

Notice of Decision

Registrant	Karen Laird
Registration number	3051626
Part of Register	Support Workers in Care at Home Service, Support Workers in a Care Home Service for Adults
Town of employment	Carnoustie
Sanction	Removal
Date of effect	27 March 2021

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
2. to make 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 that there is evidence that while employed as a care assistant at Braehill Lodge Care Home, Carnoustie and during the course of that employment, you did:

1. on or around 11 May 2020:
 - a. pull resident AA out of his armchair to take him to his room to get changed, when resident AA did not want to get up
 - b. pull resident BB out of her armchair to take her to the dining room, when resident BB did not want to get up
 - c. force resident BB to wear an apron at the dining table, when resident BB did not want to wear an apron

- d. in response to resident BB nipping you, call resident BB a “fucking bitch”, or words to that effect
- e. say in the presence of residents “I’ve fucking had enough of this place”, or words to that effect
- f. shout in the presence of residents “this place is a fucking loonie bin”, or words to that effect

and in light of the above your fitness to practise is impaired because of your misconduct.

Reasons for the finding that your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. Service users have a right to expect that social service workers will communicate with them in an appropriate manner and treat them with respect. Similarly, they have a right to expect that social service workers will protect them from harm. You have failed to respect the choice of a resident by forcing them to wear a covering apron, when they did not want to do so. By pulling two service users out of their chairs against their will, you could have caused them to suffer serious physical harm. As a result of your actions, these service users may be wary about seeking assistance from staff in the future for fear that their wishes may not be respected, which could have a detrimental effect on their health and wellbeing. By swearing at a vulnerable resident, you could have caused them emotional harm. Swearing and using derogatory language in the presence of residents is also likely to make them feel uncomfortable or unsafe in their own home. The behaviour displayed is abusive in nature and demonstrates a lack of respect.
- b. There are significant public protection concerns arising from your behaviour. The behaviour you have displayed violates fundamental tenets of the profession, namely that social service workers should protect service users from harm, communicate in an appropriate manner and treat them with dignity and respect. Such behaviour raises concerns as to your suitability to continue working with vulnerable individuals. If the behaviour were to be repeated, other vulnerable service users could be put at risk of harm.

- c. The FtP Department considers the public interest to be high and that the reputation of the profession could be damaged as a result of your behaviour. The SSSC requires to take steps to properly address your behaviour, which is fundamentally incompatible with professional registration.
2. You have failed to follow parts 1.2, 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.

Sanction

After referring to our Decisions Guidance, we decided to make 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 had been employed in the social services sector for a significant period of time when the incident took place. You had completed various training courses that were relevant to your role. You would have been fully aware that the behaviour displayed was not acceptable under any circumstances
- The behaviour took place inside of work and involved vulnerable residents
- The residents involved are likely to have suffered emotional harm as a result of your behaviour. Your behaviour also had the potential to cause physical harm.

Factors in your favour

- You have been registered with the SSSC since 2015. No concerns about your practice have been reported to the SSSC prior to this incident

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as it would not adequately address the impairment of your fitness to practise. The behaviour is serious. A warning would give no protection to service users or the public.
- A condition would not be appropriate because there are no conditions

which could be placed on you which would address why your fitness to practise has been impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify.

- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A suspension order would not be appropriate as your behaviour and impairment of your fitness to practise is fundamentally incompatible with continuing registration. You are currently subject to a Temporary Suspension Order. The interests of people who use services and the public would not be sufficiently protected by a period of further suspension. There is no evidence that a further period of suspension would allow you to remedy the cause of the impairment of your fitness to practise.
- For the reasons outlined above a suspension order plus conditions would not be appropriate.
- The SSSC considers that 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.
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the Removal Order

Having been advised of the consequences, and recommended to take legal advice, you admitted the facts and that your fitness to practise is impaired and accepted the Removal Order on 10 March 2021.

Date of effect

The notice comes into effect on 27 March 2021.