

## Notice of Decision

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| <b>Registrant</b>          | Kimberly Wilkinson   |
| <b>Registration number</b> | 3151768  |
| <b>Part of Register</b>    | Support Workers in a Care Home Service for Adults              |
| <b>Town of employment</b>  | Renfrew  |
| <b>Sanction</b>            | Warning to stay on your registration for a period of 24 months |
| <b>Date of effect</b>      | 27 September 2023  |

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 Support Workers in a Care Home Service for Adults for a period of two years.

## Findings of fact

We decided there is evidence that while employed as a Care Assistant by Holmes Care Group Scotland Ltd, at Craigielea Care Home in Renfrew, and during the course of that employment you did:

1. on or around 26 September 2022, kiss your colleague ZZ in resident AA's bedroom, while AA was present

and in light of the above your fitness to practise is impaired due to your misconduct.

## Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- a. Social service workers must respect and maintain the dignity and privacy of people who use services. By kissing a colleague in a resident's bedroom, while the resident was present, you have shown a complete disregard for the resident's dignity.
  - b. Social service workers must not abuse, neglect or harm people who use services; AA required one to one care as he was a high falls risk. Your actions meant you were not focused on AA, and therefore he was placed at risk of harm. You have also abused the trust placed in you by the resident, their family, your employer and the SSSC.
  - c. Your behaviour falls below the standards of conduct and behaviour expected from social service workers and it calls into question your suitability to work in social services as a result. You have shown a lack of regard for the care and dignity of a vulnerable resident. The public would expect the SSSC, as a responsible regulator, to take action to uphold public confidence in the profession. Any repetition of the same or similar behaviour could place residents at risk of harm.
2. In relation to the findings of fact you have failed to follow parts 1.4, 2.4, 5.1 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 the appropriate sanction is to place a warning on your registration for a period of two years.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- The behaviour took place in work, in a resident's bedroom while he was present.
- You were an experienced staff member and therefore should have been aware of the standards expected from social service workers.

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

- You have co-operated 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 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 15 August 2023 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 27 September 2023.