



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

Name: **Eugene Odhiambo Oduor**

SCR No: **6015618**

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **15 January 2026**, 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 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), on 19 March 2024, you were convicted at the Crown Court of the following offences:

1. Defendant on the 27th day of May 2023 being over 18 years of age, were intentionally engaged in sexual touching involving penetration with a person under 16 years, namely [REDACTED] and you penetrated her mouth with your penis and you did not reasonably believe that she was 16 or over contrary to Article 16(2) of the Sexual Offences (NI) Order 2008.
2. Defendant on the 15th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years namely, [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
3. Defendant on the 27th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.

4.	Defendant on the 27th day of May 2023, other than as alleged above, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
5.	Defendant on a date unknown between the 6th day of May 2023 and the 15th day of May 2023, being a person aged 18 or over, for the purpose of obtaining sexual gratification intentionally communicated with [REDACTED] a person under 16, the communication being sexual or intended to encourage the said [REDACTED] to make a communication that was sexual, and you did not reasonably believe that [REDACTED] was 16 or over, contrary to Article 22A of the Sexual Offences (Northern Ireland) Order 2008.
6.	Defendant on the 5th day of May 2023, being over 18 years of age were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
7.	Defendant on the 7th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
8.	Defendant on the 15th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
9.	Defendant on a date unknown between the 14th day of May 2023 and the 28th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that they were 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
10.	Defendant on the 27th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
11.	Defendant on the 15th day of May 2023, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.
12.	Defendant on the 15th day of May 2023, other than as alleged above, being over 18 years of age, were intentionally engaged in sexual touching of a person under 16 years, namely [REDACTED] and you did not reasonably believe that she was 16 or over contrary to Article 16(1) of the Sexual Offences (Northern Ireland) Order 2008.

And your actions as set out at 1-12 above show that your fitness to practise is impaired by reason of your conviction in the United Kingdom for criminal offences as per Rule 4 (1) (d) of the Fitness to Practise (Amendment) Rules 2019.

## **Procedure**

The hearing was held under the fitness to practise procedure.

## **Preliminary Issues**

The fitness to practise hearing was held remotely by way of video-link. The Registrant joined the call from HMP Magilligan and was not represented. The Northern Ireland Social Care Council ('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.

## **Application to Admit Hearing Bundle**

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

## **Findings of Fact**

The Registrant told the Committee that, on the basis of his conviction, he admitted the facts as set out in the Particulars of the Allegation, and did not wish to challenge the Certificate of Conviction.

The Committee had careful regard to all of the documentary evidence contained in Exhibit 1. In particular, the Committee had regard to the Certificate of Conviction and the Registrant's admission. Accordingly, the Committee found the facts proved by way of admission.

The Committee was also satisfied that the Certificate of Conviction was conclusive proof of the conviction so found and the underlying facts.

Accordingly, the Committee found the facts proved, in accordance with the Rules.

## **Fitness to Practise**

Ms Owens said that the Registrant is registered on Part 2 of the Register.

Ms Owens said that the matter first came to the Council's attention following an Employer Referral Form ('ERF') from Just Nurses on 06 September 2023. The concerns initially related to allegations that the Registrant had been recently charged with five serious offences, including inciting a child aged 13 - 16 to engage in sexual activity and engaging in sexual activity with a child aged 13 – 16.

Ms Owens said that, on 07 September 2023, the Council received notification by way of a letter from the Common Law Police Disclosure ('CLPD') Unit, confirming that the Registrant had been arrested in relation to an alleged sexual assault on a 13-year-old female.

Ms Owens directed the Committee to the Certificate of Conviction. She said that the Registrant was sentenced on 21 June 2024 and was subject to several custodial sentences to run concurrently, the most severe being a term of four years with a custodial period of two years, and that he is subject to a Sexual Offences' Prevention Order for a period of five years. The Registrant is also barred from working with children and has been placed on the Sex Offenders' Register indefinitely.

Ms Owens directed the Committee to the evidence contained within the hearing bundle, and submitted that the Council sought to rely on this evidence to prove the case. Ms Owens submitted that the Certificate of Conviction, along with the ERF, offers conclusive proof of the facts, and that the Council had discharged the burden of proof in establishing the facts in this case. Furthermore, Ms Owens reminded the Committee that the Registrant had made an admission to the facts.

Ms Owens submitted that the Registrant's fitness to practise is impaired by reason of his convictions. She submitted that the convictions call into question his suitability to work in social care services, to remain on the Register without restriction, or indeed to be registered at all. She submitted that the Registrant's actions constitute serious wrongdoing, and she referred the Committee to Standard 5, in particular 5.8, of the Standards of Conduct and Practice for Social Care Workers ('the Standards') which the Council considers to have been breached.

Ms Owens directed the Committee to CHRE V Grant, and noted that this case established that the level of insight is central to any determination on remediation. She submitted that the Registrant did ultimately plead guilty to the offences at Court, but has shown no further insight or remorse for his actions. The Registrant did not provide the Council with any evidence on the issues of insight or remorse. Ms Owens submitted that, in these circumstances, the Council considers that a risk of repetition remains.

