

## Notice of Decision

<b>Registrant</b>	Toni Murrie
<b>Registration number</b>	2063695
<b>Part of Register</b>	Social Workers
<b>Town of employment</b>	Dundee
<b>Sanction</b>	Warning to stay on your registration for a period of four years and condition imposed
<b>Date of effect</b>	16 May 2019

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

### Our decision

We decided:

1. that based on the facts found your fitness to practise is impaired, as defined in Rule 2 of Part 1 of the Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017
2. to place a warning on your registration, on the part of the Register for Social Workers, for a period of four years
3. to place a condition on your registration, on the part of the Register for Social Workers, which you must meet in the next twelve months.

### Findings of Fact

We decided that there is evidence that between on or around 24 June 2016 and on or around 21 September 2016, while employed by Dundee City Council as a social worker, and during the course of that employment, you did:

1. as the allocated worker for sibling service users Child A1 (aged five) and Child A2 (aged one):
  - a. on dates between on or around 24 June 2016 and on or around 3 August 2016, fail to raise any matters as a potential child protection issue to your manager, despite:

- i. you noting bruising on Child A2's forehead on or around 24 June 2016
- ii. you noting bruising on Child A2's face on or around 6 July 2016
- iii. you noting bruising on Child A2's head on or around 13 July 2016
- iv. Health Visitor ZZ advising you on or around 14 July 2016 that the children's mother had given her a different explanation for the bruising referred to at 1.a.iii. above to the explanation she had given you
- v. Health Visitor ZZ and YY advising you on or around 14 July that they had carried out a visit at 11am and found a man in the house believed to be under the influence of cannabis and the children's mother still in bed
- vi. you noting a scratch on Child A2's head on or around 28 July 2016
- b. between on or around 24 June 2016 and on or around 4 August 2016, fail to contact Community Psychiatric Nurse XX to confirm the children's mother's account of 1.a.i. above, when the children's mother had told you XX was present when the bruising was caused, or in the alternative, fail to record any contact you made in this regard
- c. between on or around 6 July 2016 and on or around 4 August 2016, fail to contact Community Psychiatric Nurse XX to confirm the children's mother's account of 1.a.ii. above, when the children's mother had told you XX was present when the bruising was caused, or in the alternative, fail to record any contact you made in this regard
- d. on or around 4 August 2016, during a home visit to the family, where:
  - A. Child A2 had a black eye;
  - B. three unknown males had been found upstairs in the house causing Child A1 distress; and
  - C. the children's mother and her partner had not been truthful with you about the three males' presence in the house:
- i. fail to obtain the names of the three males
- e. on dates between on or around 4 August 2016 and on or around 5 August 2016, following the home visit described at 1.d. above, fail to report any of the issues to your manager as potential child protection concerns

- f. on or around 5 August 2016, leave the office to visit the family home of the children alone when you had been instructed by your manager WW to visit with another worker
- 2. as the allocated worker for Child B (aged 14):
  - a. following a meeting that you and your colleague, family support worker VV, had with Child B on or around 13 June 2016, when Child B reported historic physical and sexual abuse to you, fail to record this meeting or ask VV to record the meeting until on or around 6 September 2016
  - b. on or around 4 July 2016, during a home visit to Child B with your colleague UU, having had concerns reported to you by Child B's foster carer on or around 1 July 2016 about Child B having a cigarette burn on her hand, fail to discuss these concerns with Child B
  - c. fail to take appropriate action upon receipt of an email from your colleague TT, sent on or around 7 July 2016 and received by you on your return from annual leave on or around 12 July 2016, stating that Child B wished to make a report to the police regarding the allegation of historic physical and sexual abuse that Child B had previously reported to you, and specifically did:
    - i. fail to report this to your manager or duty manager until on or around 29 July 2016
    - ii. fail to take steps to ensure Child B was supported to report the allegations to the police
    - iii. fail to meet with Child B until on or around 18 July 2016
    - iv. during your meeting with Child B on or around 18 July 2016, fail to discuss her decision to report the matter to the police, or in the alternative, fail to record that you had discussed this
  - d. fail to take any follow up action after you noted three cigarette burns on Child B's arm on or around 18 July 2016 that Child B advised had been caused by a friend, or in the alternative, fail to record any action you took
- 3. between on or around 12 July 2016 and on or around 21 September 2016, in regard to service user Child C (aged 11/12), allow and facilitate contact between Child C and extended family members, when it had previously been specifically agreed that Child C was only to have contact with her parents, her sister GG, GG's partner and children, and her maternal grandparents, without undertaking any assessment of the impact of this

and whether or not it would be in Child C's interests, or in the alternative fail to record any assessment you undertook, and in particular, you did:

