

Notice of Decision

Registrant	Stephen Smith
Registration number	7022397
Part of Register	Part 2 – Domiciliary Care Worker
Sanction	Warning to remain on your registration for a period of 2 years
Date of Effect	3rd April 2024

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

Decision

The Council has decided:

1. that there is evidence that your Fitness to Practise is impaired by reason of convictions in the UK for criminal offences, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2019.
2. to issue a warning and direct that a record of the warning should be placed on your entry in the Register for a period of 2 years.

Convictions in the UK for criminal offences

That, whilst being registered as a social care worker, you were convicted on 25th January 2024 of the following offences at the Magistrates' Court:

- a. [You] between the 4th day of November 2020 and the 24th day of November 2020 with a view to gain for yourself or another or with intent to cause loss to another and without the consent of the proprietor exposed for sale goods namely Nike footwear, Mac cosmetics and Adidas sports clothing which bore a sign identical to or likely to be mistaken for the following registered trade marks namely Nike, Mac and Adidas contrary to Section 92(1)(b) of the Trade Marks Act 1994
- b. On the 1st day of December 2020 you...with a view to gain for yourself or another or with intent to cause loss to another and without the consent of the proprietor, had in your possession, custody or control in the course of a business, goods, namely jumpers and leggings, which bore or the packaging of which bore a sign identical to or likely to be mistaken for the registered trademark of Adidas, with a view to doing something by yourself or another which would be an offence under paragraph 92(1)(b) of the Trade Marks Act 1994 contrary to Section 92(1)(c) of the Trademarks Act 1994
- c. On the 1st day of December 2020 you...with a view to gain for yourself or another or with intent to cause loss to another and without the consent of the proprietor, had in your possession, custody or control in the course of a business, goods, namely jumpers and leggings, which bore or the packaging of which bore a sign identical to or likely to be mistaken for the registered trademark of Adidas, with a view to doing something by yourself or another which would be an offence under paragraph 92(1)(b) of the Trade Marks Act 1994 contrary to Section 92(1)(c) of the Trademarks Act 1994
- d. On the 1st day of December 2020 you...with a view to gain for yourself or another or with intent to cause loss to another and without the consent of the proprietor, had in your possession, custody or control in

the course of a business, goods, namely make up sets, which bore or the packaging bore a sign identical or likely to be mistaken for the registered trademark of Iconic London with a view to doing something by yourself or another which would be an offence under paragraph 92(1)(b) of the Trade Marks Act 1994 contrary to Section 92(1)(c) of the Trademarks Act 1994

- e. On the 1st day of December 2020 you...with a view to gain for yourself or another or with intent to cause loss to another and without the consent of the proprietor, had in your possession, custody or control in the course of a business, goods, namely cosmetic products, which bore or the packaging of which bore a sign identical to or likely to be mistaken for the registered trademark of Anastasia Beverly Hills with a view to doing something by yourself or another which would be an offence under paragraph 92(1)(b) of the Trade Marks Act 1994 contrary to Section 92(1)(c) of the Trademarks Act 1994

Reasons

The reasons that this behaviour is considered to constitute impaired fitness to practise are:

- The public has the right to expect that social care workers, in whom they place their trust and confidence, uphold the law and do not engage in offending behaviour or otherwise behave in a way in work or outside work which would call into question their suitability to work in social care services.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council.

NISCC Standards of Conduct and Practice for Social Care Workers

The Standards of Conduct for Social Care Workers that your behaviour has breached, are as follows:

Standard 2: You must strive to establish and maintain the trust and confidence of service users and carers. This includes:

2.1 Being honest and trustworthy.

Standard 5: You must uphold public trust and confidence in social care services. In particular you must not:

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: You must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes:

6.6 Informing the Social Care Council and any employers you work for at the first reasonable opportunity if your fitness to practise has been called into question. This includes ill-health that affects your ability to practise, criminal convictions, disciplinary proceedings and findings of other regulatory bodies or organisations.

Sanction

Having regard to the document '*Consensual Disposal Indicative Sanctions*' the Council decided that the appropriate sanction was the imposition of a warning on your registration for a period of 2 years.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- You were convicted at the Magistrates' Court and received a Community Service Order
- Dishonesty
- Your actions were capable of undermining public confidence in the social care profession and bringing the profession into disrepute
- Concealment of wrong-doing

The following mitigating circumstances were taken into account in reaching this decision:

- Co-operation with the Council's investigation
- Insight
- Expression of regret/apologies
- Previous good history with the Council
- The offence did not cause direct or indirect harm to a service user
- Offence committed outside of work

Consent

Having been advised of the consequences, and having been recommended to take independent advice, you consented to the imposition of a warning on 28th March 2024. A record of the warning has been placed on your entry in the Register for a period of 2 years and does not affect your ability to practise.

Date of Effect

This warning comes into effect on 3rd April 2024.

Oliver Manchester

3/4/2024

Head of Fitness to Practise

Date