

Notice of Decision

Registrant	Jemma Louise Garden
Registration number	3034456
Part of Register	Support Workers in a Housing Support Service Support Workers in Care at Home Service
Town of employment	Dundee
Sanction	Warning to stay on your registration for a period of 24 months
Date of effect	21 September 2021

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 Housing Support Service and Support Workers in Care at Home Service for a period of two years.

Findings of fact

We decided there is evidence that while employed as a Support Worker by [information redacted] and in the course of that employment, you did:

1. on or around 21 April 2019:
 - a. leave service user AA's home at 1.30pm, when you should have stayed until 7pm, resulting in AA being left without care for approximately 5.5 hours

2. on or around 17 February 2019, having indicated in a text message to service user BB that you would attend his home at 12 noon, fail to attend at 12 noon or at any time thereafter on that day, and fail to provide BB with the support that you were meant to provide him with
3. on or about 20 February 2019:
 - a. fail to attend the home of BB at the time that you were scheduled to and you did fail to provide BB with the support that you were meant to provide him with
 - b. fail to attend the home of service user CC at the time that you were scheduled to call and you did fail to provide CC with the support that you were meant to provide her with
4. on unknown dates in relation to service user DD, a service user with learning difficulties:
 - a. tell DD that you had been assaulted by ZZ
 - b. allow YY to attend DD's home and meet DD

and in light of the above your fitness to practise is impaired because of your misconduct at allegations 1.-4. above.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must be reliable and dependable. They must honour work commitments, agreements, and arrangements and, when it is not possible to do so, explain why to people could use services, and their employer. You left service users early or failed to visit them without informing your employer. As a result, your employer was unaware that you did not provide the support to service users which you had been employed to provide.
 - b. Social service workers must not neglect or harm people who use services. You left early or failed to visit service users and you neglected their welfare and increased the risk that they would come to harm.
 - c. Social service workers must work with service users in a professional manner and not form inappropriate relationships with them. You discussed with service user DD your personal

circumstances and introduced him to your partner. Your behaviour caused DD to become emotionally involved with your own personal circumstances. It caused or had the potential to cause upset and unrealistic expectations on the part of DD.

- d. The behaviour is considered to be serious. The service users whom you were employed to care for were very vulnerable people who required you to make their meals, clean their homes, provide personal care to them or take them on outings. As a result of your behaviour these service users were either left without food, without clean homes or missed outings. [Information redacted]
 - e. This was a pattern of behaviour which occurred over a period of three months in 2019. This was a pattern of failing to provide an acceptable level of care to multiple vulnerable individuals. This has resulted in each of them being placed at risk of physical and/or emotional harm. Your insight into your behaviour is limited and you have not recognised how your behaviour could have impacted each of the service users.
 - f. You have put numerous vulnerable people at risk on multiple occasions. Due to the pattern of behaviour, the risk of harm involved and the lack of insight shown, a reasonable person in possession of all of the information would expect the SSSC to make a finding of impairment to your fitness to practise.
 - g. You have however been employed in a different role since February 2020 and no concerns have been referred to the SSSC in that time. Your behaviour is capable of remediation and the SSSC has taken account of the time passed since the misconduct and your good practise since February 2020.
2. In relation to findings of fact at allegations 1.-4. above, you have failed to follow parts parts 2.2, 2.4, 2.5, 3.10, 5.1, 5.4, 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 **two years**.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You knew that these service users were vulnerable, were unable to cook for themselves or had suicidal tendencies or had strict professional boundaries in place. You shared personal information or failed to attend numerous visits despite this
- The behaviour occurred inside work, in the service user's own homes. These service users relied solely on you to turn up and carry out the care they required. Nobody else was there to provide this care for them.

Factors in your favour

- You have a good previous history
- The behaviour occurred in 2019 and no other matters have been referred to the SSSC by your current employer. You have been in a new role since February 2020
- You have co-operated with the SSSC by providing your comments.

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

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** on your registration if you do not ask for a hearing.

We wrote to you on 3 September 2021 to tell you we wanted to place a **warning** 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** on your registration.

Date of effect

The notice comes into effect on 21 September 2021.