



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

Name: Kirsty Wharry

SCR No: 7019231

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **17 – 21 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 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), and whilst employed by Kingdom Healthcare as a domiciliary care worker, you:

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| 1. | During the period July 2022 and August 2023 were an active participant in a WhatsApp group where there was use of malicious, derogatory, offensive, degrading and threatening comments against both staff and service users, the nature of which is set out in Schedule 1 attached. |
| 2. | Failed, at any stage, during said period July 2022 and August 2023, to raise concerns with your employer in respect of the content of said WhatsApp group. |

And your actions as set out at 1 and 2 above show that your fitness to practise is impaired by reason of your misconduct.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Issues

The Fitness to Practise hearing was held at the Northern Ireland Social Care Council ('the Council') offices at James House, Belfast. The Registrant was not in attendance nor was she represented. The Council was represented by Ms Sinead Owens, 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.

Service

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were served on the Registrant's registered email address on 10 October 2025 and 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 which states that service shall be treated as being effected on the day after it was properly sent.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing has been served in accordance with Rule 3 of the Rules, and the requirements of Paragraph 5 of Schedule 2 of the Rules.

Proceeding in the Absence of the Registrant

Ms Owens made an application to proceed in the absence of the Registrant. She told the Committee that due to a typographical error in the Notice of Hearing, an amended Notice of Hearing was emailed to the Registrant, on 07 November 2025, and an electronic proof of delivery receipt was received on the same date. Ms Owens said that the Registrant had not responded to any of the aforementioned communications. Ms Owens invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. She told the Committee that, the Registrant did not request an adjournment of the proceedings, nor had she requested to be represented. The Registrant has not provided any reason for her non-attendance. She said there was no reason that would suggest the Registrant would be any more likely to attend if the hearing was adjourned to a future date. She said that the Council had two witnesses available to give evidence before the Committee. She suggested that it was in the public interest for there to be an expeditious disposal of the hearing, and that any disadvantage to the Registrant was outweighed in all of the circumstances.

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 bore in mind the public interest in the expeditious disposal of the hearing.

After careful consideration of all of the information and the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, taking into account the serious nature of the allegations and striking a careful balance between fairness to the Registrant and the wider public interest. The Committee, in all of the circumstances, considered that the Registrant had voluntarily absented herself from the hearing. The Committee noted the Registrant had not responded to any of the communication from the Council regarding the Fitness to Practise Hearing. The Committee noted that the Registrant had been properly served with details as regards the hearing, and was aware of the Council investigation. The Committee considered that an adjournment of the proceedings would not, therefore, ensure the Registrant's attendance at a later date, and noted the attendance of two witnesses. The Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence, nor treat the absence as an admission.

Accordingly, the Committee granted the Council's application to proceed in the absence of the Registrant.

Joinder Application

Ms Owens made a Joinder Application for a joint hearing in respect of this case along with the hearings in respect of three other Registrants, namely, Sophie Ferguson, Jennifer Ferguson and Sharon McAuley. Ms Owens made the application in accordance with Paragraph 4 of Schedule 2 of the Rules. She said that the allegations against all four Registrants arose out of the same circumstances, in that all four Registrants were active participants in a WhatsApp group chat. Ms Owens told the Committee that all four Registrants had been put on notice of the Council's intention to make an application for a Joinder Hearing and have been given the opportunity to raise objections. Ms Owens said that there had been no objections from any of the four Registrants. Ms Owens said that there was no prejudice against any of the Registrants in holding a joint hearing. Ms Owens said that a joint hearing would be a more considered use of the Committee's and witnesses' time.

The Committee heard and accepted advice from the Legal Adviser. He referred the Committee to Paragraph 4 (1) and (2) of Schedule 2 to the Rules, which sets out where allegations against two or more Registrants have been transferred to a Fitness to Practise Committee and the allegation against each person concerned arises out of the same circumstances, the Committee may consider and decide allegations against two or more persons at the same hearing, subject to the requirements of a fair hearing. The Legal Adviser advised the Committee that, in considering fairness, it should look ahead and satisfy itself that it can consider the individual Allegation against each Registrant on its own merits.

The Committee determined that the Particulars of the Allegation faced by all four Registrants arose out of the same circumstances. All four Registrants were alleged to be active participants in a WhatsApp group containing malicious, derogatory, offensive, degrading and threatening comments against both staff and service users. Further, all four Registrants are alleged to have failed in raising concerns regarding the content of the WhatsApp group.

In considering the requirements of a fair hearing, the Committee was mindful that all four Registrants had been given notice of the Council's intention to make an application for a joint hearing. No objections were received from the Registrant. The Committee also considered that a joint hearing would likely result in any outcomes being communicated to all four Registrants at the same time, the Committee considered this to be a fairer approach than outcomes being communicated across a protracted period of time. The Committee also considered that there was a public interest in avoiding unnecessary duplication.

Having satisfied itself that the Particulars of the Allegation against each Registrant arose out of the same circumstances and that a joint hearing was fair to all four Registrants, the Committee granted the Council's application for a joint hearing.

Application to Admit Hearing Bundle

The Committee accepted the Registrant's hearing bundle into evidence and marked it as Exhibit 4. It also accepted the Disclosure Bundle (containing the full WhatsApp chat extending to 200 pages) into evidence and marked it as Exhibit 5.

