

## Notice of Decision

<b>Registrant</b>	Stephen Pirie
<b>Registration number</b>	4033916
<b>Part of Register</b>	Support Workers in a Housing Support Service Support Workers in a Care at Home Service
<b>Town of employment</b>	Keith
<b>Sanction</b>	Warning to stay on your registration for a period of 9 months
<b>Date of effect</b>	08 July 2021

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.
2. to place a warning on your registration, on the part of the Register for Support Workers in a Care at Home Service and Support Workers in a Housing Support Service, for a period of **9 months**.

### Findings of Fact

We decided that there is evidence that:

1. on or around 22 March 2020 while employed as a Support Worker at [redacted], and during the course of that employment, you did view [redacted] on a service user's television while on shift in their home

and in light of the above, your fitness to practise is impaired by way of your misconduct.

### Reasons for the finding that your fitness to practise is impaired

1. Your fitness to practise is impaired because:

- Social service workers must not behave, while in or outside of work, in a way which would bring their suitability to work in social services into question. They must protect service users from harm and treat them with respect. Similarly, they must treat their colleagues with respect. You viewed [redacted] on a service user's television while on shift in their home. [redacted]. As a result of your actions, you have breached the trust and confidence placed in you by service users, your colleagues and your employer.
  - The material you were viewing could also have been seen by members of the public from the street, which could have brought the reputation of your employer and the profession into disrepute. Your behaviour falls far below the standards expected of social service workers and calls into question your suitability to continue working as part of a caring and responsible profession.
  - There is a public interest in maintaining trust and confidence in the register and upholding proper standards of behaviour in the profession. Your behaviour damages the reputation of the profession and needs to be marked as unacceptable.
2. In relation to findings of fact you have failed to follow parts; 2.1, 2.4, 5.7 and 5.8 of the SSSC Code of Practice for Social Service in force from 1 November 2016.

### **The sanction**

After referring to our Decisions Guidance, we decided that the appropriate sanction is to place a warning on your registration for a period of **9 months**.

### **Reasons for the sanction**

When making our decision we considered the following factors:

#### **Factors of concern**

- You were a relatively new employee at the service and therefore not experienced. However, given the nature of the behaviour displayed, you would have been fully aware that your actions were inappropriate and unacceptable, regardless of whether you had undergone training in relation to appropriate behaviour at work / professional boundaries
- The behaviour took place in the home of service users, with you watching [redacted] on a TV belonging to the service users while they slept. This was highly inappropriate and should be considered an aggravating factor

- While no actual harm came to any service users as a result of your behaviour, there was the potential for them to suffer emotional harm had they entered the living room and witnessed what you were watching. Staff members who witnessed the behaviour had a duty to report this [redacted]. Witnessing what you were viewing also had the potential to cause them distress.

### **Factors in your favour**

- You are currently employed by the Governors of the Donaldson Trust. No concerns have been raised regarding your practise. This should be considered mitigating
- You have provided a reference in support of your practice from a client at your current employment
- This was an isolated incident. No further concerns have been reported in relation to your fitness to practise.

### **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
- Decisions Guidance for Fitness to Practise Panels and Scottish Social Service Council staff.

### **Acceptance of the warning**

Having been advised of the consequences of accepting or not accepting the warning and recommended to take legal advice, you admitted that your fitness to practise is impaired and accepted the warning on 20 June 2021.

### **Date of effect**

The notice comes into effect on 8 July 2021.