

Notice of Decision

Registrant	Peter Beard
Registration number	3058846
Part of Register	Support Workers in a Care Home Service for Adults
Town of employment	Glasgow
Sanction	Removal
Date of effect	17 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 impose a Removal Order removing your registration from the part of the SSSC Register for Support Workers in a Care Home Service for Adults.

Findings of fact

We decided there is evidence that:

1. While you were registered with the SSSC as a Rehabilitation Support Worker on the Support Worker in a Care Home Service for Adults part of the Register:
 - a. on 27 December 2017 at Airdrie Sheriff Court you were convicted of a contravention of section 5(1)(a) of the Road Traffic Act 1988 in that you did drive a motor vehicle after consuming so much alcohol that the proportion of it in your breath was 98 microgrammes of alcohol in 100 millilitres of breath which exceeded the prescribed limit, namely 22 microgrammes of alcohol in 100 millilitres of breath

- b. on 25 March 2019 at Glasgow Sheriff Court you were convicted of a contravention of section 38(1) of the Criminal Justice Licensing (Scotland) Act 2010, in that you did act in a threatening or abusive manner whilst in possession of a hammer, and this was aggravated by you being on bail at the time and by involving abuse of your partner or ex-partner
- c. on 13 August 2019 at Glasgow Sheriff Court, you were convicted of:
 - i. a contravention of section 47(1) the Criminal Law (Consolidation) (Scotland) Act 1995, in that you did have with you in a public place an offensive weapon namely a meat cleaver and a knife or similar instruments
 - ii. a contravention of section 38(1) of the Criminal Justice Licensing (Scotland) Act 2010, in that you did act in a threatening or abusive manner by entering a fast-food premises whilst in possession of a knife and a meat cleaver, or similar instruments
 - iii. a contravention of section 38(1) of the Criminal Justice Licensing (Scotland) Act 2010, in that you did act in a threatening or abusive manner by shouting, swearing, brandishing a knife and a meat cleaver, or similar instruments
- 2. On your application form for registration with the SSSC dated 29 November 2021, you did fail to declare the convictions detailed at allegation 1.a-c above
- 3. Your actions at allegation 2 above were dishonest in that you sought to conceal your convictions from the SSSC
- 4. On or around 8 April 2022, while employed as a Care Assistant by Priory CC19 Limited at Springvale Care Home in Lennoxtown, and during the course of that employment, you did:
 - a. shout into resident AA's bedroom, "right AA we are not doing this piss tonight that's you do not get up for the next two hours", or words to that effect

- b. cause AA to become upset as a result of your actions at 1.a above
- c. when resident BB asked you for one of her cigarettes which she was due to get once per hour,
 - i. refuse to give BB a cigarette
 - ii. say to BB that if she asks you again, she would not get a cigarette for the rest of your shift, or words to that effect
- d. fail to use correct moving and handling procedures in that you pulled resident GG up and out of his chair by his arms when his care plan states he requires the use of a hoist to transfer which should be used by two staff members

and your fitness to practise is impaired because of your convictions as set out in allegations 1.a-c and your misconduct as set out in allegations 2-4.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must not put themselves or other people at unnecessary risk and must not behave, while in or outside work, in a way which would bring their suitability to work in social services into question. You have been convicted of offences of acting in a threatening or abusive manner and of offences involving offensive weapons. These convictions indicate a loss of self-control and placed members of the public at considerable risk of harm. Your behaviour falls far short of the standards expected of a social services worker and calls into question your suitability to work in social services.
 - b. Social service workers must not abuse or harm people who use services, and they must communicate in an appropriate and respectful manner. They must also respect the views and wishes of people who use services and recognise and use responsibly the power and authority they have when working with users of services. You have spoken to AA in an abusive manner and caused her to become upset as a result. You refused BB a cigarette and threatened to withhold them from her for the rest of your shift. Your actions amount to an abuse of your power and authority and placed BB at risk of emotional harm. Your actions fall far below the standards expected of you as a

registered social services worker.

- c. Social service workers must meet relevant standards of practice and must work in a lawful, safe and effective way. You failed to use correct moving and handling procedures in relation to GG. Your actions placed GG at risk of physical and emotional harm and amount to a failure to meet the relevant standards of practice.
- d. Social service workers must be truthful, open, honest and trustworthy. They must tell the SSSC about anything that may affect their fitness to practise. You failed to declare your convictions on your application to the SSSC for registration. Your actions were dishonest and prevented the SSSC from carrying out appropriate risk assessments. Without these risk assessments, users of services were placed at risk of harm.
- e. Your actions are considered to be serious. While the behaviour resulting in your convictions does not appear to have taken place within a work environment, or impacted directly upon any users of services, your actions would have placed members of the public at a high risk of harm and suggest a pattern of behaviours displaying a disregard for the safety and wellbeing of others. Your actions are also indicative of contempt for orders of the court, amount to a threatening or abusive loss of self-control and are suggestive of considerable values issues on your part. In addition, the dishonest nature of failing to disclose your convictions to the SSSC in your application for registration is also considered to be serious.
- f. Your behaviour relating to users of services amounts to a disregard for the needs and wishes of those users of services and for their physical and mental wellbeing. You placed users of services at risk of physical and emotional harm, and in the case of AA, caused emotional harm. When taking all of the behaviour together, there is a clear pattern of a disregard for the wellbeing of others, including users of services, and placing others at unnecessary risk of harm. In the circumstances, the behaviour as a whole falls far below the standards expected of a social services worker and is considered to be serious.
- g. It is assessed that there is a moderate to high risk of your behaviour being repeated. While the most recent conviction is dated 2019, the nature of the convictions and of the other behaviour is indicative of considerable values issues on your part. There is a clear pattern of a

disregard for the safety and wellbeing for others.

- h. Should the behaviour be repeated, there is a high risk of harm to others. As there is a moderate to high risk of the behaviour being repeated, there is an ongoing public protection risk and a clear need to protect users of services.
 - i. Your behaviour falls far below the standards expected of a social services worker and is likely to damage the reputation of the profession and place the confidence of the public in the profession at risk. As there is an ongoing public interest in this matter, there is a clear need to mark the behaviour as unacceptable and reaffirm the standards of conduct expected from workers registered within the SSSC.
2. You have failed to follow parts 1.2, 2.1, 2.2, 2.4, 2.6, 3.10, 5.1, 5.7, 5.8 and 6.1 of the SSSC Code of Practice for Social Service Workers in force from 1 November 2016.

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 allegations which took place during the course of your work involved behaviour towards users of services in a setting in which they should expect to feel safe and cared for in an appropriate manner.
- Your conduct amounts to a pattern of behaviour indicative of a disregard for the safety and welfare of others, including vulnerable users of services.
- Your actions caused emotional harm to a user of services and placed other users of services and members of the public at risk of harm. Your actions also put the confidence of the public in the profession at risk.
- Your actions in relation to the users of the services amount to a clear breach of the trust and confidence that is placed in you as a registered social services worker by those users of services, their families, your

employer and the public to provide an acceptable level of care.

Factors in your favour

- No mitigating factors could be identified.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as your behaviour is serious and a warning would not adequately address the impairment of your fitness to practise.
- 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.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour/impairment of your fitness to practice 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. There is little evidence you acknowledge your failings and the pattern of behaviour and lack of insight suggest the behaviour is likely to be repeated.
- 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 29 February 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 17 April 2024.