

## Notice of Decision

<b>Registrant</b>	Claire Smith
<b>Registration number</b>	3126465
<b>Part of Register</b>	Support Workers in a Care Home Service for Adults
<b>Town of employment</b>	Aberdeen
<b>Sanction</b>	Condition imposed
<b>Date of effect</b>	3 June 2021

This is notice of a decision made by 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 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 six months of commencing employment in a registerable social services role.

## Findings of Fact

We decided that there is evidence that between 3 September 2018 and 11 September 2018, while employed as a Support Worker by Abernethy Care Ltd, and during the course of your employment, in relation to AA, a user of services, you did:

- a. on or around 3 September 2018 on two occasions, roll AA towards your colleague while she knelt down on the floor which placed AA at risk of falling off of the bed
- b. on 4 September 2018:
  - i. on two occasions, roll AA onto her side while the top of her bed was still in an elevated position

- ii. roll AA towards your colleague while she knelt down on the floor which placed AA at risk of falling off of the bed
- c. on or around 5 September 2018, while assisting AA into her pyjamas, fail to ensure the brakes were on the bed
- d. on an unknown date, fail to speak to AA, or provide any reassurance, for a period of approximately 7 minutes while your colleague was providing personal care

and in light of the above your fitness to practise is currently 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 meet relevant standards of practice and work in a lawful, safe and effective way. You failed to follow moving and handling guidelines when providing personal care to AA. Your colleague was kneeling on the floor during two of these manoeuvres, this placed AA at risk of falling off of the bed and could have caused injury to AA and your colleague.
  - b. social service workers should communicate in an appropriate and straightforward way. While your colleague was providing personal care to AA, you failed to communicate with AA for approximately 7 minutes. This absence of communication may have resulted in AA feeling vulnerable whilst she received personal care within her own home.
2. In relation to findings of fact a to d above you have failed to follow parts 1.4, 2.2, 2.4, 4.3, 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 that the appropriate sanction is to place the condition set out below.

### **The condition**

The condition placed on your registration is as follows:

1. On re-entering a role in social services, which requires registration with the SSSC, you must:

- a. Advise any new employer of the condition placed on your registration.
  - b. Provide to the SSSC evidence of 1a above by way of a confirming statement, signed by you and your employer, within 7 days of commencing said employment.
2. Within 3 months of returning to a registerable role in social services you are required to provide to the SSSC evidence that you have undertaken learning which must cover:
  - (i) Moving and Handling/Positioning
  - (ii) Dignity, Respect and Privacy
  - (iii) Adult Support and Protection
  - (iv) Health and Safety

you should discuss with your employer the most effective way to complete this training. It can be in the form of face to face study or online training, mentoring, supervision, and/or independent study.

3. Within 2 months of completion of the above training you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC and should focus on the impact the incident has had on the way you work now. You should specifically explain:
  - (i) what you have learned from the incident in which you failed to:
    - correctly use moving and positioning guidelines
    - respond to and offer reassurance to resident, AA, when a colleague was carrying out personal care.
  - (ii) why is it important that you must always follow your organisation's policies and procedures to ensure you are moving and handling people safely?
  - (iii) the impact that your behaviour could have had on others, including people who use services you work with, their families, your colleagues and the wider public. You should consider including risk of, or actual, harm; trust and confidence.
  - (iv) how you work in line with the Health and Social Care standards when undertaking moving and handling within your role. Please provide examples to show your understanding.

- (v) your understanding of how your behaviour breached the SSSC Codes of Practice for Social Service Workers.
  - (vi) what changes you have made to your practice, and how can the SSSC be confident that you will not repeat this behaviour in future?
  - (vii) how to work in ways that help vulnerable adults to feel safe and valued and that respect and maintain their dignity and privacy.
  - (viii) how to challenge your own attitudes and behaviour so that that they do not contribute to situations or behaviour that may be harmful or abusive.
  - (ix) your responsibility as a social service worker to model professional practice including values.
4. For a period of 6 months of returning to work in a registerable role, you will undertake supervision on a monthly basis that includes a focus on:
- Moving and Handling/Positioning Procedures
  - Feedback from observed practice
  - How you are meeting the care needs for vulnerable adults you have responsibility for providing care for
  - Adhering to employer policies and procedures relating to delivering care safely to vulnerable adults; Dignity and Privacy,
  - Upholding the SSSC Codes of Practice and Health and Social Care Standards
5. You will submit to the SSSC, formal supervision notes which must include record of the discussions referred to in 4 above, within 2 weeks of the supervision meeting having taken place. These should be signed by you and your employer.

