



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

Name: Elaine Elizabeth Smyth

SCR No: 6019209

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **04 November 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 (as served):

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 at the Magistrates' Court on 13 November 2024 of the following offence:

1. [You] on the dates from the 14th day of May 2023 to the 25th October 2024, whilst occupying a position in which you were expected to safeguard, or not to act against, the financial interests of [REDACTED] dishonestly abused that position in that you withdrew or assisted in the withdrawal of £750.00 from [REDACTED's] bank account, with the intention, by means of the abuse of that position to make a gain for yourself or another or to cause loss to [REDACTED] or to expose [REDACTED] to a risk of a loss, in breach of section 4 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.

And your conviction as set out above shows that your fitness to practise is impaired by reason of your conviction.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

The Registrant was neither present nor represented. The Council was represented by Ms Anna Price, Solicitor, Directorate of Legal Services.

Service

Ms Price told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address 17 September 2025, and that a proof of delivery receipt was received on the same date.

The Committee received legal advice from the Legal Adviser, and she referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's ('the Council') Fitness to Practise (Amendment) Rules 2019 ('the Rules') and, in particular, Rule 3 which states that proof of service shall be treated as having been effected on the day after it was electronically mailed.

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 Price 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. She invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. She outlined to the Committee that on 23 October 2025, the Committee Clerk telephoned the Registrant and left a voicemail, asking the Registrant to return the call to confirm her attendance at the fitness to practise hearing on 04 November 2025. Ms Price said that the Council emailed the Registrant on 28 October 2025 to inform her that her fitness to practise hearing would now be held remotely, and again asked her to confirm her attendance. However, the Registrant did not respond to any communication from the Council.

In light of this information, Ms Price submitted that, in all of the circumstances, it was fair to proceed with the hearing in the Registrant's absence. She said that the Notice of Hearing provided details of the Allegation, the time, date and method of the hearing and, amongst other things, information about the Registrant's right to attend, be represented and call evidence, as well as the Committee's power to proceed in her absence.

Ms Price submitted that proceeding in the Registrant's absence was in the public interest, and also was justified to ensure the timely 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. She referred the Committee to the cases of R v Jones and GMC v Adeogba. She reminded the Committee that in exercising its discretion to proceed in the Registrant's absence, it must have regard to all of the

circumstances, with fairness to the Registrant being of prime consideration, although fairness to the Council and the public interest must also be weighed in the balance.

The Committee noted the attempts to contact the Registrant by both telephone and email, and that the Registrant had not responded to any communication from the Council. Accordingly, the Committee was satisfied that the Registrant, with notice of the hearing, had voluntarily waived her right to attend. There was no reason to suppose that an adjournment of the hearing would secure the Registrant's attendance at a later date. In addition, the Committee noted the serious nature 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 Amend the Particulars of the Allegation

Ms Price made an application to amend the Particulars of the Allegation. She told the Committee that this was in relation to a single typographical error on the Certificate of Conviction. She said that the date on the Certificate of Conviction should read 15 October 2023 and not 15 October 2024, as stated on the Certificate. Ms Price said that this has been confirmed by the PSNI in an email to the Council on 03 November 2025. She further said that the Registrant was informed by email on 31 October 2025 of the Council's intention to amend the Particulars of the Allegation accordingly.

Ms Price said that the amendment would not adversely impact the Registrant, and was in the interests of justice and would ensure a fair hearing.

The Committee received legal advice from the Legal Adviser, who referred the Committee to Paragraph 18 of Schedule 2 of the Northern Ireland Social Care Council's Fitness to Practise (Amendment) Rules 2019 ('the Rules').

The Committee was satisfied that the Allegation could be amended without causing prejudice to the Registrant and the application was, therefore, granted. The Committee was satisfied that the relevant Certificate of Conviction contains an error in respect of the dates of the offending period. The Committee noted that the correct date was 15 October 2023, whilst the Certificate of Conviction referred to 15 October 2024.

Particulars of the Allegation (as amended)

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 at the Magistrates' Court on 13 November 2024 of the following offence:

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| 1. | [You] on the dates from the 14 th day of May 2023 to the 25th October 2023 , whilst occupying a position in which you were expected to safeguard, or not to act against, the financial interests of [REDACTED] dishonestly abused that position in that you withdrew or assisted in the withdrawal of £750.00 from |
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[REDACTED's] bank account, with the intention, by means of the abuse of that position to make a gain for yourself or another or to cause loss to [REDACTED] or to expose [REDACTED] to a risk of a loss, in breach of section 4 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.