Background

Ms Owens told the Committee that the concerns first came to the Council's attention by way of an Employer Referral Form ('ERF'), received on 20 October 2023, from the Registrant's employer, Kingdom Healthcare. The Registrant was employed as a Domiciliary Care Worker with Kingdom Healthcare at the time the allegations arose. Ms Owens said that the ERF disclosed the following:

'Breach of confidentiality and GDPR. Participant of a whatsapp group where there was use of malicious and threatening comments against both staff and service users.'

Ms Owens said that, at the time the ERF was submitted, the referrer confirmed that internal proceedings were at an investigation stage and that the concern had been reported to the Safeguarding Team on 16 October 2023.

Ms Owens referred the Committee to Schedule 1 to the Particulars of the Allegation. She said that Schedule 1 sets out examples of the messages sent by the Registrant within the WhatsApp chat. She said that the examples of the messages give a flavour of the nature of messages sent by the Registrant and demonstrate that the Registrant was an active participant in the WhatsApp chat.

Ms Owens further referred the Committee to the excerpts from the whole WhatsApp chat, between July 2022 and August 2023, showing the messages included in Schedule 1 and setting out the context of the messages within the WhatsApp chat.

Ms Owens told the Committee that on 18 December 2023, another participant in the WhatsApp Group, also under investigation by the Council, shared the content of the WhatsApp chat with the Council, which dates from 11 July 2022 to 15 September 2023. Ms Owens said that the employer had also obtained the content of the WhatsApp chat between the dates 22 March 2023 to 12 October 2023.

Ms Owens told the Committee that the full WhatsApp chat runs to almost 200 pages. She said the Council had sought to streamline the documentation in a way that provided a focus on the concerning messages within the WhatsApp chat but also providing relevant context of same.

Evidence

Ms Owens said that as part of its investigation, the Council has consulted and obtained statements from the following:

1. Witness 2, General Manager of Kingdom Healthcare; and
2. Witness 3, Designated Adult Protection Officer.

Ms Owens called Witness 2 to give evidence. Witness 2 adopted her statement as her evidence to the Committee. She confirmed that she was the General Manager of Kingdom Healthcare. She told the Committee that the concerns were initially considered by the two Registered Managers in Kingdom Healthcare at a time when Witness 2 was on leave. She said that she was made aware of the concerns upon her return from leave. She further said that the two Registered Managers carried out an investigation and, thereafter, Witness 2 chaired a disciplinary meeting, on 02 November 2023, in respect of the Registrant. Witness 2 was asked if the Registrant denied participating in the WhatsApp group and Witness 2 responded that there was no denial. Witness 2 confirmed that at no point had the Registrant raised any concerns about the WhatsApp group.

Witness 2 told the Committee that the Registrant said that her comments in the WhatsApp group were just her sense of humour, it was how she communicated and she viewed the WhatsApp group as a safe space to rant. Witness 2 described the Registrant as showing no emotion or having remorse during the disciplinary meeting. She described the Registrant as *“deadpan, cold and robotic”*.

Witness 2 told the Committee that she herself cried when she first read the WhatsApp chat. She said that she was disgusted and astounded with the content which she described as *“abhorrent”*. She said that the message content had no place in a caring profession.

Witness 2 said that management were in regular contact with the domiciliary care team about issues such as changes to their runs. She said that any of the WhatsApp group participants could have communicated concerns with the co-ordinators, the Registered Managers, Witness 2 herself, or the Council.

Witness 2 explained the Registrant had received induction training, which included an explanation of Kingdom Healthcare's policies and procedures relating to confidentiality, GDPR, data protection and social media use. The Committee enquired about revisions to the policy and Witness 2 confirmed that a section relating to "unauthorised groups" had been in the policy since at least 2021.

Witness 2 also gave evidence to the Committee with regard to the training received by domiciliary care workers. She said that in addition to the induction training, ongoing online training was provided and that raising concerns was a topic that was covered in staff appraisals. She also said that staff had hard copy employee handbooks, which would have contained Kingdom Healthcare workplace procedures.

Witness 2 told the Committee that Kingdom Healthcare was placed under significant pressure when the Registrant and other participants were suspended from their roles due to the immediate risks to service users.

Ms Owens called Witness 3 to give evidence. Witness 3 adopted her statement as her evidence to the Committee. She confirmed that she was the Designated Adult Protection Officer at the Northern Health and Social Care Trust ('the Trust') and that she received the Adult Safeguarding Referral from Kingdom Healthcare on 17 October 2023.

Witness 3 told the Committee about the investigation that she carried out. She said that she had identified 11 service users by reference to rotas and client information. She also told the Committee about a scoping exercise that she carried out which resulted in a referral to the PSNI in respect of one service user due to the content of the WhatsApp chat. She drew the Committee's attention to the following excerpt from the WhatsApp Chat relating to the relevant service user:

"[25/03/2023, 08:17] – OTHER: When she told me about her accident i said she was a 'walking miracle' 😊😊"

21/06/2023, 11:46 –OTHER: Stupid cunt thought she was getting away with that forever. truly came back to bite her on the arse 🍷 long grass ya ballbag

[07/08/2022, 22:11:19] OTHER: [REDACTED]?

[07/08/2022, 22:11:21] OTHER: Cunt

[07/08/2022, 22:11:26] OTHER: Awk she can fuck right off as well

[07/08/2022, 22:11:31] OTHER: Demanded sure she want a call at eleven

[07/08/2022, 22:11:36] OTHER: Fenian ass hole

09/11/2022, 08:19:11] OTHER: It's [REDACTED] birthday today said to me and [STAFF] thought yous would come in with party poppers

[09/11/2022, 08:19:58] OTHER: Would come in with a petrol bomb first

[09/11/2022, 08:21:27] OTHER: Canny stand her".

