

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

Name: Jenna McGlade

SCR No: 7002361

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **26 March 2025**, 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 conviction;

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

Particulars of the Allegation:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended):

1. You were convicted on 20 June 2024 of the following offence at the Magistrates Court:

Defendant on the 28th Day of March 2023, unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861.

And your actions as set out above show that your fitness to practise is impaired by reason of your conviction in the United Kingdom for a criminal offence.

Procedure:

The hearing was held under the fitness to practise procedure

Preliminary Matters

The hearing was held remotely and the Registrant was neither present nor represented. The Council was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Declarations of Conflict of Interest

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

Service

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were served on the Registrant's registered email address on 29 January 2025, and that an electronic delivery receipt was received on the same date.

Ms Owens said that on 20 March 2025, the Committee Clerk attempted to call the Registrant's registered mobile number and landline number, but that both numbers are no longer valid. She said that on 20 March 2025, the Committee Clerk sent an email to the Registrant's registered email address informing her that the hearing would now be held remotely, and asked her to update her contact details and also confirm if she would be attending the hearing on 26 March 2025. Ms Owens said that there has been no communication from the Registrant and that she has not given any reason for her non-attendance.

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 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

Ms Owens 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. Ms Owens invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend.

Ms Owens noted that on 20 March 2025, the Committee Clerk had attempted to call the Registrant and the registered telephone number was no longer valid. She said that the Registrant had a duty to keep the Council updated with her contact details. She told the Committee that there had been no contact from the Registrant in response to either of the emails, and that she has not provided any reason for her non-attendance. She noted that there had been no request for an adjournment or for representation to be arranged. Ms Owens submitted that, in all of the circumstances, it was fair to proceed with the hearing in the Registrant's absence. Ms Owens 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 various attempts by the Council to contact the Registrant, and the lack of response from the Registrant. Taking account of all of the circumstances, the Committee considered that 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. Accordingly, the Committee was satisfied that the Registrant, with notice of the hearing, had voluntarily waived her right to attend. In addition, the Committee noted the serious nature of the 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 hearing bundle of documents into evidence, and marked it as Exhibit 1.

Background and Submission on Facts

Ms Owens told the Committee that there were no admissions of the facts.

Ms Owens said that the Registrant is registered on Part 2 of the Register. She said that the Registrant commenced work as a care assistant at Springhill Residential Service, Healthcare Ireland, on 15 May 2019.

Ms Owens told the Committee that this matter was first brought to the Council's attention by way of an anonymous email of complaint from a member of the public on 04 May 2023, in which she alleged that she was the victim of a physical attack by the Registrant. She attached photographs to her email, which appeared to show injury / loss of hair to her scalp, which she alleged was as a result of an attack by the Registrant.

Ms Owens said that the Council contacted the Registrant's employer, who subsequently submitted an Employer Referral Form ('ERF') on 05 May 2023. The ERF stated that:

'Anonymous phone call received 06/04/23 stating Jenna had been involved in an altercation with another female outside of the workplace. Upon speaking with Jenna, it was determined that the other female who works with children in a primary school was verbally aggressive and physically assaulted Jenna who therefore responded in

a physical nature. Both persons sustained injuries following the incident. Jenna was reported to the police and arrested. Jenna was released on bail and has been informed that the incident has been forwarded to PPS for further review..'. [sic]

Ms Owens told the Committee that the Council received an email from the Common Law Police Disclosure Unit ('CLPD') on 25 October 2023, advising that the Public Prosecution Service ('PPS') had directed prosecution on 09 September 2023.

Ms Owens referred the Committee to the Certificate of Conviction. She submitted that the Council sought to rely on the Certificate as conclusive proof that the Registrant had been convicted of the offence that was set out in the Particulars of the Allegation. Ms Owens told the Committee that the Registrant pleaded guilty to the offence of unlawful assault at the Magistrates' Court on 23 May 2024, was subsequently convicted on 20 June 2024 and received a three-month custodial sentence, suspended for one year and six months, and a monetary penalty of £200.

Ms Owens referred the Committee to Schedule 2, Paragraph 12 and 13 of the Rules, along with Rule 4 (1) (d), and noted that there was no evidence that the Registrant had successfully appealed her conviction or that the conviction did not relate to this Registrant. She invited the Committee to find the facts proved on the balance of probabilities.

Finding of Facts

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

The Committee 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 was more likely than not to have occurred.

