

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

Name: Ian Sinclair

SCR No: 7012567

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **17 December 2025**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found the facts proved;

The Committee found that your fitness to practise is impaired by reason of your convictions;

The Committee decided to make an Order suspending your registration for a specified period of 18 months ('a Suspension Order').

Particulars of the Allegation:

That, whilst being registered as a social care worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed as a domiciliary care worker by Optimum Care Group, you were convicted at the Magistrates' Court on 26 February 2025 of the following offences:

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| 1. | Charge 1: [You] on the 21/01/2025, in contravention of Article 3 of the Protection from Harassment (Northern Ireland) Order 1997 pursued a course of conduct which amounted to harassment of [REDACTED] and which you knew or ought to have known amounted to harassment contrary to Article 4(1) of the Protection from Harassment (Northern Ireland) Order 1997. |
| 2. | Charge 2: [You] on 21/01/2025, without good reason or lawful authority, had with you in a public place namely [REDACTED], CARRICKFERGUS an article to which section 139 of the Criminal Justice Act 1988 applied namely A KNIFE, Contrary to section 139(1) of the Criminal Justice Act 1988. contrary to Section 139(1) of the Criminal Justice Act 1988. |

And your actions as set out above show that your fitness to practise is impaired by reason of your convictions in the United Kingdom for a criminal offence as per Rule 4 (1) (d) of the Fitness to Practise (Amendment) Rules 2019.

Procedure:

The hearing was held under the fitness to practise procedure.

Preliminary Matters

The hearing was held in-person and the Registrant attended but was not represented. The Council was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Declarations of Conflict of Interest

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

Application to Admit Hearing Bundle

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

Background and Submission on Facts

Ms Owens told the Committee that the Registrant is registered on Part 2 of the Register. She said that the matter first came to the Council's attention following an Employer Referral Form ('ERF'), received on 05 February 2025, from Ms Lucy McCreery, HR Manager, Optimum Care Group. She said that the ERF advised the following:

'Ian Sinclair CCW in our Newtownabbey Office missed his evening calls on the 22nd January 2025 and did not show up for his shift on the 23rd January 2025. His Manager contacted him on his mobile phone, but he did not answer. Out of concern for his wellbeing, a Senior CCW was sent to his home. Upon arrival, a person who lives in the property answered the door and informed him that there had been an incident involving an argument with a neighbour, and that Ian had been taken away by the police. His Manager contacted the police, who confirmed that he was safe but were unable to provide further details. We made multiple attempts to contact Ian without success and sent a letter to Ian regarding attending an investigation meeting for the 2nd February 2025 which Ian did not attend. We contacted the person who lives in Ian's house today who has alleged that Ian is in Maghaberry prison and he due in court on 19th February and he has no access to his phone.'

Ms Owens told the Committee that on 12 February 2025, Ms McCreery confirmed that the Registrant was being held in HMP Maghaberry.

Ms Owens told the Committee that the Registrant attended the Magistrates' Court on 26 February 2025, when he pleaded guilty to offences of harassment and unlawful possession of a knife. She said the Registrant was sentenced to three months imprisonment, suspended for two years. She said that the suspended sentence is due to expire in February 2027.

Ms Owens referred the Committee to the Police Case summary. She said that the victim was a neighbour who lived across from the Registrant. She said that the Police Case Summary set out that the defendant was seen on

the Ring doorbell, walking up to the door with a knife. She said that the victim reported feeling frightened in his own home. Ms Owens said that the police had been called to an earlier incident in January 2025, in which both the Registrant and the victim were given advice.

Ms Owens said that whilst in prison, the Registrant made a counter allegation of harassment. She said that the Registrant admitted that he carried out the actions and that he was intoxicated at the time.

Evidence

Ms Owens referred the Committee to the Certificate of Conviction and the Registrant's admissions. She submitted that the Council sought to rely on the Certificate as conclusive proof that the Registrant had been convicted of the offences as set out in the Particulars of the Allegation.

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

Registrant's Submissions on Facts

The Registrant admitted the facts of the case.

Findings of Fact

The Committee heard and accepted the advice of the Legal Adviser. He reminded the Committee that Paragraph 19 (3) provides that where facts are admitted by a registrant, the Chair shall announce that such facts or convictions have been found proved.

As outlined above, the Registrant admitted that he was convicted as alleged and the Chair, therefore, did announce that the facts were found proved. The Committee was satisfied that the Certificate of Conviction against the Registrant proves the facts as alleged and admitted.

The Committee noted that the Registrant pleaded guilty to both charges on 26 February 2025 and was sentenced to three months imprisonment, which was suspended for two years. The Committee noted that there was no evidence that the Registrant appealed the conviction or disputed that the Certificate of Conviction related to him.

