



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

REDACTED

Name: Marianne Leone Aldemita Ovivir-Magee

SCR No: 6004158

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **18 February 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 conviction;

The Committee decided to issue a Warning, and directed that a record of the Warning should be placed on your entry in the Register for a period of two years.

Particulars of the Allegation:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed by Beaumont Care Home Ltd as a care assistant, you were convicted of the following offence at the Magistrates' Court on 03 June 2024:

- | | |
|----|--|
| 1. | Defendant (you) on 5 January 2023 unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861 |
|----|--|

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

Procedure

The fitness to practise hearing was held under the fitness to practise procedure.

Preliminary Issues

The hearing was held at the Northern Ireland Social Care Council ('the Council') offices at James House, Belfast. The Registrant was in attendance and appeared remotely by way of video-link. The Registrant was represented by Ms Tracey Lambert, Union Representative, Unison. 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 admitted the hearing bundle into evidence, and marked it as Exhibit 1. The Committee exhibited the email from the Registrant's solicitor as Exhibit 2, and the Registrant's reflective statement as Exhibit 3.

Findings of Fact

Ms Lambert told the Committee that the Registrant admitted the facts as set out in the Particulars of the Allegation.

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 receipt of a self-declaration from the Registrant on 25 October 2023. She said that the referral advised that:

'On the 8th of January 2023, I had an encounter with [REDACTED]. On the end of February 2023 a complaint was made by her at PSNI accusing me of assault with ABH, I am contesting the complain. A summon in court is scheduled on the 26/10/2023 only until then I will find out the further court dates.' [sic]

Ms Owens told the Committee that on 07 November 2023, the Council was advised by Beaumont Care Ltd ('Beaumont') that they were aware of the ongoing incident and had advised the Registrant to inform the Council. Ms Owens said that the Council were told that there had been no ongoing issues with the Registrant's practice within the Home, and that Beaumont had not previously taken any formal or informal disciplinary action against the Registrant.

Ms Owens told the Committee that the Registrant was convicted of unlawful assault on 03 June 2024 and received a monetary penalty of £500, an offender levy of £15 and Other Party's compensation of £250.

The Committee reminded itself that the burden was on the Council to prove the facts as set out in the Particulars of the Allegation, and that to find the facts proved the Committee must be satisfied on the balance of probabilities. This means that for any fact to be found proved, the Committee must be satisfied that it is more likely than not to have occurred.

The Committee had careful regard to the submissions and all of the documentary evidence. The Committee took into account the Registrant's admission to the facts as set out in the Particulars of the Allegation. Accordingly, the Committee found the facts proved by way of admission of the facts.

Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Ms Owens, who submitted that the Registrant's conviction calls into question her ability to work in social care services and to remain on the Register without restriction. Ms Owens directed the Committee to

the Standards of Conduct and Practice ('the Standards'), and invited the Committee to determine that the Registrant's conviction was in breach of Standard 5, in particular, 5.8.

Ms Owens submitted that the Registrant's conviction for unlawful assault displays a clear and fundamental impairment of her fitness to practise. Ms Owens told the Committee that the Registrant's conviction and conduct fall far below the minimum standard expected of a registered social care worker, and call into question her fitness to practise. Ms Owens said that there is limited evidence of the corrective steps that the Registrant has taken to ensure that she will not re-offend, nor steps taken to remediate her actions. Ms Owens submitted that the Council remain concerned that the Registrant pleaded not guilty at Court. In the circumstances, Ms Owens submitted that there remains a future risk of harm to others if the Registrant is allowed to practise without restriction.

Ms Owens submitted that the public interest and confidence in the social care profession would be undermined if a finding of current impairment was not made in these particular circumstances.

Ms Lambert made submissions on behalf of the Registrant. These were provided to the Committee in advance and supplemented by further oral submissions. Ms Lambert told the Committee that the Registrant had been employed by Beaumont since 2010, working the night shift, and that there had been no issues in the workplace.

In respect of the incident itself, Ms Lambert confirmed that the Registrant had attended at the victim's home and that there was an altercation, which led to her being charged with assault. She pleaded not guilty on the advice of her legal representative. The Registrant accepted her conviction, and it was submitted that the sentence imposed was at the lower end of the scale given the nature of the offence.

The Registrant made a self-referral and was not seeking to go behind her conviction. It was contended that the simple fact of the conviction did not mean a finding of impairment was inevitable. There has been no issue with her conduct before or after this incident. The Committee was reminded that its role was to protect the public rather than one of punishment. There was no obligation to find impairment.

It was submitted that the circumstances at the time of the offence were difficult, and that the Registrant behaved in a way that was out of character for her. It was pointed out that the actual offence took place three years ago. The Registrant has continued to work and her employer is aware of the case. No restrictions have been imposed on her practice.

