

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

Name: Brendan Dickey

SCR No: 1147354

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **27 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 convictions and 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):	
1.	On 04 April 2023, you were convicted at the Magistrates' Court of the following offences:
1a.	Charge 1 :You, on the 8th day of November 2021, at Junction One, Antrim, being the holder of a provisional licence failed to comply with a condition prescribed by Regulation 12 (1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 which was applicable to you in that you drove a motor vehicle without having a distinguishing mark namely an "L"plate in the form set out in Schedule 3 of the said Regulations displayed on the vehicle in such manner as to be clearly visible from within a reasonable distance from the front and from the back of the vehicle to other persons using the road, contrary to Regulation 12 (1) (b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 and Article 3 (1) of the Road Traffic (Northern Ireland) Order 1981.
1b.	Charge 2: You, on 8th day of November 2021, at Junction One, Antrim being the holder of a provisional licence, drove on a road a motor vehicle otherwise than in accordance with a condition of the licence

	authorising you to drive a motor vehicle of that class prescribed by Regulation 12 (1) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996, namely that you drove the said vehicle otherwise than under the supervision of a qualified driver present with you in or on the vehicle, contrary to Article 3 of the Road Traffic (Northern Ireland) Order 1981.
1c.	Charge 3 : You, on 8th day of November 2021, used a motor vehicle, namely [REDACTED], on a road or other public place, namely Junction One, Antrim without there being in force in relation to the user of the said motor vehicle by you such a policy of insurance or such a security in respect of third-party risks as complied with the requirements of Part V111 of the Road Traffic (Northern Ireland) Order 1981, contrary to Article 90 (4) of the Road Traffic (Northern Ireland) Order 1981.
1d.	Charge 5: You, on 8th day of November 2021, stole a TV to the total value of £470.36 belonging to Asda, Antrim contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
2	On 04 April 2023, you were found guilty at the Magistrates' Court of the following offence and received a Conditional Discharge:
2a.	Charge 4: You, on the 8th day of November 2021 without having the consent of the owner or the lawful authority took a motor vehicle, namely, [REDACTED] for your own or another's use, contrary to Article 172 of the Road Traffic (Northern Ireland) Order 1981.
3.	On 13 February 2024, you were convicted at the Magistrates' Court of the following offences:
3a.	Charge 1: You, on 20th day of January 2023, stole various items to the total value of £78.00 belonging to Tesco, Antrim contrary to the Theft Act (Northern Ireland) 1969.
3b.	Charge 2: You, on 26th day of January 2023, stole various items to the total value of £80.00 belonging to Tesco, Antrim contrary to the Theft Act (Northern Ireland) 1969.
3c.	Charge 3: You, on 27th day of January 2023, stole various items to the total value of £80.00 belonging to Tesco, Antrim contrary to the Theft Act (Northern Ireland) 1969.
3d.	Charge 4: You, on 30th day of January 2023, attempted to steal various items of value belonging to Tesco, Antrim contrary to Art 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Section 1 of the Theft Act (Northern Ireland) 1969.
3e.	Charge 5: You, on 20th day of January 2023, without having the consent of the owner or other lawful authority took a motor vehicle, namely, a BMW [REDACTED], for your own or another's use, contrary to Article 172 of the Road Traffic (Northern Ireland) Order 1981.
3f.	Charge 6 : You, on 20th day of January 2023, used a motor vehicle, namely, a BMW [REDACTED], on a road or other public place, namely, Castlewater Gardens, Antrim, without there being in force in relation to the user of the said motor vehicle by you such a policy of Insurance or such a security in respect of third-party risks as complied with the requirements of Part V111 of the Road Traffic (Northern Ireland)

	Order 1981, contrary to Article 90 (4) of the Road Traffic (Northern Ireland) Order 1981.
3g.	Charge 7: You, on 20th day of January 2023, drove on a road a motor vehicle, namely, a BMW [REDACTED] without being the holder of a driving licence authorising you to drive a motor vehicle of that class, contrary to Article 3 (1) of the Road Traffic (Northern Ireland) Order 1981.
4.	On 05 and 06 April 2024, you attended your place of work at Town & Country Care Homes Ltd and worked there in a role that required you to be registered as a social care worker, whilst you were subject to an Interim Suspension Order made by a Preliminary Proceedings Committee on 04 April 2024.
5.	On or about 16 October 2023, you provided a reference to Town & Country Homes Ltd which falsely purported to be from a REDACTED, Residential Manager of Belfast Health & Social Care Trust.
6.	Your actions as set out at 4 and 5 above were dishonest.
And your actions as set out in 1 and 3 above show that your fitness to practise is impaired by reason of your convictions in the United Kingdom for criminal offences.	
And your actions as set out at 2, 4, 5 and 6 above show that your fitness to practise is impaired by reason of your misconduct.	

