

## Notice of Decision

<b>Registrant</b>	Cheryl Henslee
<b>Registration number</b>	3028330
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Montrose
<b>Sanction</b>	Warning to stay on your registration for a period of 12 months and condition imposed
<b>Date of effect</b>	2 May 2025

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 place a warning on your registration, on the part of the Register for Social Care Workers, for a period of 12 months
3. to place conditions on your registration, on the part of the Register for social care workers, which you must meet by the timescales set out below.

### Findings of fact

We decided there is evidence that on or around 15 March 2024, while employed as a care officer at Dorward House, Montrose and during the course of that employment while providing personal care to AA, then aged [information redacted], you did:

1. move AA while she was lying in bed without the support of a colleague, contrary to her care plan
2. by acting as outlined in allegation 1 require to lower AA until she came to rest on her knees on the floor

and your fitness to practise is impaired because of your misconduct.

## **Reasons for finding your fitness to practise is impaired**

1. Your fitness to practise is impaired because:
  - a. Social service users must not put themselves or other people at unnecessary risk. They must meet relevant standards and work in a lawful, safe and effective way. You moved AA when providing personal care to her. AA's care plan stated she needed two members of staff to safely move her. As a result, and to prevent her falling, you had to assist her to the floor. This risked injuring AA, and risked injury to yourself and your colleagues who had to assist moving her.
  - b. The behaviour is serious as there is a clear risk of harm to any resident when a worker fails to follow any care plan which exists to try to minimise that risk. You have provided comments expressing your remorse and apologising for your actions. This gives confidence that you understand the impact of your actions and there is less likelihood of you repeating the behaviour in the future.
  - c. There have been no previous concerns raised about your professional practice or interactions with service users you support in your regulated role. As a result, it is accepted that your behaviour is not necessarily reflective of a core values issue. However, due to the serious nature of your actions, there continues to be ongoing public protection and public interest concerns.
  
2. In relation to findings of fact you have failed to follow parts 5.7 and 6.1 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 the appropriate sanction is to place a warning on your registration for a period of 12 months and the conditions set out below

### **The conditions**

The conditions placed on your registration are:

1. You must tell your employer of these conditions within seven days of them coming into effect or within seven days of commencing in a role that is registerable with the SSSC.

2. If you commence employment with an agency, you must tell your agency supervisor as well as the service you are employed with, within seven days of these conditions coming into effect.
3. Within seven days of meeting condition 1 or 2 above you must provide evidence countersigned by your employer or agency that they are aware of the conditions placed your registration.
4. Within two months of these conditions coming into effect you must provide the SSSC with evidence countersigned by your employer that you have undertaken learning which must cover:
  - a. safe moving and handling
  - b. person centred care and support, in relation to moving and handling.

You should discuss with your employer the most effective way of completing this learning and training. It can be face to face study or on-line training, mentoring, supervision and/or independent study.

5. Within two months of completing your learning and training, you must provide a reflective account to the SSSC, focusing on what you have learned from the training within condition 4 above and include the following points:
  - a. reflection upon why it is important to follow care plans for vulnerable people with specific reference to moving and handling
  - b. your understanding of the risks and safety issues associated with not following care plans, specifically in relation to safe moving and handling and 2:1 support
  - c. reflection upon what you should have done differently to ensure the safety of yourself and the supported person
  - d. what you have learned through the fitness to practice process and how you can reassure the SSSC that your behaviour will not be repeated.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- Your actions risked serious injury to the resident you were supporting.

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

- You had worked for the same employer since 2011 with no previous concerns about your practice.

- Positive testimonials were provided on your behalf.
- You co-operated with the SSSC investigation.

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

### **Imposing the warning and condition on your registration**

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 warning and conditions on your registration if you do not ask for a hearing.

We wrote to you on 19 March 2025 to tell you we wanted to place a warning and conditions on your registration. After explaining the consequences of not asking for a hearing, and recommending you take legal advice, you have not asked that the case is referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this warning and conditions on your registration.

### **Date of effect**

The notice comes into effect on 02 May 2025.