



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

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**Name:** Louise Shields

**SCR No:** 6002889

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **18 October 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, whilst being registered as a social care worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed by APEX Housing Association as a residential worker:

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| 1. | You, on the 20 <sup>th</sup> day of August 2020 assaulted (Service User A), contrary to Common Law and Section 47 of the Offences Against the Person Act 1861. |
| 2. | On 31 <sup>st</sup> May 2022, you were found guilty of the above offence by Londonderry Magistrates' Court and received a Conditional Discharge for 2 years.   |

And your actions, as set out in 1 and 2 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 Issues**

The Fitness to Practise hearing was held remotely by way of video link. The Registrant was not in attendance, nor was she represented. The Council was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

## **Declarations of Conflict of Interest**

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

## **Service**

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were emailed to the Registrant's registered email address on 05 September 2023. An electronic proof of delivery receipt was received on the same day.

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'). 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 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 outlined to the Committee that on 11 October 2023, the Committee Clerk attempted to call the Registrant, and left a voicemail message asking her to confirm if she would be attending the hearing. There was no contact from the Registrant in response to the email or the telephone call.

Ms Owens invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. Ms Owens submitted that, in all of the circumstances, it was fair to proceed with the hearing in the Registrant's absence. She further submitted that proceeding in absence was in the public interest, and was also justified to ensure the timely disposal of the hearing as the Council intended to call a number of witnesses in relation to the matters set out in the Allegation.

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. He referred the Committee to the cases of R v Jones and GMC v 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 must also be taken into account. He 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 noted the telephone call by the Committee Clerk to the Registrant on 11 October 2023, and the lack of response received. The Committee was satisfied that the Registrant had voluntarily waived her right to attend the hearing. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later date. Accordingly, the Committee was satisfied that the Registrant, with notice of the hearing, had voluntarily waived her right to attend. In addition, the Committee noted the serious nature of the allegations faced by the Registrant, and that the Council intended to call witnesses in support of its case. The Committee considered that it was important to conclude the case while the memories of witnesses were still fresh and, given the seriousness of the allegation, that the public interest was also strongly engaged.

For these reasons, the Committee considered 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, and marked it as 'Exhibit 1'.

### **Background**

The allegation against the Registrant first came to the Council's attention following an Employer Referral Form ('ERF') from Apex Housing Association, which was received on 27 August 2020. The Registrant is registered on Part 2 of the Register as an adult residential care worker. The ERF reported an inappropriate interaction with a vulnerable resident from Belmont Cottages in Londonderry, whilst on an organised bus journey on 20 August 2020. It was alleged that the Registrant used inappropriate restraint and verbal language towards one resident whilst on the bus journey, in the presence of colleagues and other service users. The Registrant was suspended on 24 August 2020, pending Adult Safeguarding / PSNI investigation.

Ms Owens told the Committee that the Registrant pleaded not guilty to the charge of assault on 21 March 2022 at Londonderry Magistrates' Court. The Registrant was convicted on 31 May 2022, and received a Conditional Discharge for two years. Ms Owens made clear that, for the purposes of Rule 4, it was the Council's contention that the Registrant's fitness to practise was impaired as a result of misconduct related to said conviction.

Ms Owens submitted that the allegations against the Registrant were extremely serious, relating to an alleged assault against a vulnerable service user. She submitted that, given the Registrant's Conditional Discharge for assault, there was cogent *prima facie* evidence in support of the allegations against her.

### **Evidence**

The Committee received into evidence Exhibit 1, and heard oral evidence from Witnesses 1 and 2, residential workers at Belmont Cottages at the material time.

Witness 1 gave evidence to the Committee in relation to the service user who was the victim of assault. She said that he had a learning difficulty, that his behaviour was similar to a four-year-old child, and that he was non-verbal

and used sign language. Witness 1 confirmed that no concerns had been raised about the service user, or the bus trip, prior to it commencing on 20 August 2020.

Witness 1 gave evidence that issues arose on the bus journey, relating to what she described as the service user's mobile data not coming on. She recalled hearing the Registrant tell the service user to calm down, and she moved seats to be closer to the Registrant and service user. The Registrant tried to calm the service user down, but he was getting agitated and swung an arm at the Registrant. He banged himself against the window, and Witness 1 described his behaviour as being 'heightened'.

