

Outcome of Fitness to Practise Panel impairment hearing held on Monday 22, Tuesday 23, Wednesday 24, Thursday 25 and Friday 26 February, Monday 5, Tuesday 6, Wednesday 7, Thursday 8 and Friday 9 April, and Friday 7 May 2021

Name	Garry James Tarr
Registration number	4014367
Part of Register	Support Workers in a Housing Support Service Support Workers in Care at Home Service
Current or most recent town of employment	Dundee
Sanction	Warning to stay on your registration for a period of 24 months and condition imposed
Date of effect	29 May 2021

The decision of the Fitness to Practise Panel is below followed by the allegation.

The following allegation and decision may refer to the Scottish Social Services Council as 'the Council' or 'the SSSC'.

Decision

This is a Notice of the decision made by the Fitness to Practise Panel (the Panel) of the Scottish Social Services Council (the SSSC) which met on Monday 22, Tuesday 23, Wednesday 24, Thursday 25 and Friday 26 February, Monday 5, Tuesday 6, Wednesday 7, Thursday 8 and Friday 9 April, and Friday 7 May 2021 by video conferencing.

At the hearing, the Panel decided that all of the allegations against you were proved, that your fitness to practise is impaired, and made the decision to impose a warning for a period of two years and conditions on your Registration in the parts of the Register for Support Workers in a Housing Support Service and Support Workers in Care at Home Service.

The conditions are as follows:

1. Prior to securing employment in the social service sector, you will inform your prospective employer of the conditions imposed on your Registration and the reasons that they were imposed. Written evidence of this should be signed by your prospective employer and submitted to the SSSC within four weeks of commencing employment.

2. Within six months of commencing a registrable role, you will provide the SSSC with evidence that you have undertaken training and learning which must cover:
 - a) appropriate communication
 - b) professional boundaries.
3. You should discuss with your employer the most effective way to complete this learning. It can be in the form of face to face study, online training, mentoring, supervision and/or independent study.
4. Within two months of completing condition 3., you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on the training you received at condition 2. and how that will inform and improve your future practice.

Matters taken into account

In coming to its decision, the Panel had regard to these documents:

- the Act
- the Code of Practice for Social Services Workers Revised 2016 (the Code)
- the Scottish Social Services Council (Fitness to Practise) Rules 2016 as amended (the Rules)
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Services Council staff dated December 2017 (the Decisions Guidance).

Allegations

1. on or around 27 January 2020:
 - a. in the presence of your colleagues, service user AA and a member of the public say, "the Holocaust didn't happen" and "there was no evidence that the Holocaust took place" or words to that effect
 - b. by your actions at allegation 1a. above, make antisemitic comments
 - c. by your actions at allegation 1a. above, cause AA distress
 - d. say to your colleague ZZ "it is like the word n****r it is not offensive; you shouldn't get upset about it" or words to that effect
2. on or around 4 February 2020 when BB attended the office for his daily (Information redacted) usage:
 - a. say to BB "you should really be lowering the dose" or words to that effect
 - b. say to BB "you don't need to take it" or words to that effect
 - c. say to BB "don't listen to the doctors" or words to that effect

- d. in response to BB advising he could not reduce his (Information redacted) due to his health conditions, disagree with BB and tell him he should try anyway

and in light of the above your fitness to practise is impaired because of misconduct as set out in allegations 1. and 2. above.

Findings of Fact

The Presenter led evidence from six witnesses.

The first of those witnesses was XX.

XX is a Senior Support Worker with Transform Community Development, employed by Transform for 25 years. He is based in (Information redacted). He is registered with the SSSC and has been for around four years.

He explained that (Information redacted) is a residential accommodation for up to 15 homeless people. Some have severe and enduring mental health problems.

XX said he had known you for around 12 or 14 years, maybe longer. He worked with you at (Information redacted) where you were a Support Worker and he was your Line Manager.

XX knew service users AA and BB. He said that AA had been in (Information redacted) for years and looked on it as his home. He suffered from (Information redacted). He found it difficult to make friends but had established a strong group of friends whom he had associated with for years. His support plan was kept on the computer and was accessible to all staff, students and management. It was widely used and should have been checked by all staff caring for AA.

XX recalled the alleged incident as occurring on a Monday when he was on shift with you and YY. You were all in the staff office. AA was also in the office, as was another resident CC. At some point VV arrived to deliver ready meals for CC. XX was trying to deal with making payment to the VV. He said there was an informal conversation about the Holocaust going on; YY had views and you had views. When VV came in, XX didn't think it was appropriate for the conversation to continue in front of him. XX stated that to both YY and you. It was not directed solely at you. XX's recollection was that National Holocaust day had been the previous week and another conversation had happened that he wasn't a witness to. XX had spoken to you about the previous discussion and asked you to meet with AA to see if a resolution could be reached, so that you and AA could move forward. In relation to the incident where he asked you and others to stop discussing matters relating to the Holocaust whilst VV was present, XX didn't feel there was anything wrong in the conversation, it was just a conversation with two conflicting views. He did not consider there to have been anything offensive about it, but didn't like it continuing when a visitor was

in the office. He was dealing with money, dealing with people and was not sure what their own views on the matter were.

XX said that ZZ, the student on placement, had approached him with concerns about you. He recalls her being upset and she told him she had spoken to someone at college about her concerns. XX spoke to WW about ZZ's concerns regarding your behaviour.

XX also said that WW asked him to speak to AA and gauge his views.

AA said that you had spoken to him but that you had stuck to your views and didn't listen. WW had also sent XX a summary of his conversation with him about the allegation involving AA. XX said he corrected the initial report because it was inaccurate. He said he had asked both you and YY to stop talking about the Holocaust whilst VV was in, not just you. He corrected that on his statement and returned it to WW.

XX said that he had been involved in the taking of a statement from AA. AA spoke and XX typed. XX also asked UU to provide a statement.

XX was aware of the allegation involving BB, although he was not present at the time.

XX attended a meeting with you and WW on the day you left Transform. He was asked what your response was to WW asking you about the allegations. He said you were not too happy, you said you were not staying and they would hear from you soon. You also said you were resigning.

XX was asked questions by the Panel. He further explained what he witnessed in the staff office, in relation to the allegation involving AA. He did not add any further detail to the evidence he had already given in examination in chief. He was asked about your practice as a Support Worker. He said that there were loads of good aspects to you and lots of people who responded positively to you. You had skills that others did not have. You were not the most sociable outside of work but in work you got on with your job and he never had any problems with you. He said you were a valued member of staff over many years and it was unfortunate how this was resolving. He found it uncomfortable.