Witness 3 specifically referred to her concerns regarding another WhatsApp group participant's comments regarding petrol bombing the service user. Witness 3 told the Committee that the PSNI considered the matter as a hate incident rather than a hate crime.

Witness 3 was asked about her professional view as to the nature of the WhatsApp chat. She said that it was belittling, very derogatory and included threats to cause harm. She said the comments showed a lack of basic ethics and described them as "*inhumane*". In addition to the excerpt above, she referred to various other comments made in the WhatsApp group chat which included terminology such as "ball rot" when referring to a service user. Witness 3 said that this was worrying as the relevant service user appeared to have incontinence issues requiring support with personal care. Witness 3 said the ongoing narrative of the group, mocking clients who needed personal care, was very worrying and she considered that clients were at risk and this led to the immediate suspension of the Registrant and other involved care workers.

Witness 3 confirmed that she had never before seen any comments of this nature within her role.

Registrant's Evidence and Submission

The Registrant did not provide any evidence or submissions to the Committee.

Council's Submission on Facts

Ms Owens submitted that the Council sought to rely on the documentary evidence in the bundle, the written statements and oral evidence of Witness 2 and Witness 3.

Ms Owens referred the Committee to the sworn evidence of Witness 2, General Manager of Kingdom Healthcare, who chaired the Disciplinary Meeting of the Registrant and has spoken to Kingdom's policy on social media use.

Ms Owens submitted that Witness 2 gave evidence confirming that at no stage during their investigation and disciplinary process did the Registrant deny her participation in the WhatsApp chat. She said that Witness 2 confirmed that at no stage did the Registrant raise concerns about the WhatsApp group and its content to management or anyone else.

Ms Owens said that Witness 3, Designated Adult Protection Officer, provided an overview of her safeguarding investigation into the WhatsApp chat and set out her professional opinion and concerns regarding the content of the group chat.

Ms Owens said that the Council had set out in the Particulars of the Allegation that the Registrant was an active participant in a WhatsApp group that contained malicious, derogatory, offensive, degrading and threatening comments. She said the Council were not making the case that the Registrant posted comments that fall under all of these descriptions but simply that she was an active participant in WhatsApp chat, which had messages of this nature. Ms Owens said that there are countless examples of messages within the documentation that can be described as set out in the Particulars of the Allegation.

Ms Owens submitted that it is abundantly clear that the Registrant was an active participant throughout the WhatsApp chat. Ms Owens said that the use of derogatory language in this chat was deliberate and prolonged, spanning over a 13-month period.

Ms Owens further submitted that the Registrant has not denied that she was part of the WhatsApp chat or ever denied any of the comments attributed to her. Ms Owens said that the Registrant had not provided any written submissions demonstrating any reflection on her actions.

Ms Owens submitted that the Council, as set out in Particulars of the Allegation, views the comments as malicious, derogatory, offensive, degrading and threatening comments against both staff and service users.

Ms Owens submitted that through the documentation and oral evidence of two witnesses, the Council had discharged the burden of proof. Ms Owens submitted that the evidence provided was substantial and reliable, and that the facts were proved on the balance of probabilities.

Findings of Fact

In reaching its decision on the facts, the Committee considered all of the evidence adduced in this case, together with the submissions made by Ms Owens, on behalf of the Council.

The Committee heard and accepted the advice of the Legal Adviser. The Committee was aware that the burden of proof rested on the Council, and that the standard of proof was the civil standard, namely the balance of probabilities. This means that the facts would be proved if the Committee was satisfied that it was more likely than not that each incident occurred as alleged.

The Legal Adviser told the Committee that it should apply an intense focus on the WhatsApp chat. With regard to the joint hearing, he told the Committee that the evidence relating to each individual Registrant should be considered on its own merits.

The Committee then turned to consider the Particulars of the Allegation.

Particular 1: During the period July 2022 and August 2023 were an active participant in a WhatsApp group where there was use of malicious, derogatory, offensive, degrading and threatening comments against both staff and service users, the nature of which is set out in Schedule 1 attached.

The Committee first considered the veracity, reliability and accuracy of the documentary evidence containing the relevant WhatsApp chat. The Committee specifically noted the source of the WhatsApp chat. It had been disclosed by an employee of Kingdom Healthcare who had been in the relevant WhatsApp group. The Committee further noted that at no time had the veracity of the WhatsApp chat been called into question by the Registrant or any of the other registrants.

The Committee had careful regard to Exhibit 5. It noted the WhatsApp group called "*Gimmie They Pantis*" was created on 11 July 2022. Further, the Registrant first messaged in the group on 11 July 2022 with her final message (within the date range set out in Particular 1) being on 28 August 2023. The Committee also observed

that, between 11 July 2022 and 28 August 2023, the Registrant regularly and frequently posted messages within the WhatsApp group. The Committee was satisfied that the Registrant was an active participant in the WhatsApp group.