Council Submissions on Impairment of Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise is impaired by reason of his convictions. The Committee heard submissions from Ms Owens, who said that the Registrant's convictions call into question his ability to work in social care services and to remain on the Register without restriction, or to be registered at all. She referred the Committee to the Standards of Conduct and Practice for Social Care Workers and, in particular, Standard 5 - 5.8.

Ms Owens told the Committee that the Registrant's convictions and conduct fall far below the minimum standard expected of a registered social care worker, and call into question his fitness to practise. Ms Owens said that it is for the Committee to decide if the Registrant's criminal behaviour is capable of being remediated, and that the starting point would be the level of insight shown by the Registrant. She said that the Council notes that the Registrant pleaded guilty. However, Ms Owens said that the Council has no further evidence of insight or remorse. She said that there is no evidenced insight or acknowledgment of why this behaviour is of concern, and that the Registrant has shown no recognition of the need to act differently in future. She said that the Registrant has not provided any evidence of remedial steps which he has taken or provided any character references. Ms Owens submitted that there is no evidence that the Registrant has remediated.

Ms Owens submitted that the public interest and confidence in the social care profession would be undermined if a finding of current impairment were not made in these particular circumstances. She also submitted that any use or threat of violence raises serious safeguarding concerns, regardless of the setting. Ms Owens referred to the fact that the Registrant worked with vulnerable service users who may be challenging, and that the Registrant would pose a risk in terms of public protection, given the circumstances of his convictions.

Registrant's Submission on Impairment to Fitness to Practise

The Registrant told the Committee that he does not think that he is a danger to society. He said that he made one mistake, that he is a 57 year old man and that this was his first time in prison, and said that he will make sure that he never goes back. The Registrant said that he is good at his job, which he loves, and that he loves his clients. He said that he believes that he should be given a second chance as he deeply regrets his actions and that he would never repeat them. The Registrant said that he misses serving the community. He told the Committee that he had felt intimidated and had taken alcohol, and just *'lost it'*. In answer to a question from the Committee, the Registrant said that he no longer drinks alcohol. He said that if he had not been drinking on the occasion in question, he would never have acted as he did. The Registrant said that he drank on his days off and that he *'just flipped'*, but that he has learned his lesson now. He said that he understands why his regulator would be concerned by his convictions, and he acknowledged that the public would also be concerned. However, he said that he is *'full of remorse'* and that he is *'no threat to the public'*. When asked what steps he has taken to show remorse, the Registrant said that he is aware of the victim's pattern of going to the gym every day and he avoids him. He said that he is taking steps to move away. The Registrant said that he has not been able to work since his arrest / convictions as he has not been able to get a job. He said that he had not thought about obtaining references or testimonials from his previous employer.

Decision on Impairment of Fitness to Practise

The Committee considered the submissions from the Registrant and Ms Owens, and it had regard to all of the evidence in the case. The Committee accepted the advice of the Legal Adviser. He referred the Committee to the Standards and advised it to adopt a sequential approach when considering this issue. He advised the Committee to take into account the nature of the criminal convictions, and reminded it that it was being asked to

determine whether the Registrant's fitness to practise is impaired as a result of those convictions. The Legal Adviser referred the Committee to Paragraph 24 of Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen, and the need to protect service users, members of the public, uphold proper standards of behaviour and maintain public confidence in the social care profession. He referred the Committee to the findings of Dame Janet Smith in the 5th Shipman Report as regards the potential causes of impairment, together with 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 his convictions as set out in the Particulars of the Allegation. It 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 considered that the Registrant's convictions for harassment and unlawful possession of a knife are serious, and it noted that they resulted in the Registrant receiving a custodial sentence which has been suspended for two years. The Committee noted that the Registrant's harassment occurred over a period of time and that his offences involved possession of a knife which, by its nature, is a dangerous article.

The Committee had regard to the Standards and the Council guidance titled 'Making a Determination of Impaired Fitness to Practise: Guidance for Committees on Remediation'. The Committee was satisfied that the Registrant's actions were in breach of the following Standard:

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

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

The Committee considered that the Registrant's convictions and breach of the above Standard fell far below the minimum standard expected of a registered social care worker. The Committee also considered that the Registrant's conduct giving rise to his convictions is not easily remediable but, overall, it determined that it is capable of remediation.

