



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

Name: Margaret Patterson

SCR No: 6005781

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **19 and 20 November 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 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 on night duty at Brooklands Care Home on the evening of 08 March 2023 / morning of 09 March 2023, you:

1. Shouted aggressively at two colleagues, namely Witness 1 and Witness 2, whilst they were in the room of a service user providing personal care.
2. Assaulted a colleague, namely Witness 1, by striking him on the face causing his lip to bleed.
3. Spat in the face of a colleague, namely Witness 1.

And, that by reason of the matters set out above, 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 at the Council's offices in James House, Belfast. The Registrant was not in attendance and was not represented. The Council was represented by Mr Peter Carson, 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 Carson told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 09 October 2024, and that proof of delivery was received on the same date.

The Committee received legal advice from the Legal Adviser. 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, is 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

Mr Carson made an application to proceed in the absence of the Registrant. He said that the Committee Clerk called the Registrant's registered mobile telephone number on two occasions, once on 07 November 2024 and again on 18 November 2024, to confirm if the Registrant would be in attendance at the hearing. Mr Carson said that no communication or response was received from the Registrant.

Mr Carson invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. He further submitted that it was in the public interest for there to be an expeditious disposal of the hearing. He noted that the Registrant had not made a request for an adjournment, nor had she indicated that she had any representation. He submitted that any disadvantage to the Registrant would be outweighed by a fair and expedient 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, Adeogba and Visvardis v GMC. She reminded the Committee that in exercising its discretion to proceed in the Registrant's absence, it must have regard to all of the circumstances with fairness to the Registrant being of prime consideration, although fairness to the Council and the public interest must also be taken into account. She reminded the Committee to avoid

reaching any improper conclusion about the Registrant's absence and not to accept it as an admission in any way.

The Committee reminded itself that fairness to the Registrant should be a prime consideration. The Committee concluded that the Registrant, with knowledge of the proceedings, had voluntarily absented herself from the hearing. The Committee noted that there were three witnesses in attendance at the hearing and in a position to give evidence. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later stage. The Committee noted that, within the bundle of papers, there is a handwritten response provided to the Home by the Registrant, which includes her position as regards the allegations. The Committee will take this into account when considering the Particulars of the Allegation. The Committee also noted the serious nature of the allegations faced by the Registrant. It was also of the view that the public interest was strongly engaged, and that this also included consideration of the expeditious disposal of the hearing. Accordingly, the Committee decided that it was fair and appropriate to proceed with the hearing in the Registrant's absence.

Application to Admit Hearing Bundle and Witness Statement

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

At the outset of the Council's case, Mr Carson applied for the statement of Witness 4, a registered nurse at Brooklands Care Home, to be admitted into evidence without formal proof. He said that this witness was working on the night of the alleged incident and witnessed the aftermath of what happened. Mr Carson submitted that this document was necessary and relevant for proper consideration of the allegations against the Registrant, and that it should be admitted into evidence by way of hearsay evidence.

The Committee heard and accepted advice from the Legal Adviser. In the course of that advice, the Legal Adviser referred to the case of Thorneycroft v NMC.

In considering the admission of this statement, the Committee noted that this was not the only evidence to be provided in relation to the allegations, and that the contents of this witness statement were very relevant. In addition, the Registrant was provided with prior notice that this witness statement would be presented at the hearing, raised no objection and, therefore, in these circumstances, there was no unfairness to her. Accordingly, the Committee considered that this witness statement could be admitted without formal proof, in accordance with Paragraph 12 (1) (a) and (b) of Schedule 2 of the Rules, and that consideration would be given at a later stage as to the appropriate weight to this evidence.

Background

The Registrant is registered on Part 2 of the Register as an adult residential care worker.

Mr Carson told the Committee that the allegations first came to the Council's attention following an Employer Referral Form ('ERF'), received from the Home Manager at Brooklands Healthcare ('the Home') on 13 March 2023. The ERF alleged that, during the night shift on 08 / 09 March 2023, an incident occurred involving the

Registrant and two care workers, Witness 1 and Witness 2. The incident was alleged to have taken place in the room of a service user, whilst the service user was present and receiving personal care.

Mr Carson told the Committee that the ERF stated that the Registrant had come into the service user's room whilst the alleged victims, Witness 1 and Witness 2, were providing personal care to the service user. He told the Committee that the Registrant was alleged to have shouted aggressively at the care workers that they were doing things the wrong way, before striking Witness 1 in the face, causing his lip to bleed, and then spitting in Witness 1's face.