Ms Owens submitted that the public should have confidence in the Council as a regulator to protect the public and to ensure that those who care for the most vulnerable in society uphold proper standards of behaviour. She submitted that any option other than a finding of current impairment would impact on public confidence in the Council and in social care services.

The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Standards, and advised it to adopt a sequential approach when considering this issue. In particular, she asked it to take into account the nature and content of the criminal convictions against the Registrant, and reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise is impaired because of these convictions. She 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, looking at the current competence and behaviour of the Registrant, along with the need to protect service users, members of the public, the upholding of proper standards of

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

The Registrant made a brief submission to the Committee, saying that he understood the seriousness of the allegations that had been made against him. He said that he had no objections to Ms Owens' submissions.

The Committee, in considering the issue of impairment of fitness to practise, took account of Paragraph 24 (3) of Schedule 2 of the Rules, which states that it should have regard to:

- (a) whether it is satisfied as to the reason for the alleged impairment of fitness to practise;
- (b) the Standards of Conduct and Practice issued by the Council under Section 9 of the Act;
- (c) whether the impairment is capable of remediation;
- (d) whether the impairment has been remediated;
- (e) the risk of repetition; and
- (f) the public interest.

The Committee had regard to Rule 4 (1) (d) of the Rules, which states that fitness to practise may be impaired by a criminal conviction, and it was satisfied that the Registrant's convictions for serious offences constituted the reason for the alleged impairment of fitness to practise.

The Committee had regard to the documentary evidence within Exhibit 1. It noted the very serious nature of the Registrant's convictions, as specified in the Allegation.

The Committee considered that the Registrant's actions very significantly brought the profession into disrepute and breached a fundamental tenet of the profession. The Committee had regard to the Standards, and it was satisfied that the Registrant's actions were clearly in breach of the following paragraphs:

**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 the multiple offences committed by the Registrant, and was of the view that they are of a very serious nature. They were not isolated offences; there were several incidents and they occurred over a period of approximately three weeks. The Committee considered that the offences were of such a serious nature that they may ultimately not be capable of being remediated. The Committee noted that the Registrant had pleaded guilty and saved the complainant the ordeal of giving evidence in Court against him. The Committee noted the Registrant's very limited submissions, and considered that he demonstrated no remorse. Furthermore, the Committee noted that there was no evidence from the Registrant before the Committee on issues including the seriousness of his actions, insight, or any reflection. The Committee considered that, in those circumstances,

there was nothing to indicate that the Registrant has taken any steps to attempt to remediate his actions and there was no evidence that would indicate that there is no risk of repetition. Indeed, in the absence of evidence to the contrary, it considered that there currently remains a high risk of repetition.

The Committee noted that the Registrant was sentenced to a four-year Determinate Custodial term, the custodial period being two years. The Committee noted that the Court also imposed a Disqualification Order, registration on the Sex Offenders' Register for an indefinite period, and a Sexual Offences' Prevention Order, for a period of five years after release, with 14 conditions attached.

In the circumstances as outlined to the Committee, it determined that a finding of impairment was required in this case to protect the public, to promote and maintain public confidence in the profession and to promote and maintain proper professional standards and conduct for members of the profession. The Committee considered that the public interest very clearly required a finding of current impairment in this case. The Committee concluded that the Registrant's convictions brought social care services into disrepute, and that the public would find it totally unacceptable that a registrant convicted in these circumstances was not found to be currently impaired.

In reaching its decision on impairment, the Committee took into account the guidance issued by the Council for Committees dealing with the issue of impairment and, in particular, paragraphs 2.5 and 2.6.

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

### **Sanction**

In reaching its decision on sanction, the Committee considered the submission from Ms Owens on behalf of the Council, and it had regard to all of the evidence in this case. Ms Owens referred the Committee to various mitigating and aggravating factors, and the NISCC Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance'). She said that, in terms of mitigating factors, the Registrant had no previous disciplinary record with the Council. Ms Owens said that, in terms of aggravating factors, the Certificate of Conviction referred to several extremely serious offences of sexual assaults of minors. She noted the nature of the sentences imposed on the Registrant and that the Court imposed a Disqualification Order, registration on the Sex Offenders' Register for an indefinite period, and a Sexual Offences' Prevention Order, for a period of five years after release, with 14 conditions attached. She also stated that the Registrant showed a serious disregard for the Standards.

With regard to sanction, Ms Owens submitted that the only appropriate sanction would be that of removal. She submitted that the criminal convictions against the Registrant are of the utmost seriousness. Ms Owens submitted that the Registrant's criminal behaviour was fundamentally incompatible with his continued registration as a social care worker. In particular, she said that there was no evidence of insight or remediation, and that public confidence in the social care sector would be undermined if the Registrant were allowed to remain on the

Register. Ms Owens submitted that the continued registration of a registrant with such serious convictions would have a devastating impact on public confidence in the profession.

The Registrant submitted that he held himself responsible for his actions.

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

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

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

The Legal Adviser further reminded the Committee that, in deciding which sanction to impose, it 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.