Preliminary Issues

The fitness to practise hearing was held at the Council's offices in James House, Belfast. The Registrant was not in attendance, nor was he represented. The Council was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Procedure

The hearing was held under the fitness to practise procedure.

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

Ms Owens told the Committee that the Notice of Hearing and the hearing bundle were sent to the Registrant's registered email address on 14 February 2025, and that an electronic proof of 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 and Paragraph 5 of Schedule 2.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing had been served in accordance with the Rules.

Proceeding in the Absence of the Registrant

Ms Owens made an application for the hearing to proceed in the absence of the Registrant.

Ms Owens told the Committee that the Committee Clerk called the Registrant on 20 March 2025 and left a voicemail for the Registrant, asking him to return the call to confirm his attendance at the hearing scheduled for 27 March and 10 April 2025. She said that the Registrant had not responded to either the email or voicemail, and that he had not provided any reason for his non-attendance. Ms Owens invited the Committee to conclude that the Registrant's absence was a voluntary waiver of his right to attend. She further submitted that it was in the public interest for there to be an expeditious disposal of the hearing. She noted that the Registrant had not made a request for an adjournment. She submitted that any disadvantage to the Registrant would be outweighed by a fair and expedient hearing. Ms Owens also highlighted that two witnesses had made themselves available and were ready to give evidence.

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 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 had voluntarily absented himself from the hearing. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later stage. In addition, the Committee noted the serious nature of the Allegation faced by the Registrant, and that the Council intended to call witnesses in support of its case. The Committee considered that it was important to conclude the case while the memories of witnesses were still fresh and, given the seriousness of the Allegation, the public interest was also strongly engaged.

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

Background and Submission on Facts

Ms Owens said that the Registrant is registered on Part 2 of the Register, and that this matter first came to the Council's attention following a self - referral form, received on 17 July 2023. Ms Owens said that the self - referral Form declared that, on 04 April 2023, the Registrant had been convicted at Antrim Magistrates' Court of theft of a TV from ASDA, Antrim, together with a number of driving offences. The self - referral stated as follows:

'In November 2021 I was picking up some groceries in Asda. When I left the alarm sounded. When inspected by the security guard I had forgotten to scan a monitor. The shop had to contact the police and when I spoke with them I immediately admitted that I hadn't scanned it. At the time REDACTED. This is how I feel this happened. As this had been reported to the police I had to attend court. My solicitor dealt with the matter and relayed what happened to the court. As there wasn't actually anything taken and this was something that never happened before the court suggested I attend a probation service REDACTED. My manager is aware of this and I have informed the trust also.' [sic]

Ms Owens told the Committee that the Council requested and received copies of the certificates of conviction, dated 04 April 2023. She said that the Council also obtained the Common Law Police Disclosure ('CLPD') Case Summary. The summary advised that on 08 November 2021, the Police attended a report of a theft at Asda, Antrim, where a male was stopped when exiting the store with £470.36 worth of items. The Registrant had driven a vehicle to the store. The Registrant did not have permission to drive the vehicle. Further checks were carried out, and it was established that the Registrant held a provisional license and was not insured on the vehicle.

Ms Owens said that the Council contacted the Registrant's employer, the Belfast Health and Social Care Trust ('the Trust') on 20 July 2023 to make sure that they were aware of the matter. The Trust confirmed that the Registrant was on a career break from 09 June 2023 to 09 June 2024.

Ms Owens said that during the course of its investigations, the Council became aware that the Registrant was under Police investigation in respect to further alleged theft offences, which occurred in January 2023. The Registrant was subsequently convicted on 13 February 2024 at Antrim Magistrates' Court of three counts of theft, one count of attempted theft from Tesco, Antrim, and a number of driving offences.

Ms Owens told the Committee that the CLPD provided the Council with a case summary on 27 February 2024.

Ms Owens informed the Committee that a Preliminary Proceedings Committee on 04 April 2024 had imposed an Interim Suspension Order for period of six months. She also told the Committee that the Registrant appeared remotely, and was aware of the decision to grant the Interim Order.

