



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

Name: Omowunmi Osewunmi Macaulay

SCR No: 7028314

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **21 September 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 misconduct;

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 Electus Healthcare as an adult residential care worker:

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| 1. | [You] on 21 st day of April 2023 unlawfully assaulted [REDACTED] contrary to section 42 of the Offences Against the Person Act 1861. |
| 2. | On 29 July 2024, you were convicted of the above offence by the Magistrates' Court. |
| 3. | On 14 March 2025, on appeal, the County Court ordered that the conviction be affirmed but that the order be varied and you received a Conditional Discharge for one year. |

And your actions, as set out above, show that your fitness to practise is impaired by reason of your misconduct.

Procedure

The hearing was held under the fitness to practise procedure.

Preliminary Matters

The Registrant was not in attendance, nor was she represented. The Northern Ireland Social Care Council ('the Council') was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Service

Ms Owens told the Committee that the Notice of Hearing and hearing bundle were sent to the Registrant's registered email address on 28 April 2026. An electronic proof of delivery receipt was received on the same day. The Council emailed the Registrant on 02 June 2026 to inform her that the hearing would now be held remotely, and asked her to contact the Council if she had any objections and also to confirm her attendance. Ms Owens said that the Registrant has not responded to any of the aforementioned communication.

The Committee received legal advice from the Legal Adviser, and she referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's 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.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing had been served in accordance with Rule 3 of the Rules, and the requirements of Paragraph 5 of Schedule 2 of the Rules.

Proceeding in the Absence of the Registrant

Ms Owens made an application to proceed in the absence of the Registrant under Paragraph 15 of Schedule 2 of the Rules, and submitted that the Committee should hear and determine the case in the Registrant's absence.

Ms Owens said that the Hearings Officer attempted to telephone the Registrant on 27 May 2026 to confirm if she would be attending the fitness to practise hearing. However, the call rang five times and then the call failed, and there was no voicemail facility. This happened on two occasions on the same day.

Ms Owens said that the Council emailed the Registrant on 27 May 2026, and asked her to contact the Council to confirm if she would be attending the fitness to practise hearing. The Hearings Officer attempted again to telephone the Registrant on 02 June 2026, and again the call rang and then failed. Ms Owens said that the Registrant has not responded to any of the communication, and invited the Committee to conclude that the Registrant's absence was a voluntary waiver of her right to attend. She said that the Council has made all reasonable efforts to make the Registrant aware of the hearing today. She said that the Registrant has not provided any reason for her non-attendance, and has not requested an adjournment to attend on a later date or to be represented. Ms Owens said that there was nothing to suggest that the Registrant would be likely to attend on another date if the hearing was adjourned. She said that it was in the public interest for there to be an expeditious disposal of the hearing, and that any disadvantage to the Registrant was outweighed in all of the circumstances.

The Committee was mindful that the discretion to proceed in the absence of the Registrant should only be exercised with the utmost care and caution. In considering the application, the Committee sought to satisfy itself that all reasonable efforts had been made to notify the Registrant of the hearing, and accepted the advice of the Legal Adviser. She referred the Committee to the cases of R v Jones 2003 1 AC, Adeogba and Visvardis v GMC 2016. She reminded the Committee that in exercising its discretion to proceed in the Registrant's absence, 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 to avoid reaching any improper conclusion about the Registrant's absence, and not to accept it as an admission in any way.

The Committee reminded itself that fairness to the Registrant should be a prime consideration. The Committee bore in mind the public interest in the expeditious disposal of the hearing. The Committee took into account the various communications between the Council and the Registrant, and was satisfied that the Council had taken all reasonable steps to ensure that the Registrant was aware of the hearing. The Committee had not received an application to adjourn the hearing and had no information that an adjournment would secure her attendance at a later date, and there was nothing to suggest that the Registrant would be any more likely to attend on a future date if the matter was adjourned.

