

Notice of Decision

Registrant	Alexander McKechnie
Registration number	4101495
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Clydebank
Sanction	Warning to stay on your registration for a period of 24 months
Date of effect	16 August 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 part of the Register for Support Workers in a Care Home Service for Adults, for a period of 24 months.

Findings of fact

We decided there is evidence that on or around 22 January 2023 while employed as a Care Assistant at [information redacted] in Clydebank, and during the course of that employment, you did:

1. In relation to service user AA
 - a. move AA from a chair to the bed without using a hoist
 - b. by your actions at 1.a. above, act contrary to your employer's Moving and Assisting Assessment for AA
 - c. by your actions at 1.a. above, cause AA to fracture his right humerus

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 are expected to carry out their duties in a way that ensures the safety and well-being of vulnerable service users entrusted in their care. Social service workers are expected to be reliable and dependable and not put themselves or other people at unnecessary risk of harm. They are expected to not behave in a way which calls into question their suitability to work in social services.
 - b. While providing care to a vulnerable service user, you have failed to follow the correct moving and handling procedures required for AA and you moved AA from a chair to the bed without using a hoist. Your actions caused AA to fracture his right humerus. You failed in your duty of care towards AA. You are a registered social care worker who should be well aware of the standards of conduct expected of you. Service users are entitled to feel safe and confident that social service workers will not place them at unnecessary risk of harm.
 - c. Your actions had the potential to negatively impact the reputation of the social service profession. Your behaviour fell far below the standards expected of a registered social service worker. Your behaviour has shown a disregard for the standards set out in the SSSC Codes of Practice. Your actions breached the trust and confidence placed in you by your employer and the SSSC as your regulator.
 - d. The public would expect the SSSC to make a finding of impairment to your fitness to practise and to mark that conduct of this nature by a registered social service worker is unacceptable and must not happen again. There is a requirement to reaffirm clear standards of professional conduct. It is likely that your behaviour would damage the reputation of the profession and the SSSC should no action be taken.
2. In relation to findings of fact detailed at allegation 1 above, you have failed to follow parts 2.4, 5.7, 5.8 and 6.1 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 24 months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of Concern

- The behaviour under consideration falls beneath the standards expected of a registered social service worker and breaches the trust and confidence placed in you.
- The behaviour took place during the course of your employment while caring for a vulnerable service user.
- The service user suffered a serious injury, namely a right humerus fracture, as a result of your actions.
- You have not provided comments to the SSSC or engaged in a meaningful way. You have therefore not achieved a satisfactory level of remediation or taken meaningful steps to do so.

Factors in your favour

- There is no pattern of concerning behaviour. The behaviour was an isolated incident.
- The behaviour is likely to be a as a result of a poor judgement call rather than an attempt to cause deliberate harm to the service user.
- There have been no previous issues or concerns reported to the SSSC.
- You cooperated with your employer's investigation and have shown a level of insight in the comments you provided during their 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 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 on your registration if you do not ask for a hearing.

We wrote to you on 3 July 2023 to tell you we wanted to place a warning 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 on your registration.

Date of effect

The notice comes into effect on 16 August 2023.