

Notice of Decision

Registrant	John McCallion
Registration number	3063671
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Glasgow
Sanction	Removal
Date of effect	20 April 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 Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that:

1. on 30 November 2023 you were convicted of assault at Glasgow Sheriff Court, namely that on 1 March 2023 at Olympia Care Home, Glasgow, you did, whilst in the course of your employment there, assault AA and did seize AA by the legs and repeatedly punch AA on the body

and your fitness to practise is impaired because of your conviction as set out in allegation 1, above.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. social service workers are trusted to care for some of the most vulnerable members of society. They must not abuse, neglect or harm people who use services and must not place them at unnecessary risk. They are also expected to uphold the law. You have been convicted of assaulting a resident in your care by punching them to the body and seizing them by the legs. Your actions appear to have been motivated by the difficulty you were experiencing supporting the resident's needs and behaviours. However, instead of leaving the room and/or seeking assistance from a colleague, you took matters into your own hands and physically assaulted AA. Your actions amount to a fundamental failing and question your suitability to continue working in the social services profession.
- b. your conviction is very serious. The incident leading to the conviction occurred within your place of employment and directly impacted a vulnerable resident in your care. You have been convicted of assaulting the resident. Although you provided some explanation to your employer around the circumstances leading up to the incident, you showed limited insight into the harm your actions could have caused. Your actions demonstrate a fundamental lack of understanding of the role and responsibilities of a registered social service worker. If this behaviour were to be repeated in the future, other residents in your care could be placed at risk of physical, emotional, and psychological harm. The severity of that harm would be moderate to high.
- c. although you have expressed some remorse and regret for your actions and explained that they were from a difficult experience with the resident on the day in question, they indicate a fundamental lack of understanding around how to promote and protect the safety, welfare and wellbeing of vulnerable adults in your care. It ought to have occurred to you that behaviour of this nature was not acceptable, and dangerous, and had the potential to cause significant harm to the resident. You had been employed in the same role for approximately 7 years at the time of this incident, and you had worked with the resident before. No other practice concerns had been reported to the SSSC before. Your SSSC registration has been suspended since the incident, so you have been unable to demonstrate any subsequent good practice. The incident was isolated and occurred on a single occasion. The behaviour leading up to the conviction did not form part of wider concerns about your practice. Although you have not engaged at all with the SSSC investigation, you did express regret and remorse for your actions to your

employer. You appear to recognise the seriousness and gravity of your actions. If you had engaged with the SSSC investigation, some assurances may have been taken about the behaviour not being repeated in the future. However, any assurances would have been limited due to the serious nature of the offence and the values concerns arising from it.

- d. the behaviour leading to your conviction represents a fundamental failing and amounts to a failure to provide an acceptable level of care. You placed a vulnerable adult at a significant risk of harm. There are ongoing public protection concerns arising from your conviction. The SSSC require to take action to reaffirm the expected professional standards and to firmly declare that your actions were unacceptable. Due to the seriousness and nature of your conviction, a finding of impairment is necessary to uphold public confidence and trust in the social services profession, and the SSSC as a safe and responsible regulator.
2. You have failed to follow parts 3.3, 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.

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

- The behaviour leading to the conviction directly involved a vulnerable adult in your care, who you were responsible for supporting. You were an experienced Care Assistant at the time and had previously provided care and support to the resident.
- The incident occurred within your place of employment and put the resident at risk of physical and emotional harm. You failed to treat AA with compassion and protect them from harm. Your actions represented a serious abuse of the trust placed in you by AA, their family and your employer.
- Your actions led to a serious criminal conviction against you.

- The behaviour represents a fundamental failing and amounts to a failure to provide an acceptable level of care. Your actions raise concerns about your underlying values and decision making.
- You have not engaged or cooperated with the SSSC investigation in any meaningful way.

Factors in your favour

- You were employed between May 2015 and March 2023, and registered in that role since December 2015. You have not come to the attention of the SSSC during that time.
- It was isolated.
- You admitted the behaviour to your employer and expressed a degree of regret and remorse for your actions.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate due to the nature of your conviction. Your behaviour is at the higher end of the scale in terms of seriousness. You have failed to show any insight into the behaviour and the effect that it had on AA. This is not an instance where a warning would be sufficient to mark the seriousness of the behaviour or mitigate against the ongoing public protection and public interest risks.
- A condition would not be appropriate given the abusive nature of your behaviour, which is more difficult to remediate. This is not behaviour that conditions could rectify. You are not currently working in the sector so conditions would not be workable or enforceable. Given your lack of meaningful engagement to date, there is no evidence to suggest that you would comply with any conditions placed on you by the SSSC.
- 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 continued professional registration. The interests of the public and people who use services would not be sufficiently protected by any period of suspension, and there is no evidence that a period of suspension would allow you to remedy the cause of your impaired fitness to practise. Your lack of insight suggests the behaviour is likely to be

repeated.

- 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 6 March 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 20 April 2024.