XX was asked if he had any concerns about your return to work (Information redacted). He said he was trying to get you back slowly and remembers a conversation with WW about not expecting too much from you initially. A phased return had been put in place.

XX was asked about training you had undertaken. He said that opportunities had been made available to staff members and training in communication and boundaries had been part of training over the years.

He was asked if you had insight into some of the comments you made. He said that you were an intelligent person and that some conversations he had with you were enlightening but that others were not appropriate for the workplace. He had made that clear to you.

You cross examined XX. You asked him about an allegation (Information redacted). XX said he could not recall that allegation against you. You asked if XX remembered you being accused of being a racist, anti semitic and a Holocaust denier by WW. XX said he did not remember that conversation.

The second witness for the SSSC was ZZ.

ZZ told the Panel that she was now working as a self-employed cleaner having finished her HNC in social services studies last year. As part of her course, she was due to be on placement with Transform at (Information redacted) supported accommodation for a period of around eight months, from September 2019 until May 2020, but that had been disrupted by lockdown and the placement ended around March 2020.

ZZ explained that she knew you from working at (Information redacted) but that you had been off work sick at the time she started so she had not worked with you for long after you returned.

She knew AA and BB and explained their vulnerabilities and how she had accessed their care plans on the Transform computer system.

In relation to the alleged incident involving AA, ZZ said she recalled being in the staff office when AA came in and spoke about a film he had watched; The Boy in the Striped Pyjamas. ZZ then told AA she was going to the Christmas markets near to the location of the Holocaust concentration camps. She said that you then stated in the presence of AA that the Holocaust didn't happen and that there was no evidence that the Holocaust took place. Other staff members were there at the time, as was VV. XX told them all to "stop the conversation". ZZ said that AA was upset about your comments. He did not attend a lunch event later that day and she thought that the reason may have been due to the comments made by you in the staff room.

ZZ said that later that same day, 27 January 2020, after XX had left, she was in the office again with YY, a resident and you. You said to her that she shouldn't get upset with words, they are just words and people can state their opinions. You said to her that people shouldn't get upset with the word "n****r" being used. ZZ said the use of that word by you made her feel uncomfortable but she did not report it at the time.

ZZ said that on 4 February 2020, BB came into the staff office to take his (Information redacted) medication. You were signing the medication out of the locked safe for BB. UU was also in the staff office. ZZ heard you say to BB that he should be lowering the dose of (Information redacted). BB stated that he

needs to be on that dose but you persisted and said he should be lowering it as he had been on it for a long time. She said that you did not accept what BB was telling you.

ZZ, when cross examined by you, stated that she had reported these matters to her college lecturer, TT. She subsequently sent an email to WW at Transform raising her concerns having first told XX about them.

The third witness for the SSSC was YY.

She is a Support Worker in the (Information redacted) Project and has worked for Transform for 21 years. She is registered with the SSSC and her Line Manager is XX.

YY knows you through working with you at (Information redacted). She said she always got on well with you, you had your disagreements but nothing that resulted in you falling out. You and she discussed quite a lot of topics where people held strong opinions but never fell out about them. She also said that she often zoned out of discussions you had about certain topics, particularly conspiracy theories and flat earth discussions.

YY knew AA. She said he had been at the Project for around 17 years. He was (Information redacted). He suffered from (Information redacted).

In relation to the incident involving AA, YY said she remembers it being National Holocaust Day. It was 27 February 2020. She was in the office as was XX, you and AA. VV was also in the office. AA was discussing this fact and found it very upsetting. She said that you commented that the Holocaust didn't happen which really upset AA. She further explained that you had said the Holocaust never happened and was all made up. You questioned from where they would have obtained gas for the gas chambers. The conversation lasted between two and five minutes. It ended with YY telling you it was inappropriate to make comments like that, particularly on National Holocaust Day. She also said that XX had shut the conversation down and said it was inappropriate to talk about it. She said she felt quite upset by your comments. She said AA was very upset about it and remained upset days later. He had brought it up in conversation with her later how upset he was and how disrespectful he thought it was, given how many people had died in the Holocaust. When asked if she reported her concerns to anyone, YY said she was asked to give a statement to WW the manager which she did.

YY was asked questions by the Panel in relation to whether she had reported you previously for discussions which had taken place. She said she had not. She had not been upset by previous discussions so did not feel the need to report them.

The fourth witness for the SSSC was UU.

He is a Support Worker for Transform and has worked there in that capacity for 23 years. He has worked at (Information redacted) for approximately five years. His Line Manager is XX. The main function of (Information redacted) is to promote independent living. He is registered with the SSSC.

UU has known you since around 2002 or 2003. He worked in two units with you, (Information redacted) being one. When asked how he found you to work with he said "interesting". He was asked to elaborate and said "he's ok, you get a good laugh with him, some of his comments are probably seen as a bit controversial. He's not very forthcoming in doing work and a bit lazy".

UU was asked if he knew BB. He said he did, and that BB suffers from (Information redacted). He takes medication for that, in addition to (Information redacted), and comes to the office every day for his medication to be administered. All members of staff were able to administer BB's medication and would find information about BB on his files on the computer. BB had a drug support worker who would deal with his medication. The role of the Support Workers was to give him access to the medication from the locked safe and to sign it back in once he had taken it.

In relation to the incident, UU, said that BB had come into the office on 4 February 2020, sat down, shaken the (Information redacted) and drank it. You stated to him that he shouldn't be taking that much (Information redacted) and should be getting alternatives. BB took umbrage and said he needed the dosage due to him having (Information redacted). BB got quite upset. UU said that in addition to you and him, there was also a student in the office and maybe another staff member. He described it as a very uncomfortable moment which lasted around three to four minutes. He said that you had not accepted what BB told you about his medication. He said that he had known you a long time and you always consider yourself right and everybody else to be wrong. BB left the office a wee bit annoyed. UU was asked what he did after he witnessed this incident. He replied "nothing to be honest with you". He was aware that BB had reported it and UU was asked to give a statement to XX and WW regarding the incident.

UU was questioned by the Panel about why he had not reported the matter. He said, in hindsight, he should have reported it. He said he had never reported you in the past. He also stated that BB was a bit of a storyteller and gossip but had not indicated to UU that he was going to report it. The first UU knew it had been reported was when he asked to give a statement.

The fifth witness for the SSSC was WW.

He is the Operations Manager for Transform. He has worked for Transform for 21 years and has been Operations Manager for 10 years. He explained that the (Information redacted) project is for those with mental health issues and substance misuse issues. It offers 24 hour support. He explained that each

service has a Senior Support Worker. At (Information redacted) the Senior Support Worker was XX.

WW registered as Nurse in 1989 and registered with the SSSC in around 2000. He also sat as a Social Service Panel member for the SSSC a number of years ago.

