

## Notice of Decision

<b>Registrant</b>	Emma Johnston
<b>Registration number</b>	2059351
<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 36 months
<b>Date of effect</b>	6 July 2022

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 a Day Care of Children Services, for a period of 3 years.

### Findings of fact

We decided there is evidence that while employed as a Senior Early Years Practitioner at Hazelhead Primary School by Aberdeen City Council in Aberdeen:

1. on 27 July 2021, you were convicted of an offence contrary to section 39(1) of the Criminal Justice and Licensing (Scotland) Act 2010 at Aberdeen Sheriff Court, in particular you did between 1 February 2020 and 8 March 2021 engage in a course of conduct which caused AA fear or alarm in that you did submit online forms in the name of AA to Dignity Funeral Services, Pure Cremation Services, Co-operative Funeral Services, Mark Shaw Funeral Services, Aberdeen City Council and the Police Service of Scotland and you did this in an attempt to have the aforesaid organisations make contact with AA, in said contact to Dignity Funeral Services, Mark Shaw Funeral Services, Co-operative Funeral Services and

Pure Cremation Services, pretend that AA had died, contact Aberdeen City Council and make false claims in relation to her and did repeatedly make false reports of [information redacted] to Police Scotland in relation to her

2. on 27 July 2021, you were convicted of an offence contrary to section 39(1) of the Criminal Justice and Licensing (Scotland) Act 2010 at Aberdeen Sheriff Court, in particular you did between 1 February 2020 and 8 March 2021 engage in a course of conduct which caused AA fear or alarm in that you did submit online forms in the name of BB to Aberdeen City Council and the Police Service of Scotland in an attempt to have those organisations make contact with BB, send an email to her employer stating that she had committed a criminal offence, send a letter to [information redacted], Aberdeen, purporting to be from BB, containing false information, contact the DVLA stating that BB had obtained a car fraudulently using the name and address of another, repeatedly contact Police Scotland and make false allegations of criminality against her  
  
and your fitness to practise is impaired because of your convictions.

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

1. Your fitness to practise is impaired because:
  - a. social service workers are expected not to behave, while inside or outside of work, in a way which would bring their suitability to work in social services into question. You were convicted of engaging in a course of conduct which caused fear and alarm to two members of the public over a period of approximately 13 months. Your behaviour showed a disregard for the wellbeing of others, for the law and for the time and resources of the organisations that you contacted under false pretences.
  - b. your behaviour was serious. It occurred outside of your employment after the [information redacted]. We note there was no harm to any service users. You have made some admissions but you have largely focussed on what had been done to you and how you have been treated, rather than looking at the impact your behaviour had on others.
  - c. Given the circumstances of your convictions, we have considered that the risk of repetition is low as you no longer have contact with [information redacted]. Given the low risk of repetition, it is unlikely that you present an ongoing risk to the public. However, your

convictions reflected badly on the profession. The public should be able to expect that a social service worker entrusted to care for children in a nursery setting would adhere to the law and not cause fear or alarm to members of the public. A finding of current impairment is necessary to reaffirm the clear standards of professional conduct and uphold public confidence in the profession.

2. In relation to findings of fact you have failed to follow parts 5.7 and 5.8 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 3 years. We considered that a warning would adequately mark the behaviour as unacceptable and that it should not happen again.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- Your insight is limited, you have explained the circumstances of your behaviour but you have not focussed on the impact of your actions on the victims or the reputation of the profession
- Your actions placed the victims at a risk of harm, wasted public resources and brought the reputation of the profession into disrepute.

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

- You have a good previous history
- You have obtained new employment in the sector and no further concerns have been raised
- Your former employer provided largely positive information about your practice
- You have cooperated with the SSSC's investigation.

### **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 20 May 2022 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 6 July 2022.