And your conviction as set out above shows that your fitness to practise is impaired by reason of your conviction.

Application to Admit Hearing Bundle

The Committee admitted the hearing bundle into evidence, and marked it as 'Exhibit 1'. The email to the Registrant, dated 31 October 2025 regarding the error in the Certificate of Conviction, was marked as Exhibit 2 and the email from the PSNI, dated 03 November 2025, confirming the correct date on the Certificate of Conviction, was marked as Exhibit 3.

Declarations of Conflict of Interest

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

Background

Ms Price set out the background to the case, and told the Committee that the Registrant is registered on Part 2 of the Register. She said that the matter first came to the Council's attention by way of an Employer Referral Form ('ERF') from Mr Glenn Hunter, Triangle Housing Association, on 13 November 2023. The ERF disclosed the following:

'Six bank withdrawals were made from the service user's bank account and none can be accounted for. This is from 15/05/2023 until 26/10/2023. ES was the Support Assistant accompanying the service user on the dates when the transactions happened. The Trust has been notified and we are awaiting clearance to go ahead with an internal investigation. This came to light during an audit in Nov 2023 by the Registered Manager.'

The ERF also confirmed that the matter had been passed to the Belfast Health and Social Care Trust ('the Trust') Adult Safeguarding Team and the PSNI. On 10 January 2024, the Adult Safeguarding Team confirmed by way of email that the matter was being investigated under joint protocol with the PSNI.

On 17 June 2024, the Council sent the Registrant a letter notifying her of the referral to the Council. To date, the Council have had no communication from the Registrant.

On 21 January 2025, the Council received a copy of the Certificate of Conviction. The Registrant pleaded not guilty on 24 May 2024. However, on 13 November 2024, the Registrant was convicted of the alleged offence as set out in the Particulars of Allegation at the Magistrates' Court, and was given a six-month custodial sentence, suspended for one year. It was also confirmed that the Registrant was ordered to pay compensation of £750 to the victim.

On 12 June 2025, the Council received, from the Common Law Protective Disclosure Unit ('CLPD'), the Police Case Summary and witness statements.

Ms Price referred the Committee to the details within the PSNI Case Summary. She said that the Injured Party, who has Downs' Syndrome and a learning disability, made a comment to a member of staff that he was short of money. The staff member checked the Injured Party's banking app, and found a number of cash withdrawals which were not recorded in the Injured Party's cash record book. Ms Price said that there had been six withdrawals, totalling £750.00, between 14 May and 25 October 2023 which were not accounted for in the Injured Party's cash record book.

The suspect (the Registrant) was found to have been the sole staff member on duty at the date and time of each withdrawal. The Registrant provided no comment responses to the PSNI when asked to explain the transactions, if she made them and if they were for her own personal gain.

Evidence

Ms Price directed the Committee to the evidence contained within the hearing bundle and, in particular, 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 which is set out in the Particulars of the Allegation. Ms Price said that there was no evidence that the Registrant had successfully appealed the conviction or that she is not the person named on the Certificate of Conviction.

Findings of Fact

The Committee took into account the submissions made on behalf of the Council, and accepted advice from the Legal Adviser. In accordance with Paragraph 13 of Schedule 2 of the Rules, the burden of proving the facts set out in the Allegation rested upon the Council. In addition, Paragraph 12 of Schedule 2 of the Rules specified the approach which the Committee should take when considering this Allegation. The Committee was advised that the Certificate of Conviction should be treated as conclusive proof of the conviction and the facts underlying the conviction. The Registrant could rebut that presumption only where she could show that she was not the person named on the face of the Certificate, or that she had successfully appealed her conviction to a Court of competent jurisdiction.

The Committee considered the amended Particular of the Allegation.

Particular 1: [You] on the dates from the 14th day of May 2023 to the 25th October 2023, whilst occupying a position in which you were expected to safeguard, or not to act against, the financial interests of [REDACTED] dishonestly abused that position in that you withdrew or assisted in the withdrawal of £750.00 from [REDACTED's] bank account, with the intention, by means of the abuse of that position to make a gain for yourself or another or to cause loss to [REDACTED] or to expose [REDACTED] to a risk of a loss, in breach of section 4 of the Fraud Act 2006, contrary to Section 1 of the Fraud Act 2006.

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

Accordingly, the Committee found the facts proved in accordance with Rule 4 (1) (d) of the Rules.

