

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

Name: Mila Ros Beltran Huttley

SCR No: 2052317

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council, at its meeting on **05 and 06 March 2019**, 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 misconduct;

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

Particulars of the Allegation:

That, being registered under the Health and Personal Social Services Act (Northern Ireland) 2001 (as amended), and whilst working as a Care Worker for Advanced Community Care Ltd :-

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| 1. | Between February 2017 and June 2017, you accepted sums of money from Service User A's husband, Mr A, and thereby breached the NISCC Standards of Conduct and Practice for Social Care Workers |
| 2. | Between February 2017 and May 2017, you engaged in inappropriate communication with Mr A. |

And that by reason of the matters set out above, your fitness to practise is impaired by reason of your misconduct.

The Registrant was not in attendance and was not represented. The Council was represented by Ms Kelso, Solicitor, Directorate of Legal Services.

Service

Ms Kelso advised the Committee that a Notice of Hearing dated 29 January 2019 was sent by Special Delivery post to the Registrant at her address as it appears on the Register, which notified her of the date, time and venue for this hearing. The Committee was advised that an attempt was made to deliver the Notice of Hearing on 30 January 2019 and that the Notice was collected and signed for by the Registrant on 15 February 2019.

Accordingly, the Committee is satisfied that reasonable efforts have been made to notify the Registrant of this matter and that the Notice of Hearing has been served in accordance with Rule 3 and Paragraph 5 (2) of Schedule 2 of the NISCC Fitness to Practise Rules 2019 (the Rules).

Proceeding in the Absence of the Registrant

Ms Kelso invited the Committee to proceed to deal with the Fitness to Practice hearing in the Registrant's absence. The Committee heard and accepted the advice of the Legal Adviser, who reminded the Committee that the decision to proceed in the absence of the Registrant should be exercised with the utmost care and caution. The Committee was satisfied that the Registrant had been served with the Notice of Hearing, which notified her of the date, time and venue for this hearing, details of the allegation and her right to attend the hearing.

The Committee decided to proceed in the absence of the Registrant. In reaching this decision, the Committee had particular regard to the factors set out in the decision of R v Jones, and to the overall interests of justice and fairness to all parties. It noted that:

- no application for an adjournment has been made by the Registrant;
- there is no reason to suppose that adjourning would secure her attendance at some future date;
- three witnesses have made arrangements to give live evidence, two are in attendance and one by video-link;
- not proceeding may inconvenience the witnesses;
- the allegation relates to events that occurred between February 2017 and June 2017, and further delay may have an adverse effect on the ability of witnesses to accurately recall events;
- the allegation is serious; and
- there is a strong public interest in the expeditious disposal of the case.

The Committee accepted that there is some disadvantage to the Registrant in proceeding in her absence. Although the evidence upon which NISCC relies was sent to the Registrant at her registered address, she will now not be able to challenge this evidence and will not be able to give evidence on her own behalf, and will not have the opportunity to cross examine the witnesses. However, the Committee determined that this disadvantage can be mitigated. The Committee can make allowance for the fact that NISCC's evidence will not be tested by the Registrant and can, of its own volition, explore any inconsistencies in the evidence which it identifies.

In these circumstances, the Committee decided that it is fair, appropriate and proportionate to proceed in the absence of the Registrant. The Committee will draw no adverse inference from the Registrant's absence in its findings of fact.

Background

NISCC received a referral in relation to the Registrant on 26 May 2017. The Registrant was employed by Advanced Community Care as a care worker. She started in post on 30 January 2013.

During her employment, the Registrant provided domiciliary care to Service User A and to her son, Service User B. At that time, Service User A received a care package to assist with showering and dressing in the morning and undressing for bed in the evening. Service User B received morning and evening calls to assist with dressing and undressing. Service User A's husband had a physical disability but was not in receipt of care services at that point. Mr A was the carer of his wife and child. It was alleged that the Registrant took a significant amount of money from Mr A, and sent him text messages that were inappropriate and of a sexualised nature.