Ms Owens said that on 11 April 2024, the Council received an email from the Governance Lead of Town & Country Care Homes Ltd, which advised that the Registrant was an employee and requested further information. During a telephone call between the Council and the Governance Lead on 12 April 2024, the Council was advised that the Registrant was currently employed by Town and Country Care Homes Ltd, and had been since

November 2023. The Governance Lead further advised the Council that on 11 April 2024, during the course of her regular checks, she had discovered that there was an Interim Suspension Order in place in respect of the Registrant, but that he had attended and worked two shifts with them at the Ladyhill Care Home, Antrim, on both 05 and 06 April 2024.

Ms Owens stated that the Registrant had not informed the Council, nor the Committee on 04 April 2024, of his employment with Town & Country Care Homes Ltd.

Ms Owens said that Town and Country Care Homes Ltd confirmed that the Registrant did not make them aware of any of his dealings with the Council, or any investigation into his conduct or Orders imposed.

Ms Owens told the Committee that the Fitness to Practise Officer spoke with the Registrant on 15 April 2024, and she confirmed that she had listened to the recording of the Interim Order hearing that had taken place on 04 April 2024 and that the Chair of the Committee had clearly said that the Interim Suspension Order was imposed with immediate effect.

Ms Owens told the Committee that the Registrant had supplied a reference in order to obtain the employment with Town and Country Care Homes Ltd. The reference was purported to be from REDACTED, Residential Manager. However, Ms Owens said that this reference is believed to have been dishonestly created by the Registrant.

The Council called Witness 1 to give evidence via video link. Witness 1 adopted her statement as evidence. She confirmed that she had been the owner of Town and Country Care Homes Ltd. She said that she had interviewed the Registrant and had had oversight of his appointment. She also said that they had extensive discussions regarding his convictions and 'causative factors'. This discussion had occurred as a result of information contained in the Registrant's Access NI certificate. Witness 1 said that she found the Registrant's reasons plausible, and felt that he was being open and honest. She said that she was not made aware of any further Police investigations or any issues with the Council. She said that a reference from the Trust was 'exemplary'. Witness 1 told the Committee that at 10 pm on 11 April 2024, the Governance Lead phoned her to say that the Registrant was suspended by the Council but had carried out two shifts at Ladyhill Lodge. Witness 1 told the Committee that she contacted the Registrant straight away and arranged to speak with him the next day, with the Governance Lead in attendance. Witness 1 said that the Registrant explained to her that he had not disclosed the suspension because he did not want to cause his employer any problems. She also told the Committee that the Registrant described 'running away from his problems', and not having told his partner about the Interim Order. Witness 1 confirmed that the Registrant working in a regulated role whilst suspended by the Council was a significant matter for her, and that it could have had serious consequences with the Regulation Quality Improvement Authority. Witness 1 concluded her evidence by saying that subsequent to a management meeting on 12 April 2024, the Registrant was informed that his employment contract had ceased.

The Council called Witness 2 to give evidence. She confirmed that she was the Deputy Director of Social Work with the Belfast Health and Social Care Trust. She said that the Registrant had been on a career break from

June 2023 until June 2024, and that he was not permitted to do other work without prior consent, but that no such consent had been sought or granted. Witness 2 was asked about a reference from REDACTED. Witness 2 told the Committee that REDACTED is an employee of the Trust, although employed as a senior support worker and not a manager. Witness 2 also told the Committee that a manager spoke to REDACTED and was informed that she had not provided a reference for the Registrant, REDACTED. The Committee asked Witness 2 if a reason had been provided for the Registrant's career break, and Witness 2 said that the Registrant said that he was caring for a dependant.

Ms Owens said that in relation to Particulars 1 and 3, the convictions of theft from April 2023 and February 2024, the Council seeks to rely on the certificates of conviction as conclusive proof that the facts are proven in accordance with Schedule 2, Paragraph 12 (5) of the Rules. She said that there is no evidence that the Registrant successfully appealed his conviction or that the conviction does not relate to him. Ms Owens invited the Committee to find the facts proved on the balance of probabilities.

In relation to Particular 2, the offence of taking a motor vehicle without consent of the owner, Ms Owens said that given that the Registrant had received a conditional discharge, this cannot be deemed as a conviction and so this must be dealt with under the misconduct gateway. She said that the Council was relying on the certificate from the Court as evidence, and invited the Committee to find the facts proved on the balance of probabilities.

In relation to Particulars 4 and 5, Ms Owens said that the Council sought to rely on the written statements and oral evidence of Witness 1 and Witness 2, and also referred the Committee to the decision of the Preliminary Proceedings Committee on 04 April 2024, when the Interim Suspension Order was imposed.

