

Notice of Decision

Registrant	Tracey McIntyre
Registration number	3152820
Part of Register	Social care worker
Town of employment	Perth
Sanction	Removal
Date of effect	11 December 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 impose a Removal Order removing your registration from the part of the SSSC Register for social care worker.

Findings of fact

We decided there is evidence that:

While working as a Home Carer by Kippen House Ltd at Kippen Care Services in Perth, and during the course of your employment, you did:

1. on or around 24 December 2019, take service user AA's bank card without their permission or consent
2. on various dates between 24 December 2019 and 28 February 2020, use AA's bank card without their knowledge to misappropriate sums of money, as set out in Schedule 1, totaling £9,582.21
3. by your actions at allegation 2. above., cause AA to sustain financial loss

4. by your actions at allegations 1. and 2. above, act dishonestly as you knowingly took and used AA's bank card without their permission or consent

and your fitness to practise is impaired because of your misconduct as set out at allegations 1. – 4.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must be truthful, open, honest and trustworthy. You abused the trust placed in you by virtue of your registered role and exploited the access you had to the home of a person you supported. You took their bank card without their permission or consent. This represents a gross breach of trust and a significant abuse of the privileged access you had to enter the homes of the people you supported.
 - b. You proceeded to use the bank card to misappropriate significant sums of money over a period of several months. This compounds the seriousness of matters as your actions cannot be attributed to a singular serious error of judgement. Your actions form a pattern of serious and sustained dishonesty. Given the prolonged and repeated nature of the dishonest actions in this case, together with the serious value concerns arising from your actions, the risk of repetition is assessed as high.
 - c. Your actions were financially exploitative and motivated by your own financial gain. This resulted in a person you supported experiencing significant financial loss. If similar behaviour were to be repeated in future, it is highly likely other vulnerable people who use services would be exposed to real financial loss and emotional harm. Behaviour of this nature is fundamentally incompatible with continued professional registration and raises significant concerns about your trustworthiness and underlying values.
 - d. You had been employed in your role since June 2018 and the SSSC were not aware of any previous concerns about your practice. You have not engaged in the SSSC's process or provided comments. You admitted the behaviour when you were questioned by your employer and [information redacted]. However, you have not demonstrated any meaningful insight, reflection or remorse. Due to the serious and

persistent nature of the dishonesty in this case, it would limit any assurances that could be drawn from your comments had you chosen to provide them.

- e. You present significant public protection risks to people who use social services. Your actions demonstrate you cannot be trusted to enter or access vulnerable people's home. Your behaviour demonstrates a willingness to exploit people you support and prioritise your own financial benefit, rather than seeking to protect and promote their safety, welfare and wellbeing.
 - f. The behaviour falls far below the expected standards of practice and conduct for registered social service workers. Trust is a fundamental component of the relationship between registered workers and people who use services. Your actions have the potential to significantly undermine the trust and confidence placed in social service workers, and the social services profession generally. Behaviour of this nature is fundamentally incompatible with continued professional registration. Failure to take action in this case would significantly undermine public confidence and trust in the social services profession, and in the SSSC as an effective regulator.
2. You have failed to follow parts 2.2, 2.4, 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.

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

- You abused the trust placed in you by virtue of your registrable role to financially exploit a person you supported.
- Your behaviour forms a pattern of serious and sustained dishonesty.
- Your actions resulted in significant financial harm to a person you supported.
- You have not engaged in the SSSC investigation or demonstrated meaningful insight, reflection or remorse.

Factors in your favour

- You had worked in your role for a period of around 18 months prior to the incident without any concerns being raised about your practice.
- You admitted parts of the behaviour when challenged by your employer and [information redacted].

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is very serious and resulted in significant financial harm to a supported person. A warning would not adequately mark the seriousness of the behaviour, and the extent of your current impairment. The public would lose confidence and trust in the profession if a warning was imposed in this case.
- A condition would not be appropriate due to the fundamental failings in this case and the value concerns arising from your behaviour. Even if a condition could be identified to adequately manage the public protection risks arising from the behaviour, it would not adequately address the significant public interest risks in this case.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate because although it would impose a period of interim protection for people who use services, it would offer no protection for the ongoing public protection risks following the expiry of the suspension. Due to the gravity and seriousness of the behaviour, a suspension order would not be sufficient to uphold public confidence and trust in the profession, and the SSSC as an effective regulator.
- 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 29 October 2024 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 11 December 2024.