

## Notice of Decision

<b>Registrant</b>	Cara MacLennan
<b>Registration number</b>	4134555
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Fortrose
<b>Sanction</b>	Removal
<b>Date of effect</b>	26 April 2025

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 impose a Removal Order removing your registration from the part of the SSSC Register for social care worker.

## Findings of fact

We decided there is evidence that:

1. while employed as a Carer with [information redacted] at [information redacted], Fortrose and during the course of that employment you did, on unknown dates in February 2024:
  - a. take a photograph of you in your work uniform, holding up your fingers in a "v" sign, with a vulnerable service user in their nightwear in the toilet without their consent
  - b. add the caption to the photograph "can't see me [information redacted] ha ha ha" and "doesn't know anything I'm doing"
  - c. share the photograph and captions to at least one other person on the social media messaging app "Snapchat"

2. on or around 8 July 2024 while applying for a job with [information redacted] as a Care Assistant, you did:
  - a. fail to disclose that you had been dismissed from [information redacted]
  - b. fail to disclose that you were subject to an ongoing investigation by the SSSC
  - c. state that in your application form that your reason for leaving [information redacted] was “offered new job” when this was not true
  - d. act in a dishonest manner in relation to your actions at allegation 2.c.

and your fitness to practise is impaired because of misconduct as set out in allegations 1 and 2.

### **Reasons for finding your fitness to practise has been impaired**

1. Your fitness to practise is impaired because:
  - a. Social service workers are expected not to abuse, neglect or harm people who use services. They are expected to behave in a manner while within and out with work which does not fall below the standard expected of social service workers and does not bring their suitability to work in the sector into question. You have taken a selfie photograph of a resident and thereafter added derogatory remarks about her [information redacted], before sending this to a friend via a social media platform.
  - b. You then applied for a position as a carer with another employer and failed to inform them of the reason for leaving your former employer and that you were currently under investigation by the regulator. Your actions were dishonest and concealed the true reason why you were no longer working at [information redacted]. You also demonstrated a lack of integrity by not disclosing to [information redacted] that you were subject to a SSSC investigation.
  - c. The misconduct causes significant concerns about your core values as a social care worker entrusted to care and support vulnerable people.

2. You have failed to follow parts 1.4, 2.2, 2.4, 5.1, 5.3, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016 in relation to finding in fact 1. You have failed to follow parts 2.1, 2.2, 2.4, 5.3 and 6.7 of the SSSC Code of Practice for Social Service Workers in force from 1 May 2024 in relation to finding of fact 2.

## **Sanction**

After referring to our Decisions Guidance, we decided to impose a Removal Order, removing your registration from the SSSC Register.

## **Reasons for the sanction**

When making our decision we considered the following factors:

### **Factors of concern**

- Your behaviour of sending the photograph had consequences, whereby these were posted by a third person on a public Facebook page which caused concern to the public in general
- You were dismissed from your employment and failed to disclose the reason for this dismissal which shows a level of dishonesty and concealment
- The first incident took place within the workplace, where you were expected to care for the resident in an appropriate manner, thus your behaviour placed the resident at the risk of emotional harm. Your behaviour therefore amounts to an abuse of trust
- Your behaviour showed a level of disregard for the Codes of Practice and amounted to abuse of a vulnerable resident.

### **Factors in your favour**

- You have shown a level of insight
- There have been no previous fitness to practise referrals
- You have cooperated with the SSSC at all stages of the investigation.

### **Reasons why other sanctions are not appropriate**

- A warning would not be appropriate as it would not adequately address the impairment of your fitness to practice. The behaviour is extremely serious.

A warning would give no protection to service users or the public.

- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practise is impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify. You are not currently working in the sector, and a condition would not be workable or enforceable.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration. The interests of people who use services and the public would not be sufficiently protected by any period of suspension. There is no evidence that a period of suspension would allow you to remedy the cause of the impairment of your fitness to practise.
- For the reasons outlined above a Suspension Order plus conditions would not be appropriate.
- The SSSC considers a Removal Order is the most appropriate sanction as it is both necessary and justified in the public interest and to maintain the continuing trust and confidence in the social service profession and the SSSC as the regulator of the profession.

### **Documents we have referred to**

- The 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 Removal Order**

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 Removal Order if you do not ask for a hearing before a Fitness to Practise Panel.

We wrote to you on 14 March 2025 to tell you we wanted to place a Removal Order on your registration. After explaining the consequences and recommending you take legal advice, you have not asked for the case to be referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this Removal Order.

**Date of effect**

The notice comes into effect on 26 April 2025.