

Notice of Decision

Registrant	Annabel Maria
Registration number	3063422
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Ellon
Sanction	Removal
Date of effect	18 April 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 make 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 that there is evidence that while employed as a Carer by Mr and Mrs K Winton, a Partnership, at Bonnyton House in Ellon, and during the course of that employment you did:

1. in relation to resident AA who had dementia:
 - a. on exact date unknown around 27 February 2017:
 - i. shout at AA
 - ii. refuse to dry AA's back following a bath
 - b. on a date or dates unknown to the SSSC:
 - i. shout at AA for putting sugar in her tea

- ii. shout at AA where to sit
- 2. on or around 10 June 2017, while providing care to resident BB:
 - a. say "right, that's it" or words to that effect, in a raised voice, in response to BB not cooperating with you while you were dressing BB.
 - b. pull BB's arm roughly while dressing her
 - c. tell BB:
 - i. you were her teacher, or words to that effect
 - ii. she had to do what you said, or the head teacher would come and get her into trouble, or words to that effect
 - iii. her daddy would come and shout at her, or words to that effect
- 3. on a date or dates unknown to the SSSC, say to resident CC, "oh CC shut up" or words to that effect
- 4. with respect to resident DD:
 - a. on a date or dates unknown to the SSSC:
 - i. when speaking to colleagues, call DD a "fucking c**t", or words to that effect
 - ii. on an unknown number of occasions, refuse to let DD go outside when he requested to do so
 - b. on 7 February 2017, 13 February 2017, 12 July 2017 when DD was displaying agitated behaviour, fail to follow guidelines that were in place to calm his behaviour, namely administering half of a Lorazepam tablet, in that you administered a whole Lorazepam tablet
- 5. in respect of resident EE:
 - a. on a date or dates unknown to the SSSC:
 - i. shout "how dare you" or words to that effect after EE tapped you on the back of your hand
 - ii. tap the back of EE's hand in response to her doing the same to you
 - b. on or around 2 August 2017:
 - i. refuse to let EE go outside when she requested to do so
 - ii. shout "no you can't" or words to that effect at EE
 - iii. physically move EE away from the door and into a chair

c. by your actions at a. to c. above, cause distress to EE

6. on or around 16 February 2016, transfer resident GG, who had dementia, from a chair to a toilet and take her trousers down without speaking to her or letting her know what you were doing

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

Reasons for the finding that your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. people who use services, their families and carers, and the wider public, have the right to expect that social services workers, in whom they place their trust and confidence, to work responsibly. They have the right to expect that people who use services will be treated with dignity and respect and protected from any risks of harm. You have significantly breached this trust and confidence placed in you.
- b. the SSSC considers the behaviour is highly serious and represents repeated episodes of you failing to treat users of services with dignity and respect. You have failed to provide an acceptable level of care, and some users of services suffered emotional harm as a result of your behaviour. The SSSC considers that your behaviours are not practice based errors, but attitudinal in nature, and so are not easily remediable.
- c. the behaviours displayed did not occur as part of an isolated incident, but rather formed a pattern of unacceptable behaviour. The behaviours amount to breaches of fundamental tenets of the profession upon which remediation would have little to no impact. You have offered no insight or reflection for this behaviour. To the SSSC's knowledge, you have failed to remediate your behaviour. Notwithstanding the lapse in time since the behaviours, there is no information upon which the SSSC can take assurance that the behaviour will not be repeated.

- d. the SSSC considers that as the identified behaviour is attitudinal in nature and has been seen to cause emotional harm, with a high risk of physical harm, there is a clear need to protect people who use services. The behaviour is of such a serious nature and would undermine public confidence in you as a social service worker, and in the social services profession should you continue to practice. The reputation of the profession is damaged by the behaviours displayed, and the SSSC as an effective and safe Regulator is expected to take appropriate action. Thus, there is a clear need to re-emphasise to you that there are standards of conduct which require to be maintained. Accordingly, your fitness to practise is currently impaired.
2. You have failed to follow parts 1.2, 1.3, 1.4, 2.2, 2.4, 3.8, 3.10, 5.1, 5.7, 5.8, 6.1, 6.2 of the Scottish Social Services Council Code of Practice for Social Service Workers in force prior to and from 1 November 2016

Sanction

After referring to our Decisions Guidance, we decided to make 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

- the pattern of behaviour occurred inside of work and are of a significant seriousness
- there was emotional harm and a high risk of physical harm from your behaviour
- the behaviour is a pattern of behaviour

Factors in your favour

- the SSSC has not received any previous referrals regarding your conduct
- you have cooperated with the investigation by submitting a personal statement form

Reasons why other sanctions are not appropriate

- A warning would not be appropriate because the behaviour is serious. The behavioural issues identified are fundamentally incompatible due to you not providing an acceptable level of care. A warning would not address the concerns with and risks of your behaviour in this case.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practice is impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify. The SSSC is currently unaware if you are working in the sector, and so a condition would not be workable or enforceable, and there is no evidence to suggest that you would comply with any condition placed on you by the SSSC.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A suspension order would not be appropriate as your behaviour/impairment of your fitness to practice is fundamentally incompatible with continuing registration. The interests of people who use services and the public would not be sufficiently protected by any period of suspension. There is no evidence that a period of suspension would allow you to remedy the cause of the impairment of your fitness to practise. The pattern of behaviour suggests the behaviour is likely to be repeated.
- For the reasons outlined above a suspension order plus conditions would not be appropriate.
- The SSSC considers that 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.

- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the Removal Order

Having been advised of the consequences, and recommended to take legal advice, you admitted the facts and that your fitness to practise is impaired and accepted the Removal Order on 26 March 2019.

Date of effect

The notice comes into effect on 18 April 2019.