

Notice of Decision

Registrant	Jill Fyffe
Registration number	3080234
Part of Register	Social care worker
Town of employment	Perth
Sanction	Removal
Date of effect	13 November 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 impose a Removal Order removing your registration from the part of the SSSC Register for social care worker.

Findings of fact

We decided there is evidence that on 19 February 2024 you were convicted at Perth Sheriff Court of the following offences:

1. on 22 April 2020 at unclassified road, [information redacted] you did assault AA, then aged 80, then a person in your care, care of the Police Service of Scotland and did repeatedly punch her on the body and her head and grab her leg
2. acting in contravention of Sections 6(1), 6(6) & 6A of the Road Traffic Act 1988 in that on 22 April 2020 at unclassified road, [information redacted] you did without reasonable excuse fail to cooperate with a preliminary test, namely a breath test in pursuance of a requirement imposed on you under Section 6(1) and 6(6) of the aforementioned Act by a constable of the Police Service of Scotland in uniform, who reasonably suspected that you

had been in charge of a motor vehicle namely motor registration mark [information redacted] on a road or other public place while having alcohol or a drug in your body or while unfit to drive because of a drug and you did still have alcohol or a drug in your body or were under the influence of a drug

3. acting in contravention of Section 90(1)(a) of the Police and Fire (Scotland) Act 2012, in that on 22 April 2020 at unclassified road, [information redacted] you did assault a constable of the Police Service of Scotland then in the execution of his duty and did kick him on the body
4. acting in contravention of Section 7(6) of the Road Traffic Act 1988, in that on 22 April 2020 at Divisional Police Headquarters, West Bell Street, Dundee you did without reasonable excuse fail to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State in pursuance of a requirement imposed under Section 7 of the said Act; and it will be shown that the said specimens of breath were required to ascertain your ability to drive or the proportion of alcohol in your breath at the time you were in charge of a motor vehicle namely motor car registered number [information redacted] on a road or other public place, namely unclassified road, [information redacted]

and your fitness to practise is impaired because of your convictions as set out in allegations 1-4.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must not behave, while in or outside work, in a way which would bring their suitability to work in social services into question. You have been convicted of assaulting a vulnerable individual who used services and who was entrusted in your care. Your behaviour was abusive and placed AA at serious risk of harm. By also assaulting a police officer and failing to provide a breath specimen on two separate occasions you showed a serious disregard for the law.
 - b. Your convictions call into question your suitability to work as a social service worker, particularly as they were committed in the course of you supporting AA, which demonstrates that you are willing to place other people at risk of harm. Your behaviour falls far short of the standards expected of a social service worker and amounts to behaviour that is fundamentally incompatible with professional

registration. Your actions also have the potential to negatively affect the reputation of the social services profession, and breached the trust and confidence placed in you by users of services, your employer and the SSSC.

- c. While the behaviour that led to your convictions occurred on the same date, it involved 4 separate incidents. They represent a loss of self-control and violate the fundamental tenets of the profession which is to create and maintain the trust and confidence of people who use services, to care for and protect the welfare of people who use services and to uphold public trust and confidence in social services. Based on your lack of insight, remorse and remediation, the risk of your behaviour being repeated has been assessed as high. If your actions were to be repeated, other vulnerable individuals who use services and/or the wider public could be placed at risk of harm.
 - d. Your criminal convictions give rise to ongoing public protection risks and concerns, and there is a need to protect individuals who use services and the wider public by reaching a finding of impairment in your case.
 - e. The nature of your convictions is so serious that a reasonable member of the public would consider the confidence in the profession and in the SSSC as an effective and responsible regulator to be damaged if no action were taken by the SSSC in your case. Proper standards of conduct and behaviour must be upheld in order to protect those most at risk.
2. You have failed to follow parts 1.1, 2.2, 2.4, 5.1, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service in force from 1 November 2016.

Sanction

After referring to our Decisions Guidance, we decided to impose a Removal Order, removing your registration from the SSSC Register.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You were caring for AA and suspected to be under the influence of alcohol or drugs and in charge of a car when you assaulted AA and a Police Officer and refused to take breath tests.
- While neither AA nor the Police Officer incurred injuries, they were both placed at significant risk of harm by your behaviour.
- You have not cooperated with the SSSC's investigation.
- You have failed to demonstrate insight, remorse or remediation for your behaviour.
- Your behaviour which led to your convictions is an abuse of the trust placed in you as a social service worker.

Factors in your favour

- You have been registered with the SSSC since 2016 with no previous referrals made to the SSSC in relation to your practice.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is extremely serious and it would not adequately address the impairment of your fitness to practice. A warning would give no protection to individuals who use services or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practise is impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration. The interests of people who use services and the public would not be sufficiently protected

by any period of suspension.

- For the reasons outlined above a Suspension Order plus conditions would not be appropriate.
- The SSSC considers a Removal Order is the most appropriate sanction as it is both necessary and justified in the public interest and to maintain the continuing trust and confidence in the social service profession and the SSSC as the regulator of the profession.

Documents we have referred to

- The 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 Removal Order

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 Removal Order if you do not ask for a hearing before a Fitness to Practise Panel.

We wrote to you on 17 September 2024 to tell you we wanted to place a Removal Order on your registration. After explaining the consequences and recommending you take legal advice, you have not asked for the case to be referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this Removal Order.

Date of effect

The notice comes into effect on 13 November 2024.