

### Notice of Decision

Registrant	Stuart Samuel Kinkaid
Registration number	6030028
Part of Register	Part 2 – Domiciliary care worker
Sanction	Warning to remain on your registration for a period of 3 years
Date of Effect	10 April 2018

This is a notice of decision of the Northern Ireland Social Care Council (the Council).

#### Decision

The Council has decided:

1. that there is evidence that your Fitness to Practise is impaired by reason of misconduct, as defined in Part 1, Rule 4 of the NISCC Fitness to Practise Rules 2016.
2. to issue a warning and direct that a record of the warning should be placed on your entry in the Register for a period of 3 years.

#### Misconduct

The Misconduct is that:

That on 10 October 2017 you pleaded guilty to the following Charges:

**Charge 1:** Defendant on the 5<sup>th</sup> day of November 2015 with a view to obtaining Jobseekers Allowance for yourself or another, dishonestly made a statement or representation which you knew to be false, namely that, the information you had given was correct and complete, whereas in fact, the information you had given was not correct and complete because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

**Charge 2:** Defendant on the 19<sup>th</sup> day of November 2015 with a view to obtaining Jobseekers Allowance for yourself or another, dishonestly made a statement or representation which you knew to be false, namely that, the information you had given was correct and complete, whereas in fact, the information you had given was not correct and complete because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

**Charge 3:** Defendant on the 10<sup>th</sup> day of March 2016 with a view to obtaining Jobseekers Allowance for yourself or another, dishonestly made a statement or representation which you knew to be false, namely that, the information you had given was correct and complete, whereas in fact, the information you had given was not correct and complete because you did not declare that you were working contrary to Section 105A(1) of the Social Security Administration (Northern Ireland) Act 1992.

**Charge 4:** Defendant between the 26<sup>th</sup> day of October 2015 and the 28<sup>th</sup> day of February 2016 with a view to obtaining Housing Benefit for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that you were working contrary to Section 105A(1A) of the Social Security Administration (Northern Ireland) Act 1992.

**Charge 5:** Defendant between the 21<sup>st</sup> day of March 2016 and the 14<sup>th</sup> day of August 2016 with a view to obtaining Housing Benefit for yourself or another did dishonestly fail to promptly notify the Social Security Agency of a change in your circumstances which you knew would affect your entitlement to benefit, namely that you were working contrary to Section 105A(1A) of the Social Security Administration (Northern Ireland) Act 1992.

On 24 October you were sentenced to 240 hours community service.

### **Reasons**

The reasons that this behaviour is considered to constitute impaired fitness to practise are:

- Benefit fraud is a dishonesty related offence.
- Your offensive behaviour occurred over a substantial period of approximately 10 months.
- Your behaviour has fallen below the standard expected of a person registered with the Northern Ireland Social Care Council.

### **NISCC Standards of Conduct and Practice for Social Care Workers**

The Standards of Conduct for Social Care Workers that this behaviour breaches are as follows:

Standard 2: As a social care 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;

2.11 Not engaging in practices which are fraudulent in respect of use of public or private monies.

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

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

### **Sanction**

Having regard to the document '*Consensual Disposal Indicative Sanctions*' the Council decided that the appropriate sanction was the imposition of a warning on your registration for a period of three years.

### **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- Your actions were a direct breach of Standard 2.11 – Not engaging in practices which are fraudulent in respect of use of public or private monies.
- Your actions were of a dishonest nature.
- The amount of monies fraudulently received by you was of a 10 month period.
- You have failed to engage in the Council's investigation.
- You have not demonstrated any insight or remorse for your actions.

The following mitigating circumstances were taken into account in reaching this decision:

- Your behaviour did not have a direct impact on service users.
- You have indicated during the employer investigation that you are repaying the money.
- There is no previous record of misconduct with the Council.

**Date of Effect**

This warning comes into effect on 10 April 2018.

Pamela Higgins

Director of Regulation and Standards

10<sup>th</sup> April 2018

Date

**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.**