He explained that he knew you in a professional capacity. He thought he may have been involved in interviewing you for Transform. He said you have worked in all of their hostels in your time with Transform and that you worked at (Information redacted) for around three or four years prior to the allegations but that you had worked there previously too.

WW was asked to describe your practice. He said at times it was excellent, at other times, concerning. He said that he was aware you had been diagnosed with (Information redacted). He noticed a change in your behaviour when things were not going so well with your mental state. At times, you were keen on asserting some ideas with other staff including some which might have been controversial. He found he had to speak to you on certain occasions. There were times where you would nudge the line of acceptable professional boundaries with service users but other times you were excellent, empathetic, a really good listener and stuck your neck out and advocated for service users. You were potentially a very good Support Worker.

WW explained that there was a point in 2020 when you had returned to work after being off. A phased return had been arranged. He could not remember the exact timescales but thought you had been off at least six months, maybe more. He said he had been back and forward during that time checking up on your welfare which caused him some concern. You thought he was checking up on you. Eventually a phased return was introduced over a period of around two or three weeks. You initially wanted to come back for half shifts and he said you were to come in for one day, then a day off. He said half shifts were more problematic and didn't get you back into the routine of doing a full shift. There were also concerns about whether you would attend work on time.

WW was asked when he was first made aware of any of the allegations. He said there had been concerns prior to you going off sick. On your return, concerns were raised again by XX. Those were the ones raised in relation to the Holocaust. You had spoken of controversial things before, conspiracy theories and the like but they remained amongst the staff group who would tell you they weren't interested. The allegation involving AA was of concern. AA was a very bright and intelligent man who suffered from (Information redacted). He was a keen (Information redacted).

WW also said there were other concerns raised about you. In particular, the allegation involving BB, the efficacy of his medication and whether BB should be taking the medication he was prescribed.

WW said he alerted the SSSC about these matters. Prior to reporting, WW tried to put these points to you for comment at an investigatory meeting, but you said it was all ridiculous and walked out of the meeting. XX was also at that meeting for part of the time. It was unclear whether you were returning to work and your final words were they would hear from you. He took advice from Transform's employment consultants and asked what he should do. He was told to give you the opportunity to come back in and discuss matters. Letters were sent to you but you did not respond. They took the decision to accept your walking out whilst there was an ongoing disciplinary matter as your decision to leave.

The internal investigation continued with statements being taken from staff witnesses and service users.

At the investigatory meeting, WW said he put his concerns to you. You tried to get into a debate about the veracity of the Holocaust and whether it was right or not. He shut that down. He said it wasn't about whether it was right or wrong, the point is this type of speech is inappropriate within the workplace. He was asked if you appeared to have any understanding of how his comments could be offensive. WW said you did not and that concerned him. You said he was impinging on your freedom of speech. He told you that you did have freedom of speech but not necessarily in the workplace. WW was asked if you were aware what he said was upsetting to AA. He said you thought it was a full and frank exchange. Your view was that you should be allowed to give your view. You thought it was outrageous that words can't be used in the way they used to be. You were offended that people were offended by words. You were offended that others were offended by the word "n****r" and "junkie". You used these words as examples to WW.

WW said he asked you about the allegation involving BB. Your response was that you agreed you had spoken to BB. You felt that people were over medicated and shouldn't be taking medication. There were ongoing discussions with you in the process of you returning to work about your own medication regime. WW was of the opinion you thought you were an advocate for the service users because you had an underlying mental health issue yourself. He said you were not qualified to have that conversation about medication with BB. Your remit was to support someone having discussion with their GP but not about the medication itself. The concern was if someone took on your advice and stopped taking their medication against medical advice. BB in particular, had some serious physical issues and not taking correct medication could have serious consequences.

WW said that concerns changed when your discussions went from other staff members to service users. He said he has no problem with people having alternative views. He was aware you would raise them with students or new starts. WW said you knew you would get short shrift from old staff but you tested out new starts with your views.

WW was asked questions by the Panel. He was asked if there were any issues upon you returning to work. He said there were no issues in the first few days and that he had personally made a point of contacting you after your first couple of shifts to make sure everything was fine and you were keeping both ends of the return to work agreement. WW said he knew you were not overly keen on him. He was asked if you had reported anything that was not working for you upon your return to work. He said "nothing out of the ordinary". He was asked if he checked with anyone else about you coping upon returning to work and said he checked with XX who did not report any issues after the first week of return. WW was asked about other disciplinary matters regarding you. He said these had been other comments made such as making a student feel uncomfortable on her first day, and the earth being flat. You were told that was not appropriate and were asked not to speak like that to others. WW was asked if these were formal disciplinary matters. He replied that some were and there would be copies of them in your file. WW said there were a couple of years where things went great with you but then there would be an incident, a couple of years with no incident would pass and then the disciplinary issues would return. He was asked if he would describe you as challenging to manage. WW said yes, you could be challenging at times. Your relationship could be described as "fractious". At times you nipped away at him, other times he did the same to you. You would bring up things he was unaware of having said such as a meeting where he had cut you off and he had no recollection of this. WW said he knew you felt they were trying to get rid of you. WW's concern was that there were some times where you were a fantastic worker, you could be really engaged with a difficult cohort of service users and really supportive to them. What WW wanted was that Garry. There were signs of your (Information redacted) not being great. WW felt they were trying to be supportive and address some of your issues. You had an ongoing issue you brought up with him that you thought you should get support from the organisation. WW told you that you were there to support individuals. You would view that as WW not being supportive. WW thought you saw him as the chief non supportive person.

WW was asked if you resented being managed. He said you were an element of a free spirit, you didn't feel that you had to conform. He said that XX was the intermediary between you and WW. Often things could spiral quite quickly between you and WW. He said you thought he had an agenda. WW said "a good Garry was a great asset as an employee". He said that you spent a lot of time discussing things that weren't about supporting individuals but looking at your own needs and had limited insight to see how others were responding. He also said you were persistent and doubled down when challenged on your views; your attitude was that the problem was with others if they didn't understand your point of view.

The final witness for the SSSC was RR.

RR explained that he was a retired lecturer, having worked at Glasgow University as Head of the Philosophy Department. He was now a volunteer Director of The Scottish Council of Jewish Communities (SCoJeC). He was asked

how his involvement in SCoJeC came about. He said that the Jewish community is just over 200 years old. He used to hold periodic meetings with other Jewish communities in Scotland but in the run up to Devolution, they took the view that they needed a single Scottish level umbrella group so set up SCoJeC. He was asked what SCoJeC do. He said that initially they intended being a one stop shop for public affairs in Scotland but soon realised if they were speaking on behalf of a diverse and scattered Jewish community, they had to listen to them before speaking on their behalf. He explained a bit about the challenges faced by SCoJeC currently.

