

Notice of Decision

Registrant	Julie Baker
Registration number	3035661
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Fife
Sanction	Warning to stay on your registration for a period of three years and conditions imposed
Date of effect	4 September 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 Support Workers in a Care Home Service for Adults, for a period of three years
3. to place conditions on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults, one of which you must meet within four months, and the other within six months of the date of this notice coming in to effect.

Findings of Fact

We decided that there is evidence that on or around 2 January 2018, while employed as a Support Worker by Kingdom Homes, at [care service redacted], and during the course of that employment, you did:

1. on more than one occasion, slap service user AA's arm
2. say to AA "don't you dare do that to me again", or words to that effect

and your fitness to practise is impaired by reason of your misconduct

Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- social service workers are expected to protect service users from abuse and harm. It is expected that you would not act in a manner which would call into question your suitability to work in social services.
- your actions were serious in that on more than one occasion you slapped a service user. Although the service user was not injured or distressed, your actions could have had severe consequences. Your behaviour was physically abusive.
- physical abuse is behaviour which breaches fundamental tenets of the caring profession. Social service workers are expected to protect vulnerable service users in their care from harm and abuse. Service users place their trust and confidence in social service workers and are entitled to feel safe and looked after. Your actions breached the trust and confidence placed in you by AA and your employer.
- you failed to communicate with the service user in an open and appropriate manner. Although the service user was not distressed, your behaviour could have caused the service user emotional harm.
- your behaviour amounted to an isolated incident that occurred during a shift. However, you had been employed within the social services sector for over a year when the incident occurred and therefore should have been aware of the standards of conduct expected of you. You have demonstrated limited reflection into your behaviour. However, you have continued to work within the social services sector without further incident and your current employer along with several colleagues have provided positive references about your current practise.
- there is a need to maintain to maintain public confidence in the Register and reaffirm the standards of conduct expected of social service workers. A reasonable member of the public would be concerned if no finding of impairment were made.

2. In relation to the Findings of Fact you have failed to follow parts 2.2, 5.1, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service 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 three years and the conditions set out below.

The conditions

The conditions placed on your registration are as follows:

1. Within 4 months of the conditions coming into effect you will provide the SSSC with evidence, signed by you and your employer, that you have undertaken training and /or learning which covers:
 - a. effective communication with those in your care
 - b. adult support and protection
 - c. dementia
 - d. your employer's physical intervention policy
2. Within 6 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. In writing your account you are required to reflect on the learning you have undertaken within the context of the attitude and behaviours you demonstrated when you slapped AA's arm.
Specifically:
 - a. why it is unacceptable for a social service worker to strike a service user.
 - b. why you should model practice and communication that:
 - i. promotes positive behaviour
 - ii. does not contribute to situations, actions or behaviour that may be harmful or abusive
 - iii. ensures your own actions demonstrate respect for the individual and their safety, and contribute to defusing any incident rather than aggravating it
 - iv. keeps yourself and others safe within your working environment
 - c. why it is important to follow the requirements of the law, the SSSC Codes of Practice and your employer's policies in relation to the safeguarding of individuals and ensuring their safety, wellbeing and security
 - d. understanding risk factors involved in the management of behaviour that challenges and the consequence of:
 - e. failing to comply with policies and procedures for the management of behaviour that challenges
 - f. failing to follow agreed behaviour plans when responding to any incident
 - g. how the SSSC can be assured that this behaviour will not be repeated.

Reasons for the sanction

When making our decision we considered the following factors:

- **Factors of concern**

- You admit that you made contact with the service user's arm, but you have provided limited insight into the risk posed to the service user as a result of your actions.

- The behaviour took place within the workplace while providing care to a vulnerable service user.
- Although there was no actual harm caused to the resident, the behaviour gave rise to an increased risk of harm to them.
- The behaviour abused the trust of the service user, the service user's family and your employer. All of whom would have expected you to have cared for the service user in a safe and effective manner and not to have acted in an abusive manner towards her.

- **Factors in your favour**

- You have no previous adverse history with the SSSC
- The incident occurred in January 2018 and no further concerns have been reported to the SSSC regarding your conduct.
- The SSSC has received references and testimonials provided by your employer and colleagues which speak positively to your character and approach to your work.
- You have cooperated with the SSSC investigation and provided comments.

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 5 August 2019.

Date of effect

The notice comes into effect on 4 September 2019.