Notice of Decision

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The Charge considered by the Conduct Sub-committee is below followed by its decision.

The following Charge and decision may refer to the Scottish Social Services Council as “the Council” or “the SSSC”.

Charge

1. The Charge against the Registrant (as amended during the hearing) is that:

   i. between [dates], both dates inclusive, whilst employed as a Senior Care Worker at [care service], and during the course of that employment, she did:

      i. in respect of service user AA, between [dates]:

         a) move AA in a rough manner, causing her discomfort
         b) attach AA’s “cough assist machine” in a forceful manner, causing her discomfort
         c) speak in an inappropriate manner in the presence of AA, in that she did swear and make comments regarding acts of violence

      and in doing so, she caused AA to state that she no longer wished the Registrant to care for her

      ii. in respect of service user BB, on [date]:

         a) speak in an inappropriate manner in front of BB in that she did swear
         b) force medication into BB’s mouth
         c) administer medication to BB, having failed to read her care plan
         d) pull BB’s wheelchair away from a table, in a forceful manner, whilst she was sitting in it
         e) take BB to her bedroom, without explaining what she was doing

      and in doing so, she caused BB to become distressed

      iii. in respect of service user CC, on or around [date]:
a) speak to CC in an aggressive manner, whilst he was in the shower and tell him to “hurry up” or words to that effect
b) take CC out of the shower when he said he was not ready to come out
c) tell CC, when asked by CC to dry his eyes, “I am not paid to be your skivvy. If you want me to do something, you say please” or words to that effect

and in doing so, she caused CC to feel angry and frustrated and state that he no longer wished for the Registrant to care for him

iv. between [dates] fail to read the care plan for any service user within the [care service]

b. between [dates], both dates inclusive, whilst employed as a Senior Care Worker within the [care service], and during the course of that employment, she did:

i. between [dates], both dates inclusive, swear in the presence of service user GG

v. on various occasions between [dates], repeatedly fail to advise DT, a support team worker, or

vii. between [dates], both dates inclusive, shout at service user GG for using bad language and then shout at service user DD to ‘mind her own business’ when she commented about the Registrant shouting at GG

viii. on [date], behave in an inappropriate manner towards her colleague [initials redacted], in that she did shout at him

ix. between [dates], behave in an inappropriate manner whilst in the staff room in that she did shout and swear, “get out, get out, I hate this fucking place” or words to that effect

x. in respect of service user EE:

a) in or around [date], in the presence of service users DD and GG shout at service user EE and say, “if you have a problem then you should speak to me, not the other residents” or words to that effect

b) between [dates], both dates inclusive, when informed that EE felt unwell, state that EE was “a pretender” and “wanted attention” or words to that effect
xii. between [dates], both dates inclusive, shout at her colleague [initials redacted] in the presence of service user FF, stating that [initials redacted] should not have washed FF’s face without soap

xiii. between [dates], both dates inclusive, shout at her colleague, [initials redacted], because she had brought scrambled eggs from the kitchen, for the service users’ breakfasts, instead of cereals.

**Misconduct**

In terms of SCHEDULE 2, Paragraph 24(1) of the Rules the Sub-committee determined that on the facts found proved, with the exception of Charge 1 a (ii) e, found the Registrant had committed Misconduct in terms of the definition contained within Rule 2(1) of the Rules.

The reasons for the decision were that on the facts found she had contravened parts 1.1, 1.2, 1.3, 1.4, 2.2, 3.1, 3.8, 5.1, 5.2, 5.7, 5.8, 6.1, and 6.5 of the Scottish Social Services Council Code of Practice for Social Service Workers. Her conduct on the facts found fell short of the standard of conduct expected of a person registered with the Council. In particular, she had:

**AA**

1. Failed to treat service user AA as an individual; failed to respect and promote AA’s views; failed to maintain the dignity and privacy of AA; failed to communicate in an appropriate, open, accurate and straightforward way in relation to AA.