Mr Carson referred the Committee to the statements from both care workers in relation to the Particulars of the Allegation. He further referred the Committee to the handwritten statements received from the Home, which set out the involvement of each witness during the events on 08 / 09 March 2023.

He further referred the Committee to the handwritten statement from the Registrant to the Home management, which details her response to the allegations made against her.

Evidence

The Committee heard oral evidence from Witnesses 1, 2, and 3, who were colleagues of the Registrant at the material time. Witness 1 provided evidence to the Committee by way of video-link.

Findings of Fact

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 Schedule 2, Paragraph 12 (5) of the Rules. In addition, she reminded the Committee not to draw any adverse inference from the Registrant not attending or giving evidence.

The Committee was reminded 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 Mr Carson on behalf of the Council, all of the documentary evidence and the oral evidence from three witnesses.

Particular 1: Shouted aggressively at two colleagues, namely Witness 1 and Witness 2, whilst they were in the room of a service user providing personal care.

In considering Particular 1, the Committee took into account all of the oral and documentary evidence. The Committee heard evidence from Witness 1, who was working as a care assistant at Brooklands Healthcare on the overnight shift on the evening of 08 March 2023. Witness 1 gave evidence to the Committee that, at this time, he was working with Witness 2, and was attending to the personal care of a service user in her bedroom. He said that the Registrant came into the service user's room, stood by the door and shouted 'why are you doing

that?' very loudly. He said that the service user was very scared, and that he and Witness 2 tried to calm her down.

The Committee heard evidence from Witness 2, who was working as a senior care assistant at the Home on the nightshift of 08 March 2023. He gave evidence that he was working with Witness 1, and was attending to the personal care of a service user who was a little agitated and restless. He said that whilst he and Witness 1 were calming the service user, the Registrant entered the bedroom and began shouting at them to stop what they were doing. He gave evidence that there was no reason for the Registrant to enter the room, and that Witness 1 asked her to calm down and leave the room. He described the service user as a little afraid of what was happening.

The Committee heard evidence from Witness 3, who was working as a nurse in the home on the overnight shift on 08 March 2023. She gave evidence to the Committee that she was working in the kitchen washing medication caps [sic] when she heard loud shouting. She said that she turned off the water and went to see what was happening.

In considering Particular 1, the Committee noted the consistent evidence from Witnesses 1 and 2 as regards the Registrant shouting at them whilst they were providing personal care in the bedroom of a service user. Both Witness 1 and Witness 2 described the Registrant's shouting as being loud and scaring the service user. In addition, Witness 1 described himself as being scared when the Registrant shouted at him. The Committee noted that Witness 2 said that he tried to explain to the Registrant what he and Witness 1 were doing, but that she would not listen and continued to shout. The shouting was also heard by Witness 3, who was working in a kitchen along the corridor from the service user's bedroom.

The Committee noted that the Registrant did not respond to the allegation within Particular 1.

The Committee found all three witnesses to be credible and consistent, and accepted their evidence in respect of Particular 1. Accordingly, the Committee found this allegation proved on the balance of probabilities.

Particular 2: Assaulted a colleague, namely Witness 1, by striking him on the face causing his lip to bleed.

In considering Particular 2, the Committee took into account all of the oral and documentary evidence.

The Committee heard evidence from Witness 1 that, having been shouted at by the Registrant, he tried to leave the service user's room as he felt uncomfortable. He said that the Registrant blocked the door with her hand, and that she suddenly pushed him. He gave evidence to the Committee that he told the Registrant not to touch his body, and that she then punched him in the lip with her fist, which he demonstrated to the Committee, and that his lip was bleeding. Witness 1 said that Witness 2 then left the room to get the nurse in charge to report what had happened.

When questioned by the Committee, Witness 1 denied poking his finger in the Registrant's face or pushing her hand away. He gave evidence that he was really scared, and described the Registrant's hand as forming a fist when she hit him.

Witness 2 gave evidence to the Committee that as Witness 1 tried to leave the service user's bedroom, the Registrant pushed him back and suddenly hit Witness 1 in his face, using her fist, which he demonstrated to the Committee. In his oral evidence, he described the Registrant as being really angry when this happened. Witness 2 reported the incident to Witness 3, and they both returned to the service user's room and were met by Witness 1 in the corridor.

