

Notice of Decision

Registrant	Nicola Munro
Registration number	3121576
Part of Register	Social care worker
Town of employment	Dundee
Sanction	Warning to stay on your registration for a period of 12 months
Date of effect	4 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 place a warning on your registration, on the part of the Register for social care workers for a period of 12 months.

Findings of fact

We decided there is evidence that while employed as a Care Assistant by Balhousie Care Limited at Balhousie St Ronans in Dundee, and during the course of that employment, you did:

1. on or around 10 August 2022, inform your employer that you were unable to attend your shift as you were sick, then proceed to work for another employer
2. on or around 15 August 2022, inform your employer that you would be off sick for one week, then:
 - a. on or around 17 August 2022, work for another employer
 - b. between around 18 August 2024 to 19 August 2022, schedule to work for another employer

3. by your actions in allegations 1 and 2 above, act dishonestly in that you knowingly failed to inform your employer that you intended to work shifts for another employer while on sick leave
4. on or around 26 August 2022:
 - a. say to resident AA, who lived with dementia, 'What are you doing in the lounge, you old arsehole?', or words to that effect
 - b. state to a colleague, in the presence of, and referring to AA, that 'he is a miserable c**t', or words to that effect

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 respect and maintain the dignity of people who use services. Using this type of language about/ to supported people is abusive and has the potential to cause emotional harm. Furthermore, this behaviour took place in the home of the supported person. This type of behaviour is a breach of trust placed in you by supported people, their families, your employer and the SSSC.
 - b. Social service workers are expected to be truthful, open, honest and trustworthy as well as reliable and dependable. By informing your employer that you were unwell when you weren't (and instead planned to work elsewhere), you risked residents being let down, as there was potential that there wouldn't be enough staff on shift in your primary workplace, or that agency staff would be required to supplement care, meaning residents would not get consistency of care by staff they knew. Your actions were dishonest.
 - c. The SSSC has a duty to uphold proper standards of conduct and behaviour for social service workers. Registration with the SSSC provides members of the public with assurances that the SSSC is satisfied that you are fit to practise. Given your behaviour, a finding of impairment is necessary to maintain public confidence in the integrity of the Register and in the SSSC as a regulator.
2. In relation to findings of fact 1-4 you have failed to follow parts 1.4, 2.1, 2.2, 2.4, 2.5, 3.6, 5.1, 5.8 and 6.3 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 12 months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour took place in the course of your employment.
- Your behaviour was a breach of the trust placed in you by your employer, supported people and their families, and the SSSC.

Factors in your favour

- You have co-operated with the SSSC investigation.
- You have a good previous history with the SSSC.
- You provided some mitigation in respect of your [information redacted]

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 22 July 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 4 September 2024.