

## Notice of Decision

<b>Registrant</b>	Glenis Murdy
<b>Registration number</b>	2081804
<b>Part of Register</b>	Support Workers in a Day Care of Children Service
<b>Town of employment</b>	Perth
<b>Sanction</b>	Warning to stay on your registration for a period of 18 months and condition imposed
<b>Date of effect</b>	7 March 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 Support Workers in a Day Care of Children Service for a period of 18 months
3. to place a condition on your registration, on the part of the Register for Support Workers in a Day Care of Children Service, which you must meet within 6 months of returning to a registrable social services role.

### Findings of fact

We decided there is evidence that:

On or around 8 August 2022, while employed as a Support Worker by ABC Children's Services Limited at ABC Day Nursery in Perth, and during the course of that employment, you did:

1. in response to child service user AA (three years old) not following your instruction:

- a. grab AA by their arm
- b. push AA towards the stairs
- c. take hold of AA's hand and slap AA on their hand or wrist
- d. force AA to walk down the stairs while tightly holding their wrist

and your fitness to practise is impaired because of your misconduct as set out at allegation 1.a. – d.

### **Reasons for finding your fitness to practise is impaired**

#### 1. Your fitness to practise is impaired because:

- a. social service workers must not abuse, neglect or otherwise harm the people who they support. You failed to effectively manage a situation with a child after they failed to follow your instruction to go downstairs. Rather than managing this in a positive or supportive manner, you grabbed the child's arm and pushed them towards the stairs.

Your actions in grabbing and pushing the child were not considered to be aggressive or aimed at causing them harm. Notwithstanding this, your behaviour fell below the expected standards of practice. You appear to have become increasingly frustrated after the child chose to place themselves on the floor. Despite repeated unsuccessful verbal requests asking the child to go downstairs, you took the child's hand in yours and slapped their hand or wrist.

- b. Behaviour of this nature could fall within part 10 of the Decisions Guidance, which provides a list of behaviours where more serious action may be required. This is because slapping a child's hand or wrist demonstrated a disregard for the child's safety and welfare. The behaviour could also be viewed as a violent or abusive act.

Although your behaviour in slapping the child's wrist or hand was completely unnecessary and unjustified, it does not give rise to concerns about your wider values or practice. This is largely in part due to your significant previous practice within the profession. Prior to the incident, you had worked in the social services profession for 21 years, without any concerns being raised about your practice. You were employed by ABC Nursery for this entire period. It is reasonable to expect that if underlying value concerns were present, they would have manifested themselves in other ways over your 21-year career at the service.

- c. There appears to have been limited force used when you slapped the child's hand or wrist and there was no notable mark or injury after the incident. However, the slap was sufficient to make a noise.

It does not appear that you were motivated to hurt the child and instead, your actions are more likely attributable to an isolated incident of heightened behaviour and poor decision making on your part.

If similar behaviour were to be repeated, it would expose children to an unnecessary risk of physical and emotional harm. Although limited force appears to have been used, the severity of harm if the behaviour were to be repeated would be moderate, particularly given the risk of emotional harm.

In light of all of the above factors, the seriousness of the behaviour is moderate

- d. The behaviour involves an isolated incident on a single date. Accordingly, it does not form part of a wider pattern of concerning behaviour.

You have been subject to a Temporary Suspension Order since 12 September 2022, and therefore have not had the opportunity to demonstrate subsequent good practice. You have cooperated with the SSSC and provided comments. In your initial comments to your employer, you apologised and acknowledged you had made a mistake. However, you denied slapping the child and subsequently provided a different version of events. You have not accepted full responsibility for your actions and have not demonstrated meaningful insight or reflection into your actions.

- e. The behaviour is considered to be easily remediable. The incident represents an isolated incident of poor practice in a lengthy career in the social services profession. Rather than removing yourself from the situation or seeking assistance from a colleague when you started to become frustrated, you appear to have allowed your emotions to cloud your judgement, resulting in you grabbing, pushing and slapping a child's hand, before holding their hand tightly to go downstairs.

