

Notice of Decision

Registrant	Linda Weir
Registration number	4139682
Part of Register	Social care worker
Town of employment	Kilmarnock
Sanction	Removal
Date of effect	10 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 support worker by Blue Triangle Housing Association, Kilmarnock you did:

1. On an unknown date between [information redacted] enter a personal relationship with AA, [information redacted], a person you previously supported at Blue Triangle Housing Association, and during that relationship allow AA to move into your home
2. during the course of your employment, on an unknown date or dates between around [information redacted] 4 repeatedly allow AA access to your workplace when he no longer resided there

and your fitness to practise is impaired because of your misconduct as set out in allegations one and two.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must be truthful, open honest and trustworthy. They must form open, positive relationships and maintain professional boundaries with individuals that respect their dignity, wellbeing and safety. They must meet relevant standards of practice and work in a lawful, safe and effective way. They must not harm or exploit individuals who use services or form unprofessional or harmful relationships with them. They must not put other people at unnecessary risk or behave in a way that would bring their suitability to work in social services into question.
 - b. You entered a personal relationship with AA soon after he left the service where you worked and provided support to him. You took advantage of your position to form and enter a relationship with a vulnerable person who was significantly younger than you. You then allowed him to move into your home. This clearly breaches the expected boundaries of a social service professional. Your behaviour risked causing emotional harm to an already vulnerable person. You allowed him to visit you at your workplace out of hours when visitors were not permitted. This created a potential safety and security risk to other residents and displays a further serious lack of judgment on your part.
2. You have failed to follow parts 2.1, 2.8, 5.1, 6.1, 6.3, 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

- You abused your position of trust
- The behaviour is a clear breach of professional boundaries
- The power imbalance caused by your previous professional relationship and the age gap between you and AA
- You have shown little insight into your actions
- Your engagement with the SSSC investigation was limited

Factors in your favour

- You have apologised for your conduct

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 practise. The behaviour is extremely serious. A warning would give no protection to service users or the public.
- A condition would not be appropriate because the type of behaviour at issue is not the type of behaviour which conditions would rectify.
- 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. There is no evidence a period of suspension would allow you to remedy the cause of the impairment of your fitness to practise.
- 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 24 February 2024 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 10 April 2025.