Ms Owens said that the theft convictions were inherently dishonest offences, and submitted that the Registrant's actions at Particulars 4 and 5 were also dishonest in nature. She submitted that the Registrant's alleged actions in Particulars 3 and 4 add to an already concerning picture and pattern of dishonesty.

Ms Owen submitted that through the documentation within the bundle and the oral evidence from both witnesses, the Council had discharged the burden of proof.

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 also reminded the Committee that the burden of proof rested with the Council. Advice was given in respect of Paragraph 12 (5) and (7) of Schedule 2 of the Rules. Advice was also given in respect of misconduct and, specifically, the need for misconduct to be serious and not trivial or inconsequential. The Legal Adviser provided the Committee with the legal definition of theft and highlighted the requirement of dishonesty. The Committee received advice in respect of hearsay evidence, inferences and propensity. The Legal Adviser also referred the Committee to the case of Ivey v Genting Casinos (UK) Ltd and the test for dishonesty.

The Committee, before turning to consider the Particulars of the Allegation, undertook an assessment of the evidence which it had heard from Witness 1 and Witness 2.

The Committee found Witness 1 to be a credible, reliable and truthful witness, whose evidence at the hearing was consistent with her witness statement and other documentary material contained in the hearing bundle.

Similarly, the Committee found Witness 2 to be a credible, reliable and truthful witness, whose evidence at the hearing was consistent with her witness statement and other documentary material contained in the hearing bundle.

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.

In respect of Particulars 1 and 3, the Committee was satisfied that the certificates of conviction (dated 04 April 2023 and 13 February 2024) were conclusive proof of the facts specified in each of the said Particulars. There was no evidence before the Committee to suggest that the Registrant was not the individual against whom the findings of fact were made, or that he had successfully appealed.

In respect of Particular 2, the Committee noted that owing to the Conditional Discharge, it was technically not a conviction. The Committee, therefore, had regard to the available evidence. The Committee noted that the relevant facts were contained within a certificate of conviction, dated 02 August 2023 and contained at Page 12 of the bundle. The Committee was satisfied that the documentary evidence was from a reliable source, and that the facts had been found proved.

In relation to Particular 4, the Committee had careful regard to the Notice of Decision of the Preliminary Proceedings Committee on 04 April 2024. The Committee noted that the Registrant was in attendance remotely by way of video link. It further noted that an Interim Suspension Order was imposed for a period of six months, and that the Notice of Decision specifically stated that the suspension took effect immediately. Whilst the Notice itself was dated 09 April 2024, the Committee drew an inference that the Preliminary Proceedings Committee would have stated to the Registrant both the outcome and its immediate effect. As detailed above, the Committee found Witness 1 to be a reliable witness, and accepted her evidence that the Registrant had completed regulated work on 05 and 06 April 2024 notwithstanding his suspension. The Committee, therefore, found Particular 4 proven.

Also, in respect of Particular 4, the Committee noted the record of a telephone call between the Registrant and the Council on 15 April 2024 and, specifically, the Registrant's explanation that he *'misunderstood the outcome'*. The Committee further noted that this was a different explanation from the reasoning provided by the Registrant to Witness 1.

In respect of Particular 5, the Committee noted the reference contained at Page 57 of the bundle. It further noted from Witness 1's statement that the relevant email (understood to be the email which sent the reference) had not been located and was not before the Committee. The reference did contain a telephone number, was dated 02

October 2023, and contained a typed signature of REDACTED who was detailed as a '*residential manager*'. The Committee had regard to the statement of Witness 1, which referenced calls being made to the mobile number as provided on the reference, but going unanswered. The Committee also had regard to the evidence of Witness 2, and was mindful of the hearsay aspect of her evidence. The Committee noted that Witness 2 specifically stated the steps taken to investigate the reference, and that she also specified the response of REDACTED. In the Committee's view, Witness 2 had no reason to fabricate this evidence and, notwithstanding its hearsay nature, it was persuasive. The Committee, therefore, found Particular 5 proven.

In respect of Particular 6, the Committee was satisfied that the Registrant's actions as set out at Particular 4 and 5 were dishonest. In respect of Particular 4, this was supported by the inconsistent reasons given by the Registrant, and the obvious benefit to him of working as a registered social care worker despite his suspension. Similarly, in respect of Particular 5, the Committee was mindful that the Registrant was not permitted to seek other employment while on a career break from the Trust, and the provision of a false reference would therefore have been to his advantage in obtaining other employment (namely, with Town and Country Care Homes Ltd). The Committee was satisfied that the Registrant intentionally worked whilst suspended and used a false reference for personal gain, and that he would have known that this was dishonest. The Committee concluded that this conduct was dishonest by the objective standards of ordinary decent people. The Committee found Particular 6 proven.

