

Notice of Decision of the Northern Ireland Social Care Council's Conduct Committee

Name: Myles Windsor Gilchrist

SCR No: 2075409

NOTICE IS HEREBY GIVEN THAT the Conduct Committee of the Northern Ireland Social Care Council, at its meeting on **10 November 2015**, made the following decision about your registration with the Northern Ireland Social Care Council:

The Committee found the facts proved;

The Committee found that you have committed misconduct;

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

Charge:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst employed by the Northern Health and Social Care Trust as a Support Worker at Ellis Grove Supported Living Scheme:-

1. On 8 May 2015 at Belfast Magistrates Court you pleaded guilty and were convicted on 17 July 2015 of the following offence:-

Charge 1: Defendant on the 12/9/2014 in the County Court Division of Belfast for the purpose of sexual gratification observed another, namely [a female work colleague], doing a private act knowing that the other person did not consent to being observed for your sexual gratification, contrary to Article 71(1) of the Sexual Offences (Northern Ireland) Order 2008.

And your actions as set out above amount to misconduct such as to call into question your suitability to remain on the Social Care Register.

Preliminary Matters

Service

The Registrant was neither present nor represented at the hearing. The Council was represented by Mr Conrad Dixon (Solicitor, Tughans Solicitors).

A Notice of Hearing, dated 06 October 2015, was sent to the Registrant by Special Delivery post on 07 October 2015. It was addressed to him at his last known address, informing him of various matters including the date, time and venue for this hearing, and the Charge which the Conduct Committee would address. The Notice of Hearing was received and signed for by the Registrant on 08 October 2015. Disclosure and Hearing Bundles were sent to the Registrant by Special Delivery on 23 October 2015. The bundles were received and signed for by the Registrant on 24 October 2015.

The Committee considered a submission, from the Council's solicitor, that the Notice of Hearing had been properly served in accordance with the Rules, and took into account the advice of the Legal Adviser who had viewed the proofs of postage and the Notice of Hearing itself. The Committee was satisfied that the Notice of Hearing had been served on the Registrant in accordance with the requirements of Rule 3 of Schedule 1 and Rule 4 of Schedule 2 of the NISCC (Conduct) Rules 2014 ("the Rules").

Proceeding in the Absence of the Registrant

Mr Dixon made an application to proceed with the hearing in the absence of the Registrant, pursuant to Paragraph 14 of Schedule 2 of the Rules. He emphasised that the Registrant had been advised of his right to attend the hearing, and yet had not engaged with the Council to say whether or not he would be attending. Mr Dixon indicated that there was no reason to think that the Registrant was unable to attend, and he had made no application for a postponement. In essence, he suggested that the Registrant had voluntarily absented himself from the process, and there was a public interest in proceeding with the hearing without further delay.

The Committee was advised by the Legal Adviser that it had a discretion pursuant to Rule 14 of Schedule 2 of the Rules, whether to proceed in the absence of the Registrant. The Legal Adviser emphasised that this was a discretion which they should only exercise with the utmost care and caution given the serious nature of the Charge.

Having considered the issue, the Committee reached the unanimous view that it was appropriate to proceed with the hearing in the Registrant's absence. The Committee was satisfied that the Registrant was well aware of the arranged hearing, and of his right to attend and/or to be represented at the hearing, but had decided, for reasons which he has not made known, to absent himself from the process. Apart from signing for receipt of the Notice of Hearing and the hearing bundle, he had not engaged with the process at all, and had not co-operated with the Council. Accordingly, the Committee took the view that there was a public interest in proceeding to deal with the matter expeditiously. It concluded that there was no reason to expect that the Registrant would be any more likely to attend a hearing on a future date if the hearing was to be postponed and re-arranged.

Application to admit Hearing Bundle

Mr Dixon applied, pursuant to Paragraph 11 of Schedule 2 of the Rules, to admit by way of evidence, a bundle of documents comprising of 21 pages. The bundle included a Certificate of Conviction, dated 24 August 2015,

which had been formulated in connection with the criminal prosecution and sentencing, and subsequent appeal hearing, as well as statements from police officers, a record of an after-caution police interview with the Registrant, a disciplinary outcome letter from the Registrant's former employer, and various media reports.