The Committee had specific regard to Schedule 1 to the Particulars of the Allegation, which contained the following messages posted by the Registrant:

- On 06 April 2023 with reference to a service user you stated, *"What order do you do the run then? We have slimeball [service user] as well for some reason xxx."*
- On 06 April 2023 with reference to a service user you also stated, *"I haven't witnessed it yet, but he'll get a boot to his bellend if he asks me to wash it! Xxx."*
- On 24 April 2023 with reference to a service user you stated, *"[service user] just farted in face "*
- On 19 May 2023 with reference to a service user you stated, *"I've just saw [service user's] balls for the 1st time".*
- On 01 June 2023 with reference to a service user's next of kin you stated, *"he's put her to bed the last 2 nights the lying bastard!"*
- On 02 June 2023 you shared a photograph and with reference to a service user's next of kin you stated, *"look what put on [service user] and [service user] notes!"*
- On 02 June 2023 with reference to a service user's next of kin you stated, *"I said was her da covered in [sic] shite, lying on the floor, not fed?! No so she needs to catch herself on the silly looking cunt".*
- On 06 June 2023 with reference to a service user you stated, *"mate honestly if they don't get her away to fuck soon, I'm going to kill her xxx."*
- On 07 June 2023 with reference to a service user you stated, *"She's a horrible bastard. I hope there's been enough emails put in to get her away to fuck!!!"*
- On 09 June 2023 with reference to a service user you stated, *"[service user] is one hateful wee baldy cunt!!!. Went to her there after ... and she goes oh yous are lucky for I was ringing to complain I said awk [service user] it's half 7 catch yourself on!!!. Started being a wee prick so I said I wouldn't be back in near her. I'm for ripping them 3 hairs out of her head honestly! I'm for swinging her by the crusty ankle's wee bastard!"*
- On 19 June 2023 with reference to a service user you stated, *"So I lost hours over that big cunt they need to get him to fuck!!! Xxx".*
- On 04 July 2023 with reference to an office staff member you stated, *"He's a prick! Said oh you're the girl that doesn't work weekends, then tried to say cos it was the 12th weekend shifts were scares. 1st day in the job and he's pissing off the wrong girls. He needs to actually get to fuck. He's came in all billy big balls so he's pissed me off straight off the bat".*
- On 04 July 2023 with reference to an office staff member you stated *"why does feel the need to ring rather than message about shifts I can't get a word in, and I don't fucking understand him."*

- On 21 July 2023 with reference to an office staff member you stated, *"I thought was leaving? She's an ignorant fucker any wonder folk crack up the way we are spoke to! Xxx."*
- On 09 August 2023 with reference to a service user you stated, *"100% sick of her commenting on people's weight or talking about people in general, her and [service user] sitting there with not a tooth in the grate ffs."*
- On 25 August 2023 with reference to a Trust Social Worker you stated, *"Social worker shouldn't be promising times that's a fucking joke she needs to take her big hairy flaky legs to fuck! Hope your next shite's a hedgehog".*

From its review of Exhibit 5, the Committee noted that, during the period July 2022 and August 2023, the Registrant had posted many other messages of a similar nature to those set out above.

The Committee noted that Particular 1 refers to comments in the WhatsApp group, not just those comments made by the Registrant. The Committee specifically noted the following comments made by other participants:

- [With reference to a service user], *'Let B lie in his shite'*
- [With reference to a service user], *'Well her own fault sitting there standing accusing folk of raping her xxx xxx'*
- [With reference to a service user], *'Pedos and rape accusers!'*
- [With reference to office staff], *'Listen! This is up to US! not them!'*
- [With reference to office staff], *'Tell them yous won't be in weekend'*
- [With reference to office staff], *'Whise calling in sick here xxx. Serious said to [REDACTED] the mids all doing it xxx.'*
- [With reference to completing a run], *'Don't even do [REDACTED] None of them. [REDACTED] do not be doing them with [REDACTED] you wont be paid and all that travelling to not even get travel time xx'*
- [With reference to a service user], *'I farted on [REDACTED] the other day, she kept going on about it 😊😊'*
- [With reference to a service user], *'Ball rot! 😊😊😊😊 Ball rot [REDACTED] Ball rot [REDACTED]'*
- [With reference to a service user], *'I was farting in [REDACTED] and [REDACTED] was telling him off she thought it were him!!'*
- [With reference to REDACTED], *'[REDACTED] is nothing but a big brown prick!'*
- [With reference to a staff], *'[REDACTED] is a cunt!'*
- [With reference to office staff], *'[REDACTED] asked would i be interested in [REDACTED] job 😊 yas mate only to put that wee arsehole in his place xxx'*
- [With reference to office staff], *'Dream team? Ones an ignorant cunt, [REDACTED] had no clue, [REDACTED] bleeegh can't say anything abut [REDACTED] xx'*
- [With reference to a service user], *'Cunt' 'Demanded sure she want a call at eleven' 'Fenian ass hole'*

