

Notice of Decision

Registrant	Blaize Martin
Registration number	4017900
Part of Register	Practitioners in Day Care of Children Services
Town of employment	Moffat
Sanction	Warning to stay on your registration for a period of 24 months
Date of effect	10 April 2024

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 Day Care of Children Services, for a period of 24 months.

Findings of fact

We decided there is evidence that on or around 14 September 2021, while employed as an Early Years Practitioner by Wise Owls Nursery Moffat Ltd at Wise Owls Nursery and Out of School Club in Moffat and during the course of that employment, you did:

1. in response to child AA pushing another child:
 - a. push child AA
 - b. say to child AA, "how would you like it if someone did that to you" or words to that effect
 - c. by your actions at allegation 1a. above:

- i. cause child AA to fall to the ground
- ii. cause or contribute to child AA becoming upset

and your fitness to practise is impaired because of your misconduct as set out at allegation 1 above.

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- a. Social service workers are trusted to care for some of the most vulnerable members of society and must not abuse, harm, or neglect them. Social service workers are also expected to communicate in an appropriate, open and accurate way. You pushed a child over, causing them to fall to the ground. This behaviour may be perceived as physical abuse and placed the child at risk of physical harm. Your behaviour also caused the child to become upset and had the potential to show them that you were annoyed or frustrated at them. Your behaviour demonstrates a disregard for the safety and wellbeing of a child in your care and falls below the standards expected of a registered social service worker.
- b. The behaviour is serious. Although the child was not injured as a result of your behaviour, they were upset and there was potential for significant physical harm to be caused. However, your behaviour does not appear to have been aggressive in nature and there is nothing to suggest that the contact was forceful. In the circumstances, your behaviour appears to have been an instantaneous response to the child pushing another child an attempt to highlight the unacceptability of the child's behaviour to them. Nevertheless, this was an inappropriate and unacceptable way to respond to the situation.
- c. You worked in the social service sector for around two years prior to this incident, and the SSSC is not aware of any other concerns being raised about your practice during this time. This represents a period of positive previous practice. Your behaviour was isolated, and you have demonstrated some understanding of the seriousness of your behaviour and reflected on the factors which may have contributed to your actions. You also continued to work in the social service sector for around six months after this matter came to light and the SSSC are not aware of any other concerns being raised about your practice during this time. This provides some assurances that the behaviour will not be repeated in the future. Notwithstanding the insight shown and your previously unblemished record, your behaviour does appear to have been impulsive in nature and you are therefore unable to

reasonably advise you would never respond in the same manner if faced with similar circumstances in the future. For these reasons, there is a moderate risk of repetition.

- d. There are significant public protection concerns arising from your behaviour. A reasonable and informed member of the public would consider your actions to raise concerns about the safety of children in your care given that you have acted impulsively with physically inappropriate behaviour. Notwithstanding the circumstances leading up to the incident, the insight demonstrated and your previously unblemished record, a reasonable and well-informed member of the public would lose confidence and trust in the profession if no action were taken to firmly declare the expected standards of conduct and behaviour expected from registered social service workers. Failure to take action in a case such as this would undermine the integrity of the parts of the Register maintained by the SSSC.

2. In relation to findings of fact 1 you have failed to follow parts 2.2, 2.4, 3.10, 5.1, 5.7, 5.8 & 6.1 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 24 months.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The behaviour occurred inside work while supporting a young child in your care.
- There was potential for significant physical and emotional harm to be caused to the child as a result of your behaviour.

Factors in your favour

- You have a period of positive previous practice and an unblemished record in social care prior to this behaviour occurring.
- You continued to work in the social service sector for a period of around six months after this incident occurred, and the SSSC are

not aware of any other concerns being raised about your practise during this time.

- This was an isolated incident.
- Your actions appear to have been an instantaneous response to the child pushing another child and an attempt to highlight the unacceptability of the child's behaviour to them, rather than an ongoing values concern.
- The child was not injured as a result of your behaviour.
- You have accepted some responsibility for your actions and reflected on the factors which may have contributed to your behaviour.
- You have fully engaged with the SSSC's 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 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 on your registration if you do not ask for a hearing.

We wrote to you on 26 February 2024 to tell you we wanted to place a warning on your registration. After explaining the consequences of not asking for a hearing, and recommending you take legal advice, you have not asked that the case is referred to a Fitness to Practise Panel. We are therefore permitted by the Rules to impose this warning on your registration.

Date of effect

The notice comes into effect on 10 April 2024.