In reaching its decision, the Committee applied the principles of fairness, reasonableness and proportionality, and it weighed the public interest with the Registrant's interests, having taken 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 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 is 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:

- Co-operation with the Council's investigation;

- Early admission of the facts; and
- No evidence of any previous referral.

The Committee considered the aggravating factors to be:

- Convictions for serious offences, resulting in a lengthy custodial sentence;
- Disqualification Order, registration on the Sex Offenders' Register for an indefinite period, and a Sexual Offences' Prevention Order, for a period of five years after release, with 14 conditions attached;
- Premeditated actions;
- Lack of insight;
- Lack of regret;
- Risk posed to minors, resulting in a transferable risk to vulnerable service users; and
- Serious disregard for the Standards.

The Committee balanced the above mitigating and aggravating factors when considering which sanction to impose in this case.

**No sanction** – taking into account the nature of the Registrant's serious criminal offences, the Committee had no doubt that it would be entirely inappropriate and completely disproportionate to impose no sanction in this case. Such a decision would be inherently inappropriate in view of the seriousness of the criminal convictions and would not address the concerns identified. It would undermine confidence in the profession and would not promote proper standards for members of the profession.

**Warning** – similarly, again taking into account the nature of the Registrant's serious criminal offences, the Committee had no doubt that it would be entirely inappropriate and completely disproportionate to end this case by issuing a Warning. Such a decision would be inherently inappropriate in view of the seriousness of the criminal convictions and would not address the concerns identified. It would undermine confidence in the profession and would not promote proper standards for members of the profession. A Warning would not provide adequate public protection as far as the Registrant's suitability was concerned, bearing in mind that a Warning would entitle the Registrant to work unrestricted as a social care worker.

**Conditions of Practice Order** – the Committee next considered a Conditions of Practice Order. The Committee noted the Guidance at Paragraph 4.13, which states that conditions may be appropriate in cases involving particular areas of a registrant's performance, and where a Committee is satisfied that a registrant has displayed insight into their failings, and that there is potential for that registrant to respond positively to remediation, re-training or supervision of their work. The Registrant has demonstrated no insight into his criminal actions. He has not expressed any remorse or regret. The Registrant received a custodial prison sentence, has been disqualified from working with children, has received a Sexual Offences' Prevention Order and has been included in the Sex Offenders' Register. The Committee previously determined that there is a significant risk of repetition.

Taking all available information into account, the Committee concluded that a Conditions of Practice Order is not sufficient to meet the public interest in this matter, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker. The Committee could not formulate workable, enforceable, or verifiable conditions whilst the Registrant is serving a custodial sentence, and could not formulate conditions that would address the Registrant's criminal behaviour and adequately protect the public.

**Suspension Order** – the Committee next considered a Suspension Order. The Committee noted that the Registrant's criminal convictions were of an extremely serious nature, relating to sexual offences involving children. 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*'.

The Committee considered that the nature of the Registrant's offending giving rise to his criminal convictions was such that it was fundamentally incompatible with registration as a social care worker. The Committee determined that a Suspension Order would not address the risk of repetition as identified above or the public interest. The Committee had received no evidence of insight, remorse or remediation from the Registrant, nor any information to indicate that the Registrant is unlikely to repeat his criminal behaviour in the future. The Committee considered that the public would view the Registrant's criminal behaviour as falling so far below what would be expected of a registered social care worker that it is fundamentally incompatible with continued registration. The Committee, therefore, concluded that a Suspension Order would not be a proportionate or appropriate sanction in this case.

**Removal Order** – as a result, the Committee decided that the only appropriate and proportionate sanction to impose, with immediate effect, was a Removal Order in respect of the Registrant's registration. In so doing, the Committee had regard to all matters as previously outlined, which included the very serious nature of the Registrant's conduct giving rise to his convictions, the fact that he is required to remain on the Sex Offenders' Register for an indefinite period, and the Sexual Offences' Prevention Order which he was made subject to for five years after his release from custody. The Registrant has demonstrated no evidence of insight into the seriousness of his actions and the likely impact on the victims. The Committee had previously found that there is a significant risk of repetition. In reaching this decision, the Committee had in mind paragraphs 5.4, 5.5 and 5.6 of the Guidance. The Committee was reminded that these paragraphs outline the particularly serious nature of sexual misconduct by the Registrant. The Committee considered that public confidence in the social care workforce, and the Council as its regulator, would be significantly undermined if a social care worker who had been convicted of offences of the nature under consideration were permitted to remain on the Register. This is particularly so in circumstances where the Registrant has not provided any evidence of remorse or regret, has not shown any insight or steps to remediate and in respect of whom, there remains a significant risk of repetition.

For these reasons, the Committee imposed a Removal Order and, with immediate effect, revoked the Interim Suspension Order to which the Registrant has been subject until this hearing.

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**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.

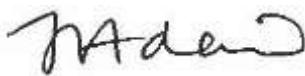
2. A person who is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

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.



Hearings Officer  
(Clerk to the Fitness to Practise Committee)

20 January 2026

Date