

Notice of Decision

Registrant	Linda McCann
Registration number	3062889
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Paisley
Sanction	Warning to stay on your registration for a period of 12 months
Date of effect	29 June 2019

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
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 12 months

Findings of Fact

We decided that there is evidence that:

1. on or around 8 June 2016, while employed as a Care Assistant by Ailsa Response, and during the course of that employment, you did
 - a. in the presence of service user AA, state to Carewatch Care Services worker ZZ in a raised voice:
 - i. "No. I'm her Support Worker. I've been coming here for fucking years. It's a fucking disgrace" or words to that effect
 - ii. "what right have you got to be here" or words to that effect
 - iii. "you'll be fucking sorry" or words to that effect
 - iv. "your mob are terrible" or words to that effect, in reference to the Carewatch Care Services

- b. in the presence of service user AA, shout at [a person known to AA],
"you will regret going with Carewatch" or words to that effect
 - c. send a threatening text message to [a person known to AA] and in
particular you did state "I will be seeking legal advice against you and
Ailsa Response for slander and wrongful dismissal" or words to that
effect
 - d. shout at your colleague YY
 - e. shout at your colleague XX
 - f. state to your colleague XX "fuck off" or words to that effect
2. On or around 12 October 2013, while employed as a Care Assistant by
Renfrewshire Care Services Limited at Carewatch Care Services-
Renfrewshire, and during the course of that employment, you did visit
service user BB on your own time when you had no remit to do so
3. On or around 19 October 2013, while employed as a Care Assistant by
Renfrewshire Care Services Limited at Carewatch Care Services-
Renfrewshire, and during the course of that employment, you did visit
service user CC to use their telephone
4. On or around 15 October 2015, while employed as a Care Assistant by
Tower Bridge Homes Care Limited at Craiglea Care Home, you did fail to
declare in your application for registration with the Scottish Social
Services Council on the part of the register for Support Workers in a Care
Home Service for Adults, that you had been dismissed from Carewatch
Care Services

and as a result of your actions above your fitness to practise is impaired
due to your misconduct.

Reasons for the finding that your fitness to practise is impaired

Your fitness to practise is impaired because:

- Service users and their family members have the right to expect that they
will be treated with dignity and respect and protected from harm by social
service workers in whom they and the public place their trust and
confidence. Shouting at [a person known to AA] in AA's presence caused,
or was likely to cause, distress, fear and alarm to AA and [a person known
to AA], placing them at risk of harm. This was a breach of the trust and
confidence placed in you by AA and [persons known to AA] who have the
right to expect social service workers will communicate appropriately with
them.

- Social service workers and other workers have the right to expect that they will be treated with dignity and respect and their wellbeing and safety protected by their social service colleagues. By shouting at a social service worker from another company and shouting at your colleagues YY and XX you failed to treat these individuals with dignity and respect. This behaviour caused, or was likely to cause, distress to these social service workers, placing them at risk of harm.
 - Social service workers must work with users of services in a professional manner and not form inappropriate relationships with them. You visited service user BB, in your own personal time and when you had no remit to do so. You failed to maintain professional boundaries by visiting a service user out with your working hours. Your behaviour risked creating an unrealistic expectation on BB's part and may affect how they interact with other workers in future.
 - Social service workers must work with users of services in a professional manner. You visited CC when you had no remit to do so and requested to use their telephone. By visiting the service user to request to use their telephone you misused your power and abused your position as a social service worker and breached the trust and confidence of a vulnerable service user. Your behaviour may have caused the service user to feel pressured into allowing you access to their home to use their telephone. This would create an unrealistic expectation of the service user, which may affect how they interact with other workers in future.
 - Service users have the right to expect honesty and integrity from social service workers in whom they and the public place their trust and confidence. By failing to declare your dismissal from a previous employer in your application for registration with SSSC you breached that trust and confidence. It is a requirement of registration that you inform SSSC about any disciplinary matters in your previous or current employment. This failure represents a breach of SSSC registration requirements and calls into question your good character and conduct and thus your suitability to work in social services. This behaviour prevented the SSSC from fully assessing your suitability to be registered with them.
1. In relation to allegations 1 to 4 you have failed to follow parts 2.1, 2.2, 2.4, 3.8, 5.1, 5.4, 5.7, 5.8 and 6.5 of the SSSC Code of Practice for Social Service Workers in force prior to 1 November 2016.

The sanction

After referring to our Decisions Guidance, we decided that the appropriate sanction is to place a warning on your registration for a period of 12 months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- All matters under consideration occurred inside of work while employed as a social services worker.
- The matters under consideration appear to represent a worrying pattern of behaviour evident by you in the period October 2013 till June 2016.
- Your behaviour at allegation 1 placed a service user, [a person known to a service user] and your work colleagues at risk of emotional harm.
- Your behaviours represent a breach of trust by you towards service users, [persons known to service users], work colleagues, your employers and SSSC.

Factors in your favour

- You have no previous history with SSSC.
- The most recent matter of concern reported to SSSC relates to an incident in June 2016. You have continued to work in social services without any further reported incidents since then.
- Your current employer has provided a reference in support of your current practise highlighting you are a valuable member of staff.
- You have cooperated fully with SSSC regarding the matters under consideration.

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
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the warning

Having been advised of the consequences of accepting or not accepting the **warning**, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **warning** on 7 June 2019.

Date of effect

The notice comes into effect on 29 June 2019.