

Notice of Decision

Registrant	Shannen Blackley
Registration number	3116562
Part of Register	Support Workers in a Care Home Service for Adults Support Workers in a Housing Support Service
Town of employment	Inverness
Sanction	Warning to stay on your registration for a period of 18 months
Date of effect	18 April 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 parts of the Register for Support Workers in a Care Home Service for Adults and Support Workers in a Housing Support Service or a period of 18-months.

Findings of fact

We decided there is evidence that between on or around 25 April 2022 and on or around 5 October 2022, while employed as a Support Worker by Leonard Cheshire Disability at Cheshire House in Inverness and during the course of that employment, you did:

1. on a date unknown to the SSSC in or around April 2022, in relation to service user AA, who is living with a disability, say, while AA was present:
 - a. "why does she look like that", or words to that effect
 - b. "why is she acting this way", or words to that effect

2. on a date unknown to the SSSC, while shadowing your colleague ZZ, imitate service user BB when they were laughing and shouting
3. on a date unknown to the SSSC, in or around August 2022 refer to a member of the public who may have been transgender as a 'tranny', or words to that effect, in the presence of service user CC
4. on a date unknown to the SSSC, in or around August 2022:
 - a. read messages out loud in a communal area to other staff members that you had received from a member of the public, stating that the person wanted to "lick your pussy" and "eat you out", or words to that effect
 - b. read the message at 4.a in the presence of service user DD
 - c. read the message at 4.a. again in the presence of service user EE at lunch time

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

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers have a responsibility to treat each person as an individual and to respect and maintain the dignity of people who use services. You asked why a person with a disability looked the way they did and why they were acting the way that they were, in the presence of that person. There is no evidence to suggest that AA understood or was upset by these comments, but you showed a lack of respect to AA.
 - b. You also imitated service user BB. You imitated communication noises that BB was making. It is not alleged that you intended to cause harm to BB but rather that you intended this to be a joke. However, this was not professional and placed BB at a risk of emotional harm. Your behaviour at allegations 1 and 2 was early into your employment, you did not know the service users well and it does not appear that you were familiar with their care needs. However, any repetition of the same or similar behaviour would place other vulnerable service users at risk of harm.

- c. You read inappropriate messages of a sexual nature aloud in the presence of service users. This is again behaviour which could have caused emotional harm to those service users. Social service workers have a responsibility to communicate in an appropriate manner, particularly while service users are present.
 - d. You also referred to a member of the public as a 'tranny'. While it is not alleged that the member of the public heard this comment, social service workers are expected to work in a way that promotes diversity. The use of this language could cause upset to others.
 - e. While the behaviour is attitudinal in nature, the SSSC considers that your behaviour is remedial. While you deny the allegations and you strongly deny that you would imitate someone with disabilities or use the language at allegation 3, you have shown an understanding of the seriousness of the allegations. You have continued to work in the sector without any further concerns being raised. You have carried out work supporting people with mental health illnesses and learning disabilities and the feedback from your current employer has been positive.
 - f. Your behaviour fell below the standards of a worker registered with the SSSC, but you do not appear to present a current or ongoing risk to the public or service users. However, any repetition of the same or similar behaviour would raise public protection and public interest concerns. There is a collective need to maintain public confidence in the profession and there is a need here to reaffirm the clear standards of professional conduct by imposing a warning on your registration.
2. In relation to findings of fact 1-4, you have failed to follow parts 1.1, 1.4, 1.5, 2.2, 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 18-months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour placed service users at a risk of emotional harm.
- There were four separate incidents within a short timeframe of behaviour which fell below the standards expected of a worker registered with the SSSC.
- The behaviour occurred in the course of your employment, where you were responsible for the care of vulnerable people.

Factors in your favour

- You worked in other social service roles in a different register part without any concerns being raised about you between 2016 and 2022.
- You have continued to work in the sector and there have been no further concerns raised about you.
- While you deny the allegations, you have shown an understanding of how serious the allegations are and of why the behaviour would not be acceptable.
- The SSSC has received five positive references about you, two were from social service employers that you have worked for in the last two years.
- You have fully cooperated with the SSSC's 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 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 5 March 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 18 April 2024.