- [With reference to a service user], 'It's [REDACTED] birthday today said to me and STAFF thought yous would come in with party poppers'
- [With reference to a service user], 'Would come in with a petrol bomb first'
- [With reference to a service user], 'Canny stand her'
- [With reference to a service user], 'When she told me about her accident i said she was a 'walking miracle'
😊
- [With reference to a service user], 'He's a dirty oul bastard his creepy shit will not be tolerated tomorrow xxx'
- [With reference to a service user], 'He's running round there making 3 course meals for folk but now let's on he can't wash himsel. Get to fuck mate your hands are grand xxx'
- [With reference to office staff], 'Scumabgs' 'They can fuck right off'
- [With reference to a service user], 'Dirty aul heure 🤔'
- [With reference to a service user], 'Ball rot [REDACTED]'
- [With reference to a service user], 'I think it's literally the worst smell I have ever smelt in my life. And he was free of ballrot there for a while too x'
- [With reference to office staff], 'It's good you put in there too about the office doing fuck all about what you report. Bastards xxx'
- [With reference to office staff], 'Thon weasel will know more than she lets on she's just trying to fish to see what we say and if she thinks I'm sharing one piece of information with her she can suck a fart right out of my arse'
- [With reference to a service user], 'Probably needs more time to gather bullshir excuses from that cunt'
- [With reference to office staff], 'Sneaky cunts also never fucking mentioned they were allocating the singles am lunch I am fucking raging xx'
- [With reference to a service user], 'Stupid cunt thought she was getting away with that forever.. truly came back to bite her on the arse 🤔🤔long grass ya ballbag'
- [With reference to a service user], 'That [REDACTED] I s a cheeky ignorant cunt' 'So I had to do her with [REDACTED]. She's a horrible cunt xxx'
- [With reference to REDACTED], 'so he can fuck his oul Portuguese mouth up to fuck xxx'
- [With reference to office staff], 'He's a cheeky ignorant cunt xx'
- [With reference to office staff], 'Well he can suck my fart regardless he's a ballroot'
- [With reference to a service user], 'Yeah I've him too [REDACTED] and ballrot [REDACTED] xxx'
- [With reference to office staff], 'He'll be getting a fucking slap'
- [with reference to service staff], shared a photograph and with reference to a service user stated, 'is at Botanic pass it on'
- On 12 July 2023 with reference to a service user and the aforementioned image, you also stated, 'Less ballrot 🤔🤔🤔'

- [With reference to office staff], [REDACTED] obviously can't speak for himself and gets his spastic mate on the phone fuck off fruity bastard'
- [With reference to office staff], 'Swear to almighty god I would've ripped the fucking head off the cunt I've never been like that there but I seen red xxx'
- [With reference to office staff], 'While I was on the phone with him, that stupid ugly fat cunt came on giving me abuse saying there's no attitude bla bla bla so I just screamed down the phone and hung up xxx'
- [With reference to office staff], 'If they went out to clients houses when taking packages on they'd maybe have a slight understanding where we're coming from the spastics'
- [With reference to a service user], 'She's an ignorant complaining goat!!!! X'
- [With reference to a service user], 'He's definitely getting worse. He lashed out at [REDACTED] and [REDACTED] the other night. Maybe you should have floored him!!'
- [With reference to a service user], 'Cheeky fucker!!!! I know, how good would it have felt getting her charged with assault XXX.'
- [With reference to a service user], 'Absolute cunts and that's a word I don't use often.'
- [With reference to a service user], 'Swear he' lucky I didn't thump him back XX.'
- [With reference to a service user], 'just wiped something off his willy and put it into his mouth 🤢🤢🤢🤢🤢🤢.'
- [With reference to a service user], 'What about him tho coz he is stinking too Xxx.'
- [With reference to a service user], 'She is a grumpy wee fucker I swear to God. She'd better be on her best behaviour tomorrow xx.'
- [With reference to office staff], 'No, I want them to recognise that they fuck us over all the time. Pack of bastards, why should you come in on ur day off XXX.'
- [With reference to a service user], 'What's she done now the arrogant prick ccc. Should have refused to do her the auld bitch XXX. Horrible cow.'
- [With reference to a service user], 'I think shat himself Today. The smell at lunch was horrendous fs XX.'
- [With reference to a service user], 'Absolute fuckers. Sly as hell and always trying to catch us out. What are they trying to achieve!!!'
- [With reference to a service user], 'is close to getting knocked out. I swear I'd [sic] she is rude one more time, I'm letting her have it. Complaining I was late for her lunch call at 12.35. so fucking cheeky.'
- [With reference to a service user], 'just told me 7pm is a bit late for his evening call. If one more fucker complains I'm for decking them.'
- [With reference to a service user], 'They are all a pile of wankers. Giving up on this job ffs XXX. I won't be doing her call after 8pm [sic] and I'll sign that in blood if needs be. Wankers.'

Having regard to the entirety of the WhatsApp messages the Committee was satisfied that there was “use of malicious, derogatory, offensive, degrading and threatening comments against both staff and service users”. This was clearly evidenced by the content and subject matter of the comments in the WhatsApp group.

In light of the above, the Committee found Particular 1 proved.

Particular 2: Failed, at any stage, during said period July 2022 and August 2023, to raise concerns with your employer in respect of the content of said WhatsApp group.

In respect of Particular 2, the Committee noted the wording and, in particular, the cross reference to the WhatsApp group as referred to in Particular 1. The Committee considered whether there had been a failure by the Registrant to raise concerns with her employer. The Committee had regard to the evidence of Witness 2. As a manager within Kingdom Healthcare, she gave credible evidence regarding the training of domiciliary care workers. This included an induction programme explaining the expectations of domiciliary care workers as well as ongoing training and appraisal. The Committee was satisfied that the Registrant would have been aware of her employer’s expectation of her as an employee with regard to confidentiality, data protection and social media use. The Committee also had regard to the evidence of Witness 3. The Committee specifically noted that Witness 3 became upset during her oral evidence when describing a vulnerable service user who was mentioned in the WhatsApp chat. The Committee was mindful that, in her role as a Designated Adult Protection Officer, she would have had sight of sensitive and disturbing circumstances. Notwithstanding this, she described the messages as “*inhumane*” and said that she had never seen anything similar. The Committee was in no doubt that the Registrant would have known that the comments were highly inappropriate and ought to have been brought to the attention of her employer. The Registrant had opportunities to highlight concerns to her co-ordinator, the Registered Managers or the General Manager but she chose not to do so. There was no evidence before the Committee of the Registrant taking any action to raise any concerns regarding the comments in the WhatsApp group prior to the commencement of the investigation by Kingdom Healthcare. In the Committee’s view, this was a clear failure on the part of the Registrant.