The Committee considered that it had limited information from the Registrant as regards any action which he has taken to remediate his behaviour. The Committee took into account the Registrant's oral evidence that he regrets his actions and that he is determined that he will not repeat them. The Committee considered that the

Registrant was sincere in his statements in this regard. The Committee also accepted that the Registrant has a clear regulatory history and that his actions appeared to be confined to a relatively brief period of time. However, the Committee noted that the Registrant did not appear to make reference to the victim, or the impact of his actions on that person. Further, the Committee considered that the Registrant had given very limited examples of steps to remediate his actions, which appeared to be limited to avoiding the victim and seeking to move home. In these circumstances, the Committee considered that, whereas the Registrant has some insight into his actions, such insight is currently limited and developing. The Committee noted that the Registrant linked his actions to his use of alcohol at the time, and he said that he no longer drinks alcohol. However, the Committee considered that limited information was provided regarding the Registrant's use of alcohol, or his abstinence from alcohol. In all of these circumstances, although the Registrant's regret and expressions that this episode would not recur appeared to be sincere and genuine, in the absence of further evidence of insight and remediation, the Committee considered that there remains a risk of repetition.

The Committee concluded that the Registrant's recent conviction for harassment and unlawful possession of a knife brought the social care profession into disrepute. It considered that members of the public would find it unacceptable that a registrant who had been convicted of such serious offences remained on the Register without restriction.

In all of the circumstances, the Committee concluded that a finding of impaired fitness to practise is, therefore, necessary for the maintenance of public confidence in the social care profession and the upholding of proper standards and behaviour. The Committee determined that public confidence in the social care profession, and the Council as a regulator, would be undermined if a finding of impaired fitness to practise were not made.

Further, the Committee accepted Ms Owens' submissions that any use or threat of violence raises serious safeguarding concerns regardless of the setting. It accepted that the Registrant's actions in taking a knife to the door of his victim were of such a nature. The Committee considered that, in circumstances in which the Registrant works with vulnerable service users who may be challenging, a finding of impairment is required to protect service users and the public.

In addition, noting the principles derived from GDC v Fleischmann, the Committee determined that a finding of impairment is appropriate in this case in light of the fact that the Registrant remains subject to his criminal sentence of imprisonment, suspended for two years.

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

Sanction

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

Ms Owens referred the Committee to mitigating factors, and advised that the Registrant has had no previous referrals to the Council and that he has the benefit of previous good character and work history. She said the conduct occurred outside of the workplace, and that the Registrant pleaded guilty at Court.

As regards aggravating factors, Ms Owens submitted that the Registrant's convictions for harassment and unlawful possession of a knife could not be considered to be at the lower end of the spectrum of unacceptable behaviour. She said that the Registrant had demonstrated a serious disregard to the Standards, and has shown limited insight into the impact of his actions on the victim. Ms Owens said that the Council notes that the Registrant referred to this as '*one mistake*'. However, the nature of the offence of harassment requires a course of conduct.

Ms Owens submitted that the imposition of a sanction is appropriate and fair. She said that taking no action, and the sanctions of a Warning or a Conditions of Practice Order, would not be sufficient to protect the public or be appropriate, and would not satisfy the public interest. She said that the Council is not confident that there is no risk to the public. In relation to a Conditions of Practice Order, Ms Owens submitted that it would not be possible to formulate relevant and workable conditions which would meet the nature of the Registrant's convictions. Ms Owens referred the Committee to the 'Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees' ('the Guidance'), and submitted that the appropriate sanction to impose is one of a Suspension Order. Ms Owens said that this sanction is appropriate to meet the seriousness of the nature of the Registrant's convictions and maintain public confidence in the profession. She said that the Registrant has acknowledged his failings and that his insight is developing. Ms Owens said that a period of suspension would give the Registrant time to fully develop his insight and take further steps to remediate. Ms Owens said that a Suspension Order would also take account of the ongoing suspended sentence imposed by the criminal Court.

The Registrant told the Committee that he had no submission to make in respect of sanction.

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

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

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

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

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

The Committee applied the principles of fairness, reasonableness and proportionality, weighing the public interest against the Registrant's interests, and it took into account the aggravating and mitigating factors in the case. It took into account the public interest, which includes the protection of members of the public, including service users, the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct and behaviour within the profession. The Committee took into account its powers under Paragraph 26 of Schedule 2 of the Rules in relation to the sanctions available to it, and also had regard to the Guidance, bearing in mind that the decision on sanction was one for its own independent judgement.

The Committee recognised that the purpose of sanction is not to be punitive, although a sanction may have a punitive effect.

The Committee considered the mitigating factors to be:

- the Registrant pleaded guilty to his offences and has made admissions in these proceedings;
- the Registrant has expressed regret and remorse and has shown a degree, albeit a developing degree, of insight into his actions;
- the Registrant has a previous good regulatory history and good character;
- the incidents giving rise to the Registrant's convictions occurred in one 'episode', which was reasonably limited in terms of a time period (although the Committee acknowledged that the offence of harassment requires a course of conduct);
- the Registrant's offences were not committed in a workplace setting; and
- there is no evidence of repetition.

