

Notice of Decision

Registrant	Darius Garab
Registration number	4016087
Part of Register	Support Workers in Care at Home Service
Town of employment	Dalkeith
Sanction	Warning to stay on your registration for a period of 12 months and conditions imposed
Date of effect	15 March 2022

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 Care at Home Service, for a period of **12 months**.
3. to place a condition on your registration, on the part of the Register for Support Workers in Care at Home Service, which you must meet within the timescales as detailed within the condition.

Findings of fact

We decided there is evidence that, while employed as a Care Support Worker at Midlothian Council, and during the course of your employment, you did:

1. on or around 8 February 2020, in relation to service user AA, who was living with dementia:
 - a. fail to prepare food for AA during the course of a visit to her home
 - b. as a result of your actions as detailed at 1.a, cause AA to not have anything to eat or drink from around lunch time until around 8pm

- c. fail to follow AA's Support Plan as a result of your actions as detailed at 1.a
- 2. on or around 8 June 2020, in relation to service users Mr and Mrs BB, both of whom were living with dementia:
 - a. fail to safely and securely store their medication dosette boxes in the medication safe in their home
 - b. by your actions at allegation 2.a. above, fail to follow their Medication Visit Plan
- 3. on or around 10 June 2020, in relation to service user CC, who was living with dementia, and while carrying out a visit at around 11:00:
 - a. fail to prepare a drink and snack for CC
 - b. fail to ensure that CC had taken his medication
 - c. record in CC's communications log that CC had already taken his medication, but did fail to confirm this was the case by checking the relevant medication blister packs
 - d. by your actions at 3.a. and 3.b., fail to follow CC's Support plan
 - e. by your actions at 3.a, cause CC to be without food for an extended period of time
- 4. on or around 11 June 2020, in relation to CC and while carrying out a visit at around 11:15:
 - a. fail to prepare a drink and snack for CC
 - b. fail to ensure that CC had taken his medication
 - c. record in CC's communications log that CC had already taken his medication, but did fail to confirm this was the case by checking the relevant medication blister packs
 - d. by your actions at 4.a. and 4.b., fail to follow CC's Support plan
 - e. by your actions at 4.a, cause CC to be without food for an extended period of time

and as a result of the matters detailed at 1 – 4, your fitness to practise is impaired because of your deficient professional practise.

Reasons for finding your fitness to practise is impaired

- 1. Your fitness to practise is impaired because:

- a. social service workers are required to meet relevant standards of practise and to follow the support plans of service users, to ensure that their care needs are fully met. By failing to prepare food for service users AA and CC, both of whom were living with dementia, you failed to follow their support plans and failed to provide an acceptable level of care.
- b. social service workers are expected to follow policies and procedures to ensure the safety and wellbeing of service users. By failing to safely store Mr and Mrs BB's medication, you failed to meet relevant standards of practice and placed them at an increased risk of harm.
- c. social service workers are expected to be reliable and dependable. By failing to ensure that CC had taken his medication, and by recording that CC had taken his medication when you could not be sure about this, you placed CC at an increased risk of harm.
- d. your behaviour amounts to deficient professional practice as it involves repeated errors by you with reference to a fair sample of your work which, while not deliberate, placed service users at an increased risk of harm, and arose despite your employer having provided you with additional support and guidance.
- e. the conduct is serious in that you repeatedly failed to provide an acceptable level of care to service users. You have shown some insight for your failings as, in your comments to the SSSC, you appear to indicate that you now understand the need to always offer food to service users with dementia, even if they decline an offer of food. You have denied the allegations in relation to medication issues and so no insight has been demonstrated in relation to these.
- f. as a result of the above, concerns remain about your competence to reliably fulfil the requirements of the role as a care worker. As far as the SSSC is aware, you have not worked in a care role since leaving your employment with Midlothian Council in late 2020. As a result, the risk of repetition, without appropriate conditions being put in place, is assessed to be medium to high.
- g. there are public protection concerns that arise in respect of your conduct. Your actions placed service users at an increased risk of harm and there is a risk of repetition, as noted above.
- h. a fully informed member of the public would have concerns about your competency to work safely and effectively as a care worker, without appropriate conditions being put in place to support you returning to work in a care role. A decision by the SSSC to take no action, given the information available, would call into question the reputation of the SSSC as a responsible decision maker.

2. In relation to findings of fact 1 – 4, you have failed to follow parts 2.4, 4.2, 5.7, 5.8, 6.1 and 6.2 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 condition set out below.

The condition

The condition placed on your registration is:

1. Within 7 days of this condition coming into effect, or alternatively within 7 days of securing employment in a role that requires registration with the SSSC, you must inform your employer of the conditions imposed on your registration and the reasons why they were imposed. You must provide evidence to the SSSC that you have complied with this condition.
2. Within three months of this condition coming into effect, or alternatively you commencing employment in a role that requires registration, you must undertake training and learning which must cover:
 - a. Effective communication when working with people with dementia
 - b. Person Centred Care and Support in Dementia Care
 - c. Your employer's policies and procedures relating to the safe storage, administration and management of medication in your workplace, including record keeping.

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, online training, mentoring, supervision and/or independent study.

Evidence of this training having been completed, approved by your employer must be submitted to the SSSC within 14 days of the completion of the training.

3. For a period of 12 months from meeting condition 1, you must engage in formal supervision with your employer every 4 weeks. During the course of each supervision, you must:
 - a. discuss your learning as set out in condition 2 and how you will use this learning to improve and inform your practice.
 - b. discuss your understanding of the importance of adhering to service user care plans and how you are using service user care plans to

inform your practice and meet the standards required of you to ensure service users are receiving appropriate and effective support.

- c. evidence through discussion and practice your knowledge and application of all aspects of medication management in your workplace including storage, administration and record keeping relevant to the service users you are supporting at the time.
- d. evidence through discussion and practice how you are demonstrating integrity in your practice and recording, in particular, in relation to adhering to care plans and supporting service users with medication and meals.
- e. evidence through discussion your knowledge and understanding of any service users you are working with who have a cognitive impairment and how this knowledge is informing your communication and practice to provide good person-centred care.
- f. discuss openly and honestly any feedback/concerns regarding your behaviour in the workplace and how you are using this to improve and develop your practice
- g. reflect on the National Care Standards and the SSSC Codes of Practice and through discussion, evidence how you are using them to inform your practice
- h. discuss openly and honestly any gaps in your knowledge and skills with your employer and work together to agree how best to address these.

You should provide to the SSSC a copy of each supervision minute within 14 days of each supervision taking place. These supervision minutes should be signed by yourself and approved by your employer.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The conduct took place in work, while you were responsible for caring for vulnerable people.
- There is a clear pattern of poor practice involving you repeatedly failing to prepare food for service users with dementia and failing to act appropriately in relation to the administration of medication.
- The consequences of the behaviour were potentially significant, in that service users were placed at risk of physical harm if they did not have

access to food or water for an extended period of time, took medication they should not have had access to and did not take medication when they should have done so.

Factors in your favour

- You have demonstrated some insight and understanding of why it is important to make food for service users with dementia, even where they may say that they do not want food. You have explained what you would do differently in the future.
- You have cooperated with the SSSC's investigation and provided comments on two occasions.
- No previous adverse findings have been made against you by the SSSC.

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 condition** on your registration if you do not ask for a hearing.

We wrote to you on 11 January 2022 to tell you we wanted to place a **warning and condition** 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 condition** on your registration.

Date of effect

The notice comes into effect on 15 March 2022.