After careful consideration of all of the information and the issues, the Committee decided to exercise its discretion to proceed in the absence of the Registrant, taking into account the serious nature of the allegation and striking a careful balance between fairness to the Registrant and the wider public interest. The Committee, in all of the circumstances, considered that the Registrant had voluntarily absented herself from the hearing. However, the Committee reminded itself that it must avoid reaching any improper conclusion about the Registrant's absence, nor treat the absence as an admission.

Application to Admit Hearing Bundle

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

Declarations of Conflicts of Interest

The Chair of the Committee confirmed that no Committee Member had a conflict of interest with this case.

Background and Facts of the Case

Ms Owens stated that the case first came to the attention of the Council by way of an Employer Referral Form ('ERF') from the Home Manager of Electus Healthcare, on 25 April 2023. In the ERF it was alleged that, on 21 April 2023, two members of staff witnessed the Registrant shouting at a service user in an aggressive tone, and leaning towards them in an antagonistic manner. Ms Owens also stated that the ERF reported that the Registrant grabbed the service user's arm and pushed it into their stomach, and that the Registrant allegedly removed the service user's dementia doll and stated '*she has to learn*'. Ms Owens stated that the ERF also

contained reports from witnesses, who expressed the opinion that the Registrant used excessive force while the service user was agitated, and thus aggravated the situation.

The matter was subsequently investigated by the PSNI, resulting in a decision to prosecute. On 25 January 2024, the Registrant pleaded not guilty to the charge of common assault at the Magistrates' Court. On 29 July 2024, the Registrant was found guilty and was convicted of the offence. She received a fine in the sum of £750.00 and was ordered to pay an Offender Levy of £15.00.

The Registrant appealed the decision and, on 14 March 2025, the County Court ordered that the conviction be affirmed but that the Order be varied to one of a conditional discharge for a period of one year. Ms Owens told the Committee that a conditional discharge for the purposes of the Rules is not a conviction, but stated that the facts on which the Court decided the case could amount to misconduct.

Ms Owens referred to the police interview notes, the Police Case Summary and the four witness statements that were provided to the Council by the police.

The Committee raised concerns regarding Ms Owens' reliance on the ERF, four police witness statements and the PSNI Case Summary within the bundle, and in her oral submission. The Committee queried whether the Council intended to call any witnesses to give oral evidence before the Committee.

Ms Owens confirmed that the Council did not intend to call any witnesses, and that it would instead rely upon the police documentation in support of its case.

The Committee retired to discuss the issue.

Admissibility of Documentary Evidence

During private discussions, the Committee asked the Legal Adviser for advice regarding hearsay evidence in a case involving a conditional discharge.

The Legal Adviser outlined the legal advice that she had provided in private discussions with the Committee in relation to the issue of a conditional discharge being considered as a conviction. She advised that Section 6 of the Criminal Justice (Northern Ireland) Order 1996 states that a conditional discharge *shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender Under Article 5*. Therefore, the Legal Adviser said that the gateway of conviction as set out in Rule 12 (5) was not relevant.

Ms Owens told the Committee that the Council seeks to proceed with the fitness to practise hearing today under the misconduct gateway.

Ms Owens submitted that the Council does not propose to call witnesses as it is the opinion of the Council that witness evidence is not necessary to prove the facts in this case, as there have been findings of a Magistrates' Court and an Appeal Court which state that the Registrant did commit the offence of assault on a service user. She said that these findings were made to the criminal standard of beyond reasonable doubt.

Ms Owens said that the Council seeks to rely on the following documents only: the ERF, Certificate of Order / Conviction, PSNI Interview notes, PSNI Case Summary and Order of Discharge.

Ms Owens submitted that the Council has taken cognisance of the Committee's concern regarding the inclusion of the PSNI witness statements. She said that the Council does not seek to rely on same, and said that they were included to provide the Committee with background to the criminal court's decisions.

Ms Owens submitted that calling witnesses would, in effect, lead to a re-trial of the criminal case and that it is not for the Council to look behind the findings of the criminal courts.

