



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

Name: Samantha Louise Noble

SCR No: 7025640

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **22 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 convictions;

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

Particulars of the Allegation:

That on 01 May 2024, whilst being registered as a social care worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), you were convicted of the following criminal offences at the Magistrates' Court:	
1.	<u>Charge 1</u> - Defendant on an unknown date stole a BANK CARD and PIN number belonging to [REDACTED] contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
2.	<u>Charge 2</u> - Defendant on 05/11/23 dishonestly made a false representation namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
3.	<u>Charge 3</u> - Defendant on 5th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
4.	<u>Charge 4</u> – Defendant on 7th day of November 2023 dishonestly made a false representation, namely,

	that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
5.	<u>Charge 5</u> - Defendant on 7th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
6.	<u>Charge 6</u> – Defendant on 7th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
7.	<u>Charge 7</u> – Defendant on 6th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
8.	<u>Charge 8</u> - Defendant on 6th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
9.	<u>Charge 9</u> – Defendant on 6th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
10.	<u>Charge 10</u> – Defendant on 6th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
11.	<u>Charge 11</u> – Defendant on 5th day of November 2023 dishonestly made a false representation, namely, that you were entitled to use a bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.
12.	<u>Charge 12</u> – Defendant on 6th day of November 2023 attempted dishonestly to make a false representation, namely, that you were entitled to use a Ulster Bank bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to

	expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 1 of the Fraud Act 2006.
13.	<u>Charge 13</u> - Defendant on 7th day of November 2023 attempted dishonestly to make a false representation, namely, that you were entitled to use a Ulster Bank bank card with the intention, by making the representation, to make a gain for yourself or another or to cause loss to [REDACTED] or to expose her to a risk of loss, in breach of section 2 of the Fraud Act 2006, contrary to Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 1 of the Fraud Act 2006.
And your convictions, as set out at 1 – 13 above, show that your fitness to practise is impaired by reason of your convictions in the United Kingdom for a criminal offence.	

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

Service

Mr Carson told the Committee that the Notice of Hearing and hearing bundle were served on the Registrant's registered email address on 15 October 2024, and that an electronic delivery receipt was received on the same date.

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') 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 took into account that the Notice of Hearing provided details of the date and time of the hearing. In addition, it contained information about the Registrant's right to attend, be represented and call evidence, as well as the power to proceed in her absence.

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 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 under Paragraph 15 of Schedule 2 of the Rules, and submitted that the Committee should hear and determine the case in her absence. He invited the Committee to conclude that the email received from the Registrant, dated 08 November 2024, stating that she did not wish for any further correspondence from the Council, was an indication that she did not want to attend and was, therefore, a voluntary waiver of her right to do so. He further suggested that it was in the public interest for the case to proceed, as this would ensure a fair and expedient disposal of the hearing.

The Committee was mindful that the discretion to proceed in the absence of the Registrant should only be exercised with the utmost care and caution. In considering the application, the Committee sought to satisfy itself

that all reasonable efforts had been made to notify the Registrant of the hearing, and accepted the advice of the Legal Adviser. He referred the Committee to the cases of R v Jones and Adeogba v GMC. 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 advised the Committee to avoid reaching any improper conclusion about the Registrant's absence, and not to accept it as an admission in any way.

After careful consideration of all of the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, striking a careful balance between fairness to the Registrant and the wider public interest. It noted that:

- The Registrant had not made an application to adjourn the hearing;
- The Registrant indicated that she did not wish to correspond with the Council;
- There was no reason to suppose that adjourning the hearing would secure her attendance at a future date; and
- There was a strong public interest in the case proceeding as listed.

The Committee accepted that there was some disadvantage to the Registrant in proceeding in her absence, but determined that the limited disadvantage was the consequence of the Registrant's decision to absent herself from the hearing, waive her right to attend or to be represented.

In these circumstances, the Committee decided that it was fair, appropriate and proportionate 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.

Declaration of Conflicts of Interest

The Chair of the Committee confirmed with all Committee Members that there were no conflicts of interest.

