

Notice of Decision

Registrant	Kieran Burt
Registration number	2071222
Part of Register	Support Workers in Care at Home Service, Support Workers in a Housing Support Service
Town of employment	Larbert
Sanction	Removal
Date of effect	10 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 impose a Removal Order removing your registration from the parts of the SSSC Register for Support Workers in Housing Support Service and Support Workers in Care at Home Service.

Findings of fact

We decided there is evidence that:

1. While employed as a Support Worker by Kingdom Support and Care in Dunfermline, and during the course of that employment you did, on or around 29 August 2019, while supporting service user AA who was known to abscond:
 - a. fail to lock the windows in the sleepover room to prevent AA absconding as per your employer's risk assessment which resulted in AA:
 - i. absconding through the open window while naked
 - ii. being in the community unsupported
2. between 23 September 2019 and February 2020, while employed as a Child Care Practitioner at Tip Toes Nursery Ltd in Larbert, you did:

- a. fail to inform your employer that you were under investigation by the SSSC
- b. fail to disclose in your application form for registration on the part of the register for Practitioners in Day Care of Children Services with SSSC that you had resigned or left your previous employment prior to the outcome of a disciplinary investigation
- c. by your actions at allegations 2.a. and 2.b. above act dishonestly

and in light of the above your fitness to practice is impaired because of your misconduct.

Reasons for finding your fitness to practise has been impaired

1. Your fitness to practise is impaired because:

- a. You failed to ensure the safety of a service user who was known to abscond. You were familiar with the service user and were experienced in providing care for this person. You were involved in a previous incident where the service user had absconded and should have been particularly vigilant when caring for this service user. In failing to remain vigilant, follow the risk assessment and ensure their safety, you placed the service user at risk of harm.
- b. The SSSC accepts that you did not intend harm to the service user by opening the window in the sleepover room, however, you were in a position of trust in caring for a vulnerable service user. You breached the trust placed in you as a professional in the sector and a registered worker by failing to ensure the safety of the service user by opening the windows of the property and thereby allowing the service user to abscond into the community while naked and unsupported.
- c. You failed to inform your new employer of the disciplinary investigation by your previous employer or the SSSC investigation and in doing so you behaved dishonestly. Your actions in failing to declare these matters to your new employer denied the employer the opportunity to make a fully informed decision regarding your employment.
- d. You failed to recognise the responsibility of your position as a registered social services worker to be truthful, open, honest and trustworthy by withholding information from your new employer. You also failed to properly declare the information in an application to the SSSC.

- e. You have failed to maintain the trust placed in you by service users, the public and their families. You placed the service user at risk of harm and your actions fall below the standards expected of a person registered to work in social services.
 - f. The dishonesty aspect of the behaviour is considered to be serious and is not easily remediable. You have not provided comments to SSSC in relation to this behaviour and therefore we have no evidence of insight. 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 1.4, 2.1, 2.2, 2.4, 4.2, 4.3, 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

- you have failed to show sufficient insight or remorse for your actions
- as a registered worker you were expected to be truthful, open, honest and trustworthy
- the misconduct either occurred in the course of your duties as a support worker or was closely linked to your work
- you resigned from your position prior to the outcome of the disciplinary hearing with Kingdom Support and Care, and you failed to notify your new employer of the circumstances or reason for leaving or the SSSC investigation
- you failed to ensure the safety of the service user by opening the windows of the property which is exacerbated by the fact that you had been involved in a previous incident when the service user absconded through an open window

- the behaviour was an abuse of trust as you were dishonest in withholding information from your new employer which may have had a negative impact on their decision-making process.

Factors in your favour

- you have a good previous history with the SSSC.

Reasons why other sanctions are not appropriate

- A warning would not be appropriate as the behaviour is serious. You failed to ensure the safety and wellbeing of a vulnerable service user by opening a window of a property of the service user known to abscond which resulted in the service user absconding into the community while naked, placing him at considerable risk of harm. In addition, you have behaved dishonestly by withholding information regarding a disciplinary matter from a new employer which may have impacted the decision making process. You also failed to notify them of the SSSC investigation. A warning is not considered to be the most appropriate outcome in this case as although it marks the behaviour as unacceptable it would not satisfy the public interest in this case. The public must be assured of the integrity of registered workers, and it may damage the reputation of the SSSC and the profession if you were able to continue to work with vulnerable people after displaying dishonest behaviour.
- A condition would not be appropriate because the dishonest nature of the behaviour at issue is not the type of behaviour which conditions would rectify. Although a condition may potentially address the practice failings involved with service user absconding, that behaviour was a result of your poor judgement as opposed to a training issue that could be addressed by a condition. I do not believe a condition would improve your knowledge or performance and may be punitive. There is no condition that could remediate the dishonesty issues.
- 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. Members of the public, people who uses services and their families have the right to be assured of the integrity of the registered workers trusted to care for the people who use services. The interests of people who use services and the public would not be sufficiently protected by any period of suspension. You have not provided comments to SSSC and have not engaged in the investigation process in relation to the dishonest behaviour, therefore there is no evidence that you acknowledge your failings and the 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. You have behaved dishonestly and have failed to show insight into the dishonest behaviour. You are no longer working in the care sector, and we have no evidence of good practice or any employer information to seek a reference. You have disengaged from the SSSC investigation process and have failed to respond to requests for comments. We cannot be assured that the behaviour would not be repeated. The public would be concerned that a worker who had behaved dishonestly should be able to continue to have access to and provide care to the most vulnerable members of society.

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 27 May 2022 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 10 July 2022.