

Notice of Decision

Registrant	Jacqueline Tolland
Registration number	3135735
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Troon
Sanction	Removal
Date of effect	15 April 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
2. to make a Removal Order removing your registration from the part of the SSSC Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided that there is evidence that while employed as a care assistant with Mansfield Care Ltd, and during the course of that employment, you did:

1. on or around 29 May 2020, in relation to resident AA:
 - a. place AA's wheelchair up against the dining room table with the brakes on, so she could not stand up
 - b. say to AA, "well you can't move now", or words to that effect
 - c. after AA moved the dining room table to stand up, tell AA to sit down
 - d. state to AA that you "didn't want her as a friend", or words to that effect

- e. push AA in her wheelchair while the chair was tipped back onto two wheels
 - f. shout “shut up”, or words to that effect, at AA when pushing her in her wheelchair
 - g. say to AA that she “deserved to go to her room because she shouldn’t be hitting people”, or words to that effect
 - h. by your actions at 1.a. – g., cause AA distress
 - i. state to your colleague ZZ, “I can’t believe that fucking bitch hit me,” or words to that effect
2. on or around 31 May 2020, when discussing the incident that had taken place on 29 May 2020 with other members of staff, state “that bitch hit me across the face but it will be her first and her last”, or words to that effect

and in light of the above your fitness to practise is impaired because of your misconduct.

Reasons for the finding that your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
- a. Service users have a right to expect that social service workers will communicate with them in an appropriate manner and treat them with dignity and respect. Similarly, they have a right to expect that social service workers will protect them from harm. You placed a resident in a wheelchair against a table with the brakes on and failed to respect her wishes to stand up. This behaviour could have caused the resident both physical and emotional harm. You shouted at the resident and pushing them in their wheelchair in an unsafe manner and caused the resident distress and upset. Your actions had the potential to result in the resident being fearful to seek assistance from care staff in the future, which in turn could have a detrimental impact on their health and wellbeing. You then spoke to your colleagues about the resident using derogatory language which demonstrates a lack of respect for the resident and potentially other persons in your care. Your behaviour fell far below the professional standards expected of social service workers and

call into question your suitability to continue working as part of caring and responsible profession.

- b. There are significant public protection concerns arising from your behaviour. The behaviour you have displayed violates fundamental values of the profession, namely that social service workers should protect vulnerable people from harm, communicate with them in an appropriate manner and treat them with dignity and respect. The behaviour raises concerns as to your suitability to continue working with vulnerable individuals. If the behaviour were to be repeated, other vulnerable people could be put at risk of harm.
 - c. The FtP Department considers the public interest to be high and that the reputation of the profession could be damaged as a result of your behaviour. The SSSC requires to take steps to properly address your behaviour, which is fundamentally incompatible with professional registration.
2. You have failed to follow parts 1.4, 2.2, 2.4, 3.10, 5.1, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service Workers.

Sanction

After referring to our Decisions Guidance, we decided to make 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

- You had significant experience working within the care sector at the time the incident took place. You had completed various training courses which were relevant to your role. You would therefore have been aware of the standard of behaviour expected
- The behaviour took place inside of work and involved a vulnerable resident
- Witnesses to the incident describe the resident as appearing visibly distressed and scared as a result of your behaviour. It would therefore appear that the resident suffered emotional harm as a result of your

actions. Your behaviour also had the potential to cause the resident physical harm

- The dates of the incidents took place in close proximity and as such, this could be said to be indicative of a pattern of behaviour.

Factors in your favour

- You have co-operated with the SSSC's investigation
- No concerns with your practice had been reported to the SSSC prior to this incident.

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 practise. The behaviour is serious. A warning would give no protection to service users or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practise has been impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A suspension order would not be appropriate as your behaviour/impairment of your fitness to practise is fundamentally incompatible with continuing registration. You are currently subject to a Temporary Suspension Order. The interests of people who use services and the public would not be sufficiently protected by a period of further suspension.
- For the reasons outlined above a suspension order plus conditions would not be appropriate.
- The SSSC considers that 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.
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the Removal Order

Having been advised of the consequences, and recommended to take legal advice, you admitted the facts and that your fitness to practise is impaired and accepted the Removal Order on 30 March 2021.

Date of effect

The notice comes into effect on 15 April 2021.