The Committee considered the aggravating factors to be:

- the Registrant's convictions represented a serious departure from the Standards and brought the profession into disrepute;
- the Registrant's actions were pre-meditated; and
- the Registrant has not demonstrated any insight into the effect of his actions on his victim.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and public interest, the Committee considered that a sanction is appropriate and proceeded to consider which sanction to impose.

Warning – the Committee considered the issue of a Warning in this case. The Committee considered that the Registrant's conviction demonstrates a serious disregard for the Standards. The circumstances of the Registrant's convictions and actions were not at the lower end of the spectrum. The Committee did not consider that a Warning would adequately meet the circumstances of this case, and it would not protect the public or the public interest.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order.

The Committee noted that no concerns with regard to the Registrant's practice have been raised in this case. However, the Committee was reminded that the Registrant's convictions are in respect of serious criminal behaviour, which has resulted in the Registrant receiving a custodial sentence. It determined that a Conditions of Practice Order would not be sufficient to meet the public interest in this case, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker and the fact that the Registrant remains subject to his criminal sentence. The Committee concluded that a Conditions of Practice Order would be insufficient to address the risk of harm identified above.

In these circumstances, the Committee determined that it could not formulate workable, enforceable or verifiable conditions which would address the Registrant's actions and adequately address the public interest.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it made findings at the facts and impairment stages of the proceedings which were of a very serious nature, and that the Registrant's actions fell far below the standards to be expected of a registered social care worker. The Committee had limited evidence before it of any steps towards remediation by the Registrant, and it was reminded that it found that there remains a risk of repetition, albeit that it considered that the risk may be reasonably low. However, it reminded itself that the Registrant has engaged in these proceedings and has expressed genuine remorse and regret. He has said that he is committed to ensuring that he does not repeat his actions in the future. The Committee reminded itself that it found that the Registrant's actions are capable of remediation, but that it has not been provided with sufficient evidence of remediation. The Committee also noted that, although the Registrant's convictions arose from a 'course of conduct', they were confined to a limited period of time and occurred in the context of an otherwise clear regulatory history. There has been no evidence of repetition and the Committee considered that there was no evidence of harmful, deep-seated personality or attitudinal problems. Overall, whereas the Committee was very concerned by the seriousness of the Registrant's convictions, it did not determine that, as things stand, his convictions are fundamentally incompatible with continuing to be a registered social care worker in the long term. It noted the Guidance, and it took into account the principle of proportionality. 4.19 of the Guidance states:

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

Taking into account all of the circumstances of this case, the Committee determined that the appropriate and proportionate sanction is that of a Suspension Order. It considered this to be the least restrictive sanction, which will meet the need to protect the public and the public interest.

Although the Committee considered that the Registrant's convictions are serious, it did not consider them so serious as to justify a removal from the Register. The Committee had regard to the fact that the offences took place outside of the workplace and that there was no direct harm caused to service users. The Committee determined that a Suspension Order would provide a message to the Registrant, the public, and the social care workforce that the Registrant's behaviour was inappropriate. In determining the period for which the Suspension Order is imposed, the Committee considered that 18 months is sufficient and proportionate, and in the public interest. The Committee concluded that a period of suspension would allow the Registrant further time to reflect, remediate, develop and demonstrate sufficient insight. It also takes account of the Registrant's criminal sentence, which is not due to expire until February 2027.

The Committee considered the impact that a Suspension Order could have on the Registrant. However, it concluded that any consequences for the Registrant are outweighed by the need to protect the public and maintain confidence in the social care workforce.

The Registrant may wish to note that, prior to the end of the Suspension Order, the Council will seek to review his fitness to practise. It may assist the Registrant to know that the Council may require evidence of him developing his insight into his actions, and of the steps which he has taken to remediate his behaviour.

The Committee decided to impose a Suspension Order for a period of 18 months, effective immediately.

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

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

The effect of this decision is that your entry in the Register has been suspended for a specified period of 18 months and you may not practise as a social care worker during the period 17 December 2025 to 16 December 2027 inclusively.

Early Review

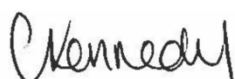
The Fitness to Practise Committee may, at your request, review the Order before the end of the period for which the suspension has been imposed if there has been a material change of circumstances since the Order was

imposed. The Committee may, after reviewing a Suspension Order, revoke that Order or replace that Order with a Conditions of Practice Order.

Review at Conclusion of Sanction

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

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



19 December 2025

Hearings Officer (Clerk to the Fitness to Practise Committee)

Date