2. Failed to promote the independence of service user AA and failed to recognise and use responsibly the power that came from her work with AA.

3. Harmed or neglected AA.

4. Behaved in a way in work which called into question her suitability to work in social services in relation to AA. She also failed to meet relevant standards of practice and work in a lawful, safe and effective way all in relation to AA.

**BB**

5. Failed to treat service user BB as an individual; failed to respect and promote BB’s views and wishes; failed to support BB’s right to control her life and make informed choices. Failed to respect and maintain the dignity and privacy of BB and failed to communicate in an appropriate, open, accurate and straightforward way in relation to BB.
6. Failed to promote the independence of service user BB and failed to recognise and use responsibly the power that came from her work with BB.

7. Abused BB.

8. Exploited BB; put BB at unnecessary risk and behaved in a way in work which called into question her suitability to work in social services in relation to BB.

9. Failed to meet relevant standards of practice and work in a lawful, safe and effective way in relation to BB.

CC

10. Failed to treat service user CC as an individual; failed to respect and promote his views and wishes; failed to support CC’s right to control his life and make informed choices and failed to respect and maintain the dignity and privacy of CC.

11. Failed to communicate in an appropriate, open, accurate and straightforward way in relation to CC.

12. Failed to promote the independence of service user CC and failed to recognise and use responsibly the power that came from her work with CC.

13. Neglected CC.

14. Exploited CC and behaved in a way in work which called into question her suitability to work in social services in relation to CC.

15. Failed to meet relevant standards of practice and work in a lawful, safe and effective way in relation to CC and failed to work co-operatively with colleagues and treating them with respect.

Charge 1 a. iv.

16. Put all service users on [care service] at unnecessary risk; behaved in a way in work which called into question her suitability to work in social services and failed to meet relevant standards of practice and work in a lawful, safe and effective way in relation to those service users in relation to Charge 1 a. iv.

Charge 1 b. i.
17. Failed to communicate in an appropriate, open, accurate and straightforward way and behaved in a way in work which called into question her suitability to work in social services in relation to Charge 1 b.

i.

The Sub-committee also determined that the Registrant had not committed Misconduct in relation to Charge 1 a (ii) e) as the conduct, in the Sub-committee’s view, did not fall short of the standard of conduct expected of a person registered with the Council.

Sanctions

The decision of the Sub-committee was to make a Removal Order in terms of SCHEDULE 2, Paragraph 26 (2) (f) of the Rules.

In reaching its decision the Sub-committee took account of the factors set out in SCHEDULE 2, Paragraph 26 (3) (a) – (e) of the Rules. It also took account of the “Indicative Sanctions and use of Interim Orders: Guidance for Sub-committees” document dated March 2012.

The reasons for the Sub-committee’s decision were:

1. The Sub-committee considered that the Registrant behaved in a way, inside her work, which called into question her suitability to work in social services. Her Misconduct was extremely serious. The conduct as proved occurred over an extended period of time over two units in the care centre covering five out of six sections of the Code of Practice. Her actions related to extremely vulnerable service users, all of whom were profoundly disabled and/or unable to communicate. The incidents specified in the Charge as proved were very significant. They involved verbal and/or physical abuse and/or neglect of those extremely vulnerable service users in the care of the Registrant across her whole practice. The allegations as proved showed a fundamental and complete disregard for the rights, safety and wellbeing of service users.

2. The Registrant’s behaviour as proved was the exact opposite of appropriate care. Whilst not premeditated her actions were wholly unacceptable reactions to those extremely vulnerable service users and fell well below the standard to be expected. In particular, she failed to adhere to the core values expected of a social service worker. Her actions failed to respond to the specific and personal needs of the particular service users. In her behaviour, as proved, she exposed all ten service users in one unit to potential harm by her failure to read their care plans and AA, BB and CC to actual as well as potential harm. In reaching this decision the Sub-committee were careful to exclude the failure to be aware of BB’s medication in their consideration of the general Charge of a failure to read the care plans for service users in that unit. Her behaviour, which comprised an abuse of power on a number of occasions and in a
number of ways, as proved, was fundamentally incompatible with remaining on the Register.

