

Notice of Decision

Registrant	Diane Rodger
Registration number	4076612
Part of Register	Support Workers in Care at Home Service
Town of employment	Cowdenbeath
Sanction	Removal
Date of effect	13 November 2023

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 28 July 2023 you were convicted of theft at Dunfermline Sheriff Court, namely that:

1. on or between 8 December 2022 and 20 December 2022 you did steal a quantity of gift cards from the home of AA whilst employed as their carer

and your fitness to practise is impaired because of your conviction as set out in allegation 1.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. social service workers are expected to uphold the law and not to engage in criminal behaviour that may call into question their suitability to be registered with the SSSC. Your conviction shows a disregard for the law that raises concerns about your suitability to work within the social care profession.
 - b. your behaviour is incompatible with professional registration, theft from a service user is not behaviour that would be expected from a person registered with the SSSC and risks bringing into disrepute the social services profession.
 - c. while there is no indication that there have been previous such offences, there is an ongoing public protection risk in respect of your behaviour that led to a conviction for theft. This together with your lack of insight and remorse and the high risk of repetition shown means that the SSSC has no reassurance in relation to your future behaviour. A finding that your fitness to practise is impaired is required to maintain public confidence and uphold proper standards of behaviour.
2. You have failed to follow parts 2.4, 5.1, 5.2, 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.

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 behaviour was deliberate and showed a contempt for the law
- The behaviour took place while at work
- You failed to co-operate with the SSSC
- You abused the trust placed in you
- You caused a risk of financial harm
- The lack of insight or remorse shown
- The attitudinal issues displayed by your behaviour

- Your behaviour risked bringing the reputation of the social services profession into disrepute

Factors in your favour

- You have been registered with the SSSC since 2021 without coming to the attention of the SSSC

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour involved a serious criminal act. It is at the higher end of seriousness and impairment. Consequently, a warning would not be an appropriate sanction as it would not protect service users or address the public interest concerns.
- A condition would not be appropriate because the nature of the behaviour is indicative of attitudinal and values issues. There are no conditions that would address this behaviour and protect the public. Consequently, this is not an appropriate sanction.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behavior and the impairment of your fitness to practice is fundamentally incompatible with continuing registration. The behaviour is serious, and we have concerns about your underlying values. A suspension would not be able to address these concerns and it is not clear that a period of suspension would result in remediation and is therefore not appropriate.
- 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 5 September 2023 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 13 November 2023.