

Notice of Decision

Registrant	Aristide Putrino
Registration number	3085110
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Lasswade
Sanction	Removal
Date of effect	13 July 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 part of the SSSC Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that:

1. on 13 May 2022 you were convicted at Edinburgh Sheriff Court of two offences, namely that you did:
 - a. on 22 August 2020 at Drummond Grange Nursing Home, Lasswade, assault ZZ your colleague, and did touch her shoulder and move her clothing to reveal a tattoo
 - b. on 22 August 2020 at Drummond Grange Nursing Home, Lasswade, then in the course of your employment as a carer there did touch resident AA and did place your arms around her body without her consent and did commit a Breach of the Peace

2. on or around 22 August 2020 while employed by Barchester Healthcare as a General Assistant at Drummond Grange Care Home in Lasswade and during the course of that employment, you did:
 - a. block the door to AA's room with a domestic trolley, or in the alternative fail to remove a domestic trolley from the door of AA's room, that was impeding entry to and exit from the room

and your fitness to practise is impaired because of your conviction as set out in allegation 1 and your misconduct as set out in allegation 2.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must not people at unnecessary risk. It is alleged that while in the room of AA you placed a trolley across the door on the inside, or in the alternative failed to remove a trolley, that impeded the access to and exit from the room. If true, your actions placed AA at the risk of harm as she would be unable to exit the room quickly should the need arise, and staff would be unable to enter the room easily when required. This raises questions as to your ability to meet the relevant standards of practise and work in a lawful, safe and effective way.
 - b. Social service workers are expected to uphold the law and not to engage in criminal behaviour that may call into question their suitability to be registered with the SSSC. Your convictions show a disregard for the law, and a lack of respect for the dignity and autonomy of service users and colleagues. That raises concerns about your suitability to work within the social care profession.
 - c. Your behaviour is incompatible with professional registration and violates fundamental tenets of the social services profession. This is not behaviour that would be expected from a person registered with the SSSC and risks bringing into disrepute the social services profession.
 - d. The behaviour was serious and risked causing emotional harm to a colleague and a service user. While there is no indication that there have been previous such offences, there is an ongoing public protection risk in respect of your behaviour that led to convictions for assault and a breach of the peace. This together with your lack of insight and remorse and the high risk of repetition means that the

SSSC has no reassurance in relation to your future behaviour. A finding that your fitness to practise is impaired is required to maintain public confidence and uphold proper standards of behaviour.

2. You have failed to follow parts 1.3, 1.4, 5.1, 5.3, 5.7, 5.8 and 6.1 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 caused a risk of emotional harm.
- Your actions were deliberate.
- Your actions formed a pattern of behaviour.
- Your actions took place while at work.
- You have not provided any insight or apology.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is at the higher end of the spectrum of seriousness. There are values concerns arising from your behaviour and convictions. A warning would not adequately protect the public or uphold public confidence and trust in the profession.
- A condition would not be appropriate because you have acted in an abusive manner resulting in you being convicted of assault and a breach of the peace. There are serious concerns about your underlying values and attitude. You have not shown any insight or remorse. A condition would not be appropriate in the circumstances and would not be sufficient to address the serious public protection and public interest concerns arising from your actions and convictions.
- A warning plus conditions would not be appropriate due to the reasons outlined above.

- A Suspension Order would not be appropriate. A suspension may offer a degree of protection to the public during the length of the order, but it would not address the underlying concerns about your values and attitude. Furthermore, allowing you to remain on the register, albeit suspended, would seriously undermine the integrity of the register and the public's willingness to place trust and confidence in the profession. A suspension order would not be sufficient to adequately address the serious public interest concerns in this case.
- 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 05 June 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 13 July 2023