On 21 May 2017, Mr A disclosed to another carer that the Registrant had borrowed a significant amount of money from him, of around £4,000. Mr A showed the carer text messages between himself and the Registrant, which the carer considered to be unprofessional. The Registrant was suspended from her post and asked not to have contact with any of her service users or colleagues while the investigation was ongoing. The matter was referred to RQIA and to the Trust Safeguarding Team. The Safeguarding Team made a referral to the PSNI but no criminal investigation was initiated, as it was deemed to be a civil matter.

It was reported that Mr A initiated civil proceedings to recover the money from the Registrant.

Evidence

The Committee received into evidence a bundle of documents and heard oral evidence from three witnesses tendered on behalf of NISCC.

The witnesses called on behalf of NISCC were:

- Witness 1 – Carer who attended with Service User A and Service User B on the morning of 21 May 2017;
- Witness 2 – Operational Manager for Advanced Community Care (at the time of the events);
- Witness 3 – Acting Team Leader for the Physical Disability Centre in the Rowan Centre Lisburn with responsibility for screening any safeguarding referrals (at the time of the events).

The Committee heard that Mr A did not want to be involved in the proceedings as he was concerned that it may impact the repayment plan agreed with the Registrant.

The Committee first considered the overall credibility and reliability of the witnesses it had heard from. The Committee found Witness 1 to be a reliable and credible witness who tried to assist the Committee to the best of her knowledge and belief. It considered Witness 1 to be consistent with her NISCC witness statement and with what was recorded in the contemporaneous statement she created at the time of events. Furthermore, the Committee was of the view that Witness 1 did not attempt to embellish or exaggerate her evidence, and that she had a good working relationship with the Registrant.

The Committee found Witness 2 to be a straightforward, credible, cogent and reliable witness. The Committee considered her to be very thorough in her evidence, in terms of the detail on the procedures and making sure that everything was done correctly. The Committee learned that she had a reasonable working relationship with the Registrant and the Committee concluded that she had no reason to exaggerate her evidence. The Committee heard that Witness 2 is a social worker and, while she was the Operational Manager at that time, her role also involved training. The Committee was assisted by her evidence in this regard. Witness 2 was part of the disciplinary process and had engaged directly with the Registrant.

The Committee found Witness 3 to be a very professional, focused, succinct and credible witness. The Committee considered that she was measured and balanced when giving evidence, and was not prone to exaggerate or elaborate her evidence. Witness 3 assisted the Committee as she had engaged with both Mr A and the Registrant as part of the Safeguarding investigation.

Finding of Facts

In reaching its decision on the facts, the Committee considered all of the evidence adduced in this case, together with the submissions made by Ms Kelso on behalf of NISCC. The Committee heard and accepted the advice of the Legal Adviser.

The Committee was aware that the burden of proof rests with NISCC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that the facts will be proved if the Committee is satisfied that it was more likely than not that the incidents occurred as alleged.

The Committee then considered the Particulars of the Allegation:

Particular 1: Between February 2017 and June 2017, you accepted sums of money from Service User A's husband, Mr A, and thereby breached the NISCC Standards of Conduct and Practice for Social Care Workers

The Committee heard direct evidence from Witness 1 that Mr A made a report to her on 21 May 2017 that the Registrant had borrowed money from him. The Committee heard that on that day, she was providing care at the home of Service User A and Service User B when Mr A asked to speak to her in private. Although she could not recall the exact amount, Witness 1 explained that she remembered the amount was double £2,000. She told the Committee that Mr A had said that his wife was aware that he had lent the Registrant £2,000, but that his wife was not aware of any further amounts given to her. The Committee heard that Mr A told her that he had developed feelings for the Registrant and he thought that their relationship would develop further. Witness 1 was clear that Mr A told her that he offered the Registrant the loan of money. Witness 1 confirmed that Mr A showed her the document in the bundle of evidence where he recorded the amounts of money loaned to the Registrant.

