

Notice of Decision

Registrant	Stephen Ralfs
Registration number	3043869
Part of Register	Practitioners in a Care Home Service for Adults
Town of employment	Lanark
Sanction	Warning to stay on your registration for a period of 24 months and condition imposed
Date of effect	09 March 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 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 two years
3. to place a condition on your registration, on the part of the Register for Practitioners in a Care Home Service for Adults, which you must complete within the timescale set out in the condition.

Findings of fact

We decided there is evidence that between 25 June 2021 and 7 October 2021, while employed as a Senior Carer by Enhance Healthcare Ltd, at [redacted], and during the course of that employment, you did:

1. between July and August 2021, when colleague ZZ was washing resident AA's genital area, ask ZZ if you could "have the same" when she was finished with AA, or words to that effect

2. on or around 29 August 2021, state to female colleagues that:
 - a. all the women think that manager YY was the blue-eyed boy and could do no wrong, or words to that effect
 - b. that women must be led by their ovaries, or words to that effect
 - c. that female colleagues might as well have just thrown their knickers at YY, or words to that effect
3. on unknown dates but prior to 3 October 2021:
 - a. ask colleague XX on numerous occasions if she wanted to clean you and change your pad, or words to that effect
 - b. ask colleague XX "I'm away to the toilet, do you want me to send you a photo", or words to that effect
4. on or around 3 October 2021 ask resident BB, who lived with [redacted], if he would "like to shit in the bin", or words to that effect
5. on or around 3 October 2021, having mentioned pornography to colleague XX, state to her "well I am okay as I can have a wank anytime I want, at home or work" or words to that effect

and your fitness to practise is impaired because of your misconduct.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:
 - a. social service workers are expected to treat colleagues and service users with respect. Your comments to a number of female colleagues was harassing behaviour and showed a sexist attitude towards women. Your behaviour risked causing emotional harm to those colleagues, bringing your suitability to work in social services into question.
 - b. social service workers are expected to respect and maintain the dignity of service users in what is their home. Your comment in the presence of AA shows a lack of respect and regard for him and his

personal care needs. Your comment to BB could be regarded as dehumanising. Both comments display a lack of regard for the service users' emotional welfare and they raise concerns about your attitude to vulnerability.

- c. there is a pattern of behaviour over a few months, raising concerns that the conduct may be values based. There appear to have been staff tensions in this particular workplace, and you have a period of work before this – as well as since – with no such concerns being raised. Nevertheless, we did not consider there were any exceptional circumstances at this workplace to mitigate your behaviour. Your conduct was offensive, degrading and risked emotional harm to others.
 - d. you have not shown any meaningful insight, remorse or reflection. We consider that, together with the pattern of the behaviour, this indicates a risk of it being repeated. If it was, there would be a risk to public protection in terms of the emotional wellbeing of colleagues and service users, although we do not consider it to be one that is particularly marked.
 - e. we also consider the public would have concerns about your use of sexist remarks and inappropriate language in the workplace. They would expect the SSSC to mark it as unacceptable. Failure to do that would bring the profession and the SSSC as its regulator into disrepute. There is therefore also a public interest concern that needs to be addressed.
2. In relation to findings of fact 1 – 5 above you have failed to follow parts 1.4, 2.2, 2.4, 3.10, 5.7, 5.8, 6.1 and 6.5 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 the appropriate sanction is to place a warning on your registration for a period of two years and the condition set out below.

The condition

The condition placed on your registration is:

1. you must provide the SSSC with evidence that your employer knows about the conditions on your registration. You must do this within seven days of:
 - a. these conditions coming into effect, or
 - b. starting a job that needs registration with the SSSC
2. you must provide the SSSC with evidence that you have undertaken learning. This must be completed within six months of you starting in a role that requires registration with the SSSC, or within six months of the conditions coming into effect if you are in a role that requires registration with the SSSC when they do so. The learning must cover:
 - a. communicating appropriately, respectfully and effectively with colleagues, and showing dignity and respect for others.
 - b. equality and diversity training – including a particular focus on gender issues.
3. for a period of six months after you have started a role which requires SSSC registration, you must engage in formal supervision with your employer at least every six weeks. During the course of each supervision session, you must discuss:
 - a. the requirements set out in condition 2 and how you are progressing with completing the learning.
 - b. how you are using the learning you have completed to help you in your day-to-day work with vulnerable individuals and your colleagues.
 - c. why communicating and behaving in an appropriate manner is essential to the role of a social services worker.
 - d. how you are demonstrating appropriate, respectful and effective communication with users of services and colleagues in your day-to-day work.

- e. what you think are your strengths in communicating with others and aspects of your communication skills that could be developed to promote better communication in your role.
 - f. what changes you have made to your practice and what you would now do differently to reassure the SSSC that this type of behaviour will not be repeated in future.
 - g. how you will address any concerns raised about your communication with users of services and/or colleagues.
4. you must submit to the SSSC a formal record of each supervision session at condition 3 above, detailing the discussion under the headings above. Each supervision record must be signed by your employer and sent to the SSSC's Fitness to Practise department within two weeks of each supervision session taking place.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- Your behaviour risked emotional harm to others
- There was a pattern of behaviour
- While it seems likely there was a degree of spontaneity in much of what you said, you should have known that what you were saying was inappropriate. You were in a senior role at the time you made the comments
- You have not shown meaningful insight, regret or remorse
- Only around a year has passed since these incidents.

Factors in your favour

- You had been registered with the SSSC for six years prior to these concerns without any complaint

- We received a number of supportive references from around the time of these incidents, as well as from the mother of a man you have since been supporting and caring for in his own home
- You have fully cooperated with the SSSC investigation.

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 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 warning and condition on your registration

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 warning and condition on your registration if you do not ask for a hearing.

We wrote to you on 28 September 2022 to tell you we wanted to place a warning and condition on your registration. You have accepted the sanction and asked that the hearing scheduled does not go ahead. We are therefore permitted by the Rules to impose this warning and condition on your registration.

Date of effect

The notice comes into effect on 09 March 2023.