

Notice of Decision

Registrant	Audrey Alexander
Registration number	2038142
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Brechin
Sanction	Warning imposed on your registration for a period of 24 months
Date of effect	17 May 2022

This is notice of a decision made by 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, on various dates, while employed as a Carer by Bearehill Care Ltd at Bearehill Care Home in Brechin, you did:

1. on an unknown date in or around July 2020, with reference to resident BB:
 - a. say to BB "you use kylie pads as an excuse to wet the bed" or words to that effect
 - b. say to BB "what is it now?" or words to that effect when she had pressed her buzzer for assistance
 - c. say to BB "you are wetting the bed for attention" or words to that effect

- d. cause emotional distress to BB as a result of your actions as detailed at allegations 1.a., 1.b. and 1.c. above
2. on or around 11 July 2020:
 - a. tell your colleague ZZ that she should report that resident CC had scratched her the previous night, when this was not true as CC had scratched ZZ that morning
 - b. say to your colleague ZZ "it's just between us" or words to that effect after asking her to falsely report the incident as referred to in allegation 2.a. above
 - c. act dishonestly with reference to your conduct as detailed at allegations 2.a. and 2.b. above, in that you encouraged your colleague to falsely report when an incident occurred
 3. on an unknown date, prior to on or around 20 July 2020, with reference to resident DD:
 - a. prevent DD coming out of his room by standing in front of DD with your arms outstretched
 - b. tell DD to get back into his room, or words to that effect

and in light of the above your fitness to practise is impaired because of your misconduct as set out in findings of fact 1-3.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. service users have the right to expect that they will be treated with dignity and respect and protected from harm by social service workers in whom they and the public place their trust and confidence. Telling BB, after they had been incontinent, that they used a kylie pad as an excuse to wet the bed, that they wet the bed for attention and saying to BB "what is it now?" after they buzzed for assistance, is verbally abusive behaviour. Your behaviour constitutes behaving in a manner which was demeaning and caused, or was likely to cause, distress to BB, impacting on their self-esteem, dignity and well-being, and placed them at risk of harm. Preventing DD from leaving their room is behaviour which could be perceived as threatening and intimidating which may have caused, or was likely to cause, distress, and/or fear.
 - b. social service workers are expected to be honest and trustworthy. Telling your colleague to falsely report when an incident concerning CC occurred is behaviour which was dishonest. It appears you have sought to have your colleague falsely report the incident as happening the previous evening in order for the resident to be medicated and asleep while you were on shift. Suggesting that your colleague ZZ

should act dishonestly is a breach of trust and confidence, an abuse of your position, and violates fundamental values of the profession.

- c. your behaviour is serious. By telling BB that she used a kylie pad as an excuse to wet the bed and that they were being lazy you have caused them to feel distressed and worried to ask for assistance. You have explained that you tried to encourage BB to do things for themselves, but the way you have spoken to BB caused them to feel worried. Service users should never feel worried to ask for assistance. Positioning yourself in front of DD and telling them to get back to bed is also serious and intimidating behaviour. DD should be able to walk around their home and there was no reason why they required to be in their room. Telling your colleague ZZ to lie about the timing of CC scratching her arm involved unacceptable verbal comments. You have caused emotional harm to residents. While no physical harm has been caused, you have abused your position of trust, power and authority.
 - d. While you have denied the allegations against you, you have shown insight in that you have recognise that these types of behaviour would be wrong. You have said that you would not have acted in this way. These allegations relate to a period in 2020. Prior to this you have worked in care for approximately 15 years without any further concerns about your practice. You have provided multiple references speaking to your good character. It is unclear whether they are aware of the allegations, but your ex-colleague and friends have spoken highly of you in the references they have provided. You have had no further reported concerns however you have not been working in the sector since 2020. You previously indicated a willingness to comply with conditions on your registration. Given your previous good history, the risk of you repeating this behaviour is low.
 - e. There are some ongoing public protection concerns. The behaviour is unacceptable, caused emotional harm to two residents and you have not worked in the sector since 2020. There are also ongoing public interest concerns and a reasonable member of the public in possession of all the facts would be concerned if the SSSC, as your professional regulator, did not make a finding of impairment.
2. In relation to findings of fact 1 -3 you have failed to follow parts 1.4, 2.1, 2.2, 3.10, 5.1, 5.7, 5.8 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 **two years**.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour took place in the service users' home where they should feel safe and secure
- There has been a pattern of poor behaviour
- Your behaviour towards BB caused emotional distress. While there was no actual harm caused to residents CC and DD, your actions placed them at risk of harm.

Factors in your favour

- You have a previous good history in social care
- You have provided positive references from ex-colleagues who all speak highly of you
- You have cooperated with the SSSC's 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 29 March 2022 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 17 May 2022.