

Notice of Decision

Registrant	Claire Smith-little
Registration number	4051663
Part of Register	social care worker
Town of employment	Cupar
Sanction	Removal
Date of effect	16 September 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 workers.

Findings of fact

We decided there is evidence that

While employed as a Home Carer by Fife Health and Social Care Partnership in Glenrothes, you did:

1. on or around 28 January 2022 text service user AA saying:
 - a. 'Granny can you help me today with money until Thursday please I'm struggling if not it's fine xxxxxx'
 - b. '50 if poss [information redacted] I called car and went mental! I get paid on Thursday the 3rd xxxxxx'

2. between 27 February 2020 and 13 April 2022, accept money from service user AA
3. on or around 18 March 2022 attend the property of service user AA out with working hours
4. on or around 18 March 2022 text service user AA saying:
 - a. 'I was just making sure you were okay [information redacted] that's all I wanted to talk to you about love xxxxxx'
 - b. 'Love you always granny xxxx'
 - c. '[information redacted] that's what I came up to tell you xxxx'
5. on or around 21 January 2022 text service user BB 'do u do internet banking xxxxx'
6. on or around 7 March 2023 text service user BB saying
 - a. 'do u have internet banking and can help me out till Thursday my cars broke xxx'
 - b. 'trying to call u xxx'
 - c. 'it's fine BB I got home thanks xxxx'
7. on or around 7 March 2023 between midnight and 1am telephone BB on her home and mobile telephone

and that in light of the above your fitness to practise is impaired because of misconduct as set out in allegations 1-7.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. you have breached the professional boundaries with two of the supported individuals that you were caring for. Social care workers should not exploit people who use services. You have borrowed money from one supported person on several occasions and attempted to borrow money from another supported person. You also contacted both supported people on their personal devices and on social media. You also attended the property of one supported person out with your working hours and shared intimate details of your personal life. There

was the potential for those people you were supporting to be exploited and suffer financial abuse.

- b. Social care workers are required to maintain professional boundaries within their caring role and should not form inappropriate relationships with those people who use services and carers. The boundaries in the professional relationship help to keep both those who are supported, as well as those who are caring, safe from potential harm. Overstepping those boundaries can have additional consequences insofar as it can cause those using services to have unrealistic expectations of other carers in future.
 - c. You have not shown any insight into your behaviour and, given that the borrowing of money happened on more than one occasion, we cannot be sure that you would not breach boundaries again.
 - d. It is important that the public are able to maintain trust and confidence in those people providing care as well as confidence that the SSSC as the independent regulator upholds the proper standard of behaviour within the profession.
2. You have failed to follow parts 2.1, 2.2, 2.6, 2.7, 3.2, 3.3, 3.6, 3.10, 5.1, 5.2, 5.3, 5.4, 5.8, 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 have not shown any insight into your behaviour
- Your behaviour was planned
- Your actions took place during the course of your practice
- You have not engaged with the SSSC investigation
- There is a pattern of behaviour

- You abused the trust placed in you by those you were supporting

Factors in your favour

- You were not known to the SSSC prior to this behaviour

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as your behaviour is serious given it involves taking money from service users and there is a clear pattern of behaviour. You displayed a manipulation of the relationship with two service users in order to gain a financial advantage. There was a serious blurring of the boundaries of what should be a professional relationship. You have not engaged with the process and there is no apology or insight to help us understand motivation, nor is there any attempt to correct your behaviour. Without any sort of insight, it is difficult to categorise your behaviour as anything less than very serious. Your behaviour indicates that there is a core value issue which, as it is harder to remedy, suggests that a warning would not be an appropriate sanction.
- A condition would not be appropriate because given the lack of engagement from you, together with your apparent failure to understand the significant consequences of your behaviour, it is difficult to consider that there would be any compliance with conditions or any attempt to remedy your behaviour. Where there is a potential core value issue, it is much more difficult to remedy your behaviour and this would suggest that conditions are not an appropriate sanction.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as there does need to be a viable opportunity for you to remedy your behaviour. We would need to be confident that you were capable of engaging in remedying your behaviour either by being able to show us a significant history of prior good behaviour, or by providing insight and reflection to help us understand that you appreciate why your behaviour fell below the required standard. This is not present here and, where there is no hope of remedying the behaviour, it would be difficult to consider suspension as an appropriate sanction.
- 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. There is a clear pattern of premediated behaviour. This would tend suggest that there is a core value issue and that you are fundamentally not suited to working within the sector. Taking this with the lack of any insight or reflection on the behaviour is indicative of this being a case where there is no realistic prospect of your behaviour being remedied. Accordingly, removal is the most appropriate sanction.

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 19 August 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 16 September 2024.