

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

Name: Sarah Aimee Montgomery

SCR No: 6038034

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **16 June 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 suspending your registration for a specified period of nine months ('a Suspension 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), you were convicted on 04 December 2023 of the following offences at the Crown Court:

1. Defendant [You] on the 19th day of December 2020, caused grievous bodily injury [REDACTED] by driving a mechanically propelled vehicle on a road, namely Cullybackey Road, Ballymena, without due care and attention, contrary to Article 11A of the Road Traffic (Northern Ireland) Order 1995.

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 as per Rule 4 (1) (d) of the Fitness to Practise (Amendment) Rules 2019.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Issues

The fitness to practise hearing was held by way of video-link. The Registrant was in attendance but was not represented. The Council was represented by Ms Anna Price, Solicitor, Directorate of Legal Services.

Declarations of Conflict of Interest

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

Application to Admit Hearing Bundle

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

Admission of the Facts

The Registrant informed the Committee that she accepted that the Certificate of Conviction relates to her, and that there was no dispute as to the facts of the case.

Background

The Registrant is registered on Part 2 of the Register.

Ms Price told the Committee that an Employer Referral Form ('ERF') was received by the Council, on 03 November 2023, from Ms Amy Field, Deputy Team Leader at Galen's Way Children's Home, Northern Health and Social Care Trust ('the Trust'). She said that the Council also received an email from the employer, with an email from the Registrant attached. The email stated:

'I was involved in a accident on the 19.12.2020 in which a pedestrian was walking in the middle of the road under the influence and hit my car, I have not being charged in relation to this and was questioned at the time, I was not speeding or was not under the Influence at the time, the case is currently with pps and I will update yourselves and my manager if there is anything further regarding this.' [sic]

Evidence

Ms Price referred the Committee to the Certificate of Conviction in Exhibit 1. She advised that the conviction against the Registrant relates to driving a mechanically propelled vehicle on a road without due care and attention. She told the Committee that the Registrant pleaded guilty to the charge on 04 December 2023. The Registrant was sentenced at Court on 13 February 2024.

Ms Price directed the Committee to the Certificate of Conviction within the bundle, which shows that the Registrant was convicted and sentenced to ten months' imprisonment, suspended for two years. The Registrant was also disqualified from driving for two years. Ms Price said that this is in place until February 2026.

Ms Price directed the Committee to the PSNI Case Summary, contained within Exhibit 1. The document states that:

'The Victim remained in ICU in the RVH for a number of months before being transferred to the Musgrave Hospital where he remains in a very serious condition. The Victim has severe brain injury and is unable to communicate at this time...

The Suspects mobile phone has been examined and police have uncovered a lot of phone activity in and around the time of the Collison. Evidence from the suspect phone would show constant messaging from the suspect on

an app called snapchat. These messages are time stamped and show the exact time the messages were sent from the defendant's phone to a number of people. Police were able to time stamp the exact time the defendant had called the Police on 999 to report the Collision, and then were able to work back from that time. A lot of phone activity has been evidenced from approximately 20 minutes before the time of report to police. The evidence would suggest that the defendant was definitely using her mobile phone at the time of the Collision...

Police believe that due to the evidence on the suspect's phone, it's clear that the defendant had been using her mobile phone and was indeed distracted and it was for this reason that she did not see the victim on the road.'
[sic]

Ms Price submitted that the documentation in the hearing bundle confirms that the Registrant was convicted of the offence as set out within the Particulars of the Allegation. She submitted that the Certificate of Conviction, when taken alongside the background information obtained from the Registrant's employer and from the PSNI, allows the Council to prove the facts on the balance of probabilities. Ms Price submitted that in accordance with Paragraph 12 (5) of Schedule 2 of the Rules, the Certificate of Conviction was conclusive proof of the facts.

Findings of Fact

The Committee took into account the submissions made on behalf of the Council, the Certificate of Conviction and the legal advice from the Legal Adviser. The Legal Adviser reminded the Committee that under Paragraph 12 (5) of 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*'. She 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. She informed the Committee that the Certificate of Conviction in this case was issued before a competent Court of jurisdiction, and in the absence of any other evidence the Committee was entitled to rely on the Certificate of Conviction to establish conclusively that the Registrant was convicted of the offence as set out. She also advised the Committee that the certificate could also be relied upon to establish the facts underlying the conviction.

