

Notice of Decision

Registrant	Elizabeth Gorman
Registration number	4051527
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Kilwinning
Sanction	Warning to stay on your registration for a period of 24 months and condition imposed
Date of effect	28 December 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 a Care Home Service for Adults, for a period of two years.
3. to place conditions on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that

1. while employed as a Care and Support Worker for Carewatch (Inverclyde, Ayrshire, Dunbartonshire, Argyll & Bute) between 1 March 2016 and 12 April 2017 you did accept a private role to purchase service user AA's shopping and receive funds for that service from AA's family in direct competition with your employer and against your employer's policy on Money and Property to Prevent Financial Abuse.

2. on or around 10 August 2020, as part of your application to be registered on the part of register for Support Workers in a Care Home Service for Adults with the SSSC, fail to declare to the SSSC that you had resigned from your previous employment with CareWatch prior to the conclusion of a disciplinary investigation.
3. on or around 24 June 2022, as part of your application to be registered on the parts of register for Support Workers in a Care Home Service for Adults and Support Workers in a Housing Support Service with the SSSC, fail to declare to the SSSC that you had resigned from your previous employment with CareWatch prior to the conclusion of a disciplinary investigation.

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 workers must be reliable and dependable. They require to declare issues which might create conflicts of interests. They must keep to policies and procedures about accepting gifts and money from people who use services and carers. By entering a private arrangement in direct competition with your employer, you failed to follow your employer's procedures. You exposed a supported person and their family to an unnecessary risk of financial harm. You showed a complete disregard for the systems that are in place to prevent financial abuse.
 - b. You failed on two occasions to declare that you had resigned from an employment prior to the conclusion of a disciplinary investigation to your regulator, the SSSC. Your obligation to advise your regulator of such matters is to ensure that an appropriate risk assessment is carried out to ensure that you are fit to practise.
 - c. There is a pattern of disregarding policies and procedures put in place to ensure that the appropriate safeguards exist to protect vulnerable supported people. This behaviour brings into question your suitability to work in social services. However, your behaviour appears to have resulted from poor judgement rather than malicious intent.

- d. You have failed to demonstrate an understanding of the severity of your actions and have not shown insight into your behaviour. You have not shown why it is important to follow policies and procedures put in place to protect vulnerable service users.
 - e. The public would expect the SSSC to find that your fitness to practise is impaired and to mark that conduct of this nature is unacceptable. It is likely that your behaviour would damage the reputation of the profession should no action be taken.
2. In relation to findings of fact 1-3 you have failed to follow parts 2.2, 2.4, 2.6, 2.7, 3.10, 5.7 and 5.8 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 two years and the conditions set out below.

The conditions

The conditions placed on your registration are:

1. Within seven days of this condition coming into effect and/or within seven days of commencing a role in social services, you must provide evidence to the SSSC, countersigned by your employer, to confirm that they are aware of the conditions currently placed on your registration.
2. Within three months of the condition coming into effect you will provide the SSSC with evidence that you have undertaken learning which must cover:
 - a. Effective Reporting and Recording
 - b. Making Better Decisions
 - c. Professional Conduct and Communication
 - d. Adult Support and Protection

You should discuss with your employer the best way to complete this learning. It can be face-to-face study, online training, mentoring, supervision and/or independent study.

3. Following the completion of this training and within four months you must submit to the SSSC a reflective account focusing on the areas noted below:
 - a. Why your employer has put in place a Money and Property Policy and why you must adhere to it.
 - b. How your employers Money and Property Policy protects vulnerable service users from harm.
 - c. How you will ensure that you do not breach the policies set out by your employer around Money and Property.
 - d. Why you must remain honest and transparent during your interactions with your employer and your colleagues and the possible consequences if you fail to do so.
 - e. Why you must provide the SSSC with accurate information during the registration process and what you would now do differently.
 - f. What you have learned since the incidents and what you would now do differently to ensure you do not repeat this behaviour in the future.
4. For a period of six months, you must engage in formal supervision with your employer at least every six weeks. During each supervision session, you must discuss:
 - a. How you continue to demonstrate honesty and integrity in your practice.
 - b. How you are complying your employer's Money and Property policy or equivalent.
 - c. How you evidence that you are meeting the SSSC Codes of Practice in your day-to-day work.
 - d. How you are working in ways that are lawful and safe.

You must submit a formal record of each supervision session, countersigned by your employer, to the SSSC's Fitness to Practise department within two weeks of each supervision session taking place.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- There was a pattern of misconduct
- You have failed to show insight and understanding as to the severity of your behaviour
- The conduct took place at work during the time when you were expected to follow company policies and when making an application to the SSSC register when you are expected to declare your disciplinary record.

Factors in your favour

- Your behaviour appears to have taken place due to poor judgment and not malicious intent.
- You have engaged 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 and conditions 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 15 November 2022 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 28 December 2022.