

## Notice of Decision

<b>Registrant</b>	Diana Otobohu
<b>Registration number</b>	3135271
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Glasgow
<b>Sanction</b>	Removal
<b>Date of effect</b>	15 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 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 on or around 30 April 2024, you were convicted of an offence at Glasgow Sheriff Court, relating to resident AA, a person that you supported while employed as a Health Care Assistant by HC-One Limited at Eastbank Nursing Home, Glasgow, namely:

on or around 4 October 2022 and 5 October 2022, both dates inclusive you did act contrary to the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Section 26(1) being a person having the care of another individual namely AA by virtue of being a care worker, you, while acting in the course of your employment, did ill-treat or wilfully neglect AA in that you did fail to maintain appropriate manual handling techniques towards her, repeatedly wrap the cord of the nurse call alarm around the alarm box, thereby placing cord out of reach of AA, climb onto furniture, repeatedly ignore or refuse her shouts for help and requests for assistance to use a commode, move her bed away from the wall, thereby preventing her from being able to reach the nurse call alarm and thereafter, climb onto the bed and over AA and remove the entire nurse call

alarm from the wall, all thereby placing said AA at risk of injury and preventing her from summoning assistance; and the aforesaid offence was aggravated by prejudice relating to disability in terms of Section 1 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

and your fitness to practise is impaired because of your conviction as set out above.

### **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 respect and maintain the dignity and privacy of people who use services. They should communicate in an appropriate, open, accurate and straightforward way. They should recognise and use responsibly the power and authority they have when working with people who use services and carers. They should not abuse, neglect or harm people who use services, carers or colleagues and they should behave, while in or outside work, in a way which would bring their suitability to work in social services into question.
  - b. you were convicted of wilful neglect and ill-treatment of a vulnerable supported person following a criminal trial at Glasgow Sheriff Court on 30 April 2024. This is because you repeatedly wrapped the cord of the nurse call system around the alarm box to prevent the supported person from accessing it. You climbed over the supported person's bed and ignored their requests for help to use a commode. You also moved the supported person's bed away from the wall in her room and then removed the entire nurse call system from the wall to prevent her from accessing it.
  - c. your actions caused the supported person distress and risked causing them both emotional and physical harm in a place where they ought to feel safest. The behaviour is extremely serious given it displays a blatant disregard for the wellbeing of a vulnerable person you were entrusted to look after. It was an isolated incident but if the behaviour were to be repeated, would place other vulnerable people at risk of harm.
  - d. although you have shown insight, regret and apology, the behaviour was deliberate and uncaring and is fundamentally incompatible with professional registration which makes it difficult to remedy. The public confidence in both the profession and the

regulator would be jeopardised if appropriate action was not taken due to the seriousness of the behaviour.

2. You have failed to follow parts 1.4, 2.2, 3.3, 3.10, 5.1, 5.7 and 5.8 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 took place inside of work while you were on shift supporting vulnerable people
- You have not provided us with any references or testimonials
- Following the behaviour, you were convicted of wilful neglect and ill-treatment
- There has been no remediation since the behaviour, and we have no information or evidence to provide us with assurance that it will not be repeated

### **Factors in your favour**

- You have a positive previous history of working in social services
- You explained to us that on the lead up to your behaviour, you were dealing with a lot emotionally and were stressed
- You have cooperated with us during our investigation
- The behaviour was isolated

### **Reasons why other sanctions are not appropriate**

- A warning would not be appropriate as the behaviour is extremely serious and it would give no protection to service users or the public.
- A condition would not be appropriate because the type of behaviour at issue is not the type of behaviour which conditions would rectify and, in any event, there are no workable or enforceable conditions that would adequately address the public protection and public interest concerns.

- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration and the interests of people who use services, and the public would not be sufficiently protected by any period of suspension.
- 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 2 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 15 November 2024.