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

SUSPENSION ORDER REVIEW HEARING

REDACTED

Name: **Daniel McConville**

SCR No: **1147754**

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **04 November 2026**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found that your fitness to practise remains impaired;

The Committee decided to make an Order for removal of your registration from the Register ('a Removal Order').

Procedure

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

Preliminary Issues

The Suspension Order review hearing was held remotely by way of video-link. The Registrant was in attendance and was not represented. The Northern Ireland Social Care Council ('the Council') was represented by Ms Sinead Owens, Solicitor, Directorate of Legal Services.

Declarations of Conflict of Interest

The Chair confirmed with the Committee that none of the Members had any conflict of interest with this case.

Background

The Registrant is registered on Part 2 of the Northern Ireland Social Care Council Register.

The fitness to practise hearing took place on 12 May 2025, and the original allegation considered by the Committee was as follows:

That, whilst being registered as a social care worker under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), you were convicted on 17 April 2024 of the following offence at the Magistrates' Court:	
1.	Charge 1: Defendant [You] on 31st day of May 2023 unlawfully assaulted [Injured Party] contrary to section 42 of the Offences Against the Person Act 1861
And your actions as set out above shows that your fitness to practise is impaired by reason of a conviction in the United Kingdom for a criminal offence as per Rule 4 (1) (d) of the Fitness to Practise (Amendment) Rules 2019.	

The matter first came to the attention of the Council on 09 September 2024 following receipt of an employer referral form from Mr Daniel Brooks, Registered Manager with the Belfast Health and Social Care Trust. The referral advised that during a supervision meeting on 04 September 2024, the Registrant disclosed that he had received a suspended custodial sentence arising from a conviction for assault. The referral further advised that the Registrant was employed as a senior care coordinator working with dementia patients and older people, and that he had been placed on precautionary suspension by his employer.

The referral recorded the Registrant's account that, following [REDACTED], he had struck [REDACTED]. The matter was subsequently reported to the Police Service of Northern Ireland and investigated.

The Council obtained a certificate of conviction, together with the relevant police documentation. The certificate of conviction confirmed that on 17 April 2024, the Registrant had been convicted of unlawful assault contrary to section 42 of the Offences Against the Person Act 1861 in relation to an incident on 31 May 2023. He received a sentence of three months' imprisonment, suspended for a period of one year. Although an appeal was initially listed, the Registrant subsequently withdrew that appeal and the conviction remained in force.

At the substantive hearing, the Registrant admitted the conviction. The Committee accepted the certificate of conviction as conclusive proof of the facts and found the factual particulars proved. The Committee went on to determine that the Registrant's fitness to practise was impaired by reason of his conviction. In reaching that conclusion, the Committee found that the conviction was a serious matter involving the assault of [REDACTED], that the Registrant had demonstrated limited insight and remediation, and that there remained a risk of repetition. The Committee also concluded that a finding of impairment was necessary in the wider public interest to maintain confidence in the profession and uphold proper standards of conduct and behaviour.

When considering sanction, the Committee identified a number of mitigating factors, including the absence of any previous referrals to the Council, the fact that no service users had been harmed, and the Registrant's lengthy work history in social care without complaint. Aggravating factors included the seriousness of the conviction, the vulnerability of the victim, the Registrant's delay in disclosing the conviction to both his employer and the Council, and the limited evidence of insight, remorse and remediation.

Having considered the available sanctions, the Committee concluded that taking no action, issuing a Warning or imposing a Conditions of Practice Order would not adequately address the concerns identified. The Committee determined that a Suspension Order was the appropriate and proportionate sanction. It considered that although the Registrant's conduct was very serious, it was capable of remediation and was not fundamentally incompatible with continued registration. Accordingly, the Committee imposed a Suspension Order for a period of 18 months. The Committee indicated that any future reviewing Committee would be assisted by evidence demonstrating the development of insight, reflection on the offending behaviour and its impact on others, completion of any relevant anger management work, and any positive professional testimonials obtained during the period of suspension.

This review concerns that Suspension Order and the Committee's consideration of whether the Registrant's fitness to practise remains impaired and, if so, what Order is necessary and proportionate in the circumstances.

