



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

**REDACTED**

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**Name:** Jonathan Ritchie

**SCR No:** 6039694

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **05 July 2024**, 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 convictions in the United Kingdom for a criminal offence, and by your inclusion on lists maintained by the Disclosure and Barring Service;**

**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),	
1.	You were convicted at the Crown Court at Londonderry on 4 <sup>th</sup> October 2023, of the following offences:
a.	Count 1 – [You] Defendant between the 1st day of August 2018 and the 1st day of April 2019 being a person aged 18 years or over, intentionally touched another person, namely [REDACTED] in a sexual manner and the said person was aged under 18 years and you did not reasonably believe that she was aged 18 years or over and you were in a position of trust over her at that time, contrary to Article 23 of the Sexual Offences (Northern Ireland) Order 2008;
b.	Count 2 – [You] Defendant other than above, between the 1st day of August 2018 and the 1st day of April 2019 being a person aged 18 years or over, intentionally touched another person, namely [REDACTED] in a sexual manner and the said person was aged under 18 years and you did not

	reasonably believe that she was aged 18 years or over and you were in a position of trust over her at that time, contrary to Article 23 of the Sexual Offences (Northern Ireland) Order 2008;
c.	Count 3 – [You] Defendant other than above, between the 1st day of August 2018 and the 1st day of April 2019 being a person aged 18 years or over, intentionally touched another person, namely [REDACTED] in a sexual manner and the said person was aged under 18 years and you did not reasonably believe that she was aged 18 years or over and you were in a position of trust over her at that time, contrary to Article 23 of the Sexual Offences (Northern Ireland) Order 2008;
d.	Count 4 – [You] Defendant other than above, between the 1st day of August 2018 and the 1st day of April 2019 being a person aged 18 years or over, intentionally touched another person, namely [REDACTED] in a sexual manner and the said person was aged under 18 years and you did not reasonably believe that she was aged 18 years or over and you were in a position of trust over her at that time, contrary to Article 23 of the Sexual Offences (Northern Ireland) Order 2008;
e.	Count 5 – [You] Defendant other than above, between the 1st day of August 2018 and the 1st day of April 2019 being a person aged 18 years or over, intentionally touched another person, namely [REDACTED] in a sexual manner and the said person was aged under 18 years and you did not reasonably believe that she was aged 18 years or over and you were in a position of trust over her at that time, contrary to Article 23 of the Sexual Offences (Northern Ireland) Order 2008.
2.	You were made subject to the following decisions of the Disclosure and Barring Service:
a.	On 25th May 2024 you were included on the barred list for adults, maintained by the Disclosure and Barring Service.
b.	On 25th May 2024 you were included on the barred list for children, maintained by the Disclosure and Barring Service.
And your convictions as set out at 1 (a) – (e) above show that your fitness to practise is impaired by reason of convictions in the United Kingdom for a criminal offence.	
And on the basis of the decisions of the Disclosure and Barring Service, as set out at 2 (a) and (b) above, your fitness to practise is impaired by reason of your inclusion on the barred lists maintained by the Disclosure and Barring Service.	

## 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 he represented. The Council was represented by Mr Anthony Gilmore, 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**

Mr Gilmore told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 29 May 2024. An electronic proof of delivery was received on the same day. A hard copy of the documents was also sent to HMP Maghaberry, where the Registrant is serving a custodial sentence. A proof of delivery receipt was received the following day. An email was received from the Prison Secretariat on 06 June 2024, with a signed proof of delivery document to confirm that the Registrant had received the documents.

On 20 June 2024, an updated Notice of Hearing and hearing bundle were sent by way of special delivery post to HMP Maghaberry. An email was received from the Prison Secretariat at HMP Magilligan on 02 July 2024 with a signed proof of delivery document to confirm that the Registrant had received the documents (after previously being in custody in HMP Maghaberry, at the date of this decision the Registrant is in custody in HMP Magilligan).

The Committee received legal advice from the Legal Adviser. He referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's 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 had been served in accordance with Rule 3 and Paragraph 5 of Schedule 2 of the Rules.

## **Proceeding in the Absence of the Registrant**

Mr Gilmore 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 the Registrant's absence. Mr Gilmore invited the Committee to conclude that the Registrant's absence was a voluntary waiver of his right to attend.

Mr Gilmore noted that there had been no request for an adjournment or for representation to be arranged. He submitted that, in all of the circumstances, it was fair to proceed with the hearing in the Registrant's absence. Mr Gilmore further submitted that proceeding in absence was in the public interest, and also was justified to ensure the expeditious 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. 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.

