

Notice of Decision

Registrant	Melissa Donaghy
Registration number	4082150
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Glenrothes
Sanction	Warning to stay on your registration for a period of 12 months and condition imposed
Date of effect	14 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 Care Home Service for Adults, for a period of 12 months.
3. to place a condition on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that:

While employed as a Bank Carer by Abbotsford Care (Glenrothes) Limited, and during the course of that employment, you did:

1. on or around 1 May 2022, say to service user AA 'I'm just going to tell you I'm going to take those wheels off and stick them where the fucking sun doesn't shine' or words to that effect

2. on an exact date unknown to the SSSC between 28 April 2022 and 10 November 2022 when AA asked to go for a cigarette say 'you have not long fucking been out, you will have to wait' or words to that effect
3. on or around 2 May 2022 say to your colleague ZZ in relation to service user BB 'I'm going to set my moonboot and put it up his arse' or words to that effect
4. on or around 9 November 2022 say to a service user CC "you are stinking of shite" or words to that effect

and your fitness to practise is impaired because of your misconduct as set out in the allegations above.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. Your behaviour is serious and falls well below the standards of conduct expected of you. Social service workers are expected to communicate in an appropriate, open, accurate and straightforward way. They are expected not to abuse, neglect or harm people who use services. The language you have used towards service users is abusive and threatening and may cause significant emotional harm. Abusive behaviour towards those in your care is a breach of the trust and confidence service users place on social service workers.
 - b. Repeated behaviour of this nature suggests attitudinal and values issues. You have demonstrated a pattern of behaviour towards multiple service users over a prolonged period of time. You have shown limited insight into the seriousness of this matter. You have not provided reassurances that your behaviour would not occur again and therefore the FtP Department and the wider public cannot be satisfied that the behaviour would not be repeated.
 - c. The public expect that social service workers will provide safe and effective care to vulnerable people when they are unable to do these things for themselves. The SSSC has a duty to protect the public and to reaffirm the clear standards of professional conduct expected of social service workers. The SSSC needs to take these necessary steps to restore and maintain the confidence that members of the public place on the social service workforce and on the integrity of the SSSC Register.

2. In relation to findings of fact you have failed to follow parts 1.2, 1.4, 5.1, of the SSSC Code of Practice for Social Service Workers.

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 12 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 two months of these conditions coming into effect you must provide the SSSC with evidence that you have undertaken refresher learning which must cover:
 - a. Adult Support & Protection in Social Care
 - b. The SSSC Codes of Practice and your responsibility as a registered worker to maintain these standards
 - c. The Health and Social Care Standards and what they mean for the people you support
 - d. Communicating and interacting appropriately, respectfully, and effectively with users of services

You should discuss with your employer the most effective way of completing this learning and training. It can be face to face study or on-line training, mentoring, supervision and/or independent study.

Within seven days of this training being completed, you must provide evidence to the SSSC of your satisfactory completion, and this must be signed by your employer.

3. Within two months of meeting condition 2 above, you must provide a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. The reflective account should focus on the impact your behaviour has had or could have had on the reputation of the sector.

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. Why your communication towards AA as set out in allegation 1, was wrong and fell below the standards expected of a social services worker, as highlighted in the SSSC Codes of Practice
 - b. Why the way you spoke to user of services AA as set out in allegation 2, was wrong, and fell below the standards set out in the Health and Social Care standards, considering points 3.1, 3.2, 3.3.& 3.9
 - c. Your understanding of safeguarding, and why abusive and disrespectful communication towards users of services could cause harm, and possibly lead to safeguarding concerns
 - d. How to work and communicate in ways that helps vulnerable adults/ individuals to feel safe, valued, and respected, as well as ensuring their dignity is never undermined
 - e. How to challenge your own attitudes and behaviour so that that they do not contribute to situations or behaviour that could be harmful or abusive
 - f. How your behaviour could undermine the trust and confidence placed in you by users of services, their families, colleagues, and the social services sector
 - g. What are the key points you have taken from your learning in condition 2
 - h. What changes you have made to your practice, and how can the SSSC be confident that you will not repeat this behaviour
4. You must participate in supervision with your line-manager every 4 weeks. You must do this for a period of 6 months from:
 - a. these conditions coming into effect or

- b. starting a job that needs registration with the SSSC

The supervision sessions must include a discussion on:

- a. Examples of how you are adhering to the Health and Social Care Standards in your day-to-day work
- b. Examples of how you are adhering to the SSSC Codes of Practice in your day-to-day work
- c. Providing examples of how you are demonstrating respectful, and effective communication with users of services in your day-to-day work.
- d. Ways that you are upholding and respecting the dignity and choice of users of services in your day-to-day work
- e. Any feedback on your practice, identifying any strengths and concerns in relation to your ability to undertake your role.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The behaviour did occur within the workplace where you were trusted to care for vulnerable service users.
- You have shown limited insight regarding the allegations.
- This has not been an isolated incident and appears to show a pattern of behaviour over a number of months.

Factors in your favour

- You have cooperated with the SSSC investigation

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 29 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 14 March 2024.