The Committee received evidence from Witness 3, who described meeting Witness 1 in the corridor, having heard shouting. She described Witness 1 as bleeding from his lip and being very upset. Witness 3 said that she reported what had happened to the other nurse on shift, Witness 4, and that they then both spoke to the Registrant about what had happened. The Registrant told Witness 3 that she had noticed two male carers working with the service user, and did not think that it was appropriate. Witness 3 told the Committee that she advised the Registrant that the care plan for this service user had no preference as to the sex of the carer attending them. She gave evidence that the Registrant could not explain the cut on Witness 1's lip, and said that she did not hit him, but later said that it was self-defence as Witness 1 had pointed his finger in her face. She told the Committee that the Registrant further stated that she may have unconsciously pushed Witness 1's hands back to his face.

The Committee considered the statement provided to the Home by Witness 4, who was a nurse on duty on the nightshift of 08 March 2023. This statement confirmed that Witness 3 had approached her in relation to an incident involving Witness 1, Witness 2 and the Registrant. She further noted that, at this time, Witness 1 had a minor cut on his upper lip and that she observed that he was in distress and very anxious. Witness 4's statement was admitted by the Committee without formal proof. Therefore, the Committee was unable to directly question Witness 4 and, as a result, placed less weight on the contents of her statement.

In considering Particular 2, the Committee noted the consistent evidence provided by Witness 1 and Witness 2. Whilst Witnesses 3 and 4 did not observe the alleged assault on Witness 1, they both consistently confirmed observing a cut to Witness 1's lip, which was bleeding.

The Committee noted the Registrant's response to the allegation of her assaulting Witness 1 and, in the circumstances, did not accept her explanation of Witness 1 poking his finger in her face and that she acted in self-defence.

The Committee found all three witnesses to be credible and consistent, and accepted their evidence in respect of Particular 2. Accordingly, the Committee found this allegation proved on the balance of probabilities.

Particular 3: Spat in the face of a colleague, namely Witness 1.

In considering Particular 3, the Committee took into account all of the oral and documentary evidence.

Witness 1 gave evidence that when Witness 2 left the service user's bedroom to get the nurse in charge, the Registrant directly spat in his face. In evidence, Witness 1 accepted that this was a deliberate act. Witness 1 told the Committee that, as a result, he was very upset and very sad about what had happened. He said that he then went to speak to Witness 3, who he met in the corridor and explained what had happened. He said that he did not work with the Registrant for the rest of the shift.

The Committee heard evidence from Witness 2, who said that when he and Witness 3 met Witness 1 in the corridor, he noticed that Witness 1 had blood on his lips and some liquid on his face. Witness 2 told the Committee that Witness 1 stated that he had been spat on by the Registrant and was going to wash his face. Witness 2 said that Witness 1 was crying, was very upset and wanted to go home.

Witness 3 gave evidence to the Committee that she met Witness 1 in the corridor outside the service user's bedroom, and noticed that he was bleeding from his lip and that he had liquid on his face that looked like saliva. Witness 3 said that Witness 1 was very upset and that he said 'look what [the Registrant] has done to me'. At this stage, Witness 3 said that she decided to take a statement from the Registrant, and that she asked Witness 4 to accompany her. She said that she asked the Registrant if she had spat on Witness 1, and that the Registrant said no but that she had been eating crisps and that some may have accidentally hit Witness 1 in the face.

The Committee found all three witnesses to be credible and consistent, and accepted their evidence in respect of Particular 3. Accordingly, the Committee found this allegation proved on the balance of probabilities.

Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise was impaired. The Committee heard submissions from Mr Carson, 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 misconduct, and the underlying facts, call into question her ability to work in social care services and to remain on the Register without restriction or to be registered at all. He referred the Committee to the Standards of Conduct and Practice for Social Care Workers, which he submitted the Registrant's conduct breached as follows: 5, 5.1, 5.8, 6 and 6.13.

Mr Carson told the Committee that the Registrant's conduct fell far below the minimum standard expected of a registered social care worker, and calls into question her fitness to practise. He submitted that the Registrant's actions showed a complete lack of respect for her colleagues and the service user who witnessed the alleged assault. He noted that the Registrant first denied assaulting Witness 1, and that she then suggested that he had bitten his own lip when she acted in self-defence. He said that there is nothing to persuade the Committee that the Registrant's behaviour would not be repeated in the future. He suggested that there was also no evidence from the Registrant that she has remediated her behaviour. He 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, Mr Carson submitted that there remains a future risk of harm to service users and the public if the Registrant was allowed to practise without restriction. Mr Carson 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. He said that the facts found proved are extremely serious and involved a registrant who had a duty of care to, not only service users, but also her colleagues.