In considering the application to proceed in the absence of the Registrant, the Committee noted the multiple attempts by the Council to contact the Registrant by way of email and special delivery post. The Committee further noted the telephone call to HMP Magilligan, and the confirmation from a prison officer that the Registrant did not want to attend the fitness to practise hearing. Taking account of all of the circumstances, the Committee concluded that the Registrant had voluntarily absented himself from attending the hearing. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later date, nor was there any request for such an adjournment or indication that the Registrant was seeking legal representation. In addition, the Committee noted the serious nature of the Particulars of the Allegation faced by the Registrant, and concluded that the public interest was strongly engaged in this case.

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

### **Background**

Mr Gilmore provided the Committee with a background to the case. He told the Committee that the Registrant is registered on Part 2 of the Register, and that he was employed as a care worker within a care home in a local Health and Social Care Trust ('the Trust'), placed through a recruitment / care agency ('the Agency').

Mr Gilmore submitted that this matter came to the attention of the Council as a result of two employer referral forms ('ERF'), the first, dated 14 March 2019, from the Agency, and the second, dated 21 March 2019, from the Trust. [REDACTED].

Mr Gilmore referred the Committee to the case summary provided by the police, which contained a background to the investigation.

### **Evidence and Submission on Facts**

Mr Gilmore told the Committee that there were no admissions of the facts.

Mr Gilmore referred the Committee to the Certificate of Conviction contained within Exhibit 1. He submitted that the Council sought to rely on the Certificate of Conviction as conclusive proof that the Registrant had been convicted of the offence that was set out in the Particulars of the Allegation. Mr Gilmore told the Committee that the Registrant had pleaded guilty, was convicted on 04 October 2023, and received an Imprisonment / Detention Order, comprised of 18 months in custody and a licence period of two years. The Court also imposed a Sexual Offences Prevention Order with several conditions, and required the Registrant's name to be added to the Sex Offenders' Register for an indefinite period of time.

Mr Gilmore referred the Committee to Schedule 2, Paragraphs 12 and 13 of the Rules, along with Rule 4 (1) (d) and (f). He submitted that there was no evidence that the Registrant had successfully appealed his conviction or that the conviction did not relate to this Registrant. He submitted that under the Rules, the Certificate of Conviction was conclusive proof of the conviction and underlying facts. He invited the Committee to find the facts in relation to Particular 1 proved on the balance of probabilities.

Mr Gilmore also highlighted the letter received from the Disclosure and Barring Service ('DBS'), dated 06 June 2024, informing the Council that the Registrant had been barred from working with children and vulnerable adults as of 25 May 2024.

Mr Gilmore submitted that the Committee should place weight on the correspondence from the DBS. Mr Gilmore invited the Committee to find that this letter from the DBS was *prima facie* evidence under Rule 12 (6), and that the facts in relation to Particular 2 had been proved on the balance of probabilities.

### **Findings of Facts**

The Committee took into account the submissions made on behalf of the Council, the Certificate of Conviction and the legal advice from the Legal Adviser. The Legal Adviser reminded the Committee that under Paragraph 12 (5) Schedule 2 of the Rules, a certificate of conviction issued in any UK Criminal Court '*shall be conclusive proof of the facts or convictions so found*'. He advised the Committee that a registrant could challenge a certificate of conviction if it did not refer to the Registrant, or where the conviction had been challenged successfully on appeal. He informed the Committee that the Certificate of Conviction in this case was issued before a competent Court of jurisdiction and, in the absence of any other evidence to undermine its validity, the Committee was required to rely on the Certificate of Conviction to establish conclusively that the Registrant had been convicted of the offences as set out. He also advised the Committee that the Certificate of Conviction could also be relied upon to establish the facts underlying the conviction. He further referred the Committee to Schedule 2, Paragraph 12 (6) of the Rules, which permits the Committee to view the written notification from the DBS of current barring status as *prima facie* evidence. The Legal Adviser advised that the Committee could place reliance on the DBS correspondence such as to find the facts proved to the required standard, namely that the Registrant had been placed on the DBS barred lists.

The Committee reminded itself 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 Committee noted the facts contained in the Certificate of Conviction. The Committee concluded that the Certificate of Conviction was conclusive proof of the conviction, and was satisfied that the Certificate of Conviction related to the Registrant. The Committee, on the balance of probabilities, found proved the facts contained in Particular 1.

The Committee also accepted the written notification from the DBS of the Registrant's current barring status. In addition, the Committee had no evidence that the Registrant was not the individual referred to by the DBS, nor was there evidence of a successful appeal against his inclusion on the DBS barred lists. The Committee was satisfied that this correspondence referred to the Registrant. Taking into account Paragraph 12 (6) of Schedule 2 of the Rules, the Committee was satisfied that the correspondence from the DBS was authentic and therefore found that, on the balance of probabilities, the facts contained in Particular 2 of the Allegations had been established.