Your actions do not appear to have been deliberately intended to cause harm to the child, but they exposed to them an unnecessary risk of harm and fall below the standards expected of registered workers.

- f. Given the length of your previous career in social services, the SSSC's fitness to practise investigation, and the Temporary Suspension Order imposed on your registration, are likely to have been protective factors for reducing the risk of similar behaviour being repeated. Both the investigation and the TSO help to emphasise the seriousness of the allegations and are likely to act as a deterrent to similar behaviour in the future.
  - g. Although assurances can be drawn from your significant period of positive previous practice, the absence of meaningful insight or a willingness to accept full responsibility for your actions mean the behaviour has not been remediated. The risk of repetition is medium.
  - h. There are ongoing public protection risks arising from the behaviour. There is a risk similar behaviour may be repeated in the future, and if so, children using services could be placed at a moderate risk of harm. A finding of impairment is necessary to uphold public confidence and trust. Although you do not appear to have slapped the child's hand or wrist with significant force, your actions in trying to manage the situation fell below the expected standards of practice. A finding of impairment is necessary to firmly declare the unacceptability of your actions and to reaffirm the expected standards of practice within the profession. Failure to take action in this case would detrimentally effect the confidence and trust members of the public place in the social service profession, or the SSSC as an effective regulator.
2. In relation to findings of fact 1.a. – d. you have failed to follow parts 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.

### **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 condition placed on your registration is:

1. You must provide the SSSC with evidence that your employer knows about the conditions on your registration. You must provide this within seven days of:
  - a. these conditions coming into effect, or
  - b. starting any job that needs registration with the SSSC
2. Within three months of these conditions coming into effect you must provide the SSSC with evidence that you have undertaken refresher learning which must cover:
  - a. The SSSC Codes of Practice & the Health and Social Care Standards
  - b. Child Protection
  - c. Responding to Children using Nurture Principles and Approaches
  - d. Promoting Positive Behaviour, including coping strategies when a child refuses to do something
3. Within two months of meeting condition 2 above, you must provide a reflective account to the SSSC. Your reflective account should demonstrate your understanding of the impact of your behaviour on others and the standards expected of you as a registered worker.

In providing your account, you are required to think about your actions by addressing each of the following points, using learning from the training topics in condition 2:

- a. The impact or potential impact on children emotionally, if they do not receive the high standards of care and support, they need
- b. Why your behaviour towards child user of services AA, as set out in allegation 1, is below the standards expected of a social services worker, as made clear in the SSSC Codes of Practice
- c. What you have learned from the incident, in relation to allegation 1, in which you failed to use safe and appropriate techniques when escorting child user of services AA down a set of stairs
- d. How your behaviour, as set out in allegation 1, undermined the trust and confidence in you as a social service worker.
- e. Why the information in the care plan for child AA, should have guided your practice more, in relation to how you behaved in allegation 1.
- f. Why registered workers must always regulate and be in control of their own emotions when delivering care and support

- g. What are the key points you have taken from your refresher learning in condition 2
- h. Your responsibility as a social service worker to model professional practice, including values
- i. How the SSSC can be assured that you will not repeat your behaviour

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You have not accepted full responsibility for your actions.
- You have not demonstrated meaningful insight or reflection into your actions.
- The circumstances leading up to the incident are commonplace in a nursery setting.
- The behaviour occurred inside of work and involved a three-year-old child user of services.

#### **Factors in your favour**

- The behaviour was an isolated incident of poor practice.
- You had worked in the social services profession for 21 years before the incident without any concerns raised about your practice.
- Your actions did not result in any injury to the child.
- You have cooperated with the SSSC and provided comments.
- You provided a positive reference from a former colleague.
- You initially apologised to your employer and acknowledged you had made a mistake.

## **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**

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 22 January 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 7 March 2024.