

## Notice of Decision

<b>Registrant</b>	Claire Kirk
<b>Registration number</b>	3039825
<b>Part of Register</b>	Managers of a Care Home Service for Adults
<b>Town of employment</b>	Dunkeld
<b>Sanction</b>	Condition imposed
<b>Date of effect</b>	2 July 2021

This is notice of a decision of the Scottish Social Services Council (SSSC).

### **Our decision**

This is notice of a decision made by 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
2. to place a condition on your registration, on the part of the Register for Managers of a Care Home Service for Adults, which you must meet within four months of commencing a management role which is registerable with the SSSC.

### **Findings of Fact**

We decided that there is evidence that while employed as a Deputy Manager by Rivendell Care Services Ltd, at Rivendell House in Dunkeld, and during the course of that employment, you did:

1. between on or around 1 May 2018 and on or around 7 June 2018, in relation to the pressure ulcer audit for resident AA:

- a. fail to carry out sufficient enquiries to enable you to complete audits correctly
  - b. when auditing April 2018 records on or around May 2018, report that resident AA still had an ulcer when the ulcer had healed on or around 2 April 2018
  - c. when auditing May 2018 records in or around June 2018, report that resident AA still had an ulcer when the ulcer had healed on or around 2 April 2018
2. between on or around 2 June 2018 and on or around 10 September 2018, fail to report recurring medication errors to manager ZZ and in particular that:
- a. PRN medication given to residents was not being signed for
  - b. physical counts of medication did not match the notional counts recorded on MAR sheets
3. on or around 8 September 2018, fail to take action when resident BB left the building via the fire doors and in particular you did:
- a. fail to complete an incident report or in the alternative fail to take reasonable steps to have an incident report completed
  - b. fail to record the incident in BB's daily report or in the alternative fail to take reasonable steps to have the incident so recorded

and your fitness to practise is impaired by your misconduct.

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

1. Your fitness to practise is impaired because:
  - social service workers must work safely and effectively. You failed to make an incident report and relevant entries in a resident's daily report when she left the home, or to take steps to have somebody else do so. You failed to carry out enquiries necessary to complete an ulcer pressure chart, and that you made incorrect entries on that chart. You failed to report recurring medication errors to your manager. Your actions prevented colleagues from identifying risks to the health and well-being of residents and from being able to identify the current status of such risks and steps taken to address them. This could have indirectly caused harm to people using services.

In relation to findings of fact you have failed to follow parts **2.2, 2.4, 3.10, 5.7, 6.1, 6.2 and 6.5** 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 that the appropriate sanction is to place the condition set out below.

### **The condition**

The condition placed on your registration is as follows:

1. prior to commencing a management role which is registerable with the SSSC, you must inform your employer of the conditions on your registration
2. within two weeks of commencing a management role which is registerable with the SSSC, you must submit evidence to the SSSC, endorsed by your employer, of their awareness of condition 1
3. within three months of commencing a management role which is registerable with the SSSC, you must provide evidence to the SSSC, endorsed by your employer, that you have completed learning and development which is directly related to your duties to fulfil the recording and reporting requirements of your role, namely:
  - incident reporting
  - pressure ulcer management
  - medication errors

The learning and development should be aligned to current national guidance and legislation

4. within one month of completing condition 3 above, you should submit a reflective account, the content of which must be to the satisfaction of the SSSC. Within your reflective account, you must reflect on your practice when you failed to record and report on accidents, pressure ulcer management and medication errors. Your account should specifically demonstrate:
  - i. the importance of adhering to organisation policies and procedures and keeping relevant reports and

- records and of reporting errors honestly and accurately in accordance with work setting requirements
- ii. the risk factors involved in not keeping accurate and up to date records and reports
  - iii. what you would now do differently in the light of your learning and development.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You were a deputy manager so had a position of seniority and the allegations directly relate to that role
- The conduct was inside work and liable to bring the profession into disrepute
- There is a pattern of analogous behaviour
- While no direct risk of harm was present, poor recording can give risk to an indirect risk of harm, particularly where, as here, potentially harmful acts by residents are not recorded and therefore cannot be acted upon.

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

- You have worked in care without complaint for around two years, although mostly in non-management roles
- You have co-operated with the investigation
- A number of references have been provided.

#### **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
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

#### **Acceptance of the condition**

Having been advised of the consequences of accepting or not accepting the **condition**, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **condition** on 9 June 2021.

**Date of effect**

The notice comes into effect on 2 July 2021.