The Committee took into account the submissions from Ms Owens on behalf of the Council, and had careful regard to all of the documentary evidence submitted. The Committee found that, on the balance of probabilities, the facts contained in the Particulars of the Allegation had been established. Taking into account Paragraph 12 (5) of Schedule 2 of the Rules, the Committee was satisfied that the Certificate of Conviction against the Registrant proves the facts therein. The Certificate of Conviction against the Registrant relates to an offence of unlawful assault. Whilst some information in relation to the events of 28 March 2023 was contained in the ERF and the PSNI case summary, the Committee gave particular weight to the information contained within the Certificate of Conviction. The Committee noted that the Registrant pleaded guilty to the charge of unlawful assault and was sentenced to three months imprisonment, which was suspended for one year and six months.

The Committee noted that there was no evidence that the Registrant appealed the conviction or disputed that the Certificate of Conviction related to her.

Taking all of this into account, the Committee found proved, on the balance of probabilities, the facts in accordance with Rule 4 (1) (d) of the Rules.

Impairment of Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Ms Owens, who advised that there was no formal admission or submission from the Registrant in relation to the alleged impaired fitness to practise. She submitted that the Registrant's conviction calls into question her ability to work in social care services and to remain on the Register without restriction, or to be registered at all. She referred the Committee to the Standards of Conduct and Practice for Social Care Workers and, in particular, Standard 5 - 5.8.

Ms Owens told the Committee that the Registrant's conviction and conduct fell far below the minimum standard expected of a registered social care worker, and calls into question her fitness to practise. She said that in light of the Registrant's lack of engagement and her failure to attend the hearing, she has not taken the opportunity to give any explanation for her actions. Ms Owens said that it was possible for a conviction of unlawful assault to be remediated. However, there was no evidence from the Registrant that she has remediated her behaviour. She said there was nothing to persuade the Committee that the Registrant's behaviour would not be repeated in the future. Ms Owens submitted that there remains a future risk of harm to service users if the Registrant was allowed to practise without restriction. Ms Owens submitted that the Registrant demonstrated limited insight into the matter by pleading guilty at Court. Ms Owens submitted that the public interest and confidence in the social care profession would be undermined if a finding of current impairment was not made in these particular circumstances.

The Committee considered the submissions from Ms Owens on behalf of the Council, and had regard to all of the evidence in the case. The Committee accepted the advice of the Legal Adviser. He referred the Committee to the Standards, 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 conviction against the Registrant, and reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise was impaired because of this conviction. He referred the Committee to Paragraph 24 of Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen, looking at the current 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. He further referred the Committee to the findings of Dame Janet Smith in the 5th Shipman Report as regards the potential causes of impairment. He also referred the Committee to the cases of GMC v Meadow and CHRE v NMC & Grant.

The Committee considered whether the Registrant's fitness to practise is impaired by reason of her conviction as set out in the Particulars of the Allegation.

The Committee, in considering the issue of impairment of fitness to practise, took account of Paragraph 24 (3) of Schedule 2 of the Rules which states that it should have regard to:

- (a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;
- (b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- (c) whether the impairment is capable of remediation;
- (d) whether the impairment has been remediated;
- (e) the risk of repetition; and
- (f) the public interest.

The Committee noted that the Registrant's conviction for unlawful assault is serious and resulted in injuries. The Committee further noted that the Registrant had initially made a counter-allegation against the victim.

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:

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

- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

The Committee had no information or evidence from the Registrant as regards any action which she has taken to remediate her behaviour. The Committee considered that the Registrant's conduct was remediable. However, 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 any insight into the impact of her criminal behaviour or that she would not repeat her actions in the future. In all of the circumstances, the Committee considered there to be a continued risk of repetition of her behaviour.

The Committee concluded that the Registrant's conviction for unlawful assault brought the social care profession into disrepute, and that the public would be appalled to learn that a registrant convicted in these circumstances was not found to be currently impaired.

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

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

Sanction

In reaching its decision on sanction, the Committee considered the submission of Ms Owens on behalf of the Council, and had regard to all of the evidence in this case. Ms Owens referred the Committee to mitigating factors:

- The Registrant has no previous referrals to the Council;
- The Registrant is entitled to the benefit of a good work history and character;
- The Registrant pleaded guilty at Court; and
- The offence happened outside of work and no service user was harmed.

As regards aggravating factors, Ms Owens submitted the following:

- The Registrant had serious disregard for the Standards of Conduct and Practice for Social Care Workers;
- The Registrant had not provided any evidence of insight, remorse or remediation;
- The Registrant had not substantially engaged with the Council; and
- The Registrant is currently subject to a live suspended sentence.