In his application, Mr Dixon emphasised that the bundle had been served on the Registrant and that no objections had been made with regard to the content. He outlined the contents of the bundle ("Bundle A") and explained that each of the documents were relevant, and contained valuable background material which would be important for the Committee to consider.

The Committee accepted the advice of the Legal Adviser and decided that it would be appropriate to accept the bundle of documents into evidence. The Committee accepted that the documents were relevant to the issues which gave rise to the Charge, and it was important to note that the Registrant had the opportunity to consider the documents, and to raise any objections to the Committee on receiving the bundle, and had elected not to do so. Indeed, he had made no comment whatsoever in relation to the bundle of documents.

Background

The Registrant is registered on Part 2 of the Register. The Registrant was employed by the Northern Health and Social Care Trust as a Support Worker at Ellis Grove Supported Living Centre, Carrickfergus. On 12 September 2014, he was working as Acting Senior Support Worker at this facility. Allegations were made to police that the Registrant had on that date, whilst working with a female colleague, erected a recording device for the purposes of recording her using the bathroom and having a shower. The Registrant was arrested and the allegations were investigated by police. The Registrant was charged with an offence contrary to Article 71(1) of the Sexual Offences (NI) Order 2008. During the initial police interview, the Registrant suggested that he must have accidentally left the recording device operating in the bathroom, but he pleaded guilty to the offence at a hearing on 08 May 2015. Subsequently, he was sentenced to three months' imprisonment after a hearing on 17 July 2015. He was also placed on the Sex Offenders Register for a period of 7 years. The Registrant appealed against the sentence but the appeal was dismissed and the sentence of the lower Court was affirmed.

Thereafter, the Registrant's employer convened a disciplinary hearing and he was dismissed from his employment by way of letter dated 20 August 2015, after a hearing which was held on 13 August 2015. He had not attended the hearing.

Evidence

The Committee considered the contents of Bundle A and studied, in particular, the details of the Certificate of Conviction dated 24 August 2015. It also considered the statements of the police witnesses which were gathered in order to support the prosecution, the account given by the Registrant at his after caution police interview, as well as the description of events set out by the Registrant's former employer in the correspondence issued to him at the conclusion of their disciplinary process.

Finding of Facts

The Committee received and accepted a submission from Mr Dixon, that having regard to Paragraph 11 (5) of Schedule 2 of the Rules, the Certificate of Conviction was conclusive proof of the conviction so found. The Committee noted that the facts contained in the Charge, brought forward by the Council in these proceedings, were identical in all material respects to the Charge to which he pleaded guilty, and of which he was convicted at the Criminal Court. Accordingly, the Committee found itself satisfied that the facts alleged in the Charge were proven.

Misconduct

Having found the facts proven, the Committee proceeded to consider the issue of misconduct. The Committee heard a submission from Mr Dixon who contended that the Registrant's actions, which gave rise to the conviction, amounted to "misconduct" in contravention of the Rules. Mr Dixon referred the Committee to the NISCC Code of Practice for Social Care Workers and, in particular, to the provisions of Codes 5.1, 5.2, 5.8 and 6.5.

Mr Dixon emphasised that on the date in question, the Registrant was the senior employee in charge of the facility. He was employed in a trusted position and was expected to behave in a respectful manner towards his female colleague. Instead, he abused that trust and committed a serious sexual offence in the workplace. He contended that his behaviour violated the dignity of the Registrant's colleague, and that his behaviour would have caused her to suffer humiliation. He noted that the Criminal Court decided that an immediate custodial sentence was appropriate, despite his guilty plea, and he stated that this was a marker of how seriously his conduct was viewed. He argued that an offence such as this, given that it was widely reported in the local media, could have a tendency to undermine confidence in the social care profession.

The Committee reminded itself that misconduct is defined in Rule 2 of the Rules as 'conduct which calls into question the Registrant's suitability to remain on the Register.' The Committee gave careful consideration to Mr Dixon's careful submissions and to the bundle of documents. The Committee found itself satisfied that the Registrant's actions amounted to misconduct. The Committee found that the Registrant's actions were in breach of the following provisions of the Code:

Code 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;
- 5.2 Exploit service users, carers or colleagues in any way;
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

Code 6: As a social care worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills.

