

Notice of Decision

Registrant	Jamie Stewart
Registration number	3107010
Part of Register	Social care worker
Town of employment	Perth
Sanction	Removal
Date of effect	20 August 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

1. On 28 February 2024 at Perth Sheriff Court, you were convicted contrary to Sections 33 and 34 of the Sexual Offences (Scotland) Act 2009 namely that between 28 October 2017 and 6 December 2018 at [information redacted], Blairgowrie, and elsewhere being a person who has attained the age of 16 years, you did coerce an older child, namely [Child's name] born [Date of Birth] aged [Redacted], care of the Police Service of Scotland a child who has attained the age of 13 years but has not attained the age of 16 years, into looking at a sexual image and communicate indecently with her in that you, for the purposes of obtaining sexual gratification or of humiliating, distressing or alarming them, did engage in sexualized conversation with the said [Child's name] via text and social media messages, send sexual photographs and videos of yourself to her

and ask her to send sexual photographs and videos of herself to you

2. On 28 February 2024 at Perth Sheriff Court, you were convicted contrary to Sections 29 and 30 of the Sexual Offences (Scotland) Act 2009 namely that between 12 February 2018 and 18 February 2018, both dates inclusive, at [information redacted], Blairgowrie and elsewhere in Blairgowrie you, a person who had attained the age of 16 years, did engage in sexual activity with [Child's name] born [Date of Birth] care of Police Service of Scotland, a child who had attained the age of 13 years but had not attained the age of 16 years, in that you did kiss her on the lips, touch her on the breasts and buttocks, induce her to masturbate your penis and you did sexually penetrate her vagina with your fingers and place a sex toy on her vagina

and your fitness to practise is impaired due to your misconduct and your criminal conviction as set out in allegations one and two.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:
 - a. Social service workers must be open, honest and trustworthy. They must not behave in a way, in or outside of work, which would bring their suitability to work in social services into question. Your behaviour amounted to repeated sexual abuse of an older child or children. This risked causing emotional and psychological harm to your victim or victims. This displays a disregard for the wellbeing of vulnerable people and raises serious concerns over your suitability to work with vulnerable people.
 - b. We have determined your fitness to practise is currently impaired as your behaviour is so serious it is fundamentally incompatible with professional registration. Being convicted of these offences calls into question your suitability to work as a social service worker. Your actions also had the potential to negatively affect the reputation of the social services profession, and breached the confidence and trust placed in you by your employer and the SSSC.
2. You have failed to follow parts 2.1 and 5.8 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 severity of the behaviour leading to your conviction
- The repeated nature of your behaviour

Factors in your favour

- Your co-operation with the SSSC investigation
- Your insight into the consequences of your actions on others

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 the type of behaviour at issue is not the type of behaviour which conditions would rectify.
- A warning plus conditions would not be appropriate due to the reasons outlined above.
- A Suspension Order would not be appropriate as your behaviour is fundamentally incompatible with continuing registration.
- 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 2 August 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 20 August 2024.