care profession. 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 is impaired by reason of her caution 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 and the Council guidance titled 'Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation' ('the Guidance'). The Committee was satisfied that the Registrant's actions as set out in the Certificate of Caution were in breach of the following Standards of Conduct:

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;

2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

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;

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

The Committee noted that the Certificate of Caution against the Registrant referred to theft of a purse from a colleague which took place at her work. The Registrant subsequently admitted to using her colleague's bank card in an attempted purchase in a local shop. The Registrant attended for a voluntary police interview where she made full and early admissions to the allegations of theft and fraud by false representation.

Although the Registrant accepted the police caution, the Committee had no information or evidence from her as regards any actions she has taken to date to remediate her behaviour. Accordingly, the Committee considered there to be a continued risk of repetition by the Registrant of her behaviour. The Committee noted that there was no information before it to show that the Registrant acknowledged the impact of her behaviour on her work colleague. The Committee noted the explanations given by the Registrant during her police interview as regards her reasons for the theft, when she said she was not "in the right mind set". However, the Committee noted that the Registrant has not provided detailed explanations to the Committee or provided any evidence as to the background to her comments or her behaviour. The Committee acknowledged that in some circumstances theft is capable of remediation, however, the Committee had no evidence from the Registrant of remorse or remediation, and very limited evidence of insight arising from her admissions in her police interview.

In all of the circumstances, the Committee concluded that a finding of impaired fitness to practise was also necessary for the maintenance of public confidence in the social care profession and the Council as its regulator; public confidence in the social care profession would be undermined if a finding of impaired fitness to practise was not made.

The Committee concluded that the Registrant's caution brought the social care profession into disrepute and that the public would find it totally unacceptable that a Registrant cautioned in these circumstances remained on the Register without restriction.

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

Sanction

Ms Owens advised the Committee that the Registrant had no previous disciplinary record with the Council.

In the absence of the Registrant, Ms Owens set out the mitigating factors in this case. She said that there had been no previous referrals to the Council regarding the Registrant; she was young at the time of the incident; she fully co-operated with the Police investigation; she made full early admissions to the police; the theft was not sophisticated or on a grand scale; the theft did not involve a service user; and the Registrant said she was not in the "right mind set" at the time of the theft.

Ms Owens also set out the aggravating factors of this case. She said that the offences concerned dishonesty which is a core issue in the provision of social care. She noted the Registrant's actions were abuse of trust of a co-worker, taking place in her work premises. The Registrant has not co-operated with her regulator and there was a lack of insight or remorse. Ms Owens also stated that the Registrant displayed a serious disregard for the Standards.

Ms Owens said that to impose no sanction, a Warning, or a Conditions of Practice Order would not provide public protection or satisfy the public concerns. She submitted that conditions of practice would not be adequate to address concerns of dishonesty. She noted that a Suspension Order may be appropriate in cases where there had been an acknowledgment of failings and there was no risk of repetition. However, in this case the Registrant has not provided an acknowledgment of her failings to the Committee and she has not given any assurances that her actions would not be repeated in the future.

Ms Owens submitted that the Registrant's dishonesty was of a particularly serious nature and noted that the sanction of Removal was appropriate where the Registrant's actions were fundamentally incompatible with the role of a social care worker. She referred the Committee to Paragraph 5.10 - 5.13 of the Guidance which provides direction as regards matters of dishonesty. She submitted that the public have the right to rely on the professional integrity of social care workers. She submitted, therefore, that the sanction of removal was appropriate in all of the circumstances.

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 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:

- No evidence of previous misconduct issues;
- Early and full admissions made to the PSNI;
- A single incident which occurred when the Registrant was of a young age; and
- The Registrant's theft was not sophisticated or on a grand scale;

The Committee considered the aggravating factors to be:

- Abuse of trust;
- Theft within the workplace;
- No expression of regret or remorse;
- Very limited insight into the impact of the theft on the Registrant's work colleague;
- No engagement with the Council; and
- Serious disregard for the Standards.