### **Fitness to Practise**

The Committee proceeded to consider if the Registrant's fitness to practise is impaired.

The Committee heard submissions from Mr Gilmore, who advised that there were no formal admissions from the Registrant in relation to the Particulars of the Allegation. He submitted that the Registrant's convictions and current DBS barred status call into question his ability to work in social care services, and to remain on the Register without restriction or to be registered at all. Mr Gilmore directed the Committee to the Standards of Conduct and Practice, and invited the Committee to determine that the Registrant's conviction and the actions which led to his inclusion on the DBS barred lists were in breach of the following standards: 1, 1.2, 1.5, 1.8, 2, 2.6, 3, 3.1, 3.3, 3.7, 5, 5.1, 5.2, 5.3, 5.4, 5.7, 5.8.

Mr Gilmore stated that the Registrant's actions, namely his recent convictions and his inclusion on both of the DBS barred lists, fall far below the standards expected from a social care worker who is entrusted with providing care for the most vulnerable people in society, and call into question his fitness to practise. He also submitted that the Registrant had brought the social care workforce into disrepute.

Mr Gilmore said that 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 he had remediated his behaviour. He said that there was limited evidence of regret or remorse from the Registrant, nor was there information to suggest that he would act differently in the future. Mr Gilmore accepted that the Registrant did plead guilty in Court. However, in the circumstances, Mr Gilmore submitted that there remained a future risk of harm to others if the Registrant was allowed to practise without restriction.

Mr Gilmore 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 Mr Gilmore 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, and advised it to adopt a sequential approach when considering this issue. In particular, he asked it to take into account the nature and content of the criminal convictions against the Registrant, and the reason for his inclusion on the barred lists. He reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise was impaired because of these convictions and current DBS status. He referred the Committee to Paragraph 24 of Schedule 2 of the Rules. He further referred the Committee to the findings of Dame Janet Smith in the fifth Shipman Report as regards the potential causes of impairment. He also referred the Committee to the case of GMC v Meadow.

The Committee considered whether the Registrant's fitness to practise was impaired by reason of his convictions and inclusion on lists maintained by the DBS, 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 Committee was satisfied that the Registrant's actions were in breach of the following Standards of Conduct:

**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;
- 1.5 Supporting service users' right to control their lives and make informed choices about the services they receive; and
- 1.8 Respecting and maintaining the dignity and privacy of service users.

**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; and
- 2.6 Being reliable and dependable.

**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;
- 3.3 Following practice and procedures designed to keep you and other people safe from violent and abusive behaviour at work; and
- 3.7 Recognising and using responsibly with service users and carers, the power that comes from your work role.

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

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

The Committee was satisfied that the Registrant's actions, whereby he had been convicted of crimes of a sexual nature, the requirement of sex offenders' registration for an indefinite period of time and his placement on the DBS barred lists amounted to a serious departure from the standards of behaviour and conduct of a registered social care worker.

The Committee had regard as to whether the Registrant would act in a similar manner in the future. The Committee considered that the Registrant's criminal behaviour is not easily remediable. The Committee addressed the question as to whether the Registrant has, in fact, remedied his criminal behaviour. There was no information or evidence from the Registrant to demonstrate that he has developed any insight into the seriousness of the offences of which he has been convicted. Further, there was no evidence before the Committee to demonstrate that the Registrant has undertaken any action to remedy his criminal behaviour. As a consequence, in light of there being no evidence of insight or remediation, the Committee concluded that there is a very high risk of the Registrant's criminal behaviour being repeated in the future. Accordingly, the Committee decided that a finding of current impairment of the Registrant's fitness to practise, by reason of his convictions, was necessary to protect the public.

The Committee concluded that the Registrant's conviction for intentionally touching a person under the age of 18 in a sexual manner, and his DBS barred status, brings the social care profession into disrepute, and that the



public would find it totally unacceptable if a finding of current impairment was not made in these 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 his criminal convictions and inclusion on the DBS barred lists.

## **Sanction**

In reaching its decision on sanction, the Committee considered the submission of Mr Gilmore on behalf of the Council, and had regard to all of the evidence in this case. Mr Gilmore referred the Committee to mitigating factors, and again highlighted that the Registrant had pleaded guilty.

As regards aggravating factors, Mr Gilmore submitted that there had been a betrayal of the Registrant's position of trust, the convictions relate to sexual offences, there is an indefinite requirement to sign the Sex Offenders' Register, there is a Sexual Offences Prevention Order in place, and the underlying conduct was not a one-off incident, but involved five counts, each relating to a very serious matter.