Fitness to Practise

Ms Price submitted that the Registrant's actions that led to her conviction call into question her suitability to work in social care services, and to remain on the Register without restriction or to be registered at all. She said that the Registrant's actions breached the duty to uphold public trust and confidence in social care services. She said that a basic element of this is to act honestly, and that the Registrant's actions clearly fall well below the minimum standards that would be expected of a registered care worker.

Ms Price said that fraud offences are by nature, offences of dishonesty. She referred the Committee to the Standards of Conduct for Social Care Workers, and said the Registrant breached the following Standards: 2 - 2.1, 2.11, 5 - 5.1, 5.2, 5.3, 5.8 and 6 - 6.12.

Ms Price told the Committee that there was no indication in the Police Summary that the Registrant made any admissions and that she pleaded not guilty at Court to the offence, despite the evidence available.

Ms Price said that the Registrant has not engaged with the Council and has not provided any evidence of remediation, nor has she expressed any remorse or insight.

Ms Price said that the Council is concerned that the fraudulent activity took place over a significant period of time, against a very vulnerable service user. Therefore, it is the view of the Council that the Registrant presents a risk of repeating her behaviour, putting service users at risk of harm. Ms Price reminded the Committee that the Registrant has not attended today to persuade the Committee that there is no risk of repetition.

Ms Price submitted that the Registrant's criminal behaviour, abuse of her privileged position of trust, alongside the dishonesty inherent in a fraud conviction, give rise to a public perception that she is currently unfit to be working in social care, and is currently impaired.

Ms Price submitted that the Registrant's fitness to practise is clearly impaired by reason of her conviction.

The Committee heard and accepted the Legal Adviser's advice. The Committee was told that the question of whether the Registrant's fitness to practise is currently impaired was a matter for the independent judgement of the Committee.

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

- (a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;

- (b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- (c) whether the impairment is capable of remediation;
- (d) whether the impairment has been remediated;
- (e) the risk of repetition; and
- (f) the public interest.

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

Standard 2: As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. This includes:

- 2.1 Being honest and trustworthy; and
- 2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

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

- 5.1 Abuse, neglect or harm service users, carers or colleagues;
- 5.2 Exploit service users, carers or colleagues in any way;
- 5.3 Abuse the trust of service users and carers or the access you have to personal information about them or to their property, home or workplace; or
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

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:

- 6.12 Co-operating with any investigation or formal inquiry into your conduct, the conduct of others, or the care or services provided to a service user where appropriate.

The Committee considered whether the Registrant's actions are capable of remedy. The Registrant has been convicted of an offence which amounted to dishonesty. Whilst conduct of this nature may be potentially capable of remediation, there was no evidence that the Registrant has taken any steps to remediate. The Committee took into account the Registrant's lack of co-operation with both the police and regulatory investigations.

The Committee had regard to the formulation provided by Dame Janet Smith in her Fifth Report to the Shipman Inquiry (cited with approval by Cox J in Grant), and determined that the Registrant: a.) had in the past, and was liable in the future, to put service users at unwarranted risk of harm; b.) had in the past, and was liable in the future, to breach fundamental tenets of the social care profession; c.) had in the past, and was liable in the future, to bring the social care profession into disrepute; and d.) had in the past, and was liable in the future, to act dishonestly.

The Committee considered that the Registrant's actions, whereby she was convicted of a serious breach of trust offence in relation to a vulnerable service user, were a serious departure from the standards of conduct and behaviour of a registered social care worker. The Committee noted that the Registrant pleaded not guilty and did not engage with these proceedings. The Committee determined that there is a high risk of repetition due to the Registrant's lack of engagement and not having demonstrated any insight or evidence of remediation. For these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise is required for public protection reasons.

The Committee also considered the public interest, which also includes the need to declare and uphold the proper standards of conduct and behaviour, and to maintain the reputation of the social care profession and the Council in its regulatory function. The Committee was satisfied, in light of the serious nature of the Allegation combined with the Registrant's lack of insight and the high risk of repetition identified, that a failure to make a finding of current impairment of fitness to practise on public interest grounds would undermine the public's trust and confidence in the social care profession. Further, the Committee was also satisfied that a failure to make a finding of current impairment on public interest grounds would fail to declare and uphold proper standards of conduct and behaviour.

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

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

Sanction

In the absence of the Registrant, Ms Price told that the Committee that the Council has not received any previous referrals regarding the Registrant and, therefore, that she is entitled to the benefit of a good work history and good prior character.