RR was asked by the Presenter to explain Anti semitism. He said there are currently guidelines which give a definition. He said that the working definition adopted by the European monitoring centre on racism and xenophobia, stated anti semitism as anti Jewish racism.

RR said that denying the Holocaust happened or diminution of the Holocaust constituted anti semitism. It was insulting to those who had lost loved ones during the Holocaust and also to those in the military who had helped release those from concentration camps. It was demeaning, insulting and distressing for people who are victims who survived or their families to deny that the Holocaust happened.

He said that allowing comments of Holocaust denial to go unchallenged is irrational, encourages irrationality and ultimately there is a truth about such things. He said there may be issues round the margins that historians can debate but the central fact is clear that the Holocaust happened.

RR was asked about the particular comments made by you at page 83 of the bundle. He was of the opinion that your comments were anti semitic. They denied or minimised what happened.

You cross examined RR. You asked him if he was a trained psychologist and able to determine what someone meant by what they said. RR said that it has always been part of his professional role to interpret what people actually mean. He has been on panels like the current one and tasked with interpreting what people mean. He suggested interpretation was more a question for a linguist rather than a psychologist. He said he believed he was qualified to make the comments he did in expressing his opinion.

You suggested to RR that the Holocaust wasn't a crime solely against certain individuals, it was a crime against humanity. RR said the Holocaust was a term used to describe Jewish victims but agreed there were other groups affected including disabled, Roma and Jehovah's Witnesses. There were a total of 11 million people deliberately murdered. He said generally speaking, the Holocaust is used to refer to the attempted genocide of Jewish people. You suggested that doesn't ignore the fact that other people were also persecuted. RR said he would be the last person to minimise that but that he did not think it relevant to this question.

Your submissions on 25 February 2021

You told the Panel that you had worked in several positions for Dundee City Council including the parks department. Your first appointment in social care was with Transform. You said the only courses you had been put on by your employers were food and hygiene courses and health.

You told the Panel that you enjoyed helping people in your role. A good day for you was everybody happy. That is why you did the job. You said that most service users responded well to you. You dealt with people professionally and tried to understand them and how you could help them. You wanted people to be independent and to succeed.

The (Information redacted) unit was a two man unit, that meant that there are two shifts and you thought eight members of staff. You had worked with the same member of staff, QQ, for the last year and a half. You got on ok.

You said you got on ok with YY. You had dropped her at her house one time and had a good working relationship. You and she had chats and she spoke about things she liked. You had been working with her for ten years. You said you got on fine with UU. He had been in your house and you had watched Star Wars together. You had different views on things but never got into arguments. You said you had a good relationship with XX. You were able to thrash things out if you disagreed in the workplace and able to speak openly and honestly. You sometimes had arguments with each other but never took it further. You agreed to disagree. XX was the only one who wouldn't put his emotions into things. He made logical, right decisions and you had respect for him. He was one of the few people you have genuinely learned from.

You spoke about AA and his vulnerabilities. You knew he had (Information redacted) and (Information redacted). You said he was on a lot of medication and had weight issues. You explained how he spent his time within the unit and outside. You explained that you got on well with AA most of the time but that happened with most other residents and staff depending on whether people were having a bad day. You never treated AA differently to anyone else.

You had known BB for years and got on fine with him. You spoke of his routine and of the medication he took. You were aware of his drug problems.

You advised the Panel that you had been diagnosed with (Information redacted) by your GP. You said you had (Information redacted) which were difficult to describe. (Information redacted)

You said you were off work from the end of October 2019 until the end of January 2020. Prior to that, you were off intermittently after (Information redacted). (Information redacted). (Information redacted). You were off work for three months and in December 2019 WW said he wanted you to return to work that day or take redundancy.

You were then offered a phased return. You said that you were offered half shifts for a week and a half. At the end of the first week, you were physically struggling. WW said your employers were not there to support you, they were not your slaves. Only XX contacted you at home and asked you how you were. He bought you food from McDonalds. A week later, head office contacted you and told you not to treat staff as slaves. You were anxious when you returned to work (Information redacted). The year before you had been disciplined twice. You had been sent off work because of gross misconduct. You went from feeling comfortable to some form of pariah. (Information redacted).

In relation to the allegations you said as follows:

Allegation 1.a. - you didn't say what was alleged. You said "it didn't add up". You explained that you had watched a documentary on TV years ago which spoke about death camps and the numbers of people who had died there being adjusted. You looked into it and the sites said things weren't as accurately portrayed in mainstream media. You mentioned weapons of mass destruction as an example. You looked into matters and you didn't mean anything by it. That was as far as your thoughts went on the matter. You weren't saying it to piss people off or cause trouble or upset people. If AA had been upset you would have gone to see him. You can't recall AA being upset as you were too busy listening to YY being all emotional and talking about you. AA didn't go to the meeting in the afternoon. It was possible that what you said resulted in that. It was also a possibility the emotion caused by YY caused him to do that. You didn't recall XX asking you to speak to AA. You didn't accept that what you said was anti semitic. In relation to allegation 1.d., you said that was not the conversation that was had. You said you could trigger them all by saying "n****r" and people are offended. You were explaining to ZZ that in her job as a social service worker people will say things that she doesn't like but she should not compromise her support of people because they say things she doesn't like. She shouldn't be triggered by words. You certainly didn't do it for shock value, you were trying to make a point.

In relation to allegation 2., you said BB had been sitting in the chair in the office, he asked for his (Information redacted). You looked at the amount he was on and said "are you still on 160ml?" and asked if he had ever thought of reducing it a little bit. BB said he couldn't do it because it is related to his (Information redacted) medication. You said "ok, cool" and that was it. You would never say to anyone not to listen to their doctor. You were aware of a resident at (Information redacted) who was a (Information redacted) and who is not on (Information redacted). He went on a reduction programme. You could not understand why you would replace one drug, (Information redacted), for another drug, (Information redacted). With (Information redacted), you just end up addicted to another drug.

You were asked questions by the Panel and stated that you did not deny saying the word "n****r" but that the context was to enlighten someone from being offended. You did say it but there was an explanation for it.

The Presenter cross examined you and you gave further explanation about your understanding of the Holocaust through what you had researched. You also gave further explanation about the use of the word "n****r". In particular, you said you couldn't understand why it was an offensive word when it was used in rap songs and in the film Blazing Saddles. You said you would not use that word again after all of this. You were asked if you thought you were entitled to use that word and that people should not be offended. You replied that you never said that. You said that people are often programmed to think in a certain way.

