

## Notice of Decision

<b>Registrant</b>	Eileen Curran
<b>Registration number</b>	3113531
<b>Part of Register</b>	Support Workers in Care at Home Service
<b>Town of employment</b>	Dunfermline
<b>Sanction</b>	Removal
<b>Date of effect</b>	2 September 2021

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 Support Workers in Care at Home Service.

### Findings of fact

We decided there is evidence that on or around 23 December 2020 you were convicted at Dunfermline Sheriff Court of:  
on a number of occasions between 1 October 2019 and July 2020, both dates inclusive, whilst acting in the course of your employment did steal quantities of cash

and in light of the above your fitness to practise is impaired because of your conviction as set out in the allegation above.

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

1. Your fitness to practise is impaired because:

- a. social services workers are trusted by service users, and members of the public generally, to care for vulnerable persons and protect them from harm, insofar as possible. You were convicted of stealing quantities of cash on a number of occasions. This occurred during work and while you were supporting a service user. You abused your position of trust and prioritised your own personal financial gain by depriving a service user and (redacted) of their money. Your actions violate a fundamental tenet of the profession and raise significant concerns about your underlying values and your suitability to continue working in registrable employment.
- b. the nature and circumstances of your conviction give rise to serious concerns about your underlying values and attitude. Where values concerns arise, such as in this case, behaviour is often more difficult to remediate. Given the nature of the conviction, it is not reasonable to consider that you were acting in good faith at the time of the incident. As a result of your actions, a service user and (redacted) experienced direct financial harm. Your behaviour also had the potential to significantly impact on the trust and confidence placed in social service workers generally. This is because it had the potential to not only impact on the trust placed in you, but also the trust placed in other registered social services workers. This could damage the reputation of the profession and undermine integrity of the SSSC's Register. The behaviour is at the highest end of the range of seriousness.
- c. the conviction relates to a pattern of behaviour and the behaviour occurred at work while you were supporting a service user in their home. The behaviour is not easily remediated due to the extent of the values concerns arising from it. You accepted responsibility for your actions and apologised to your employer and to SSSC. You advised there were (redacted) at the time, which contributed to your actions. You expressed remorse for your actions. Prior to the incident you had worked in registrable employment for around six years without concerns being raised about your practice. This represents a positive period of previous practice. You have not had the opportunity to demonstrate any further positive practice as you have been prohibited from working in registrable employment during the SSSC's investigation. Given the concerns about your values, the risk of repetition remains high.
- d. the behaviour is very serious. If it were to be repeated, there is a real likelihood that vulnerable service users would be exposed to financial and emotional harm. The risk of repetition is high. Accordingly, there are continuing public protection concerns arising from your conviction.

- e. the SSSC has a duty to uphold proper standards of conduct and behaviour from social service workers. Registration with the SSSC provides people who use services, employers, and members of the public, with assurances that the SSSC is satisfied that worker is fit to practise. Given the seriousness of the conviction, a declaration of the expected professional standards is required to reaffirm the behaviour expected of social service workers and uphold the public interest. Failure to do so, would detrimentally affect the public's confidence and trust in the social services profession, and in the SSSC as the Regulator of the profession. There are ongoing public interest concerns.
2. You have failed to follow parts 2.1, 2.4, 5.1, 5.3, 5.8 & 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

### **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**

- The incidents occurred at work while you were supporting a service user within their own home.
- The behaviour was deliberate and occurred on a number of occasions meaning you have exhibited a pattern of dishonest behaviour.
- There was direct financial harm to a service user and (redacted).
- You abused your privileged position of being allowed access to a service user's home for your own financial benefit.
- The behaviour is serious.

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

- You accepted responsibility for your actions and demonstrated remorse.
- You had previously worked in a registrable role for around six years without any concerns being raised about your practice.

- You cooperated with the SSSC's investigation.

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

- A warning would not be appropriate because the behaviour violated a fundamental tenet of the profession, and a warning would not adequately address the impairment of your fitness to practice or the seriousness of the behaviour.
- A condition would not be appropriate because conditions would be unlikely to remedy behaviour which is dishonest due to the underlying values concerns.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A suspension order would not be appropriate because your behaviour is fundamentally incompatible with continuing registration. A suspension order would offer no protection to the public after the expiry of the period of suspension.
- 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 July 2021 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 2 September 2021.