The Legal Adviser also put on record advice that was given to the Committee in relation to the admissibility of the documentation referred to by the Council. She referred the Committee to Paragraph 12 of Schedule 2 of the Rules, and stated that taking into account relevance and fairness, a Committee may admit oral, documentary or other evidence where appropriate. She submitted that the only evidence that may be provided to the Committee is evidence which is relevant to one of the issues that the Committee needs to decide. It also needs to be fair to the parties in the proceedings, and people involved in the case, that the Committee considers that evidence. The Legal Adviser reminded the Committee that evidence may be unfair where it cannot be challenged, and that the Committee should give careful assessment to the weight of such evidence. She stated that some evidence may be obviously reliable and is, therefore, likely to carry substantial weight. The weight of other evidence may depend on what the Committee decides about whether a piece of evidence is credible. The Legal Adviser stated that the issue of admissibility of evidence is at the Committee's discretion. In conclusion, the Legal Adviser also referred the Committee to Paragraph 12 (3), which states that the Committee may of its own volition request any person to give oral evidence which it considers might assist it in determining the Particulars of the Allegation against the Registrant.

The Committee carefully considered Ms Owens' submissions regarding the documents that the Council seeks to rely on as evidence to prove the allegation of misconduct against the Registrant. The Committee considered that in terms of the Certificate of Conviction and the Judge's Order on appeal, dated 14 March 2025, it determined that these documents should be admissible as evidence. The Committee considered the remaining documents, namely, the ERF, the PSNI interview notes and the PSNI Case Summary. The Committee was concerned that the documents contain an incomplete account of the incident, and that there are inconsistencies when considered all together. The Committee noted that previous emails from the Registrant's solicitor to the Council highlight a number of discrepancies within the documentation. Furthermore, the Committee noted that the information provided in the ERF and in the Case Summary is hearsay evidence, and that it would be unfair to admit same in circumstances where the Registrant was not present or represented, and was unable to challenge the evidence. The Committee determined that it would be unfair to admit these documents.

In fairness to the Registrant, who is not present or represented, the Committee is of the view that any evidence to be given in relation to the circumstances underlying the offence that led to the conditional discharge should be given orally to the Committee. The Committee had regard to Paragraph 12 (3) of Schedule 2 of the Rules, and

determined that the Council should consider if the relevant witnesses should be available to give oral evidence, be cross examined and also be available to answer any questions from the Committee to ensure that the Committee has an accurate account of the circumstances surrounding the offence. Alternatively, if the Council does not intend to call witnesses to give oral evidence, it may wish to review the documentary evidence contained in the hearing bundle on which it intends to rely in order to prove its case.

In light of the above circumstances, the Committee decided to adjourn the hearing.

21 September 2026 – Day 2

Preliminary Matters

The Registrant was not in attendance at the reconvened hearing, nor was she represented. The Northern Ireland Social Care Council ('the Council') was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Service

The Committee heard from Ms Owens that an email was sent to the Registrant on 13 June 2026 to inform her of the Committee's decision to adjourn proceedings on 08 June 2026, along with the reasons for the Committee's decision. The email also advised the Registrant that she would be given at least 35 days' notice of the reconvened hearing date. An electronic proof of delivery receipt was received on the same date. Ms Owens told the Committee that a Notice of Hearing for today's reconvened hearing, and an amended hearing bundle, were sent to the Registrant's registered email address on 06 August 2026. An electronic proof of delivery receipt was received on the same day. On 03 September 2026, a further email was sent to the Registrant's registered email address, informing the Registrant that the hearing would now be held remotely. The email reminded the Registrant to confirm if she would be in attendance at the hearing and advised her that, upon confirmation, she would be provided with the link to the hearing. An electronic proof of delivery receipt was received on the same date. Ms Owens said that the Registrant has not responded to any of the aforementioned communication. Ms Owens said that no reasons have been provided for the Registrant's non-attendance. She said that the Notice of Hearing had been served in accordance with the Rules.

The Committee received legal advice from the Legal Adviser, and he referred the Committee to the requirements as set out in the Northern Ireland Social Care Council's 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.

The Committee, in all of the circumstances of the case, was satisfied that the Notice of Hearing has been served in accordance with Rule 3 of the Rules, and the requirements of Paragraph 5 of Schedule 2 of the Rules.

