



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

**REDACTED**

**Name:** Martina Mary Bridget McGarrity

**SCR No:** 6001781

**NOTICE IS HEREBY GIVEN THAT** the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **25 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 convictions in the United Kingdom for a criminal offence;**

**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 five years.**

**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 support worker by Southern Health and Social Care Trust, you:

1.	Were convicted at the Magistrates' Court on 30 January 2024 of the following offence:
(i)	Charge 1: [You] on 9 <sup>th</sup> day of June 2023 stole various food items to the total value of £128.25 belonging to Emersons Supermarket, Scotch Street, Armagh contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
2.	Were convicted at the Magistrates' Court on 12 June 2024 of the following offences:
(i)	Charge 1: (You) on 26 <sup>th</sup> day of January 2023 stole Fire Pit to the total value of £129.99 belonging to Home Bargains, Cookstown contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
(ii)	Charge 2: (You) on 17 <sup>th</sup> day of April 2023 stole Air Fryer to the total value of £140.00 belonging to Menary's, Armagh contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
(iii)	Charge 3: (You) on 12 <sup>th</sup> day of May 2023 stole Clothes to the total value of £140.00 belonging to

		Menary's, Armagh contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
	(iv)	Charge 4: (You) on 12 <sup>th</sup> day of May 2023 stole delicatessen items to the total value of £120.00 belonging to Emerson's, Armagh contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
	(v)	Charge 5: (You) on 23 <sup>rd</sup> day of May 2023 stole Flowers and plant items to the total value of £609.47 belonging to Homebase, Cookstown contrary to Section 1 of the Theft Act (Northern Ireland) 1969.
<p>And your actions as set out at 1 and 2 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.</p>		

**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's ('the Council') offices in James House, Belfast. The Registrant was in attendance and was not 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.

**Application to Admit Hearing Bundle**

The Committee accepted the hearing bundle into evidence, and marked it as Exhibit 1. The Committee also accepted the email from the Registrant's probation officer, dated 17 February 2026, and marked it as Exhibit 2. The Registrant provided a copy of her CV on the day of hearing, and this was marked as Exhibit 3.

**Findings of Fact**

Ms Owens told the Committee that this matter first came to the Council's attention following an Employer Referral Form ('ERF') from Ms Sarah Moore, Head of Employee Relations, Southern Health and Social Care Trust ('the Trust'), received on 11 March 2024. The ERF advised that the Registrant had been convicted of the offence of shoplifting on 09 June 2023.

Ms Owens referred the Committee to the Certificate of Conviction within the hearing bundle which confirmed that, on 30 January 2024, the Registrant was convicted of theft from a supermarket, totalling £128.25.

Ms Owens told the Committee that, on 11 April 2024, a self – referral form was received by the Council from the Registrant regarding the conviction, and she also disclosed information [REDACTED].

Ms Owens told the Committee that, during the course of the Council's investigations, further convictions came to light. She referred the Committee to a further certificate of conviction within the hearing bundle, which confirmed that the Registrant was also convicted on 12 June 2024 of a further five offences of theft on various dates in various retail settings. Ms Owens said that the Registrant had had her contract of employment terminated by the Trust.

[REDACTED].

Ms Owens invited the Committee to pay careful attention to the certificates of conviction which were contained in the hearing bundle. The certificates confirmed that the Registrant had pleaded guilty in the Magistrates' Court on 30 January 2024 to theft of various items from a supermarket on 09 June 2023. Ms Owens said that, in respect of these offences, the Registrant received a monetary penalty. Ms Owens also referred the Committee to a further certificate of conviction, which confirmed that the Registrant pleaded guilty on 01 May 2024 to five further charges of theft from various retail shops during the period 26 January 2023 and 23 May 2023. Ms Owens said that the Registrant was convicted on 12 June 2024 and received a Probation Order for one year and six months.

Ms Owens submitted that the Committee should find the Particulars of the Allegation proved, in accordance with the Northern Ireland Social Care Fitness to Practise (Amendment) Rules ('the Rules'), on the basis of the certificates of conviction placed before the Committee, as there is no evidence of a successful appeal or that the convictions do not relate to the Registrant.

