

Notice of Decision

Registrant	Gillian Lesley Ash
Registration number	3054088
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Inverness
Sanction	Warning to stay on your registration for a period of 24 months and condition imposed
Date of effect	6 February 2021

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 Support Workers in a Care Home Service for Adults, for a period of **24 months**
3. to place a condition on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults, which you must meet within 3 months of commencing any future employment as a Support Worker in a Care Home Service for Adults.

Findings of Fact

We decided that there is evidence that:

While employed as a Support Worker by a service in Inverness, and during the course of that employment, you did:

1. on or around 24 October 2018, in relation to service user AA, who had been the subject of harmful behaviour:

- a. state to colleagues ZZ and YY, in relation to AA, "AA's an idiot, a (protected characteristic) idiot, and deserves everything that AA got" or words to that effect
 - b. act in a way as set out in allegation 1.a. above that was motivated by prejudice on the basis of AA's (protected characteristic)
2. between on or around 26 October 2018 and on or around 28 October 2018:
 - a. in relation to various unidentified colleagues, state to colleague XX in an aggressive manner, "I could get 20 of my family around to their door and shank them" or words to that effect
 - b. when speaking with XX about colleague WW:
 - i. state to XX, "WW is an ignorant cow" or words to that effect
 - ii. state to XX in an aggressive manner, "I want to boot WW in the fanny" or words to that effect
 - c. when speaking with XX:
 - i. state to XX in an aggressive manner, "do not try to fucking read me" or words to that effect
 - ii. point your finger at XX in an aggressive manner
 - d. by your behaviour as set out in allegations 2.a. to 2.c. above, cause XX to be in a state of distress

and in light of the above, your fitness to practise is impaired because of your misconduct as set out in allegations 1 to 2 above.

Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - Social service workers are under a duty to treat colleagues and service users with respect. By acting in an aggressive manner towards colleague XX, causing XX to be in a state of distress, and by speaking in a derogatory manner about service user AA's (protected characteristic) and saying AA deserved to be the subject of harmful behaviour, you behaved in a manner that fell below the standards of conduct expected of workers registered with the SSSC.
 - You have not engaged with the SSSC's investigation and have not provided the SSSC with any evidence of insight, regret, and apology in

relation to your behaviour. Your behaviour indicates that you struggle to effectively deal with ordinary workplace stressors and that you have difficulty in regulating your emotions. The SSSC cannot take any reasonable assurances that you have corrected the issues that led to your behaviour. As such, it is considered that you would repeat your behaviour should you encounter similar circumstances in the future. Such repetition would place further people at the risk of potential harm.

- The SSSC has a duty to uphold proper standards of conduct and behaviour from social service workers. SSSC registration provides members of the public with assurances that the SSSC is satisfied that you are fit to practise. A finding of impairment is necessary to maintain public confidence in the integrity of the register and the SSSC as a regulator.
2. In relation to findings of fact 1 and 2, you have failed to follow parts 1.4, 1.5, 2.2, 5.1, 5.5, 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.

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 **24 months** and the condition set out below.

The condition

The condition placed on your registration is as follows:

1. Within 7 days of commencing any future role which requires SSSC registration, you must provide evidence to the SSSC, countersigned by your employer, to confirm that they are aware of the conditions currently placed on your registration.
2. Within 3 months of commencing registerable employment, you must undertake training and/or learning which is focused on:
 - Equality and Diversity
 - Emotional Regulation
 - Effective Communication

You should discuss with your employer the most effective way to complete this training. It can be in the form of face to face or online training, mentoring, supervision and/or independent study. You could use the SSSC resource 'Making better decisions', if applicable, or your employer may have their own training resources available.

3. Within 14 days of completing the training as detailed at condition 2, you must provide evidence to the SSSC, countersigned by your employer, that the training has been completed.
4. Within 1 month of completing the training detailed in condition 2 above, you must submit a reflective account to the SSSC as further evidence of your learning. Your reflective account must be to the satisfaction of the SSSC and should specifically address:
 - a. Your awareness of the triggers for your feelings of anger and frustration
 - b. Your personal coping strategies for dealing with feelings of anger and personal frustration and how you have applied these strategies in practice
 - c. How to recognise and handle tensions or conflicts between your own attitudes and values and those of individual service users, key people and others
 - d. How to challenge your own attitudes and behaviour so that that they do not contribute to situations or behaviour that may be harmful or abusive
 - e. How to work in ways that promotes diversity and respects different cultures and values
 - f. Your responsibility as a social service worker to model professional practice, including values

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour took place at work, during the course of your employment. Your aggressive behaviour towards your colleague, caused her to be in a state of distress
- The derogatory remark made in relation to the service user's protected characteristic causes the SSSC to be concerned that, unless your behaviour is remedied by further training, you may make further prejudicial comments, which could affect the care being provided to vulnerable people
- You have not engaged with the SSSC's investigation. The SSSC have received no evidence of insight, regret, or apology on your part. The SSSC cannot take any reasonable assurances that you will not repeat your behaviour.

Factors in your favour

- You were employed in your role for a period of approximately 3 years. The behaviour being considered took place over a period of 5 days, so was fairly concentrated in the context of your work in social care
- You have a good previous history.

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 21 January 2021.

Date of effect

The notice comes into effect on 6 February 2021.