

Notice of Decision

Registrant	Muhammad Hamza Rafique
Registration number	4118844
Part of Register	Social care worker
Town of employment	Stirling
Sanction	Warning to stay on your registration for a period of 24 months
Date of effect	3 September 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 place a warning on your registration, on the part of the Register for social care workers for a period of two years

Findings of fact

We decided there is evidence that on 28 May 2024, you were convicted of the following offence at Stirling Sheriff Court:

- a. on 4 July 2023, you did behave in a threatening or abusive manner which was likely to cause a reasonable person to suffer fear and alarm, in that you did act in an intimidating manner and did touch AA on the breast and follow her, contrary to Section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010

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

Reasons for finding your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- a. social services workers should not behave in a way that puts themselves or other people at a risk of harm. The nature of your behaviour leading to conviction is of a significant concern and is serious. A conviction of behaving in a threatening or abusive manner is indicative of an attitudinal issue. There is a concern that, if similar behaviour were to be repeated, service users and members of the public would be placed at a significant risk of harm.
 - b. the SSSC has received no information to suggest the behaviour giving rise to the criminal conviction has been repeated. The behaviour appears to be isolated. However, the SSSC found that the nature of your behaviour gave rise to concerns about you continuing to work with vulnerable people, and that there is a public interest concern. A reasonable person in receipt of all the information would consider that the reputation of the profession to be damaged as a result. There is therefore a specific need for the SSSC to take steps to reaffirm the clear standards expected from a registered worker.
2. In relation to the findings of fact above you have failed to follow parts 5.7 and 5.8 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 two years.

Reasons for the sanction

When making our decision we considered the following factors:

Factors of concern

- The behaviour resulting in conviction was intimidating or abusive and caused fear and alarm to a member of the public.

Factors in your favour

- The behaviour resulting in conviction was isolated.

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

We wrote to you on 15 July 2024 to tell you we wanted to place a warning 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 on your registration.

Date of effect

The notice comes into effect on 3 September 2024.