

# Fitness to Practise Application Hearings

The Scottish Social Services Council Combined Fitness to Practise Rules 2017 apply to these hearings.

## What is a Fitness to Practise application hearing?

A hearing where a Panel will consider the application of a worker who is applying to be registered, or who is renewing registration, and whether they are fit to practise.

## Before the hearing

### Rule 11

We will write to you, the person who made the allegation and your employer or university setting out the allegation and the reasons why we consider your fitness to practise to be impaired. This letter will also inform you of the date and time for your hearing.

### Rule 12

We will also send you a copy of any evidence that we intend to rely upon during the hearing.

### Where

We hold most of our hearings at our offices in Dundee. We will always confirm where your hearing is in a letter.

We are committed to promoting equality and valuing diversity. We want our processes to be fair, transparent, and objective.

Please contact the person who sent you this factsheet if you need this document in a different format or to discuss how we can help you further.

We want to know if you are affected by illness, disability or any other factor which may fall into the category of protected characteristics and may impact on our decision to impose a sanction on your registration in any way.

Protected characteristics can mean; age, disability, gender reassignment, marriage and civil partner, pregnancy, race, religion, sexual orientation, according to the Equality Act 2010.

### **Who is involved?**

- You, your representative/supporter.
- A presenter, a solicitor who will present our case.
- A clerk who makes sure the hearing process runs smoothly.
- The Panel. This includes a legally qualified chair (LOC), a social services member and a lay member. The LOC is a qualified solicitor or advocate who will lead the hearing. The social services member will have experience of working in social services and is registered with us. The lay member is not or has not been involved in social services work in the past five years.

## **Case Management Meeting**

### **Rules 13 and 14**

We will hold a case management meeting (CMM) at least a month before your application hearing to help ensure you and the presenter are prepared before it goes ahead.

At the meeting, decisions will be made about:

- hearing dates
- postponement /adjournment requests
- length of hearing
- witness details and arrangements
- matters relating to your health, and any reports that might be necessary
- any legal matters, which might include, whether the case should be heard in public, whether evidence is admissible, whether charges are competent, and whether we have the right to proceed with the case
- any requests for specific information to be presented to the Panel
- any facts in the case that can be agreed.

You will be sent a copy of any decisions made at the CCM.

## **At the hearing**

### **Rule 15**

Application hearings will be heard in private unless you ask for it to be held in public and the Panel agrees to this.

The hearing will be split into:

#### **Stage 1:**

findings of fact

#### **Stage 2:**

findings on impairment

**Stage 3:**

decision on application

**Findings of fact****Rules 18 and 32**

Where facts are in dispute, the Panel will ask the presenter to lead evidence in support of the SSSC's case.

You will also be asked to lead evidence in support of your case.

Evidence can be led from witnesses or by looking at documents.

The Panel will decide if a fact is proved. They will do this by

looking at whether it is more likely than not to have happened.

**Findings on impairment****Rules 19 and 32**

Where impairment is in dispute, the Panel will ask the presenter to lead evidence in support of the SSSC's case.

You will also be asked to lead evidence in support of your case.

The Panel will decide if impairment is proved. They will do this by looking at factors like:

- the length of time since the conduct or incident
- any insight, apology and regret shown by you
- any training to correct or address the conduct or concern.

**Decision on registration****Rules 20 and 21**

The Panel can make a decision to:

- grant the application or renewal
- grant the application or renewal for registration, subject to conditions.
- refuse the application or renewal for registration.

The Panel can take into account a range of factors in making their decision and these will vary from case to case. If you do not give evidence to the Panel, and you don't give us a reasonable excuse for not doing so, the Panel may regard that as tending to indicate the allegations are correct.

## After the hearing

### Rule 22

A Notice of Decision will be sent to you and your employer or university.

If your registration has been refused, you cannot reapply to be **registered on the same part of the Register** within two years, unless there has been a material change in circumstances.

If you are applying to a different part of the Register following a refusal of registration, you can apply at any time.

Find out more about this in Rule 16 of the **SSSC Combined Registration Rules 2017**.

## Publicity

We do not currently publish the decisions of application hearings on our website