

Notice of Decision

Registrant	[Information redacted]
Registration number	[Information redacted]
Part of Register	Children and young people's worker
Town of employment	[Information redacted]
Sanction	Removal
Date of effect	8 April 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 impose a Removal Order removing your registration from the part of the SSSC Register for children and young people's workers.

Findings of fact

We decided there is evidence that while employed as a Social Work Assistant by [Information redacted], and during the course of that employment, you did:

1. between on or around 6 April 2019 and on or around 11 January 2022
 - a. on 6 April 2019, 1 June 2019, 29 October 2019, 27 March 2020, 27 July 2020, 3 September 2020 and 11 May 2021, access confidential records relating to a member of the public who is known to you, AA, on your employer's SWIFT system without authority to do so
 - b. on 6 April 2019, 18 June 2019, 29 October 2019, 27 July 2020, 3 September 2020 and 26 September 2020, access confidential records relating to a member of the public who is known to you, BB, on your employer's SWIFT system without authority to do so

- c. on 15 June 2021, 24 September 2021 and 26 November 2021, access confidential records relating to a member of the public who is known to you, CC, on your employer's SWIFT system without authority to do so
 - d. on 15 June 2021, 24 September 2021, 26 November 2021 and 11 January 2022, access confidential records relating to a member of the public who is known to you, DD, on your employer's SWIFT system without authority to do so
 - e. on 11 January 2022, access confidential records relating to a member of the public who is known to you, EE, on your employer's SWIFT system without authority to do so
 - f. on 11 January 2022 and 21 December 2021, access confidential records relating to a member of the public who is known to you, FF, on your employer's SWIFT system without authority to do so
 - g. on 26 November 2021, access confidential records relating to a member of the public who is known to you, GG, on your employer's SWIFT system without authority to do so
- 2. between on or around April 2019 and on or around March 2022, access confidential records relating to 378 living individuals on your employer's SWIFT system without authority to do so
 - 3. by your behaviour as alleged at allegations 1 and 2 above, breach your signed confidentiality agreement between yourself and your employer

and your fitness to practise is impaired because of your misconduct as set out in allegations 1-3 above.

Reasons for finding your fitness to practise has been impaired

- 1. Your fitness to practise is impaired because:
 - a. Social services workers are expected to respect and maintain the privacy and confidentiality of people using care services. You accessed personal records relating to a total of 378 individuals when you were not authorised to do so. Some of these records related to people known to you. You had no justification within your employment for accessing these records. Your actions had the potential to negatively affect the reputation of the social services profession, and breached the trust and confidence placed in you by users of services, your employer and the SSSC. Your behaviour falls far below the expected

professional standards.

- b. The behaviour was serious and resulted in you accessing sensitive information of 378 individuals which you had no right to access. This behaviour took place over the course of three years, constituting a long pattern of behaviour. While you provided some explanation to your employer in respect of allegation one, you have not provided any explanations for allegations 2 or 3. You have failed to demonstrate insight or provide any reassurance that this would not be repeated. You have not worked in the sector since the behaviour was discovered. In the circumstances we can only conclude that there is a high risk of this type of behaviour being repeated. If this were repeated, individuals using social services could be placed at risk of harm of having their private information being accessed by someone with no legitimate reason to do so. Therefore, there is a need to protect the public and uphold clear standards of conduct and practice.
 - c. Allowing you to continue to practise risks causing significant damage to public confidence in the profession. There is a clear requirement to maintain the public confidence and reaffirm standards of professional conduct. The reputation of the SSSC as an effective regulator and of the sector would be put at risk if steps were not taken to mark your actions as unacceptable and ensure that they are not repeated.
2. You have failed to follow parts 1.4, 2.1, 2.3, 2.6, 5.3, 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

- You have failed to engage or provide any comments to the SSSC. During the employer investigation, you accepted allegation 1 and provided a partial explanation for your behaviour, but you have failed to show you understand

the seriousness and potential consequences of your actions. You have not shown any insight, remorse or apology in terms of allegations 2 and 3.

- The behaviour took place at work and directly relates to the access you had to records by virtue of your role.
- Your behaviour constitutes a three-year pattern of behaviour, including hundreds of individual incidents.
- As a direct consequence of your behaviour the privacy of many individuals was breached, including the privacy of members of the public known to you, one of whom was emotionally distressed by your behaviour.
- By your actions, you breached the trust placed in you as a social service worker by your employer, the people who use services and the SSSC as your regulator.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as it would not adequately address the impairment of your fitness to practice. The behaviour is extremely serious. A warning would give no protection to service users or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practise is impaired. The type of behaviour at issue is not the type of behaviour which conditions would rectify. You are not currently working in the sector and a condition would not be workable or enforceable. There is no evidence to suggest that you would comply with any condition 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 the interests of people who use services, and the public would not be sufficiently protected by any period of suspension. There is no evidence that a period of suspension would allow you to remedy the cause of the impairment of your fitness to practise. There is little evidence you acknowledge your failings, and the pattern of behaviour and lack of insight suggest 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 17 February 2025 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 accepted the removal and confirmed you do not wish 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 8 April 2025.