

Notice of Decision

Registrant	Alexandrina Preston
Registration number	3059756
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Tranent
Sanction	Warning to be placed on your registration for a period of 24 months and condition imposed
Date of effect	21 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 Support Workers in a Care Home Service for Adults, for a period of two years
3. to place a condition on your registration, on the part of the Register for Support Workers in a Care Home Service for Adults, which you must meet within the time periods specified in the condition below.

Findings of fact

We decided there is evidence that while employed as a Care Assistant by Sisters of Charity of St Paul The Apostle at St. Anne's Care Home in Musselburgh, and during the course of that employment, you did:

1. on or around 29 April 2020:

- a. leave resident AA for several hours without providing personal care, when you knew that she had soiled herself
 - b. while providing personal care to AA, and after AA had spat on you, say, “fuck this, I’m gagging her, she’s not spitting on me”, or words to that effect
 - c. hold a towel over AA’s mouth
 - d. by your actions at allegations 1.a. to 1.c. above, cause AA distress
2. on or around 10 May 2020:
 - a. while resident BB was lying down, pull BB up by the back of her neck
 - b. say in a raised voice to BB, “your pants are wet”, or words to that effect
 - c. by your actions at allegation 2.a. and b. above, cause BB distress
3. on an unknown date, prior to 10 May 2020 while resident CC was in a hoist:
 - a. throw CC’s hands on her chest
 - b. say to CC, “keep your bloody legs still” or words to that effect
4. on or around 3 March 2021:
 - a. exit an area where Covid-19 patients resided without wearing full P.P.E. and enter the hallway while carrying a used toilet pot
 - b. exit the sluice area carrying clean toilet pots without wearing full P.P.E.
 - c. clean a urine spillage from the floor without wearing full P.P.E.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 worker should treat vulnerable residents with respect and keep them safe from harm. Your behaviour towards vulnerable residents was very serious and caused distress to them. You also put

them at risk of physical and emotional harm. Failing to wear PPE during and after providing care to residents with COVID-19 put colleagues, vulnerable service users, their families and yourself at risk of harm when you didn't need to.

- b. Even though resident AA was displaying challenging behaviour and spitting at you, this does not excuse what you did. You were in a difficult position, but you should have dealt with the behaviour in a more appropriate manner and you should not have held a towel over AA's mouth. We need to find your fitness to practise impaired because of how serious this behaviour is and to make sure that it doesn't happen again. We need to find your fitness to practise impaired so that the public can have confidence in the SSSC as an effective regulator.
2. In relation to findings of fact you have failed to follow parts 1.1, 1.4, 2.2, 2.4, 3.10, 5.1, 5.7, 5.8 and 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 the appropriate sanction is to place a warning on your registration for a period of two years and the condition set out below.

The condition

The condition placed on your registration is:

1. Within 7 days of the condition coming into effect or in the alternative within 7 days upon commencing employment requiring registration with the SSSC for the duration of this condition, you must provide evidence to the SSSC, countersigned by your employer, to confirm that they are aware of the conditions on your registration.
2. Within 3 months of completing condition 1, you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on your behaviour, as identified in the findings of fact and your reflective account should include:
 - a. How your behaviour as proven in allegations 1,2, and 3 caused distress and or impacted on the service users in your care and your colleagues witnessing this behaviour.

- b. How your behaviour as proven in allegation 5 placed service users and colleagues at risk of serious harm by failing to adhere to infection control measures during a global pandemic when the coronavirus was present within your care setting.
- c. Your awareness and understanding of Safeguarding and Adult Protection in Care Settings in relation to staff behaviour and interaction with vulnerable service users.
- d. Your understanding of how your behaviour breached the SSSC codes of practice and would impact on the trust and confidence service user placed on you as a social services worker.
- e. How your reflection and learning since these incidents has informed and enhanced your knowledge and skills, to enable you to provide positive support to service users and work in a manner which enables service users to feel safe and that they are being treated with dignity and respect.
- f. How your further learning has modified your practice and what you would now do differently in relation to each of the proven allegations to reassure the SSSC that this behaviour is not repeated in future.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The behaviour is very serious
- You caused emotional harm to residents AA and BB
- You placed AA, BB and CC at risk of physical and emotional harm
- Your behaviour happened while you were at work in AA, BB and CC's home
- There was a pattern of wrong behaviour.

Factors in your favour

- You have apologised for your behaviour and shown a lot of insight, regret and remorse
- You have a long, good history of working in the care sector for approximately 16 years before these things happened.

- Your behaviour in relation to allegation 1.c. was a spontaneous reaction to being spat at, during the initial stages of the Covid-19 pandemic and what was a highly stressful time
- You have finished a Performance Improvement plan designed to address this behaviour
- You have fully co-operated with the SSSC's investigation
- Your current employer has provided a positive reference about your current practice.

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 7 June 2022 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 21 July 2022.