

## Notice of Decision

<b>Registrant</b>	Ryan Horsburgh
<b>Registration number</b>	3152345
<b>Part of Register</b>	Support Workers in Care at Home Service, Support Workers in a Housing Support Service
<b>Town of employment</b>	Edinburgh
<b>Sanction</b>	Warning to stay on their registration for a period of 12 months
<b>Date of effect</b>	19 March 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 by the Fitness to Practise (Amendment) Rules 2017
2. to place a warning on your registration, on the part of the Register for Support Workers in a Housing Support Service, for a period of one year.

## Findings of Fact

We decided that there is evidence that between 13 September 2018 and 1 May 2020 while employed as a Support Practitioner by Carr Gomm at [care service redacted] in Edinburgh, and during the course of that employment, you did:

1. in or around March 2020:
  - (a) accept £30 from user of services AA in exchange for a lift in your car to a pawn shop;
  - (b) fail to make a file recording of the support you gave AA on the visit referred to in 1(a) above;

- (c) by your actions at 1(b) above fail to follow your employer's File Recording Policy;
- 2. between around March and 13 April 2020:
  - (a) fail to inform your employer that AA had offered you £30 for a lift;
  - (b) by your actions at 2(a) above fail to follow your employer's Code of Conduct;
- 3. tell AA the name of user of services BB;
- 4. discuss details of the care you provided to user of services BB, including but not limited to:
  - (a) that BB was supported overnight;
  - (b) that you were "sick of wiping his arse" or words to that effect;
- 5. tell AA:
  - (a) that Carr Gomm were "rubbish because they did not provide gloves or aprons" or words to that effect;
  - (b) that you hated "emptying the bucket" or words to that effect;
- 6. in the knowledge that AA asked you questions about other users of services:
  - (a) fail to raise it with your manager;
  - (b) fail to record it in AA's file notes.
- 7. on or around 12 December 2019, when AA texted you "plump a lump ah sniff the dumpa that minute faecal spore coming from [redacted]'s asshole take a whiff a nasty sniff the bolder in your hand feel the weight heavy like a gold bar a shit bar stuck in the ventallation of ya car lol," regarding user of services BB, respond to AA by texting "Damn how long did it take you to think of that haha";

8. between around 12 December 2019 and 21 April 2020, having received texts outside of working hours from AA including but not limited to:
  - (a) the text at allegation 7 above;
  - (b) a text saying "give your bird one from me";
  - (c) a text saying "You favourite boyfriend AA";and you did fail to discuss the texts with your manager
9. on more than one occasion, discuss your personal issues with AA including but not limited to:
  - (a) that your "mate was dying to shag" your girlfriend's friend, or words to that effect;
  - (b) that your girlfriend had to return to Australia;
  - (c) that you had a gambling problem;
10. in a disciplinary hearing on 1 May 2020:
  - (a) tell [information redacted] that you had not discussed your girlfriend and her return to Australia with AA when that was not true;
  - (b) by your actions at (a) above act dishonestly because you had discussed it with AA;and in light of the above your fitness to practise is impaired because of your misconduct.

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

1. Your fitness to practise is impaired because:
  - o Social service workers are expected to maintain professional boundaries with users of services so that the lines between personal and professional are not blurred for either party. Users of services are vulnerable, and workers are expected to be able to manage that relationship appropriately, providing support in a protective, caring

and responsible way. The relationship they have with workers is likely to be an important one for them. Allowing any perception of a closer personal friendship shows a disregard for their emotional wellbeing and safety. Communicating in the way you did with a user of services over a period of time breached the boundaries you should have maintained.

- The language you used to describe a user of services and some aspects of your work was distasteful and inappropriate. It raises concerns about your attitude to vulnerability.
- Your employer had the right to expect that you would speak professionally and responsibly when carrying out your work. Communicating your derogatory opinion of your employer to a user of services shows a disregard for the user of services and your employer. Social service providers rely on positive relationships with users of services to facilitate care provision and keep lines of communication open. If a user of services hears such negative personal views, it risks damaging that wider relationship. Such behaviour also risks damaging your employer's reputation.
- Employers have the right to expect that their employees will be open and honest in their work, and when asking questions about their practice. Giving an answer in a disciplinary hearing that you then admitted was not true when challenged shows a disregard for the investigatory process.
- Although user of services AA could be behaviourally challenging and cause issues for workers, it remained your responsibility as the professional to deal with that appropriately. By failing to come forward and discuss the issues you had, the initial concerns about AA were not addressed as they should have been.
- Given the particular circumstances of these incidents, we consider them to be serious but at the lower end of that scale. You have also shown regret, remorse and insight, and your failings appear limited to this user of services and the circumstances that flowed from an initial error of judgement. We consider the risk of repetition to be low as you appear to have learnt something from these incidents and have provided reassurance. However, despite the difficult circumstances you may have found yourself in, you did have some experience and

training. Your conduct overall would not be acceptable to the public interest.

2. In relation to findings of fact 1 – 10 you have failed to follow parts 1.4, 2.1, 2.2, 2.3, 2.4, 3.10, 5.3, 5.7, 5.8, 6.1, 6.2 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 that the appropriate sanction is to place a warning on your registration for a period of one year.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- These incidents occurred in the course of your social services employment
- Your conduct caused financial and emotional harm to a user of services
- The behaviour occurred over a period of at least three to four months
- There is a pattern of behaviour
- You have not practised since the misconduct
- You abused the trust placed in you by AA and your employer to maintain professional boundaries.

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

- You have cooperated with the SSSC investigation and provided detailed comment

- You accept some of the allegations, have expressed regret and remorse, and shown insight in respect of those allegations
- You have a good history prior to these incidents
- You were relatively new to the social services sector. This was your first job, having started in September 2018
- AA had particular behavioural challenges. Your previous employer confirmed these could be very difficult for staff to manage
- There were no concerns about other aspects of your practice, or with any other users of services
- It does not appear that your behaviour was premeditated. You appear to have reacted to a set of circumstances that were presented to you, and have made errors of judgement, rather than there being any underlying or deep-seated concerns about your values.

### **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
- 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 2 March 2021.

### **Date of effect**

The notice comes into effect on 19 March 2021.