

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

REDACTED

Name: Alison Longmore

SCR No: 1151182

NOTICE IS HEREBY GIVEN THAT the Fitness to Practise Committee of the Northern Ireland Social Care Council ('the Council'), at its meeting on **08 May 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 your health.

The Committee decided to make an Order suspending your registration for a specified period of 18 MONTHS ('a Suspension 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 Support Worker for Radius Housing at Barn Halt Cottages:

1. On or about the 30 November 2017, you stole £100 belonging to Service User A

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

Procedure:

The hearing was held under the health procedure.

Preliminary Matters

Service

The Registrant was neither present nor represented. The Council was represented by Claire Kelly, Solicitor, DLS and attended by Fitness to Practise Officer, Nigel Wilkinson.

In a Notice of Hearing dated 01 April 2019, sent by Special Delivery post and addressed to the Registrant at her address as it appears on the Register, the Council notified her of the date, time and venue for this hearing. The Notice was signed for on 02 April 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

An application was made to proceed in the absence of the Registrant under Paragraph 15 of Schedule 2 of the Rules. Miss Kelly submitted that it was clear that the Registrant was aware of the hearing and had provided an attendance form stating that she would not be attending. In her view, she had voluntarily absented herself from the hearing, she had not requested an adjournment and it would be appropriate to proceed in her 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;
- the Registrant had indicated that she would not be attending the hearing on the attendance form;
- there is no reason to suppose that an adjournment would secure her attendance at a future date;
- a witness has attended to give live evidence and not proceeding may inconvenience the witness;
- 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. However, the Committee determined that this disadvantage can be mitigated.

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.

Application to Admit Hearing Bundle

Miss Kelly confirmed to the Committee that the hearing bundle provided to it complied with the requirements of relevance and fairness, and that the Registrant had made no objections to its contents. The Committee

accepted the bundle into evidence and marked it Exhibit A. The Committee also accepted into evidence the letter from the Registrant regarding her non-attendance, and marked it as Exhibit B.

Background

The Council received two Employer Referral Forms relating to the Registrant in December 2017, from Radius Housing and from the Northern Health and Social Care Trust Safeguarding Team. It was alleged that the Registrant had taken £100 from a service user.

Evidence

The Committee received into evidence a bundle of documents, a letter from the Registrant dated 04 April 2019 and heard oral evidence from [REDACTED], on behalf of the Council.

The Committee was greatly assisted by the evidence of [REDACTED] and found him to be a concise witness. He was helpful in clarifying the potential impact of the Registrant's [REDACTED] her ability to perform her functions as a social care worker.

Finding of Facts

The Committee received an agreed statement of facts as follows:

- The Registrant is a Social Care Worker registered on Part 2 of the Northern Ireland Social Care Council Register.
- The Registrant was admitted to Part 2 of the Register on 7 November 2013.
- The Registrant was employed as a Support Worker by Radius Housing from 15 May 2017. She worked at Barn Holt Cottages in Carrickfergus.
- Barn Halt Cottages is a supported housing scheme offering accommodation to the over 55, frail elderly, who have a range of physical and mental health conditions. There are 12 staff working between 7.30am and 10pm each day assisting the tenants.
- Each tenant has their own cottage with their own front and back door. Their back door opens into a link corridor which allowed staff and tenants access to each other during the day. Staff access each cottage, via the back door.
- On 30th November 2017, the Registrant was working from 2.30pm until 10pm alongside [REDACTED], Support Worker.
- During that evening, the Registrant entered the dwelling of a female tenant, known as Service User A, using the master key via the front door of the property. The Registrant retrieved the master key from [REDACTED].