He suggested that the Registrant's actions are fundamentally incompatible with remaining on the Register. He submitted that a sanction must be appropriate and fair, and that the sanctions of Warning or Conditions of Practice Order would not be sufficient to protect the public or be appropriate. He noted that the Registrant had failed to meaningfully engage with the Council and the hearing process. He referred the Committee to paragraph 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 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 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 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 only mitigating factor to be that the Registrant pleaded guilty.

The Committee considered the aggravating factors to be:

- Betrayal of a position of trust;
- The involvement of vulnerable young persons;
- The power imbalance that existed between the Registrant and the said young persons;
- The sexual nature of the offences; and
- The repeated nature of the offences.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and the public interest, the Committee proceeded to consider which sanction to apply in this case.

**No sanction** - the Committee had no doubt that it would be entirely inappropriate to impose no sanction in this case. To impose no sanction would be inappropriate in view of the seriousness of the case and would not protect the public or address the public interest.

**Warning** – the Committee considered whether to impose a Warning. Having regard to its previous findings, the Committee considered that such a step would be inadequate to protect the public and would fail to uphold the public interest. The Committee considered that the Registrant's conviction is not at the lower end of the spectrum, and that a Warning would not address the risk of repetition or mark the seriousness of the offending.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Registrant's multiple convictions, which are of a sexual nature, are not something which could be addressed through re-training or conditions. The Registrant did not attend the hearing, and the Committee had no evidence as to whether or not he would agree to any conditions, if imposed. Furthermore, the Committee concluded that a Conditions of Practice Order would be insufficient to protect the public and uphold the public interest given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. As the Registrant is on the DBS barred lists he could not work in social care, and to do so would amount to a further criminal offence. Further, as the Registrant is in custody, a Conditions of Practice Order would not be possible. As a result, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's behaviour, adequately protect the public and address the wider public interest.

**Suspension Order** – the Committee next considered a Suspension Order. The Committee noted that it had made findings that the Registrant's conduct was of the utmost seriousness, and falls far below the standards to be expected of a registered social care worker. The Committee also noted that the Registrant is on the barred lists, preventing him from working with vulnerable adults and children.

The Committee carefully considered the issue of proportionality, and whether suspension would address the concerns which it had identified. The Committee noted paragraph 4.19 of the Guidance, which states:

*4.19 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 had no evidence before it of remediation by the Registrant, nor had it any information to indicate that the Registrant was remorseful or insightful into the serious harm which his actions caused. The Registrant was found by the Committee to be likely to repeat his criminal behaviour in the future. The Registrant's criminal behaviour represents a serious departure from the standards to be expected of a registered social care worker. Further, the Registrant's actions, in the Committee's judgement, are fundamentally incompatible with continued registration.

The Committee concluded that a Suspension Order would be insufficient to protect the public and to address the seriousness of the Registrant's criminal conviction, and would not meet the high public interest taking into account that the Registrant has been placed on the DBS barred lists and is on the Sex Offenders' Register for an indefinite period of time.

**Removal Order** – the Committee, therefore, decided to impose a Removal Order. In so doing, the Committee took into account the Guidance at Paragraphs 4.26 – 4.28. It concluded that given the seriousness of the Registrant's criminal convictions and his lack of insight and remediation, a Removal Order was the only appropriate and proportionate sanction which could be imposed that would protect the public. The Committee

also considered that public confidence in the social care workforce, and the Council as its regulator, would be undermined if a social care worker who was criminally convicted of touching another person under the age of 18 in a sexual manner, and who failed to show appropriate insight or remediation, was allowed to remain on the Register.

The Committee determined that the Registrant's criminal behaviour, and his inclusion on the DBS barred lists and Sex Offenders' Register, identify him as being unfit to be a member of a caring and responsible profession. As such, the Committee was satisfied that the Registrant's actions are fundamentally incompatible with continued registration. The Committee considered that a sanction short of a Removal Order would fail to declare and uphold proper standards of conduct and behaviour.

Having balanced all of the factors in this case, and after taking into account all the evidence, the Committee determined that the appropriate and proportionate sanction is that of a Removal Order. Having regard to the effect of the Registrant's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered social care worker should conduct himself, the Committee concluded that nothing short of this would be sufficient. The Committee decided, in order to protect the public and in the public interest, to make a Removal Order, with immediate effect, in respect of the Registrant's registration.

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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.



10 July 2024

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Hearings Officer  
(Clerk to the Fitness to Practise Committee)

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Date