Background

Mr Carson referred the Committee to the background of the case. He told the Committee that the Registrant is registered on Part 2 of the Register as a care assistant. Mr Carson told the Committee that this matter first came to the Council's attention following an Employer Referral Form ('ERF'), received on 09 November 2023. The ERF stated:

'On the 07/11/2023, Connected Health's Registered Manager was notified by Client 5753 Next of Kin that there was an alleged theft of Client's money to the sum of approximately £4000 from Sunday 05/11/2023 until Tuesday 07/11/2023.'

Connected Health immediately conducted a Monitoring Visit with Client 5753 and NOK on the 07/11/2023. Based on the information from the Next of Kin, during the Monitoring Visit on the 07/11/2023, NOK confirmed that PSNI gathered evidence involving staff member 3174.

Evidence gathered of staff member 3174 withdrawing £500 on the 05/11/2023 at 19.57 PM. Evidence of staff member 3174 withdrawing £500 on the 06/11/2023 8.30AM. Further internet transaction over the internet, a sum of £2100 spent in Derry/Londonderry, transaction at Caskie's Opticians and transaction in Coleraine.

Connected Health's Registered Manager was informed that staff member 3174 was arrested at approximately 8 pm on the evening of the 07/11/2023.

On the evening of the 08/11/2023, Connected Health's Registered Manager received a written communication from staff member 3174. Communication highlighted staff member 3174 resigned with immediate effect from her post as a care assistant within Connected Health.'

Mr Carson told the Committee that the registered manager reported that the Registrant had made full admissions regarding the allegations to the PSNI. He referred the Committee to the police case summary that set out that 33 transactions were made between 05 November 2023 and 07 November 2023. During the police interview on 07 November 2023, the Registrant made full admissions to all allegations, and said that she may have a shopping addiction.

Mr Carson said that the police obtained CCTV footage that showed the Registrant withdrawing money using the stolen card. He also referred the Committee to the newspaper article that described the service user as a vulnerable 77-year-old woman who is bed bound.

Evidence

Mr Carson referred the Committee to the certificates of conviction, which show that the Registrant pleaded guilty on 14 February 2024 to 13 offences. He said that the Registrant was convicted and sentenced on 01 May 2024. He said that the 13 offences involved the Registrant's theft of a bank card and pin number belonging to a vulnerable service user, and the dishonest use of a bank card by way of false representation.

Mr Carson referred the Committee to Paragraph 12 (5) Schedule 2 of the Rules, and submitted that the Council sought to rely on the certificates of conviction as conclusive proof that the Registrant had been convicted of the offences that were set out in the Allegation.

Findings of Fact

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 conviction 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 further advised that the Committee was entitled to rely on the Certificate of Conviction to establish conclusively that the Registrant was

convicted of the offences as set out. He also advised the Committee that the certificates could also be relied upon to establish the facts underlying the convictions.

The Committee reminded itself that the burden was on the Council to prove the facts as set out in the Particulars of the Allegation, and that to find the facts proved, the Committee must be satisfied on the balance of probabilities. This means that for any fact to be found proved, the Committee must be satisfied that it was more likely than not to have occurred.

The Committee took into account the submissions from Mr Carson on behalf of the Council, and had careful regard to all of the documentary evidence submitted. It also noted that the Registrant made full admissions to the police during her interview.

Applying the provisions of Paragraph 12 of Schedule 2 of the Rules, the Committee was satisfied that the certificates of conviction presented by the Council in respect of the Registrant were such as to prove conclusively that she had been convicted as set out. The Registrant had not presented any evidence to rebut that conclusion.

Fitness to Practise

Mr Carson made a submission to the Committee on the question of the Registrant's current fitness to practise. Mr Carson submitted that the Registrant's actions, which led to her criminal convictions related to the theft from a vulnerable bedbound service user, call into question her suitability to work in social care services.

Mr Carson submitted that the Registrant's actions constituted serious wrongdoing on her part. He referred the Committee to breaches of the Standards of Conduct and Practice for Social Care Workers by the Registrant as follows: 5, 5.1, 5.8.