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

No Sanction - the Committee had no hesitation in concluding that it would be neither appropriate nor proportionate if no sanction were imposed in this case. In the view of the Committee, if no sanction were imposed this would not mark the seriousness of the Registrant's criminal behaviour or meet the public interest in this case.

Warning – the Committee considered the issue of a Warning. It bore in mind that the imposition of a warning for a period of time would not protect the public from the risk of repetition as identified above, and the consequent risk to service users or colleagues. The Committee considered that the Registrant's police caution for theft demonstrated a serious disregard for the Standards of Conduct and Practice for Social Care Workers. The Registrant's impairment of fitness to practise was not at the lower end of the spectrum, nor were the circumstances such that the Committee would be confident that this sanction would provide adequate public protection as far as the Registrant's suitability was concerned, bearing in mind that a Warning would entitle the Registrant to work unrestricted as a social care worker. The Committee had no evidence of remediation by the Registrant. The Committee noted that there was no evidence before it as regards the Registrant's insight into her behaviour or its impact on her colleague. Therefore, a Warning would not address the risk of repetition, and would not be appropriate or proportionate in these circumstances.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted the Guidance at Paragraph 4.13, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance and where a Committee is satisfied that it is appropriate for an individual to remain on the Register. The Registrant was not present at the hearing and the Committee had no information as regards her current employment. The Registrant had not demonstrated to this Committee any particular insight into the impact of her dishonest actions, nor expressed a desire to remediate her wrongdoing. The Committee considered that conditions of practice would be insufficient to address the concerns arising from the Registrant's behaviour and the risk of repetition.

The Committee further concluded that a Conditions of Practice Order was not sufficient to meet the public interest in this matter, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. In these circumstances, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's dishonesty and adequately protect the public.

Suspension – the Committee next considered a Suspension Order. The Committee noted that the Registrant's caution for theft was of a very serious nature and related to the Registrant's breaching of fundamental principles of honesty and trust. The Committee took into account the guidance at Para 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 caution for theft and fraud by false representation evidenced behaviour that is fundamentally incompatible with unrestricted registration as a social care worker. Although the Registrant made admissions during the police interview, she has not engaged with the Council nor attended the hearing. In addition, the Registrant has failed to provide any evidence of remorse or remediation. The Registrant has failed to provide the Committee with any insight into the impact of the theft on her colleague or on the reputation of the profession.

In all of the circumstances, the Committee determined that a Suspension Order would not address the risk of repetition as previously identified. The Committee had no evidence to indicate that the Registrant was unlikely to repeat her dishonesty in the future. The Committee considered a social care worker should be honest and trustworthy. The Committee considered that the public would view the Registrant's wrongdoing as falling 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 criminal behaviour in stealing from a co-worker whilst in the workplace.

Removal – the Committee next considered a Removal Order. In considering this, the Committee took into account the Guidance at Para 4.26 – 4.28. In addition, the Committee took into account the Guidance at 5.11 which states as follows:

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

In considering this sanction, the Committee noted that the Registrant failed to demonstrate sufficient insight into the impact of her theft on her colleague and the potential risk of financial harm to service users for whom she

would be providing care if the behaviour was repeated. The Registrant's theft constituted a serious abuse of her position of trust and her behaviour fell far short of the standards to be expected of a social care worker. The Registrant did not attend the hearing today or provide the Committee with any reassurance that she would not repeat her dishonest behaviour in the future. Accordingly, the Committee considered that the Registrant had the potential to put colleagues and service users at harm in the future. In the Committee's judgment, the Registrant's actions were fundamentally incompatible with continued registration.

In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it to protect the public and to meet the public interest and to mark the seriousness and unacceptability of the Registrant's wrongdoing.

The Committee considered the potential devastating impact of a Removal Order on the Registrant, but concluded that the safety and interest of service users was more important than the impact on the Registrant.

The Committee concluded that a Removal Order was a suitable, appropriate and proportionate sanction. The Committee revoked the Interim Suspension Order currently on the Registrant's registration and replaced it with a 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.

C Kennedy

30 June 2023

Hearings Officer

Date