

Notice of Decision

Registrant	Evelyn McGregor
Registration number	4070917
Part of Register	Social care worker
Town of employment	Kirkcaldy
Sanction	Warning to stay on your registration for a period of 12 months
Date of effect	6 September 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 12 months

Findings of fact

We decided there is evidence that between 2 June 2022 and 8 June 2022, while employed as a Care Worker by Oran Homecare Ltd, Kirkcaldy, and during the course of that employment, you did:

1. in relation to AA, [information redacted], give her all of her medication and tell her to “take it all” or words to that effect
2. in relation to BB, a service user with dementia say:
 - a. “I don’t know why you’re crying, you should be over it. [information redacted]” or words to that effect
 - b. “maybe if you smiled more often, more people would come to visit you. [information redacted] so why should people come to visit you” or words to that effect

- c. when she was complaining of noise, say aggressively "what are you complaining about its only birds. Nature, birds live in trees if you don't want to hear the birds you should not have any trees" or words to that effect
3. in relation to CC, a service user with dementia:
 - a. put him in trousers that were too small
 - b. fail to assist him in putting in his false teeth
 - c. leave him with a tablet stuck to his lip for an unknown period of time
 - d. by your actions at c. fail to administer medication correctly
4. whilst in service user CC's home, say to your colleague ZZ on the phone:
 - a. "I will just have to fucking help myself as yours in the office are fucking useless, I am on my own again" or words to that effect
 - b. "I should just go fucking home why am I here anyway" or words to that effect

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 service workers must respect and maintain the dignity and privacy of people who use services and communicate in an appropriate, open, accurate and straightforward way. Social service workers must not abuse, neglect or harm people who use services, carers or colleagues and must work in a lawful safe and effective way. You have made inconsiderate comments to two vulnerable service users and failed to provide an acceptable level of care to another. You have also made inappropriate comments to a colleague in the presence of a service user.
 - b. Your actions have put service users at risk of harm. You have failed to maintain their dignity and provide the service users with respect. This type of behaviour is considered to be abuse and neglect and calls into question your character and suitability to work within a caring

profession. You have not communicated with your colleague in an appropriate or straightforward way. This type of behaviour does not support a healthy and trustful work environment or demonstrate respect for your colleagues.

- c. This behaviour is serious as the conduct has been deliberate on each occasion. The behaviour is considered an abuse of power and trust placed in you by service users, your employer and the wider public. The behaviour occurred in June 2022 and you had been employed since August 2020. You had not come to the attention of the SSSC prior to this. However, it is assessed that the conduct amounts to a pattern of behaviour and we do not have any evidence of any insight, regret or apology which indicates that there is a risk of repetition.
 - d. The behaviour displayed falls short of the professional standards expected of social service workers. There are ongoing public protection concerns and public interest is also engaged. The public would expect the SSSC to take action to reaffirm the relevant standards of practice and to uphold public confidence.
2. In relation to findings of fact 1-4 above, you have failed to follow parts 1.4, 2.2, 5.1 and 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 the appropriate sanction is to place a warning on your registration for a period of twelve months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- There is no evidence of any insight, regret or apology.
- The behaviour was deliberate.
- The behaviour occurred within work when you were meant to be providing care to vulnerable people.
- You have not engaged with the SSSC in providing any comments.

- Your behaviour put service users and your colleague at risk of harm.

Factors in your favour

- You have not come to the attention of the SSSC previously.
- The behaviour occurred in June 2022.
- The behaviour occurred over a very short period of time.

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 14 August 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 6 September 2024.