

Notice of Decision

Registrant	Paul Anderson
Registration number	3030038
Part of Register	Support Workers in Care at Home Service Support Workers in a Housing Support Service
Town of employment	Glenrothes
Sanction	Removal
Date of effect	9 September 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 impose a Removal Order removing your registration from the parts of the SSSC Register for Support Workers in Care at Home Service and Support Workers in Housing Support Service.

Findings of fact

We decided there is evidence that on or around 2 September 2021, while employed as a support worker by Sense Scotland at Sense Scotland Supported Living: Fife & Surrounding Areas in Glenrothes, and during the course of that employment, you did:

1. while bathing supported person AA (redacted) and after AA splashed your colleague ZZ with water:
 - a. say to ZZ, 'I bet that is not the only way you get soaking' or words to that effect

- b. by your behaviour in allegation 1.a. act in a way that was sexually motivated
2. while shampooing AA's hair:
- a. say to ZZ, about your colleague YY who is of Asian heritage 'what would this be called if YY was doing it? An Indian head massage' or words to that effect
 - b. by your behaviour in allegation 2.a. act in a way that was racially motivated
3. imitate AA by:
- a. sitting in their wheelchair
 - b. sounding the horn on the wheelchair
 - c. pretending to bang into objects
 - d. imitating AA's vocal sounds
 - e. pretending to drool
4. your actions at allegations 1-3 were in the presence of AA

and in light of the above your fitness to practise is impaired because of your misconduct 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 respect and maintain the dignity of people who use services. You imitated a vulnerable person in your care showing a lack of dignity and respect. This could have caused harm to AA.
 - b. 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. The misconduct as a whole raises serious values concerns and calls into question your suitability to work in the profession. In the course of one day at work and in the presence of AA, you acted in both a sexually motivated manner and a racially motivated manner towards colleagues.

- c. The behaviour falls far below the standards expected of registered social care workers. It is behaviour that is fundamentally incompatible with professional registration.
 - d. You haven't shown insight, regret or remorse. You haven't engaged with the SSSC investigation. Given the serious nature of your behaviour, we consider there is risk of similar behaviour happening again. If repeated, there would be risk of harm to both service users and colleagues. We would have concerns about you continuing to work with vulnerable people in the sector. There is an ongoing public protection risk.
 - e. A reasonably informed member of the public would lose confidence and trust in the profession if you are not found to be currently impaired. A reasonably informed member of the public would be concerned about the seriousness of your behaviour, the lack of respect and dignity shown towards the service user by imitating them and the lack of insight shown.
2. You have failed to follow parts 1.1, 1.4, 2.2, 2.4, 3.10, 5.1, 5.7, 5.8, 6.1 and 6.5 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 not shown insight, regret or apology. Your position appears to be that these matters were jokes and shouldn't have been taken seriously. You haven't appreciated the impact on your colleagues or AA
- Your behaviour happened at work while you were responsible for the care and wellbeing of AA
- There was a risk of emotional harm to both AA and colleagues.

Factors in your favour

- You have a good previous history
- There were positive comments made about your conduct and practice at work aside from these incidents
- It was an isolated incident although there were a number of instances of misconduct in that one day.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as this would not sufficiently mark the seriousness of your behaviour. Your behaviour raises values concerns, you have not demonstrated insight and we cannot be satisfied your behaviour has been remediated. A warning would not ensure that similar behaviour would not occur again in the future.
- A condition would not be appropriate because there are values concerns and you have demonstrated no insight or reflection. Where there are values concerns and lack of insight conditions are not appropriate.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate your behaviour is fundamentally incompatible with profession registration. 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 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 25 July 2022 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 9 September 2022.