Council's Submissions

Ms Owens told the Committee that when considering findings of fact, the Committee on 12 May 2025 was satisfied that the certificate of conviction was conclusive proof of the facts. Ms Owens submitted that the primary issue today is impairment. She reminded the Committee that the original Committee was concerned with the Registrant's insight, and that it considered that he had minimised his actions and the impact of them on others. The original Committee considered that the Registrant's reflections did not acknowledge the potential of harm to [REDACTED], and that he had said that there had been no impact. The Committee had concerns over the risk of repetition, with the Registrant saying that it could happen again if he was frustrated in similar circumstances.

Ms Owens submitted that the original Committee imposed a Suspension Order so that the Registrant could provide evidence of significant development of his insight before returning to unrestricted practice. The Committee provided suggestions, to include a detailed reflection on his behaviours, which should focus on upholding standards. The Committee also suggested that the Registrant may wish to provide testimonials and references, and that it would assist if he attended an anger management course.

Ms Owens told the Committee that the Council wrote to the Registrant on 02 September 2026, inviting him to provide information on whether or not his fitness to practise remains impaired. The Registrant responded, stating that he is [REDACTED], and that dates for anger management courses conflicted with [REDACTED] or were too expensive. He stated that he could not prove that he is no longer impaired unless he had a longer timeframe.

Ms Owens also referred to an email which the Registrant provided overnight for the proceedings today. In the email, the Registrant states that he has no evidence to prove that he is no longer impaired, and mentions personal matters and cost concerns. Ms Owens submitted that the Council has received no evidence at all of any developing insight, remorse or remediation, and that the Council is of the view that his emails are not sufficient or persuasive.

Ms Owens submitted that the original Committee had been of the view that a period of 18 months would be a sufficient amount of time for the Registrant to demonstrate developed insight, remorse and remediation. She

said that the Registrant could have been more proactive in this time, with no specific information having been provided on how, or if, he plans to take any courses. She said that the Council notes that the Registrant has referred to a 35-year working history, but that he has not provided any references or testimonials from any employer. She submitted that the Council is not clear if he is seeking more time and, if so, the Council would like more information on what the Registrant would plan to do within that time. In conclusion, she submitted that the Council is of the view that the Registrant's fitness to practise remains impaired.

Registrant's Submissions

The Registrant told the Committee that at the last hearing, he did not feel that he was in the proper frame of mind and felt that he could not express himself clearly. He thought that he had clarified some matters, but these were not reflected in the Committee's decision.

The Registrant told the Committee that in the intervening period, [REDACTED], and that he has suffered from a lack of motivation. The Registrant emphasised difficulties with [REDACTED].

The Registrant indicated that whilst he accepts the fact of the conviction, he disagrees with the exact nature of the incident. He understands that there has been an impact, not only on him but also on [REDACTED]. He said that he had not tried to minimise what he has done, but that it was a one-off and was 'just one of those mistakes', which he completely regrets. He said that it had been a serious lesson, and that he would never do anything like this again.

In relation to testimonials, the Registrant told the Committee that he had had a number of colleagues who were initially supportive of him, but that they have not spoken to him since he was convicted. The Registrant said that he thought that his colleagues thought that the incident was worse than it actually was. The Registrant went on to say that he did not think that the conviction was appropriate as there was no intent to harm the victim, nor were there any marks on him. He did go on to say that he accepted that what had happened was wrong.

The Committee asked the Registrant what steps he has taken to address the finding of impairment. The Registrant said that he does have insight. In relation to the risk of repetition, the Registrant told the Committee that what he had said on the last occasion about possibly physically reacting if, for example, [REDACTED], was a stupid thing to say. The Registrant did, however, go on to say that he is only human and, in certain circumstances, that he might physically react. He used the same example involving [REDACTED].

In relation to counselling, the Registrant has only recently started a course. He has had two sessions. He told the Committee that other attempts to obtain counselling have failed, either because courses have not been available or he could not afford them. He said that he has not had any engagement with social services since the Order was made.

On a number of occasions, the Registrant told the Committee that he has not really sought to engage with the previous Committee's suggestions as he considers that he would not be able to work in social care again, given his conviction.

The Registrant confirmed that he has not worked in any capacity since the Suspension Order was imposed. He said that he has been turned down for various jobs due to the conviction. The Registrant also said that he does not think that he would be able to go back to work at present. He did confirm that he would like his registration back for his own dignity.

