

Notice of Decision

Registrant	Tammy Hoggan
Registration number	3054796
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Alloa
Sanction	Warning to stay on your registration for a period of 12 months
Date of effect	27 March 2024

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 Support Workers in a Care Home Service for Adults, for a period of 12 months

Findings of fact

We decided there is evidence that on or around 15 July 2023, while employed as an Autism Practitioner by (Information redacted), and during the course of that employment, you did:

1. ignore supported person AA's request for milk
2. raise your voice to AA
3. state to AA 'you do not need milk and if you are going to behave like that you need to return to your flat', or words to that effect
4. state to AA 'if you're going to shout, I'm going to shout back', or words to that effect

5. by your actions at allegations 1-4, cause emotional distress to AA
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. as a social service worker, you must protect and promote the rights and interests of people who use services. You must also protect people who use services from danger and harm. In addition, you must strive to make sure that their behaviour does not harm themselves. Furthermore, as a social service worker, you must create and maintain the trust and confidence of people who use services. Similarly, you must uphold public trust and confidence in social services.
 - b. you were tasked with providing care to AA, a person who has (Information redacted). By ignoring the needs of AA and raising your voice to AA, which subsequently led to AA (Information redacted), your conduct fell far short of the standard expected of social service workers.
 - c. your actions amount to a failure to provide an appropriate level of care and caused AA distress. Your conduct undermines the trust and confidence that people who use services and the public have in social services.
 - d. the behaviour was serious in that AA was distressed by your actions. Your conduct was contrary to AA's (Information redacted), which states that it is important to speak to AA in a (Information redacted).
 - e. you have demonstrated very limited insight in relation to the behaviour. You have not apologised for your conduct and you have blamed colleagues for not ensuring there was milk within the service. You have undertaken some further relevant training following the incident and a stress risk assessment has also been completed. As a result, the SSSC has concluded that there is a significant risk of similar behaviour being repeated.
 - f. given the risk of repetition as noted above, there is a moderate public protection concern that remains. There is a need to maintain public confidence in the social service profession. There is also a need to uphold proper standards of conduct and behaviour. A finding of

impairment marks that the behaviour was not acceptable and should not be repeated.

2. You have failed to follow parts 1.2, 1.3, 2.2, 2.4, 3.3, 3.10, 4.2, 4.3, 5.1, 5.7, 5.8 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.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The behaviour took place while you were working and were responsible for the care of a vulnerable service user.
- Your conduct caused emotional distress to AA.
- You were an experienced member of staff and should have known how to care for AA and communicate with AA appropriately and in accordance with AA's (Information redacted).

Factors in your favour

- No previous adverse findings have been made against you by the SSSC.
- You have cooperated with the SSSC's investigation and provided your 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 and the Fitness to Practise (Amendment) Rules 2021
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Imposing the warning 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 on your registration if you do not ask for a hearing.

We wrote to you on 6 February 2024 to tell you we wanted to place a warning 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 on your registration.

Date of effect

The notice comes into effect on 27 March 2024.