Witness 1 described the Registrant as trying to restrain the service user by holding his arms down. The Registrant was leaning in to the service user, and Witness 1 said that the service user did not like that. The Registrant was 'on her hunkers', leaning her arm into the service user in a manner that Witness 1 said she would not have done. In Witness 1's view, the situation got worse the longer the service user was held down. Witness 1 described how the Registrant accused Witness 2 of 'eyeballing' the service user, but she recalled Witness 2 denying this and saying that she was concerned for him. Witness 1 described how the Registrant pushed the service user's head with her hand, and said 'nobody cares, turn around'. Witness 1 suggested turning round the bus and said that Witness 2 also offered to help the Registrant, but that both of these offers were declined.

Witness 1 described how the Registrant had her back to her, and accepted that she did not have a clear view of everything. However, she could see that the service user's hands were pinned down and that the Registrant was leaning on him. She described how the Registrant put pressure on the service user's throat, which made him cough, and Witness 1 thought that he was going to choke. Witness 1 heard the Registrant say 'f\*cking die for all I care'. Witness 1 also described how the service user tried to bite the Registrant, and the Registrant responded 'God help you, I'll take a chunk out of your face'.

Witness 1 described how the service user was tired, but recalls him mouthing 'sorry' to her. She said that the service user walked into his residence after the bus trip, and that she made him a cup of tea. Witness 1 estimated that the incident between the Registrant and the service user lasted for 45 minutes. Witness 1 said that she did not speak to the Registrant after the incident as she was so angry with how the service user had been treated.

In response to questions from the Committee, Witness 1 confirmed that all staff on the bus were MAPA trained up to level 3. Witness 1 confirmed that none of the Registrant's restraint techniques were familiar to her or consistent with the training which they had received. She said that the incident should have been de-escalated by staying calm, making good eye contact, problem solving, asking for help and not being rough. She also described that the Registrant had missed opportunities to de-escalate the situation, such as an occasion when the service user tried to scratch his nose and the Registrant put his hand away. Witness 1 was not aware of the Registrant showing any remorse, the Registrant just said that she had had a tough time on the bus, and Witness 1 noted that the Registrant had never expressed any concerns about hurting the service user. Witness 1

described the impact of the Registrant's actions as having caused the service user to have scratches up and down his arms, as well as redness on the same area.

Witness 2 explained that the Registrant had worked one-to-one with the service user for a long time, longer than the three and a half years that she herself had worked at Belmont Cottages. Witness 2 said that during the bus trip, the service user had started to get giddy, which was a sign that he was getting anxious, and she attributed this to a loss of phone signal. She explained that there was always an underlying cause to his behaviour, and that the loss of phone signal had resulted in his music stopping. Witness 2 described how the Registrant used the palm of her hand to push Service User A in the face, and told him that 'nobody was interested' in his difficulties. The situation worsened and the service user tried to hit the Registrant, which Witness 2 described as a well-known behaviour trait. He also tried to bite her. The Registrant used her forearm against his body, which Witness 2 described as a move by the Registrant to protect herself. She further described that she could see the Registrant's hands on the service user's wrists, and her elbow digging into his ribs. The service user was wriggling back towards the window of the bus and Witness 2 offered to assist the Registrant, but this offer was declined.

Witness 2 further described how the Registrant pressed her right arm on the service user's throat, pinning him to the window. When the Registrant released the service user, he coughed and she said 'go on and choke, f\*cking die for all I care'. Witness 2 described the service user as making choking noises.

In response to questions from the Committee, Witness 2 said that she personally would not have taken the service user on the bus and, reflecting on the circumstances, that she would have got the bus to turn around or asked for help, or asked someone else to take over to de-escalate the situation. When asked if the force was excessive, Witness 2 said that the Registrant was 'intentionally trying to hurt' the service user. The restraint was for far too long, she did not need to use her elbow or put him against the window. She described the Registrant's tone as aggressive and that she was speaking through gritted teeth, and she recalled the Registrant saying that she would 'take a chunk' out of the service user's face if he tried to bite her again.

