

Notice of Decision

Registrant	Kevin Jamieson
Registration number	3087043
Part of Register	Social care worker
Town of employment	Inverness
Sanction	Removal
Date of effect	31 December 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 impose a Removal Order removing your registration from the part of the SSSC Register for social care workers.

Findings of fact

We decided there is evidence that while employed as an assistant tenant services officer, with the Highland Council, in Inverness, and during the course of that employment, you did fail to deposit income collected from sheltered housing locations totalling £6,129.90 into your employer's bank account, in that you did:

1. on or around 19 May 2016, fail to deposit £591.20
2. on or around 7 July 2016, fail to deposit £440.30
3. on or around 3 August 2016, fail to deposit £419.80
4. on or around 28 December 2016, fail to deposit £224.90

5. on or around 16 January 2017, fail to deposit £241
6. on or around 1 March 2017, fail to deposit £238.70
7. on or around 31 May 2017, fail to deposit £281.50
8. on or around 23 June 2017, fail to deposit £137
9. on or around 26 July 2017, fail to deposit £386.40
10. on or around 31 31 August 2017, fail to deposit £603
11. on or around 29 September 2017, fail to deposit £153
12. on or around 6 October 2017, fail to deposit £85.50
13. on or around 15 November 2017, fail to deposit £251
14. on or around 6 April 2018, fail to deposit £269.40
15. on or around 8 June 2018, fail to deposit £297.70
16. on or around 8 August 2018, fail to deposit £608.00
17. on or around 31 August 2018, fail to deposit £324.00
18. on or around 21 September 2018, fail to deposit £410.50
19. on or around 31 October 2018, fail to deposit £167.00

and in light of the above your fitness to practise is impaired by your misconduct.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social services workers, in whom the service users and the public place their trust and confidence are expected to be truthful, open, honest, and trustworthy, and adhere to employer instructions in relation to finances. Failing to deposit thousands of pounds into the bank which you had collected from sheltered housing locations over a period of two years is behaviour which is fundamentally incompatible with professional registration.
 - b. The behaviour is serious and resulted in a financial loss to your employer and had a risk of financially impacting on services users as the collected money was to be re-allocated to sheltered accommodation in the budget. The risk of repetition of the behaviours

is high given that the behaviour occurred on 19 occasions over a prolonged period of time.

- c. While you did not work directly with service users, the SSSC considered that there is a clear risk to protect service users and the wider public from this behaviour because your actions in failing to deposit money could have had a direct financial impact upon them. A reasonable member of public in receipt of all the information would consider the reputation of the profession to be damaged as a result of your behaviours because you have acted in a way that fails to uphold the proper standards of conduct.
2. You have failed to follow parts 2.1, 2.4, 2.5, 5.8, 6.1, and 6.2 of the SSSC Code of Practice for Social Service Workers.

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

- The behaviour amounts to a substantial pattern.
- The amount of money that was not deposited was substantial and had potential financial impacts on service users.

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 practise. The behaviour is extremely 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. You are not currently working in the sector, so any 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 your behaviour and impairment of your fitness to practise is fundamentally incompatible with continuing registration. The interests of people who use services and the public would not be sufficiently protected by any period of suspension.
- 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 28 October 2024 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 31 December 2024.