



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

Name: John Joshua Balmer

SCR No: 2016342

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **05 August 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 make an Order for removal of your registration from the Register ('a Removal Order').

Particulars of the Allegation:

That, whilst being registered as a social care worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed by Prospect Private Nursing Home Ltd as a care assistant, you were convicted of the following criminal offence at the Magistrates' Court on 07 October 2025:

1. Defendant [You] on 27th day of October 2024 unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861.

On 28 January 2026, on appeal, the County Court ordered that the Appeal be dismissed and that the sentence be affirmed.

And your actions, as set out at 1 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 Northern Ireland Social Care Council 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 was not in attendance, and he 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.

Service

Ms Owens informed the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 25 June 2026, and that an electronic proof of delivery receipt was received on the same date.

The Committee received legal advice from the Legal Adviser. She referred the Committee to the requirements as set out in the Northern Ireland Social Care Council Fitness to Practise (Amendment) Rules 2019 ('the Rules') and, in particular, Rule 3 which states that proof of service shall be treated as being effected on the day after it was properly sent. She outlined the requirements for service to be properly effected under the Rules. The Committee was reminded by the Legal Adviser of the provisions of Rule 3 and Paragraph 5 of Schedule 2 of the Rules.

The Committee reviewed all of the available documentation relating to service, and it determined that the Notice of Hearing had been served in accordance with the Rules.

Proceeding in the Absence of the Registrant

Ms Owens submitted that the hearing should proceed in the absence of the Registrant. She said that all reasonable steps had been taken to ensure that the Registrant was aware of proceedings, and that the Registrant had not availed of his right to attend. Ms Owens informed the Committee that the Committee Clerk had attempted to call the Registrant on his registered telephone number on 27 July 2026, and left a voicemail asking him to confirm if he would be in attendance. Ms Owens said that, on 29 July 2026, the Committee Clerk followed that telephone call with an email to the Registrant, which confirmed that the fitness to practise hearing would be held remotely by way of video-link, and again requested the Registrant to confirm if he would be in attendance. The Registrant responded to the email on 29 July 2026, confirming that he would not be in attendance at the hearing as he would be working, and that he is no longer employed in social care.

Ms Owens submitted that the Registrant has the right to attend. She submitted that the Registrant has not sought an adjournment, nor has he sought legal representation. Ms Owens submitted that there appears to be no evidence that the Registrant would attend if the case was adjourned today. Therefore, Ms Owens submitted that the Registrant had voluntarily waived his right to attend. She submitted that it was in the public interest for there to be an expeditious disposal of the hearing, and that there was no good reason for this case not to

proceed. She submitted that any disadvantage to the Registrant was outweighed by the public interest in holding a fair and expedient hearing. Ms Owens submitted that it was appropriate and proportionate to proceed in the absence of the Registrant.

The Committee received and accepted advice from the Legal Adviser on the question of whether to proceed in the absence of the Registrant. She referred the Committee to the case of Adeogba v GMC and the principles derived from criminal cases such as R v Jones. She reminded the Committee that in exercising its discretion to proceed in the absence of the Registrant, it must have regard to all of the circumstances, with fairness to the Registrant being of prime consideration, although fairness to the Council and the public interest must also be taken into account. She reminded the Committee that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution.

The Committee considered whether this hearing should proceed in the absence of the Registrant. It reminded itself that fairness to the Registrant should be of prime consideration. As outlined above, the Committee was satisfied that Notice of Hearing had been served on the Registrant in accordance with the Rules, and it was satisfied that reasonable efforts had been made to notify him of the hearing. The Committee had regard to the email received from the Registrant dated 29 July 2026, confirming that he would not be in attendance at the hearing. The Committee noted that the Registrant was not represented, and that there was no information to suggest that he had sought to be represented. The Registrant has not provided any updated written submissions and has not asked for an adjournment or postponement. The Committee determined that the Registrant has voluntarily absented himself, and that there was no evidence to suggest that he would be any more likely to participate if the matter were adjourned. The Committee noted the serious nature of the allegations faced by the Registrant. It was also of the view that the public interest was strongly engaged, and that this also included consideration of the expeditious disposal of the hearing. Whilst the Committee considered that there may be some disadvantage to the Registrant by proceeding in his absence, taking all of the circumstances into account, it determined that any potential disadvantage was outweighed by the public interest in the case proceeding today. In reaching this conclusion, the Committee took into account the Registrant's interests and balanced these against the public interest. The Committee was satisfied that its decision to proceed in the Registrant's absence was both appropriate and proportionate.

