

Notice of Decision

Registrant	Adekunle Osiyuwa
Registration number	3044320
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Edinburgh
Sanction	Warning to stay on your registration for a period of two years and condition imposed
Date of effect	29 June 2019

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
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.

Findings of Fact

We decided that there is evidence that:

1. On or around 10 June 2016, while employed by Reed Social Care as a Care Assistant at Oaklands Care Home, and in the course of that employment, after feeding resident AA aged 97 who was receiving palliative care, you did:
 - (a) leave AA's bed at a raised height
 - (b) leave AA in an upright and uncomfortable position

- (c) on two occasions state to colleague ZZ in relation to AA's bed height being raised, AA being upright and AA's duvet being folded on furniture within her room, "she did that herself; this is not my style" or words to that effect, when that was not true
 - (d) by making the statement in c. above, act dishonestly in that you were responsible for the matters in question
- 2. Between 14 January 2017 and 15 January 2017, while employed by Reed Social Care at Bield Care Home for a back shift and sleep over shift, and in the course of that employment, you did:
 - (a) fail to notify management at Bield Care Home, or Reed Social Care, that you were not qualified to carry out the shift, in that the shift:
 - i. was for a senior care worker, which you were not
 - ii. included the administration of medication, for which you were not qualified
 - (b) make errors in the administration of medication to residents namely that:
 - i. in relation to resident YY, you did:
 - a) administer ferrous sulphate from the morning dose
 - b) administer calchew from the morning dose
 - c) fail to administer Senna
 - ii. in relation to resident XX, you did fail to administer aspirin
 - iii. in relation to an unknown resident, you did fail to:
 - a) administer Nicorandil
 - b) administer an inhaler;
 - iv. in relation to resident WW, you did:
 - a) administer co-codamol from the morning dose
 - b) administer calchew from the morning dose
 - c) fail to administer Diazepam as required at 21.00
 - d) fail to administer Trazadone as required at 21.00
 - v. in relation to resident VV, you did:

- a) administer Trimethoprim at the incorrect time
 - b) administer co-codamol at 17.00 without recording the reason for this administration
 - c) administer co-codamol at 21.00 without recording the reason for this administration
 - vi. in relation to resident UU, you did fail to administer dispensed medication
 - vii. in relation to resident TT, you did:
 - a) fail to administer dispensed Citalopram
 - b) fail to administer dispensed Clopidogrel
 - c) administer Senna at the incorrect time
 - viii. in relation to resident SS, you did:
 - a) administer Chlorpromazine from the morning dose
 - b) administer Thiamine from the morning dose
3. On or around 13 February 2018, when applying for employment with Edinburgh City Council, you did:
- a. fail to disclose that you had been employed with Reed Social Care from about 5 December 2012 until 17 January 2017
 - b. and your failure at a. was dishonest in that your motivation was concealing your employment with Reed Social Care from your prospective employer

and in light of the above your fitness to practice was impaired because of your misconduct.

Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - (a) Social service workers must not put people at unnecessary risk of harm. They must meet the relevant standards of practice and work in a safe and effective way. By leaving resident AA in an upright position, with her bed raised, you placed AA at risk. Persons who use services have the right to expect that the care they receive from social service workers, in whom they place their trust, protects their dignity and will be safe. By not adhering to safe health and safety practices there was a breach of trust and confidence, while placing AA at risk of harm.

- (b) Being dishonest to an employer can impact adversely on the employer's ability to ensure that service users receive safe care which meets their needs. It also breaches the trust placed in social service workers by employers, service users, the public and the SSSC. In being dishonest in relation to AA's bed being raised, AA being upright and AA's duvet being folded on furniture within her room, saying, "she did that herself; this is not my style" or words to that effect, when that was not true, you breached that trust. You sought to blame AA when you were challenged by your colleagues. This is a breach of trust placed in you by AA, your employer, the public and SSSC
- (c) You have made a number of errors in relation to the administering of medication, failed to administer the required medication to multiple residents, and administered medication incorrectly to multiple residents. You also failed to accurately record the administering of medication. Social service workers must meet the relevant standards of practice and work in a lawful, safe and effective way. Residents were placed at risk due to your actions and as a consequence of you not advising your employer you were not qualified to administer medication. Social service workers must follow procedures within the workplace and keep accurate and up to date records. Failing to administer medication appropriately placed multiple residents at risk of harm. Residents could have received overdoses of medication or become ill due to not receiving medication. Your actions constituted a failure to protect the residents from harm and a failure to meet the relevant standards of practice aimed at keeping social service users safe.
- (d) Service users, employers and members of the public, have the right to expect honesty and integrity from social service workers in whom trust and confidence is placed. Acting dishonestly is a breach of trust and confidence which may put others at risk of harm. In failing to disclose you were being investigated or the details of your previous employer, you impeded another service from making safe and fully informed judgments around the safety of service users. Your actions were a breach of trust placed in you by the public and SSSC