In relation to the aggravating factors, Ms Price said that the nature of the offence was dishonest and was an abuse of trust. She said that the Registrant's dishonest actions took place over a prolonged period of time and were pre-meditated. She said that the Registrant did not make any admissions and pleaded not guilty at Court. She said that the Registrant has not co-operated with the Council's investigation and has not provided any evidence of remorse, insight or remediation. She said that the Registrant's criminal behaviour occurred in the workplace and resulted in financial abuse against a very vulnerable service user.

Ms Price submitted that a Warning would not protect the public from the risks identified. She said that a Conditions of Practice Order would not be suitable as the Registrant has not attended the hearing today, and it would be difficult to identify workable conditions. She said that appropriate and relevant conditions would be difficult to impose that would meet the concerns arising from the Registrant's criminal behaviour.

In relation to a Suspension Order, Ms Price said that the risk could arguably be dealt with by way of suspension. However, there are no indications of insight, nor any evidence that the Registrant wishes to remediate herself. Therefore, Ms Price submitted that the Committee may consider the imposition of a Removal Order. She said that while a Removal Order would protect the public, the issue of proportionality must still be considered.

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

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

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

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

The Committee considered the mitigating factors to be as follows:

- The Registrant has no previous regulatory findings against her.

The Committee considered the aggravating factors to be as follows:

- The Registrant has been convicted of an offence involving fraudulent behaviour;
- The Registrant's actions were premeditated, and took place over a five-month period on six occasions;
- The Registrant's actions were a breach of trust;
- The Registrant's wrongdoing was only possible by having access to vulnerable service users as a result of her registration as a social care worker; and
- The Registrant had caused financial harm to a service user by stealing money from them.

The Committee noted that there were no admissions, that the Registrant pleaded not guilty at her trial and that it appeared the offending behaviour only stopped when it was discovered.

Having balanced the aggravating and mitigating factors, and having taken into account the interests of public protection and the public interest, the Committee proceeded to consider which sanction to apply in this case.

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

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

Conditions of Practice Order – the Committee determined that conditions were neither appropriate or proportionate. Further, even if workable conditions could be formulated, due to the Registrant’s lack of engagement it is unlikely that the Registrant would co-operate with the imposition of conditions. The uppermost consideration was the seriousness of the Allegation. The Committee concluded that a Conditions of Practice Order would be insufficient to protect the public and would not uphold the public interest.

Suspension Order – the Committee gave careful consideration to this sanction. The Committee noted that the Registrant has failed to engage with the regulatory proceedings against her, and has not shown evidence of insight or remorse for her actions. The Registrant engaged in deplorable behaviour by financially abusing a vulnerable service user on multiple occasions over a period of five months. The Committee considered that the Registrant’s criminal behaviour was directly linked to her position as a social care worker that gave her access to vulnerable service users and their finances. The Committee determined that the nature of this case did not lend itself to the factors set out in Paragraph 4.20 of the Guidance, which notes when a Suspension Order may be an appropriate disposal. As such, the Committee concluded that the Registrant’s behaviour, combined with her lack of insight and remediation, is fundamentally incompatible with her remaining on the Social Care Register.

Removal Order – In making its decision, the Committee took into account the Guidance at 4.26 – 4.28 and paid particular attention to the Paragraph 5.13 which states:

‘Those who use services, employers, colleagues and others have a right to rely on the professional integrity of social care workers. Sometimes, life-changing choices about the options available to someone who uses services and significant financial decisions are made on the basis not only of the skill of Registrants but also of their honesty. Dishonesty, particularly when associated with professional practice, is so damaging to a Registrant’s suitability and to public confidence in social care services that removal may be considered to be the appropriate outcome.’

The Committee considered that the Registrant used her position for financial gain. The Registrant’s actions fell significantly below the standards to be expected of a registered social care worker. Whilst the Committee took account of the impact of a Removal Order on the Registrant, this is outweighed by the serious nature of the concerns raised against her regarding financial abuse of a vulnerable service user. The Committee considered that any sanction short of a Removal Order would fail to protect the public, and service users in particular. Any sanction less than a Removal Order would fail to uphold proper standards of conduct and behaviour, and would further fail to maintain the reputation of the workforce and the Council as its regulator.

As a result, the Committee decided that the only appropriate and proportionate sanction to impose, with immediate effect, was to make a Removal Order in respect of the Registrant's registration.

In addition, the Committee decided, with immediate effect, to revoke the Interim Suspension Order and replace it with a Removal Order.

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.

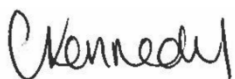
The effect of this decision is that your entry in the Register has been removed.

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.



07 November 2025

Committee Clerk

Date