The Registrant accepted that she had been convicted of the offences as set out in the Particulars of the Allegation, and that the certificates of conviction in Exhibit 1 referred to her. She confirmed that she has not appealed her convictions.

The Committee heard and accepted the Legal Adviser's advice. In the course of that advice, he reminded the Committee that under Paragraph 12 (5) of Schedule 2 of the Rules, a certificate of conviction issued in any UK Criminal Court '*shall be conclusive proof of the facts or conviction so found*'. He advised the Committee that a registrant could challenge a certificate of conviction only where there is evidence that it does not refer to the registrant, or where the conviction has been successfully challenged on appeal.

The Committee took into account the submissions from Ms Owens on behalf of the Council, the Registrant's submission, and had careful regard to all of the documentary evidence submitted. The Committee noted that the Registrant did not dispute the contents of Ms Owens' submission. However, as she was unrepresented, it had reservations about her ability to make admissions from an appropriately informed position. In any event, the Committee noted the Registrant's confirmation that she was convicted and had not appealed. Accordingly, the Committee concluded that the certificates of conviction were conclusive proof of the convictions and the facts underlying them.

The Committee, therefore, found the facts proved.

## **Fitness to Practise**

The Committee proceeded to consider if the Registrant's fitness to practise is impaired by reason of her convictions. The Committee heard submissions from Ms Owens, and she said that it is the Council's view that the Registrant's fitness to practise is impaired by reason of her convictions.

Ms Owens submitted that the Registrant's actions fell below the standards to be expected of a registered social care worker by reason of her convictions. She submitted that the Council acknowledges that the Registrant pleaded guilty and has expressed her sincere apologies for her wrongdoing in two submissions to the Council. Ms Owens said that the Registrant has completed her Probation Order and has demonstrated a high level of victim awareness. [REDACTED]. Ms Owens said that there is evidence of appropriate and verifiable steps taken by the Registrant to remediate, and that the risk of repetition is, therefore, very low. Ms Owens noted that the Registrant has not committed any further offences of theft since 2023.

Ms Owens said that the Registrant's convictions are serious and occurred on multiple occasions. She said that honesty is a fundamental tenet of a social care worker, and that there is a transferrable risk associated with the Registrant's convicting behaviour. Ms Owens submitted that the public should have confidence in the social care work force, and that failure to make a finding of impaired fitness to practise would fail to uphold public confidence in the regulator.

Ms Owens referred the Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards'), and said that it is the Council's view that the Registrant has breached Standards 2.1 and 5.8. Ms Owens submitted that the Committee ought to make a finding of current impairment for these reasons, and also to make such a finding in the public interest.

The Registrant told the Committee that the actions giving rise to her convictions were a matter of sorrow and deep regret. She also said that she had gained nothing and lost a lot as a result of her actions. She referred to losing her identity, self-worth and her house, and she also said that her father had taken it badly as he was proud of her healthcare work.

The Registrant said that she understands the Standards and that she admits breaching them. She also said that she had never denied her behaviour. However, she stated that she did not recognise the person who committed the offences, that it was out of character and that she was very embarrassed.

The Registrant told the Committee about a mistake she made in work in 2017, which she said led to her suspension and [REDACTED]. The Registrant also told the Committee that she had been working in Bluestone Psychiatric Hospital when a patient attacked her. The Registrant said that this led to [REDACTED] and that the thefts occurred shortly after this.

The Registrant told the Committee of her love for her work. She said that she misses the routine and the sense of self-worth.

[REDACTED]. She also said that she had completed a probation period of 18 months, as well as courses on victim impact and responsibility and control. She further referenced attending NIACRO, and completing a CV and return to work activities.

The Committee asked the Registrant about her thoughts about what had happened in the past. She replied saying that she is ashamed and embarrassed, that her actions were wrong but it was like a compulsion, and that she felt like work controlled her.

In response to a Committee question, the Registrant confirmed there have been no further incidents subsequent to the convictions. [REDACTED].

In response to further Committee questions, the Registrant explained that she had not reported the criminal proceedings to her employer because she had not been working at that time. She also said that she had not reported the proceedings to the Council as she was not in the right frame of mind and did not think to do it.

The Registrant was asked her views on transferrable risk. She replied stating that she has never touched anything belonging to others at work, and that similar behaviour will never happen again.

