

Notice of Decision

Registrant	Victoria Costello
Registration number	3058983
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Stonehaven
Sanction	Warning and Condition
Date of effect	9 March 2022

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 Care Home Service for Adults, for a period of **2 years**
3. to place a condition on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults, which you must meet within 9 months of commencing a registerable role.

Findings of fact

We decided there is evidence that:

1. on or around 26 May 2021, at Aberdeen Sheriff Court, you were convicted of the following offence:
 - a. that on 17 May 2019 at, Stonehaven, you did act in a racially aggravated manner which caused or was intended to cause alarm or distress to a person namely colleague AA in respect that you did utter racially aggravated offensive remarks towards him contrary to the

Criminal Law (Consolidation) (Scotland) Act 1995, Section 50(1)(b) and (5)

and your fitness to practice is impaired because of your conviction set out in 1.a above.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers should communicate in an appropriate manner and work in a way that promotes diversity and respects different ethnicities. Social service workers should not abuse their colleagues. You used a racially aggravated offensive remark toward your colleague AA calling him a “fucking [Information redacted]”. Your behaviour was done with the intention of causing AA alarm or distress. Such behaviour is serious and violates the fundamental tenets of the profession.
 - b. Although you have admitted the behaviour, you have not shown insight or reflected on the potential impact of such a comment on AA. Whilst it is accepted that this was an isolated incident, your behaviour is indicative of underlying values or attitudinal issues. Your reaction to your perception that AA was speaking down to you was to racially abuse him. Your actions were deliberate. As such, there is a lack of reasonable assurances for the SSSC to consider that such behaviour is capable of being easily remedied and there remains a risk of repetition.
 - c. Your behaviour placed your colleague at risk of harm. If your behaviour were to be repeated, then it would expose members of the public, including colleagues and service users to risk of emotional harm. There remains a continuing public protection concerns and as a responsible regulator the SSSC is required to take necessary steps to protect the public from such risks.
 - d. The SSSC has a duty to uphold proper standards of conduct and behaviour from social service workers. Registration with the SSSC provides members of the public with assurances that the SSSC is satisfied that you are fit to practise. Given the seriousness of your behaviour, the lack of comfort that can be taken from your insight, the risk of repetition and risk to public protection, a finding of impairment

is necessary to maintain public confidence in the integrity of the register and in the SSSC as a regulator.

2. In relation to findings of fact, you have failed to follow parts 1.5, 2.2, 5.1, 5.5, 5.7 & 5.8 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 **2 years** and the condition set out below.

The condition

The condition placed on your registration is:

1. Within 1 month of securing employment in the social service sector, you will inform your employer of the conditions imposed on your registration and the reasons that they were imposed. This written evidence should be signed by your employer.
2. Within 6 months of commencing a registerable role you will provide the SSSC with evidence that you have undertaken training and learning which must cover:
 - a. Effective communication
 - b. Antidiscrimination practice
 - c. Equality and diversity
 - d. Conflict management

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

3. Within 2 months of completing condition 2, you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on your behaviour when you demonstrated discriminatory and offensive views. Your reflective account must address:
 - a. The impact of your behaviour and communication on your colleague, colleagues who were present, and the potential impact of your behaviour on service users.
 - b. How this type of behaviour could affect the trust of colleagues, and the reputation of the service.
 - c. The importance of equality and diversity in social services.

- d. How to challenge your own attitudes and behaviour so that they are not harmful or offensive.
 - e. How to handle conflicts between your own values and others including when to report your concerns.
 - f. How your behaviour breaches the SSSC Code of Practice for Social Service Workers.
 - g. How your behaviour undermines the trust and confidence in you as a social service worker.
 - h. How the SSSC can be assured that you will not repeat your behaviours.
 - i. What you have learned since the incident and what you would now do differently.
 - j. Your responsibility as a social service worker to model professional practice including values.
4. You must participate in supervision with your line manager at least every 6 weeks for a period of 9 months. The supervision meetings should focus on:
- a. The requirements stipulated in conditions 2, and 3 and how you are progressing with completing the conditions.
 - b. How you are demonstrating appropriate, respectful and effective communication with colleagues and service users in your day-to-day work.
 - c. How you will address any concerns raised about your communication with service users and/or colleagues.

You must submit your supervision records to the SSSC within 2 weeks of completion. Your records should be signed by both you and your employer.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour is serious. The comment was made with the intention of offending AA. Your actions were deliberate and abused the trust placed in you by your employer and members of the public.

- Although you have admitted the behaviour, you have not shown insight or reflected on the potential impact of your comment on AA and other colleagues who were present.
- You have not co-operated with the SSSC investigation.
- Your behaviour demonstrates a fundamental failure to follow the Codes of Practise.

Factors in your favour

- The behaviour was isolated in nature.
- Prior to the incident taking place, you were employed within the sector for a period of over 3 years. The SSSC is not aware of any issues concerning your fitness to practise during this time.

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 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 and condition** on your registration if you do not ask for a hearing.

We wrote to you on 20 January 2022 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 9 March 2022.