

## Notice of Decision

<b>Registrant</b>	Tegan Murray
<b>Registration number</b>	3031412
<b>Part of Register</b>	Practitioners in Day Care of Children Services
<b>Town of employment</b>	Aberdeen
<b>Sanction</b>	Warning to stay on your registration for a period of 18 months
<b>Date of effect</b>	3 May 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 Practitioners in Day Care of Children Services, for a period of 18 months.

### Findings of fact

We decided there is evidence that on or around 21 November 2023 while working as a Nursery Practitioner for [information redacted] in Aberdeen, and during the course of that employment, you did:

1. restrain AA, (aged 2), by holding both of their wrists with one of your hands
2. while restraining AA, force feed AA
3. by your actions at allegation 2 above, cause AA to choke
4. by your actions at allegations 1 and 2, cause AA distress

and your fitness to practise is impaired because of your misconduct.

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

1. Your fitness to practise is impaired because:
  - a. Social service workers are expected to meet relevant standards of practice and work in a lawful, safe, and effective way. Social service workers must not abuse, neglect, or harm people who use services and put them at risk of unnecessary risk of harm. They are expected to be reliable and dependable and not behave in a way which would call into question their suitability to work in social services.
  - b. While providing care for children you restrained child AA by holding both of their wrists with one of your hands and while restraining AA, force fed AA, causing them to choke. Your behaviour is very serious. You are an experienced registered social service worker, who has been registered with the SSSC since 2014 and you should have been aware of the standards of conduct expected of you. You have abused your position of trust and caused harm to AA as your actions caused them emotional distress. Service users are entitled to feel safe and confident that social care workers can remain in control of their behaviour and not harm service users.
  - c. Following the incident, you acknowledged that your actions were unacceptable and that you did not handle the situation well. It does not appear that there was any intent to cause deliberate harm to AA and this points towards a lapse in judgement at the time.
  - d. Your actions had the potential to negatively impact the reputation of the social service profession. Your behaviour fell far below the standards expected of a registered social service worker. Your behaviour has shown a disregard for the standards set out in the SSSC Codes of Practice. Your actions breached the trust and confidence placed in you by your employer, and the SSSC as your regulator.
  - e. The public would expect the SSSC to make a finding of impairment to your fitness to practise and to mark that conduct of this nature by a registered social service worker is unacceptable and must not happen again. There is a requirement to reaffirm clear standards of professional conduct. It is likely that your behaviour would damage

the reputation of the profession and the SSSC should no action be taken.

2. In relation to findings of fact you have failed to follow parts 1.2, 2.2, 2.4, 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.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- The behaviour took place within a workplace setting where the worker was providing care to children.
- The behaviour caused a child (aged 2) distress.

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

- It was an isolated incident. There is no pattern of concerning behaviour.
- You have had a good previous history and unblemished record prior to the incident.
- You have cooperated in a meaningful way with the SSSC.
- You have received a positive reference in support of your practice from your employer.

### **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 on your registration**

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 17 April 2024 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 3 May 2024.