Your submissions on 5 April 2021

You gave further evidence when the hearing re-convened in the week beginning 5 April 2021. You were asked if you would wish to work again in social services. You said that you were here to clear your name and never said you would continue in this line of work. Two years ago, prior to leaving your last employment was the worst time you ever lived through. You had (Information redacted) due to WW and nearly lost your life. You said you have felt on trial at this hearing because of the things you said. It is just one person's word against another. You said that your colleagues are liars and you are only here to show you can turn up when they haven't.

You believed that telling your employers about your (Information redacted) resulted in them treating you differently. You have been victimised by them since then. They wanted rid of you. You were so stressed, had (Information redacted). (Information redacted). You received zero support from your employers.

You explained again about WW wanting you back to work or taking redundancy after you had been in hospital. You were of the view that none of your colleagues thought things would go this far. You questioned why you had had two disciplinaries, one for gross misconduct, but were still working for your employer. You spoke again about the incident (Information redacted). You said you found it strange that was not an allegation at this hearing. You said that you were regularly missed off the holiday rota and were not treated fairly by your employers.

You were asked if you missed working in social services. You said of course you do. You missed working with staff members and some of the service users to a degree.

You were asked about your SVQ3 and explained that you were unable to complete it. When you didn't, you were not given another opportunity to do so.

You said that you felt new social service workers were too scared and more interested in dotting the i's and crossing the t's. People are too scared to say anything about anything.

You were asked what the previous 14 years were like at work, prior to the period you said was awful. You said the work itself was fine. Your issue came from WW and the organisation undermining your mental health. You said WW didn't like you from the first staff meeting and colleagues used to joke about it, wonder what he would pull you up for next. You knew him from the start of you working with Transform. He had a problem with you.

You explained in some detail your recollection of your phased return to work and how you felt unsupported. You were allocated a few half shifts before quickly returning to full shifts. You asked to be moved to night shift as the workload would be easier but this request was declined and you remained on day shift.

You were asked if you were prepared to talk about the incident of gross misconduct that you mentioned. You were not. You said the Panel should ask your employers. You said you should have been offered counselling but not treated the way you have been treated.

You stated on two separate occasions whilst giving evidence that this was the first time anyone had listened to your concerns about being unsupported in relation to your employment and return to work.

Presenters submissions

The Presenter submitted that the Panel had the necessary evidence before it to find all allegations proved against you on the balance of probabilities. She reminded the Panel that the burden of proof rests with the SSSC.

The Presenter said that the SSSC relied upon the evidence of all six witnesses that were called alongside the documentary evidence within the bundle. The Presenter submitted that all witnesses led by the SSSC were credible and reliable. They had all given evidence consistent with the statements they prepared for the SSSC. Any discrepancies were minor and the passage of time may have played a part. All witnesses attended the hearing of their own volition and some were registered with the SSSC. She submitted there was no reason why these witnesses would maliciously target you by giving a false statement.

The Presenter submitted that evidence for allegations 1.a. could be found in the evidence of YY, ZZ and XX. She also relied on the evidence of WW in terms of timescales and the evidence of RR who stated the date in 1.a. was relevant as it was National Holocaust Day. The Presenter directed the Panel to various documents within the bundle which she submitted supported allegation 1.a.

Evidence for allegation 1.b. was to be found in the evidence of RR. She also directs the Panel to documentation within the bundle to support this allegation.

Evidence of allegation 1.c. came from the statement of AA and also from witnesses YY, ZZ and XX. The Presenter also highlighted documents in the bundle which supported this allegation.

The Presenter submitted that evidence for allegation 1.d. came from ZZ and WW. She also submitted that you had given evidence about “trigger words” and referred to the word “n****r”. She further directed the Panel to documentation within the bundle which she said supported this allegation.

The Presenter submitted that allegation 2. was proved by evidence from UU, ZZ, WW and XX. The Presenter submitted that you also partially accepted allegation 2.a. by stating in evidence you had asked BB if he had ever considered reducing his (Information redacted). She also directed the Panel to documentary evidence in the bundle which she said supported allegation 2.

The Presenter submitted that on the balance of probabilities, that these things were more likely to have happened than not, the SSSC had proved the allegations.

The Presenter turned to the evidence provided by you and submitted that despite you claiming your employers had not been supportive, there was evidence from WW that efforts had been made to support you but you had interpreted these as interfering on the part of your employers.

(Information redacted).

(Information redacted). No issues had been raised with XX or WW upon your phased return to work after an absence of some months. (Information redacted).

The Presenter invited the Panel to find all allegations proved.

Decision of the Panel

In terms of Rule 32.11., of the Rules, the burden of proving the allegations against you rests on the SSSC. The Panel is required to decide any disputed facts on the balance of probabilities Rule 32.12.

The Panel carefully considered all the material before it, including the oral evidence from all witnesses called by the SSSC. The Panel gave equal consideration to the evidence provided by you at the hearing. The Panel also took into account the evidence you provided during the course of the internal investigation.

The Panel found all six witnesses called by the SSSC to be credible and reliable. They gave their evidence in a clear, concise manner. They did not demonstrate any prejudice or desire to influence any particular outcome. Any inconsistencies

were minor and did not affect the credibility or reliability of the witnesses. Their evidence was supported by the documentary evidence.

Your participation in this hearing was of great assistance to the Panel. In the same way that the Panel considered the witnesses called by the SSSC, so they had to consider your evidence.

In relation to the allegations involving AA, you accepted on 25 February 2021 that you were in the staff office with YY, ZZ, XX and AA. However, in your personal statement you said you did not remember AA being there and in evidence on 5 April 2021 you suggested that a conversation about the Holocaust may have taken place on a nightshift between you and YY. You did not accept that you said the words as stated in allegation 1.a. You said that your response to the conversation was "it didn't add up". You said that you gave reasons for making that statement due to your own research about the number of people killed in the Holocaust being revised. You said you did not believe what you said to be anti semitic and the Panel observed how uncomfortable you were when that was suggested during the evidence of RR. You did not think you had upset AA by your comments but accepted that you may have. However, you thought it more likely that YY had upset AA by her reaction to you. You accepted that you said the word "n****r" but did so to illustrate a point rather than to shock or upset anyone.

In relation to the allegations involving BB, you accepted that you were in the staff office with ZZ, UU and BB. BB was there to receive his (Information redacted). You accepted that you asked BB "are you still on 160ml?". You also asked if he had ever thought of reducing it a little bit. You accepted that BB said he couldn't do that because the high dosage was related to his (Information redacted) medication. Your position is that you said "ok, cool" and that was it. You said you would never say to anyone not to listen to their doctor. You explained that you were aware of a resident at (Information redacted) who was a (Information redacted) and who is no longer on (Information redacted), rather he went on a reduction programme. You could not understand why you would replace one drug, (Information redacted), for another drug, (Information redacted).

