

## Notice of Decision

<b>Registrant</b>	Arlene Ferguson
<b>Registration number</b>	3108075
<b>Part of Register</b>	Support Workers in Care at Home Services
<b>Town of employment</b>	Irvine
<b>Sanction</b>	Warning to stay on their registration for a period of six months
<b>Date of effect</b>	31 January 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 Care at Home Service for a period of **six months**.

### Findings of Fact

We decided that there is evidence that while employed as a Support Worker by Ayrshire Quality Care and Support in Irvine, and during the course of that employment, on 3 August 2018, at Kilmarnock Sheriff Court you were convicted of a contravention of the Road Traffic Act 1988, section 5(1)(a)

and your fitness to practise is impaired by reason of your conviction.

### Reasons for the finding that your fitness to practise is impaired

- your fitness to practise is impaired because people who use services and their families and carers are entitled to expect that the social service workers in whom they and the public place their trust and confidence will work responsibly with vulnerable people, will uphold the law and will not

engage in offending behaviour nor otherwise behave in a manner out with work which could call into question their suitability to work in social services.

- being convicted of driving/or attempting to drive a motor vehicle whilst on a road or other public place, having consumed so much alcohol that your breath/blood or urine proportion exceeded the prescribed limit of 22mg, indicates poor judgement and decision making by you and a disregard for the safety of others', in particular, placing other motorists', pedestrians and any passengers lives at risk of harm. Your ability to drive and control your vehicle and impaired reaction times presented an extremely seriousness risk to others.
- the public would be concerned by an individual, not least a social service worker, who, after having consumed alcohol, deliberately chose to drive. It was, in fact, a member of the public who was sufficiently concerned enough to call the police to report your actions on this occasion.
- the FtP Department considers that there is an on-going public interest in addressing your behaviour due to the recent date of conviction, and the extent of your impaired decision-making. The public would expect the SSSC to reaffirm the standards of conduct that are expected of you outside of work in this case.
- you have failed to follow parts 5.7 and 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 that the appropriate sanction is to place a warning on your registration for a period of **six months**.

### **Reasons for the sanction**

When making our decision we considered the following factors:

- **Factors of concern**
  - Your actions had the potential to severely impair your ability to drive and control your vehicle, and presented an extremely seriousness risk of harm to others.
- **Factors in your favour**
  - This was an isolated incident

- You have reflected on your conviction and provided insightful comments about your behaviour
- No harm was actually caused to any other as a result of your behaviour
- You have no previous history with the SSSC and 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.
- The 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**

Having been advised of the consequences of accepting or not accepting the warning and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the warning on 8 January 2019.

**Date of effect**

The notice comes into effect on 31 January 2019.