

## Notice of Decision

<b>Registrant</b>	Joyce Nwankwo
<b>Registration number</b>	4118125
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Stirling
<b>Sanction</b>	Warning to stay on your registration for a period of 24 months
<b>Date of effect</b>	24 December 2024

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 social care workers, for a period of 24 months.

### Findings of fact

We decided there is evidence that while employed as Care Assistant by HC-One at Forthbank Nursing Home in Stirling and during the course of that employment you did:

1. on or around 8 July 2024 while supporting resident AA to move from a bed to a wheelchair:
  - a. fail to ensure the sling was securely attached to the hoist before moving AA
  - b. by your actions at 1.a. above cause AA to:
    - i. fall from the hoist

- ii. sustain a laceration to her head and broken ribs

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

### **Reasons for finding your fitness to practise is impaired**

1. Your fitness to practise is impaired because:
  - a. social services workers must meet relevant standards of practice and work in a lawful, safe and effective way. They must not put themselves or other people at unnecessary risk. By failing to ensure the sling was securely attached to the hoist you have failed to keep AA safe and put AA at unnecessary risk. Your actions caused AA to sustain significant injuries. This behaviour falls below the standard expected of a social service worker.
  - b. this incident was an unfortunate accident and while it was not a deliberate attempt to harm AA, it did result in serious harm. You and your colleague pulled the bed out from the wall to attach the sling to the hoist but were interrupted by an emergency buzzer so you pushed the bed back before you could complete the task. When you returned from attending the buzzer you and your colleague stood at the same side of the bed to lean over and attach the sling but failed to ensure it was attached securely resulting in AA suffering a serious injury. AA is fully reliant on staff to provide support for transferring from the bed to the wheelchair and should be able to trust that staff will do this safely.
  - c. this was an isolated incident for which you accepted responsibility. You undertook further training immediately and reflected on the incident, demonstrating an understanding of what you would do differently. You had been employed in the role for a year and half prior to the incident with no previous concerns reported to the SSSC. Since the incident you have participated in observed practice and there have been no further concerns.
  - d. the steps taken since the incident reduce the risk of the behaviour being repeated and lowers the risk to vulnerable people. However, the consequences of your actions are serious, and action must be taken to mark it as such to uphold the public confidence in the profession.

2. In relation to findings of fact 1a-b you have failed to follow parts 2.4, 3.2, 5.1, 6.1 and 6.6 of the SSSC Code of Practice for Social Service Workers in force from 1 May 2024.

### **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 24 months.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- The incident occurred within your place of work.
- Your actions resulted in significant injuries for a person in your care.

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

- You have taken accountability for your actions and reflected on what you did.
- There have been no previous concerns reported to the SSSC.
- You have completed further training in moving and handling and there have been no further concerns.
- You co-operated fully with the SSSC.
- This was an isolated incident.

### **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 and the Fitness to Practise (Amendment) Rules 2021
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

### **Imposing the warning 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 on your registration if you do not ask for a hearing.

We wrote to you on 7 November 2024 to tell you we wanted to place a warning 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 on your registration.

### **Date of effect**

The notice comes into effect on 24 December 2024.