Witness 2 described the service user as being clearly distressed. His moving away from the Registrant and attempts to hit her were non-verbal means of communicating. She explained that he can be impulsive and then calm down. She said that he was trying to apologise, and further restraint by the Registrant only escalated matters. She confirmed that she was not aware of the Registrant showing any remorse.

## **Findings of Fact**

The Committee heard and accepted the advice of the Legal Adviser. He reminded the Committee that it must apply the standard of proof as applicable in civil proceedings, which is the balance of probabilities. He further referred the Committee to Schedule 2, Paragraph 12 (5) of the Rules. In addition, he reminded the Committee not to draw any adverse inference from the Registrant not attending or giving evidence.

The Committee was reminded that the burden is on the Council to prove the facts as set out in the Particulars of the Allegation, and that to find the facts proved the Committee must be satisfied on the balance of probabilities. This means that for any fact to be found proved, the Committee must be satisfied that it is more likely than not to have occurred. The Legal Adviser instructed that the underlying facts relating to the conviction were admissible if not inconsistent with the conviction. 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. Ms Owens confirmed that there were no other regulatory proceedings relevant to the Registrant, and the Legal Adviser issued a good character direction to the Committee, stressing that it was up to the Committee what weight should be given to the Registrant's good character.

The Committee found both witnesses to be reliable, and their evidence credible. Their independent accounts were consistent and clear, and both witnesses had a vivid recollection of 20 August 2020. The Committee was satisfied that the Registrant had held the service user's hands down and was towering over him. During the incident, she also put her elbow in his ribs and her forearm against his throat. She was talking to him in an aggressive manner, and the content of her communication was abusive. The Committee was satisfied that the incident lasted somewhere between 25 and 40 minutes. The Committee was further satisfied that the service user had tried to hit the Registrant and that he had tried to bite her, but accepted the evidence that these were known behaviours that the Registrant would have been familiar with. When the service user became heightened, the Registrant's physical interventions were not consistent with MAPA training. When the Registrant's colleagues offered to help, she did not avail of their assistance, and the Committee was satisfied that there was no evidence of the Registrant trying to de-escalate the situation. There was also no evidence of remorse on the part of the Registrant, and the Committee noted her not guilty plea in respect of the criminal charges.

The Committee was satisfied that the Certificate of Conviction, dated 07 June 2022, confirmed that the Registrant had been found guilty of assaulting Service User A, on 20 August 2020, contrary to Common Law and Section 47 of the Offences Against the Person Act 1861. Further, on 31 May 2022, in addition to finding her guilty, Londonderry Magistrates' Court gave the Registrant a Conditional Discharge for two years.

For these reasons, the Committee found Particular 1 and Particular 2 to be proved.

### **Fitness to Practise**

The Committee proceeded to consider if the Registrant's fitness to practise was impaired. The Committee heard submissions from Ms Owens, who advised that there were no formal admissions from the Registrant in relation to the Particulars of Allegation. She submitted that the Registrant's Conditional Discharge, and the underlying facts, called into question her ability to work in social care services and to remain on the Register without restriction, or to be registered at all. She referred the Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards'), which she submitted the Registrant's conduct breached as follows: 5, 5.1 and 5.8.

Ms Owens told the Committee that the Registrant's conduct fell far below the minimum standard expected of a registered social care worker, and called into question her fitness to practise. She submitted that the Registrant's

actions constituted an abuse of her position of trust, and showed a complete lack of respect for the service user. She said that in light of the Registrant's lack of engagement, and her failure to attend the hearing, there was nothing to persuade the Committee that the Registrant's behaviour would not be repeated in the future. There was also no evidence from the Registrant that she had remediated her behaviour. She said that there was no evidence of any regret or remorse by the Registrant, nor was there information to suggest that she would act differently in the future. In the circumstances, Ms Owens submitted that there remained a future risk of harm to service users if the Registrant was allowed to practise without restriction. Ms Owens submitted that the Registrant demonstrated no insight into the matter, and that she made no admissions during the Police investigation and pleaded not guilty at trial. Ms Owens submitted that the public interest, and confidence in the social care profession, would be undermined if a finding of current impairment was not made in these particular circumstances.