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 is more likely than not to have occurred.

The Committee had careful regard to all of the documentary evidence. The Committee noted the facts contained in the Certificate of Conviction, and that the Registrant has accepted the facts of the case. The Committee accepted that the Certificate of Conviction refers to this Registrant and is not subject to an appeal. The Committee, therefore, concluded that the Certificate of Conviction was conclusive proof of the conviction and the underlying facts. The Committee found the facts proved.

Fitness to Practise

The Committee proceeded to consider whether the Registrant's fitness to practise is currently impaired by reason of her conviction. The Registrant said that she agreed that at the time of the offence, her fitness to practise was impaired. However, she said that she had remorse for what had happened, that she had remediated, and that she does not believe that her fitness to practise is currently impaired.

The Committee heard submissions from Ms Price, who said that the Registrant's conviction is relevant and evidenced. She said that the Registrant's conviction calls into question her ability to work in social care services and to remain on the Register without restriction.

Ms Price referred the Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards') which, in her submission, the Registrant had breached by reason of her convictions, namely, Standards of Conduct 5 – 5.7 and 5.8. Ms Price submitted that the Registrant's actions fall far below the standards to be expected of a registered social care worker.

Ms Price submitted that the Registrant has not produced evidence of remediation to date, but noted that she pleaded guilty to the offence at Court. She also noted the Registrant's reflective account, contained in Exhibit 1. She said that, despite these, the Council had no further evidence of insight or remorse. She said that without evidence of full remediation, there was an ongoing risk of repetition. She submitted that it was for the Registrant to demonstrate that she is no longer impaired, presents no ongoing risk, and that she understood the impact of her behaviour.

Ms Price said that the Registrant's criminal conviction is of a serious nature and that, although it took place outside the workplace, it carries with it a risk of harm to others. She submitted that a failure to make a finding of current impairment of the Registrant's fitness to practise would undermine public trust and confidence, and would fail to uphold proper standards of conduct and behaviour. Ms Price invited the Committee to make a finding of current impairment by reason of the Registrant's conviction.

The Registrant made submissions to the Committee on the question of impairment. She said at the time of the offence, she was 20 years old, that she was young and had made a silly decision. She said that she is now 25, and has had five years to reflect on the incident and on how it impacted the victim and his family. She said that she thinks about it every day, and could not imagine making any decision which would put herself or others in danger now. She said that she is a different person now, and very aware of the effects which her actions have had on others. She said that she is aware of how it looks for the Trust to have someone in a role who was involved in a major incident such as this, but that she is very sorry about what happened.

The Committee considered the submission from Ms Price, the submission from the Registrant, and had regard to all of the evidence in the case. The Committee heard and accepted the advice of the Legal Adviser. She referred the Committee to Paragraph 24 (3) of Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen, looking at the current competence and behaviour of the Registrant, along with the need to protect service users, members of the public, the upholding of proper standards of behaviour and

maintaining of public confidence in the social care profession. She further referred the Committee to the findings of Dame Janet Smith in the fifth Shipman Report as regards the potential causes of impairment. She also referred the Committee to the cases of GMC v Meadows and CHRE v NMC & Grant.

The Committee considered whether the Registrant's fitness to practise was 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 had regard to Rule 4 (1) (d) of the Rules, which states that fitness to practise may be impaired by a conviction for a criminal offence. The Committee was satisfied that the Registrant's conviction for driving without due care and attention, causing Grievous Bodily Injury, was the reason for the alleged impairment of fitness to practise.

The Committee had regard to the Standards. The Committee was satisfied that the Registrant's actions were in breach of the following Standards of Conduct:

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

- 5.7 Put yourself or other people at unnecessary risk; or
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

The Committee was of the view that the Registrant's criminal behaviour fell significantly below the standards of conduct expected of a registered social care worker.

