**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**

The Charge against the Registrant was that whilst employed as a Supervisor at [care service], and during the course of that employment the Registrant did:

a. on or around [date] abuse and harm service user AA

   i. use verbally abusive language towards service user AA in that she did say “you don’t intimidate me you dick” or words to that effect

   ii. physically restrain service user AA by holding his hands to his waist

b. on or around [date]:

   i. shout to her colleague GG “get him out of here” or words to that effect in relation to service user AA, who had mistaken the nurse’s station for the toilet

   A. and in doing so failed to meet relevant standards of practice

   ii. shout to her colleague GG “get him away from me” or words to that effect in relation to service user AA

   A. and in doing so she failed to meet relevant standards of practice

c. on or around [date]:

   i. fail to record that service user AA had raised his arms and in particular did not complete an incident form

   A. and in doing so she breached her employer’s Incident Policy

d. on dates prior to [date], physically and verbally abuse service users and in particular:
i. hit BB on the back of the head with a slipper

ii. say “I hate that old bastard” or words to that effect regarding service user BB

iii. say “I can’t stand that woman, she’s a fat lazy excuse of a woman” or words to that effect regarding service user CC

e. on or around [date] neglect service user DD and in particular:

i. dispose of his evening meal in the bin

ii. state “if anyone asks, I fed him” or words to that effect

A. and do so in the knowledge that DD was unable to communicate

f. on or around [date] note in service user DD’s notes that he had received a full dinner when she had disposed of his evening meal in the bin without having offered it to him

i. and in doing so she was dishonest

g. between [date] fail to provide appropriate levels of care to service users CC and EE by:

i. repeatedly failing to provide service user CC with cups of tea when she requested them

ii. repeatedly stating to CC “no, you’re not getting any more” or words to that effect when CC requested cups of tea

iii. repeatedly failing to assist service user EE to the toilet when she asked her to take her to the toilet

h. between [date] use verbally abusive language towards service user FF in that she did say:

i. “the quicker you die, the better” or words to that effect

ii. “you’re evil” or words to that effect

iii. “you’re an old bitch” or words to that effect

i. on a date meantime unknown to the Council state to a colleague II “I’d have her sitting in that fucking chair. I know exactly how I need to behave” or words to that effect, when referring to a service user
i. and in doing so she did communicate in an abusive manner regarding a service user.

**Misconduct**

In terms of SCHEDULE 2, Paragraph 24(1) of the Rules, the Sub-committee determined that on the facts found proved the Registrant had committed Misconduct in terms of the definition contained within Rule 2(1) of the Rules. The reasons for the decision were:

1. In relation to the facts proved in respect of the Charges, the Sub-committee considered that the Registrant had contravened parts 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 2.4, 5.1, 5.7, 5.8, 6.1 and 6.2 of the Code of Practice for Social Service Workers. The Sub-committee considered that the Registrant’s conduct on the facts found fell 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)-(d) of the Rules. It had regard to the Regulation of Care (Scotland) Act 2001. It took account also of the “Indicative Sanctions and use of Interim Orders: Guidance for Sub-committees” document dated March 2012.

The Sub-committee accepted the legal advice given to it by the Legal Adviser.

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

1. In light of the serious nature of Misconduct found, the Sub-committee considered that a sanction required to be imposed.

2. The Sub-committee started with a consideration of the least restrictive sanction. The Sub-committee considered that the less restrictive sanctions were not appropriate or sufficient. They would not satisfactorily address all areas of concern while effectively protecting members of the public and serving the public interest.

   a. A warning was not appropriate or sufficient. The Misconduct found was at a higher spectrum of Misconduct. A warning would not adequately protect the public or the wider public interest. The Misconduct found involved dishonesty. It also involved placing vulnerable service users at considerable risk of harm. The behaviour was not an isolated incident, but presented as a pattern of conduct.
showing disregard to dignity, safety and wellbeing of the service users over a number of years. The Sub-committee found no mitigating factors in the Registrant’s favour.

b. Conditions were not workable or enforceable. Conditions would not adequately protect service users, the public or the wider public interest. Misconduct found did not relate to shortcomings in one specific area of the Registrant’s practice at work. It involved, in part, dishonesty. The Sub-committee considered that the Misconduct found could not readily be addressed by the imposition of conditions, which would therefore place service users and others at risk if the Registrant’s Registration were to continue.

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 the public from risk of harm. The Misconduct found was very serious. The Registrant’s pattern of behaviour over a number of years created a risk of repetition of the Misconduct found. The Sub-committee did not consider that there was genuine potential for the Registrant to remedy the underlying cause of the Misconduct found over a period of any suspension. Fundamentally, the Misconduct was incompatible with being a social care worker.

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

3. In making a Removal Order, the Sub-committee considered that the Registrant’s behaviour was fundamentally incompatible with being a social care worker. The Misconduct constituted a serious departure from the standards expected of a social care worker. The Sub-committee considered that there was no other way to protect the public and serve the wider public interest.

The Misconduct found was very serious, wide ranging and had persisted over a number of years. The Registrant’s behaviour placed the service users and others at unnecessary risk of serious harm. Many of the Registrant’s failings struck at the core of her role as a social care worker. Given the seriousness and nature of the Misconduct found, the public interest in maintaining confidence in the Register and the Council as the regulator would be undermined were a Removal Order not made.

4. Having regard to the principle of proportionality, the Sub-committee was satisfied that the hardship to the Registrant in making a Removal Order was outweighed by the need to protect members of the public and the
wider public interest. In reaching its decision the Sub-committee carefully considered the provisions of the “Indicative Sanctions and use of Interim Orders: Guidance for Sub-committees”. The Sub-committee was satisfied that a Removal Order was a proportionate response to the Misconduct found and the risk which that conduct creates. There was no other way to protect members of the public and to maintain confidence in the Register and the Council as the regulator.