Witness 2 gave evidence to the Committee that she had provided induction and refresher training to the Registrant, and that she knew her from being about the office. Witness 2 informed the Committee that on 23 May 2017, she met with the Registrant and advised her of the allegations. At this meeting, the Registrant denied

having taken the money from Mr A and she was very annoyed that she was being suspended. The Committee heard that Witness 2 attended the disciplinary meeting with the Registrant on 05 June 2017 and that, during that meeting, the Registrant accepted that she had received money from Mr A - £100 for car repair work, and £1000 and then a second £1,500 for her son's medical condition. Witness 2 told the Committee that the Registrant did not see how this was an employment matter as it was a private matter, a loan "from a friend to a friend".

Witness 3 gave evidence that she met with Mr A and he advised her of the amounts that he had loaned to the Registrant. She told the Committee that he had made a written record of the amounts provided and showed her the record. On the document, it was documented that £80 had been repaid. Witness 3 stated that the amounts recorded were £100, £1,000, £1,800 and £1,500. Mr A admitted to Witness 3 that he had given the money as a loan, denied that he had been manipulated or coerced, and was aware that the Registrant could get into trouble if she accepted the money. Witness 3 told the Committee that she had passed information on to the PSNI, who deemed it to be a civil matter and took no further action. Witness 3 told the Committee that when she spoke to the Registrant, she refuted that she was in breach of her duty of care.

The Committee noted that in an email to the Council on 03 April 2018, the Registrant admitted that she had borrowed money but stated that the amount was £2,500. The Registrant stated that the matter was sorted in Lisburn Court. The Committee was left in no doubt, based on the oral evidence received and the documentary evidence, including the email admission of the Registrant, that the Registrant accepted sums of money from Service User A's husband, Mr A.

None of the witnesses were able to assist the Committee with dates of when amounts had been provided by Mr A to the Registrant. However, the Committee noted that the first text message from Mr A to the Registrant which relates to providing money is dated 18 February 2017. The disclosure was made to Witness 1 on 21 May 2017 and the Registrant was suspended on 23 May 2017. The Committee was satisfied that between February 2017 and June 2017, the Registrant accepted sums of money from Mr A.

The Committee next considered whether the Registrant had thereby breached the NISCC Standards of Conduct and Practice for Social Care Workers. The Committee heard from Witness 2 that the Registrant had received training on a range of matters including Managing Service Users' Money, and was aware of her employer's policy on accepting gifts and legacies. The Committee noted that the training documentation included within the bundle evidenced the Registrant's understanding that a carer is not allowed to accept money as a gift from the family of a service user. The Committee noted that Witness 2, as part of her employer's investigation, had considered the Registrant's actions to be in breach of the NISCC Standards of Conduct and Practice for Social Care Workers. Furthermore, the Committee heard evidence from Witness 3 that the Registrant was in breach of her duty of care by accepting a loan from the carer of a service user. On the balance of probabilities, the Committee concluded that the Registrant had breached the NISCC Standards of Conduct and Practice for Social Care Workers by accepting sums of money from Service User A's husband, Mr A.

Therefore, the Committee found Particular 1 of the Allegation proved.

Particular 2: Between February 2017 and May 2017, you engaged in inappropriate communication with Mr A.

The Committee next considered whether the Registrant had engaged in inappropriate communication with Mr A between February 2017 and May 2017.

Witness 1 told the Committee that Mr A showed her text messages from the Registrant on his phone. It was her opinion that the content of those messages appeared to encourage Service User A and "lead him on". The Committee heard that the messages provided to the Council from Mr A's solicitor (contained within the bundle of evidence) were the messages shown to Witness 1 by Mr A. She told the Committee that she did not consider the messages to be professional or appropriate. The Committee noted that these messages were sent between 17 February 2017 and 13 May 2017. The Committee heard from Witness 1 that she would have had a telephone number for Mr A on her phone so that she could let him know if she was ever running late for a call. The Committee considers this to be the appropriate level of communication with the carer of a service user.

