

Notice of Decision

Registrant	James Cooper
Registration number	3141335
Part of Register	Support Workers in a Housing Support Service Support Workers in Care at Home Service
Town of employment	Kilmarnock
Sanction	Warning to stay on your registration for a period of 18 months and condition imposed
Date of effect	11 November 2021

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 Housing Support Service, for a period of **18 months**
3. to place conditions on your registration, on the part of the Register for Support Workers in a Housing Support Service, which you must meet within **9 months** of the conditions coming into effect

Findings of fact

We decided there is evidence that, while employed as a Support Worker at Quarriers East Ayrshire Supported Living Service, Kilmarnock by Quarriers, and during the course of that employment, you did:

1. between on or around 2 February 2021 and on or around 3 February 2021, while colleague ZZ was shadowing you supporting Service User AA:

- a. fail to use thickening powder in AA's drinks, contrary to AA's care plan
- b. mix all of AA's liquid medications together, when they should have been given to AA separately
- c. in relation to your actions at allegation 1.a. and 1.b. above, say to colleague ZZ:
 - i. "I will do what I want on my shift, you do what you want on your shift", or words to that effect
 - ii. "he hasn't choked and died on me yet", or words to that effect
- d. complete AA's Medical Administration Record (MAR) sheet to say that paracetamol had not been administered during your shift, prior to your shift ending
- e. in relation to your actions at allegation 1.d. above, say to colleague ZZ, "I will fill it in just now, if he said to me he had a sore head I would just tell AA he didn't have a sore head and wouldn't be giving him them", or words to that effect
- f. say to ZZ:
 - i. in reference to AA using the living room, "if he comes in, he just wants attention and you should tell him to go and watch tv in his room", or words to that effect
 - ii. in relation to AA's eye drops, "if you forget it, don't worry about it, just sign it anyway, it won't do him any harm", or words to that effect

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 services workers must promote the independence of people who use services while protecting them, as far as possible, from harm. You failed to use a thickening agent in AA's drinks and you mixed his medications together, when this was not to be done. Your actions were contrary to AA's care plan and placed AA at risk of harm. Further, you made comments to your colleague ZZ about your support

of AA which were inappropriate and dismissive of AA's needs. Your conduct set an extremely poor example to ZZ, who was shadowing you in order to learn from you at the time. Your actions fall below the standards expected of a social services worker and call into question your fitness to practise.

- b. your actions were serious. There was a pattern of you failing to follow AA's care plan over a period of two days. It is a fundamental tenet of the profession that social care workers will follow care plans which are put in place to ensure service users receive appropriate care. Whilst there is no evidence of harm to the service user there was a risk of harm, in particular a risk of choking.
 - c. you have not provided any comments to the SSSC about the allegations against you, but your comments to your employer show a lack of insight and demonstrate that you felt you knew better when not following the care plans. Your comments to your colleague suggest you have attitudinal issues which are contrary to the values of the working in social care. Whilst you have a previous good record of employment, you have not worked in social care since these incidents and have not demonstrated good practice since then. There are concerns that similar behaviour would be repeated if you resumed working in social care.
 - d. given the risks of repetition and the likelihood of a service user coming to harm if similar behaviour were to be repeated, there are on-going public protection risks. There are concerns that vulnerable people would be at risk if you resumed working in the sector.
 - e. there is a need to maintain confidence in the profession. A reasonable person, in possession of all of the information, would consider the reputation of the profession to be damaged by your actions. There is a clear need to reaffirm proper standards of conduct in this case. A finding of no current impairment could cause the public to lose confidence in the profession and the SSSC as its regulator.
2. In relation to findings of fact 1.a. to 1.f. you have failed to follow parts 1.1, 1.2, 1.3, 2.2, 2.4, 3.1, 3.10, 4.3, 5.1, 5.7, 5.8, 6.1 and 6.5 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** and the conditions set out below.

The conditions

The conditions placed on your registration are:

1. Within 7 days of the conditions coming into effect and/or within seven days of you obtaining any future employment which requires SSSC Registration, you must provide evidence to the SSSC countersigned by your employer confirming they are aware of the conditions attached to your registration.
2. Within 3 months of meeting condition 1, you must provide the SSSC with evidence that you have undertaken training and/or learning which covers:
 - a) Effective communication with those in your care
 - b) Knowledge of support plans and the importance of adhering to them at all times.
 - c) Adult support and protection
 - d) The administering and recording of medication.
 - e) Knowledge of risk assessments and how to implement them fully and consistently.
 - f) The SSSC Codes of Practice.

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

3. Within one month of meeting condition 2 above, you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC and should focus on your learning to evidence an increased understanding of:
 - a) What the SSSC Codes of Practice say about protecting people who use services from danger and harm.

- b) The importance of strictly adhering to support plans and risk assessments in relation to the safe dispensation of medication
 - c) How it is important to communicate appropriately and sensitively with and about service users at all times to colleagues, relatives and others (including listening to them, respecting their home, views, choices, independence and dignity).
 - d) How to challenge your own attitudes and behaviour so that they are not harmful or offensive.
 - e) The position of trust a registered worker has and how your behaviour undermines the public trust and confidence in you, as a registered worker. Your responsibility as a social service worker to model professional practice including values.
 - f) What you have learned since the incidents and what you would now do differently.
 - g) How the SSSC can be assured that you will not repeat your behaviours
4. Upon commencement of employment in a role that requires registration with the SSSC, you must participate in monthly support and supervision sessions for a nine-month period. The supervision sessions must include a specific focus on:
- a) How you demonstrate that you are providing care that safeguards, protects and respects vulnerable adults.
 - b) How you use appropriate communication skills and techniques to deal with situations involving vulnerable adults.
 - c) Your knowledge and understanding of the safe dispensation of medication and the risks of not adhering to this.
 - d) How you are adhering to your employer's policies and procedures in relation to adult support and protection.
 - e) Feedback from service users to confirm you are meeting the high standards of practice expected of you.

- f) The importance of honesty, integrity and accuracy when completing documents relating to service users.
5. You must submit to the SSSC formal supervision notes signed by your employer within 2 weeks of the supervision sessions as detailed at Condition 4 taking place.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You were fully aware of the correct way to dispense drinks and medication to AA, but made a conscious decision not to follow the care plan
- Your behaviour took place inside work and involved directly providing care to a service user
- You displayed a pattern of poor conduct and practice, albeit over a short period of time
- While no actual harm was caused to AA, there was a real risk of physical harm as a result of failure to follow the care plans, and a risk of emotional harm given your comments about him attention seeking
- Your actions amount to an abuse of trust, as you were in a position of responsibility to care for AA on a one to one basis normally, and on this occasion you were responsible for showing another colleague what to do

Factors in your favour

- You have no previous history of misconduct or poor practice

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

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 24 September 2021 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 11 November 2021.