The Panel preferred the evidence of the witnesses called by the SSSC in relation to allegations 1.a., b., c. and d. The Panel recognise that you do not dispute all the facts alleged but that your position on what was said to AA differs to that stated by the witnesses. In relation to allegation 1.a., b., c. and d., the evidence from the witnesses is consistent and the witnesses in the main spoke to the same events happening and the same phrases being used, which differ to your recollection of what was said. All of the witnesses to the incident spoke to AA being upset by your comments. That was reinforced by AA's own statement to the SSSC.

The Panel considered there to be inconsistencies in the evidence given by you. Your position changed between your personal statement, the evidence you gave on 25 February 2021 and the evidence you gave on 5 April 2021.

The Panel preferred the evidence of the witnesses in relation to allegations 2.a., b., c. and d. Again, you did not wholly dispute many of the facts spoken to by the witnesses. The evidence from the witnesses was consistent with each other and differed to what you said. BB reported the matter to management.

The findings of the Panel were:

Allegation 1.a.

Proved

The Panel took the view that it had been established that the words stated in the allegation, or words to that effect had been used by you on the occasion stated. The evidence of XX, YY and ZZ support this allegation. The statement provided by AA also provided support to this allegation.

Allegation 1.b.

Proved under amendment.

The Panel found the allegation established but under amendment. The Panel accepted the evidence led from the expert witness that the words used fell into the internationally recognised definition of "anti semitic". The Panel concluded that your aim in saying the words you used was to be controversial and non conformist, not anti semitic.

The Panel amended the allegation in terms of Rule 17.2. thus:

1.b. by your actions at allegation 1.a. above, unknowingly and unintentionally make anti semitic comments

Allegation 1.c.

Proved

The evidence of ZZ, YY and XX support this allegation. The statement provided by AA also provide support to this allegation.

Allegation 1.d.

Proved

The evidence of ZZ and WW support this allegation.

Allegation 2.a.

Proved

The evidence of ZZ and UU support this allegation. Evidence from XX and WW also support this allegation. You also accepted that you spoke to BB about lowering his (Information redacted) dose.

Allegation 2.b.

Proved

The evidence of ZZ and UU support this allegation. Evidence from XX and WW also support this allegation.

Allegation 2.c.

Proved

The evidence of ZZ and UU support this allegation. Evidence from XX and WW also support this allegation.

Allegation 2.d.

Proved

The evidence of ZZ and UU support this allegation. Evidence from XX and WW also support this allegation.

The Panel concluded that all allegations including amended allegation 1.b. were more likely to have happened than not which is the legal test which must be applied.

Impairment

Presenter's Submissions

The Presenter led no new evidence in relation to the Impairment stage, she relied upon the evidence already led. She submitted that your fitness to practise is currently impaired on the ground of your misconduct. She reminded the Panel of the two stage process: it had to decide whether or not your behaviour in respect of the allegations found proved amounted to misconduct; and thereafter (if it found misconduct) to go on to consider the question of current Impairment.

In relation to misconduct, she referred the Panel to the definition of misconduct in the case of *Roylance v General Medical Council* [2000] 1 AC 311. She also referred to *Mallon v. General Medical Council* 2007 SC 426. She invited the

Panel to find that the facts found proved involved behaviour which breached the Code, in particular Parts 1.1, 1.2, 1.5, 2.2, 5.7 and 5.8.

She submitted that impairment of fitness to practise was current and made reference to the guidance set down in *Cohen v General Medical Council* [2008] EWHC 581. She also referred to the case of *Council for Healthcare Regulatory Excellence v Nursing and Midwifery council and Paula Grant* [2011] EWHC 927 (Admin) and to the relevant factors highlighted in that case. She referred to the Decisions Guidance, and in particular Sections 6, 7 and 8.

She submitted that the behaviour found to be proved is serious and falls below the professional standard expected of social service workers. She submitted that in relation to allegation 1., the words used were anti semitic and had caused distress to AA. She submitted the use of the word "n****r" was inappropriate and offensive. She submitted you liked to challenged ideology and although you recognised the word as offensive, you still chose to use it. She submitted you demonstrated a lack of understanding of how your words affected others.

In relation to allegation 2., the Presenter submitted that you had been insensitive and improper to raise with a service user the question of the dosage of a prescribed drug. It was out with your skill set and you were unqualified to give medical advice. There was no actual harm caused to BB but there was a risk of physical harm had he listened to your comments and taken action.

The Presenter submitted the SSSC had concerns as to whether your behaviour could be remedied in line with *Cohen*. She submitted you appeared to have deep rooted beliefs and didn't appreciate the seriousness of your actions, nor did you take responsibility for how they might harm others. You continue to dispute the allegations despite listening to the evidence of the witnesses. You appear to still be questioning why you have to go through this process and place blame on others for your actions. She submitted that it has not been demonstrated that remedial action has been taken after these allegations. You are not currently working in the sector and have not done so since leaving Transform.

The Presenter submitted that a pattern of behaviour has been demonstrated which has potential to cause harm to service users if repeated as well as harm to the public. She submitted the behaviour falls below the standard expected of a social services worker. There is a risk of repetition of the behaviour.

The Presenter submitted that you have failed to demonstrate adequate insight, regret or remorse into your behaviour. She submitted there was a high risk of the behaviour being repeated if you returned to your registered role.

The Presenter submitted that the key factor to be considered is protection of the public and to uphold public interest. She submitted that whether you intended to be anti semitic or not, there was potential to cause emotional harm and a risk of emotional harm to AA. She submitted that using the word "n****r" could be deeply offensive and cause emotional harm. She submitted that questioning

someone's medication carried risks of harm, particularly if BB had followed the comments you made. Those who are trusted to work in social services should be respectful of people's views and beliefs. Social service workers with access to vulnerable people have a duty not to offend and cause harm. She submitted you had not recognised your responsibilities or that your words could be hurtful and damaging. You had not shown insight into how words can harm others. Your actions posed a real risk to the integrity of the Register and the reputation of the SSSC.

