

## Notice of Decision

<b>Registrant</b>	William Allan-Hardie
<b>Registration number</b>	4008954
<b>Part of Register</b>	Support Workers in a Housing Support Service Support Workers in a Care at Home Service
<b>Town of employment</b>	Glasgow
<b>Sanction</b>	Removal
<b>Date of effect</b>	30 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 impose a Removal Order removing your registration from the parts of the SSSC Register for Support Workers in a Housing Support Service and Support Workers in a Care at Home Service.

### Findings of fact

We decided there is evidence that while employed as a Support Worker by [information redacted] at [information redacted] Glasgow, you did:

1. in relation to your colleague ZZ:
  - a. on 8 May 2020, send a text message to ZZ stating "I'll be in for 8am sweet cheeks"
  - b. on 18 July 2020, send a photograph to ZZ by text message as shown at Schedule 1

- c. on 16 August 2020, send a picture to ZZ by text message as shown at Schedule 2
  - d. on 25 August 2020, send a text message to ZZ stating "Eddies taking me get the kettle on I ya wee ride"
  - e. on 24 September 2020, send a text message to ZZ stating "Didn't realise how nice your arse is btw LoLoL"
  - f. on 11 November 2020, send a video to ZZ by text message as shown at Schedule 3
  - g. on 11 December 2021, send an anti-Catholic picture to ZZ as shown at Schedule 4
  - h. on a date or dates unknown prior to 31 December 2021
    - i. say to ZZ "nice arse" or words to that effect
    - ii. say to ZZ "looking good today" or words to that effect
    - iii. take food items belonging to ZZ from his drawer
  - i. by your actions at allegation 1g above, cause ZZ distress
  - j. by your actions at allegations 1a to 1f, 1hi and 1hii, act in a manner which was sexually motivated
2. on or around 7 July 2021, during the course of your employment, record an entry in supported person AA's Communication Book that you had supported AA to go swimming, when you had not
3. by your actions at allegations 1hiii and 2, act dishonestly

and your fitness to practise is impaired because of your misconduct as set out in allegations 1 to 3.

### **Reasons for finding your fitness to practise has been impaired**

- 1. Your fitness to practise is impaired because:
  - a. Social service workers are expected not to abuse, neglect or harm people who use services, carers or their colleagues. They are expected not to put themselves or others at unnecessary risk of

harm. Social service workers are also expected not to behave in a way, inside or outside of work, which would call into question their suitability to work in the social services profession. You have sent a number of inappropriate messages of a sexual nature to your colleague ZZ. Further, you have sent inappropriate pictures, videos and memes to ZZ of a sexual nature, as well as an anti-Catholic meme. [Information redacted] your behaviour caused ZZ distress. You have also made inappropriate comments of a sexual nature towards ZZ. This behaviour amounts to abuse of your colleague and your behaviour placed ZZ at risk of emotional harm.

- b. You have also made a false entry in AA's Communication Book, which placed AA at risk of harm. [Information redacted] lockdown. Your behaviour in concealing that AA had not attended swimming may have resulted in other staff members not taking AA swimming, when this would have been beneficial for AA's health. Your behaviour towards your colleague ZZ and in making a false entry in AA's Communication Book indicate serious underlying attitudinal and values concerns which are fundamentally incompatible with professional registration.
- c. Social service workers are expected to be truthful, open, honest and trustworthy. They are expected to meet relevant standards of practice and work in a lawful, safe and effective way. Social service workers are also expected to maintain clear, accurate and up-to-date records in line with procedures relating to their work. You have made a false entry in AA's Communication Book indicating you had taken AA swimming when you had not. You have also taken food items belonging to ZZ from his drawer. This behaviour amounts to dishonesty and is behaviour which is fundamentally incompatible with professional registration. Your behaviour in relation to AA also amounts to a failure to practice in a lawful and effective way, as well as a failure to maintain accurate and up to date records.
- d. Social service workers are expected to work openly with, and cooperate with, colleagues and treat them with respect. They are expected to communicate in an appropriate, open, accurate and straightforward way. Your behaviour towards ZZ was inappropriate and amounts to a failure to treat ZZ with respect, as well as a failure to communicate appropriately with ZZ.

- e. There are ongoing public protection concerns as the behaviour is of a serious nature. There is no evidence of remediation from you. Conduct of this nature raises serious and fundamental questions about your values and there is a risk that your behaviour may be repeated in the future.
  - f. There is high public interest in this case. It would negatively impact on the public confidence in the SSSC as a regulator, and the profession as a whole, if the SSSC did not take action to reaffirm the standards expected of registered workers.
2. You have failed to follow parts 2.1, 2.2, 5.1, 5.7, 5.8, 6.1, 6.2 and 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

- Your behaviour indicates serious underlying attitudinal and values issues which are not easily remediable. We have no evidence of remediation.
- The behaviour is categorised as behaviour which is fundamentally incompatible with professional registration.
- Your behaviour showed a high disregard for the Codes of Practice and amounts to abuse of your colleague, as well as neglect of a supported person.
- There is a risk of repetition as the behaviour occurred on various occasions over a period of time, and due to the underlying attitudinal and values issues raised by your behaviour.
- Your behaviour placed your colleague at risk of emotional harm. It placed the supported person at risk of emotional and physical harm.
- Your behaviour occurred during the course of your employment in relation to AA. Your behaviour was in relation to a supported person who has the

right to expect to be cared for properly by you. Your colleague also had the right to expect not to be abused by you, and your behaviour therefore amounts to a breach of the trust placed in you as a social service worker.

#### Factors in your favour

- You have never previously been found to have committed misconduct or had your fitness to practice impaired.

#### **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 is extremely serious. A warning would give no protection to people who use services or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practice has been impaired. 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. The interests of people who use services and the public would not be sufficiently protected by any period of suspension. There is no evidence a period of suspension would allow you to remedy the cause of the impairment of your fitness to practice. There is little evidence you acknowledge your failing and 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 17 July 2023 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 30 August 2023.