Impairment of Fitness to Practise

The Committee heard and accepted the legal advice from the Legal Adviser. He referred the Committee to the case of CHRE v NMC & Grant. He referred the Committee to Paragraph 33 of Schedule 2 of the Rules. He reminded the Committee that its task was not to review the findings made by the Fitness to Practise Committee which made the original Order, but instead that it was required to conduct a review of the evidence before the Committee at the review hearing, and to exercise its independent judgement as to whether the Registrant's fitness to practise remains currently impaired. He advised the Committee that it should consider any evidence or information before it going to the issues of remediation, insight and the risk of repetition. The Committee was also reminded of the need to take account of the wider public interest, which includes upholding standards and maintaining confidence in the regulatory process.

The Committee gave careful consideration to the submission from Ms Owens on behalf of the Council, the submission from the Registrant and all of the documentary evidence. The Committee reminded itself that impaired fitness to practise describes those circumstances which call into question the suitability of a registrant to remain on the Register, or to be registered at all. In that regard, the Committee noted the findings made by the original Fitness to Practise Committee on 12 May 2025 in relation to the question of the Registrant's current impairment. That Committee stated as follows:

'The Committee considered that the Registrant's conviction was a serious matter. His assault of [REDACTED] fell well short of the standards to be expected of a social care worker. Notwithstanding this, the Committee considered that the Registrant's actions are capable of remediation. However, such remediation would require well-developed insight, regret and full acknowledgement of the potential impact caused to others.

The Committee was concerned by the Registrant's evidence with regard to insight. At times, he acknowledged that his actions would be deemed unacceptable by the public. However, the Registrant on multiple occasions sought to minimalise his actions, their impact on others and the potential damage to the reputation of the profession. The Committee noted that the Registrant's reflections on the incident repeatedly returned to his own difficulties. At no time did the Registrant acknowledge the potential harm to [REDACTED]. On the contrary, he expressly stated that there had been no impact.

The Committee was further concerned by the Registrant's evidence that something like this could happen again if he was frustrated or encountered similar circumstances. The Committee took little reassurance from the Registrant's comment that similar circumstances were unlikely to arise in the future. The Committee accepted and agreed with the Council's assertion that there was a transferable risk to the social care workplace, where the Registrant would encounter vulnerable persons. The Committee noted the Registrant's evidence that he had

worked for 35 years without complaint, although there was no independent corroboration by way of testimonial evidence.

Having regard to all available evidence relating to insight, remediation and risk of repetition, the Committee concluded that there is currently a risk to public protection.

The Committee also considered the public interest, which includes the need to declare and uphold the proper standards of conduct and behaviour, and to maintain the reputation of the social care profession and the Council in its regulatory function. The Committee was satisfied that a failure to make a finding of current impairment of fitness to practise on public interest grounds would undermine the public's trust and confidence in the social care profession, and 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 of the Registrant's fitness to practise was also required on public interest grounds.

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

In reaching its decision in respect of current fitness to practise, the Committee gave full consideration to the background of the Registrant's case, and to the original Fitness to Practise Committee's decision and findings.

The Committee considered that the Registrant has shown greater insight than he did at the first hearing. He has taken responsibility for his actions and has acknowledged the impact which his behaviour had on others. However, the Committee considered that the Registrant is still focused on the impact which the incident had on him. Counselling has only been undertaken very recently, and there do not appear to be any strategies in place to manage the Registrant's behaviour in response to stress. The Committee considered that whilst the precise behaviour leading to the conviction is unlikely to be repeated, it was concerned that a similar incident could take place if the Registrant was angry or provoked.

The Committee noted that it has not been provided with any testimonials by the Registrant. Whilst this is not something which should count against the Registrant, the Committee had no independent verification of the Registrant's character and behaviour.

The Committee considered that the Registrant has not taken the opportunity to engage with the suggestions of the previous Committee and, therefore, that there has been no meaningful attempt to remediate the previous finding of impairment. Whilst the Committee acknowledges that the Registrant has faced personal challenges in the intervening period, it considered that much more could have been done by the Registrant to offer reassurance that the issues identified by the previous Committee had been or would be addressed.

For these reasons, the Committee found that the Registrant's fitness to practise remains currently impaired.

Sanction

Having found that the Registrant's fitness to practise remains currently impaired, the Committee proceeded to consider what sanction, if any, it should impose. The Committee noted the powers as set out in Paragraph 33 (8) of Schedule 2 of the Rules, and took into consideration the NISCC Indicative Sanctions, Interim Orders and Consensual Disposal: Guidance for Fitness to Practise Committees, Fitness to Practise Officers and Preliminary Proceedings Committees 2026 ('the Guidance'), bearing in mind that the decision on sanction is one for the Committee's independent judgement.