Proceeding in the Absence of the Registrant

Ms Owens made an application to proceed in the absence of the Registrant under Paragraph 15 of Schedule 2 of the Rules, and submitted that the Committee should hear and determine the case in the Registrant's absence.

Ms Owens made an application for the hearing to proceed in the absence of the Registrant. She submitted that the Council has taken all reasonable steps to notify the Registrant of the hearing. Ms Owens noted that the Registrant has not attended, has provided no explanation for her absence, and has not made any application for an adjournment to enable her attendance or representation. Ms Owens noted that the Registrant did not attend Day One of the hearing on 08 June 2026.

Ms Owens further submitted that there is no reason to believe that an adjournment would secure the Registrant's attendance at a future hearing. She argued that the Registrant has voluntarily waived her right to attend and be represented. Whilst acknowledging that the Registrant may be disadvantaged by her absence, Ms Owens submitted that any such disadvantage is outweighed by the public interest in the expeditious disposal of the case and the need for the proceedings to continue without undue delay.

The Committee received and accepted advice from the Legal Adviser on the question of whether to proceed in the absence of the Registrant. He referred the Committee to the case of Adeogba v GMC and the principles derived from criminal cases such as R v Jones. He 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. He reminded the Committee that its discretion to proceed in the absence of a registrant must be exercised with the utmost care and caution. He reminded the Committee to avoid reaching any improper conclusion about the Registrant's absence.

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 the Notice of Hearing has been served on the Registrant in accordance with the Rules, and it was satisfied that reasonable efforts have been made to notify the Registrant of the hearing. The Committee noted that the Registrant is not represented, and that there is no information to suggest that she has sought to be represented. The Registrant has not asked for an adjournment or a postponement. The Committee determined that the Registrant has voluntarily absented herself, and that there is no evidence to suggest that she would be any more likely to participate if the matter were adjourned. In this regard, the Committee noted the Registrant did not attend Day One of the hearing on 08 June 2026. The Committee noted the very serious nature of the allegations faced by the Registrant. It was also of the view that the public interest is strongly engaged, and that this also includes consideration of the expeditious disposal of the hearing. Whilst the Committee considered that there may be some disadvantage to the Registrant by proceeding in her absence, taking all of the circumstances into account, it determined that any potential disadvantage is 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 is both appropriate and proportionate.

Application to Admit Amended Hearing Bundle and Hearsay Evidence.

Ms Owens made an application to admit an amended bundle into evidence. Ms Owens confirmed that the bundle has been served on the Registrant and that no objections were raised. Ms Owens made a formal application to admit three documents as hearsay evidence: the employer referral form (ERF), the PSNI Case Summary, and the PSNI Interview Transcript. She noted that the Registrant was put on notice of the Council's intention to make this application on 06 August 2026, and that no objections have been received.

Ms Owens submitted that these documents had been identified by the previous Committee as relevant to the proceedings. In relation to the ERF, she explained that it is an official document completed by the Registrant's employer at the time of the incident. It is a recognised document used to provide information regarding incidents to the Council, is verified by the employer, and expressly acknowledges that it may be relied upon in regulatory proceedings. Ms Owens submitted that admitting the ERF would be fair, particularly as it was not the sole or decisive evidence in support of the allegations.

Turning to the PSNI Case Summary and PSNI Interview Transcript, Ms Owens submitted that these are official documents originating from the PSNI. She further referred the Committee to correspondence from the Common Law Police Disclosure Unit ('CLPD'), which provides provenance for the documents. She argued that the documents were relevant to the issues before the Committee, and provide important background information. Again, she emphasised that neither document constituted the sole or decisive evidence in the case.

Ms Owens submitted that, in accordance with the principles set out in *Thorneycroft*, the documents were properly admissible. She invited the Committee to admit the documents into evidence and, thereafter, to determine the weight to be attached to them in light of all the circumstances of the case.

