

Notice of Decision

Registrant	John Scott
Registration number	3120134
Part of Register	Residential Child Care Workers
Town of employment	Inverkeithing
Sanction	Warning to stay on your registration for a period of 36 months and condition imposed
Date of effect	9 July 2022

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 Residential Child Care Workers for a period of **3 years**
3. to place a condition on your registration on the part of the Register for Residential Child Care Workers which you must meet within 9 months of the condition coming into effect, or within 9 months of you commencing a role which requires SSSC registration.

Findings of fact

We decided there is evidence that:

1. between 8 October 2018 and 25 March 2019, while employed as a Residential Care Worker by Radical Services Ltd. at Forth Craig in Inverkeithing, you did:
 - a. between 2 February 2019 and 10 February 2019, fail to report to your employer that colleague AA was engaging in a romantic relationship which crossed professional boundaries with young person XX

- b. on dates unknown but after February 2019, assist AA to meet XX outside of work in that you did drive them to an unknown location or locations in your motor vehicle
 - c. on unknown dates between in or around October 2018 and in or around February 2019, tell colleague BB:
 - i. "You have a nice backside", or words to that effect
 - ii. "you are trying to tease me", or words to that effect
 - iii. [information redacted]
 - d. on a date unknown to the SSSC, read the supervision notes of your colleague CC
2. following the end of your employment with Radical Services Ltd, while registered with the SSSC on the part of the register for Residential Childcare Workers, between on or around 3 February 2020 and on or around 24 April 2020, you did fail to maintain appropriate professional boundaries with YY (a young person living at Forth Craig [information redacted]) in that you did:
- a. on various dates, send electronic messages to YY:
 - i. offering YY, a Chrome notebook and dongle, stating, "right I can give you a chrome notebook worth "£240 a dongle to get on the internet with and 3 month's worth of data, unlimited calls and texts for that 3 months and it's up to you if you use it after that as it's pay as you go. Some Asda vouchers or Tesco up to £30 and a care pack with random stuff in it or if your mobile needs topped up we will put tenner in it every month for 3 months. You don't have to do anything I'll get it to you in the next 5 days. See I always still look out for you"
 - ii. asking, "[information redacted]"
 - iii. telling YY, "Be careful because I don't want any of that whole child protection stuff again"
 - b. on an unknown date:
 - i. meet YY outside of Forth Craig
 - ii. give YY and former service user ZZ £10 to share
 - c. on or after 29 January 2020:
 - i. put £15 into YY's bank account

- ii. fail to report to Forth Craig that YY had asked you to lend him money

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. You did not report an unprofessional relationship between a colleague and a young person. In failing to report this in a timeous manner, you have placed the young person at increased risk of harm.
- b. You were in a position of trust in caring for vulnerable young people. You breached the trust placed in you as a professional in the sector and a registered worker by failing to maintain professional boundaries with people who use services and carers.
- c. You failed to recognise the responsibility of your position as a registered social service worker to maintain professional boundaries with service users, who you were trusted to care for and not to abuse the trust of people who use services, or the access you had to personal information about them. The public, service users and their families would expect registered workers to adhere to this.
- d. You contacted service user YY after you were dismissed from the service and offered to provide him with electronic goods. You met YY in the community and gave YY and ZZ money. Your actions constitute a failure to maintain professional boundaries and also amount to an abuse of trust.
- e. Social service workers must also treat colleagues with respect and be truthful, open, honest and trustworthy. You have been untrustworthy by accessing colleague CC's personal supervision file.
- f. The behaviour is not easily remediable, and you have failed to show sufficient insight. Your failure to maintain professional boundaries has placed service users and colleagues involved at risk of harm and falls below the standards expected of social service workers.
- g. The behaviour is serious and the SSSC cannot be assured that the behaviour would not be repeated. It would negatively impact public

confidence and the reputation of the profession if the SSSC did not take action to reaffirm the standards required of registered workers.

2. In relation to findings of fact 1 and 2, you have failed to follow parts 2.1, 3.5, 3.10, 4.3, 5.3, 5.4, 5.7, 5.8, 6.1 and 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 **3 years** and the condition set out below.

The condition

The condition placed on your registration is:

1. Within 4 weeks of the condition coming into effect, or within 4 weeks of you commencing in a role which requires SSSC registration, you must provide evidence to the SSSC that your employer is aware of the conditions on your registration. This must be signed by your employer.
2. Within three months of the condition coming into effect you will provide the SSSC with evidence signed by your employer, that you have undertaken training and/or learning which covers:
 - a. Safeguarding and Protecting Children and Young People.
 - b. How to manage and maintain professional relationships and boundaries
 - c. The importance of respecting and adhering to confidentiality at work
 - d. The importance of reporting and recording concerns
 - e. Effective communication
3. Within one month of the successful completion of the training or learning required in condition 1, you must submit a written reflective account, the content of which must be to the satisfaction of the SSSC. Your reflective account must specifically address:
 - a. How your behaviour breached personal and professional boundaries
 - b. When to seek help and advice from your employer
 - c. Your understanding of the importance of reporting incidents and concerns
 - d. What you would do differently in the light of your training and learning to appropriately manage professional boundaries.

- e. The impact or potential impact that failing to maintain professional boundaries can have on:
 - i. individuals you support
 - ii. the service you work for
 - iii. public confidence and how the public view social service workers
 - f. How your behaviour breached the SSSC Codes of Practice for Social Service Workers
 - g. How the SSSC can be assured that you will not repeat these behaviours
 - h. What you have learned since the incidents and what you would now do differently
4. You must participate in supervision with your line manager at least every six weeks, for a period of nine months. The supervision meetings should include a focus on:
- a. Exploring and reflecting on your professional relationships with individuals who you support
 - b. Addressing any concerns, conflicts and dilemmas you encounter which could potentially cross professional boundaries
 - c. Reporting any contact with individuals you support outside work, including through social media or other forms of communication.
 - d. Discuss with your employer and show understanding of why it is essential to promptly report any concerns about a colleague's fitness to practise.
 - e. How you are demonstrating, the SSSC Codes of Practice in terms of your day-to-day delivery of care / support work.
 - f. Discussing your knowledge, understanding and implementation of your employers' policies and procedures in relation to:
 - i. Safeguarding
 - ii. Confidentiality in relation to all work-related matters
 - iii. Professional boundaries.
 - iv. Communicating with others

You must submit your supervision records to SSSC within 2 weeks of completion. The records should be signed by your line manager.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- you have failed to show sufficient insight or remorse for your actions

- as a registered worker you were expected to maintain professional boundaries with both service users and colleagues
- the misconduct occurred in the course of your duties as a residential care worker and after your dismissal, connected with your professional capacity
- the behaviour is a pattern due to the persistent nature of failing to maintain professional boundaries with service users and colleagues
- the behaviour was an abuse of trust as you were in a position of power and authority and failed to recognise your responsibility or duty of care to the service users.

Factors in your favour

- you cooperated 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 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 and condition** on your registration if you do not ask for a hearing.

We wrote to you on 11 May 2022 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 9 July 2022.