## **National Occupational Standards**

In writing your reflective account you should look at the National Occupational Standards (NOS) for your role. NOS form the basis of qualifications and training programmes required to work in social services in Scotland and to register with the Scottish Social Services Council (SSSC). NOS describe the knowledge, skills and understanding needed to do a particular job to a nationally recognised level of competence.

The full NOS for your role can be found here:

[http://workforcesolutions.sssc.uk.com/nos/hsc\\_svg2.html](http://workforcesolutions.sssc.uk.com/nos/hsc_svg2.html)

Specific NOS that may be helpful for you to consider when writing your reflective account within the context of your condition are listed below.

SCDHSC0021	Support effective communication
SCDHSC0023	Develop your own knowledge and practice
SCDHSC0024	Support the safeguarding of individuals
SCDHSC0022	Support the health and safety of yourself and individuals

#### Continuous Learning Framework (CLF) - Personal Capabilities

The personal capabilities describe the ways in which people manage themselves and their relationships with others in the workplace. They are about the attitudes, behaviour and softer skills which are essential to good practice in social services.

You can access the CLF personal capabilities using the link below

[http://www.continuouslearningframework.com/?page\\_id=20](http://www.continuouslearningframework.com/?page_id=20)

When writing your reflective account, it is advised that you consider the personal capabilities under the heading(s) listed below.

Empowering people  
Professional Autonomy  
Awareness of Impact on Others

#### Code of Practice for Social Service Workers

The SSSC Codes of Practice for Social Service Workers and Employers sets out the standard's social workers, social care, early years and young people's workers and their employers should meet.

A copy of the Codes of Practice for Social Service Workers and Employers can be accessed using the link below.

<http://www.sssc.uk.com/about-the-sssc/codes-of-practice/what-are-the-codes-of-practice>

When writing your reflective account, you should consider the Code of Practice for social service workers under the heading(s) below.

1. As a social service worker, I must protect and promote the rights and interests of people who use services and carers.  
I will:
  - 1.1 Treat each person as an individual.
2. As a social service worker, I must create and maintain the trust and confidence of people who use services and carers.

I will:

- 2.1 Be truthful, open, honest, and trustworthy.
- 2.2 Communicate in an appropriate, open, accurate and straightforward way.
- 2.4 Be reliable and dependable.

3. As a social service worker, I must promote the independence of people who use services while protecting them, as far as possible, from danger and harm.

I will:

- 3.8 Keep to my employer's health and safety policies, including those relating to substance misuse.
- 3.10 Recognise and use responsibly the power and authority I have when working with people who use services and carers.

5. As a social service worker, I must uphold public trust and confidence in social services.

I will not:

- 5.1 Abuse, neglect or harm people who use services, carers, or my colleagues.
- 5.7 Put myself or other people at unnecessary risk.
- 5.8 Behave, while in or outside work, in a way which would bring my suitability to work in social services into question.

6. As a social service worker, I am accountable for the quality of my work and will take responsibility for maintaining and improving my knowledge and skills.

I will:

- 6.1 Meet relevant standards of practice and work in a lawful, safe and effective way.
- 6.9 Undertake relevant learning to maintain and improve my knowledge and skills and contribute to the learning and development of others.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- This behaviour took place inside of work and related to your care of a vulnerable service user.
- Your actions placed AA at risk of harm.

#### **Factors in your favour**

- You have shown some insight and regret for your actions. You have reflected on the situation and acknowledge that you should have

questioned your colleague's moving and handling procedures and informed management.

- You have no previous history with the SSSC.
- You have co-operated fully with the SSSC investigation.

### **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 condition**

Having been advised of the consequences of accepting or not accepting the **condition**, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **condition** on 14 May 2021.

### **Date of effect**

The notice comes into effect on 3 June 2021.