

## Notice of Decision

<b>Registrant</b>	Donna Fairley
<b>Registration number</b>	4113448
<b>Part of Register</b>	Support Workers in Care at Home Service
<b>Town of employment</b>	Edinburgh
<b>Sanction</b>	Removal
<b>Date of effect</b>	17 April 2024

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 impose a Removal Order removing your registration from the part of the SSSC Register for Support Workers in Care at Home Service.

## Findings of fact

We decided there is evidence that while employed as a Support Worker at Call-in Homecare Ltd, West Lothian, and during the course of that employment, in relation to service user AA you did:

1. on 8 April 2023 while AA was in the shower, take two £20 notes from AA's purse without her knowledge or consent.
2. on 12 April 2023 while AA was in the shower, take £30 from AA's purse without her knowledge or consent.
3. on 15 April 2023 while AA was in the shower, take £30 from AA's purse and £20 from a wallet kept in a cabinet without AA's knowledge or consent.
4. by your actions at 1. – 3. act dishonestly as you knew the money belonged to AA and you did not have consent to take it.

and your fitness to practise is impaired because of misconduct as set out in allegations 1. – 4. above.

### **Reasons for finding your fitness to practise has been impaired**

1. Your fitness to practise is impaired because:
  - a. Social service workers are expected to not abuse the trust of people who use services, their families, their employer or the public as a whole. You misappropriated a supported person's money without her knowledge or consent. This was a direct abuse of your position of trust and your actions resulted in financial harm to the service user concerned. It would cause the public to lose confidence in the social services profession if you were given the opportunity to repeat such behaviour. The misconduct represents values which are fundamentally incompatible with registration as a social services worker.
  - b. Social service workers are also expected to be open, honest, trustworthy and reliable. Service users should be able to place trust in workers who come to provide care to them. Taking money from a vulnerable service user without their consent or knowledge is dishonest behaviour that falls at the more serious end of the scale of seriousness. Dishonest behaviour on this level undermines trust in social services and requires serious action by the SSSC as the regulator.
  - c. Your behaviour has been repeated on at least three occasions and as you have not provided any comments to the SSSC and have not shown any remorse, regret or insight or apology for your behaviour, we have therefore concluded there is a real risk of repetition.
  - d. Your behaviour being at the more serious end of the scale, coupled with the risk of repetition being assessed as high, invokes public protection concerns. There is a public interest in maintaining trust and confidence in the register and upholding proper standards of behaviour in the profession. Your behaviour damages the reputation of the profession, and it is in the interests of the public to take serious action and remove you from the register.
2. You have failed to follow parts 2.1, 2.4, 2.7, 3.3, 3.6, 3.7, 4.3, 5.1, 5.2, 5.35.7, 5.8 & 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

### **Sanction**

After referring to our Decisions Guidance, we decided to impose 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 have not participated in the SSSC investigation or provided any comments. You have failed to show any insight, regret, remorse or apology for your behaviour.
- The behaviour was not spontaneous. It would appear there was an element of planning given the money was only misappropriated on days the service user had a shower call and would be in the shower unaided.
- The behaviour was not isolated and occurred on at least three occasions and demonstrates a concerning pattern of behaviour that is a far departure from the values expected from a social service worker.
- The behaviour occurred while you were carrying out your duties as social service worker with the victim of your actions being an extremely vulnerable service user.
- The service user suffered financial loss as a direct result of your behaviour as well as a risk of emotional and/or psychological harm.
- You abused your position of trust of a vulnerable supported person who you should have been taking care of and protecting from this type of behaviour.

### **Factors in your favour**

- You have no previous adverse history with the SSSC.

### **Reasons why other sanctions are not appropriate**

- A warning would not be appropriate as the behaviour constitutes an abuse of a position of trust as well as financial abuse. The behaviour needs to be marked as serious. A warning would not appropriately address the seriousness of the behaviour, particularly as you have not shown any reflection, remorse, apology or insight.
- A condition would not be appropriate because a condition would not be workable or enforceable nor would it address the seriousness of the behaviour. There are no conditions which could be placed on you which would address why your fitness to practise is impaired given the behaviour indicates a values issue.
- A warning plus conditions would not be appropriate due to the reasons

outlined above.

- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with ongoing registration. There is no evidence a period of suspension would allow you to remedy the cause of the impairment of your fitness to practice.
- For the reasons outlined above a Suspension Order plus conditions would not be appropriate.
- The SSSC considers 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 and the Fitness to Practise (Amendment) Rules 2021.
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

#### **Imposing the Removal Order**

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 Removal Order if you do not ask for a hearing before a Fitness to Practise Panel.

We wrote to you on 29 February 2024 to tell you we wanted to place a Removal Order on your registration. After explaining the consequences and recommending you take legal advice, you have not asked for the case to be referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this Removal Order.

#### **Date of effect**

The notice comes into effect on 17 April 2024.