3. The Registrant failed to display any insight, remorse or regret in relation to her actions, other than acknowledging to her employer that on one occasion she had sworn in front of AA and had apologised at the time. She also accepted in the documentation provided that some of the allegations put to her, if correct, were unacceptable. There were a number of extremely serious departures from the relevant professional standards set out in the Code of Practice for Social Service Workers which called into question her suitability to work in social services. Her actions displayed a profound breach of trust in caring for particularly vulnerable service users.

4. The Registrant denied all of the allegations and did not attend the hearing. Other than a brief response contained in the papers she did not produce any evidence of regret or remorse before the Sub-committee. It could not be satisfied that her conduct would not be repeated. There was no other way to protect the members of the public, other than to make a Removal Order. Further, given the Misconduct found, the public interest in maintaining confidence in social services would be undermined were a Removal Order not made.

5. The Sub-committee considered the other potential sanctions available including taking no action but decided that these sanctions were not sufficient and would not satisfactorily address all areas of concern while effectively protecting the public.

a. A warning would not adequately protect members of the public and the wider public interest. There was evidence there had been an impact on the three service users. The Sub-committee was very concerned about the risk of recurrence of the Registrant’s behaviour, with risk of harm to members of the public, including, in particular, extremely vulnerable service users. The Sub-committee noted she had no previous negative history with the Council. There was no information of any previous history with her former employer, save that she was dismissed in relation to the allegations as proved. She had not provided any testimonials or references. She denied the allegations, as she was entitled to do. However, she was not in attendance and there was no evidence before the Sub-committee of her having real insight into her failings or of a willingness to change her behaviour. In addition there was no evidence of any remedial action which could be taken to address the behaviour with a view to minimising the risk of the conduct being repeated, even though she had made it clear she did not wish to return to social services.

b. The Sub-committee considered very carefully the imposition of conditions. Having done so it was clearly of the view that the imposition of
conditions was not workable, enforceable or appropriate. The Sub-committee was not aware of her present employment. She had not indicated any willingness to adhere to any conditions imposed. Further, the breadth, depth and nature of the Misconduct found could not easily be addressed by the imposition of conditions.

c. For the reasons given at paragraphs (a) and (b), the Sub-committee considered that a combined sanction of warning and conditions was not appropriate or sufficient.

d. The Sub-committee considered that the making of a Suspension Order would not adequately protect members of the public and the wider public interest. The public would expect such extremely vulnerable service users to be cared for properly and not in the manner found proved here. The Misconduct found was extremely serious. There was no acknowledgment of failings and the Sub-committee could not be satisfied that the behaviour was unlikely to be repeated. There was no evidence to demonstrate that the Registrant would be able to resolve or remedy the cause of the Misconduct during the period of any suspension given her denial of the allegations. The allegations as proved went to the heart of the core values required of a support worker in a care home service for adults and displayed profound attitudinal problems.

e. For the reasons given at paragraphs (b) and (d), the Sub-committee considered that a combined sanction of suspension and conditions was not appropriate or sufficient.

6. Having regard to the principle of proportionality, the Sub-committee was satisfied that any prejudice to the Registrant in making a Removal Order was outweighed by the need to protect members of the public and the wider public interest. The Sub-committee recognised that the making of a Removal Order would prevent her obtaining similar employment elsewhere, with potential financial and professional consequence. Her employment position was presently unknown other than the indication that she did not intend to return to the care sector. The Sub-committee had no evidence of mitigation or insight. The Sub-committee was however satisfied that a Removal Order was a proportionate response to the Misconduct found and the risks which that conduct created and the continuing risk due to her lack of insight.