Accordingly, the Committee found Particular 2 proved.

Fitness to Practise

The Committee proceeded to consider if the Registrant’s fitness to practise is impaired.

Ms Owens told the Committee that the Registrant had not admitted impaired fitness to practise.

Ms Owens told the Committee that it was the view of the Council that the Registrant’s fitness to practise is impaired by reason of her misconduct. She submitted that the Registrant’s active participation in the WhatsApp chat, and her failure to report its inappropriate content at any stage, amounted to serious misconduct and calls into question her suitability to work in social care services, and to remain on the Register without restriction, or to be registered at all.

Ms Owens submitted that the facts found proved involve the Registrant repeatedly, over a significant period of time, participating in a WhatsApp group in which vile, derogatory, threatening language is used about a range of very vulnerable service users and also work colleagues.

Ms Owens said the conduct of the Registrants clearly fell well below the minimum standard that would be expected of a registered social care worker.

Ms Owens submitted that the Committee received documentary and oral evidence in relation to the Particulars of Allegation. She submitted that impairment by reason of misconduct has been established on the evidence in the bundle and by the witnesses who appeared before the Committee.

Arising from the Registrant's actions as set out of the Particulars of the Allegation, she referred the Committee to potential breaches of the Standards of Conduct and Practice for Social Care Workers ('the Standards') as follows: 1 - 1.2, 1.8, 1.9, 1.10, 5 - 5.8, 5.9, 6 – 6.13.

Ms Owens submitted that the Registrant had a total disregard to the underpinning values of a social care worker.

Ms Owens submitted that the Registrant had not provided any evidence of insight, remorse or remediation. The Registrant had failed to engage with the Council and she had not attended the Fitness to Practise hearing.

With regard to the risk of repetition, Ms Owens submitted that without substantive evidenced remediation, there was an ongoing risk of repetition. She said that it was for the Registrant to demonstrate that she is not impaired and does not present any risk to service users. She said the Registrant had not appeared before the Fitness to Practice Committee to demonstrate insight, remorse or remediation.

In relation to the risk of repetition, Ms Owens submitted that the Council was particularly concerned that the use of derogatory language in this WhatsApp chat was deliberate and prolonged over a 13-month period. She said the Registrant's involvement with the WhatsApp chat was not a mistake or lapse of judgment on a one off occasion.

In relation to public interest, Ms Owens submitted there was no doubt that the general public would consider the language used in the WhatsApp chat as deplorable, would be shocked and horrified by the contents of the chat and how the Registrant described the very people whom she was entrusted to care for.

Ms Owens submitted that the Council was concerned with the prolonged and relentless nature of the WhatsApp chat. She said it was indicative of a concerning underlying attitude of the Registrant. Ms Owens referred the Committee to the statement of Witness 3 who described the Registrant's conduct as *"questionable professional integrity and conduct of carers which may be considered as institutional oppressive culture amongst those involved in the chat"*.

Ms Owens submitted 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 workforce, and would fail to declare and uphold proper standards of conduct and behaviour.

Ms Owens submitted the Registrant's fitness to practise is impaired by reason of her misconduct.

The Committee accepted the advice of the Legal Adviser. He reiterated to the Committee that whilst there had been a joint hearing, the current fitness to practise of each Registrant must be considered on its individual merits. He highlighted Rule 4 (1) of the Rules and the Council's assertion that the Registrant's fitness to practise is impaired on grounds of misconduct and he reminded the Committee that any such misconduct must be serious, not trivial or an isolated error. He referred the Committee to Paragraph 24 (3) Schedule 2 of the Rules. He further referred the Committee to the findings of Dame Janet Smith in the fifth Shipman Report as regards the potential causes of impairment. He also referred the Committee to the cases of GMC v Meadow and CHRE v NMC & Grant.

The Committee considered whether the Registrant's fitness to practise is impaired by reason of her 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 the facts found proved amounted to misconduct. The Committee considered whether the misconduct was serious. It noted the comments within the group and in particular their content as well as the volume and timespan. It further noted that the comments frequently referred to service users and staff members. The Committee observed the comments about service users included making fun or joking about individual's care needs, disabilities and vulnerabilities and were also malicious and derogatory. The Committee considered that the comments amounted to a complete disregard for the rights of service users. The Committee was mindful of the evidence of Witness 3 who said the service users referred to in the comments included older persons and younger persons with disabilities, all of whom had specific care needs and were vulnerable.

The Committee considered the Registrant's active participation in the WhatsApp chat could properly be described as deplorable, inhumane and abhorrent. The Registrant's comments included threatening and derogatory language in respect of service users and staff. For example, on 09 June 2023 with reference to a

service user, the Registrant stated “[REDACTED] is one hateful wee baldy cunt!!!. Went to her there after [REDACTED] and she goes oh yous are lucky for I was ringing to complain I said awk [REDACTED] it’s half 7 catch yourself on!!!. Started being a wee prick so I said I wouldn’t be back in near her. I’m for ripping them 3 hairs out of her head honestly! I’m for swinging her by the crusty ankle’s wee bastard!” Similarly, on 06 June 2023, with reference to a service user the Registrant stated, “mate honestly if they don’t get her away to fuck soon, I’m going to kill her xxx.” On 25 August 2023 with reference to a Trust Social Worker the Registrant stated, “Social worker shouldn’t be promising times that’s a fucking joke she needs to take her big hairy flaky legs to fuck! Hope your next shite’s a hedgehog”. The Committee considered these comments to be offensive and degrading.

