

Notice of Decision

Registrant	Calum Matheson
Registration number	3067489
Part of Register	Practitioners in a Care Home Service for Adults
Town of employment	Glasgow
Sanction	Warning to stay on your registration for a period of six months
Date of effect	14 March 2019

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 as amended by the Fitness to Practise (Amendment) Rules 2017 (the Rules)
2. to place a warning on your registration, on the part of the Register for Practitioners in a Care Home Service for Adults for a period of 6 months.

Findings of Fact

We decided that there is evidence that while employed as a Support Worker by Quarriers at Mavisbank in Glasgow and during the course of that employment you did:

1. on or around 30 November 2017, send your colleagues AA, BB and CC a picture on Facebook with the caption "santa says fuck yer celtic, no surrender you fenian bastard" or words to that effect
2. on various dates between 20 November 2017 and 22 March 2018:
 - (a) tell your employer that your Facebook account had been hacked
 - (b) your actions at 2(a) were dishonest in that you sought to conceal from your employer that you sent an offensive message

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

Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- a. social service workers and other workers have the right to expect that they will be treated with dignity and respect and their health and safety protected by their social services colleagues. Sending this picture to your colleagues constituted inappropriate communication and your behaviour did, or was likely to, cause offence to your colleagues. This behaviour is a failure to treat your colleagues with dignity and respect and calls into question your suitability to be registered with SSSC.

Social service workers are expected to be open and honest. Service users have the right to expect honesty and integrity from social service workers in whom they and the public place their trust and confidence. Telling your employer that your Facebook account had been hacked to conceal that you had sent an offensive message to your colleague is dishonest. Acting dishonestly is a breach of trust and confidence and calls into question your suitability to be registered with SSSC.

- b. you sent an offensive sectarian message to your colleagues on social media. One of your colleagues was deeply offended by this message. You initially denied sending the message to your colleague and laughed at her when she approached you about it. You continued to deny sending the message when asked by your employer on numerous occasions. Your behaviour was dishonest. The use of sectarian language and the dishonesty you displayed is serious. The public would be concerned if the SSSC did not make a finding of impairment. The reputation of the profession and SSSC as effective regulator would be damaged if no action was taken against you.

2. In relation to allegations 1 and 2 you have failed to follow parts 2.2, 5.1 and 5.8 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 **6 months**.

Reasons for the sanction

When making our decision we considered the following factors:

- Factors of concern
 - You have previously received a written warning from your employer due to arguing with your colleague.
 - One of the colleagues who received the message from you found it to be deeply offensive.
- Factors in your favour
 - You have said you regret sending the message and have apologised to your colleague and your employer.
 - You have continued to work in your role without any further incidents.
 - You have provided a reference from a former colleague. This reference is positive about your practice.

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 as amended by the Fitness to Practise (Amendment) Rules 2017
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

Acceptance of the warning

Having been advised of the consequences of accepting or not accepting the **warning** and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the **warning** on 20 February 2019.

Date of effect

The notice comes into effect on 14 March 2019.