The Committee accepted the advice from the Legal Adviser, who referred the Committee to Schedule 2, Paragraph 12 (1) of the Rules, and said that the Committee may admit evidence whether or not it would be admissible in a court of law or exclude evidence in order to ensure fairness to the Registrant and between the parties.

The Legal Adviser also referred the Committee to Thorneycroft v NMC [2014] EWHC 1565 (Admin), which suggests the following principles:

1. The admission of the statement of an absent witness should not be regarded as a routine matter, and the Fitness to Practise (FtP) rules require the Committee to consider the issue of fairness before admitting the evidence.
2. The fact that the absence of the witness can be reflected in the weight to be attached to their evidence is a factor to weigh in the balance, but will not always be a sufficient answer to the objection to admissibility.

3. The existence or otherwise of a good and cogent reason for the non-attendance of the witness is an important factor. However, the absence of a good reason does not automatically result in the exclusion of the evidence.
4. Where such evidence is the sole or decisive evidence in relation to the charges, the decision whether or not to admit requires the Committee to make a careful assessment, weighing up the competing factors. The assessment should involve a consideration of the issues in the case, the other evidence to be called and the potential consequences of admitting the evidence and the Committee must be satisfied, having undertaken this assessment, that either the evidence is demonstrably reliable or that there is some means of testing its reliability.

It also sets out the following matters as being of relevance to the question of admissibility:

1. Whether the statements are the sole and decisive evidence in support of the charges;
2. The nature and extent of the challenge to the contents of the statements;
3. Whether there is any suggestion that the witnesses had reasons to fabricate their allegations;
4. The seriousness of the charge, taking into account the impact which adverse findings might have on the Registrant's career;
5. Whether there is a good reason for the non-attendance of the witnesses;
6. Whether the Respondent has taken reasonable steps to secure the attendance of the witness;
7. If the Registrant had prior notice that the witness statements were to be read.

The Committee considered its powers carefully, and noted that the Registrant had been put on notice of this application and had not raised any objection in response. The Committee further noted that the author of the ERF confirmed its accuracy, and understood that it would be used in fitness to practise proceedings within the form itself. It also noted that the material from the PSNI are official records. The Committee considered that the documents are relevant to the Particulars of Allegation. The Committee was mindful of the public interest in dealing with this matter fully. The Committee accepted that it would not be reasonable to expect employers and police officers as a matter of routine to be called as witnesses to prove documents. The Committee, therefore, determined to admit the documents, though it noted that it would have to consider what weight would be attached to them in due course.

The Committee, therefore, accepted the amended bundle, served on the Registrant on 06 August 2026, into evidence and marked it as Exhibit 1.

Background

The case first came to the attention of the Council by way of an Employer Referral Form ('ERF') from the Home Manager of Electus Healthcare, on 25 April 2023. In the ERF it was alleged that, on 21 April 2023, two members of staff witnessed the Registrant shouting at a service user in an aggressive tone, and leaning towards the service user in an antagonistic manner. It was also reported that the Registrant grabbed the service user's arm

and pushed it into their stomach. The Registrant allegedly removed the service user's dementia doll and stated '*she has to learn*'. The witnesses expressed the opinion that the Registrant used excessive force while the service user was agitated, and thus aggravated the situation.

The matter was subsequently investigated by the PSNI, resulting in a decision to prosecute. On 25 January 2024, the Registrant pleaded not guilty to the charge of common assault at the Magistrates' Court. On 29 July 2024, the Registrant was found guilty and was convicted of the offence. She received a fine in the sum of £750.00 and was ordered to pay an Offender Levy of £15.00.

The Registrant appealed and, on 14 March 2025, the County Court ordered that the conviction be affirmed but that the sentence be varied to one of a conditional discharge for a period of one year. Ms Owens told the Committee that a conditional discharge for the purposes of the Rules is not a conviction, but that the facts on which the Court decided the case amount to misconduct.

Ms Owens referred the Committee to the PSNI Interview Transcript and the PSNI Case Summary, submitting that these documents provide important background information and additional context in relation to the criminal proceedings. She submitted that the factual matters underpinning the Particulars of the Allegation had been established on the balance of probabilities.