In relation to sanction, Ms Owens submitted that allowing the Suspension Order to expire would not be an appropriate course of action as the Registrant's fitness to practise remains impaired. She said that the rationale for the original Order was that despite a serious conviction, the original Committee had been of the view that the conviction was capable of being remediated in 18 months, including setting out steps which the Registrant could take, but that none of that has happened. She said that the Council acknowledges the Registrant's personal circumstances. However, he has had sufficient time to provide a detailed reflection, and there would be no financial implications for doing so, but there has been no good reason provided as to why that has not been done. The Registrant has only provided an email overnight ahead of this hearing.

Additionally, no testimonials or references have been provided, nor evidence of completion of courses.

Ms Owens said that, even today, there is no plan for what the Registrant can or is willing to do in order to show meaningful remediation. Indeed, there is no evidence that the Registrant has any motivation to do so. In light of that, Ms Owens submitted that no meaningful purpose would be served by the imposition of a further Suspension Order. She further submitted that it was unlikely that there would be any material change in the foreseeable future and that the balance, therefore, tipped in favour of a Removal Order.

The Registrant said that he had tried to get on courses and that it had taken a long time to be referred to counselling. The Registrant said that it is not his fault that counselling has only commenced recently.

The Registrant emphasised that in his submissions, he was simply trying to provide an overall picture of the case, and that he is not solely focused on the impact of the conviction on him. He said that he understands the impact on everyone, particularly [REDACTED]. He said that he has genuine remorse for his actions.

The Registrant said that it has not been his priority to get his registration back and, in fact, that he did not plan to attend the hearing today. He told the Committee that he does not think he will get another job.

The Registrant again explained why he has not been able to provide testimonials. He said that he has no one who he could ask as he has been cut off from his friends after his conviction. He said that he is a quiet person who does not have a lot of friends anyway. He was asked by the Committee whether he could have approached any manager who he had worked for during his long career. The Registrant said that managers also cut him off, and that some of them who worked with him only did so for a short period.

When asked by the Committee about sanction, he said that it would not make any difference as he does not think he will be able to work again, but that it would be good for his dignity not to be removed. He said that he feels he has done his best, and accepts that he made mistakes.

In relation to the impact on the public, the Registrant told the Committee that people who he has spoken to thought he should just have got a warning and not a conviction. He said that whilst he accepts that the conviction was serious, 'there are worse things a person can do'. This was the one time he had lost control, and he should not be demonised for it. He said there is no way he would do it again.

The Committee heard and accepted the advice of the Legal Adviser. He referred the Committee to its powers as set out at Paragraph 33 (8) of Schedule 2 of the Rules.

The Committee took into account the need to act proportionately, and it reminded itself that the purpose of a sanction is not to punish a registrant, albeit that a sanction may have a punitive effect.

The Committee had regard to the findings of the original Fitness to Practise Committee, to include its views as to aggravating and mitigating factors. The Committee noted that the original Committee determined that a period of 18 months would be sufficient time for the Registrant to address the concerns and to demonstrate full remediation. The Registrant has not provided any meaningful evidence of having addressed the concerns as outlined by the original Committee. He has not provided evidence of having availed, during his 18-month suspension, of the opportunity to develop full insight and fully remediate, despite being given clear guidance by the original Committee as to what would assist any further Committee when reviewing this case. The Registrant failed to provide this Committee, for example, with any reflective work or character references, relevant to his remediation. The Committee was cognisant of the personal challenges faced by the Registrant in the intervening period, but considered that he could nonetheless have taken steps to address the previous finding of impairment.

Allow Existing Order to Expire - Taking into account the findings of the original Committee and its concerns with regard to issues including insight, remediation, and the risk of repetition, together with the Committee's own findings at impairment stage, the Committee did not consider it appropriate to allow this Order to expire. It considered that this would not protect the public or be in the public interest.

Conditions of Practice Order – the Committee considered whether to impose a Conditions of Practice Order to commence on the expiry of the current Suspension Order on 11 November 2026. In all of the circumstances, as outlined above, the Committee determined that a Conditions of Practice Order would not be appropriate in this case. Given the lack of evidence of remediation, the Committee determined that it would not be possible to devise appropriate conditions which would be workable, verifiable, and measurable and which would protect the public interest in the sense of addressing the causes of impairment and the risks identified.