Ms Owens submitted that a sanction needed to be appropriate and fair, and that making no Order, or the sanctions of Warning or Conditions of Practice, would not be sufficient to protect the public, be appropriate or satisfy public concerns. As regards the sanction of a Suspension Order, she suggested that this could be appropriate if there had been appropriate remediation. She noted that the Registrant had failed to substantially engage with the Council and the hearing process. She said that the Registrant had shown no evidence of insight or remorse, and it was the Council's view that there was no evidence to suggest that her actions would not be repeated. She referred the Committee to Paragraph 4.26 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. She suggested that the Registrant's actions are fundamentally incompatible with remaining on the Register. She said that there is currently a live suspended sentence until December 2025, and that no lesser options were appropriate given the circumstances of the case.

The Committee accepted the advice of the Legal Adviser. He referred the Committee to the Guidance, and reminded the Committee to consider the question of sanction in ascending order of severity, paying particular attention to the issue of proportionality.

He referred the Committee to Paragraph 26 of Schedule 2 of the Rules which provides that, upon a finding of impairment of fitness to practise, the Committee may:

- (a) impose no sanction; or
- (b) warn the Registrant and direct that a record of the warning should be placed on the Registrant's entry in the Register for a specified period of up to 5 years; or
- (c) make a Conditions of Practice Order for a specified period not exceeding 3 years; or

- (d) make an Order suspending the Registrant's registration for a specified period not exceeding 2 years (a 'Suspension Order'); or
- (e) make an Order for removal of the Registrant's registration from the Register ('a Removal Order').

He further reminded the Committee that in deciding which sanction to impose, the Committee should take into account:

- (a) the seriousness of the Particulars of the Allegation;
- (b) the degree to which the Registrant has fallen short of any expected standards;
- (c) the protection of the public;
- (d) the public interest in maintaining confidence in social care services; and
- (e) the issue of proportionality.

The Committee applied the principles of fairness, reasonableness and proportionality, weighing the public interest against the Registrant's interests, and taking into account any aggravating and mitigating factors in the case. The Committee agreed with the mitigating and aggravating factors identified by Ms Owens. It also considered that an additional mitigating factor was the Registrant having some evidence of a good work history (as evidenced within the ERF). The Committee considered that an additional aggravating factor was the Registrant initially making a counter-allegation against the victim before being shown the CCTV footage, which showed that the Registrant was not kicked in the head by the victim.

The Committee was mindful that the offending behaviour occurred on 28 March 2023. Whilst this is almost two years ago, there is no evidence that the Registrant has used the intervening period to reflect on her actions. 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 was 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.

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

Warning – the Committee considered the issue of a Warning in this case. It bore in mind that the imposition of a Warning for a period of time would not protect the public from the risk of repetition, and consequent risk of harm to service users and members of the public. The Committee considered that the Registrant's criminal conviction demonstrates 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 is concerned. The Committee bore in mind that a Warning would entitle the Registrant to work as a social care worker. The Registrant did not provide any evidence of insight into the impact which her behaviour had caused. In addition, the Committee had no evidence of rehabilitative steps taken by the Registrant.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. As the Registrant did not attend the hearing, the Committee had no evidence as to her current employment circumstances, or whether she would agree to any conditions if imposed. Further, the Committee did not consider that conditions of practice would protect the public from the risk of repetition as identified above.

The Committee, therefore, concluded that a Conditions of Practice Order would not be sufficient to meet the public interest in this matter, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. In these circumstances, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's criminal behaviour and adequately protect the public.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the fact and impairment stages of the proceedings which were of a serious nature, and relate to the Registrant breaching fundamental tenets of the social care profession. The Committee had no evidence before it of remediation by the Registrant, nor had it any information to indicate that the Registrant is unlikely to repeat her criminal 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 criminal conviction. The Committee had no evidence from the Registrant, nor did she engage with the Council in any meaningful way. The Committee considered the public interest in this matter. The Committee considered that the public would perceive the Registrant's criminal 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 criminal conviction.

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 criminal conviction 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 constitute a serious departure from the professional standards as set out in the Standards of Conduct and Practice for Social Care Workers. Owing to the absence of any insight, remorse or remediation, the Registrant's actions are fundamentally incompatible with continued registration. The Registrant's criminal behaviour involved unlawful assault and bring the social care profession into disrepute. 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 does not have an opportunity to repeat her criminal 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 was criminally convicted of unlawful assault and who failed to show any insight or remediation, was allowed to remain on the Register.

The Committee considered a Removal Order to be a suitable, appropriate and proportionate sanction, which is imposed on the Registrant's registration with immediate effect. As detailed above, the Committee had no evidence in respect of the Registrant's financial circumstances, and whilst a Removal Order may have some financial and personal impact on the Registrant, the Committee considered that this is outweighed by the public interest.

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.

C Kennedy

Committee Manager

27 March 2025

Date