

## Notice of Decision

<b>Registrant</b>	Alister Oortlepp
<b>Registration number</b>	4040228
<b>Part of Register</b>	Support Workers in a Housing Support Service Support Workers in Care at Home Service
<b>Town of employment</b>	Dundee
<b>Sanction</b>	Warning to stay on your registration for a period of 30 months and condition imposed
<b>Date of effect</b>	24 May 2023

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 30 months.
3. to place a condition 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 at [information redacted] in Dundee and during the course of that employment you did:

1. in or around January 2022, after service user AA reported [information redacted] say to your colleague ZZ “she probably enjoyed it, she’s doing it for attention” or words to that effect
2. on or around 18 April 2022, during a conversation with your colleagues ZZ and YY regarding a [information redacted] say “I bet he loved it though” or words to that effect
3. on or around 3 May 2022:
  - a. say to your colleague ZZ:
    - i. “AA’s been a (Information redacted)” or words to that effect.
    - ii. when referring to AA say “we need to stop this nicey nice shit, it doesn’t work with her, she needs fucking told” or words to that effect
  - b. when looking at Facebook photographs of service user BB when she was younger and say in the presence of your colleagues “BB was really stunning, she had so much potential, what a waste” or words to that effect
4. on unknown dates prior to 18 February 2022:
  - a. say to service user AA “you will get a name for yourself” or words to that effect in response to AA talking to men on dating apps
  - b. fall asleep on the sofa in service user AA’s flat
  - c. say to service user AA
    - i. “Do you have a girlfriend? Do you send each other dirty photographs” or words to that effect
    - ii. “Well if you have lost weight, you must have been the size of a baby elephant before” or words to that effect
    - iii. “If you don’t behave, I’ll slap your arse” or words to that effect
    - iv. “You will get on well with BB when she comes to the unit permanently because she doesn’t like men either” or words to that effect
5. on or around 5 May 2022:

- a. in the presence of colleague XX and service user AA say “WW is a (Information redacted), she has no sympathy and she left at 8.05am after her nightshift, if any of us done that we would be sacked” or words to that effect
  - b. during personal support time for service user AA say to AA and BB
    - i. “I’m fucking tired of this place” or words to that effect
    - ii. “I hate working here” or words to that effect
6. on unknown dates prior to 6 May 2022:
- a. smoke in service user AA’s flat
  - b. in relation to a colleague who was late due to getting her shift times mixed up say in the presence of colleagues VV & UU “she’s probably in the [information redacted] working” and “Maybe she is in the corner shop working” or words to that effect
  - c. by your actions at allegation 6b above, act in a way that was racially motivated
  - d. say to colleague TT:
    - i. “It’s all an act with AA, she has [information redacted] and we need to get strict with her as she’s doing this for attention” or words to that effect
    - ii. “AA shouldn’t be here, she’s not suited for being here, we are not professionals” or words to that effect

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 meet relevant standards of practice and be reliable and dependable and communicate in an appropriate, open, accurate and straightforward way. Social service workers are expected to not behave in a way which would call into question their suitability to work in social services.

- b. While working in a social care setting you have breached professional boundaries by communicating inappropriately on a number of occasions with colleagues and vulnerable people who you should have been supporting. Your comments that involved [information redacted] risked creating a culture where people would not feel confident to report concerns for fear of being blamed or comments minimizing trauma being made. The service user AA involved has [information redacted]. She has [information redacted] and [information redacted] which affects her [information redacted] and causes the service user to have difficulties [information redacted]. The service user [information redacted]. By saying that the service user is “doing it for attention” could have a negative impact on the service user and colleagues who may then not take the service user’s actions seriously enough. This could place the service user at risk of harm as her needs may not be recognised and taken seriously. You failed to treat her with kindness and compassion.
- c. Behaviour of this nature falls below the standards expected of a registered social service worker and raises concerns over your overall integrity and values. You are an experienced registered social service worker, who has worked in the social care sector for nine years and you should have been well aware of the standards expected of you. As a social care worker, you are expected to recognise the vulnerability of the people within your care and build a trusting and professional relationship with them to allow the service users to build trust and feel safe within the service. Your actions placed your colleagues and the people you care for at risk of emotional harm.
- d. Your actions had the potential to negatively impact the reputation of the social service profession. Your behaviour fell below the standards expected of a registered social service worker. Your behaviour has shown a disregard for the standards set out in the SSSC Codes of Practice. Your actions breached the trust and confidence placed in you by your employer, and the SSSC as your regulator.
- e. The public would expect the SSSC to make a finding of impairment to your fitness to practise and to mark that behaviour of this nature by a registered social service worker is unacceptable and must not happen again. There is a requirement to reaffirm clear standards of professional conduct. It is likely that your behaviour would damage the reputation of the profession and the SSSC should no action be taken.