The Committee was also referred to the supportive reference from the Home Manager, which stated:

'Regarding Mariannes work as a Care Assistant, I can say she works well within our team and is competent within her role and appears kind and compassionate to our residents, I have had no issues with her conduct in work. Concerning Mariannes character I can say she is professional within the working time in which I know her.'
[sic]

The Committee considered the submissions from Ms Owens on behalf of the Council, Ms Lambert on behalf of the Registrant, and 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. In particular, he asked it to take into account the nature and content of the criminal conviction against the Registrant. He reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise is impaired because of this conviction. He referred the Committee to Paragraph 24 Schedule 2 of the Rules, and the requirements as set out in the case of the GMC v Cohen. 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 conviction as set out in the Particulars of the Allegation.

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

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

The Committee had regard to Rule 4 (1) (d) of the Rules, which states that fitness to practise may be impaired by a conviction. The Committee is satisfied that the Registrant's conviction constitutes a proper reason for the alleged impairment of fitness to practise. The Committee noted the Registrant's colleagues' statements in relation to this incident, included in Exhibit 1.

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 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 paid careful regard to the expressions of regret made by the Registrant, and the contents of her reflective statement. It also had regard to the submissions of Ms Lambert on this issue. The Committee found that the Registrant's conviction for unlawful assault amounts to a very serious matter. The Committee noted that

the Registrant went to the victim's home with the intention of confronting her, and that the assault had actually occurred at the victim's home.

The Committee noted the particular circumstances at the time of the offence, and considered that the risk of repetition was low.

The Committee considered that such conduct is not easily remediable, but that assault could, in certain circumstances, be remediated.

In view of the Committee, it has not yet been remediated. The lack of meaningful reflection from the Registrant meant that the Committee had no basis on which it could be satisfied that the Registrant has full insight into her behaviour. The Committee acknowledged that the Registrant has showed some insight, but noted that there is limited evidence that she has considered how her actions may have impacted on the victim or confidence in the social care workforce. However, on balance, and considering the circumstances of the conviction, the Committee did not consider a finding of impairment was necessary on public protection grounds.

The Committee concluded that the Registrant's conviction for unlawful assault, and in particular where the victim was assaulted in her own home, was totally unacceptable and that a finding of current impairment was required in these circumstances. Such a finding was, therefore, necessary for the maintenance of public confidence in the social care workforce and the Council as its regulator, and public confidence in the social care workforce would be undermined if a finding of impaired fitness to practise was not made. The Committee considered that the Registrant's behaviour breached a fundamental tenet of social care. There was a clear need to declare, uphold and maintain standards.

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

Sanction

The Committee carefully considered all of the available documentary material, together with Ms Owens' submissions, and the submissions from Ms Lambert on behalf of the Registrant. It also had careful regard to the Northern Ireland Social Care Council Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('the Guidance').

Ms Owens submitted that the Registrant's criminal behaviour has fallen short of the standards to be expected of a registered social care worker.

Ms Owens addressed the Committee on the mitigating and aggravating factors. As regards mitigating factors, she noted that the Registrant had no previous referrals to the Council. She said that this was a one-off incident that occurred outside work, and that no service users had been harmed by the Registrant's actions. She said that the Registrant engaged with the Council's investigation, and had admitted the facts as set out in the Particulars of the Allegation. Ms Owens also noted the positive character reference received from the Registrant's employer. As regards aggravating factors, Ms Owens said that the Registrant's conviction was for a

serious offence, which showed a serious disregard for the Standards. She said that the Registrant does not have full insight.

Ms Owens submitted that there remains a lack of remediation by the Registrant, and that her behaviour fell short of what is expected of a registered social care worker. She submitted that the imposition of a firm sanction was necessary to maintain public confidence in the Council as a regulator of the social care workforce. She said that imposing no sanction would not satisfy the public interest, and would undermine the finding of current impairment as decided by the Committee.

As regards a proportionate response in this matter, Ms Owens said that the reputation of the social care workforce is more important than the fortunes of any individual member. She submitted that a Warning would be fair and proportionate in the circumstances of this case. Ms Owens referred the Committee to the relevant section of the Guidance, and noted that many of the relevant factors for the imposition of a Warning appear to be present in this case.

The Committee heard a submission from Ms Lambert in relation to mitigating factors. She asked the Committee to take into account the fact that whilst the Registrant has fallen short of the standards required, there is no real risk of repetition, no previous referrals, and the Registrant has worked both before and after the incident without any issues arising. She highlighted that there was no pattern of behaviour and that the conduct was not premeditated. It was an emotional response to a very distressing period. She stated that the Registrant is ashamed of her behaviour. She asked that the Committee impose the lowest possible sanction in all the circumstances of the case.

