

Notice of Decision

Registrant	[Information Redacted]
Registration number	[Information Redacted]
Part of Register	Residential Child Care Workers, Support Workers in a Care at Home Service
Town of employment	Glasgow
Sanction	Removal Order
Date of effect	16 April 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 and Support Worker in a Care at Home Service.

Findings of fact

We decided there is evidence that:

1. on 2 February 2023 at Glasgow Sheriff Court, you were convicted of two offences, namely that you did:
 - a. on various occasions between 1 November 2018 and 30 June 2019, both dates inclusive, at an address in Glasgow communicate indecently with and assault AA and did intentionally and for the purposes of obtaining sexual gratification or of humiliating, distressing or alarming AA repeatedly make sexual comments to AA and seize her bottom; contrary to Section 3 and 7(1) of the Sexual Offences (Scotland) Act 2000

- b. on one occasion between 1 January 2019 and 1 June 2019, both dates inclusive, at an address in Glasgow intentionally and for the purpose of obtaining sexual gratification or of humiliating, distressing or alarming AA direct a verbal communication to AA without her consent in that you made a sexual remark to her; contrary to Section 7(1) of Sexual Offences (Scotland) Act 2009

and your fitness to practise is impaired because of your conviction as set out in allegation 1.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must maintain adequate professional boundaries and communicate in an appropriate, open and straightforward way. You indecently communicated with a colleague and repeatedly seized hold of her bottom while working alongside her. Your behaviour was for your own sexual gratification and was a breach of the trust placed in you by your employer and your regulator. Your behaviour was inappropriate and resulted in you being convicted of a criminal offence.
 - b. The nature of your communications with your colleague were sufficiently severe to attract criminal responsibility. Social service workers must not use their professional position to pursue sexual or otherwise improper behaviour with colleagues and your behaviour leading to your conviction completely contradicts this responsibility.
 - c. The risk of repetition of similar behaviours is high. The behaviours leading to your conviction occurred over a seven month period and were deliberate. You have shown no remediation or insight. You have been registered with the SSSC on a number of occasions since April 2010, with your current registration commencing in May 2019. Prior to the conviction there were no incidents however the behaviour is serious and your previous record is not sufficient to reduce the risk of repetition or for your behaviour to be remediate.
 - d. There are ongoing public protection concerns. The behaviours leading to your conviction placed a colleague at risk of emotional harm. Your actions not only breached the trust placed in you by your employer and the SSSC but also caused the lines of professional boundaries to

be blurred. Your behaviour had the potential to create unrealistic expectations for colleagues and may have resulted in psychological and emotional harm. Your colleague was sufficiently concerned by your behaviour that they felt it necessary to report their concerns to Police Scotland. The likelihood of similar behaviour being repeated is high. Considering the serious nature of the behaviour, together with the potential harm and the high risk of repetition, you present an ongoing public protection risk.

- e. There are significant public interest concerns in this case. Your actions were fundamentally incompatible with the values expected from social service workers. Instead of treating your colleague with respect you have abused your position of trust for your own sexual gratification. A reasonable and well informed member of the public would consider your actions to be an egregious breach of your professional responsibilities and a significant abuse of trust. Notwithstanding your previously unblemished record, the behaviour is so serious, that a reasonable and well-informed member of the public would lose confidence and trust in social services if no action were taken to firmly declare the expected standards of conduct and behaviour expected from registered social service workers. The fact that your behaviours resulted in a criminal conviction only heightens the concerns that a well-informed member of the public would reasonably have. Failure to take action in a serious case such as this would undermine the integrity of the parts of the Register maintained by the SSSC.

2. You have failed to follow parts 2.2, 5.1, 5.3, 5.7, 5.8, 6.1, 6.5 of the SSSC Code of Practice for Social Service Workers 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

- You have not accepted responsibility for your actions.
- The behaviour was deliberate, and you are an experienced social care worker and aware of the codes of practice. Your actions were criminal and showed a contempt for the law.

- Your behaviour occurred over a seven month period and cannot be considered an isolated incident.
- The behaviours leading to your conviction placed your colleague at risk of emotional and psychological harm and were sufficiently serious to cause them to report their concerns to Police Scotland.
- There has been a fundamental failure to follow the codes. The behaviour was for your own sexual gratification and was an abuse of the trust placed in you by your employer and your regulator.

Factors in your favour

- You have engaged with the SSSC's investigation
- You have no previous history with the SSSC

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 leading to your conviction is extremely serious and a warning would give no protection to colleagues or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address the underlying values concerns arising from your behaviour. The type of behaviour at issue is not the type of behaviour which conditions are capable of addressing.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate because the impairment of your fitness to practice 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 practice. Given the serious nature of your behaviour and the underlying values concerns arising from it, a suspension would not adequately address the public interest or public protection concerns arising from your behaviour
- 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 26 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 16 April 2024.