

Notice of Decision

Registrant	Elizabeth Walker
Registration number	3044033
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Edinburgh
Sanction	Removal
Date of effect	16 September 2023

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 and the Fitness to Practise (Amendment) Rules 2021
2. to impose a Removal Order removing your registration from the part of the SSSC Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that on or around 25 March 2022 while employed as a Care Assistant by Randolph Hill Nursing Homes (Scotland) Limited at Blenham House Care Home in Edinburgh, and during the course of that employment, you did:

1. consume alcohol during your shift
2. in relation to colleague ZZ:
 - a. shout at ZZ 'If you want to go, then go. Fuck off man' or words to that effect
 - b. say to ZZ in a raised voice 'how dare you leave a resident's room and resident in that state' or words to that effect

- c. say to ZZ that she would 'never be allowed to work in Blenheim again' or words to that effect
 - d. point and wag your finger at ZZ
- 3. by your actions at 1 and 2, cause alarm to colleague ZZ
- 4. in the presence of colleagues, shout 'Fuck's sake I don't want to be here, who the fuck am I, who the fuck does she think she is' or words to that effect
- 5. when colleague YY told you he was in the toilet you wished to use, say to colleague YY 'I am going to kick your fucking arse' or words to that effect

and in light of the above your fitness to practise is impaired because of your misconduct.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. in accordance with the Codes of Practice, social service workers must work openly with and cooperate with colleagues and treat them with respect. Social service workers must not put others at unnecessary risk and must not behave in a way which would bring their suitability to work in social services into question. You consumed alcohol during your shift which impacted your judgment and behaviour towards colleagues. You raised your voice and swore at colleagues ZZ and YY. Your behaviour towards colleague ZZ caused alarm to her.
 - b. consuming alcohol affects your judgement, co-ordination and behaviour. You consumed alcohol and interacted with colleagues and service users while under the influence of alcohol. Service users and colleagues were placed at serious risk of physical and emotional harm due to your inability to communicate and move around safely. Your behaviour breached the trust placed in you by your employer, the SSSC and the general public.
2. You have failed to follow parts 2.1, 2.2, 3.8, 5.1, 5.7, 5.8, 6.1 and 6.5 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

Sanction

After referring to our Decisions Guidance, we decided to impose a Removal Order, removing your registration from the SSSC Register.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour took place during the course of your employment and had a direct impact on your colleagues.
- Although the actual harm caused was minimal and limited to causing alarm to colleague ZZ, there was a real risk of serious harm to service users as a direct result of your behaviour.

Factors in your favour

- You have not come to the attention of the SSSC during your registration from January 2019 until now.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is extremely serious and it would give no protection to service users or the public.
- A condition would not be appropriate because the type of behaviour at issue is not the type of behaviour which conditions would rectify and you are not currently working in the sector.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration and the interests of people who use services and the public would not be sufficiently protected by any period of suspension.
- For the reasons outlined above a Suspension Order plus conditions would not be appropriate.
- The SSSC considers a Removal Order is the most appropriate sanction as it is both necessary and justified in the public interest and to maintain the

continuing trust and confidence in the social service profession and the SSSC as the regulator of the profession.

Documents we have referred to

- The 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 and the Fitness to Practise (Amendment) Rules 2021.
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Imposing the Removal Order

Under the Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended by the Fitness to Practise (Amendment) Rules 2017 and the Fitness to Practise (Amendment) Rules 2021, we can impose a Removal Order if you do not ask for a hearing before a Fitness to Practise Panel.

We wrote to you on 23 June 2023 to tell you we wanted to place a Removal Order on your registration. After explaining the consequences and recommending you take legal advice, you have not asked for the case to be referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this Removal Order.

Date of effect

The notice comes into effect on 16 September 2023.