Witness 2 explained that she had not seen the messages and was not able to further assist the Committee in this regard. The minutes of the employer's disciplinary meeting record that the Registrant confirmed that she had discussions with Mr A on personal matters and that she had offered friendly advice.

The Committee heard from Witness 3 that the messages in the bundle of evidence were the same messages which she had reviewed as part of her safeguarding investigation. Witness 3 told the Committee that Mr A had confirmed to her that he sent the emails and messages to the Registrant. Witness 3 also said that the Registrant confirmed that she had responded to these messages. Witness 3 gave evidence that there were a great deal of reciprocal texts and emails between the Registrant and Mr A. Witness 3 was of the view that it was a breach of duty of care on the part of the Registrant to communicate in this manner with Mr A and, in her opinion, that the Registrant had breached professional boundaries.

The Committee accepted the submission made by Ms Kelso that as the email address shown on the emails from the Registrant to Mr A, dated 19 January 2017, is the same as the email address used by the Registrant to communicate with the Council, it is more likely than not that these emails were from the Registrant.

The Committee was satisfied that it is more likely than not that the text messages and emails within the bundle of evidence were sent by the Registrant and Mr A. The Committee received direct evidence from Witness 1 that she found this unprofessional, and from Witness 3 that it was a breach of duty of care. The Committee concluded that the Registrant engaged in inappropriate communication with Mr A.

Therefore the Committee found Particular 2 of the Allegation proved.

Fitness to Practise

The Committee moved on to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Ms Kelso. She submitted that the Registrant's fitness to practise is impaired by reason of misconduct. Ms Kelso stated that impairment was defined in the Rules as circumstances which call into question the suitability of a Registrant to remain on the Register without restriction or at all, and to the requirements of Paragraph 24 of Schedule 2 of the Rules. Ms Kelso submitted that in the opinion of the Council, the following Standards have been breached: Standard 2: 2.9, 2.10 and Standard 5: 5.2, 5.4, 5.8, 5.9.

The Committee heard and accepted the advice of the Legal Adviser. She referred the Committee to Paragraph 24 of Schedule 2 of the Rules and the requirements as set out in the case of GMC v Cohen. She directed the Committee to the findings of Dame Janet Smith in her 5th report to the Shipman Inquiry and her guidance on the causes of impairment. She also referred the Committee to the cases of GMC v Roylance and CHRE v Grant.

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 the Committee shall 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 first considered whether the facts found proved amount to misconduct. The Registrant admitted borrowing money from Mr A in her email to the Council dated 03 April 2018. The Committee heard from Witness 2 that the Registrant had received training and that this was inappropriate.

The Committee heard evidence from Witness 1 that she was shocked when she found out that the Registrant had borrowed money from Mr A, and that she felt that the Registrant had abused her position. Witness 1 also found the content of the communication between the Registrant and Mr A to be not of a 'professional manner'. The Committee accepted the evidence of Witness 2 that this was not a personal matter as the Registrant alleged during her employer's disciplinary investigation. The Registrant only knew or came into contact with Mr A as a result of her professional obligations to provide care to his wife and child. Witness 3 told the Committee that the Registrant was in breach of her duty of care as she engaged in inappropriate communication with Mr A, a carer of a service user, and by accepting loans of money from that carer.

After careful consideration of all of the evidence, the Committee determined that the actions of the Registrant constituted misconduct, and fell far below the standards to be expected of a registered social care worker.

The Committee considered the Registrant's misconduct to be serious. In reaching the decision, the Committee noted that the Registrant had provided care to this family for a long period of time and stepped significantly

outside her professional boundaries. There was no evidence before the Committee that the Registrant gave any consideration to the impact of her actions on the family, both by borrowing money from Mr A and the way in which she encouraged the relationship to develop. Her actions were solely for personal gain and showed a clear disrespect for Mr A, Service User A, Service User B and their family life. The Committee took into account that this was a substantial amount of money, which also made her actions serious.