6.5 Working openly and co-operatively with colleagues and treating them with respect.

The Committee noted that Mr Dixon did not specifically rely upon the provisions of Codes 2.1 and 2.4, but the Committee considered that the Registrant's behaviour contravened those provisions also.

The Committee considered that the Registrant's conduct represented a grave breach of trust. The Registrant was a senior employee whose female colleague would have relied upon for leadership, advice and support. They were supposed to work as a team. Instead, he used the opportunity afforded to him by the working environment to spy on her and to record or attempt to record images of her using a bathroom facility, for his own sexual gratification. It was recorded in the media reports, considered by the Committee, that the judge had taken the view that the Registrant's behaviour had "violated, humiliated, ridiculed and belittled" his victim. The Committee agreed with those sentiments. The Registrant's behaviour violated the integrity of the employment relationship and of the trust which had been reposed in him.

The Committee also took the view that such conduct would have a tendency to undermine trust in the social care profession. The Committee understands that the facility in Carrickfergus was the home for vulnerable adults. The Registrant's despicable behaviour should not have occurred in any workplace, let alone one which vulnerable adults had a right to regard as their home. It would not surprise the Committee if the Registrant's conduct has caused some unease amongst the local community, as well as those whose relatives lived in the facility.

In the circumstances, the Committee was left in no doubt that his behaviour amounted to misconduct, and was such that it called into question the Registrant's suitability to remain on the Social Care Register.

Sanction

Mr Dixon advised the Committee that the Council had no record of any disciplinary history in respect of the Registrant. He proceeded to make a detailed submission on sanction. He referred the Committee to the Indicative Sanctions Guidance (NISCC, April 2014) and contended that in all of the circumstances of the case, an Admonishment or a Suspension Order would be insufficient to protect the public. He invited the Committee to consider imposing a Removal Order. In support of his submission, he argued that sexual misconduct directed towards a work colleague in the workplace was a most serious matter. He contended that the nature of the Registrant's misconduct, by using a recording device to record images of his female colleague in the private sphere, will have caused a sense of alarm amongst the public. He noted that the Registrant's behaviour has been widely reported and will have become well known. He also noted that the Registrant had not attended the Conduct Hearing and had not provided any testimonials. He maintained that by behaving as he did towards his female colleague, he had demonstrated that he was not suitable for work in the social care sector, and that the

threshold had been met which would entitle the Committee to remove the Registrant from the Social Care Register.

The Committee was advised by the Legal Adviser that it must approach the question of sanction by reference to Rule 25 of Schedule 2 of the Rules which provides that in deciding which sanction to impose, it must take into account:

- a. the seriousness of the Registrant's misconduct;
- b. the protection of the public;
- c. the public interest in maintaining confidence in social care services; and
- d. the issue of proportionality.

The Legal Adviser also referred the Committee to the Indicative Sanctions Guidance, and commended the Committee to pay due regard to the principles and guidance set out in that document. He advised the Committee that in the absence of the Registrant they must examine all of the information before them, and to pay due regard to any evidence which might be available in mitigation of the Registrant's misconduct. He emphasised that in order to ensure that they adopted a proportionate approach, they should consider the available sanctions in ascending order of severity, only moving on to consider the next most severe sanction after reaching a reasoned view as to the inappropriateness of the lesser sanction.

The Committee gave consideration to the Indicative Sanctions Guidance, and accepted that the primary purpose of sanctions is to protect the public. The Committee was aware that punishment is not the primary purpose of a sanction although it may inevitably have that impact. The Committee recognised that it must focus on safeguarding the public and protecting service users in particular, and that the maintenance of public confidence in the social care profession was a key consideration. It accepted the requirement to approach the question of sanction in a proportionate manner, and to refrain from imposing a sanction which would be greater than necessary in order to meet the objectives of Rule 25 (Schedule 2) of the Rules.

The Committee considered the available sanctions in ascending order as follows:

Admonishment – the Committee had no hesitation in rejecting admonishment as an appropriate sanction. The Committee considered that the commission of a sexual offence in the workplace which involved the violation of the trust of a colleague, and injury to her proper feelings of dignity and respect, was a very significant offence. It found that an admonishment would be insufficient to provide adequate public protection, or to serve the purpose of maintaining confidence in the social care profession. The misconduct in this case was very grave and required the Committee to consider a more severe sanction in order to reflect the seriousness of the misconduct.