- a. on or around 13 July 2016, telephone KK, Child C's paternal grandmother to invite her to Child C's birthday contact
  - b. on or around 20 July 2016, take steps to arrange telephone contact between Child C and her previous foster carers
  - c. on or around 22 July 2016, fail to take any action when Child C's mother's partner, FF, and Child C's paternal great grandmother, LL, were present at Child C's birthday contact
  - d. fail to take any action following correspondence with workers at Child C's residential unit between on or around 1 August 2016 and on or around 8 August 2016 regarding Child C having had telephone contact with her former foster carers and this having led to Child C becoming fixated with their grandson NN
  - e. on or around 8 September 2016 email Child C's key worker advising she could arrange telephone contact with Child C's paternal grandmother and paternal great grandmother
4. by your actions at 3. above, cause Child C distress

### **Reasons for the finding that your fitness to practise is impaired**

1. Your fitness to practise is impaired because:
  - You failed to carry out duties which could have had serious consequences for the protection of vulnerable young people. Service users have the right to expect that the care they receive from social service workers, in whom they place their trust and confidence, will protect them from harm. Your behaviour relating to Children A1 and A2 was a failure to follow up on potential child protection matters. This was grossly negligent and as a result of your inaction, Children A1 and A2 were left in an environment where they may have been being abused. In such circumstances, they could have suffered serious harm.
  - Your actions in relation to Child B were also negligent and could have caused serious emotional harm to Child B. She had made a very difficult decision to report historic sexual abuse to the police. Your failure to support her in this matter could have undermined her trust in social services and made her less likely to seek help in future. This, in turn,

could have placed her at further risk of harm. If you did have further discussions with Child B about this matter and failed to record these, then this is still a serious matter. This was a major event in Child B's life, and as such, the full details of it should have been recorded.

- Social workers are required to operate within frameworks of individual and organisational responsibility, accountability and practice governance, in order to ensure that their practice is, and continues to be, competent, lawful, effective and safe. Your failure to follow the agreed plan regarding contact between Child C and her family fell short of this standard and caused Child C emotional harm.

2. In relation to allegations 1-4 you have failed to follow parts 1.2, 1.3, 2.1, 2.2, 2.4, 2.5, 3.1, 3.8, 4.2, 4.3, 4.4, 5.1, 5.7, 5.8, 6.1, 6.2 and 6.6 of the SSSC Code of Practice for Social Service Workers in force prior to 1 November 2016.

### **The sanction**

After referring to our Decisions Guidance, we decided that the appropriate sanction is to place a warning on your registration for a period of four years and the condition set out below.

### **The condition**

The condition placed on your registration is as follows:

Within one month of the condition coming into effect, you must submit supervision notes to the SSSC. Your notes must be to the satisfaction of the SSSC, and should specifically cover:

- i) You are required to have monthly supervision and submit your notes to SSSC for a period of 12 months. The notes should be submitted monthly for the first six months and two monthly thereafter for a further period of six months. These supervisions and notes should focus on child protection, case recording, risk assessment/management of your cases, children/young people's views being sought and reassurance that a thorough assessment of any visits are being carried out.

Within three months of the condition coming into effect, you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC and should specifically cover:

- i) How you failed to undertake your duties as a social worker and take appropriate action in relation to child protection matters, relating to

two children (siblings), and failed to raise any matters as a potential child protection to your manager and record appropriate details of home visits when you were the allocated lead professional and failed to comply with your statutory duties to continuously review and assess risk.

- ii) How you failed to follow correct procedures after a service user made allegations of sexual abuse and said that she wanted to speak to the police about this when you were assigned lead professional between June and August 2016, and failed to comply with your statutory duties to continuously review and assess risk, and how this calls into question your suitability to work in social services.
- iii) How you failed to follow contact arrangements that were in place for a service user and her extended family, which caused the young person distress and exacerbated issues for her and what steps you will take to make sure any contact arrangements are carried out as required, and that these visits are recorded accurately and timeously so that the SSSC can be assured the risk of repetition of this conduct is addressed.
- iv) Why your actions would put the reputation of the profession at risk with service users, families and carers and the wider public.
- v) Why it is important to comply with the SSSC Codes of Practice at all times.
- vi) What you have learnt since these incidents and how the SSSC can be assured that you will not repeat the offences above.

This reflective account is required **in addition** to your ongoing PRTL registration requirements.

### **Reasons for the sanction**

When making our decision we considered the following factors:

- **Factors of concern**
  - While you have expressed regret and remorse over your actions in some areas, you have also sought to minimise your responsibility in other areas and have at times sought to apportion blame elsewhere. You have acknowledged little wrongdoing in the cases of Child B and Child C.

- The behaviour under consideration is all linked to key parts of the social worker role.
- There was a pattern of behaviour.
- Your actions led to harm being caused to service users, and there was the potential for this harm to have been far more serious.
- **Factors in your favour**
  - You have had no previous disciplinary issues.
  - You have cooperated with the SSSC's investigation.
  - We have received a positive reference from your employer.

### **Documents we have referred to**

When making our decision, we referred to the documents:

- Regulation of Care (Scotland) Act 2001.
- Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

### **Acceptance of the warning and condition**

Having been advised of the consequences of accepting or not accepting the warning and condition, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the warning and condition on 26 April 2019.

### **Date of effect**

The notice comes into effect on 16 May 2019.