The Registrant was asked about her desire to return to work, and she said that it is her dream to get back to work, she has never viewed it as labour, that it was her life and that she thinks that she can adjust to any situation.

The Committee considered the submissions from Ms Owens on behalf of the Council, the Registrant's submissions and had regard to all of the evidence in the case. The Committee heard and accepted the advice of the Legal Adviser. In the course of that advice, he referred the Committee to Paragraph 24 (3) 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 social care services. He further referred the Committee to the findings of Dame Janet Smith in the 5th Shipman Report, cited with approval in CHRE v NMC & Grant.

The Committee was satisfied that the Registrant, by her actions which resulted in her convictions, has breached the following Standards:

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

2.1 Being honest and trustworthy.

**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 convicting behaviour has brought the social care profession into disrepute, and that she has breached fundamental tenets of the social care profession.

The Committee next considered whether, by reason of her convictions, the Registrant's fitness to practise is currently impaired. When addressing that issue, the Committee 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 noted that the Registrant has been convicted of offences involving dishonesty. In principle, with appropriate evidence of insight and remediation, the Committee was prepared to accept that, whilst difficult to remediate, dishonest conduct is capable of remedy. The Committee next considered whether, in fact, the Registrant in this case has remedied her dishonest conduct which resulted in her convictions. In so doing, the Committee noted that the Registrant made admissions to the police, pleaded guilty to the offences before the Magistrates' Court, and disclosed the convictions to the Council when she was asked about them. The Committee noted the completion of the probation period, attendance at relevant training courses and regular counselling which the Registrant herself had sought out. In addition, the Committee noted that this was corroborated in an email from the Registrant's probation officer, dated 17 February 2026.

The Committee considered that the Registrant has significantly remediated. However, it had residual concerns regarding her ability in the future to cope with workplace stress [REDACTED]. The Committee further noted the Registrant's remorse and embarrassment regarding her convicting behaviours. The Committee found the Registrant to be genuine, and concluded that she has shown a real level of insight into her wrongdoings. The Committee acknowledged the efforts of the Registrant [REDACTED].

The Committee considered that there is a risk of repetition, albeit that the risk is low. The Committee further considered that the Registrant has done all that could reasonably be expected of her since the convictions. The Committee concluded the Registrant has developed insight. However, as detailed above in respect of remediation, there remains a residual concern about the Registrant's ability to cope with work place stress.

In respect of the public interest, the Committee reminded itself that the Registrant has been convicted of offences involving dishonesty on multiple occasions. The relevant thefts also involved items with a substantial monetary value. In the Committee's view, the Registrant's behaviour fell short of the standards expected, and the Registrant herself has accepted this.

For the reasons outlined above, the Committee concluded that the Registrant's fitness to practise is currently impaired on both the personal and public components. Public confidence in the profession, including the regulator, would be damaged if there was no finding of impairment in the circumstances of this case.

### **Mitigation and Sanction**

In reaching its decision on sanction, the Committee had regard to all of the evidence in the case. Ms Owens confirmed that there had been no previous referrals to the Council in relation to the Registrant.

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').

In relation to the mitigating factors, Ms Owens said that there have been no previous referrals to the Council in relation to the Registrant. She said that the Registrant's actions occurred outside of the workplace and that no service users were harmed. Ms Owens said that the Registrant has substantially engaged with the Council throughout its investigation, and has accepted the facts as set out in the Particulars of the Allegation. Ms Owens also referred to [REDACTED] and the work which the Registrant has carried out with NIACRO. Ms Owens noted [REDACTED] in which he indicated that there is a low risk of a re-occurrence of the Registrant's behaviour. Ms Owens also referred to the evidence of insight and remediation.

In relation to aggravating factors, Ms Owens said that the Registrant's behaviour constituted a disregard of the Standards of Conduct and Practice. She said that the Registrant had breached a fundamental tenet of a social care worker. Ms Owens said that the Registrant's offending was not a one-off incident, and had occurred on multiple occasions.

Ms Owens referred the Committee to Schedule 2, Paragraph 26 (2) of the Rules, which sets out the matters that the Committee should take into account. She also referred the Committee to the Guidance when considering the appropriate sanction.