Application to Admit Hearing Bundle

Ms Owens told the Committee that the hearing bundle has been served on the Registrant and that there has been no objection raised. The Committee accepted the hearing bundle into evidence, and marked it as Exhibit 1.

Background

The Registrant is registered on Part 2 of the Register.

The matter first came to the Council's attention by way of an Employer Referral Form ('ERF') on 10 October 2025 from Ms Sinead Kerr, Nurse Manager, Prospect Private Nursing Home. The ERF disclosed the following:

'On 7th October 2025 Mr Balmer was convicted of Assault of a Minor. He was given 3 months custodial sentence suspended for 1 year. As per Prospect PNH disciplinary procedure he is currently under precautionary suspension pending investigation to ascertain how this criminal conviction impacts his suitability to continue to work with vulnerable adults in healthcare.'

The Registrant pleaded not guilty on 05 June 2025, and was convicted at Antrim Magistrates' Court on 07 October 2025 of the following offence:

Charge 1: Defendant on 27th day of October 2024 unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861

The Registrant was sentenced to three months' imprisonment, suspended for one year. The Certificate of Conviction, dated 06 February 2026, records that an appeal was lodged and subsequently dismissed, and that the sentence be affirmed by the County Court on 28 January 2026.

Evidence

Ms Owens referred the Committee to the documents contained within Exhibit 1, which contained the ERF, the documentation from the Police Service of Northern Ireland ('PSNI') and the Certificate of Conviction.

Ms Owens submitted that the Certificate of Conviction and background information from the PSNI, which includes interview notes and statements, is conclusive proof that the facts are proven, in accordance with Rule 4 (1) (d) and Paragraph 12 (5) of Schedule 2 of the Rules.

Ms Owens referred the Committee to Paragraph 12 (7) of Schedule 2 of the Rules, and submitted that there is no evidence that the Registrant has successfully appealed his conviction or that the conviction does not relate to this Registrant. Accordingly, she invited the Committee to find the facts proved on the balance of probabilities.

Findings of Fact

The Committee heard and accepted the advice of the Legal Adviser. She reminded the Committee that it must apply the standard of proof as applicable in civil proceedings, which is the balance of probabilities. She further referred the Committee to Schedule 2, Paragraph 12 (5) of the Rules.

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 the 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 took into account the submissions from Ms Owens on behalf of the Council, and had careful regard to all of the documentary evidence submitted. The Committee found that, on the balance of probabilities, the facts contained in the Particulars of the Allegation had been established. Taking into account Paragraph 12 (5) of Schedule 2 of the Rules, the Committee was satisfied that the Certificate of Conviction against the Registrant proved the facts therein. The Certificate of Conviction against the Registrant relates to an offence of

unlawfully assaulting a minor on 27 October 2024. The Committee noted that the Registrant had appealed on 28 January 2026, and that the appeal was subsequently dismissed, with the sentence being affirmed. The Committee further considered Paragraph 12 (7) of Schedule 2 of the Rules, and noted that the Registrant had not adduced any evidence to undermine the findings of fact.

Taking all of this into account, the Committee found proved, on the balance of probabilities, the facts in accordance with Rule 4 (1) (d) of the Rules.

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 advised that there was no formal admission from the Registrant in relation to impaired fitness to practise. Ms Owens submitted that the Registrant's conviction calls into question his ability to work in social care services and to remain on the Register without restriction. She referred the Committee to the Standards of Conduct and Practice for Social Care Workers ('the Standards'), which she submitted that the Registrant's criminal conviction breached, at 5 and 5.8 of the Standards.

Ms Owens referred the Committee to the factors set out at Paragraph 24 (3) of Schedule 2 of the Rules. Ms Owens submitted that the starting point for remediation is insight, and she referred the Committee to the case of CHRE v NMC & Grant. She reminded the Committee that the Registrant had denied the allegations during his interview with the PSNI and that he contested the hearing at the Magistrates' Court.

Ms Owens referred the Committee to the emails sent by the Registrant on 21 October 2025 and 04 November 2025, where the Registrant made certain admissions and expressed some regret, remorse and responsibility. Ms Owens submitted that whilst there was some evidence of regret, there was no evidence of full remediation.

Ms Owens submitted that although the Registrant's conduct took place outside of the workplace, some form of restriction is required for public protection. She stated that the Registrant's conviction brings the profession into disrepute, and that a failure to finding of current impairment would undermine trust and confidence in the regulator. Ms Owens told the Committee that the Registrant's conviction and conduct falls far below the minimum standard expected of a registered social care worker, and calls into question his fitness to practise. Ms Owens said that in light of the Registrant's lack of engagement and his failure to attend the hearing, there was nothing to persuade the Committee that the Registrant's behaviour would not be repeated in the future.

