

Notice of Decision

Registrant	Marzanna Wozniak
Registration number	4091792
Part of Register	Social care worker
Town of employment	Forfar
Sanction	Warning to stay on your registration for a period of 18 months and condition imposed
Date of effect	07 February 2025

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 18 months.
3. to place a condition on your registration, on the part of the Register for social care workers, which you must meet by the timeframe set out below.

Findings of fact

We decided there is evidence that while employed as a Homecare Assistant for [information redacted] during the course of that employment you did:

1. on or around 1 September 2024 in relation to service user AA:
 - a. shout at AA when AA would not undress
 - b. call AA "fat" or words to that effect

- b. poke AA on his body
- c. point at AA and say "stop it" or words to that effect
- d. push AA on the back towards the bathroom
- e. push AA on his shoulders
- f. pull AA by the arm towards the bathroom

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 care workers are expected to work with kindness and compassion and respect the dignity of the individuals they are caring for. They must communicate in a respectful, open, accurate, and straightforward way. Social care workers must meet relevant standards of practice and work in a lawful safe and effective way. They must 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 home care and support to AA you shouted at AA when he would not undress and called him fat or words to that effect. You poked AA on the body and pushed and pointed at AA. You pushed AA on the back towards the bathroom and pulled him by the arm. You are an experienced registered social service worker, who has been registered with the SSSC since September 2022, and you should have been well aware of the standards of conduct and practice expected of you. People who use services are entitled to feel safe and confident that social service workers will provide an acceptable level of care and not put them at unnecessary risk of harm. Your behaviour falls below the standards expected of a registered social service worker.
 - c. Your behaviour showed a serious disregard for the Codes of Practice. Your actions breached the trust and confidence placed in you by AA, AA's family, your employer and the SSSC as regulator.
 - d. The public would expect the SSSC to make a finding of impairment to your fitness to practise and to take action to mark that behaviour of this

nature by a registered social service worker is entirely unacceptable and must not happen again. There is a clear requirement to reaffirm clear standards of professional conduct. It is highly 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 1a-1f you have failed to follow parts 1.1, 1.5, 2.2, 2.4, 5.1, 6.1, 6.6 and 6.7 of the SSSC Code of Practice for Social Service Workers in force from 1 May 2024.

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 and the condition set out below.

The condition

The condition placed on your registration is:

1. You must provide the SSSC with evidence that your employer knows about the conditions on your registration. You must provide this within seven days of:
 - a. these conditions coming into effect, or
 - b. starting any job that needs registration with the SSSC.
2. Within three months of these conditions coming into effect, you must provide the SSSC with evidence that you have undertaken refresher learning, which must cover:
 - a. developing your knowledge and understanding of:
 - i. the SSSC Codes of Practice
 - ii. the Health and Social Care Standards
 - b. developing your knowledge and understanding of caring for people with dementia including:
 - i. the signs and symptoms of dementia
 - ii. how to differentiate dementia from other similar conditions

- iii. how to communicate effectively and compassionately with individuals who are living with dementia
- iv. why a person with dementia might show signs of distress
- v. why workers must always follow person centred plans and risk assessments, in relation to providing care to people with dementia.

You should discuss with your employer the most effective way of completing this learning and training. It can be face to face study or on-line training, mentoring, supervision, and/or independent study.

Within seven days of this training being completed, you must provide evidence to the SSSC of your satisfactory completion, and this must be signed by your employer.

3. Within two months of meeting condition 2 above, you must provide a reflective account to the SSSC. Your reflective account should demonstrate your understanding of the impact of your behaviour on others, and the standards expected of you as a registered worker.

In providing your account, you are required to think about your actions by addressing each of the following points, using learning from the training topics in condition 2:

- a. what a better way would have been to deliver care to AA, as highlighted in the findings of fact, that would have upheld AA's dignity
- b. why your behaviour, as highlighted in the findings of fact, does not reflect the current SSSC Codes or the Health and Social Care Standards
- c. how your behaviour as highlighted in the findings of fact, could undermine the trust and confidence in you to deliver care to vulnerable people
- d. why it is important to use the correct body language when caring for people with dementia, and how this impacts on the quality of care
- e. what are the key points you have taken from your refresher learning in condition 2

- f. how you understand the potential impact of your actions on user of services AA, and his trust and confidence in the people who care for him
- g. how the SSSC can be assured that you will not repeat the behaviours that have impaired your fitness to practise.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour demonstrated a serious disregard for the Codes of Practice.
- The behaviour took place during the course of your employment within the home of AA.
- You abused the trust placed in you by AA, AA's family, your employer and the SSSC as regulator.

Factors in your favour

- You have cooperated with the SSSC and provided comments.
- You have shown insight, reflection and apology for your actions.
- There is no pattern of concerning behaviour. It was an isolated incident.
- You have an unblemished previous history with the SSSC.
- There have been no further issues or concerns raised with your 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 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 and condition 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 and condition on your registration if you do not ask for a hearing.

We wrote to you on 11 December 2024 to tell you we wanted to place a warning and condition 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 and condition on your registration.

Date of effect

The notice comes into effect on 07 February 2025.