

Notice of Decision

Registrant	Gary Wakelam
Registration number	4109962
Part of Register	Social care worker
Town of employment	Prestwick
Sanction	Warning to stay on your registration for a period of 12 months
Date of effect	25 March 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 12 months.

Findings of fact

We decided there is evidence that on or around 16 November 2023, while employed as a care attendant with Crossroads (South Ayrshire) Care Attendant Scheme, in Prestwick, and during the course of that employment, you did, when visiting service user AA, who lives with dementia:

1. when AA was watching TV:
 - a. state "it's fucking rubbish, it's absolute shite this", or words to that effect
 - b. tell AA you would disclose that he "watches TV about women's make-up", or words to that effect
 - c. when AA left the room, pick up the remote control and change the channel from what AA was watching

- d. in relation to the TV show that AA was watching, state "I'm not going to leave it on if you're not going to watch it", or words to that effect
2. on numerous occasions, when AA was speaking to you, fail to respond as you were using your mobile phone
3. place yourself close to AA's face and repeatedly say "day for a shower", or words to that effect
4. when AA stated on numerous occasions that he wanted to go for a walk:
 - a. continuously interrupt AA to state "no", or words to that effect
 - b. state "fuck's sake", or words to that effect, to AA
 - c. state "I'm not fucking happy about this", or words to that effect
 - d. state "I'm going to say it again, I keep saying it", or words to that effect
5. by your actions at allegation 4 above, cause distress to AA, who left the house and refused to return

and in light of the above 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 services workers, in whom the public and service users place their trust and confidence, are expected to treat service users with dignity and respect at all times, and to protect them from harm. The behaviour displayed is attitudinal and indicative of a loss of self-control.
 - b. The SSSC has established that throughout the course of a morning you have repeatedly behaved in a disrespectful manner which caused distress to a service user in your care. You provided the SSSC with substantial comments and explained you panicked, and your employer has confirmed context surrounding the incident. Both you and your employer have provided the SSSC with evidence of remediation and good practice in the fifteen months since the behaviour. While the SSSC has assessed the risk of repetition to be low, there is still an identifiable need to protect service users from this attitudinal behaviour manifesting itself again in a similar situation.

- c. A reasonable member of the public in receipt of all the information would consider the reputation of the profession to be damaged by the behaviour and would have an expectation that the SSSC mark the behaviour as unacceptable and that it should not happen again. While recognising that you have had a good period of practice following the incident without further issue, the behaviour is still indicative of a loss of self-control despite the context provided. The SSSC considers that there is a requirement to maintain confidence in the profession and has accordingly found that your fitness to practise is currently impaired.
2. In relation to the findings of fact above, you have failed to follow parts 1.2, 2.2, 2.4, 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 12 months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You caused the situation to escalate due to your initial refusal to take AA for a walk. You were aware of AA's specific needs [information redacted], and as such should have known better.
- Your behaviour caused distress to AA, who left his own home and refused to return.

Factors in your favour

- Your employer provided good feedback in respect of your practice since the incident.
- The SSSC has received no previous referrals regarding your practice.
- You have co-operated with the SSSC investigation to a meaningful extent.

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 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 on your registration if you do not ask for a hearing.

We wrote to you on 19 February 2025 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 25 March 2025.