

## Notice of Decision

<b>Registrant</b>	Tracey Milne
<b>Registration number</b>	4038055
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Stirling
<b>Sanction</b>	Warning to stay on your registration for a period of 18 months and conditions imposed
<b>Date of effect</b>	5 November 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 18 months
3. to place a condition on your registration, on the part of the Register for social care workers, which you must meet within the timescales set out below

### Findings of fact

We decided there is evidence that while employed as a care professional by Careforth Ltd trading as Home Instead in Stirling and during the course of that employment, you did:

1. on or around 15 March 2023, while providing personal care to supported person AA:
  - a. continue to pull the bed sheet from under AA while AA was screaming in pain

- b. when your colleague ZZ suggested you stop, say to ZZ 'I've been doing this a lot longer than you' or words to that effect
  - c. by your actions at allegations 2.a.-b. above, cause or contribute to AA becoming distressed
2. on or around 7 March 2023, breach professional boundaries with supported person BB in that you did:
  - a. say to BB that you had 'previously been suspended for two days [information redacted]', or words to that effect
  - b. say to BB that your colleague YY was 'useless' or words to that effect
  - c. ask BB why your colleague XX was not allowed to visit BB

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 services workers must not abuse, neglect or harm people who use services or put them at unnecessary risk. They are expected to meet relevant standards of practice and work in a lawful, safe and effective way. By continuing to pull the sheet from under AA you put AA at unnecessary risk of harm and caused or contributed towards AA's distress. When your colleague ZZ suggested that you stop to give AA a break you undermined ZZ and continued to pull the sheet while AA screamed. You were aware that AA was reluctant to receive personal care and your actions are likely to cause AA to refuse personal care in the future.
  - b. Social service workers must not form inappropriate relationships with people who use services and must respect their privacy. They are expected to work openly with colleagues and treat them with respect. By disclosing details of an investigation you were involved in and discussing your colleagues with BB, you failed to maintain professional boundaries with BB. People who use services have the right to feel safe in their own homes, supported by people they trust. This behaviour could cause BB to become confused about the relationship

between you both and it left BB feeling worried about the people employed to provide them with support.

- c. This behaviour is serious as they suggest an underlying values issue and a lack of awareness of the impact your actions have on the people you support. AA had been doubly incontinent and the personal care had to be carried out however your actions towards AA show a disregard for AA's wellbeing and a lack of empathy towards a vulnerable person in your care who was screaming in pain. You state that you felt that BB wanted you to discuss these things and that you felt BB listened and helped you, failing to recognise that you were there to support BB and that BB is not there to help you. BB is also entitled to privacy and the reasons your colleague was not allowed to support BB were not your concern. The comments to and about your colleagues were disrespectful and undermining and caused people who use services to feel worried about the people supporting them.
  - d. You have provided no insight or reflection about your behaviour and failed to engage with the SSSC investigation. Since your dismissal you have not continued to work in the social services sector, so you have not been able to demonstrate any period of good practice. Although both incidents are isolated incidents of different behaviour, we have no assurances that either behaviour will not be repeated and this could put people who use services at risk of physical and emotional harm.
  - e. The SSSC considers that you still present an ongoing public protection risk and action is required to mark the behaviour and uphold the public confidence in the profession and the SSSC as the regulator.
2. In relation to findings of fact 1-2 you have failed to follow parts 1.4, 2.2, 2.4, 5.1, 5.4, 5.7, 5.8, 6.1 and 6.5 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 18 months and the condition set out below.

### **The condition**

The conditions placed on your registration are:

1. You must provide the SSSC with evidence that your employer knows about the conditions on your registration. You must do this within seven days of:
  - a. these conditions coming into effect, or, if not then in a job that needs registration with the SSSC
  - b. starting a job that needs registration with the SSSC
2. You must provide the SSSC with evidence that you have completed training/learning. This should be completed within three months of the conditions starting. The training/learning must include:
  - a. Health and Social Care Standards – this should include all the principles
  - b. SSSC Professional Boundaries Factsheet (attached separately)
  - c. SSSC Codes of Practice

You should discuss with your employer, the most effective way of completing this learning and training. It can be face to face study/training, on-line training, mentoring, supervision and/or independent study.

The evidence that you have completed this learning must be:

- i. signed by your employer
  - ii. sent to the SSSC within seven days of finishing it
3. Within two months of completing condition 2, you must submit a reflective account to the SSSC. Your reflective account must include:
    - a. using the principles from the Health and Social Care Standards, discuss how your actions in allegation 1a did cause or could have caused physical and emotional harm to the supported person
    - b. if faced with a similar situation, discuss what you would now do differently
    - c. discuss why professional boundaries are important and how they keep both supported people and workers safe
    - d. discuss why it is not appropriate to:
      - i. share your personal information with people you are supporting.
      - ii. ask a supported person about another person's personal information.
      - iii. tell a supported person that a colleague was 'useless.'

- iv. be disrespectful to a colleague, particularly in front of a supported person
  - e. discuss how this behaviour could impact on supported people, colleagues and the trust and confidence in you as a social service worker
  - f. discuss how can the SSSC be assured you will not repeat this behaviour
4. For a period of six months from the start of this condition, or after you have started a role which requires SSSC registration, you must engage in formal supervision with your employer every four weeks. During each supervision session, you must:
  - a. discuss your employer's policies related to professional boundaries, communication and conduct
  - b. give examples of how you have used the principles from the Health and Social Care Standards in your day-to-day practice
  - c. give examples of how you display professional boundaries in your day-to-day practice

You must submit a formal record of each supervision session, countersigned by your employer, to the SSSC within seven days of each supervision session taking place.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You have demonstrated no insight, regret or remorse for your behaviour.
- The incidents occurred at work and directly impacted two people you support and your colleagues.
- You failed to engage with the SSSC investigation.
- Your actions caused or contributed to the emotional distress of a supported person and put them at risk of physical harm.

### **Factors in your favour**

- You were employed in that role for over two years with no previously reported concerns.

### **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 and condition 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 and condition on your registration if you do not ask for a hearing.

We wrote to you on 18 September 2024 to tell you we wanted to place a warning and condition 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 and condition on your registration.

### **Date of effect**

The notice comes into effect on 5 November 2024.