

Notice of Decision

Registrant	Victor Quested
Registration number	3056295
Part of Register	Residential Child Care Workers
Town of employment	Edinburgh
Sanction	Removal
Date of effect	8 May 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 impose a Removal Order removing your registration from the part of the SSSC Register for Residential Child Care Workers.

Findings of fact

We decided there is evidence that:

- A. while employed as a Project Worker by Macdonald McEwan and during the course of that employment you did:
 1. on or around 13 May 2023, when deployed to work at Action for Children [information redacted] in Edinburgh and in the presence of service user XX:
 - a. while giving colleague AA a hug, take hold of AA's bra strap in your fingers and roll it
 - b. while acting as you did in allegation 1.a. whisper to AA "I used to be able to open these with one hand" or words to that effect
 2. between around December 2022 and 13 May 2023:

- a. on more than one occasion:
 - i. place your hand on colleague BB's thigh
 - ii. when BB had asked you to stop touching her thigh, do it again on the following shift
 - iii. put your arms around BB and squeeze her
- b. on a date unknown in around May 2023, when BB told you that she had a day off, in the presence of service user XX say to BB "that's good you'll have some time for rumpy pumpy then" or words to that effect
- c. on or around 19 February 2023:
 - i. on more than one occasion, take hold of colleague CC by her shoulder and shake her
 - ii. when CC told you to stop shaking her by her shoulders because she was not comfortable, do it again
- 3. on or around 7 May 2023, when out walking with colleague CC and service user XX:
 - a. say "this is a big man, he has got a big one" or words to that effect, with reference to a member of the public walking towards you
 - b. make hand gestures and swinging movements at your genital area regarding your comment at allegation 3.a. above
 - c. when CC told you she was going for a hike with a colleague, say that the colleague "had got two ladies from the other unit pregnant, you will be the third one, ooooooo you are going to get pregnant" or words to that effect.
- B. on or around 18 November 2021, while employed as a Night Caretaker by withYOU and during the course of that employment, when you had lost your car keys and colleague DD asked if you had checked your pockets you did:
 - 1. gesture towards your crotch area; and
 - 2. say "aw yeah you can check my third pocket if you want" or words to that effect

and your fitness to practise is impaired because of your misconduct as set out in allegations A. 1 – 3 and B. 1 – 2 above.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers are expected to treat their colleagues with dignity and to respect professional boundaries. Your actions towards several female colleagues were excessively intimate, constituting verbal and physical harassment and in some cases being sexually suggestive. Your conduct placed all of them at risk of emotional harm.
 - b. Your pattern of behaviour, in some cases when you had already been asked to stop, shows a very serious disregard for your colleagues. It appears exploitative of situations at work for your own amusement or satisfaction. It was a serious abuse of your position and the trust placed in you.
 - c. Some of the comments were in the presence of an extremely vulnerable service user, also showing a concerning disregard for what they could have picked up on, and their emotional welfare and wellbeing.
 - d. Overall, your conduct was extremely disrespectful and offensive, raising very serious concerns about your ability to maintain basic professional boundaries with female colleagues, and your underlying values and attitudes.
 - e. You deny much of the behaviour and show no meaningful insight into the seriousness and impact of your conduct. That, together with the clear pattern of similar behaviour over time, and that it has continued despite several attempts to reprimand you or ask you to stop, means we cannot be reassured that the behaviour has been remedied. We consider there is a risk of it being repeated. If it was repeated it would place colleagues and service users at risk of emotional harm.
 - f. We therefore consider there to be public protection and public interest concerns that need to be addressed.
2. You have failed to follow parts 1.4, 2.2, 2.4, 3.10, 5.1, 5.2, 5.3, 5.7, 5.8, 6.1 and 6.5 of the SSSC Code of Practice for Social Service Workers [in force before 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 conduct risked emotional harm to several female colleagues and also to a vulnerable service user.
- Your conduct was a serious abuse of the trust placed in you by colleagues and the service user and amounts to a fundamental failure to follow the Codes.
- There is a distinct pattern of similar and highly concerning behaviour.
- Your conduct was deliberate, particularly in the circumstances where you were asked to stop.
- You do not show any meaningful insight into your conduct.
- You are experienced.
- All these incidents happened during the course of your social services work.
- You acknowledged after the incident in 2021 that the behaviour was an issue, and that you would remedy it. Since then, the behaviour has been repeated several times and has escalated to inappropriate touching.

Factors in your favour

- You have expressed some remorse and regret, wishing to apologise to anyone you have offended.
- You have a good history prior to 2021.
- You have supplied two positive employment references.
- You have fully cooperated with the SSSC investigation.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is very 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 that conditions would rectify. It is not a health or a practice issue, but a serious conduct issue. You are not currently working in the sector and conditions would not be workable or enforceable.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as the interests of service users 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 the seriousness and impact of 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 25 March 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 8 May 2024