In relation to allegation 1 you have failed to follow parts **1.4, 2.1, 2.2, 2.4, 2.5, 3.10, 5.1, 5.7, 5.8 and 6.1.** of the SSSC Code of Practice for Social Service Workers in force prior to 1 November 2016.

In relation to allegations 2-3 you have failed to follow parts **1.4, 2.1, 2.2, 2.4, 2.5, 2.6, 3.8, 3.10, 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 that the appropriate sanction is to place a warning on your registration for a period of two years and the condition set out below.

The condition

The condition placed on your registration is as follows:

1. Prior to commencing a role in social services you must inform your employer of the conditions on your registration
2. Within two weeks of commencing a role in social services you must submit evidence to the Council, endorsed by your employer, of their awareness of condition 1
3. Within three months of commencing a role which requires you to administer medication you must:
 - i. satisfactorily complete medication training, which is at a level appropriate for your role and which is aligned to current national guidance and legislation
 - ii. within one month of completing the medication training, submit a record from training provider to the SSSC
4. Within three months of commencing a role you must:
 - i. satisfactorily complete moving and positioning training, which is at a level appropriate for your role and which is aligned to current national guidance and legislation
 - ii. within one month of completing the moving and positioning training, must submit a record the from training provider to the SSSC
5. Within one month of completing conditions 3 and 4, you must submit a reflective account, the content of which must be to the satisfaction of the SSSC and reflect on your practice when you failed to administer medication correctly, failed to understand and meet the personal care needs of a resident, failed to treat residents with dignity and respect and on occasions where you were dishonest. Your account should specifically demonstrate:
 - i. why it is important to comply with employers' policies and procedures for administration of medication
 - ii. risk factors involved in the administration of medication and the harm that can be caused because of errors in administration of medication

- iii. the importance of always adhering to service users' individual care plans and the impact of not doing so in relation to the risks and potential harm to people using services
 - iv. how you must respect and maintain the dignity of people using the service
 - v. what you would now do differently in the light of your training and learning
 - vi. how the SSSC can be assured that you will not repeat the behaviour you demonstrated
6. You must provide the Council with a copy of monthly supervision session notes, countersigned by your manager, showing how your training and reflections has impacted on your practice as well as demonstrating your knowledge in relation to your role and responsibilities and how you may address any gaps in your knowledge and skills. You must provide the supervision notes within 2 weeks of each supervision session taking place for a period of 6 months.

Reasons for the sanction

When making our decision we considered the following factors:

- **Factors of concern**

- You have not taken steps to address your behaviour.
- You had multiple opportunities to declare your lack of qualifications and failed to do so.
- You failed to appreciate the seriousness of your behaviour, which left vulnerable adults at acute level of risk.
- There have been three separate incidents of misconduct since 2016.
- Your wrongful administration of medication could have had left a serious and detrimental impact on multiple residents.
- You risked harm to resident AA who was at end of care and was left in an uncomfortable position by the worker.
- You breached fundamental tenants within the codes of practice and abused of trust placed in you by the public and SSSC.
- You did not report to your employer or care home that you had administered medication or that you were not qualified to do the role.

- You concealed your employment with Reed Social Care when applying for a job with City of Edinburgh Council.

- **Factors in your favour**

- You showed a level of insight and regret in relation to allegation three.
- There are no previous regulatory concerns.
- You cooperated with the SSSC by providing full statements in relation to the allegations.

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
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the warning and condition

Having been advised of the consequences of accepting or not accepting the warning and condition, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the warning and condition on 25 May 2019.

Date of effect

The notice comes into effect on 29 June 2019.