The Presenter addressed the Panel in relation to Part 8 of the Decisions Guidance. She submitted the following factors:

- Insight - you had shown little insight. You had not accepted the allegations. You were concerned with justifying your actions rather than the effect they had on others. You saw nothing wrong with what you said and placed blame on other colleagues.
- Previous history - although you had been subject to two disciplinary matters at work, you had no history with the SSSC.
- Circumstances leading up to behaviour - the Presenter submitted that you were an experienced Worker. Your actions took place at work in front of service users, colleagues and a member of the public. There may have been issues of employment ongoing at that time but these did not excuse your behaviour. Whilst you were on a phased return to work, there was no medical information to demonstrate you were unfit to work. She submitted your behaviour was attitudinal and not the direct result of a health condition.
- Length of time since behaviour - the behaviour occurred in early 2020. However, there is no information regarding any subsequent practice to address your behaviour in the last year.
- Conduct - the behaviour occurred at work.
- Co-operation with the SSSC - the Presenter submitted you had engaged with the SSSC during the hearing and have co-operated with the investigation.
- References or testimonials - the Presenter submitted that no references had been provided but there had been mention from WW of positive conduct from you. However, he also spoke of various difficulties with your behaviour at work. You also gave evidence about being spoken to at work about inappropriate communication.
- Isolated incident or a pattern of behaviour - the Presenter submitted this demonstrated a pattern of behaviour.
- Consequences of the behaviour - the Presenter submitted there was potential for physical harm in relation to allegation 2.
- Abuse of trust - the Presenter submitted that BB had placed trust in you to act in his best interests. You were aware of his vulnerability. You were in a position of trust.

The Presenter submitted that through the application of the relevant case law, your fitness to practise was impaired.

The Presenter submitted that the question of impairment was one for the Panel. If the Panel found there was no impairment, it should dismiss the case and conclude the hearing. If the Panel did find fitness to practise impaired, it should move to the final sanction stage.

Your position on impairment

As you chose to absent yourself in the course of the hearing and did not return to give further evidence at the misconduct/impairment stage, the Panel had no information on your position on current impairment. That was regrettable as the Panel felt it could have benefitted from hearing your position. The Panel took account of the evidence of WW and XX of previous good practice but that did not provide sufficient comfort to the Panel to conclude that you are not currently impaired. There was no information as to your practice since leaving your employment.

Reasons for the Panel's decision

The Panel first of all considered the question of misconduct. It looked at the facts found proved against the provisions of the Code and accepted that you had breached the following provisions: 1.1, 1.2, 1.5, 2.2, 5.7 and 5.8. The Panel also found you to have breached 3.10.

The Panel had regard to the foregoing breaches of the Code. It had regard to the definition of misconduct in the case of *Roylance*.

The Panel concluded that your conduct in relation to allegations 2.a., 2.b., 2.c. and 2.d. fell short of what was proper in the circumstances. It amounted to misconduct in respect of those allegations found proved.

The Panel concluded that your conduct in relation to allegations 1.a., 1.b., 1.c. and 1.d. did not amount to misconduct. The Panel concluded that allegations 1.a., 1.b., 1.c. and 1.d. were poorly constructed. Allegation 1.a. failed to explain why making such a comment in the absence of intention to cause distress or harm amounted to misconduct. Allegation 1.b., as amended, did not amount to misconduct. The Panel could not conclude that an action done unknowingly or unintentionally could amount to misconduct. Allegation 1.c. was so intrinsically linked with 1.a. that, whilst proved as fact, it could not follow that 1.c. amounted to misconduct when 1.a. did not. Allegation 1.d., again was poorly drafted and failed to explain why making such a comment in the absence of intention to cause distress or harm amounted to misconduct. Lord Clyde stated in the case of *Roylance* that misconduct was defined as "a falling short sufficiently serious as to go to the registrant's fitness to practise" The manner in which these allegations were drafted did not allow the Panel to conclude misconduct in each of the component parts of allegation 1.

The Panel went on to consider whether or not your misconduct amounted to current impairment of fitness to practise. It had regard to the test for

impairment suggested in the cases of *Cohen* and *Grant* and to the relevant factors highlighted in these cases. It has also had regard to Sections 8 and 10 of the Decisions Guidance.

The Panel recognised that you have a long work history with the same employer. It recognised that your employer considered you to have periods of excellent work which included your ability to relate to service users and to have empathy with them. The Panel took into account the restricted period of time over which the misconduct occurred and was aware that you had just returned to work after a long period of illness.

However, the Panel considered that your misconduct was serious. Your misconduct placed BB at risk of harm. There was potential for your misconduct to have caused physical or emotional harm had BB followed your advice. The Panel could not say that your misconduct would not recur. On the evidence available, there is nothing to suggest that you have changed the way you would work with vulnerable service users.

The Panel concluded that the following were aggravating factors in your case:

- You have shown little insight or regret into your actions.
- Circumstances leading up to behaviour - you were an experienced Worker, having worked for your employer for a very long time. You had just returned to work after a period of sickness but measures had been put in place for a phased return. Whilst there may have been issues of employment ongoing at the time, you should have recognised your behaviour could have resulted in harm to BB.
- Conduct - the behaviour occurred inside your place of work.
- Consequences of the behaviour - there was potential for physical and emotional harm in relation to BB.
- Abuse of trust - you were in a position of trust in relation to BB and aware of his vulnerability. You were tasked with administering his medication. The point at which your comments were made was insensitive to BB's needs and you persisted with your comments despite BB telling you he had to take that level of medication for good reason. You were in a position of trust.

The following were neutral factors:

- Length of time since behaviour - the behaviour occurred in early 2020. The Panel has no information before it regarding any subsequent practice. You have not been employed in social care since you left your employment with Transform.
- Isolated incident or a pattern of behaviour - the behaviour in allegation 2, which amounts to misconduct occurred on one day, so it is an isolated incident. However, there is evidence before the Panel of allegation 1, in its entirety which was found proved as fact. There is also evidence of previous behaviour which required to be addressed by your employer.

- References or testimonials - you did not provide any references or testimonials. However, during the course of evidence, the Panel learned from WW that you could be an excellent worker. He said you were empathetic and could relate to many service users. XX also commented on your ability to work well with service users.

The following were mitigating factors:

- Previous history - although you had been subject to two disciplinary matters at work, you had no history with the SSSC
- Co-operation with the SSSC - you had attended the hearing on numerous occasions and engaged with the SSSC albeit to a limited extent.

The Panel considers that, if no finding of impairment were made, service users, and the wider public, would not be protected from the risk of harm. The broader public interest requires action to be taken to address your misconduct, uphold proper professional standards and to maintain public confidence in the social service workforce, the Register and in the SSSC as the regulatory body.

Accordingly, it is the Panel's decision that your fitness to practise is currently impaired by reason of your misconduct in relation to allegations 2.a., 2.b., 2.c. and 2.d.

Sanction

Presenter's submissions

The Presenter referred to Rule 20. and the requirements stated therein when considering what sanction to impose. She also directed the Panel to the Decisions Guidance. She reminded the Panel that sanctions are to protect the public and promote the public interest. She submitted that sanctions were not designed to be punitive but they may appear to be so. She reminded the Panel that the approach to be taken was to start with the least restrictive sanction, considering each in turn until the most appropriate sanction was found.