In terms of remediation, Mr Carson directed the Committee to the police interview, where the Registrant made full admissions and later pleaded guilty. However, he submitted that the Registrant had not attended today and has provided no evidence that she had remediated.

With regard to the risk of repetition, Mr Carson submitted that without remediation, there is an ongoing risk of repetition. He said that the Registrant made reference to having a shopping addiction and went on a spending spree with a stolen bank card, and that it is the Council's view that the risk of repetition is high.

Mr Carson submitted that the public would have a genuine concern, and an objective member of the public would consider that these offences were evidence of impairment of fitness to practise. He said that in order to maintain public confidence in social care services, a finding of impairment should be made. Mr Carson told the Committee that this type of behaviour should be clearly marked as inappropriate, and that it required a finding of impaired fitness to practise by reason of her 13 convictions.

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.

The Legal Adviser referred the Committee to the principles established in the cases of Cohen v GMC, Meadow v GMC, and CHRE v NMC and Grant. He reminded the Committee that its approach was set out at Paragraph 24 (3) of Schedule 2 of the Rules when deciding upon the issue of current impairment of fitness to practise:

- (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.

When considering the Registrant's actions, by reason of her convictions, the Committee was satisfied that she had breached the following Standards:

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
- 1.9 Treating service users and carers fairly and promoting equal opportunities.

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

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

- 5.1 Abuse, neglect or harm service users, carers or colleagues;
- 5.2 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; 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 first considered whether the Registrant's actions were capable of remedy. To the Committee's mind, such behaviour would be very difficult to remedy. The Registrant stole money from a vulnerable service user for whom she provided care. In this instance, the Committee considered that the Registrant has very limited insight. It noted that her comments to the police failed to address the impact on the victim, and instead focused on herself. Whilst reference was made to a shopping addiction, there was no evidence to corroborate this, and

there was no evidence of the Registrant having sought any relevant help or therapy. There was no evidence of remorse, including no apology to the victim. There was no evidence of any steps taken to remediate, and the Committee noted that the Registrant is still subject to a Probation Order. Furthermore, the Committee had no information as to whether or not the Registrant had completed the community service. The Committee regarded the Registrant's criminal behaviour to be a very serious matter, but there was no evidence that she understood this. Her actions appear to have been deliberate and premeditated as they occurred over several days, and involved multiple transactions using various methods at different locations. The Committee concluded that there is a high risk of repetition.

The Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise is required for public protection reasons. The Committee noted that the victim was a vulnerable service user and that her vulnerability had been exploited by the Registrant, resulting in financial and potential emotional harm.

The Committee also considered the public interest, which includes the need to declare and uphold the proper standards of conduct and behaviour, and to maintain the reputation of the social care profession and the Council in its regulatory function. The Committee concluded that a fully informed member of the public would regard the Registrant's behaviour as deplorable. The Committee was satisfied that a failure to make a finding of current impairment of fitness to practise on public interest grounds would undermine the public's trust and confidence in the social care profession, and would fail to declare and uphold proper standards of conduct and behaviour.

For these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise is also required on public interest grounds.

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

Sanction

The Committee heard a submission from Mr Carson on the question of what, if any, sanction to impose. The Committee was informed that the Registrant had no previous disciplinary record or regulatory findings against her.

Mr Carson, in the absence of the Registrant, set out the mitigating and aggravating factors. He told the Committee that this was the first referral to the Council, and that the Registrant should have the benefit of a good work history and previous good character. He said that the Registrant made admissions and pleaded guilty to the allegations. In terms of aggravating factors, Mr Carson said that the Registrant had used her position as a care worker to take the bank card and steal from the service user, and that she had breached the trust of a vulnerable service user who suffered financial and emotional harm. He said the Registrant's actions only stopped when they were discovered by the family of the service user.

Mr Carson said that the Registrant took advantage of a vulnerable service user by stealing and financially abusing her. He said that the Registrant stole approximately £4000 from the service user over a period of four

days, and spent it all on herself. He said that in the Council's view, the Registrant poses a very serious risk to service users, and that the only appropriate sanction that would protect the public is that of a Removal Order.