Suspension – the Committee found that suspension was an unsuitable sanction, taking into account all of the circumstances of the case. The Committee accepted that the Council had no record of any prior disciplinary offending by the Registrant. It also noted that the Registrant had, at the time of his disciplinary hearing, instructed

his trade union representative to tell his employer that he accepted full responsibility for his actions and their consequences. He had also tendered an apology to his colleague. However, the Registrant had not appeared before the Committee to indicate that he had any real insight into his actions, and nor had he provided any assurance that he would not repeat his actions if placed in a social care environment in the future. The Registrant's behaviour represented a gross violation of trust, and the Committee was not satisfied that a Suspension Order would provide the necessary protection due to service users, given the notoriety of the incident, nor was it satisfied that public confidence in the social care sector would be sufficiently served with a suspension order.

Removal – the Committee concluded that a Removal Order was the necessary and appropriate sanction because the Registrant's behaviour was fundamentally incompatible with the role of a social care worker.

Placing a recording device in a bathroom being used by a colleague in order to record her for his own sexual gratification, in an environment which was also the home of vulnerable service users, was an action which represented a very serious departure from the professional standards set out in the Code of Practice (and referred to above). That this was a very grave matter is reflected in the view taken by the Criminal Courts when dealing with sentencing. The Committee has already recorded its view that the behaviour of the Registrant represented a very significant breach of trust.

The Committee takes the view that Mr Dixon was correct to assert that the Registrant could not be trusted to work in social care. If he has any insight into his misconduct, or if he has taken steps to ensure that he will not repeat such behaviour, he has not demonstrated this to the Committee. He has not engaged with the Committee at all. The fact that he may have utilised his representative, during the employer's disciplinary procedures, to say that he took full responsibility for his actions and to apologise to his colleague, is of no particular significance in light of his failure to engage with the process given the nature of the misconduct. A Removal Order is the only sanction which can adequately protect service users in this context, and it is the only sanction which can properly ensure that trust and confidence in the service is maintained.

In light of these conclusions, the Interim Suspension Order which was imposed in this case can now be revoked and the Removal Order shall take effect.

Legal Advice Given

Service

As Mr Dixon has outlined, and I have now seen a record of Special Delivery of service of a Notice of Hearing sent to the Registrant on 07 October 2015 and on 08 October 2015. That is with regard to Notice of Hearing and then with regard to Disclosure bundle and Hearing bundle which was sent on 23 October 2015. I've seen a document

that bares the Registrant's signature, on 24 October 2015. In those circumstances, I'm content to advise you that the provisions regarding notice requirement and services of documents, as provided for in part one of Rule 3 and Rule 4 of Schedule 2 of the Rules, appear to have been satisfied.

Proceeding in the Absence of the Registrant

You've been provided with evidence of service of the notice of proceedings, and you've been provided of evidence that relevant documents have been provided to the Registrant. As Mr Dixon said on behalf of the Council, it's clear that the Registrant received the Notice and those documents, and has not indicated to the Council, any reason for his non-attendance today. Rule 14 of Schedule 2 of the Rules provides that you are required to make enquiries of Council, whether there are any reasons for the Registrant's non-attendance. You've made those enquiries, and you've received the answer from Mr Dixon. The next part of the Rule provides that where the Committee is satisfied that the Notice of Hearing has been duly served, you may hear and determine the case in the absence of the Registrant, or alternatively you may adjourn the hearing and give directions. These are rarely straightforward matters and therefore, you are right to take the approach that you should adjourn to discuss these matters in camera. There are a number of factors that you should take into account during any such discussion. The first thing that you should consider is whether there is any good reason before you not to proceed today. The Registrant has been served, and he hasn't indicated any good reason for his non-attendance. He hasn't, for example, put a postponement application before you. Indeed, there is nothing from him at all. On the other side of the equation is a public obligation to ensure that these matters are dealt with as expeditiously as possible taking into account the public interest, and those are matters you need to bear in mind. The authorities suggest that one approach to dealing with this question of whether you proceed in his absence, is whether any difference would be made to his participation if you were to postpone today's hearing. There is nothing before you that would indicate that there would be any change in his approach to these proceedings if you were to adjourn. So, that is a factor that you may wish to take into account in deciding whether it is appropriate to proceed in his absence. Unless there are other particular matters, that would be all I propose to say at this stage.

