

Notice of Decision

Registrant	Elizabeth Sharkey
Registration number	3104363
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Lanark
Sanction	Warning to stay on your registration for a period of 18 months
Date of effect	1 July 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
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 **18 months**.

Findings of Fact

We decided that there is evidence that while employed as a Care Assistant in a Service in South Lanarkshire Council, and during the course of that employment, you did:

1. on or around 25 August 2018, leave resident AA unattended in bed with:
 - a. a table pushed tightly against her, restraining her
 - b. breakfast cereal spilled on her and her bed
 - c. a sensor mat and box of clothes lying in the middle of the floor of her room

2. on or around 23 October 2018, fail to seek assistance from colleagues in toileting residents in one of the units

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:
 - a. social service workers must respect and maintain the dignity of people who use services. You left a resident unattended in bed with a table pushed tightly against her restraining her, breakfast cereal spilled on her and her bed and a sensor mat and box of clothes lying in the middle of the floor of her room.
 - b. your actions constituted an inappropriate restraint of a resident which could have caused her harm. Your actions suggest a failure to appreciate the importance of respecting the autonomy of people using services and treating them with respect.
 - c. social service workers must work in a lawful, safe and effective manner. You failed to seek assistance from colleagues when toileting residents and you failed to take reasonable steps for residents to be toileted safely and timeously.
 - d. your actions risked causing physical and emotional harm to residents in your care and was a breach of the trust placed in you by residents, their families and your employer.
 - e. the SSSC considers your behaviour to be serious. However, it is accepted that you could have benefited from alternative staffing arrangements, providing you with more support to effectively carry out your role.
 - f. although you have demonstrated a significant period of good practise since the incidents took place, there are still concerns that the behaviour may be repeated. There is a lack of reasonable assurances for the SSSC to consider that such behaviour has been fully remediated. As a result, it is considered that a finding of impairment to your fitness to practise is required.

- g. the SSSC has a duty to uphold proper standards of conduct and behaviour from 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. A finding of impairment is necessary to maintain public confidence in the integrity of the register and in the SSSC as a regulator.
2. You have failed to follow parts 1.1, 1.4, 2.2, 2.4, 3.10, 5.1, 5.7, 5.8 & 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 that 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

- You were an experienced care worker and failed to provide an acceptable standard of care
- The behaviour took place at work and residents were exposed to risk of harm.

Factors in your favour

- You recognise that you should have sought assistance from a supervisor in toileting residents of one of the units
- You recognise that you should not have left AA in the condition that you did
- Prior to the incident taking place, you were employed in the care sector for 7 years. The SSSC is not aware of any previous issues concerning your fitness to practise during that time
- You have worked for your current employer for 2 years and they have provided positive comments about your practise
- You have fully engaged with the SSSC investigation into your fitness to practise.

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

Acceptance of the warning

Having been advised of the consequences of accepting or not accepting the **warning**, and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **warning** on 7 June 2021.

Date of effect

The notice comes into effect on 1 July 2021.