

## Notice of Decision

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| <b>Registrant</b>          | Neil Dow   |
| <b>Registration number</b> | 3087771  |
| <b>Part of Register</b>    | Support Workers in a Housing Support Service<br>Support Workers in a Care Home Service for Adults<br>Support Workers in Care at Home Service |
| <b>Town of employment</b>  | Inverness  |
| <b>Sanction</b>            | Warning to stay on your registration for a period of 12 months and conditions imposed  |
| <b>Date of effect</b>      | 10 July 2021   |

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
2. to place a warning on your registration, on the parts of the Register for Support Workers in a Housing Support Service, Support Workers in a Care Home Service for Adults and, Support Workers in Care at Home Service for a period of 12 months
3. to place a condition on your registration, on the parts of the Register for Support Workers in a Housing Support Service, Support Workers in a Care Home Service for Adults and Support Workers in Care at Home Service which you must meet within 4 months of commencing employment in the social services sector.

## Findings of Fact

We decided that there is evidence that:

on or around 23 August 2019, while employed as a Support Worker for [Redacted], Inverness, and during the course of your employment, you did:

1. in relation to service user AA, fail to accurately document within the daily notes diary that during the course of your shift:
  - a. AA sustained an injury to his left ear;
  - b. AA had engaged in self-harm;
  - c. AA had left his flat for a period of time
2. record on AA's Medication Administration Record sheet the reason for medication administration as being "spoilt behaviours";
3. during an altercation with [Redacted] staff over a car parking space:
  - a. say to ZZ, "oh you shut the fuck up, you're nothing but tinks," or words to that effect;
  - b. when referring to service user BB, say to ZZ:
    - i. "what the fuck would she know about anyone parking in her fucking space, she wouldn't have a fucking clue," or words to that effect;
    - ii. "there's nothing here to state it's her [BB's] parking space and I can park where the fuck I want," or words to that effect

and your fitness to practise is impaired by reason of your misconduct as detailed as 1-3 above.

## Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:
  - it is expected that social service workers will maintain clear, accurate and up to date records in line with procedures relating to their work. You neglected to record key information about AA's wellbeing during the course of your shift. Your actions meant that your colleagues would not be fully aware of what took place on your shift. This may have affected the support that they provided AA.

- social service workers are expected to treat service users with respect and dignity. You administered medication to AA and recorded the reason to be due to AA's "spoilt behaviours". Your actions were unprofessional and demonstrate a lack of respect toward AA. As an experienced social services member, you are well aware of the standards of recording of information that is expected of you and your behaviour falls short of what is expected of you.
  - it is expected that social service workers will communicate in an appropriate, and straightforward manner. It is expected that you will treat colleagues and other social service workers with respect. You were verbally abusive to and swore in the presence of colleagues. Your behaviour demonstrates a lack of self-control and an inability to remain calm in response to a situation. Your actions had the potential to cause emotional harm to ZZ.
  - while these were isolated incidents during a challenging shift, your behaviour does breach fundamental values of the profession. It is acknowledged that you have been employed in the sector for more than three years and have no previous conduct concerns.
  - you have demonstrated limited insight, reflection and remorse for your actions. You have failed to take responsibility for your actions and identify how you could manage similar situations in the future. You apportion blame for your behaviour on to others. There are no assurances that you would not act in the same manner again if faced with similar situations in future.
  - while we understand that social service members work in challenging environments at times, it is expected that you will remain professional and act in the best interests of the service user. Your behaviour falls short of the conduct we would expect and as such there is a need to reaffirm the conduct expected of you.
2. In relation to findings of fact at 1-3 above you have failed to follow parts 2.2, 2.4, 5.1, 5.8, 6.1 and 6.2 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

## **The sanction**

After referring to our Decisions Guidance, we decided that the appropriate sanction is to place a warning on your registration for a period of **12 months** and the condition set out below.

### **The condition**

The condition placed on your registration is as follows:

1. Within 7 days of commencing a role in social services, you must provide evidence to the SSSC, countersigned by your employer to confirm that they are aware of the conditions currently placed on your registration.
2. Within 3 months of commencing a role in social services you must provide evidence to the SSSC that you have undertaken learning which must cover:
  - a. Effective Communication
  - b. Record Keeping and Reporting
  - c. Adult Support and Protection.

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 or online training, mentoring, supervision and/or independent study.

3. Within 1 month of meeting condition 2 you must submit a reflective account to the SSSC. Your reflective account must be to the satisfaction of the SSSC. In writing your reflective account you are required to think about:
  - a. How your communication towards [Redacted] staff was discriminatory and offensive
  - b. The impact of this communication
  - c. How a failure to communicate in a non-offensive way breaches the SSSC Codes of Practice for Social Service Workers
  - d. How to change your own attitudes and behaviours so that they are not harmful or offensive
  - e. How to recognise and handle tension or conflict
  - f. The importance of accurate, impartial and professional record keeping
  - g. The importance of effective recording to ensure the safety and wellbeing of individuals in your care
  - h. How your behaviour undermines the trust and confidence in you as a social service worker

- i. How the SSSC can be reassured that you will not repeat your behaviour
- j. What you have learned from the behaviour and what you would do differently
- k. Your responsibility as a social service worker to model professional practice including values.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You have demonstrated limited insight, remorse and reflection into your behaviour
- The conduct occurred while you were at work in an environment where service users and colleagues should feel supported and respected
- Your behaviour caused some emotional harm to staff members, although this was not prolonged.

#### **Factors in your favour**

- You have not previously come to the attention of the SSSC and have a good period of good practice
- You have engaged with the SSSC and the investigation process in a meaningful manner
- This was an isolated incident of heightened behaviour and there was no evidence to suggest that your behaviour was malicious or premeditated.

### **Documents we have referred to**

When making our decision, we referred to the documents:

- Regulation of Care (Scotland) Act 2001.
- Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) as amended
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

### **Acceptance of the warning and conditions**

Having been advised of the consequences of accepting or not accepting the **warning and condition** and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **warning and condition** by email on 23 June 2021.

**Date of effect**

The notice comes into effect on 10 July 2021.