Application to Admit Hearing Bundle

Mr Dixon, on behalf of the Council, makes an application to place before you the Hearing bundle. He does so making reference to Rule 11 of Schedule 2 of the Rules which provide that:

- 1) Subject to the advice of the Legal Adviser, the requirements of a fair hearing, and of relevance, the Committee may:
 - a) admit evidence whether or not it would be admissible in a Court of Law;
 - b) exclude evidence in order to ensure fairness to the Registrants and between the Parties.

There are other provisions to this Rule, but that seems to me to be the most relevant. I've had the opportunity in advance of today to consider the bundle. I note what Mr Dixon says about its contents. He listed the contents of the bundle to you, and he said that the documents provide relevant background in respect of the Charge under consideration today. He makes the point, pertinently, that these documents have already been served on the Registrant, and he has made no comment, and certainly no objections to their content, knowing that it was always possible that these documents would be placed before you. So, in all of those circumstances, and taking all of those points into account, I see no grounds for preventing this Committee from seeing the documents. As I've said, I've had the opportunity to look at the documents, and I consider them all to be relevant, and will be of assistance to this Committee in adjudicating upon all of the issues today.

Finding of the Facts

Mr Dixon has correctly outlined that you're potentially conducting a three stage process today. The stage we are currently at is stage 1. At stage 1, you have to make findings of fact. You don't proceed to stage two, that's misconduct or indeed stage 3, mitigation and sanction, unless the earlier stages are passed through. With regard to stage 1, findings of fact, the first point to note, in the Registrant's absence, is that the burden of proof rests with the Council. It is for the Council to prove on the balance of probabilities that the facts, contained within the Charge, are made out. Mr Dixon helpfully refers you to Rule 11 (5) of Schedule 2 of the Rules. It provides that the findings of fact, and certification of a UK Criminal Court, in essence, shall be conclusive proof of the facts or conviction so found. He refers you to the Charge, which the Council have brought against the Registrant, and duly notified him of. He draws your eye to the fact that the particulars of that Charge are identical, in other words, they match the Charge of which the Registrant was convicted of before the Criminal Courts. Therefore, you may consider it a relatively uncontroversial or easy task for you to make findings of fact in relation to this matter. Nevertheless, you have to be careful to do so properly and appropriately in accordance with the law. Although you may regard this as a straightforward task, the Rules, at Rule 22, provide that you must consider this matter in private. You must consider, in private, whether the facts in the Charge have been proved on the balance of probabilities, and you might usefully use your time to consider the contents of bundle A, which Mr Dixon has presented to you this morning. He's gone through it in some detail, but you may upon further consideration, in camera, see issues or questions arising from that material, and you could usefully do that before you reach your decision. That's the only advice I will provide at this stage.

Misconduct

We're at stage 2 of the proceedings as set out in Schedule 2 of the Rules. I want to start by reminding you of what that stage entails. The relevant Rule is Rule 23. Plainly, this is not a situation where the Registrant has committed misconduct. In essence, he is silent on that. He hasn't communicated with you in any way. Therefore, it's your task to assess whether the submission, made by Mr Dixon on behalf of the Council, is correct. The start,

when looking at what misconduct means, is to go to the definition or interpretation section of Schedule 1 of the Rules.

Misconduct means conduct which calls into question the suitability of a Registrant to remain on the Register. This is, somewhat, a circular definition and perhaps it doesn't give you any great assistance. In a case like this, it's important to bear in mind the significance of what is said in the Code of Practice. I'll turn specifically to the provisions of the Code of Practice, referred to by Mr Dixon, in a moment. But at this stage I'll open, to you, a short section from Disciplinary and Regulatory Proceedings, by Brian Harris, edited by Carnes, and that is at Section 4.10 of that book. The meaning of misconduct is discussed:

"It has been said that misconduct is a word of general affect involving some act or omission which falls short of what would appear to be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by...." in this case, obviously, it's a social care practitioner. In the context of this book, it was by reference to a medical practitioner, but an analogy is plainly there, and that's a reference to a well-known case that this citation is drawn from: Roy Lance v General Medical Council. What is being said is that you should take into account the standard ordinarily required to be followed by a social care practitioner, and those standards are set out in the Code of Practice.

