

Notice of Decision

Registrant	Raymond Dallas
Registration number	4006117
Part of Register	Supervisors in a Care at Home Service Supervisors in Housing Support Services
Town of employment	Dundee
Sanction	Warning to stay on your registration for a period of 18 month and conditions imposed
Date of effect	23 February 2023

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 parts of the Register for Supervisors in a Care at Home Service and Supervisors in Housing Support Services, for a period of 18 months.
3. to place conditions on your registration, on the parts of the Register for Supervisors in a Care at Home Service and Supervisors in Housing Support Services which you must meet in accordance with the individual conditions listed below.

Findings of fact

We decided there is evidence that:

While employed as a Senior Support Worker by Hillcrest Futures Limited in Dundee, and during the course of that employment you did:

1. in relation to service user AA, who lives with a learning disability and autism
 - a. in or around April 2019, having been kissed by AA, kiss him back on the lips
 - b. on or around 17 February 2020, kiss AA on the lips, or in the alternative lean towards AA in order that he could kiss you
2. on or around 18 February 2020, while discussing the incident at allegation 1.b. in a telephone call you made to Colleague ZZ, say to her 'we could say this never happened' or words to that effect
3. by your actions at allegation 2, attempt to conceal your actions at allegation 1.b. from your employer

and 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 service workers must not behave in a way which would bring their suitability to work in social services into question. On two occasions, you kissed a service user on the lips. Even where, as here, there is no suggestion of any sexual motivation, doing so constituted a breach of professional boundaries. Your actions implied a more intimate relationship than was appropriate for a professional relationship between a social service worker and a service user. Your actions risk bringing the reputation of the social services workforce into disrepute.
 - b. Social service workers must be open, honest and trustworthy. You stated to a colleague, in relation to an incident where you had kissed a service user on the lips, that you both could say this never happened. Your actions encouraged a colleague to withhold information about possible safeguarding issues from your employer. That would have prevented your employer from accurately assessing whether you posed a risk to the health and wellbeing of service users. You risked causing distress to your colleague and causing her to breach her

professional obligations. Your actions were a breach of your employer's trust.

- c. The allegations are considered moderately serious. The behaviour is a serious breach of professional boundaries, and the attempted concealment is also concerning. However, there is no sexual motivation inferred and it is not behaviour considered incapable of being remediated. There is a moderate risk of repetition of the kissing behaviour where there has been a pattern of behaviour and no evidence of remediation. Repetition of the concealment appears less likely as it is predicated on the first allegation recurring, however it cannot be ruled out. There is a public protection risk, albeit not at the higher end of the scale. If repeated, the behaviour would breach service users' right to informed consent to touching. It is considered that the public would have some cause for concern in relation to the serious breach of boundaries and expect action to be taken to uphold relevant professional standards.
2. In relation to findings of fact you have failed to follow parts 1.4, 2.1, 3.10, 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.

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 **18 months** and the condition set out below.

The conditions

The conditions placed on your registration is:

1. Within seven days of this condition coming into effect or within seven days of commencing a role in social services, you must provide evidence to the SSSC, countersigned by your employer, to confirm that they are aware of the conditions currently placed on your registration.
2. Within three months of the condition coming into effect or within three months of taking up a registerable role, you will provide the SSSC with evidence that you have undertaken learning which must cover:
 - a. Making better decisions

- b. Professional conduct and communication
- c. Adult support and protection
- d. Professional boundaries

You should discuss with your employer, or prospective employer, the best way to complete this learning. It can be face-to-face study, online training, mentoring, supervision and/or independent study.