The Committee had regard to the Standards of Conduct for Social Care Workers and found the Registrant's actions to be in breach of the following provisions:

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

- 2.9 Adhering to policies and procedures about accepting gifts and money, hospitality or services from service users and carers; and
- 2.10 Refusing any loans of money or property from anyone in your care or anyone close to them.

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

- 5.2 Exploit service users, carers or colleagues in any way;
- 5.4 Form inappropriate personal relationships with service users;
- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services;
- 5.9 Use social media or social networking sites or other forms of electronic communication in a way that contravenes professional boundaries, organisational guidelines or NISCC standards.

The Committee next considered whether as a result of the misconduct found proved, the Registrant's fitness to practise is impaired. The Committee kept at the forefront of its mind when reaching this decision the duty to protect the public, uphold proper standards of conduct and behaviour and maintain public confidence in the social care profession.

In reaching its decision, the Committee took into account the decision of CHRE v Grant and, in particular, the judgement of Mrs Justice Cox at Paragraph 76:

'I would also add the following observations in this case having heard submissions, principally from Ms McDonald, as to the helpful and comprehensive approach to determining this issue formulated by Dame Janet Smith in her Fifth Report from Shipman, referred to above. At paragraph 25.67 she identified the following as an appropriate test for panels considering impairment of a doctor's fitness to practise, but in my view the test would be equally applicable to other practitioners governed by different regulatory schemes.

Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a. *has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b. *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c. *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d. ...

The Committee finds that limbs a, b and c are engaged in this case. The Committee carefully considered whether the Registrant's misconduct is capable of remediation. The Committee heard some evidence that civil proceedings were initiated by Mr A to recoup money. The Committee did not know if all of the money has been repaid. However, even if the money were repaid in full, the Committee did not consider that the misconduct would have been remediated. The Committee considered that the Registrant's misconduct could be remediated if she repaid all of the money, accepted what she did was wrong, demonstrated insight and engaged with NISCC, and attended further training.

The Committee determined that the Registrant's misconduct has not yet been remedied. The Registrant demonstrated a concerning lack of insight into her misconduct. The Registrant admitted to borrowing the money from Mr A but did not at any point appear to demonstrate any remorse for her actions. There is no evidence before the Committee that the Registrant has reflected on her actions, or that she has accepted that she should have acted differently. The Committee accepted the submission of Ms Kelso that the Registrant not only demonstrated a lack of insight, but sought to blame her actions on Mr A.

In the absence of remediation, the Committee was very concerned about the risk of repetition in the future. The Registrant has failed to explain to the Committee any steps she would take to prevent a similar situation arising again. The Committee determined that a risk of repetition remains.

The Committee considered the public interest and concluded that public confidence in the profession and NISCC as a regulator would be undermined if a finding of impairment were not made. The Committee considered there to be a high public interest in the consideration of this case. The Committee was of the view that a fully informed member of the public would be seriously concerned by the Registrant's actions, which occurred when she was providing care to a family in their own home. Registered social care workers are in a trusted position, which is a position of privilege. As a result, they are expected at all times to be professional and to maintain professional boundaries and promote the interests and wellbeing of service users and carers. Therefore, the Committee determined that a finding of impairment on public interest grounds was also required.

Therefore, the Committee determined that the Registrant's fitness to practise is currently impaired.

Sanction

In reaching its decision on sanction, the Committee considered the submissions of Ms Kelso on behalf of the Council, and had careful regard to all of the evidence in this case. The Committee accepted the advice of the Legal Adviser. She referred the Committee to the Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practise Committees ('Indicative Sanctions Guidance').

In deciding which sanction to impose, the Committee took 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 recognises that the purpose of sanction is not to be punitive, although sanction may have a punitive effect. The Committee first considered the mitigating and aggravating factors in this case and found the mitigating factors to be:

- the Registrant has a good work history and previous good character;
- there have been no previous concerns raised with the Council;
- there has been no repetition of these events since concerns were raised with the Council; and
- the Registrant did eventually admit to having taken a loan of some of the money from Mr A.

