

Notice of Decision

Registrant	Alexander Munro
Registration number	3090518
Part of Register	Support Workers in a Housing Support Service
Town of employment	Dundee
Sanction	Removal
Date of effect	26 May 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 make a Removal Order removing your registration from the part of the SSSC Register for Support Workers in a Housing Support Service.

Findings of fact

We decided that there is evidence that between on or around 30 March 2020 and 22 January 2021, while working as a Support Worker at [information redacted], you did:

1. on exact dates unknown,
 - a. send pictures of your erect penis to service user AA
 - b. send a message alongside the pictures at a. above saying "look who's popped up to say hello" or words to that effect
 - c. send a message to service user AA saying "you will have to come back to mine next week as we still have more fucking to do" or words to that effect
 - d. send a message to service user AA saying "you're more than welcome to come to mine and let your hair down" or words to that effect
 - e. send messages to service user AA referring to him as "babes" and "hun"

- f. kiss service user AA
- g. allow service user AA to masturbate you

and in light of the above your fitness to practise is impaired because of your misconduct as set out in findings of fact 1.a. – 1.g.

Reasons for the finding that your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. Social service workers must not form inappropriate relationships with people who use services. They must also recognise and use responsibly the power and authority they have when working with people who use services. The behaviour displays a lack of understanding of professional boundaries and respect that you should have for the service user. The behaviour represents an abuse of the trust placed in you for caring for vulnerable service users. Behaviour of this nature is fundamentally incompatible with professional registration.
- b. While the service user involved had full capacity, there were aspects to their life that made them vulnerable. By nature of the worker and service user relationship, there is a power imbalance and you abused the power of the professional relationship that you are required to maintain. The power imbalance and vulnerability of the service user is a concern to the SSSC and such a relationship should not be entered into due to the impact of this imbalance on questions of consent. You have not engaged with the SSSC investigation and therefore have shown no insight, regret or remorse into your behaviour. The behaviour is serious and creates a risk of confusion to a vulnerable service user as to what is expected of a professional relationship and the support that can be provided to them. If your behaviour were to be repeated, other service users would be placed at risk of emotional and psychological harm. The behaviour is such that the public interest aspect is engaged. For these reasons, your current fitness to practise is impaired.

2. You have failed to follow parts 2.1, 2.2, 2.4, 3.10, 5.1, 5.2, 5.3, 5.4, 5.7, 5.8, 6.1 of the SSSC Code of Practice for Social Service Workers.

Sanction

After referring to our Decisions Guidance, we decided to make 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

- While you are entitled to deny the behaviour, in your email to your employer you provide reasons as to why the service user has made up the allegations, that have found to be proven. You have shown no insight, regret or remorse into your behaviour.
- The behaviour constitutes a breach of the fundamental tenets of the profession and an abuse of trust. Your behaviour was deliberate.
- While it is unclear how long the behaviour went on for, there appears to be a large volume of text messages between you and the service user which points to this occurring over a period of time. This was not an isolated incident of poor judgment, rather a pattern of behaviour in which you engaged in a sexual relationship with a vulnerable service user.
- Your behaviour is at odds with what your job role entails. It is likely that your behaviour will have resulted in emotional and psychological harm to the service user involved.
- You have not engaged with the SSSC investigation.

Factors in your favour

- You have not come to the attention of the SSSC before and there don't appear to have been any previous concerns as to your practice.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is extremely serious and as such, a warning would not adequately address the impairment of your fitness to practice.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practice has been impaired as the type of behaviour at issue is not the type of behaviour which conditions would rectify.

- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A suspension order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration. There is no evidence that a period of suspension would allow you to remedy the cause of the impairment of your fitness to practice.
- For the reasons outlined above a suspension order plus conditions would not be appropriate.
- The SSSC considers that 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.
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the Removal Order

Having been advised of the consequences, and recommended to take legal advice, you admitted the facts and that your fitness to practise is impaired and accepted the Removal Order on 10 May 2021.

Date of effect

The notice comes into effect on 26 May 2021.