The Committee considered the submissions from Mr Carson 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. She 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, she advised the Committee on the meaning of misconduct by reference to Roylance v GMC and Remedy UK v GMC. She referred the Committee to Paragraph 24 (3) of Schedule 2 of the Rules, along with the Council guidance titled 'Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation' ('the Guidance'). She referred the Committee to 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 fifth Shipman Report as regards the potential causes of impairment, and also the case of CHRE v NMC & Grant.

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 its findings that the Registrant shouted aggressively at two colleagues, assaulted a colleague and spat in a colleague's face. This behaviour took place in a service user's bedroom whilst the Registrant's colleagues were providing personal care to the service user. The Committee first considered whether the facts found proved amounted to misconduct. The Committee noted that the Registrant's behaviour occurred in the workplace and involved two colleagues, one of whom said that he was very scared as a result of the Registrant's behaviour towards him. In addition, the Registrant physically assaulted Witness 1 and subsequently spat in his face. Witness 2 gave evidence that he observed Witness 1 crying and upset as a result of the Registrant's actions. Witness 1 gave evidence to the Committee that he was very shaken and upset by what had happened, and that he felt unsafe in his workplace. Both Witness 1 and Witness 2 described the

service user as being afraid and scared as a result of the Registrant's behaviour, and that she required reassurance. The Committee was satisfied that the Registrant's behaviour constituted serious misconduct, and was in no doubt that the general public would consider her behaviour as deplorable.

The Committee had regard to the Standards of Conduct and Practice for Social Care Workers and 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.

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:

2.2 Communicating in an appropriate, open, accurate and straightforward way.

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; 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:

6.13 Working openly and co-operatively with colleagues and treating them with respect.

The Committee had no information or evidence from the Registrant as regards any action which she had taken to remediate her behaviour. The only information available to the Committee consisted of the Registrant's handwritten statement provided to the Home subsequent to the events on 08 / 09 March 2023. In this document, the Registrant denied the allegations against her, and provided no evidence of insight into her behaviour or remorse for what had happened.

The Committee found that the Registrant's misconduct was serious. The Committee considered that the Registrant's misconduct was capable of remediation. Remediation could potentially be addressed to include engagement, reflection, explanation, expressions of remorse, and evidence of training. 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 misconduct brought the social care profession into disrepute, and that the public would find it totally unacceptable that a registrant in these circumstances remained on the Register without restriction. The Committee determined that the care of, and respect for, vulnerable service users are fundamental tenets of the social care profession. In addition, the Committee considered that the Registrant's misconduct showed disrespect to the rights and dignity of her colleagues. The Committee considered that a fully informed member of the public would be seriously concerned, in particular with the way that the Registrant acted in front of a vulnerable service user and with her assault of a colleague. Therefore, the Committee determined that a finding of impairment on public interest grounds was also required.

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 Mr Carson on behalf of the Council, and had regard to all of the evidence in this case. Mr Carson advised the Committee that the Registrant was the subject of an ERF made by another employer. He told the Committee that the Council had been notified that the Registrant was disciplined regarding her behaviour towards a nurse in charge on 04 September 2017, and that she was issued with a written warning by her employer. The Council was satisfied that no further action was required at that time, and had reminded the Registrant that, in relation to her dealings with colleagues and senior staff, she should abide by the Standards at all times. In particular, the Council referred the Registrant to:

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:

6.13 Working openly and co-operatively with colleagues and treating them with respect.

Mr Carson referred the Committee to the aggravating factors in this case. He referred the Committee to the Registrant's actions in assaulting and spitting upon Witness 1, in front of a service user, whilst the service user was being provided with personal care. He noted that the Registrant had not engaged with the Committee, shown any remorse or provided any insight into her behaviour. He noted that this was not the Registrant's first referral to the Council and, taking into account her previous referral, that her behaviour seems to have worsened.