Ms Owens further noted that the criminal court was satisfied, beyond reasonable doubt, that the Registrant assaulted the service user. In those circumstances, Ms Owens submitted that the Council had discharged the burden of proof, and invited the Committee to find the factual allegations proved.

Findings of Fact

The Committee heard and accepted the advice of the Legal Adviser. He reminded the Committee that it must apply the standard of proof as applicable in civil proceedings, which is the balance of probabilities. He further referred the Committee to Schedule 2, Paragraph 12 (5) of the Rules. In addition, he reminded the Committee not to draw any adverse inference from the Registrant not attending or giving evidence. The Legal Adviser confirmed that whilst the Committee was not entitled to rely on the Certificate of Conviction to ground the finding of impairment, it was entitled to rely on the Certificate of Conviction in relation to the underlying facts as set out in the Particulars of Allegation. The limited exceptions provided for in Paragraph 12 (7) of the Rules do not apply in this instance.

The Committee was reminded that the burden is 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 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 was satisfied that the Certificate of Order / Conviction confirms that the Registrant was found guilty, on 29 July 2024, of unlawfully assaulting a service user. The Committee was also satisfied that upon

appeal on 14 March 2025, the County Court ordered that the conviction be affirmed but that the order be varied and the Registrant receive a Conditional Discharge for one year.

For these reasons, the Committee found the Particulars of the Allegation to be proved on the balance of probabilities.

Fitness to Practise

The Committee proceeded to consider if the Registrant's fitness to practise is impaired. Ms Owens submitted that the Registrant's misconduct was serious and represented a significant departure from the standards expected of a social care worker. She argued that the Registrant's behaviour calls into question her suitability to remain on the Register. Ms Owens emphasised that the misconduct arose directly from the Registrant's role in caring for a vulnerable service user and that her actions, which ultimately resulted in findings by the criminal court, raise serious concerns regarding her fitness to practise.

Ms Owens submitted that the starting point for remediation is an acceptance of wrongdoing. She noted that the Registrant had provided no evidence of insight into her conduct, had not demonstrated any remedial action, and had not acknowledged the impact of her actions on the service user. In the absence of remediation or developed insight, Ms Owens argued that the risk of repetition remains.

Ms Owens submitted that the Registrant's conduct breached the Standards of Conduct and Practice for Social Care Workers ('the Standards'), specifically Standards 1.2, 5.1 and 5.8, as well as Standards of Practice 3.1 and 3.2.

Ms Owens further submitted that the misconduct gives rise to significant safeguarding concerns. She stated that the public is entitled to have confidence that those entrusted with the care of vulnerable individuals will act appropriately and professionally. She argued that the Registrant's conduct has brought the profession into disrepute, and that a failure to make a finding of impairment would undermine public confidence in both the profession and the regulatory process.

Ms Owens invited the Committee to find that the Registrant's fitness to practise is currently impaired.

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. He referred the Committee to the Standards, and advised it to adopt a sequential approach when considering this issue. In particular, he advised the Committee on the meaning of misconduct by reference to Roylance v GMC. He further advised the Committee on the need for misconduct to be serious, and referred the Committee to the case of Cheatle v GMC. He reminded the Committee that impairment generally refers to the suitability of a registrant to remain on the Register without any restriction. He further reminded the Committee that fitness to practise proceedings are not designed to punish registrants for past misconduct, but to protect the public against the acts and omissions of those who are not fit to practise. The Committee was directed to consider whether the impairment is capable of

remediation and has been remediated, and the risk of repetition (including consideration of the Registrant's insight).

The Committee considered whether the Registrant's fitness to practise is impaired by reason of her misconduct 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 noted that the Registrant's conviction for assaulting a vulnerable service user is very serious. The Committee considered that the Registrant was in a position of trust as a care worker, and abused that trust when she assaulted the service user whilst providing care. This service user was described as a very vulnerable adult with dementia. The Committee noted that the assault was directly related to the Registrant's work.

In all of these circumstances, the Committee considered that the Registrant's actions and subsequent conviction for unlawful assault amount to misconduct.

