

## Notice of Decision

<b>Registrant</b>	Sarah-Jane Kirk
<b>Registration number</b>	4030863
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	St Andrews
<b>Sanction</b>	Removal
<b>Date of effect</b>	30 April 2025

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 social care worker.

### Findings of fact

We decided there is evidence that on 24 July 2024, at Dundee Sheriff Court, you were convicted of the following offence:

1. on 5th February 2022 at Ark Housing Association, 7 Glebe Road, St Andrews you did while employed as a carer of AA embezzle £49.98

and your fitness to practise is impaired because of your misconduct and conviction as set out in allegation 1.

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

1. Your fitness to practise is impaired because:
  - a. Social service workers must be truthful, open, honest and trustworthy. They must not abuse, neglect or harm people who use services or

behave while inside or outside work, in a way which would bring their suitability to work in social services into question.

You took money from a supported individual to purchase items for yourself. Your actions were dishonest and fall far short of the standards expected of you. You have breached the trust and confidence placed in you.

- b. You were convicted, in a criminal court, of having misappropriated monies belonging to a person in your care. Your behaviour represents serious misconduct and a significant abuse of trust.

In addition to the financial abuse of the supported individual, your behaviour may cause those receiving support to mistrust carers, care providers and all those connected with the social services profession. This mistrust can have a significant emotional impact upon those who depend upon social services for vital support.

You took advantage of your privileged position, and your behaviour is fundamentally incompatible with the values of a caring profession.

2. You have failed to follow parts 2.1, 2.4, 3.8, 5.1, 6.1, 6.2 and 6.7 of the SSSC Code of Practice for Social Service Workers in force from 1 May 2024.

## **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 embezzled money belonging to a person in your care. Your behaviour represents serious misconduct and a significant abuse of trust.
- Your behaviour has the potential to cause those receiving support to withdraw from carers, care providers and all those connected with the social services profession. This mistrust can have a significant impact upon those who depend upon social services for vital support.
- Your behaviour constitutes the abuse of trust of an individual who you were entrusted to care for.

**Factors in your favour**

- There are no factors in your favour

**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 practice. Your behaviour is extremely serious, and a warning would give no protection to service users or the general 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 is impaired. Your behaviour indicates personal character traits which are wholly incompatible with the ethos of a caring profession. There are no conditions which will adequately address these fundamental shortcomings.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate and would only protect vulnerable people for a limited time. It would provide no confidence that you have changed your ways and can be trusted to care for and support the wellbeing of those who use services.
- 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 06 March 2025 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 30 April 2025.