

**IN THE CARE TRIBUNAL**

**BETWEEN:**

**CD**

**Appellant**

**-and-**

**NORTHERN IRELAND SOCIAL CARE COUNCIL**

**Respondent:**

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**Date: Friday 1<sup>st</sup> June 2018 and  
Monday 4<sup>th</sup> June 2018**  
**Venue: The Tribunals Hearing Centre,  
Royal Courts of Justice, Belfast**

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ON HEARING the representatives of the parties, Ms Katherine Arkinson (Higher Executive Officer, NIPSA) representing the Appellant and Ms Rachel Kelso (Solicitor, DLS) representing the Respondent.

AND UPON HEARING evidence from:

1. Detective Constable Alan Lee of the Police Service of Northern Ireland, Central Referral Unit, Belfast.
2. The Appellant.

AND GIVING PROPER CONSIDERATION to the Trial Bundle that included:

1. Appeal documents.
2. Appellant's documents.
3. Respondent's documents.
4. Northern Health & Social Care Trust documentation.
5. Legislation relevant to the issues.
6. Case law.

AND GIVING PROPER CONSIDERATION AND REFLECTING upon the Notice of Decision of the Preliminary Proceedings Committee (PPC) dated the 15<sup>th</sup> January 2018 and supporting documentation.

AND UPON CONSIDERATION of the Legal Tests to be applied, the General Principles to be taken into account and the examples of alleged impairment to be

taken into account in assessing risk of harm, all of which appear on pages 205, 206 and 207 of the Trial Bundle, the Tribunal unanimously reached the decision that the decision of the PPC to impose an Interim Suspension Order on the Appellant's registration for a period of six months from the date of their decision of the 15<sup>th</sup> January 2018 should be reversed, that the appeal should be allowed and that the Appellant's name should appear on the Register with no conditions or suspension.

The Tribunal have unanimously decided that this case required urgent attention so as to avoid any further harm to the Appellant's previous good character and reputation and to avoid any further hardship that may be caused given that his employer decided, post the PPC decision of 15<sup>th</sup> January 2018, to impose an Interim Suspension Order to suspend his employment without pay. In those circumstances and taking into account the hardship and damage to the Appellant's reputation that may occur, the Tribunal decided that they should make public their decision as quickly as possible. A full written decision will follow.

In reaching this determination, the Tribunal gave careful consideration to the issues put before the PPC, particularly those issues set out on page 5 of the Notice of Decision (Page 11 of the Trial Bundle) that reflect the issues set out in the "Legal Tests to be applied" under the NISCC publication of June 2015 'Indicative Sanctions and Use of Interim Orders: Guidance for Fitness to Practice Committees'.

Having had the advantage of hearing the evidence under Oath from Detective Constable Lee and balancing his evidence with the evidence, unsworn, unsigned and undated in his email dated the 19<sup>th</sup> December 2017 (Page 59 of the Bundle), the Tribunal came to the decision that it could give no evidential weight to any of the allegations upon which the PPC based their decision of 15<sup>th</sup> January 2018. This Tribunal also weighed the fact that the Appellant's employer, the Northern Health & Social Care Trust, decided to suspend the Appellant's employment without pay despite his exemplary employment history. The Tribunal took into account the character references supplied by the Appellant and included in the Trial Bundle.

**IT IS HEREBY ORDERED:**

Appeal allowed.

Neither party raised any other issues.



**STEPHEN G QUINN Q.C.  
CHAIRMAN OF THE CARE TRIBUNAL**

**SALLY O'KANE; HARRY MURRAY  
TRIBUNAL MEMBERS**