Ms Owens submitted that there was also no evidence from the Registrant that he has remediated his behaviour. She 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.

The Committee considered the submissions from Ms Owens on behalf of the Council, and had regard to all of the evidence in the case. 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 conviction against the Registrant. She

reminded the Committee that it was being asked to determine whether the Registrant's fitness to practise is impaired because of this conviction. She 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 the social care profession. She also referred the Committee to the cases of CHRE v NMC & Grant.

The Committee considered whether the Registrant's fitness to practise is impaired by reason of his 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 was satisfied that the Registrant's conviction constitutes a proper reason for the alleged impairment of fitness to practise.

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

The Committee considered that the Registrant's actions brought the profession into disrepute and breached a fundamental tenet of the profession. 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 and Insight'. 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 was satisfied that the Registrant's actions, whereby he has been convicted of a serious offence, were a departure from the standards of behaviour and conduct expected of a registered social care worker.

The Committee determined that the Registrant's conduct is capable of remediation. The Committee considered the Registrant's letters, dated 21 October 2025 and 04 November 2025, alongside the reference from his previous employer and testimonials provided by the Registrant's family members.

The Committee further noted the Registrant's initial denial during his interview with the PSNI, and that he subsequently contested the charge. The Committee also took into account the Registrant's lack of engagement with this hearing, and noted that he has not provided any evidence of remediation for the hearing.

The Committee considered that being registered as a social care worker carries with it the expectation that a registrant's behaviour, both within and outside the workplace, would be in compliance with the Standards. The Committee took into account the Registrant's testimonials from family members; however, it was of the view that the Registrant made limited reference to the impact of his behaviour.

The Committee noted that whilst the Registrant expressed some responsibility and regret in his correspondence to the Council, there is no updated evidence before the Committee in respect of his insight, remorse or regret. The Committee had limited information in relation to the Registrant's current employment, and noted from his email, dated 29 July 2026, that he has changed employment and no longer works within social care, and stated that *'I do not intend to seek any future employment as a carer or related'*.

In all of the circumstances, the Committee determined that due to the lack of engagement and evidence of remediation, there is a real risk of repetition. For these reasons, the Committee was satisfied that a finding of current impairment of the Registrant's fitness to practise was required for public protection.

The Committee also considered the public interest and was satisfied, in light of the nature of the allegation combined with the lack of evidence of insight and the real risk of repetition identified, that a failure to make a finding of current impairment on public interest grounds would undermine the public trust and confidence in the social care profession. Further, the Committee was also satisfied that a failure to make a finding of current impairment on public interest grounds would fail to declare and uphold proper standards of conduct and behaviour.

For these reasons, the Committee was satisfied that a finding of current impairment was also required on public interest grounds.

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

Sanction

The Committee heard a submission from Ms Owens on the question of what, if any, sanction should be imposed on the Registrant's registration.

Ms Owens referred the Committee to mitigating factors, and advised that the Registrant has a clear work record, with no previous referrals to the Council. Ms Owens also said that the assault had taken place outside the

workplace and did not involve service users. She further referred the Committee to the numerous character references, including from the Registrant's previous employer and family members. Ms Owens said that the correspondence received from the Registrant dated 21 October 2025 and 04 November 2025 expressed some regret.

As regards to aggravating factors, Ms Owens submitted that the Registrant's behaviour that led to his conviction demonstrated a serious disregard to the Standards. Ms Owens submitted that the conduct involved assault of a minor, and that there has been no evidence of full remediation. Ms Owens stated that the Registrant did not attend the hearing today, showing a lack of engagement. Ms Owens reminded the Committee that the Registrant's current suspended sentence is in place until 07 October 2026.

Ms Owens referred the Committee to the updated Northern Ireland Social Care Council Indicative Sanctions, Interim Orders and Consensual Disposal: Guidance for Fitness to Practise Committees, Fitness to Practise Officers and Preliminary Proceedings Committees ('the Guidance'). Ms Owens stated that the purpose of the Guidance is to protect the public and uphold the public interest, and that imposing a sanction was appropriate and fair.

Ms Owens submitted that a Warning would not be sufficient to protect the public from the risks identified. She stated that a Conditions of Practice Order was not appropriate as the concerns do not relate to the Registrant's performance at work.

As regards the sanction of a Suspension Order, she suggested that there may be circumstances where this would be appropriate. However, she submitted that without the attendance of the Registrant at the hearing, that there was no assurance or evidence that the Registrant had learnt from his past behaviours. Ms Owens submitted that the risk of repetition remains. She submitted that the public should have confidence in the regulator and that, taking into account the Guidance, the sanction of a Removal Order should be considered.

