

Notice of Decision

Registrant	Stephanie Black
Registration number	3051246
Part of Register	Practitioners in Day Care of Children Services
Town of employment	Hamilton
Sanction	Warning to stay on your registration for a period of 5 years and conditions imposed
Date of effect	07 October 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 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 Day Care of Children Services, for a period of five years
3. to place a condition on your registration, on the part of the Register for Practitioners in Day Care of Children Services, which will remain in place for the duration of the warning on your registration.

Findings of fact

We decided that there is evidence that, on 27 May 2021, at Hamilton Sheriff Court, you were convicted of an offence of theft in that, between 13 April 2019 and 20 April 2019 and on 3 May 2019 and 5 May 2019 dates inclusive at [information redacted] you did steal £445 of money

and your fitness to practise is impaired because of your misconduct and conviction.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. social service workers are expected to act with honesty and integrity at all times. They are trusted not to abuse the responsibility they have to vulnerable people. You have been convicted of an offence of theft. You have admitted that the offence involved stealing money from a user of services while you were employed in a part-time care role. You behaved in a manner that could be viewed as fundamentally incompatible with professional registration. Your behaviour breaches fundamental values of the profession. The behaviour is extremely serious and brings into disrepute the social services profession.
 - b. your actions abused the trust placed in you by the user of services and your employer at the time. It also caused financial harm to the user of services, although you are required to repay the money that was stolen as part of the outcome of the criminal proceedings. Your conduct is also likely to have caused emotional distress to the user of services and their family.
 - c. in general terms, serious concerns arise in relation to the values held by someone who has demonstrated that they are willing to steal money from a vulnerable user of services for their own gain. This would generally mean that the risk of repetition in such situations would be assessed to be high.
 - d. despite what is stated above, there are exceptional circumstances in relation to your situation. You have demonstrated a significant amount of insight and regret in relation to your conduct. You have explained in some detail your life circumstances at the time which, you say, led to you acting as you did. You have said that you were in a lot of debt at the time and were struggling to pay bills. [Sensitive Personal Information Redacted] You have said that you became desperate and that you then made what you refer to in your comments to the SSSC as "the biggest mistake of [your] life". You have said that you can only imagine what you put the victim and the victim's family through as a result of your conduct. You have apologised for going against the SSSC Codes of Practice. The SSSC has formed the view that the explanation you have given for your actions, and the regret that you have demonstrated, is genuine. While the explanation you have given does not excuse your behaviour, it does place it in some context. There have never been any other concerns with your professional practice and a positive reference has been received from your current employer. As a result of this, the SSSC has concluded that your behaviour is not necessarily reflective of a core values issue and most likely arose in the context of the very difficult personal circumstances that you found yourself in at the time of these events, which are unlikely to be repeated.

- e. while the SSSC has concluded that the risk of similar behaviour being repeated is low and you present a limited risk to the public and service users, the condition to be imposed on your registration further mitigates this risk.
 - f. despite the comments as noted above, a fully informed member of the public would be very concerned about someone who is registered with the SSSC acting in the manner that you did. While the public might have some sympathy for the personal circumstances you have outlined as a factor in your behaviour and would be impressed by the insight and regret you have demonstrated, it is necessary for a finding of impairment to be made in this case to mark the entirely unacceptable nature of your conduct.
2. In relation to the findings of fact, you have failed to follow parts 2.1, 2.4, 2.7, 3.1, 3.10, 5.1, 5.2, 5.3, 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 five years and the condition set out below.

We have considered very carefully whether a warning and a condition is sufficient to address the conduct in the circumstances. The conduct showed a complete disregard for the SSSC's Codes of Practice and the values that are expected to be shown by registered workers. We are mindful that we are required to act in a proportionate way in reaching our decision. While the matter is finely balanced, we decided that a warning and condition is the appropriate sanction, for the reasons that are outlined in this Notice of Decision. To mark the seriousness of the conduct and being mindful of the need to maintain public confidence in the Register and the SSSC as regulator, we decided that the warning should be placed on your entry in the Register for a period of five years, which is the maximum permitted under the Rules.

The condition

The condition placed on your registration is:

1. Within 7 days of this Notice of Decision condition coming into effect and/or within 7 days of taking up any employment in any future role that requires SSSC Registration, you must provide evidence to the SSSC, countersigned by your employer, confirming that they are fully aware of the condition on your registration and why this condition was applied to your registration.
2. For a period of 5 years from the condition coming into effect, while working in any registerable employment, you must not handle money or be involved in any aspect of financial administration or management.

3. Every 4 months, for the duration of condition 2, you should submit written confirmation to the SSSC that you are adhering to the terms of condition 2, this written confirmation should be countersigned by your employer.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The degree of disregard for the SSSC Codes of Practice in relation to your behaviour was significant, and breaches fundamental tenets of the profession
- There does appear to have been an element of pre-planned or deliberate intent behind your conduct, given that the thefts occurred on more than one occasion
- The conduct took place in work, while you were responsible for the wellbeing of a vulnerable service user
- The behaviour involved thefts which took place on more than one occasion. As a result, there is a pattern of conduct
- The consequences of your conduct were significant, in that the victim of your thefts suffered financial harm and possible emotional harm. Your conduct also brings into disrepute the social services profession
- Your actions clearly amount to a serious abuse of the trust of the service user you were caring for, the service user's family and your employer at the time, who would have trusted you to have worked in accordance with the requirements of your role.

Factors in your favour

- You have shown clear and developed insight and regret for your conduct, as is noted above
- You have been registered with the SSSC since 2015 and no other adverse findings have been made against you
- You have outlined in your comments to the SSSC personal circumstances you were experiencing at the time of these events which appear to be mitigating
- The behaviour occurred over 2 years ago now, and there has been no repeat of any similar behaviour
- You have been subject to a Temporary Conditions Order imposed by a Fitness to Practise Panel during the course of the SSSC's investigation. You

have obtained new employment during this period and a very positive reference has been obtained from your employer. You have been open and honest with them about the criminal proceedings and the SSSC's investigation and you are described by your employer as very caring and of always showing kindness and compassion to users of services. You are described as being passionate about what you do and that you have been reliable, flexible and very committed to doing an excellent job

- You have cooperated fully with the SSSC's investigation. You have provided detailed comments on the allegations and participated in Fitness to Practise Panel hearings in relation to the Temporary Order on your registration
- It is clear from the comments that you have made to the SSSC that you are committed and passionate about a career in care, and you may have a valuable contribution to make to the profession in the future. This also suggests that the risk of similar behaviour being repeated is low. It is clear that you value the privileges that come with being registered with the SSSC.

Documents we have referred to

When making our decision, we referred to the following 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 24 August 2021 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 07 October 2021.