Rule 23, as I've said, is your touch stone in this, and it provides that in deciding upon the issue of misconduct, a Committee shall have regard to the Code of Practice issued by the Council. So, give specific obligation from the Rules to deal with the Code of Practice. Mr Dixon has referred you to a number of provisions of the Code contained within Sections 5 and 6, and I would commend that you give careful examination of each of those provisions. He says, to you, that the Criminal Conviction, almost as a matter of logic, indicates that there has been misconduct in this case. I think that's something you have to be careful about. I refer you to the Indicative Sanctions publication of the Northern Ireland Social Care Council, April 2014, and at paragraph 2.18 of that publication and at 2.19, it provides as follows;

- 2.18 Where a Committee receives the findings of fact of a regulatory body and/or a certificate of conviction of any UK criminal court, unless it also receives evidence that the social care worker is not the person referred to in the conviction or findings of fact then the Committee is to accept the certificate as conclusive evidence of the offence having been committed.
- 2.19 A Committee must establish whether the offence amounts to misconduct and must take due account of any mitigating circumstances.

So, it may be that Mr Dixon didn't intend to, just as I've interpreted, what he seems to be suggesting is that a finding by a Criminal Court of a conviction automatically amounts to misconduct. In this case, you may, upon consideration take that view, but it isn't in that sense automatic. You have to look at the Criminal Conviction, and decide whether it amounts to misconduct within the context of the regulatory regime established by the Northern Ireland Social Care Council, having paid due regard to the contents of the Code of Practice. Again, I remind you, that the onus of establishing misconduct rests with the Council on the balance of probabilities. Finally, Mr Dixon

has set out a number of factors that he asked you to take into account in deciding whether misconduct has been established. So, in addition to the Code, he refers you to the fact that this is a sexual offence. It was committed in the workplace. The facts suggest that a work colleague's privacy was violated and she suffered humiliation, and the offence itself has attracted a certain public notoriety because of its reportage, and this has caused injury to the reputation of the profession. Those are relevant matters, which I would suggest to the Committee, you're entitled to take into account in the course of your deliberations with regard to misconduct.

Sanction

The relevant Rule is Rule 25 of Schedule 2 of the Rules. The Chair has already outlined the sanctioning options which are available to you. You may admonish the Registrant, you may make a Suspension Order, or you may make an Order providing for his removal from registration. In your approach to this, you are required to take into account the various principles set out in the Indicative Sanctions publication. I particularly draw your attention to some of the general principles set out in pages 3, 4 and 5 of that publication, where the requirements of the public interest of fairness and proportionality are particularly explained. Moreover, within that publication, you can see alongside each of the sanctioning option, a description of the kinds of factors or trigger points that might be taken into account, in deciding on whether any one of those particular sanctions is appropriate, on the facts of this case. Rule 25 (2) of the Rules emphasises that the principles to be taken into account, by you, include the seriousness of the Registrant's misconduct, the protection of the public, the public interest in maintaining competence in social care services, and the issue of proportionality.

In order to ensure that you do approach sanction in a proportionate fashion, and what that means is you should only impose sanction as is necessary. You are, at best, advised to start with the least restrictive of the sanctions, to consider its appropriateness on the facts of the case, and only to move on from admonishment through to suspension, to removal, in ascending order, if you consider it appropriate to do so. You should, in the absence of the Registrant, scour the papers before you, and the information that you've received, to determine whether there is any mitigating evidence within the papers that could properly be taken into account. Mr Dixon may well be right when he says to you that there is not much in the way of material. However, he does accept that there is nothing known to the Council in relation to this man's absence. You can establish from the papers, for example, that he had been employed by this employer, I think, since 2009. In this capacity, you can check the papers for the finer detail around that, it would seem, to me, to be an obvious and relevant point to make that it was only in 2014, at least, according to the disciplinary material that you received in this particular offence, that the employer had reason to discipline. Albeit, on the other side of the equation, this is plainly a most serious matter and you'll take all of those factors into account when arriving at your decision.

Right of Appeal

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 Conduct Committee's decision takes effect from the date upon which it was made.

The effect of this decision is that your entry on the Register has been removed with immediate effect and you are prohibited from working as a social care worker.

C Chamberlain

Committee Manager

12 November 2015

Date