The Committee heard and accepted the Legal Adviser's advice. She set out the range of available sanctions under 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 referred the Committee to the Guidance, and she reminded the Committee to consider the question of sanction in ascending order of severity, paying particular attention to the issue of proportionality. She further referred the Committee to the Guidance in respect of conviction cases, and to the cases of CRHP v GDC & Fleischmaan and PSA v GDC & Patel.

The Committee carefully considered all of the available evidence, together with Ms Owen's submissions. It also had careful regard to the Guidance, and to its own findings at the facts and impairment stages of the hearing.

The Committee considered whether there were any mitigating or aggravating factors in this case.

The Committee considered the mitigating factors to be:

- There have been no previous concerns raised with the Council, and no issues raised during his previous work history;
- The Registrant previously provided positive character references; and
- The Registrant has expressed some regret.

The Committee considered the aggravating factors to be:

- The Registrant received a conviction for an assault on a minor;
- The current suspended sentence remains in force until 07 October 2026;
- The Registrant's conduct demonstrated a serious disregard for the Standards;
- Lack of attendance at the hearing; and
- Lack of evidence of full remediation.

Having considered the overall circumstances of this case, having balanced the mitigating and aggravating factors, and having taken into account the interests of public protection and the public interest, the Committee was satisfied that some form of sanction is necessary. It, therefore, proceeded to consider which sanction to impose.

No sanction – the Committee had no hesitation in concluding that it would be neither appropriate nor proportionate if no sanction were imposed in this case. In the view of the Committee, if no sanction were imposed, this would not mark the seriousness of the issues or meet the public interest in this case.

Warning – the Committee considered whether to impose a Warning. Having regard to its previous findings, the Committee considered that such a step would be inadequate to protect the public and would fail to uphold the public interest.

Conditions of Practice Order – the Committee determined that conditions were neither appropriate nor proportionate. A Conditions of Practice Order would not be suitable as the Registrant has not attended the hearing today and it would be difficult to identify workable conditions. The Committee noted the Registrant's position that he is no longer employed in social care and, therefore, the Committee had no evidence that the Registrant would comply with conditions. Further, the Committee considered that a Conditions of Practice Order would be insufficient to protect the public and uphold the public interest in this matter, given the seriousness of the Registrant's departure from the standards expected of a registered social care worker.

Suspension Order – the Committee gave careful consideration to a Suspension Order. The Committee noted that the Registrant had failed to fully engage with the proceedings and had not provided any updated evidence of insight, remorse or remediation. The Committee had regard to its findings that the Registrant's conviction for an assault on a minor was a serious departure from the standards expected of a registered social care worker.

The Committee determined that the circumstances of this case did not lend itself to the factors set out in Paragraph 7.17 of the updated Guidance. The Committee considered that the public would perceive the Registrant's criminal behaviour as falling short of what would be expected of a registered social care worker. In all of the circumstances, the Committee concluded that a Suspension Order would not be sufficient to address the seriousness and unacceptability of the Registrant's criminal conviction.

Removal Order – the Committee then considered a Removal Order. In making its decision, the Committee took into account the Guidance at 7.24 – 7.26. In particular, the Committee noted 7.24, which states as follows:

'This is the most serious sanction which a Committee can impose. A Removal Order is likely to be appropriate when the registrant's behaviour is fundamentally incompatible with being a registrant. Removal should be used where there is no other way to protect the public, for example, where there is a lack of insight, continuing problems and a pattern of unacceptable behaviour or denial, where there is no evidence that there is likely to be satisfactory remediation and where confidence in the social care profession would be undermined by allowing the registrant to remain on the Register.'

The Committee concluded that given the seriousness of the Registrant's criminal conviction, his limited engagement and lack of updated evidence in relation to his insight, remorse and remediation, a Removal Order was the only sanction appropriate to protect the public and to maintain public confidence in the social care profession and the Council as its regulator. The Committee considered the Registrant's actions to constitute a serious departure from the professional standards as set out in the Standards.

In all of the circumstances, the Committee concluded that a Removal Order was the only sanction available to it that would protect the public and meet the public interest in upholding confidence in the social care profession. The Committee considered that public confidence in the social care profession, and the Council as its regulator, would be seriously undermined if a social care worker who was criminally convicted of assault on a minor was allowed to remain on the Register. The Committee considered a Removal Order to be suitable, appropriate and proportionate sanction, which was imposed on the Registrant's registration with immediate effect.

The Committee decided, with immediate effect, to revoke the Interim Conditions of Practice Order and replace it with the Removal Order.

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.



10 August 2026

Hearings Officer
(Clerk to the Fitness to Practise Committee)

Date