

## IN THE CARE TRIBUNAL

In the matter of an Interim Order under the Northern Ireland Social Care Council Fitness to Practice Rules 2006 (the Rules), arising out of a decision of the Preliminary Proceedings Committee (PPC) of the Northern Ireland Social Care Council (NISCC) dated the 2<sup>nd</sup> February 2017 made on foot of a meeting and a hearing before the PPC on the 27<sup>th</sup> January 2017, the Registrant, Marta Maria Aluko, SRC Number: 1149800, neither present or represented at the hearing.

1. The NISCC Preliminary Proceedings Committee met on the 27<sup>th</sup> January 2017 to consider serious allegations made against the Registrant concerning maltreatment of a vulnerable service user during a working shift at her workplace, Somerton Nursing Home. The PPC, having satisfied itself that the Registrant had knowledge, or means of knowledge, of the hearing and being aware that they should exercise the utmost care and caution when proceeding in the absence of the Registrant, were asked to make an Interim Order under Schedule 1, paragraphs 5 and 6 of the Rules.
2. The PPC, when considering the Interim Order, consulted the guidance and principles offered under the NISCC Indicative Sanctions and Use of Interim Orders: Guidelines for Fitness to Practice Committees 2016 and were guided on distinguishing between imposing an Interim Suspension Order or Interim Conditions of Practice and considered paragraph 6(7) of the Rules and acknowledging that if an Interim Order is necessary then the initial duration for such Order shall not exceed six months.
3. Having considered all issues, the PPC decided, by Notice of Decision dated the 2<sup>nd</sup> February 2017 to impose an Interim Suspension Order on the Registrant's registration on the Northern Ireland Social Care Register preventing the Registrant from practising as a Social Care Worker while the Order is in place, stating that the PPC's decision will take effect from the date upon which the decision was made.
4. The Registrant was advised by letter of 2<sup>nd</sup> February 2017 from NISCC of the decision of the PPC enclosing a Notice of Decision and advised her she had 28 days to appeal. This correspondence was signed for on the 3<sup>rd</sup> February 2017 at the Registrant's address with the name "Aluko". An Appeal Form and Guidance Notes were enclosed with the letter of the 2<sup>nd</sup> February 2017 stating therein that the Secretary to the Care Tribunal (the Secretary) must receive this Appeal Application within 28 days after the date of the letter stating the PPC decision.
5. The Registrant submitted an Appeal Application to the Secretary of the Care Tribunal signed by her and dated the 3<sup>rd</sup> March 2017. This Application was received at the Care Tribunal and date stamped on the 8<sup>th</sup> March 2017, some six days outside the time limit.

6. By letter dated the 3<sup>rd</sup> April 2017, the Secretary wrote to both the Registrant and the NISCC Solicitors, DLS, 2 Franklin Street, Belfast advising that the appeal application was out of time but that the Chairman of the Care Tribunal would consider exercising his discretion to extend any time limit under paragraph 36 of the Care Tribunal Regulations (Northern Ireland) 2005 (2005 No:178) (“the 2005 Regulations”) informing the parties that having consulted with them and receiving any submissions that would allow him to exercise his discretion regarding the time limit, he would consider doing so, if in the circumstances:
  - (a) It would be unreasonable to expect it to be, or to have been, complied with; and
  - (b) It would be unfair not to extend it.
7. The NISCC replied, on the 20<sup>th</sup> March 2017, through their solicitor, submitting, inter alia, that the appeal was out of time, that the Notice of Decision was properly served and received and invited the Chairman to strike out the appeal under his powers set out in the 2005 Regulations.
8. The Registrant did not reply to the letter of the 3<sup>rd</sup> April 2017 and having satisfied himself that the Notice of Decision, accompanying letter and related documents were received by the Registrant; that the Appeal Application was served outside the 28 day time limit as set out in paragraph 1(3) of Schedule 6 of the 2005 Rules and having consulted with the parties in writing and having received no submissions on circumstances influencing the exercise of his discretion to extend the time limit of 28 days under paragraph 36 of the 2005 Regulations:

IT IS HEREBY ORDERED:

The Appeal Application of Marta Maria Aluko of 53 Castledillon Road, Belfast dated the 3<sup>rd</sup> March 2017 is struck out. NISCC is to be notified and if there is no response relating to the issue of costs within ten days hereof, then no Order of costs will be considered or made.

**STEPHEN G QUINN Q.C.**  
**Chairman of the Care Tribunal**

10<sup>th</sup> July 2017