

Notice of Decision

Registrant	Graeme Macdonald
Registration number	3095236
Part of Register	Residential Child Care Workers
Town of employment	Paisley
Sanction	Warning to stay on their registration for a period of 12 months and conditions imposed
Date of effect	14 February 2024

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 part of the Register for Residential Child Care Workers, for a period of 12 months
3. to place conditions on your registration, on the part of the Register for Residential Child Care Workers, which you must meet within the timescales as detailed in the conditions noted below

Findings of fact

We decided there is evidence that while you were employed as a Sessional Child and Youth Care Worker by [information redacted] in Paisley, you did:

1. on 25 January 2022, send a message to your colleague AA by Facebook Messenger stating, "I have to say what a pair of chebs u have AA, my eyes kept wandering couldn't help myself x"
2. on 28 January 2022 ask BB why she wasn't wearing her shorts as normal or words to that effect

3. on or around 17 November 2020, send BB at message stating, "I won't tell you why, but you should defo invest in more of those joggers" or words to that effect.
4. on exact dates unknown in or around May 2020, send an unknown number of pictures on Snapchat to colleague CC of yourself wearing only your underwear
5. on exact dates unknown but on or before 31 December 2021, send colleague DD Snapchat messages following an incident at work when she was running and refer to DD's breasts as "the twins" or words to that effect
6. by your actions at allegations 1. – 5. above, behave in a sexually motivated manner
7. by your actions at allegations 1. and 4. above, cause your colleagues AA, and DD distress and emotional harm.

and in light of the above, your fitness to practise is impaired due to your misconduct at allegations 1. – 7. above.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. social service workers must communicate in an appropriate, open, accurate and straightforward way. Social service workers must uphold public trust and confidence in social services and not abuse, neglect, or harm colleagues. You must not put other people at unnecessary risk and behave, while in or outside work, in a way which would bring your suitability to work in social services into question. You must work openly with and cooperate with colleagues and treat them with respect. You made inappropriate, sexually motivated comments to colleagues in person, through text messages and social media. You discussed female body parts and commented on what they were wearing. You were threatening and defensive when this was brought to your attention. By your actions, colleagues felt intimidated and did not want to go swimming when you were on duty, and they felt self-conscious with what they were wearing. You behaved in a sexually motivated manner and placed your colleagues at risk of emotional harm. Your actions call into question your suitability as a social service worker.
 - b. Your behaviour is serious and falls below the standards expected of a registered worker. The SSSC has a duty of care to uphold proper

standards of conduct and behaviour from social service workers. Repetition of this behaviour would put others at risk of psychological and emotional harm which is below the standards expected of a social service worker. Due to the pattern of similar behaviour, lack of insight shown and serious nature of your actions, there is a public interest and public protection risk.

2. In relation to findings of fact you have failed to follow parts 2.2, 5.1, 5.7, 5.8, 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 12 months and the conditions set out below.

The condition

The condition placed on your registration is:

1. You must tell your employer of these conditions within 7 days of them coming into effect or within 7 days of commencing in a role that is registerable with the SSSC.
2. If you commence employment with an agency, you must tell your agency supervisor as well as the agency you are employed with, within 7 days of these conditions coming into effect.
3. Within 7 days of meeting condition 1 or 2 above you must provide evidence countersigned by your employer or agency that they are aware of the conditions placed your registration.
4. Within three months of these conditions coming into effect you must provide the SSSC with evidence countersigned by your employer that you have undertaken learning which must cover:
 - a. Sexual harassment in the workplace
 - b. Professional conduct and communication
 - c. Health and Social Care Standards: Dignity and respect SSSC Open Badge or an agreed alternative with SSSC
 - d. Social media Open Badge or an agreed alternative with SSSC

You should discuss with your employer the most effective way of completing this learning and training. It can be face to face study, reading, online training, mentoring or supervision.

5. Within 2 months of completing your learning and training, you must provide a reflective account to the SSSC, focusing on what you have learned from the training within condition 4 above and include the following points:
 - a. How your behaviour could have had an impact on your colleague's well-being and your understanding of why such behaviour is not tolerated by the SSSC
 - b. Reflection and understanding of how your behaviour fell below that expected of a social service worker.
 - c. Reflection and understanding of your role and responsibilities as a worker in relation to the following:
 - i) The importance of treating your colleagues with dignity and respect
 - ii) Upholding the SSSC codes of practice with reference to code 5.8.
 - d. What you have learned through the fitness to practice process, and on reflection since the incidents, in relation to yourself and your behaviour, what you would do differently to reassure the SSSC that this type of behaviour will not be repeated.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You have not explored the serious consequences of your actions with your employer and the SSSC. You either deny or state the incidents were taken the wrong way. You describe your actions as "banter" and to be taken with "the intention of humour."
- The behaviour occurred both in work and outside work via social media and caused emotional harm to colleagues.
- There is a pattern of behaviour which was sexually motivated.

- Your actions caused colleagues to not want to work with you or not want to take service users into the pool when you were working at the pool side. Your colleagues felt intimidated and uncomfortable.

Factors in your favour

- You have worked in your current role since February 2022 and there have been no concerns reported.
- You have a good previous history with the SSSC.
- You have a number of positive personal references and testimonials.
- You have cooperated fully with the SSSC 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 14 December 2023 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 14 February 2024.