3. Following the completion of condition 2 and within four months of its completion, you must submit to the SSSC a reflective account focusing on the areas noted below:
 - a. how from your learning above you now regard your behaviours towards the service user and how you can reassure the SSSC that you will not repeat these behaviours in the future
 - b. from your learning around professional boundaries, how you would now manage a situation where a service user's behaviour was inappropriate towards you
 - c. what your roles and responsibilities are as a senior worker to demonstrate excellent standards of practise and values and how you will do this in the future
 - d. from your learning above, state why you must maintain professional boundaries at all times
 - e. from your learning above, why your behaviours constituted an adult support and protection concern and how such behaviours can breach the rights of individuals to be treated with dignity and respect as highlighted at 1.4 of the Codes of Practice
1.4 Respect and maintain the dignity and privacy of people who use services.
 - f. from your learning above, how you now understand the power imbalance between worker and service user as highlighted at 3.10 of the Codes of Practice and how you will embed this in your day-to-day practice
3.10 Recognise and use responsibly the power and authority I have when working with people who use services and carers.
4. For a period of six months, following this condition coming into effect, or for six months after taking up a registerable role, you must engage in formal supervision with your employer at least every six weeks. During each supervision session, you must discuss:
 - a. how you are practising high standards in your decision making

- b. how you are applying your learning from the training you have undertaken in your day-to-day work
- c. how, if in a manager's role, you are setting high standards and leading by example
- d. how you are ensuring that your practice is honest and transparent and how you are assuring your employer and the SSSC of this.

You must submit a formal record of each supervision session, countersigned by your employer, to the SSSC's Fitness to Practise department within two weeks of each supervision session taking place.

National Occupational Standards

In writing your reflective account you should look at the National Occupational Standards (NOS) for your role. NOS form the basis of qualifications and training programmes required to work in social services in Scotland and to register with the Scottish Social Services Council (SSSC). NOS describe the knowledge, skills and understanding needed to do a particular job to a nationally recognised level of competence.

The full NOS for your role can be found here:

http://workforcesolutions.sssc.uk.com/nos/hsc_svq2.html

Specific NOS that may be helpful for you to consider when writing your reflective account within the context of your condition are listed below.

SCDHSC0024 Support the safeguarding of individuals

Making better decisions <https://www.badges.sssc.uk.com/badges/making-better-decisions-adult-care-accepting-gifts-scenario/>

Continuous Learning Framework (CLF) - Personal Capabilities

The personal capabilities describe the ways in which people manage themselves and their relationships with others in the workplace. They are about the attitudes, behaviour and softer skills which are essential to good practice in social services. You can access the CLF personal capabilities using the link below

http://www.continuouslearningframework.com/?page_id=20

Code of Practice for Social Service Workers

The SSSC Codes of Practice for Social Service Workers and Employers sets out the standards social workers, social care, early years and young people's workers and their employers should meet.

A copy of the Codes of Practice for Social Service Workers and Employers can be accessed using the link below.

<http://www.sssc.uk.com/about-the-sssc/codes-of-practice/what-are-the-codes-of-practice>

When writing your reflective account, you should consider the Codes of Practice for social service workers and, in particular, parts 1.2, 1.3, 1.4, 2.1, 2.2, 3.1, 3.2, 3.3, 3.6, 3.10, 4.2, 4.3, 4.4, 5.1, 5.2, 5.3, 5.4, 5.7, 5.8, 6.1, 6.2, 6.4, 6.5, 6.9 and 6.10.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- On the basis of the allegations proved, your response to the kissing behaviour was an attempt to conceal your actions and this is regarded as aggravating in relation to insight, regret and apology.
- You were an experienced worker and in a senior role and your behaviour is considered deliberate.
- The conduct occurred inside work and is sufficiently serious to jeopardise confidence in the workforce.
- There is evidence of a pattern of behaviour.

Factors in your favour

- You were registered for around a year prior to the behaviour, and employed for a number of years in similar roles previously, without being brought to the attention of the SSSC.
- Supportive references have been provided on your behalf.
- You have co-operated fully with the SSSC throughout the investigation.

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

We wrote to you on 6 December 2022 to tell you we wanted to place a warning and condition 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 and condition on your registration.

Date of effect

The notice comes into effect on 23 February 2023.