

Notice of Decision

Registrant	Ian Halliburton
Registration number	4097897
Part of Register	Support Workers in a Housing Support Service Support Workers in Care at Home Service
Town of employment	Dundee
Sanction	Warning to stay on your registration for a period of 36 months and condition imposed
Date of effect	3 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 parts of the Register for Support Workers in Care at Home Service and Support Workers in a Housing Support Service for a period of three years
3. to place conditions on your registration on the parts of the Register for Support Workers in Care at Home Service and Support Workers in a Housing Support Service

Findings of fact

We decided there is evidence that while employed as a Support Practitioner by The Richmond Fellowship Scotland at Dundee Services in Dundee, and during the course of that employment, you did:

1. on or around 19 September 2023:

- a. on your senior discovering that you had left your shift early, enter into a text conversation with supported person AA during which you asked AA to cover for you and say you had been with them longer than you were
 - b. send a text message to AA saying “see what I mean about people being bitchy”, in reference to your colleagues
2. by your behaviour at allegations 1.a. and 1.b. above, cause upset to AA
3. on or around 18 September 2023, breach your professional boundaries with AA in that you did allow AA to purchase you a set of bedding to the amount of £13
4. on specific dates unknown to the SSSC
 - a. refer to your colleague ZZ as “princess ZZ”, or words to that effect to AA
 - b. claim to AA that your colleague ZZ “chopped and changed rotas to suit herself”, or words to that effect
5. by your actions at allegation 1.a. above, act dishonestly

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 be open, honest and trustworthy. On your senior colleague discovering that you had left a shift early, you have asked supported person AA to cover for you with your employer and say you were with them longer than you were. This behaviour amounts to a failure to be open and honest.
 - b. Social service workers are expected not to form inappropriate relationships with people who use services, and they are expected not to place themselves or others at unnecessary risk. You have breached your professional boundaries with AA in that you allowed AA to purchase you a set of bedding. This was contrary to your employer’s relevant financial policies and placed AA at risk of financial harm. Your behaviour in asking AA to cover you also caused upset to AA.
 - c. Social service workers are expected to treat others with respect. You have made inappropriate comments about your colleague ZZ to AA.

You have also sent a text message to AA referring to your colleagues as “bitchy”. Your actions in doing so amount to a failure to treat your colleagues with respect, and also had the potential to impact on AA’s relationship with your colleagues, which could have impacted on the support that AA was able to access from them.

- d. There are ongoing public protection concerns. Your behaviour caused emotional harm to AA and placed your colleagues at risk of emotional harm. Your behaviour also placed AA at risk of financial harm. If your behaviour were to be repeated, then vulnerable people could be placed at risk of emotional and financial harm. AA was vulnerable, and indicated in a text message to you that they did not feel comfortable with the situation. Your behaviour with AA was a breach of professional boundaries and your comments about your colleagues appear to be vindictive and do not amount to behaviour expected of a social services worker.
 - e. You were employed in the sector for a period of just over a year prior to the behaviour, with no previous concerns raised about your practice. However, you have not worked in the social services sector since and the SSSC have no evidence of remediation. Your behaviour related to one supported person, but there is a pattern of behaviour in you taking advantage of your relationship with AA. You have not shown any insight into your behaviour. The risk of repetition therefore appears to be high.
 - f. The public would expect the SSSC to take action to mark the behaviour as unacceptable and to uphold confidence in the profession.
2. In relation to findings of fact 1 to 4 you have failed to follow parts 2.1, 2.4, 2.7, 5.4, 5.7, 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 three years and the conditions set out below.

The conditions

The conditions placed on your registration are:

1. Within seven days of these conditions coming into effect or, alternatively, within seven days of commencing employment requiring registration with the SSSC, you must provide evidence to the SSSC, countersigned by your employer, to confirm that they are aware of the conditions on your registration.
2. You must provide the SSSC with evidence that you have undertaken refresher learning. You must do this within three months of commencing employment requiring registration with the SSSC. The refresher learning must cover the following areas:
 - a. The SSSC Codes of Practice and The Health & Social Care Standards
 - b. Your employer's policies and procedures relating to:
 - i. Adult Support and Protection
 - ii. Gifts and Gratuities
 - c. Professional Boundaries in the Social Services Sector
 - d. Professional Conduct and Communication

You should discuss with your employer the most effective way of completing this learning and training. It can be face to face study or on-line training, mentoring, supervision and/or independent study.

Within seven days of this training being completed, you must provide evidence to the SSSC of your completion, and this must be signed by your employer.

3. Within two months of meeting condition 2 above, you must provide a reflective account to the SSSC. Your reflective account should demonstrate your understanding of the impact of your behaviour on others and the standards expected of you as a registered worker.

In providing your account, you are required to think about your actions by addressing each of the following points, using your learning from the training topics in condition 2:

- a. Why it was wrong to contact user of services AA via text message, as highlighted in findings in fact 1.a. and 1.b.
- b. How to challenge your own feelings, behaviours and communication when working in the social services sector.
- c. Why your behaviour undermines the trust and confidence in you as a social services worker.
- d. Why it was wrong to accept the gift of bedding from AA, as highlighted in finding in fact 3, and why this behaviour breaches the SSSC Codes of Practice for Social Service Workers.
- e. How the SSSC can be reassured that you will not repeat your behaviours.
- f. What you have learned since the incidents and what you would now do differently.

Codes Of Practice for Social Service Workers

The SSSC Codes of Practice for Social Service Workers and Employers sets out the standards social workers, social care, early years and young people's workers and their employers should meet.

A copy of the Codes of Practice for Social Service Workers and Employers can be accessed using the link below.

<http://www.sssc.uk.com/about-the-sssc/codes-of-practice/what-are-the-codes-of-practice>

Please use the Code of Practice for Social Service Worker to assist you with your reflective account.

Codes relevant to your case: 2.1, 2.4, 2.7, 5.4, 5.7, 6.5

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- You have shown no insight, regret or apology in relation to your behaviour.
- Your behaviour was directed to a vulnerable person. You had a year's experience and had completed relevant Adult Support and

Protection training. Your behaviour shows a serious disregard for the Codes of Practice for Social Service Workers.

- Your behaviour occurred inside of work and related to a vulnerable user of services.
- There is a pattern of behaviour directed towards AA.
- Your behaviour caused emotional harm to AA.
- Your behaviour amounts to a fundamental failure to follow the Codes of Practice for Social Service Workers. AA was a vulnerable person and you took advantage of your relationship with them.

Factors in your favour

- You have not previously been found to have committed misconduct or had your fitness to practise impaired.

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 conditions

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 conditions on your registration if you do not ask for a hearing.

We wrote to you on 19 February 2024 to tell you we wanted to place a warning and conditions 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 and condition on your registration.

Date of effect

The notice comes into effect on 3 April 2024.