

Notice of Decision

Registrant	Thandiwe Matikiti
Registration number	3088737
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Fauldhouse
Sanction	Removal
Date of effect	22 December 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 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 Support Workers in a Care Home Service for Adults.

Findings of fact

1. We decided there is evidence that on 7 October 2019 you were convicted of fraud at Livingston Sheriff Court in that:
 - a. between 26 June 2015 and 29 August 2018 both dates inclusive, at (Information redacted), (Information redacted), and elsewhere to the Prosecutor unknown, you did pretend to Student Awards Agency Scotland, Saughton House, Broomhouse Drive, Edinburgh, that you had been granted a United Kingdom Leave to Remain visa and did present a United Kingdom Leave to Remain visa in your name in the full knowledge that said visa was false and thus induce said Student Awards Agency Scotland to provide you funding and did thus obtain £23,000 by fraud

and in light of the above your fitness to practise is impaired because of your conviction as set out above.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers are expected to be open and honest at all times. You have been convicted of a crime of dishonesty, namely fraud. In particular, you provided a false UK Leave to remain visa in order to obtain £23,000 of funding from the Students Awards Agency for Scotland. Such behaviour is extremely serious and calls into question your attitude and values. You deliberately deceived a public organisation for your own financial gain. Such dishonesty is fundamentally incompatible with working in social services.
 - b. Honesty and integrity are fundamental tenets of the social services profession. You have clearly breached these tenets as a result of your behaviour which led to your conviction. Such behaviour relates to your attitude and values and are therefore not easily remediable.
 - c. While this is an isolated conviction, your behaviour took place over a significant period of around 3 years. You have failed to display any insight or regret for your actions. You stated to the SSSC that the allegations are untrue and that you do not have a conviction for fraud, however this explanation is not credible. Further when the extract conviction was sent to you, you have not commented further. Given your lack of insight and information about your recent practice, we cannot be satisfied that there is no risk of you acting in a seriously dishonest manner in the future.
 - d. Your behaviour took place outside work and was not related to your care of service users. However if you acted in a dishonest manner again then the public, including service users, could come to harm. Given the very serious nature of the dishonesty there would be concerns if you resumed working with service users.
 - e. There is a real risk of harm to the reputation of the profession and SSSC as regulator as a result of your actions. The public expects social care workers to act with honesty and integrity at all times. Your actions could damage the public trust and there is an expectation that appropriate action is taken to mark the behaviour as unacceptable.

2. You have failed to follow parts 2.1 and 5.8 of the SSSC Code of Practice for Social Service Workers 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 have failed to show any insight or remorse for your actions, instead denying that you were convicted for fraud
- While you only have one conviction, the behaviour resulting in your conviction took place over a period of around 3 years
- Your actions could have caused financial harm to the public purse.

Factors in your favour

- You have no previous history of misconduct or poor practice.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as it does not reflect the seriousness of your impairment. A warning would not adequately protect the public or maintain public confidence in the profession.
- A condition would not be appropriate because it would also not provide adequate protection to the public or maintain public confidence. Your actions involve serious dishonesty which relates to attitudes and values, something a condition cannot 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 of your fitness to practice 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. There is no evidence a period of suspension would allow you to remedy the cause of

the impairment of your fitness to practise.

- 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

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 4 November 2021 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 22 December 2021.