

## Notice of Decision

<b>Registrant</b>	Lindsay Elliott
<b>Registration number</b>	4067231
<b>Part of Register</b>	Social care worker
<b>Town of employment</b>	Edinburgh
<b>Sanction</b>	Removal
<b>Date of effect</b>	29 April 2025

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 part of the SSSC Register for social care worker.

## Findings of fact

We decided there is evidence that between around 27 October and 12 December 2023 while employed as a Support Worker by [information redacted] in Edinburgh, you did send AA, [information redacted] of supported person BB, text messages on [information redacted] including but not limited to:

1. in response to AA asking if you wanted a photo of his [information redacted], "Now don't be sending me dirty pics on [information redacted] just because it's free. Save that for the cute boys....not the ugly auld Queens like me"
2. "I'm [information redacted] plus some....you can do better than seeing my crinkled bits"

3. "Although you're [information redacted] would have us married in a heart beat as would love me as [information redacted]"
4. "Is your [information redacted] joining us or are you going to brave meeting a fat auld Queen on your on?"
5. "Where will we meet?.....At my flat? (Your [information redacted] can't come there though – I'd get in trouble at work)"
6. "My flat is no problem. I promise not to jump on you"
7. "You'd need to be really desperate to let that happen. You don't need a fat auld Queen harassing you"
8. "Do you want to come to mine for dinner? If you like roast chicken I can make that"
9. "Don't be late... I'll spank your ass"
10. in response to AA messaging 'I'll take that, lol' reply 'Just that, or anything else you might like??'

and your fitness to practise is impaired because of your misconduct as set out in allegations 1 – 10 above.

### **Reasons for finding your fitness to practise has been impaired**

1. Your fitness to practise is impaired because:
  - a. social service workers are expected to recognise and use responsibly the power and authority they have when working with people who use services and carers. Social service workers must not abuse the trust placed in them. You got to know AA while you were supporting [information redacted], BB. You sent AA a number of inappropriate messages some of which had sexual connotations. Your behaviour was an abuse of the power, authority and trust you had as a support worker. Although AA did not ask you to stop, your responses to AA failed to take account of AA's [information redacted] and the fact that you were providing professional support to [information redacted], BB.
  - b. you were aware that AA was [information redacted]. Despite this you still sent AA inappropriate messages some of which had sexual connotations. It was unprofessional and misjudged. There was a risk of harm to both AA and BB. BB in particular was upset and distressed

about the contact you had with AA.

- c. your behaviour was serious as it involved a significant breach of professional boundaries. Your behaviour towards AA was inappropriate given that you were supporting [information redacted], BB. You suggested that you can meet AA at your home. Your behaviour demonstrated a lack of professional boundaries and raises serious values concerns which call into question your suitability to work in social services. Your behaviour risked undermining BB's trust in support workers.
  - d. no previous concerns about you have been raised to the SSSC. The misconduct was isolated in the context of your time working in care.
  - e. you have admitted sending the messages, and provided comments, but you have failed to show any insight or remorse for your actions. You maintain you have done nothing wrong and have failed to recognise the inappropriateness of your behaviour and the risk of harm that your behaviour may cause to AA and BB. We consider there is a risk of similar behaviour being repeated.
  - f. the public protection risk in your case was assessed as high due to the seriousness and risk of repetition of your behaviour.
  - g. there is public interest consideration because your actions breached the trust placed in you as a support worker. A reasonable member of the public with all of the relevant information would consider the reputation of the SSSC to be damaged if you were found not to be currently impaired.
2. You have failed to follow parts 1.4, 2.2, 2.3, 2.4, 3.10, 5.2, 5.3, 5.4, 5.7, 5.8 and 6.1 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 do not accept that your behaviour was wrong, although you did admit to sending the messages
- you received AA's phone number from BB to provide him with [information redacted], meaning that you received this number in the course of your employment and you used this number to send inappropriate messages
- your behaviour posed a risk of harm to AA and also caused emotional harm to supported person BB
- your behaviour was an abuse of the trust placed in you by BB.

### Factors in your favour

- you have a good previous history
- you have co-operated fully with the SSSC.

## **Reasons why other sanctions are not appropriate**

- A warning would not be appropriate as it would not adequately address the impairment of your fitness to practice. The behaviour is serious, and a warning would give no protection to service users or the public.
- A condition would not be appropriate because there are no conditions which could be placed on you which would address why your fitness to practise is impaired, the type of behaviour at issue is not the type of behaviour which conditions would rectify, and a condition would not be workable or enforceable.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as there is little evidence you acknowledge your failings and the pattern of behaviour and lack of insight

suggest the behaviour is likely to be repeated.

- 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 Order**

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 17 March 2025 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 29 April 2025