

## Notice of Decision

<b>Registrant</b>	Robert Qua
<b>Registration number</b>	3044504
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Stevenston
<b>Sanction</b>	Removal
<b>Date of effect</b>	27 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 impose a Removal Order removing your registration from the part of the SSSC Register for social care workers.

## Findings of fact

We decided there is evidence that on or around 28 July 2023, while employed as a Support Practitioner at the Richmond Fellowship Scotland at [information redacted] in Stevenson, and during the course of that employment, you did:

1. hit tenant AA (living with foetal alcohol syndrome, ADHD and learning disabilities) to the face/neck

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

## Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. Social service workers are expected not to abuse, neglect or harm people who use services, carers or their colleagues. They are expected not to put themselves or other people at unnecessary risk. Social service workers are also expected not to behave, while inside or outside of work, in a way which would bring their suitability to work in social services into question. During an incident where a tenant, AA, was becoming increasingly agitated and punching you, you have hit AA in retaliation. AA is a vulnerable person who is living with foetal alcohol syndrome, ADHD and learning disability, and who regularly displays violent behaviour. Your retaliation to AA indicates a violent loss of self-control and amounts to physical abuse of a vulnerable person, which placed AA at risk of emotional and physical harm. The behaviour also raises serious underlying attitudinal and values concerns which are fundamentally incompatible with professional registration.
  - b. There are ongoing public protection concerns as the behaviour is serious. You have physically abused a vulnerable tenant in your care and placed them at risk of emotional and physical harm. We acknowledge that you were in a stressful situation, and that you had been punched by AA. However, you were an experienced worker who regularly worked with AA and who would have been aware of how to appropriately react to AA behaving violently, which was not uncommon.
2. You have failed to follow parts 5.1, 5.7 and 5.8 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

- Your behaviour indicates a loss of self-control and values concerns. We have no evidence of insight from you.
- Your behaviour showed a high degree of disregard for the Codes of Practice and amounted to physical abuse of a vulnerable person.

- You are an experienced worker who would have been aware of the standards expected of you. In particular, you were experienced in working directly with AA who had complex needs.
- Your behaviour placed AA at risk of emotional and physical harm.
- Your behaviour occurred during the course of your employment where you were expected to care for AA appropriately. Your behaviour therefore amounts to an abuse of trust.
- There is a risk that your behaviour will be repeated.

#### Factors in your favour

- You have not previously been found to have committed misconduct or had your fitness to practise impaired.

#### **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 your behaviour is fundamentally incompatible with continuing registration. 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 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 7 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 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 27 March 2025.