- The Registrant did not have permission to enter the dwelling, nor did she announce her arrival. The Registrant entered Service User A's bedroom and stole £100 which was kept in her handbag and stored in her wardrobe.
- During this incident, Service User A entered the bedroom and found the Registrant there. The Registrant informed Service User A that she had forgotten her phone which she stated she had left behind during her earlier checks.
- On 5th December 2017, Service User A reported to her niece, [REDACTED], that she suspected the Registrant to have taken this money from her.
- [REDACTED] reported this to [REDACTED].
- On 6th December 2017, [REDACTED], Senior Support Worker and [REDACTED], Acting Senior Support Worker, met with the Registrant at approximately 3.30pm.
- During that meeting, the Registrant denied having taken the sum of money and advised that she had returned to Service User A's property that evening as she had left either her phone or glasses in the property and had gone to retrieve them. The Registrant advised that she had entered Service User A's bedroom to check her windows. The Registrant advised that she entered the property using the normal route, via the back door.
- Later that evening, at approximately 7.30pm, the Registrant approached [REDACTED] in the office and asked to retrieve something from her car. When the Registrant returned she had in her possession, the sum of £100 belonging to Service User A.
- The Registrant admitted that she had entered the property via the front door. The Registrant admitted to stealing the sum of £100 from Service User A. The Registrant stored that money in her car.
- On 11 December 2017, the Registrant received a Community Resolution Notice from the PSNI. That Notice confirms that the Registrant admitted that she was guilty of the offence of theft.
- The Registrant made restitution of £100 to Service User A.
- The Registrant is sorry for her actions and believes that this was an isolated incident arising out of a very stressful period in her life.
- The Registrant recognises that her actions have had a significant impact upon Service User A.
- The Registrant admits that her actions amounted to misconduct
- The Registrant admits that at this time, her fitness to practise was impaired.
- The Registrant is currently seeking help to deal with her problems.

In accordance with Paragraph 19 (3) of Schedule 2, the facts have been found proved.

Fitness to Practise

The Committee moved on to consider if the Registrant's fitness to practise is impaired. The Committee heard submissions from Miss Kelly on behalf of the Council. She submitted that the Registrant's fitness to practise is impaired by reason of misconduct and her health. Miss Kelly submitted that in the opinion of the Council, the following Standards of Conduct for Social Care Workers have been breached: Standard 1: 1.2, 1.8, Standard 2: 2.1, 2.6, Standard 5: 5.1, 5.3 5.8 and Standard 6: 6.3 and 6.11.

The Committee heard and accepted the advice of the Legal Adviser. She referred the Committee to Paragraphs 24 and 29 of Schedule 2 of the Rules, and the 5th report to the Shipman Inquiry.

The Committee first considered the reason for the alleged impairment of fitness to practise. The Committee noted that in the agreed statement of facts, the Registrant admits that at the time when she stole the money from Service User A, her actions amounted to misconduct and at that time her fitness to practise was impaired. The Committee accepted the evidence of [REDACTED] at the time of the alleged incident, and that this impaired her fitness to practise. Accordingly, the Committee was in no doubt that the Registrant's fitness to practise was impaired at the time when she stole £100 from Service User A as a result of her misconduct and her health.

In terms of the reason for her current impairment, the Committee heard evidence ...[REDACTED]...

[PARAGRAPHS REDACTED]

After careful consideration of all of the evidence, the Committee determined that it was more likely than not that the misconduct at the time when the Registrant stole £100 from Service User A was caused or substantially contributed to by [REDACTED]. Therefore, the Committee determined that the reason for the Registrant's alleged impairment of fitness to practise is her health.

The Committee determined that the Registrant is in breach of the following Standards of Conduct for Social Care Workers:

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

1.8 Respecting and maintaining the dignity and privacy of service users.

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

2.1 Being honest and trustworthy.

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

5.1 Abuse, neglect or harm service users, carers or colleagues;

5.3 Abuse the trust of service users and carers or the access you have to personal information about them or to their property, home or workplace; or

- 5.8 Behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

The Committee next considered whether the impairment is capable of remediation. The Committee heard evidence from ...[REDACTED]...

The Committee concluded that the Registrant's ...[REDACTED]...

The Committee did not have evidence to demonstrate that the Registrant is ...[REDACTED]..., and therefore concluded that the risks of the Registrant repeating the behaviour ...[REDACTED]... remains.

The Committee considered the public interest and determined that a finding of impairment on public interest grounds was also required. While the Registrant continues to ...[REDACTED]..., a finding of impairment is required to meet the need to uphold proper professional standards and public confidence in the profession.

Accordingly, the Committee determined that the Registrant's fitness to practise is currently impaired by reason of her health.

Sanction

In reaching its decision on sanction, the Committee had careful regard to all of the evidence in the case, together with the submissions from Miss Kelly on behalf of the Council. The Committee heard and accepted the advice of the Legal Adviser. The Committee took into account that any sanction must be appropriate and proportionate and although not intended to be punitive, its effect may have such consequences.

