

## Notice of Decision

|                            |                    |
|----------------------------|--------------------|
| <b>Registrant</b>          | Michael Sprunt     |
| <b>Registration number</b> | 3056159            |
| <b>Part of Register</b>    | Social care worker |
| <b>Town of employment</b>  | Kirkcaldy          |
| <b>Sanction</b>            | Removal            |
| <b>Date of effect</b>      | 9 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 social care workers.

## Findings of fact

We decided there is evidence that while employed as a Care Assistant by Holmes Care Group Scotland Ltd at [Information redacted], and during the course of that employment, you did:

1. on more than one occasion at around 05:45am on or around 23 May 2024, laugh while supporting resident AA, who lives with dementia, to the bathroom
2. at around 06:50am on or around 25 May 2024:
  - a. "AA, is that your name?" or words to that effect
  - b. laugh when AA told your colleague to "shut up" or words to that effect
  - c. laugh while pulling AA's pyjama bottoms up

3. at around 06:15am on or around 29 May 2024:
  - a. on more than one occasion laugh while personal care was being carried out with AA in her bathroom
  - b. when AA said, "I'm telling" ask "you telling the bogey man?" or words to that effect
  - c. mock the noises that AA was making by repeating them
  - d. ask AA "are you a good girl?" or words to that effect
  - e. say to AA "you bad girl" or words to that effect
4. at around 06:00am on or around 6 June 2024:
  - a. shake the bottom of AA's bed in an attempt to wake her up
  - b. when AA moved her head, laugh
  - c. wave AA's blanket around her face in an attempt to wake her up
  - d. on more than one occasion:
    - i. pull AA's blanket up to cover her face
    - ii. say to AA "rest in peace" or words to that effect
    - iii. say "she's alive" or words to that effect
    - iv. laugh at AA
  - e. say to AA "blame the daughter we don't want to get you up, but your daughter says you have to get up because you're smelly" or words to that effect
  - f. mock the noises that AA was making by repeating them
  - g. say to AA "I'm telling on you, you're not behaving yourself" or words to that effect
5. at around 03:30am on or around 7 June 2024:

- a. push and pull AA's arm with excessive force to move her towards her bed
  - b. say to AA "get down radge" or words to that effect
  - c. push AA onto her bed with excessive force
  - d. when AA was seated on her bed, stand above her, point at her and say "it's you who does it" or words to that effect
  - e. when AA got up from her bed, push her back onto her bed with excessive force
  - f. say aggressively to AA "I don't care who you are talking to, you're not putting the baffies on, get back into bed" or words to that effect
  - g. push AA back onto her bed and swing her legs onto her bed, both with excessive force
6. at around 06:10am on or around 7 June 2024:
- a. on more than one occasion, shout at AA to "sit down" or words to that effect
  - b. strip AA naked in her bedroom
7. at around 06:15am on or around 7 June 2024:
- a. say to AA "you are the stupid one, that's the problem" or words to that effect
  - b. say to AA "you are awkward, very awkward you don't do what you are told" or words to that effect

and your fitness to practise is impaired because of your misconduct as set out in allegations 1 – 7.

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

1. Your fitness to practise is impaired because:
  - a. Social care workers are expected to treat the vulnerable residents in their care with dignity and respect, to care for them with compassion and to protect them from harm. Your behaviour towards AA was

physically and verbally abusive and aggressive. It showed a very serious disregard for AA's welfare and rights, risking serious physical and emotional harm to her.

- b. Vulnerable individuals and their families have the right to trust those caring for them. Residents have no choice but to rely on carers for their most basic and personal of needs. Your treatment of AA in the comments you made to her was demeaning, belittling and degrading. In some instances, they were also mocking and goading of her. That demonstrates an extremely concerning attitude to vulnerability and was a serious abuse of your position of trust and power.
  - c. Given the repeated nature of the conduct, that it raises very serious concerns about your values, and because you have shown no meaningful insight, we consider that it is likely the serious behaviour would be repeated. There are therefore public protection and public interest risks that need to be addressed.
2. You have failed to follow parts 1.1, 1.3, 1.5, 2.2, 2.4, 3.8, 5.1, 6.1, 6.2, 6.6, and 6.7 of the SSSC Code of Practice for Social Service Workers in force from 1 May 2024.

## **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 risked serious physical and emotional harm to a resident in your care.
- You behaved like this while at work and when caring for a particularly vulnerable individual.
- Your behaviour was a serious abuse of the trust placed in you by AA and her family, and an abuse of your position of power.
- Your behaviour was deliberate.

- You were an experienced carer and had completed several relevant training sessions before this happened.
- Although you admit some of the conduct you do not show any meaningful insight by taking responsibility or fully recognising the seriousness and impact of your conduct.
- You have not engaged with the SSSC investigation.

#### Factors in your favour

- You worked in care for around nine years before this with no previous findings against you.

#### **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, and a warning would give no protection to vulnerable individuals or the public.
- A condition would not be appropriate because this is not the type of behaviour that conditions would rectify. You are not currently working in the sector so 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 because your behaviour is fundamentally incompatible with continuing registration. The interests of supported individuals 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 fully acknowledge your failings. 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 20 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 9 April 2025.