The Committee heard and accepted the Legal Adviser's advice. He set out the range of available sanctions which are provided for by Paragraph 26 of Schedule 2 of the Rules. In summary, the Committee could impose no sanction, warn the Registrant for a period of up to five years, make a Conditions of Practice Order not to exceed three years, make a Suspension Order not to exceed two years or make a Removal Order.

The Committee was reminded that the purpose of a sanction is not to be punitive, although a sanction may have a punitive effect. Instead, in its consideration of a sanction, the Committee should have at the forefront of its mind the need to protect the public and the public interest. The Legal Adviser also reminded the Committee that it should act proportionately, and that any measure taken to limit the fundamental right of the Registrant to practise in the social care setting should be no more than what is necessary in the public interest.

The Committee carefully considered all of the available documentary material, together with Mr Carson's submissions. It also had careful regard to the Northern Ireland Social Care Council Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance').

The Committee considered the aggravating and mitigating factors in this case.

The Committee considered the mitigating factors to be as follows:

- The Registrant had no previous regulatory findings against her;
- The Registrant made admissions during police interviews, and pleaded guilty to the charges which she faced.

The Committee considered the aggravating factors to be as follows:

- The Registrant acted dishonestly;
- The Registrant used her position for financial gain and abused her position of trust;
- The Registrant's actions were premeditated, and they involved multiple transactions using various methods at different locations;
- The Registrant failed to engage with the Council in the regulatory proceedings against her, and failed to provide evidence of insight and remediation. She failed to demonstrate remorse for her actions, and there was no evidence of an apology to the service user;
- The Registrant's wrongdoing was only possible by having access to vulnerable service users as a result of her registration as a social care worker; and
- The Registrant caused financial and potential emotional harm to the service user by stealing money from them.

Having balanced the aggravating and mitigating factors, and having taken into account the interests of public protection and the public interest, the Committee was satisfied that some form of sanction was necessary. The

Committee regarded the Registrant's convictions to be a very serious matter, and that her behaviour was a significant departure from the standards expected of her. The Committee proceeded to consider which sanction to apply in this case.

No Sanction – having regard to its findings, the Committee considered that to conclude this matter and to take no further action would be a wholly inadequate response, and would fail to protect the public and uphold the public interest.

Warning – for similar reasons as those advanced under 'No Sanction', the Committee concluded that to issue the Registrant with a warning would fail to protect the public and uphold the public interest.

Conditions of Practice Order – the Committee had no evidence as to the Registrant's current employment, and was not aware as to whether an employer would co-operate with the imposition of conditions. The Committee could not identify any workable conditions that would address the Registrant's behaviour, which involved both theft and dishonesty. The Registrant's lack of insight also made conditions unworkable and inappropriate. In any event, the Committee concluded that a Conditions of Practice Order is insufficient to protect the public and uphold the public interest. In the Committee's view, the wrongdoing is too serious for such a disposal.

Suspension Order – the Committee gave careful consideration to this sanction. However, the Committee noted that the Registrant has failed to engage with the regulatory proceedings against her, and has not shown sufficient insight, demonstrated remorse or remediated. The Registrant engaged in deplorable behaviour towards a vulnerable service user. The service user relied upon the Registrant to provide them with care in their own home. The Registrant abused her privileged position as a social care worker for her financial gain. There was evidence of financial harm as a result of the Registrant stealing from the service user's bank account and using her bank card for her own gain. As such, the Committee concluded that the Registrant's behaviour, combined with her lack of insight and remediation, together with the high risk of repetition, is fundamentally incompatible with her remaining on the Social Care Register.

Removal Order – as a result, the Committee decided that the only appropriate and proportionate sanction to impose, with immediate effect, was to make a Removal Order in respect of the Registrant's registration. In addition, the Committee decided, with immediate effect, to revoke the Interim Suspension Order to which the Registrant has been subject until this hearing.

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.

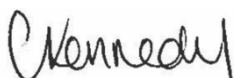
The effect of this decision is that your entry in the Register has been removed.

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.



27 November 2024

Hearings Officer

Date