

## Notice of Decision

<b>Registrant</b>	Mary-Anne Williamson
<b>Registration number</b>	2077601
<b>Part of Register</b>	Managers of a Day Care of Children Service
<b>Town of employment</b>	Grangemouth
<b>Sanction</b>	Warning to stay on your registration for a period of 12 months
<b>Date of effect</b>	24 August 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 Managers of a Day Care of Children Service, for a period of 12 months

### Findings of Fact

We decided that there is evidence that, on various dates between August 2017 and January 2018, while employed as a Manager by Zetland Nursery (Day Care of Children) in Grangemouth, and during the course of that employment, you did:

- a. on more than one occasion, restrain child A aged approximately 3 years in a buggy as a method of managing his behaviour
- b. your behaviour at allegation a caused child A distress

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

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

1. Your fitness to practise is impaired because:

- a. Social service workers should be reliable and dependable, recognise and use responsibly the power and authority they have when working with people who use services and carers. Social service workers should not, put other people at unnecessary risk of harm or behave in a way that would bring their suitability to work in social services into question.
  - b. By strapping child A aged 3 years into his buggy as a method of controlling his behaviour you used an unapproved form of restraint.
  - c. Social service workers are expected to protect service users from risk of harm including risk of emotional harm. Your failure to follow appropriate behavioural management techniques placed child A at risk of emotional and physical harm. Your behaviour in strapping child A into his buggy caused him to become distressed and placed him at risk of harm.
  - d. You breached the trust and confidence placed in you as a social services worker by the service user, child A's parents and the public.
  - e. As the nursery manager you were expected to be familiar with child protection policy and not engage in inappropriate behaviour management techniques.
  - f. You were in a senior position as the nursery manager and were responsible for setting standards within the nursery and providing a positive role model for junior members of staff.
  - g. Using an unapproved form of restraint as a behaviour management technique is serious misconduct. Your behaviour caused child A distress and placed child A at risk of emotional harm.
  - h. Your actions fell below the required standards of the profession and failed to meet the public expectation that nursery practitioners should be familiar with child protection policy and procedures and appropriate behavioural management techniques and would expect SSSC as regulator to ensure that the required standards are upheld in order to maintain public protection.
  - i. The impact of your misconduct would have caused damage to the reputation of the profession, if no finding of impairment were made.
2. In relation to allegations a and b you have failed to follow parts 2.4, 3.10, 5.1, 5.7, 5.8 & 6.1 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 **12 months**.

## Reasons for the sanction

When making our decision we considered the following factors:

### Factors of concern

- You have not demonstrated insight into the misconduct given your senior position and experience.
- The conduct occurred within the workplace which should have been considered a place of safety where the child and his parents expected him to be cared for without being placed at risk of harm.
- The behaviour occurred on more than one occasion forming a pattern of behaviour.
- The negative impact of the behaviour on Child A causing him to be distressed.

### Factors in your favour

- You have not had any previous misconduct investigated by SSSC.
- The behaviour last occurred in January 2018, there have been no concerns about your practice since then.
- You have cooperated with 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
- 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 1 August 2019.

**Date of effect**

The notice comes into effect on 24 August 2019.