The Committee addressed itself to the Registrant's insight and remediation. The Committee concluded that the events which led to the conviction are capable of remediation. The Committee noted that the Registrant has expressed regret and remorse, and has apologised for her actions. However, the Committee has not been provided with evidence of how she has remediated her behaviour in the five years since the incident took place. The Committee read the written reflective piece submitted by the Registrant and considered that it demonstrated insufficient insight. Having heard oral submissions from the Registrant, the Committee considered that her insight is developing but that there is insufficient evidence from the Registrant to demonstrate that she has

developed full insight. The Committee noted that the Registrant pleaded guilty to the offence of driving a mechanically propelled vehicle on a road without due care and attention. The Committee considered, in light of the absence of full insight, that there is a risk of repetition.

Although these events occurred outside of the workplace, because of the serious nature of the offences, along with the risk of harm to herself and others, as a result of the Registrant driving without due care and attention, leading to Grievous Bodily Injury which resulted in a severe brain injury and long term hospitalisation, the Committee concluded that a finding of current impairment was necessary to protect the public.

The Committee also concluded that a finding of current impairment of fitness to practise was necessary in the public interest. It was considered by the Committee that public confidence in the social care workforce and the Council as its regulator would be undermined if a finding of impaired fitness to practise in these circumstances 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 Price on behalf of the Council, and had regard to all of the evidence in this case. She referred the Committee to mitigating factors, and advised that the Registrant had no previous referrals to the Council. She also noted that the Registrant had pleaded guilty to the offence and that it happened outside of work, so no service users were harmed. She said that the Registrant had engaged with the Council's investigation and had attended the hearing, providing some evidence of insight and remorse in her submissions. In considering aggravating factors, Ms Price submitted that the Registrant's conviction was extremely serious and constituted a serious disregard for the Standards. She said that the Registrant is still the subject of a live suspended sentence, remaining in place until February 2026.

Ms Price submitted that, whilst sanction was entirely a matter for the Committee, it was the view of the Council that it would not be appropriate to take no action in this case due to the serious nature of the criminal offence. Ms Price referred the Committee to the NISCC Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance') and submitted that conditions of practice would be difficult to formulate. She said that, having regard to all of the circumstances of the case and the evidence before the Committee, the most appropriate sanction may be either a higher-end Warning or a Suspension Order.

The Registrant had no submissions to make on sanction other than that she had learned her lesson.

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

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

- (a) impose no sanction; or
- (b) warn the Registrant and direct that a record of the warning should be placed on the Registrant's entry in the Register for a specified period of up to 5 years; or
- (c) make a Conditions of Practice Order for a specified period not exceeding 3 years; or
- (d) make an Order suspending the Registrant's registration for a specified period not exceeding 2 years (a 'Suspension Order'); or
- (e) make an Order for removal of the Registrant's registration from the Register ('a Removal Order').

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

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

The Committee applied the principles of fairness, reasonableness and proportionality, weighing the public interest with the Registrant's interests. The public interest includes the protection of members of the public, including service users, the maintenance of public confidence in the workforce and the declaring and upholding of proper standards of conduct and behaviour within the workforce. 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 Council's 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. The Committee considered the aggravating and mitigating factors in this case.

The Committee considered the mitigating factors to be:

- The incident occurred outside the workplace;
- No service users were harmed;
- The Registrant entered a guilty plea;
- The Registrant evidenced remorse and developing insight;
- The incident took place five years previously, and there was a delay due to COVID-19 in concluding the criminal proceedings;
- No previous referrals have been made in respect of the Registrant; and
- The Registrant has engaged in the fitness to practise proceedings.

The Committee considered the aggravating factors to be:

- The serious and life-changing nature of the injuries sustained by the victim as a result of the Registrant using her mobile telephone while driving; and
- The Registrant is subject to a live ten-month custodial sentence, suspended for two years, which is due to expire in February 2026.

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

No sanction - the Committee had no doubt that it would be entirely inappropriate to impose no sanction in this case in view of the seriousness of the case and the nature of the criminal conviction, and would not address the concerns identified.