The Committee considered the aggravating factors to be:

- the actions of the Registrant (both in borrowing money from Mr A and in engaging in inappropriate communication with him) constitute an abuse of trust;
- whilst the Registrant may not have deliberately concealed events, if Mr A had not made the disclosure to another care worker, the misconduct would not have come to light;
- when first challenged by Witness 2, she denied the allegations;
- the Registrant has demonstrated a concerning lack of insight;
- the Registrant has demonstrated no regret for her actions;
- the Registrant's actions had a devastating impact on Mr A, Service User A and Service User B, and on their family life;
- the Registrant has not engaged in the NISCC investigation;
- the Registrant has demonstrated a serious disregard for NISCC's Standards of Conduct and Practice.

The Committee proceeded to consider the appropriate sanction to apply in this case.

No Sanction - the Committee had no hesitation in concluding that it would neither be appropriate nor proportionate if no sanction were imposed in this case. The misconduct is serious. The Committee has already identified a risk of repetition. In the view of the Committee, if no sanction were imposed this would not prevent the Registrant from repeating her misconduct and would not meet the public interest in this case.

Warning - the Committee considered a Warning, but was not satisfied that a Warning was the appropriate sanction. A Warning could not be a proportionate sanction given the serious nature of the misconduct. The Committee determined that a risk of repetition remained. The Registrant has not provided the Committee with any testimonials or references in relation to her current practice. In light of the Registrant's lack of insight, lack of remorse and lack of regret, the Committee concluded that a Warning was not sufficient to meet the fitness to practise concerns identified.

Conditions of Practice Order - the Committee next considered a Conditions of Practice Order. The Committee had already determined that the Registrant's misconduct could be remediated. However, the Registrant has not engaged in the process and is not present today. The Committee has no evidence as to the Registrant's current employment circumstances, or whether she would agree to any conditions imposed. The Committee 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.

Suspension - the Committee next considered a Suspension Order. The Committee has no evidence of remediation by the Registrant, nor has it any information to indicate that the Registrant is unlikely to repeat the same behaviour if she finds herself in similar circumstances in the future. The Committee had no evidence of any insight or remorse from the Registrant before it, despite having had over a year and half to reflect on her conduct. It also considered her to have expressed no concern for Mr A or his family. The Committee did not have any evidence that the Registrant would be able to resolve or remedy the cause of her misconduct during a period of suspension. In light of all the above, the Committee concluded that a Suspension Order would not be sufficient to mark the seriousness of the misconduct of the Registrant, the degree to which her actions were entirely unacceptable, nor meet the public interest.

Removal - the Committee then considered a Removal Order. The Committee has already found that the Registrant's actions were serious and had an impact on Mr A and his family. The Committee considered that the Registrant's attempts to justify her actions as being private, or a loan from a 'friend to a friend', showed a complete failure to appreciate the extent to which she had breached professional boundaries. These factors, when considered with the Registrant's failure to demonstrate insight or remorse, caused the Committee to conclude that her behaviour is fundamentally incompatible with being a social care worker.

The Committee considered the factors set out at Paragraph 4.27 of the NISCC Indicative Sanctions Guidance and concluded that:

- the Registrant's actions deliberately placed Mr A, Service User A & Service User B at risk of harm;

- the Registrant abused her position of trust;
- the Registrant has demonstrated no insight into the seriousness of her actions and the consequences of her actions;
- the Registrant has demonstrated a blatant disregard for the system of registration, which is designed to safeguard the interests of service users, the public and the reputation and standards of the social care profession; and
- the Registrant's actions constitute a serious departure from the relevant professional standards set out in the Standards of Conduct and Practice for Social Care Workers.

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. The Committee considered that a Removal Order is necessary to mark the importance of maintaining public confidence in the social care profession, and to send to the public and the profession a clear message about the standards of behaviour required of a registered social care worker. The Committee carefully considered the potential impact this Order could have on the Registrant. However, it concluded that any consequences for the Registrant are outweighed by the need to protect the public and to maintain public confidence in the social care profession.

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.

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.

P.P. Kennedy
Committee Manager

08.03.19
Date