

Notice of Decision

Registrant	Jeanette Cumming
Registration number	4028659
Part of Register	Support Workers in a Housing Support Service Support Workers in Care at Home Service
Town of employment	Inverness
Sanction	Removal
Date of effect	1 June 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 impose a Removal Order removing your registration from the parts of the SSSC Register for Support Workers in a Housing Support Service and Support Workers in Care at Home Service.

Findings of fact

We decided there is evidence that while employed as a Support Worker [redacted] in Inverness, and during the course of that employment, you did:

1. on or around 18 February 2021:
 - a. regarding service user AA:
 - i. kick service user AA's feet in an attempt to move them into position on a stand-aid
 - ii. say to AA "stop being like this, you know what to do AA" or words to that effect
 - iii. wipe AA's face harder than was necessary
 - iv. approach AA from behind to carry out your actions at 1.a.iii above, giving AA no warning
 - v. roughly take hold of AA's arm and take it out of her sleeve
 - vi. act as you did in 1.a.v above without first telling AA what you were doing and why
 - b. repeatedly shout at service user BB to "sit up" at the table
2. on a date unknown between around 14 March 2021 and 28 March 2021, when service user AA was distressed and refusing to let go of the handles on the stand-aid:
 - a. grab both of AA's hands and pull them off the stand-aid
 - b. push service user AA down on to the toilet seat
 - c. by your actions at 2.b above cause AA's back to hit the toilet cistern
 - d. when your colleague XX asked why you had done what you had at 2.a. and 2.b above, say "she needs to learn" or words to that effect
3. on more than one occasion between around the end of August 2020 and 28 March 2021, tell service user CC to "shut up" or words to that effect

4. on a date/dates unknown between the end of August 2020 and 14 April 2021, tell service user DD to “stop moaning and just eat up your food” or words to that effect

and in light of the above your fitness to practise is impaired because of your misconduct as set out in allegations 1 - 4.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers are expected to treat the vulnerable service users in their care with dignity and respect in what is their home. Your conduct towards AA was physically abusive and aggressive, risking physical, emotional and psychological harm to her. Service users rely on workers for some of the most basic of needs, and they have the right to expect to be treated with compassion when being cared for. Your conduct towards AA showed a serious disregard for her wellbeing.
 - b. Your communication to all four service users was demeaning, dismissive and displayed very little regard for their emotional welfare. Your conduct was an abuse of your position of power and trust, raising serious concerns about your attitude to vulnerability. Your conduct towards all four service users appears controlling, driven by the need to get the task done, rather than by making sure the person is comfortable, cared for and given time where needed.
 - c. There is a pattern of similar behaviour towards more than one vulnerable service user, raising concerns that the conduct is values based and there are underlying attitudinal issues. Additionally, given your lack of insight and how recent the behaviour is, we have concluded that there is risk of the behaviour being repeated. If it was, service users would be placed at risk of serious harm. There are therefore issues of public protection and public interest that need to be addressed.
2. You have failed to follow parts 1.1, 1.4, 2.2, 2.4, 3.1, 3.10, 5.1, 5.3, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

Sanction

After referring to our Decisions Guidance, we decided to impose a Removal Order, removing your registration from the SSSC Register.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your conduct placed vulnerable service users at risk of harm.
- There is pattern of behaviour over time and towards more than one service user.
- You have not shown any insight, regret or remorse.
- Your conduct appears deliberate in that you could have walked away or acted differently.
- These incidents are from around 12 – 18 months ago. As you have not worked since, they represent some of your last known conduct in practice.
- All of the incidents occurred during the course of social service employment, and when working directly with service users.
- Your conduct was an abuse of the trust placed in you by vulnerable service users.

Factors in your favour

- You have cooperated with the SSSC investigation.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as it would not adequately address the impairment of your fitness to practice. A warning would give no protection to service users or the public.
- A condition would not be appropriate because the type of behaviour at issue is not the type of behaviour that conditions would rectify. You are not currently working in the sector so a condition would not be workable or enforceable. There is little evidence to suggest that you would comply

with any condition placed on you by the SSSC.

- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as the interests of service users and the public would not be sufficiently protected by any period of suspension. There is no evidence a period of suspension would allow you to remedy the cause of the impairment of your fitness to practise. There is no evidence that you acknowledge your failings, and the pattern of behaviour and lack of insight suggest the behaviour is likely to be repeated.
- For the reasons outlined above a Suspension Order plus conditions would not be appropriate.
- The SSSC considers a Removal Order is the most appropriate sanction as it is both necessary and justified in the public interest and to maintain the continuing trust and confidence in the social service profession and the SSSC as the regulator of the profession.

Documents we have referred to

- The 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 Removal Order

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 Removal Order if you do not ask for a hearing before a Fitness to Practise Panel.

We wrote to you on 13 April 2022 to tell you we wanted to place a Removal Order on your registration. After explaining the consequences and recommending you take legal advice, you have not asked for the case to be

referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this Removal Order.

Date of effect

The notice comes into effect on 1 June 2022.