Suspension Order - the Committee next considered whether to impose a further Suspension Order to take effect at the expiry of the existing Order. The Committee considered that the Registrant's conviction is serious. It noted that the original Committee outlined the following as regards the sanction of suspension:

'The Committee noted that it had made findings at the facts and impairment stages of the proceedings which were of a very serious nature, and that the Registrant's actions fell far below the standards to be expected of a registered social care worker.

The Committee carefully considered the issue of proportionality and whether suspension would address the concerns which it had identified. The Committee noted Paragraph 4.19 of the Guidance, which states:

'4.19 Suspension from the Register may be an appropriate sanction for impairment which while very serious, is not so serious as to justify removal from the Register; for example, where there has been an acknowledgment of failings and where a Committee is satisfied that the behaviour is unlikely to be repeated, and the Registrant has no psychological or other difficulties preventing them from understanding and seeking to remedy the failings and the failings are realistically capable of being remedied, then suspension may be appropriate.'

The Committee was particularly concerned by the limited evidence of remorse, insight and remediation. As detailed above, the Committee considers that there is a risk of repetition. The Registrant would be required to evidence significant development into his insight before he could return to unrestricted practice. It would be wholly inappropriate for the Registrant to practise unrestricted while a risk of repetition remains. It is, therefore, important that the Registrant takes remedial action. In the Committee's view, a period of suspension would enable the Registrant to produce a detailed reflection on his behaviours relating to his conviction, and the potential impact which they had on others. In addition, the Registrant may wish to focus on the requirement to uphold Standards of Practice, and the need to maintain confidence in the social care workforce. To date, the Registrant's reflections on the convicting behaviour have been limited to the impact which they have had on him. In addition, the Registrant may wish to make further attempts to obtain testimonials and references evidencing his past work history. It may also assist the Registrant if he attends courses relating to anger management, and provides evidence to the Council of completion of any such courses.

Whilst acknowledging that remediation would be difficult, the Committee considered that the Registrant's behaviour was not fundamentally incompatible with continued registration. In order to allow remedial work to be completed, a period of 18 months' suspension was deemed appropriate by the Committee. Accordingly, the Committee determined that a Suspension Order was the appropriate sanction.'

The Committee noted that the period of suspension was designed to provide the Registrant with the opportunity to reflect on his conduct, fully develop insight and to provide sufficient reassurance that the behaviour would not be repeated in the future. However, the Registrant has shown limited development of insight and has not taken any meaningful steps which address the concerns of the original Committee, or reassure this Committee that there is no risk of repetition. Whilst the Committee was grateful that the Registrant has attended and made submissions to them, unfortunately he has not acted on the guidance provided by the original Committee. The Committee, therefore, saw no useful purpose in imposing a further Suspension Order. It determined that there is nothing to suggest that the Registrant would take any positive action to remediate during an additional period of suspension.

Removal Order – after careful deliberation, the Committee determined to revoke the Suspension Order and impose a Removal Order in accordance with Paragraph 33 (8) (h) of Schedule 2 of the Rules. The Committee concluded that, as things stand today, removal from the Register is the only appropriate and proportionate sanction. The Committee concluded that the Registrant's conduct, and his failure to take the opportunity to fully develop his insight and to demonstrate full remediation, is incompatible with remaining on the Register as a registered social care worker. The Committee further concluded that any lesser sanction would fail to protect the public, would fail to declare proper standards of conduct and would seriously undermine the public's trust and confidence in the social care workforce, and the Council as a regulator, in the circumstances as outlined.

The Committee considered the potential impact of a Removal Order on the Registrant, but concluded that public safety and the public interest outweigh any potential impact on the Registrant. The Committee further noted that the Registrant considers it unlikely that he would return to social care work in any event.

The Committee determined that a Removal Order is the suitable, appropriate and proportionate sanction, which will be imposed on the Registrant's registration with immediate effect, and the Suspension Order is 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.

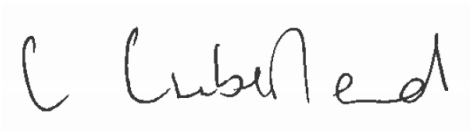
The effect of this decision is that your entry in the Register has been removed.

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.



05 November 2026

Head of Adjudication & Compliance
(Clerk to the Fitness to Practise Committee)

Date