The Committee heard and accepted the Legal Adviser's advice. He set out the range of available sanctions that were provided for by Paragraph 26 of Schedule 2 of the Rules. In summary, the Committee could impose no sanction, warn the Registrant for a period of up to five years, make a Conditions of Practice Order not to exceed three years, make a Suspension Order not to exceed two years or make a Removal Order. The Committee was reminded that the purpose of a sanction is not to be punitive, although a sanction might have a punitive effect. Instead, in its consideration of a sanction, the Committee should have at the forefront of its mind the need to protect the public and the public interest. The Legal Adviser also reminded the Committee that it should act proportionately, and that any measure taken to limit the fundamental right of the Registrant to practise in the social care setting should be no more than what is necessary in the public interest.

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 with the Registrant's interests. The public interest included the protection of members of the public, including service users, the maintenance of public confidence in the workforce and the declaring and upholding of proper standards of conduct and behaviour within the workforce. The Committee took into account its powers under Paragraph 26 of Schedule 2 of the Rules in relation to the sanctions available to it, and also had regard to the Council's Guidance, bearing in mind that the decision on sanction was one for its own independent judgement.

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

The Committee considered the mitigating factors to be:

- No previous referrals;
- Offence outside of work;
- No service user involvement;
- One-off incident;
- Acceptance of the facts;
- Engagement with the Council;
- Positive reference from her employer; and
- The lapse of time since the incident.

The Committee considered the aggravating factors to be:

- Serious disregard for the Standards; and
- The conviction was for a serious offence.

On the question of insight, the Committee considered that the Registrant's insight is developing and was, therefore, neither a mitigating nor aggravating factor.

Having taken into account the mitigating and aggravating factors and the public interest, the Committee was satisfied that some form of sanction was necessary, and proceeded to consider which sanction to apply in this case.

No Sanction - having regard to its findings, the Committee considered that to conclude this matter and to take no further action would be an inadequate response, and would fail to uphold the public interest. The Committee considered that imposing no sanction would undermine the finding of impairment which it had made.

Warning – the Committee had regard to Paragraphs 4.8 - 4.12 of the Guidance. In particular, the Committee had regard to those factors which would be present in a case in which a Warning was imposed. In this case, the Committee was satisfied that the following factors are present in the Registrant's case:

- There is evidence that the Registrant's behaviour did not cause direct harm to service users in her care;
- The Registrant has some insight into her failings and, in the view of the Committee, the risk of repetition is negligible;
- The Registrant made a timely and genuine expression of her regret and remorse;
- The Registrant is working safely and effectively in the social care sphere, and is well regarded by her manager; and
- There is no evidence of a repetition of the behaviour that resulted in the Registrant's referral to the Council.

From its consideration of the available documentary and oral submissions, the Committee was in no doubt that these proceedings have taught a salutary lesson to the Registrant. The Registrant was clear in her submissions about the need to adhere to the highest possible standards as a social care worker, both inside and outside the working environment.

After careful consideration of these factors, the Committee concluded that the Registrant's failings are at the lower end of the spectrum of impairment, and that there is a minimal risk of repetition. In the unusual circumstances of this case, having considered all of the available material and the submissions on behalf of the Registrant, the Committee considered that a Warning is sufficient to uphold and protect the public interest. In its judgement, a Warning would mark the Committee's disapproval of the Registrant's actions, making it clear that she should not act in a similar fashion in the future. The Committee also considered that this was the type of case in which the public interest could be upheld by permitting a safe and effective social care worker to return to unrestricted practice.

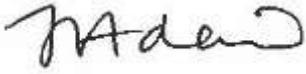
The Committee had regard to Paragraph 4.8 of the Guidance, and decided that a Warning for a period of two years was appropriate and proportionate in light of the Registrant's failings and the need to declare and uphold proper standards in the social care workforce, together with the need to maintain the social care workforce's reputation. The Committee was mindful that the Guidance indicates that the starting point should be a three-year Warning, but considered that two years is sufficient in view of the mitigating features of this case.

In considering sanction, the Committee did look at the next sanction in ascending order of gravity, namely a Conditions of Practice Order. The Committee noted that there are no current concerns about the Registrant's practice, and the Committee did not identify a need to make a finding of current impairment of the Registrant's fitness to practise on public protection grounds. For these reasons, the Committee concluded that the imposition of a Conditions of Practice Order would be inappropriate and disproportionate, and that a Warning is the most appropriate and proportionate sanction in all of the circumstances.

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 you have been warned and a record of the warning has been placed on your entry in the Register for a period of two years (18 February 2026 – 17 February 2028). This warning does not affect your ability to practise.



24 February 2026

Hearings Officer
(Clerk to the Fitness to Practise Committee)

Date