The Committee considered the submissions from Ms Owens on behalf of the Council, and had regard to all of the evidence in the case. The Committee accepted the advice of the Legal Adviser. He referred the Committee to the Standards of Conduct and Practice for Social Care Workers, and advised it to adopt a sequential approach when considering this issue. In particular, he advised the Committee on the meaning of misconduct by reference to Roylance v GMC and Remedy UK v GMC. He further advised the Committee on the need for misconduct to be serious, and referred the Committee to the cases of Cheatle v GMC and Khan v BSB. He reminded the Committee that impairment generally refers to the suitability of a registrant to remain on the Register without any restriction. He further reminded the Committee that fitness to practise proceedings are not designed to punish registrants for past misconduct, but to protect the public against the acts and omissions of those who are not fit to practise. The Committee was directed to consider whether the impairment was capable of remediation, had been remediated, and the risk of repetition (including consideration of the Registrant's insight).

The Committee considered whether the Registrant's fitness to practise was impaired by reason of her conduct 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 noted that the Registrant's conviction for assaulting a vulnerable service user was very serious. The Committee considered that the Registrant was in a position of trust as a residential care worker, and had

abused that trust when she assaulted the service user whilst providing one-to-one care for him whilst on a bus trip with other service users and staff.

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 were in breach of the following Standards of Conduct and Practice:

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

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

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

- 3.1 Promoting service users' independence and empowering them to understand and exercise their rights; and
- 3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work.

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

- 5.1 Abuse, neglect or harm service users, carers or colleagues;
- 5.7 Put yourself or other people at unnecessary risk; or
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

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

- 6.1 Meeting relevant standards of practice and working in a lawful, safe and effective way.

The Committee had no information or evidence from the Registrant as regards any action which she had taken to remediate her behaviour. The Committee found that the Registrant's assault of Service User A amounted to a very serious abuse of trust. The Committee considered that such conduct is not easily remediable. In view of the Registrant's lack of engagement to date, the Committee had no basis on which it could be satisfied that the Registrant had full, or indeed any, insight into her misconduct or that she would not repeat her actions in the future. In all of the circumstances, the Committee considered there to be a continued high risk of repetition of her behaviour.

The Committee concluded that the Registrant's conviction for assault, including the underlying facts, brought the social care profession into disrepute, and that the public would find it totally unacceptable that a Registrant convicted in these circumstances remained on the Register without restriction.

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

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

### **Sanction**

In reaching its decision on sanction, the Committee considered the submission of Ms Owens on behalf of the Council, and had regard to all of the evidence in this case. Ms Owens referred the Committee to mitigating factors, and advised that the Registrant had no previous referrals to the Council.

As regards aggravating factors, Ms Owens submitted that the public was entitled to expect that care workers will provide safe and effective care to the most vulnerable in society, and suggested that the Registrant's behaviour in assaulting a vulnerable service user could not be considered to be at the lower end of the spectrum of unacceptable behaviour. She suggested that the Registrant's actions were fundamentally incompatible with remaining on the Register. She noted that the Registrant did not express any remorse for her behaviour, and had not provided the Committee with any information or explanation for her actions. She submitted that a sanction was appropriate and fair, and that the sanctions of a Warning or a Conditions of Practice Order would not be sufficient to protect the public or be appropriate. As regards the sanction of a Suspension Order, she suggested that this could be appropriate if there had been an acknowledgement by the Registrant of her failings, and the risk of repetition was low. She noted that the Registrant had failed to engage with the Council and the hearing process. She referred the Committee to paragraphs 2.3, 2.4 and 4.27 of the Northern Ireland Social Care Council Indicative Sanctions and Use of Interim Orders: Guidance Fitness to Practise Committees ('the Guidance'), and suggested that the sanction of a Removal Order should be considered.

The Committee accepted the advice of the Legal Adviser. He 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.

He 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').

He 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 against the Registrant's interests, and taking into account any aggravating and mitigating factors in the case. The public interest includes 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 is 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:

- That the service user had attempted to hit and bite the Registrant;
- Taking the service user on a bus trip was possibly inappropriate; and
- The Registrant was of good character, with no fitness to practise history, and the misconduct related to one incident in her career.