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 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 good character;
- there have been no previous concerns raised with the Council;
- the Registrant submitted a supportive testimonial from a previous employer;
- the Registrant has fully cooperated with the Council investigation;
- the Registrant made an early admission of the facts alleged;
- the Registrant has made genuine expressions of remorse, both to her colleagues and to the Council;

- the Registrant has demonstrated some insight - she is aware that she has health issues and expressed sincere regret for the impact of her actions on Service User A;
- the Committee received some evidence that the Registrant has engaged with treatment and that appropriate rehabilitative steps have been taken;
- the Committee noted the medical evidence in the papers of the longstanding circumstances of a sensitive nature which have impacted on the Registrant's health.

The Committee considered the aggravating factors to be:

- the Registrant stole money from a service user;
- the Registrant's actions had a premeditated element to them;
- the Registrant initially concealed her wrong doing and this was an abuse of trust;
- the offence was committed at work;
- the Registrant's actions caused harm to Service User A, who felt vulnerable in her own home.

Having balanced the aggravating and mitigating factors, 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. In the view of the Committee, if no sanction were imposed this would not mark the seriousness of the Registrant's actions or meet the public interest in this case.

Warning - the Committee considered a Warning. The Committee did not consider a Warning to be appropriate as it would allow the Registrant to work unrestricted as a social care worker. A Warning would not meet the risk of repetition and the concerns relating to the Registrant's ongoing health condition.

Conditions of Practice Order - the Committee next considered a Conditions of Practice Order. The Registrant is not present today. The Committee has no evidence as to the Registrant's current employment circumstances, whether she is currently [REDACTED] or whether she would agree to any conditions imposed. In these circumstances, the Committee was unable to formulate workable conditions which would allow the Registrant to deal with her health issues.

Suspension - the Committee determined that a Suspension Order would be both appropriate and proportionate in this case. Suspension gives a clear message to the public and to the social care profession that, irrespective of her health condition, the Registrant's actions were inappropriate. The Registrant has demonstrated some insight, and the Committee is of the view that with continued treatment during the course of her suspension, she could be fit to return to practise as a social care worker. The Committee carefully considered the period of time required, and determined to make Suspension Order for a period of eighteen months. The time period is not intended to be punitive, but rather is considered an appropriate timescale to allow the Registrant sufficient time to restore her health, taking into account [REDACTED] clinical guidance.

The Committee commends the Registrant on her engagement with treatment to date, and would direct her to the opinion given by ...[REDACTED]... At the end of the period of suspension, evidence of [REDACTED] would assist the Council or a reviewing Committee.

Removal - the Committee did consider a Removal Order. However, in light of the positive testimonial from her previous employer and her long work history, the Committee concluded that the Registrant had been a valued social care worker. The Committee had already determined that the theft of money from a service user was likely to have been caused or significantly contributed to by her health condition. As a result, the Committee concluded that her actions were not fundamentally incompatible with being a registered social care worker. On balance, the Committee was persuaded that a Removal Order at this stage would not be appropriate.

The Committee concluded that a Suspension Order for a period of eighteen months was the most suitable, appropriate and proportionate sanction to 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 suspended for a specified period of 18 months and you may not practise as a social care worker during the period **08 May 2019 to 07 November 2020** inclusive.

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.

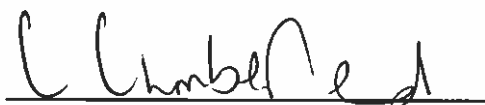
It is **compulsory** for the above social care workers to be registered with the Northern Ireland Social Care Council in order to work. This is pursuant to the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers Regulations (Northern Ireland) 2013 and the Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017.

Early Review

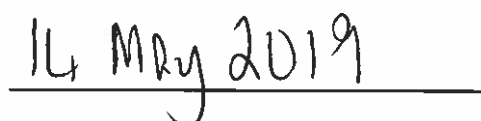
The Fitness to Practise Committee may, at your request, review the Order before the end of the period for which the suspension has been imposed if there has been a material change of circumstances since the Order was imposed. The Committee may, after reviewing a Suspension Order, revoke that Order or replace that Order with a Conditions of Practice Order.

Review at Conclusion of Sanction

The Council will seek information from you towards the end of the period for which the suspension has been imposed, and may refer the matter for review by the Fitness to Practise Committee. If the Committee reviews the Order and it is satisfied that your fitness to practise remains impaired, it may impose a further Order to commence upon expiry of the existing Order, or it may impose a Conditions of Practice Order to commence upon expiry of the existing Order, or it may revoke the existing Order and impose a Removal Order. You will be contacted by the Council towards the end of your period of suspension.



Committee Manager



Date