Notice of Decision

<table>
<thead>
<tr>
<th>Part of Register</th>
<th>Practitioners in Day Care of Children Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanction</td>
<td>Removal</td>
</tr>
</tbody>
</table>

This is notice of a decision of the Scottish Social Services Council (the Council).

Decision

The Council decided:

1. that on the findings of fact as set out in the Charge, the Registrant had committed Misconduct, as defined in Rule 2(1) of Part 1 of the Scottish Social Services Council (Conduct) Rules 2013 (the Rules)

2. to make a Removal Order removing her registration from the part of Register for Practitioners in Day Care of Children Services maintained by the Council

Charge

1. The Council decided that there is evidence that whilst working as 0-2s Room Leader and Assistant Manager at [care service], the Registrant failed in her duty of care to service users in that she did:

   a. in around [date], handle service user AA (aged approximately 14 months) in an inappropriate manner by placing her roughly on the floor and causing her to become upset

   b. between [dates], hold service user BB (aged approximately 7 months) too tightly and failed to loosen her grip or comfort BB despite her screaming in distress

   c. on [date], throw a staff jumper over service user CC (aged approximately 13 months) and stated he was “a horrible child” or words to that effect

   d. on [date], remove a water bottle from service user DD (aged approximately 12 months) and squirt water from it into his face and then at two other service users nearby
e. on 15 September 2011, use inappropriate language towards CC in that she stated “I’m glad am only in one day with that” or words to that effect

f. on an unknown date, use inappropriate language towards service user CC (aged approximately 13 months) in that she referred to CC as “it”

g. on an unknown date, hold service user EE, who was distressed and struggling and said to staff “she needs to learn” or words to that effect, making no attempt to comfort EE.

**Reasons for the finding of Misconduct**

The Council decided that:

1. You committed Misconduct because:

   a. service users have the right to expect that they will be treated with dignity and respect and protected from harm by the social service workers in whom they place their trust and confidence. By placing service user AA roughly on the floor and squeezing service user BB too tightly, she inappropriately handled children in her care, causing them distress. She therefore breached that trust and confidence, misused her power, abused her position and placed service users at risk of physical and emotional harm.

   b. By verbally abusing service users in her care and failing to treat them with dignity, in particular referring to service user CC as “it”, she failed to work to the standard expected of a registered worker and caused emotional distress to those service users. Also, by squirting water into the face of service user DD, she physically harmed him and two other service users, and failed to respect and maintain their dignity. Again she breached the trust placed in her by these service users.

   c. Furthermore, the Registrant failed to comfort service user EE when she was upset. This behaviour is likely to cause emotional distress to service users and is a failure to ensure their welfare, health and safety. She abused the trust of parents who left their young children in her care.

   d. The behaviour set out in the charge represents a pattern of dangerous behaviour which is likely to cause physical and emotional
harm to service users in her care. As an Assistant Manager and Room Leader she was acting as a role model to other members of staff and was expected to provide guidance to less experienced members of staff. Her behaviour is below the standard expected of a social service worker who works with young service users and is incompatible with someone registered with the Council.

2. She breached parts 1.4, 2.1, 2.2, 2.4, 3.3, 3.8, 5.1, 5.3, 5.7, 5.8, 6.1 and 6.5 of the Scottish Social Services Council Code of Practice for Social Service Workers.

Sanction

The Council decided to make a Removal Order, removing her registration from the Register maintained by the Council.

Reasons for the Sanction

When reaching its decision the Council considered the following factors:

- **Factors of concern**
  - There was a pattern of behaviour over several days/weeks
  - There was a risk of potential harm to service users as a result of the behaviour; including physical, emotional and psychological distress to children
  - There is evidence that service user CC was scared by her when she threw the hoodie onto his head and therefore suffered direct emotional harm
  - The offences were committed at work
  - She has abused the trust of employers and parents
  - Her behaviour represents a serious disregard for the Code of Practice
  - The evidence suggests there is a potential attitudinal issue towards very young children
  - Her behaviour is fundamentally incompatible with continuing to be a social service worker
• **Factors in her favour**
  
  o She worked for a period of 4-6 months in a similar job for a new employer who had no concerns about her practice
  
  o She has cooperated with the Council
  
  o She has a good previous history in relation to employment matters and with the Council
  
  o As she is no longer working in the sector and does not wish to renew her registration, the risk of her repeating the behaviour is likely to be low

**Reasons why other Sanctions are not appropriate**

• A warning is not appropriate as it would not adequately address the seriousness of the misconduct. It would not offer sufficient protection to service users or the public.

• A condition would be inappropriate because the type of behaviour at issue is not the type of behaviour which conditions would rectify. She is not currently working in the sector and accordingly a condition would not be workable or enforceable. There is no evidence to suggest that she would comply with any condition imposed by the Council.

• A warning plus conditions is not appropriate due to the reasons outlined above

• A suspension order would be inappropriate as the misconduct is fundamentally incompatible with continuing registration. The interests of service users and the public would not be sufficiently protected by any period of suspension. There is no evidence that a period of suspension would allow her to remedy the cause of the misconduct.

• For the reasons outlined above a Suspension Order plus Conditions would not be appropriate.

• Accordingly the Council considers that a Removal Order is the most appropriate sanction.
• A Removal Order is both necessary and justified in the public interest and to ensure the continuing trust and confidence in the social service profession, in the Council as regulator and in the integrity of the statutory Register

Matters taken into account

In coming to its decisions, the Council had regard to these documents:

• the Regulation of Care (Scotland) Act 2001
• the Scottish Social Services Council (Conduct) Rules 2013 SCHEDULE 2 Paragraph 26 and
• the “Indicative Sanctions and use of Interim Orders: Guidance for Sub-committees” dated March 2012.