The Committee also had regard to the Registrant’s failure to raise concerns about the comments in the WhatsApp chat. The Committee was in no doubt that there would have been many opportunities between July 2022 and August 2023 for the Registrant to have raised concerns, but she chose not to do so. The Registrant’s failure was prolonged and related to multiple service users and staff. The service users had been entrusted to her care and the staff members were colleagues with whom the Registrant worked.

The Committee noted both Witness 1 and Witness 2 expressed their personal distress at the Registrant’s actions as a participant in the WhatsApp group, and her failure to raise concerns to her employer.

In light of the above, the Committee was satisfied the misconduct was serious.

The Committee had regard to the Standards of Conduct and Practice for Social Care Workers and the Council guidance titled ‘Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation’. The Committee was satisfied that the Registrant’s actions were in breach of the following Standards of Conduct:

Standard 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:

- 1.2 Treating people with consideration, respect and compassion;
- 1.8 Respecting and maintaining the dignity and privacy of service users;
- 1.9 Treating service users and carers fairly and promoting equal opportunities;
- 1.10 Respecting diversity, beliefs, preferences, cultural differences and challenging discriminatory attitudes or behaviour.

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. 4 Respecting confidential information and clearly explaining agency policies about confidentiality to service users and carers;

Standard 3: As a social care worker, you must promote the autonomy of service users while safeguarding them as far as possible from danger or harm. This includes:

- 3.5 Informing your employer or an appropriate authority, without delay, where the practice of colleagues or others may be unsafe or adversely affecting standards of care;
- 3.7 Recognising and using responsibly with service users and carers, the power that comes from your work role.

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 Abuse, neglect or harm service users, carers or colleagues;
- 5.9 Use social media or social networking sites or other forms of electronic communication in a way that contravenes professional boundaries, organisational guidelines or NISCC standards.

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:

- 6.13 Working openly and co-operatively with colleagues and treating them with respect.

The Committee noted the Registrant's conduct fell far short of the standards to be expected of a registered social care worker.

The Committee considered whether the Registrant's actions were capable of remediation and had been remedied. Whilst the Committee accepted that the Registrant's misconduct was capable of remediation, it considered this would be very difficult to achieve given the serious and sustained nature of the misconduct. Further, the misconduct evidenced a deep attitudinal problem on the part of the Registrant.

The Committee noted Witness 2's evidence about the Registrant showing no emotion or remorse during the disciplinary hearing. The Committee had regard to the Registrant's comments as detailed in the minutes of the disciplinary meeting. It noted the Registrant describing the WhatsApp group as "*a safe space to rant*" and her comments as "*just her sense of humour*".

The Committee noted the absence of any evidence regarding insight or remediation in respect of her misconduct. The Committee concluded that the risk of repetition was high. In reaching this conclusion, the Committee noted the evidence of Witness 3 who said there was an immediate risk to service users at the time of her investigation. The Committee determined the risk to service users had not reduced.

The Committee also considered the public interest, which includes the need to declare and uphold the proper standards of conduct and behaviour, and the reputation of the social care workforce and the Council in its regulatory function. The Registrant's misconduct took place in an environment where she was working with a range of vulnerable service users. The Committee noted that these comments were in relation to vulnerable service users and also staff. The Committee was satisfied 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 workforce, and would fail to declare and uphold proper standards of conduct and behaviour and maintain

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

The Committee determined that the Registrant's fitness to practise is currently impaired by reason of her misconduct.

Sanction

In reaching its decision on sanction, the Committee considered the submission from Ms Owens on behalf of the Council, evidence from the witnesses and the documentation within the hearing bundle. Ms Owens referred the Committee to various aggravating factors and the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance').

Ms Owens submitted the Registrant's misconduct was serious and persistent, in that she was an active participant in the WhatsApp chat for a period of 13-months and at no time during this period did she report any concerns to her employer. She said the messages contained in the WhatsApp chat were deplorable and relentless. She said that this was not a one off incident and the Registrant's misconduct was directly related to her role as a social care worker.

Ms Owens submitted that the Registrant had shown no insight, remorse or remediation as regards her misconduct. She further submitted that the Registrant had failed to meaningfully engage with the Council and the misconduct showed a serious disregard for the Standards.

As regards sanctions, Ms Owens submitted that taking no action, imposing a Warning or a Conditions of Practice Order would be totally inappropriate and inadequate in all of the circumstances, and would not provide protection for the public.

As regards a Suspension Order, Ms Owens submitted that a Suspension Order would not address the risk of repetition as identified. She said there was no evidence of insight, remorse or remediation by the Registrant, nor was there any information to assure the Committee that the Registrant was unlikely to repeat her misconduct in the future. She said the Registrant had failed to meaningfully engage with the Council's investigation and the Fitness to Practise hearing.

Ms Owens submitted that the public would view the Registrant's misconduct as falling far short of what would be expected of a registered social care worker. She said that it was the view of the Council that a Suspension Order would not be sufficient to mark the seriousness and unacceptable nature of the Registrant's misconduct, nor would it be adequate to protect the public and uphold the public interest.

As regards a Removal Order, Ms Owens submitted the Registrant had not demonstrated any insight into the seriousness of her misconduct and, therefore, there was a high risk of repetition. She said it was the Council's opinion that the Registrant's actions were fundamentally incompatible with remaining on the Register. She said confidence in the social care profession would be undermined by allowing the Registrant to remain on the

Register and, therefore, a Removal Order was the only sanction available to protect the public and to meet the public interest.