Ms Owens submitted that to allow the Registrant to remain on the Register and practise unrestricted could undermine the credibility of the scheme for regulation of social care workers, and that it would undermine public confidence in the regulator.

Ms Owens submitted that to impose no sanction would not satisfy public concern. She said that a finding of impaired fitness to practise has been decided by this Committee. She submitted that public protection and public confidence in the profession would be undermined if no sanction were imposed, given the offence in question.

In relation to a Warning, Ms Owens said that a Warning may be appropriate where the behaviour is at the lower end of the spectrum of impairment and where the Committee wishes to mark that the behaviour was unacceptable and must not happen again. Ms Owens highlighted the factors which are present in the circumstances of this case that may suggest that a Warning would be the most suitable sanction to apply in this case:

- evidence that the behaviour would not have caused direct or indirect harm to service users;
- evidence of insight into failings and of willingness to change the behaviour;
- genuine and timely expression of regret / apologies;
- previous good history and good character;
- no repetition of behaviour since incident; and
- evidence that rehabilitative / corrective steps have been taken.

Ms Owens submitted that it is the Council's assessment that a Warning is appropriate, fair and proportionate in all circumstances of this case.

The Registrant said that she is so sorry for her behaviour which led to her convictions. She referred to acting out of character and said that [REDACTED]. She said that she would love to get back to work and referenced her desire to care for people. The Registrant said that she 'will never do anything like that again'. The Registrant concluded by saying that she understands that she has a price to pay for her past actions.

The Committee heard and accepted the Legal Adviser's advice. He set out the range of available sanctions which are 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 may have a punitive effect. Instead, in its consideration of a sanction, the Committee should have at the forefront of its mind the need to protect the public and the public interest. The Legal Adviser also reminded the Committee that it should act proportionately, and that any measure taken to limit the fundamental right of the Registrant to practise in the social care setting should be no more than what is necessary in the public interest.

The Committee carefully considered all of the available documentary material, together with both Parties' submissions. It also had careful regard to the Guidance.

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

The Committee considered the mitigating factors to be as follows:

- The Registrant pleaded guilty to the offences at the Magistrates' Court;
- The evidence in respect of remediation, including the Registrant having completed her Probationary Order and work related to victim awareness, coping skills and responsibility and control;
- [REDACTED];
- The Registrant demonstrated genuine remorse and insight; and
- The Registrant has meaningfully engaged with the fitness to practise process.

The Committee considered the aggravating factors to be as follows:

- The Registrant has been convicted of multiple theft offences and her behaviour involved dishonesty.

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

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

**Warning** – the Committee considered whether to impose a Warning in this case. Having regard to its previous findings, the Committee reminded itself that the convictions are a serious matter, and that the Registrant has fallen short of the standards expected of a social care worker. The Committee also reminded itself that it had determined the risk of repetition as low. There was no evidence of harm to service users. The Registrant's remorse is genuine, she has developed insight into her failings and has expressed a sincere desire to return to work. She made early admissions, pleaded guilty at the criminal court and in no way attempted to down play her behaviour during the fitness to practise investigation. The Registrant has expressed genuine and timely regret on a number of occasions. There is an absence of any past regulatory history with the Council. [REDACTED].

The Committee determined that the public interest in maintaining confidence in social care services would be upheld by the imposition of a Warning and that, in all of the circumstances, this would be proportionate.

The Committee noted Paragraphs 4.8 – 4.12 of the Guidance in considering the duration of any Warning. The Committee specifically noted the three year 'benchmark' at Paragraph 4.8 of the Guidance. In the Committee's view, owing to the multiple theft offences involving dishonest behaviour, it was necessary to impose a period of five years to reflect to the seriousness of the convictions.

The Committee determined that a Conditions of Practice Order would not be workable as the Registrant has not yet returned to work, and it would be extremely difficult to put conditions in place that would address her past actions. The Committee also considered that a Suspension Order would not be proportionate, nor would it reflect the considerable mitigation in this case

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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 you have been warned and a record of the Warning has been placed on your entry in the Register for a period of five years (25 February 2026 – 24 February 2031). This Warning does not affect your ability to practise.**

*C Kennedy*

03 March 2026

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Hearings Officer (Clerk to the Fitness to Practise Committee)

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Date