Warning – the Committee considered whether to impose a Warning in this case. Having regard to its previous findings, the Committee considered that such a step would be inadequate to protect the public and would fail to uphold the public interest. The Committee considered that the Registrant's criminal conviction demonstrated a serious disregard for the Standards of Conduct and Practice for Social Care Workers. The Committee had some evidence before it of the Registrant's developing insight. Therefore, a Warning would not be appropriate or proportionate in all the circumstances, and would not address the wider public interest.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted the Guidance at Paragraph 4.13, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance, and where a Committee is satisfied that it is appropriate for an individual to remain on the Register. The Registrant's conviction is serious. The Committee concluded that it was not possible to formulate workable, enforceable or verifiable conditions which would address the Registrant's criminal behaviour, adequately protect the public and address the wider public interest.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the facts and impairment stages of the proceedings which were of a serious nature, and that the Registrant's actions fell far below the standards to be expected of a registered social care worker.

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

'4.19 Suspension from the Register may be an appropriate sanction for impairment which while very serious, is not so serious as to justify removal from the Register; for example, where there has been an acknowledgment of failings and where a Committee is satisfied that the behaviour is unlikely to be repeated, and the Registrant has no psychological or other difficulties preventing them from understanding and seeking to remedy the failings and the failings are realistically capable of being remedied, then suspension may be appropriate.'

Although the Committee considered that the Registrant's criminal conviction was serious, it did not consider it so serious as to justify removal from the Register. In particular, the Committee noted that the incident took place outside the workplace, with no risk of harm to service users. The Committee determined that the Registrant's behaviour is not fundamentally incompatible with continuing to be a registered social care worker in the long term. Suspension will give a clear message to the Registrant, the public and the profession that the Registrant's conduct was inappropriate for a social care worker. There have been no other complaints raised with the Council in respect of the Registrant. The Committee noted that a Suspension Order would be reviewed at the conclusion of the period of suspension, and that the Registrant would have the opportunity to present evidence of the steps which she has taken to further remediate her criminal behaviour and provide evidence of full insight. This would address the risk of repetition identified. The public would be sufficiently protected in the meantime by a period of suspension.

The Committee carefully considered the potential impact that a Suspension Order could have on the Registrant. It noted that the Registrant is currently working, but had no further information as regards the nature of her employment. However, it concluded that any consequences for the Registrant are outweighed by the need to protect the public and maintain public confidence in the social care workforce.

The Committee determined that suspension for a period of nine months would be proportionate to the seriousness of the facts found proved, and would provide an adequate opportunity for the Registrant to demonstrate full remediation and insight and that her fitness to practise is no longer impaired. The suspended sentence that the Registrant is currently subject to will expire before the end of this period.

Removal Order – the Committee did consider the sanction of removal. Whilst acknowledging that some of the factors listed in the Guidance were engaged, the Committee concluded that a Removal Order would be disproportionate, in particular as the Registrant has not caused harm to service users and the Registrant has no previous referrals. On balance, the Committee was persuaded that a Removal Order at this stage would not be appropriate.

The Committee concluded that a Suspension Order for a period of nine months was the most suitable, appropriate and proportionate sanction to be imposed on the Registrant's registration with immediate effect.

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

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

The effect of this decision is that your entry in the Register has been suspended for a specified period of nine months and you may not practise as a social care worker during the period 16 June 2025 to 15 March 2026 inclusive.

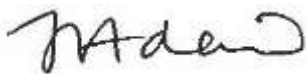
Early Review

The Fitness to Practise Committee may, at your request, review the Order before the end of the period for which the suspension has been imposed if there has been a material change of circumstances since the Order was imposed. The Committee may, after reviewing a Suspension Order, revoke that Order or replace that Order with a Conditions of Practice Order.

Review at Conclusion of Sanction

A review of your fitness to practise will be undertaken towards the end of the period for which the Suspension Order has been imposed. The Council will write to you no later than 12 weeks before the expiry of the Order to invite you to submit any information or documentation which you would like to have considered as part of the review process. The review will consider the particular concerns which have been outlined above by the Fitness to Practise Committee, and will seek to ascertain what remedial steps you have taken during the period of your suspension.

Following the Council's review, the matter may be referred for review by the Fitness to Practise Committee. If the Committee reviews the Order and it is satisfied that your fitness to practise remains impaired, it may impose a further Order to commence upon expiry of the existing Order, or it may impose a Conditions of Practice Order to commence upon expiry of the existing Order, or it may vary the terms of the existing Order, or it may revoke the existing Order and impose a Removal Order.



Hearings Officer
(Clerk to the Fitness to Practise Committee)

18 June 2025

Date