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

Standard 1: As a social care worker, you must protect the rights and promote the interests and wellbeing of service users and carers. This includes:

- 1.2 Treating people with consideration, respect and compassion.

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

- 5.1 Abuse, neglect or harm service users, carers or colleagues; or
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

Standard of Practice

- 3. **As a social care worker, you must deliver person-centred care and support which is safe and effective. This includes:**

- 3.1 Promoting and applying person-centred values in your day to day work with service users and carers; and
- 3.2 Delivering care in line with assessed needs and service user and carer preferences.

The Committee had no information or evidence from the Registrant as regards any action which she has taken to remediate her behaviour. The Committee found that the Registrant's assault of the service user amounted to a very serious abuse of trust. The Committee considered that such conduct is not easily remediable. In view of the Registrant's lack of engagement to date, the Committee had no basis on which it could be satisfied that the Registrant has full, or indeed any, insight into her misconduct or that she would not repeat her actions in the future. In all of the circumstances, the Committee considered there to be a continued high risk of repetition of her behaviour.

The Committee concluded that the Registrant's Conditional Discharge for unlawful assault, including the underlying facts, brings the social care profession into disrepute, and that the public would find it totally unacceptable that a registrant with such findings against them remained on the Register without restriction.

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

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

Sanction

Ms Owens confirmed the Registrant has no previous referrals to the Council.

Ms Owens invited the Committee to consider the aggravating and mitigating factors when determining sanction. In relation to mitigation, she submitted that the Registrant had no previous referrals to the Council and was entitled to be regarded as having a previously good work history. She also referred the Committee to the character references and the probation report contained within the hearing bundle.

In relation to aggravating factors, Ms Owens submitted that the Registrant's conduct, which resulted in a criminal court finding, demonstrated a serious disregard for the standards expected of a social care worker. She further submitted that there was a lack of evidence of insight, remorse, or any meaningful reflection on the Registrant's actions.

Ms Owens argued that taking no action, imposing a Warning, or making a Conditions of Practice Order would not adequately reflect the seriousness of the misconduct, would not provide sufficient protection to the public, and would fail to satisfy the wider public interest.

She submitted that the most appropriate and proportionate sanction in this case was a Removal Order. Ms Owens further argued that the factors identified within the Indicative Sanctions, Interim Orders and Consensual Disposal 2026 ('the Guidance') as supporting the imposition of a Suspension Order were not present in this case. In particular, she submitted that there is no evidence of insight, remediation, or a realistic prospect of addressing the concerns through a period of suspension. Accordingly, she invited the Committee to conclude that a Removal Order is necessary to protect the public, maintain confidence in the profession, and uphold proper professional standards.

The Committee accepted the advice of the Legal Adviser. He 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.

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

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

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

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

The Committee applied the principles of fairness, reasonableness and proportionality, weighing the public interest against the Registrant's interests, and taking into account any aggravating and mitigating 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 aggravating and mitigating factors in this case.

The Committee considered the mitigating factor to be:

- The Registrant had no previous referrals to the Council. Therefore, the Registrant had the benefit of a good work history; and
- The Registrant had produced positive character references and probation report.

The Committee considered the aggravating factors to be:

- The Registrant's misconduct constituted an abuse of trust;
- The Registrant provided no insight into her misconduct;
- The Registrant provided no evidence of remediation, remorse or regret for her behaviour;
- The Registrant's misconduct posed a direct risk to the service user;
- The Registrant's misconduct constituted a serious disregard for the Standards; and
- The Registrant's misconduct was committed at work in the course of the provision of care for a vulnerable service user.

Having balanced the aggravating and mitigating factors, and taking into account the interests of public protection and public interest, the Committee considered that a sanction was appropriate and proceeded to consider which sanction to apply in this case. The Committee had no information regarding the financial impact which a sanction would have on the Registrant, but noted the testimonials provided and the contents of the probation report. It further noted that the probation report is over two years old.

No sanction – the Committee had no doubt that it would be entirely inappropriate to impose no sanction in this case. To impose no sanction would be inappropriate in view of the seriousness of the case and would not protect the public or address the public interest.

