

## Notice of Decision

<b>Part of Register</b>	Residential Child Care Workers
<b>Sanction</b>	Removal

This is notice of a decision of the Scottish Social Services Council (the Council).

### Decision

The Council decided:

1. that on the findings of fact as set out in the Charge, the Registrant had committed Misconduct, as defined in Rule 2(1) of Part 1 of the Scottish Social Services Council (Conduct) Rules 2013 (the Rules)
2. to make a Removal Order removing the Registrant's registration from the part of Register for Residential Child Care Workers maintained by the Council

### Charge

The Council decided that there is evidence that on [date], whilst employed as a care worker by [care service], the Registrant did:

- a. at [address redacted], assault AA, c/o Police Service Scotland and did pursue her, seize her by the body, drag her to the ground and repeatedly strike her head against a wall, all to her injury.

### Reasons for the finding of Misconduct

The Council decided that:

1. the Registrant has committed Misconduct because:
  - service users and the public have the right to expect that the social service workers in whom they place their trust and confidence to work responsibly to work with service users, will uphold the law and not engage in offending behaviour nor otherwise behave in a way in work or outside work which could call into question their suitability to work in social services. The Registrant's conviction for assault demonstrates a disregard for the law and a breach of that trust and confidence
  - a conviction for assault [redacted] represents a loss of self-control and aggressive/violent behaviour which is incompatible with the conduct

expected of a person registered, or expecting to be registered, with the SSSC

- the Registrant's behaviour has the potential to adversely affect public trust and confidence in the profession.

2. The Registrant has breached parts 5.7 and 5.8 of the Scottish Social Services Council Code of Practice for Social Service Workers.

## **Sanction**

The Council decided to make a Removal Order, removing the Registrant's registration from the Register maintained by the Council.

## **Reasons for the Sanction**

When reaching its decision the Council considered the following factors:

- **Factors of concern**

- the Registrant caused physical harm to AA as a result of his actions
- AA was at severe risk of emotional harm as a result of the Registrant's actions
- the Registrant's behaviour is extremely serious and constitutes a blatant disregard for the Code of Practice
- the Registrant's behaviour is fundamentally incompatible with continuing to be a social service worker.

- **Factors in the Registrant's favour**

- there was no risk of harm to service users
- the behaviour appears to have been an isolated incident
- the Registrant has no previous history of convictions or misconduct with the SSSC
- the behaviour occurred outside work
- the Registrant has fully co-operated with the Council's investigation
- the Registrant has provided a number of positive testimonials from friends and colleagues in relation to his character and practice.

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

- A warning is not appropriate as it would not adequately address the misconduct. The misconduct is extremely serious and a warning would offer no protection to service users and the public
- A condition would be inappropriate because there are no conditions which could be imposed on the Registrant which would address the nature of the misconduct. The type of behaviour at issue is not the type of behaviour which conditions would rectify. The Registrant is not currently working in the social services sector and accordingly any condition which could be imposed would not be workable or enforceable
- A warning plus conditions is not appropriate due to the reasons outlined above
- A suspension order would not be appropriate as the misconduct is fundamentally incompatible with continuing registration. The interests of service users and the public would not be sufficiently protected by any period of suspension. There is no evidence that a period of suspension would allow the Registrant to remedy the cause of the misconduct
- For the reasons outlined above a Suspension Order plus Conditions would not be appropriate
- Accordingly the Council considers that a Removal Order is the most appropriate sanction
- A Removal Order is both necessary and justified in the public interest and to ensure the continuing trust and confidence in the social service profession, in the Council as regulator and in the integrity of the statutory Register.

### **Matters taken into account**

In coming to its decisions, the Council had regard to these documents:

- the Regulation of Care (Scotland) Act 2001
- the Scottish Social Services Council (Conduct) Rules 2013 SCHEDULE 2 Paragraph 26 and
- the "Indicative Sanctions and use of Interim Orders: Guidance for Sub-committees" dated March 2012.