The Presenter submitted the behaviour amounting to misconduct was serious. It was an unprofessional way to conduct yourself in the workplace and breached various parts of the Code.

The Presenter submitted the Panel must ensure that the Worker does not have the opportunity to repeat the behaviour and must take into account the risk of harm. The Panel should take into account the risk of repetition and potential for harm if the behaviour was to be repeated. The Panel should take account the questionable values you have displayed and your lack of reflection on the behaviour. The Panel should take into account the public interest and maintaining public confidence in the profession. She referred to the case of *Bolton v Law Society* [1994] 1 WLR 512 which states that the reputation of a profession is more important than the fortune of any individual member.

The Presenter submitted that your lack of insight, regret and remorse is concerning. There is nothing to suggest you have learned anything from your actions and nothing to suggest you would change your practice.

The Presenter submitted that the Panel's decision must be proportionate and a balancing exercise must be conducted between allowing you to work unrestricted in your chosen profession and the interests of the public. She recognised sanctions could cause reputational or financial damage. The Panel should have regard to aggravating or mitigating factors as already address at the Impairment stage.

The Presenter then addressed each potential sanction in turn.

She submitted taking no further action would not be in the interests of public protection or public interest. This is appropriate only in exceptional circumstances which did not exist in your case.

A warning alone was not appropriate in your case. It did not address your lack of insight and would not correct your behaviour.

Conditions alone were not appropriate given the seriousness of the behaviour.

The Presenter submitted that imposition of a warning for one year and conditions would mark that the behaviour was unacceptable in conjunction with conditions to address that behaviour. The Presenter recognised that whilst the SSSC disagreed with your actions, they may be categorised as misplaced good intention. In your mind, you may have been trying to promote good wellbeing in BB but you did not have the relevant training nor was it your role to comment on such matters of such a personal and sensitive nature.

The Presenter submitted that a warning of one year plus the following conditions was the appropriate sanction in your case.

Presenter proposed conditions:

1. Within one month of securing employment in the social service sector, you will inform your employer of the conditions imposed on your Registration and the reasons that they were imposed. This written evidence should be signed by your employer.
2. Within six months of commencing a registrable role, you will provide the SSSC with evidence that you have undertaken training and learning which must cover:
 - appropriate communication
 - professional boundaries

3. You should discuss with your employer the most effective way to complete this learning. It can be in the form of face to face study, online training, mentoring, supervision and/or independent study.
4. Within two months of completing condition 3., you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on the training you received at condition 2. and how that will inform and improve your future practise.

Decision of the Panel

The Panel considered all of the evidence presented to it at the hearing. The Panel was presented with behaviour which could have resulted in physical and emotional harm to BB. The Panel took into account the comments of WW and XX that you had periods of being a very good worker. They also took into account the fact you had shown little insight into your behaviour. The Panel were concerned that this behaviour could recur if your Registration was not restricted. The overarching objective of the Panel is to ensure the protection and enhancement of the safety and welfare of persons who use, or are eligible to use, care services.

The Panel referred to the Decisions Guidance. The Panel considered again the aggravating and mitigating factors identified at the Impairment stage of the hearing. It also considered the neutral factors.

The Panel considered that:

There are no exceptional circumstances which would justify taking no further action in terms of your Registration.

A warning alone would not be appropriate as it would not adequately address the impairment of your fitness to practice.

Conditions alone would not be appropriate as they would not mark the seriousness of your behaviour.

A warning of two years plus conditions is the most appropriate sanction in your case. This marks the seriousness of your behaviour and conditions give you the opportunity to address the behaviour in the hope that you can re-enter the social service workforce and work safely and in the interests of both service users and yourself. It is a proportionate sanction given all of the circumstances of this case.

Panel proposed conditions:

1. Prior to securing employment in the social service sector, you will inform your prospective employer of the conditions imposed on your Registration

and the reasons that they were imposed. Written evidence of this should be signed by your prospective employer and submitted to the SSSC within four weeks of commencing employment.

2. Within six months of commencing a registrable role, you will provide the SSSC with evidence that you have undertaken training and learning which must cover:
 - a) appropriate communication
 - b) professional boundaries
3. You should discuss with your employer the most effective way to complete this learning. It can be in the form of face to face study, online training, mentoring, supervision and/or independent study.
4. Within two months of completing condition 3., you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on the training you received at condition 2. and how that will inform and improve your future practice.

Reconvened hearing 7 May 2021

At the reconvened hearing, the Clerk advised that you had been contacted by email on 4 May 2021 with regards to your attendance at today's hearing. You had not responded to that email. The Clerk telephoned you this morning. She asked if you would be participating today, and you said you would not. She advised that the hearing would be held by remote videoconferencing and again you replied that you did not want to participate. The Clerk asked if you had anything you would like to convey to the Panel to which you replied you did not. She asked if you had anything you would like to say about the proposed conditions and you stated that you would "wait for the results". The Clerk advised it was likely that there would be a decision made today and if so, the Notice of Decision would be sent to you within seven days.

The Presenter also advised the Panel that she had made efforts to contact you but that you had not responded to her telephone calls. She advised the Panel that she did not have any further comment to make on the Panel's proposed sanction. The SSSC are in agreement with the sanction proposed and the conditions reflect much of that sought to be imposed by the SSSC. She had no further comments to make.

The Panel then asked the Presenter if she had any further comment to make on the fact that you had made no comment to the proposed conditions. The Presenter said that she hoped the conditions would be workable and enforceable and in the absence of any other information she had no further comment to make on that.

The Panel asked the Presenter about the process that would take place if the proposed sanction were to be imposed today. The Presenter advised that you would automatically come off the Register upon the decision being implemented. The decision of the Panel would be issued and published on the SSSC website. If you were to re-apply for Registration, these proceedings and the Panel decision would be flagged up on the SSSC system.

The Panel considered all material placed before it today.

Final Decision of the Panel

To impose a warning on your Registration for a period of two years plus the following conditions:

1. Prior to securing employment in the social service sector, you will inform your prospective employer of the conditions imposed on your Registration and the reasons that they were imposed. Written evidence of this should be signed by your prospective employer and submitted to the SSSC within four weeks of commencing employment.
2. Within six months of commencing a registrable role, you will provide the SSSC with evidence that you have undertaken training and learning which must cover:
 - a) appropriate communication
 - b) professional boundaries
3. You should discuss with your employer the most effective way to complete this learning. It can be in the form of face to face study, online training, mentoring, supervision and/or independent study.

Within two months of completing condition 3., you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your account you are required to reflect on the training you received at condition 2. and how that will inform and improve your future practice.