The Committee accepted the advice of the Legal Adviser. The Committee was reminded of the need to consider the appropriate sanction for each individual Registrant to whom the joint hearing related. He referred the Committee to the Guidance, and reminded the Committee to consider the question of sanction in ascending order of severity, paying particular attention to the issue of proportionality.

He referred the Committee to Paragraph 26 (1) of Schedule 2 of the Rules, which provides that, upon a finding of impairment of fitness to practise, the Committee may:

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

He also referred the Committee to Paragraph 26 (2) and said 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, and taking into account any mitigating and aggravating factors in the case. The public interest includes the protection of members of the public, including service users, the maintaining of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour within the profession. The Committee took into account its powers under Paragraph 26 of Schedule 2 of the Rules in relation to the sanctions available to it, and also had regard to the Guidance, bearing in mind that the decision on sanction was one for its own independent judgement.

The Committee recognised that the purpose of sanction is not to be punitive, although a sanction may have a punitive effect. The Committee considered the mitigating and aggravating factors in this case.

The Committee considered the mitigating factors to be:

- The Registrant had no previous referrals to the Council; and

- The Registrant was of previous good character.

The Committee considered the aggravating factors to be:

- The misconduct involved an abuse of the trust placed in the Registrant;
- The Registrant had shown no insight and no remediation;
- Service users were placed at risk of immediate harm;
- A serious disregard for the Standards;
- The misconduct was persistent and evidenced a deep attitudinal problem;
- The misconduct was related to the workplace and related to both vulnerable service users, and staff; and
- The misconduct was multifactorial as it involved active participation in the WhatsApp group as well as a failure to raise concerns.

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

No sanction - the Committee was in no doubt that it would be entirely inappropriate to impose no sanction in view of the seriousness of the misconduct.

Warning – the Committee considered the issue of a Warning. The Committee did not consider a Warning to be appropriate or proportionate as it would allow the Registrant to work unrestricted as a social care worker. A Warning would not provide adequate public protection. The Committee considered that the Registrant's misconduct demonstrated a serious disregard for the Standards. The Registrant's impairment of fitness to practise was not at the lower end of the spectrum.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Committee noted Paragraph 4.13 of the Guidance, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance at work, for instance, following a single incident or where there is evidence of shortcomings in a specific area or areas of the Registrant's work. The Registrant had demonstrated no insight into her misconduct. The Registrant's misconduct related to vulnerable service users and, therefore, conditions of practice would not address the risk of harm arising from her misconduct. In these circumstances, the Committee was unable to formulate workable conditions that would protect service users and the public from risk of harm, or would be sufficient to meet the public interest in this matter given the seriousness of the Registrant's misconduct.

Suspension Order – the Committee next considered a Suspension Order. The Committee carefully considered whether a Suspension Order was appropriate and proportionate. The Committee noted that the Registrant's misconduct was of a serious nature and involved multiple breaches of the Standards.

The Committee took into account the Guidance at Paragraph 4.19 which states: *'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.'*

The Committee noted the Registrant's acknowledgment of her participation in the WhatsApp group and had stated that she was remorseful. The Registrant did not engage with the fitness to practise process, including her non-attendance at the Fitness to Practise hearing. The Committee was, therefore, unable to test the sincerity and authenticity of the stated remorse. The Committee was mindful of the lack of insight and remediation as well as the risk of repetition being high. The Committee considered that the Registrant's misconduct evidenced behaviour that was fundamentally incompatible with registration as a social care worker. The Committee determined that a Suspension Order would not address the risk of repetition. The Committee considered that the public would view the Registrant's misconduct as falling far short of what would be expected of a registered social care worker.

In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to mark the seriousness and unacceptable nature of the Registrant's misconduct, nor adequate to protect the public and uphold the public interest.

Removal Order – the Committee next considered a Removal Order. In considering this, the Committee took into account the Guidance at Paragraphs 4.26 – 4.28. The Registrant demonstrated no insight into the seriousness of her misconduct and there was, in the Committee's view, a high risk of repetition. The Registrant had failed to engage with her regulator and the regulatory process. In the Committee's judgement, the Registrant's actions were fundamentally incompatible with remaining on the Register. In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to protect the public and to meet the public interest.

The Committee took into account the impact of a Removal Order on the Registrant, but concluded that the interest of the public far outweigh the impact on the Registrant.

The Committee concluded that a Removal Order is the most suitable, appropriate and proportionate sanction to apply in this case, which will 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.

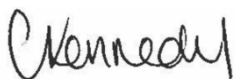
The effect of this decision is that your entry in the Register has been removed.

You are prohibited from working as a social care worker in any of the following positions:

1. A member of care staff at a:
 - a.) Children's home;
 - b.) Residential care home;
 - c.) Nursing home;
 - d.) Day care setting;
 - e.) Residential family centre.
2. A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
3. A manager of a:
 - a.) Residential care home;
 - b.) Day care setting;
 - c.) Residential family care centre; or
 - d.) Domiciliary care agency.

It is **compulsory** for the above social care workers to be registered with the Northern Ireland Social Care Council in order to work. This is pursuant to the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017.

In accordance with Schedule 3, Paragraph 9 of the NISCC Fitness to Practise Rules, you may not apply to be restored to the Register within five years from the date of removal. This does not affect your right to appeal the Committee's decision to the Care Tribunal. You are prohibited from working in a social care role until a successful application for restoration onto the Register has been made to the Council.



27 November 2025

Hearings Officer (Clerk to the Fitness to Practise Committee)

Date