2. In relation to findings of fact you have failed to follow parts 2.1, 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 30 months and the condition set out below.

### **The condition**

The condition placed on your registration is:

The conditions placed on your registration are:

1. You must provide the SSSC with evidence that your employer knows about the conditions on your registration. You must do this within seven days of:
  - a. these conditions coming into effect, or
  - b. starting a job that needs registration with the SSSC.
2. You must provide the SSSC with evidence that you have undertaken learning. You must do this within three months of these conditions coming into effect. The learning must cover:
  - a. Understanding and managing professional boundaries. This should focus on the expected behaviours of social service workers and the impact a lack of boundaries can have on vulnerable people.
  - b. Trauma informed practice. You should complete practice level 2 of the National Trauma Training Framework - <https://transformingpsychologicaltrauma.scot/resources/national-trauma-training-programme-online-resources-summary/> and think about how past trauma can impact on the health and well-being of vulnerable people.

- c. Protecting People. This should include a focus on recognising abusive behaviour both in others and yourself when working with people who use services.
- d. Equality and Discrimination. This should include an awareness of personal values and attitudes and your responsibility as a social services worker to promoting anti-discriminatory practice. Please refer to the SSSC Open Badges for more information on this area of learning.
- e. The SSSC Codes of Practice and what these mean for you as a registered worker. This must include a focus on your responsibility to communicate and conduct yourself in a professional manner both inside and outside of the workplace.

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.

The evidence that you have completed this learning must be:

- signed by your employer.
  - sent to the SSSC within seven days of finishing it.
3. Within two months of completing condition 2, you must submit a reflective account to the SSSC. Your reflective account must:
    - focus on how your behaviours impacted or could have impacted on others
    - include learning from the training topics you completed in condition 2.
    - be to the satisfaction of the SSSC.

In your account, you should think about your actions by writing about each of the points below –

- a. What you have learned about professional boundaries in the workplace and how a lack of boundaries can be harmful to the vulnerable people you support.
- b. What you have learned about Trauma and Trauma Informed Practice.

- c. What you have learned about Equality and Diversity and your own personal values and attitudes
  - d. How your comments about a colleague 'Probably at the [information redacted] working' and 'Maybe she is at the corner shop working' were not appropriate.
  - e. What you learned about your responsibilities as a registered worker to adhere to the standards set out in the SSSC Codes of Practice.
  - f. How your behaviour and communication in the allegations found against you breached the following codes- see codes 1.5, 3.10, 5.1, 5.5, 5.8 and 6.5.
  - g. How your behaviour in each of the proven allegations against you was inappropriate and potentially harmful to your colleagues and the people you were supporting.
  - h. From your learning, what you would now do differently to reassure the SSSC that these behaviours will not be repeated in future.
4. You must take part in formal supervision with your employer at least every four weeks for 12 months after you have started a job which needs SSSC registration or from the date the conditions come into effect. During each session, you must discuss/include:
- a. Your understanding of your employers' policies and procedures relating to the following –
    - i. communication and professional boundaries with service users
    - ii. protecting people
    - iii. smoking in the workplace
    - iv. sleeping on shift
    - v. equality and diversity
  - b. How you are using this knowledge to communicate and conduct yourself appropriately with your colleagues and the people you are supporting. This should include your responsibility to recognise and

respond to protection concerns in relation to the behaviour of the people you are supporting, your own behaviour or the behaviour of others.

- c. Being open and honest with your employer about any triggers or stressors within your personal/professional life that are or may impact on your ability to carry out your role safely and effectively.
- d. What strategies and supports you have in place or may require to allow you to practice safely.
- e. Your knowledge and understanding of the needs and support plans for each of the people you are supporting.
- f. identify any additional training or support you need to enable you to meet the needs of the people you are supporting safely and appropriately.
- g. Examples of how you are using the principles of the National Health and Social Care Standards of Dignity, Choice, Respect and Compassion in your daily practice.

You must send a record of each supervision session, signed by your employer, to the SSSC's Fitness to Practise department within two weeks of each session taking place.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You have shown a lack of insight in respect of the behaviour.
- The behaviour took place within a work setting and related to vulnerable people.
- There is a pattern of concerning behaviour.
- Your behaviour would likely have caused emotional harm to your colleagues and the service user involved.



### **Factors in your favour**

- You have had a good previous history and unblemished record in social care.
- You have cooperated in a meaningful way with the SSSC 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 and condition**

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

We wrote to you on 6 April 2023 to tell you we wanted to place a warning and condition 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 24 May 2023.