Warning – the Committee considered the issue of a Warning in this case. It bore in mind that the imposition of a Warning for a period of time would not protect the public from the risk of repetition and consequent risk of harm to service users and members of the public. The Committee considered that the Registrant's misconduct demonstrates a serious disregard for the Standards. The circumstances of the Registrant's impairment of fitness to practise are not at the lower end of the spectrum, nor were the circumstances such that the Committee would be confident that this sanction would provide adequate public protection as far as the Registrant's suitability for registration is concerned. The Committee bore in mind that a Warning would entitle the Registrant to work as a social care worker. The Registrant did not provide any evidence of insight into the harm which her behaviour caused to the service user. In addition, the Committee had no evidence of any rehabilitative steps taken by the Registrant.

Conditions of Practice Order – the Committee next considered a Conditions of Practice Order. The Registrant's conviction relates to a serious abuse of trust when she, as a care worker, assaulted a vulnerable service user whilst providing care for them. As the Registrant did not attend the hearing, the Committee had no evidence as to her current employment circumstances, or whether she would agree to any conditions, if imposed. Further, the Committee did not consider that conditions of practice would protect the public from the risk of repetition (as identified above), and noted that the misconduct occurred in the presence of colleagues.

The Committee, therefore, concluded that a Conditions of Practice Order would not be 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. In these circumstances, the Committee could not formulate workable, enforceable or verifiable conditions which would address the Registrant's misconduct and adequately protect the public.

Suspension Order – the Committee next considered a Suspension Order. The Committee noted that it had made findings at the fact and impairment stages of the proceedings which were of a very serious nature, and related to the Registrant breaching fundamental tenets of the social care profession. The Standards require a social care worker to treat each person as an individual with consideration, respect and compassion, along with respecting and maintaining their dignity.

The Committee had no evidence before it of remediation by the Registrant, nor had it any information to indicate that the Registrant is unlikely to repeat her behaviour in the future. The Committee considered that the Registrant had failed to express any insight or remorse, particularly in relation to the seriousness of her misconduct and the risk of harm which her behaviour presented to the service user. The Committee had no evidence from the Registrant, nor did she engage with the Council in any meaningful way. The Committee considered that the Registrant's serious misconduct is fundamentally incompatible with her continuing to be a registered social care worker. The Committee considered the public interest in this matter. The Committee considered that the public would perceive the Registrant's behaviour as falling far 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 misconduct.

Removal Order - the Committee then considered a Removal Order. In considering this, the Committee took into account the Guidance at 4.26 – 4.28. It concluded that, given the seriousness of the Registrant's misconduct and her lack of insight and remediation of her failings, a Removal Order is 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 that the Registrant's actions constitute a serious departure from the professional standards as set out in the Standards of Conduct and Practice for Social Care Workers, and are fundamentally incompatible with continued registration. The Registrant's behaviour involved an assault on a very vulnerable service user suffering from dementia, and constituted an abuse of her position of trust as a social care worker,

and brought the social care profession into disrepute. The Registrant showed no insight or remorse, took no remedial action and failed to engage with the Committee in relation to the fitness to practise hearing. In all of the circumstances, the Committee concluded that a Removal Order is the only sanction available to it that would protect the public and meet the public interest in upholding confidence in the social care profession and its regulator, by marking the seriousness and unacceptability of the Registrant's actions. The Committee considered that a Removal Order would ensure that the Registrant does not have an opportunity to repeat her behaviour. The Committee considered that public confidence in the social care profession, and the Council as its regulator, would be undermined if a social care worker who received a Conditional Discharge for an assault on a vulnerable service user, and who failed to show any insight or remediation, was allowed to remain on the Register.

The Committee concluded that a Removal Order is a suitable, appropriate, and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect, and that the Interim Suspension Order currently in place should be revoked.

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.

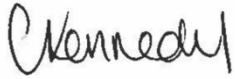
The effect of this decision is that your entry in the Register has been removed.

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.



Committee Manager

24 September 2026

Date