In respect of Particulars 1 and 3, the Committee noted the implicit dishonesty as part of the theft convictions.

In respect of Particulars 2, 4, 5 and 6, the Committee was satisfied that the misconduct was serious, and that it would be considered deplorable by fellow social care workers.

Fitness to Practise

The Committee then moved on to consider if the Registrant's fitness to practise is impaired.

The Committee heard submissions from Ms Owens on the question of impairment. Ms Owens submitted that the Registrant's fitness to practise is impaired by reason of his convictions and misconduct. She said that the Registrant's actions call into question his ability to practise as a social care worker and to remain on the Register. She submitted that the evidence heard by the Committee, and the facts found proved, have established that the Registrant's actions fell well short of the standard to be expected.

Ms Owens invited the Committee to conclude that the Registrant's actions amount to misconduct, and outlined the relevant standards of conduct and practice that were breached – Standards of Conduct 2 - 2.1, 5 - 5.8, 6 – 6.6.

When considering the issue of remediation, Ms Owens submitted that the Registrant has not engaged with the Council and has not provided any evidence of insight or remorse. She said that without remediation, there is an ongoing risk of repetition. She said that the Registrant has not appeared before the Committee today to persuade it that his actions would not be repeated in the future.

Ms Owens submitted that, in light of the facts found proved, public confidence in the Council to maintain proper standards as a regulatory body would be undermined if a finding of impaired fitness to practice was not made.

The Committee accepted the advice of the Legal Adviser. He referred the Committee to the Standards of Conduct and Practice for Social Care Workers. He reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise is impaired because of his conviction and misconduct. He referred the Committee to Paragraph 24 of Schedule 2 of the Rules, and the requirements as set out in the case law. In particular, the Legal Adviser referred the Committee to GMC v Cohen and to the formulation provided by Dame Janet Smith in her 5th Report to the Shipman Inquiry (cited with approval by Cox J in CHRE v NMC & Grant).

The Committee considered whether the Registrant's fitness to practise is impaired by reason of his conviction and misconduct, 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 was satisfied that the reason for the alleged impairment of fitness to practise was misconduct and conviction (Rules 4 (1) (a) and (d) respectively).

The Committee determined that the Registrant had breached the following of the NISCC Standards of Conduct and Practice for Social Care Workers:

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.

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.

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:

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

The Committee considered that remediation was possible but difficult in the circumstances of this case.

In the Committee's view, compelling evidence demonstrating significant insight would be required. The Registrant's actions (both the misconduct and criminal offences) spanned a period of time and were multi-faceted and, therefore, could not be described as an isolated incident. In any event, there was no evidence of remediation. The Registrant has not engaged in any meaningful way with the fitness to practise proceedings. He has not demonstrated any insight. His actions evidenced a pattern of behaviour involving theft and driving offences. His behaviour over a period of time evidenced a thread of dishonesty. The Committee noted the different and contradictory explanations provided by the Registrant at various times.

The Committee concluded that the risk of repetition is high. It was concerned by the evidence of Witness 1, when she said that the Registrant described running away from his problems. The Committee observed that the Registrant appeared to act dishonestly in an attempt to improve or conceal his circumstances. In the absence of any evidence with regard to insight and remediation, the Committee could have no confidence that similar conduct would not occur again.

The Committee also considered the public interest to be engaged. Particular 4 was concerning to the Committee as it undermined the very basis of regulation. The Committee was mindful that the public interest includes protection of the public, the declaring and upholding of proper standards of conduct and behaviour and the maintenance of public confidence in the profession. The Committee was satisfied that, in light of the serious nature of his criminal offences, the repeated and multi-faceted misconduct, and the thread of dishonesty, public confidence in the profession would be undermined if no finding of impairment was made.

For these reasons detailed above, the Committee concluded that the Registrant's fitness to practice is impaired by reason of his convictions and misconduct.

Sanction

Ms Owens informed the Committee that the Registrant had been previously referred to the Council, which resulted in the Registrant receiving a consensual warning for a one-year period, which has now expired.

The Committee heard a submission from Ms Owens on the question of what, if any, sanction to impose. She set out the mitigating and aggravating factors which she said applied to this case.

Mitigating factors:

- The Registrant self-referred to the Council; and
- The Registrant pleaded guilty at Court in respect of the relevant criminal convictions.

