

## Notice of Decision

<b>Registrant</b>	Jacqueline Kemp
<b>Registration number</b>	3079769
<b>Part of Register</b>	Support Workers in a Care Home Service for Adults
<b>Town of employment</b>	Alexandria
<b>Sanction</b>	Warning to stay on your registration for a period of 8 months and conditions imposed
<b>Date of effect</b>	7 May 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 **8 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 the timescales as detailed in the condition below.

### Findings of Fact

We decided that there is evidence that

on or around 18 January 2019 while employed as a Care Assistant at [care service name], Alexandria and in the course of that employment, you did:

1. in relation to resident AA:
  - a. say in the presence of resident AA "Aye, she is fine. She goes home sometimes. She just takes the piss" or words to that effect

- b. instruct a student care worker, FF, to provide personal care while the resident was sitting on the toilet
  - c. when the resident asked you to be less rough brushing her hair state to her "It's not my hair that's tuggy" or words to that effect
  - d. state in an abrupt loud tone, almost shouting that she could not go back to bed and say repeatedly that you had 25 residents to get ready that morning or words to that effect
- 2. when providing a bed bath to a resident BB:
  - a. state more than once to BB "Don't hit me, I don't get paid enough for you to hit me" or words to that effect when the resident raised her hand towards your shoulder.
  - b. rush personal care
- 3. in relation to a resident CC:
  - a. fail to follow moving and handling plans in that you did use a stand aid to transfer CC to the bathroom when this was not required as the resident could walk
  - b. rush CC onto a stand aid
  - c. state CC didn't need a stand aid and can walk but there wasn't enough time for that or words to that effect
- 4. in relation to a resident DD:
  - a. refer to DD's feet as "absolutely disgusting" or words to that effect in his presence
  - b. provide personal care while DD was sitting on the toilet
  - c. repeatedly say to him you had 25 other residents to get ready that morning
- 5. fail to report to a nurse that a resident's toenail had fallen off
- 6. say to student care worker, FF, colleague "you're slowing me down you're just a student" or words to that effect in an abrupt or derogatory fashion
- 7. in relation to a resident EE:
  - a. move EE when they were still drowsy and unaware
  - b. undress and provide personal care to EE while they were sitting on the toilet

and in light of your behaviour in allegations 1 to 7 above your fitness to practise is impaired because 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 must treat each person as an individual and must respect and maintain the dignity of people who use services. Social service workers must be reliable, dependable and follow practices and procedures designed to keep themselves and others safe from abusive behaviour at work. Social service workers must also not abuse, neglect or harm people who use services or colleagues and must treat colleagues with respect.
- You made neglectful and dismissive comments about the appearances and personal characteristics of residents in your care and placed residents at risk of harm. You provided personal care to residents when they were sitting on the toilet and instructed a colleague to do the same. This was a failure to treat people under your care as individuals and failed to respect and maintain vulnerable peoples' dignity. Further this was a failure to follow relevant standards of practise designed to keep yourself and others safe at work.
- You failed to follow moving and handling plans in that you used a stand aid to transfer the resident to the bathroom when this was not required as the resident could walk. You also failed to follow relevant standards of practise designed to keep yourself and others safe at work when you failed to report to a nurse that a resident's toenail had fallen off.
- You stated to a student care worker, FF, "you're slowing me down you're just a student" or words to that effect in an abrupt or derogatory fashion, and thereby failed to treat your colleague, who was a student and learning how to be a carer, with respect.
- The misconduct is serious in nature – particularly the behaviour involving vulnerable people who use services. Although you have expressed that the morning was hectic, this does not justify your attitude towards the residents or your mannerisms towards the student member of staff. Although we consider that the behaviour is remediable, the SSSC does not have any information that demonstrates whether you have taken any steps to remediate or fully reflect on your actions.
- You have failed to meaningfully engage with the SSSC. Although you did admit to some of your misconduct during an internal meeting with your employer, an admission is only one part of remediation. You have not demonstrated any insight or remorse or taken any steps to remediate your behaviour and as such, the SSSC cannot rule out a risk of the behaviour being repeated.
- The behaviour gives rise to public protection concerns. There would be public protection concerns if you were permitted to continue working without any remediation of the behaviour. Without remediation, there is a risk you may place people who use services at risk of similar harm.

- Your actions bring the reputation of the profession into disrepute. There is a need to uphold proper standards of conduct and behaviour and there is a need to reaffirm clear standards of professional conduct expected from registrants. A reasonably informed member of the public, in light of all of the information available to the SSSC taken as a whole, would consider your fitness to practise to currently be impaired.
- In relation to findings of fact you have failed to follow parts 1.1, 1.2, 1.4, 2.4, 3.3, 3.10, 5.1, 5.8, 6.5 and 6.6 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 **8 months** and the conditions set out below.

### **The condition**

The conditions placed on your registration are as follows:

1. Within 7 days of beginning employment in a registerable role, you must provide evidence to the SSSC that your employer is aware of the conditions on your registration. This must be signed by your employer.
2. Within 6 months of the condition coming into effect you will provide the SSSC with evidence that you have undertaken refresher training/ learning which must cover:
  - a. Dignity, Privacy and Respect
  - b. Delivering Personal Care
  - c. Effective Communication
  - d. Adult Support and Protection
  - e. Moving and Handling

You should discuss with your employer the most effective way to complete this learning. It can be in the form of face to face study or online training, mentoring, supervision and/or independent study.

3. Within 2 months of completion of the training outlined in condition 2 above you should submit a reflective account to the SSSC. When writing your account you are required to think about the training and/or learning you have undertaken, as well as the behaviour in the findings of fact. Your reflective account should be to the satisfaction of the SSSC and should specifically address
  - a. The importance of delivering care to and responding to service users in a way that maintains their dignity and respect at all times

- b. How to work in ways that help service users feel safe, valued and respected
- c. The impact or potential impact of your behaviour on service users and their families
- 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 your communication and actions demonstrated a misuse of the power and influence you have as a worker and how that misuse of power can be felt by the vulnerable adults, your colleagues and others you work with
- f. How and why your failure to adhere to care plan/ moving and handling procedures represented a disregard for meeting relevant standards of practice; and put service users at risk of harm
- g. How you work in line with the Health and Social Care standards when delivering personal care within your role. Please provide examples to show your understanding
- h. How your behaviour would have breached the SSSC Codes of Practice for Social Service Workers
- i. How the SSSC can be assured that you will not repeat your behaviours
- j. What you have learned since the incidents and what you would now do differently

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You have shown no insight or apology in relation to your conduct
- There has been no meaningful engagement from you in relation to the SSSC's investigation
- There is a pattern of attitudinal behaviour directed towards a number of different residents and a student colleague.

#### **Factors in your favour**

- There is information to demonstrate that the service was busy on the day of the allegations which may have contributed to some of your behaviour.

**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 7 April 2021.

**Date of effect**

The notice comes into effect on 7 May 2021.