The Committee considered the aggravating factors to be:

- The misconduct occurred in the workplace;
- The misconduct involved a vulnerable service user. The Registrant had nine years' experience, including more than three and a half years as the service user's one-to-one care worker;
- The Registrant was familiar with the service user's behaviours, and aware of the limitations with his ability to communicate;
- The Registrant's conduct clearly had a negative impact on the service user;

- The Registrant had not provided any evidence of regret, remorse or insight;
- The misconduct persisted for a period of time lasting 25 - 40 minutes, and involved multiple breaches of the relevant Standards; and
- Her conduct was not consistent with her training.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and public interest, the Committee considered that a sanction was appropriate and proceeded to consider which sanction to apply in this case. The Committee had no information regarding the financial impact which a sanction would have on the Registrant, nor were there testimonials or references provided.

**Warning** – the Committee considered the issue of a Warning in this case. 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 and consequent risk of harm to service users and members of the public. The Committee considered that the Registrant's misconduct demonstrated a serious disregard for the Standards of Conduct and Practice for Social Care Workers. The circumstances of the Registrant's impairment of fitness to practise were 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 for registration was concerned. The Committee bore in mind that a Warning would entitle the Registrant to work as a social care worker. The Registrant did not provide any evidence of insight into the harm which her behaviour caused to the service user. In addition, the Committee had no evidence of rehabilitative steps taken by the Registrant, nor did she provide references or testimonials.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Registrant's conviction related to a serious abuse of trust when she, as a residential care worker, assaulted a vulnerable service user whilst providing care for him. As the Registrant did not attend the hearing, the Committee had no evidence as to her current employment circumstances, or whether she would agree to any conditions, if imposed. Further, the Committee did not consider that conditions of practice would protect the public from the risk of repetition (as identified above), and noted that the misconduct occurred in the presence of two colleagues.

The Committee, therefore, concluded that a Conditions of Practice Order would not be 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 misconduct and adequately protect the public.

**Suspension Order** – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the fact and impairment stages of the proceedings which were of a very serious nature, and related to the Registrant breaching fundamental tenets of the social care profession. The Standards of Conduct and Practice for Social Care Workers require a social care worker to treat each person as an individual with consideration, respect and compassion, along with respecting and maintaining their dignity.

The Committee had no evidence before it of remediation by the Registrant, nor had it any information to indicate that the Registrant was unlikely to repeat her behaviour in the future. The Committee considered that the Registrant had failed to express any insight or remorse, particularly in relation to the seriousness of her misconduct and the risk of harm which her behaviour presented to the service user. The Committee had no evidence from the Registrant, nor did she engage with the Council in any meaningful way. The Committee considered the public interest in this matter. The Committee considered that the public would perceive the Registrant's behaviour 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 address the seriousness and unacceptability of the Registrant's misconduct.

**Removal Order** – the Committee then considered a Removal Order. In considering this, the Committee took into account the Guidance at 4.26 – 4.28. It concluded that given the seriousness of the Registrant's misconduct and her lack of insight and remediation of her failings, a Removal Order was the only sanction appropriate to protect the public and to maintain public confidence in the social care profession, and the Council as its regulator. The Committee considered that the Registrant's actions constituted a serious departure from the professional standards as set out in the Standards of Conduct and Practice for Social Care Workers, and were fundamentally incompatible with continued registration. The Registrant's behaviour involved an assault on a vulnerable service user, and constituted an abuse of her position of trust as a social care worker, and brought the social care profession into disrepute. The Registrant showed no insight or remorse, took no remedial action and failed to engage with the Committee in relation to the fitness to practise hearing. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it that would protect the public and meet the public interest in upholding confidence in the social care profession and its regulator, by marking the seriousness and unacceptability of the Registrant's actions. The Committee considered that a Removal Order would ensure that the Registrant did not have an opportunity to repeat her behaviour. The Committee considered that public confidence in the social care profession, and the Council as its regulator, would be undermined if a social care worker, who received a Conditional Discharge for an assault on a vulnerable service user and who failed to show any insight or remediation, was allowed to remain on the Register.

The Committee concluded that a Removal Order was a suitable, appropriate, and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect, and that the Interim Suspension Order currently in place should be revoked.

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**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.**

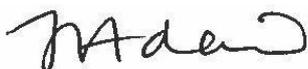
The effect of this decision is that your entry in the Register has been removed.

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.



24 October 2023

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Committee Clerk

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Date