Aggravating factors:

- The Registrant had serious disregard for the Standards of Conduct and Practice for Social Care Workers;
- The Registrant's actions were dishonest
- The Registrant has demonstrated a lack of regret, insight and remorse; and
- There was an element of premeditation as regards his actions.

Ms Owens said that a Suspension Order may be an appropriate sanction where there has been an acknowledgment of failing and the risk of repetition is low. In the circumstances of this case, the Registrant has not provided any evidence of acknowledgment of his failings or that his behaviour would not be repeated.

Ms Owens submitted that it is the view of the Council that the most appropriate sanction in this case is a Removal Order.

The Committee heard and accepted the Legal Adviser's advice. He referred to 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 evidence, both oral and documentary, together with the submissions of Ms Owens. 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 mitigating factors to be as follows:

- The Registrant self-referred to the Council; and
- The Registrant pleaded guilty at Court in respect of the relevant criminal convictions.

The Committee considered the aggravating factors to be as follows:

- The Registrant had serious disregard for the Standards of Conduct and Practice for Social Care Workers;
- The Registrant's actions were dishonest
- The Registrant has demonstrated a lack of regret, insight and remorse; and
- There was an element of premeditation as regards his actions.

The Committee had careful regard to the Indicative Sanctions Guidance, which highlights dishonesty as particularly serious.

The Committee went on to consider the appropriate sanction. The Committee took the view that the Registrant's actions fell well below the standard of a registered social care worker. As such, it was the Committee's duty to protect the public from the risk of harm and to uphold proper standards of conduct, so as to maintain public confidence in the profession. Accordingly, the Committee determined that a sanction was required, and that to impose no sanction would fail to mark the seriousness of the convictions and misconduct.

Warning - the Committee considered the issue of a Warning in the case. The Committee determined that a Warning was not appropriate. The Committee does not consider that the Registrant's behaviour is at the lower end of the spectrum of impairment. The Committee was concerned by the extent of the Registrant's criminal convictions and misconduct, including dishonest behaviour. As a result, the Committee was not confident that a Warning would provide adequate public protection as far as the Registrant's suitability to work as a social care worker is concerned.

Conditions of Practice Order - the Committee next considered a Conditions of Practice Order. The Committee noted that the Registrant continued to work whilst subject to an Interim Suspension Order. The Committee determined that given the lack of engagement from the Registrant at this hearing, conditions of practice could not be determined which were relevant, proportionate and workable. There was no current information to allow the Committee to take an informed view that conditions could be formulated which would be achievable and acceptable. The Committee also concluded that a Conditions of Practice Order would not be sufficient to meet the public interest, given the significant departure by the Registrant 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 findings of fact and impairment stages of the proceedings which were of a serious nature, and related to the Registrant's breaching of fundamental tenets of the social care profession.

The Committee considered that in the absence of any insight or remediation, the Registrant's convictions and misconduct evidence behaviour that is fundamentally incompatible with continued registration as a social care worker. The multi-faceted nature of the Registrant's actions comprised dishonesty and demonstrated a complete disregard for the Standards and Practice for social care workers and was incompatible with continued registration. The Committee determined that a Suspension Order would not address the risk of repetition as identified above. The Committee had no evidence of insight or remediation. The Committee considered that a social care worker should be honest, whereas the Registrant behaved dishonestly on multiple occasions. In all of the circumstances, the Committee concluded that a Suspension Order would be insufficient to mark the seriousness of the Registrant's actions, and would fail to uphold the public interest.

Removal Order – the Committee then considered a Removal Order. In considering this sanction, the Committee took into account the Guidance at Paragraphs 4.26 – 4.28. 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. They bring the social care workforce into disrepute. As detailed above, in

the absence of insight and remediation, the Registrant's actions are fundamentally incompatible with continued registration. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it that would adequately protect the public and uphold the public interest. The Committee considered that public confidence in the social care profession, and in the Council as its regulator, would be undermined by the imposition of a lesser sanction. The Committee also was of the view that a sanction short of removal would fail to declare and uphold proper standards of conduct in the social care workforce.

The Committee considered the potential adverse impact that the making of a Removal Order could have on the Registrant, but decided that his interests are outweighed by the public interest and the need to protect the public. The Committee considered a Removal Order to be a suitable, appropriate and proportionate sanction which will be imposed on the Registrant's registration with immediate effect, and the Interim Suspension Order which is in place will be revoked.

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

02 April 2025

Hearings Officer

Date