

## Notice of Decision

<b>Registrant</b>	Rajinder Kaur
<b>Registration number</b>	2064364
<b>Part of Register</b>	Practitioners in Day Care of Children Services
<b>Town of employment</b>	Glasgow
<b>Sanction</b>	Warning to stay on your registration for a period of 36 months
<b>Date of effect</b>	13 May 2023

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 Practitioners in a Day Care of Children Service for a period of three years

### Findings of fact

We decided there is evidence that while employed as a Child Development Officer with Glasgow City Council at Caldercuilt Nursery School, Glasgow and during the course of that employment you did:

1. on or around 14 May 2019, in relation to child AA, 3 years of age
  - a. use your leg to push AA's legs from beneath him and guide him to the ground
  - b. while AA was on the ground, straddle AA with a leg at either side of his body
  - c. while holding AA to the ground shout 'don't you ever hit me again' or words to that effect

- d. stretch AA's arms above his head and walk him into the nursery in this manner
- 2. on or around 4 November 2020, in relation to child BB
  - a. fail to supervise BB while in the nursery playground
  - b. your actions at 2.a. above resulted in BB leaving the playground unsupervised
  - c. fail to carry out a headcount of the children when they returned inside the nursery building
- 3. on or around 14 June 2021, lift child CC by her upper arm
- 4. on or around 22 June 2021, consume alcohol while you were on shift 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 are expected to meet the relevant standards of practice and work in a lawful, safe and effective way. They are also expected to treat service users with dignity and respect. Rather than implementing your training to manage child AA's behaviour, you used inappropriate physical intervention. Your actions in pushing AA's legs away from him, straddling him and shouting at him, demonstrated a loss of self-control and was likely to have caused some physical and emotional harm to AA.
  - b. You failed to supervise child BB who was high risk for climbing stairs. While this appears to be a genuine mistake and no harm was caused, BB managed to gain access to the stairs and leave the playground due to your failure to properly supervise him and failure to then carry out a head count. This could have been avoided had you been more vigilant in your duties and responsibilities.
  - c. In lifting CC by her upper arm, you again demonstrated a lack of control. Your actions left a red mark on CC's arm was likely to have caused some physical harm and distress.
  - d. It is acknowledged that your colleague brought in some alcohol as part of a particular set of circumstances. While you were not intoxicated

and did not drink any alcohol in front of children, you were still on shift and due to continue supporting children. This behaviour demonstrated poor judgement.

- e. Although the incidents are somewhat isolated in nature, your behaviour at allegations 1 and 3 demonstrate a pattern of a lack of self-control and a disregard for the wellbeing of young children in your care. Although you have had an otherwise unblemished history in the many years you have worked in the childcare sector, it is likely that the public would expect the SSSC to take action to reinforce the relevant standards of practice and to uphold the confidence in the profession.

2. In relation to findings of fact 1-4 you have failed to follow parts 1.1, 1.4, 2.2, 2.4, 3.3, 5.1, 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 **three years**.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- The behaviour occurred in your place work, in an environment where children should feel safe and cared for.
- Your behaviour was likely to have caused physical and emotional harm to AA and CC. There was a risk of harm to BB.
- There is a pattern of concerning misconduct.

#### **Factors in your favour**

- You have a previous good history.
- You have cooperated with the SSSC investigation.
- You have demonstrated some insight.

## **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 30 March 2023 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 13 May 2023.