

Notice of Decision

Registrant	Samuel McCulloch
Registration number	2038300
Part of Register	Supervisors in Housing Support Services Supervisors in a Care at Home Service
Town of employment	Mauchline
Sanction	Removal
Date of effect	24 August 2022

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 Supervisors in Housing Support Services and Supervisors in a Care at Home Service.

Findings of fact

We decided there is evidence that, while employed as a Senior Support Worker for the National Autistic Society, and during the course of that employment, you did:

1. with reference to service user AA:
 - a. on or around 14 September 2021, sign out £800 of AA's funds in advance of supporting AA on holiday, and take that money home, rather than signing it in to AA's petty cash tin as required
 - b. on or around 20 September 2021, provide only £750 of AA's funds to your colleague ZZ prior to the start of AA's holiday

- c. on dates after 20 September 2021, fail to produce to your employer a receipt for £50, which you claimed was spent on toiletries and towels for AA
2. on or around 27 September 2021, arrange for the withdrawal of £50 from service user BB's funds, stating that it was for the purchase of an item of clothing, namely a top, from Sports Direct for BB, but thereafter did fail to produce to your employer a receipt confirming that the £50 referred to was spent on a top purchased from Sports Direct for BB
3. during the course of an investigation being conducted by your colleague YY into the matters as detailed at allegation 2:
 - a. on or around 13 October 2021, when YY asked you to provide an original receipt for the clothing you said you had purchased for BB, say to YY that you had spoken to a Sports Direct customer service operative whose first language was not English, and when they had told you they were unable to provide you with a receipt for your online purchase, you had sworn at them, when this was not true
 - b. on or around 18 October 2021, tell YY that you had contacted Sports Direct customer service again, who were sending the receipt out to you in the post, when this was not true
 - c. on or around 22 October 2021, provide a falsified receipt from Sports Direct to YY by leaving the falsified receipt on YY's desk
 - d. on or around 25 October 2021, provide a falsified receipt from Sports Direct to YY via email
 - e. act in a dishonest manner with reference to the behaviour as detailed at allegations 3.a – 3.d

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

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. social service workers must be honest and trustworthy in order to maintain the trust and confidence placed in them by users of services in their care, their employer and the wider public. Falsifying a receipt and making false statements to your employer was dishonest. This behaviour is incompatible with working in a caring and responsible profession.
 - b. social service workers must maintain clear, accurate and up to-date records in line with procedures relating to their work. By failing to

provide receipts for transactions in relation to two service users, you failed to maintain their financial records. This put service users at potential risk of financial harm if their funds could not be properly accounted for.

- c. your behaviour amounted to misconduct as it involved acts by you which fell far below the standard of conduct expected of a social services worker.
 - d. your behaviour involved the deliberate concealment of wrongdoing by falsifying documents. This behaviour was serious and was fundamentally incompatible with the values of the profession. Users of services should be able to trust the workers that look after them. There is also no evidence of any real insight, regret or reflection by you. You have not engaged with the SSSC's investigation. While you did demonstrate some regret to your employer, this was only after your dishonesty had been exposed and you had little option but to admit your behaviour. Therefore, the SSSC has concluded that there is a risk of similar behaviour being repeated.
 - e. there is a need to protect service users from potential financial and emotional harm. There is a real risk of financial and emotional harm being caused if your behaviour were to be repeated.
 - f. there is public interest in maintaining trust and confidence in the register and upholding proper standards of behaviour in the profession. While employed in a senior position, you falsified documents and gave your employer false information to conceal wrongdoing. You have acted dishonestly and not modelled good behaviour to your colleagues. Your behaviour, as stated, is fundamentally incompatible with the values of the profession. A fully-informed member of the public would expect a finding of impairment to be made in this case, given the factors as outlined above.
2. You have failed to follow parts 2.1, 2.2, 2.4, 3.10, 5.1, 5.2, 5.3, 5.7, 5.8, 6.1 and 6.2 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 deliberately sought to conceal wrongdoing by falsifying documents and making false statements to your employer.
- The behaviour took place at work and involved service users.
- You have acted dishonestly.
- You were in a senior role at the time of the allegations.
- You have not demonstrated any real remorse or insight for your actions. You only expressed remorse when you were left with little option but to admit your dishonesty by your employer. As a result, very little weight can be placed on this.

Factors in your favour

- You have worked in the sector for approximately 12 years and no previous adverse findings have been made against you by the SSSC.
- These appear to be isolated incidents involving very poor personal and professional judgement by you.
- Your colleagues have commented positively on your professional practice.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is serious and amounts to a breach of a fundamental tenet of the profession. There has been no real insight or remorse. Because of the lack of insight and the seriousness of the behaviour, public protection concerns remain.
- A condition would not be appropriate because the behaviour amounts to a violation of a fundamental tenet of the profession. You have acted dishonestly and deliberately sought to conceal any wrongdoing. There is no evidence of remediation. There are also concerns about the risk of repetition. Given the seriousness of the behaviour and the lack of insight, a condition would not be appropriate, with reference to the SSSC's Decisions Guidance.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate because the behaviour is serious and continues to give rise to public protection concerns. No real insight has been demonstrated. The behaviour has not been remediated. The behaviour does give rise to values concerns because it amounts to dishonest 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

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 5 July 2022 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 24 August 2022.