Mr Carson referred the Committee to the Guidance, in particular paragraphs 2.3 - 2.7, when considering public interest. He submitted that the Registrant's behaviour in verbally abusing colleagues, punching and spitting at a colleague, in work and in front of a frightened service user, was evidence that the Registrant was fundamentally incompatible with remaining on the Register. He suggested that the Registrant's behaviour evidenced a propensity to be aggressive and violent and, therefore, presented a risk to service users and colleagues. He submitted that, in the circumstances, the most appropriate and proportionate sanction to be considered was a Removal Order.

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 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 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 was unable to identify any mitigating factors.

The Committee considered the aggravating factors to be:

- The Registrant's misconduct in assaulting and spitting at a colleague took place in the presence of a service user who was receiving personal care in her bedroom;

- The Registrant's misconduct had the potential to cause harm to a service user, with evidence that the service user was frightened and scared;
- The Registrant caused actual harm to Witness 1;
- The Registrant did not meaningfully engage with the Council, and there were no expressions of remorse or regret;
- There was no evidence of the Registrant's insight into her misconduct;
- This Registrant's misconduct was not the first referral to the Council, with a previous referral in 2017, which resulted in advice being given to her. The circumstances of the previous referral were of a similar nature to the misconduct found in this matter in that they concerned her behaviour towards a colleague; and
- The Registrant's misconduct was a serious falling short of the standards expected of a registered social care worker.

The Committee took into account the aggravating factors, along with public protection and public interest. The Committee considered, in all of the circumstances, that the imposition of a sanction was appropriate and proportionate. The Committee had no information regarding the financial impact which a sanction would have on the Registrant, nor were there any 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. 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 Registrant provided the Committee with no expressions of regret or remorse, and did not engage with the hearing. The Committee further noted that the Registrant's misconduct took place against the background of a previous incident in 2017, concerning her behaviour towards a nurse in charge, in the work place. Therefore, having been reminded at that time of the need to treat colleagues with respect, the Registrant went on to aggressively shout at Witness 1 and 2, as well as cause physical harm to Witness 1, all of which happened in the presence of a service user. 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 her colleague, or the potential stress caused to the service user who witnessed the incident. 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 Committee considered that the Registrant's misconduct was capable of remediation. However, the Registrant has not engaged with the hearing, expressed regret or remorse, or provided insight into her behaviour. The Committee could not formulate workable, enforceable, or verifiable conditions which would address the Registrant's serious

impaired fitness to practise as evidenced by her misconduct, and adequately protect the public. Taking into account the Committee's findings regarding the high risk of repetition, the Committee did not consider that conditions of practice would protect the public from 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.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the fact and impairment stage 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, the injury caused to Witness 1, 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 noted its findings as regards the Registrant's lack of remediation, particularly where she had been previously advised by the Council about her conduct towards colleagues. The Committee found that the Registrant's misconduct and treatment of her colleagues was evidence of a harmful attitudinal problem.

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, and were fundamentally incompatible with continued registration. The Registrant's behaviour involved an assault on her colleague, verbal abuse of colleagues 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, had taken no remedial action and had 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 is found to have shown a serious contempt for the safety of her colleagues and service users, and who persistently failed to show any insight or remediation, was allowed to remain on the Register.

The Committee concluded that a Removal Order is a suitable, appropriate, and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect.

You have the right to appeal this decision to the Care Tribunal. Any appeal must be lodged in writing within 28 days from the date of this Notice of Decision.

You should note that the Fitness to Practise Committee's decision takes effect from the date upon which it was made.

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

You are prohibited from working as a social care worker in any of the following positions:

1. A member of care staff at a:
 - a.) Children's home;
 - b.) Residential care home;
 - c.) Nursing home;
 - d.) Day care setting;
 - e.) Residential family centre.
2. A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
3. A manager of a:
 - a.) Residential care home;
 - b.) Day care setting;
 - c.) Residential family care centre; or
 - d.) Domiciliary care agency.

It is **compulsory** for the above social care workers to be registered with the Northern Ireland Social Care Council in order to work. This is pursuant to the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017.

In accordance with Schedule 3, Paragraph 9 of the NISCC Fitness to Practise Rules, you may not apply to be restored to the Register within five years from the date of removal. This does not affect your right to appeal the Committee's decision to the Care Tribunal. You are prohibited from working in a social care role until a successful application for restoration onto the Register has been made to the Council.

J. Adams

22 November 2024

Hearings Officer
(Committee Clerk to the Fitness to Practise Committee)

Date