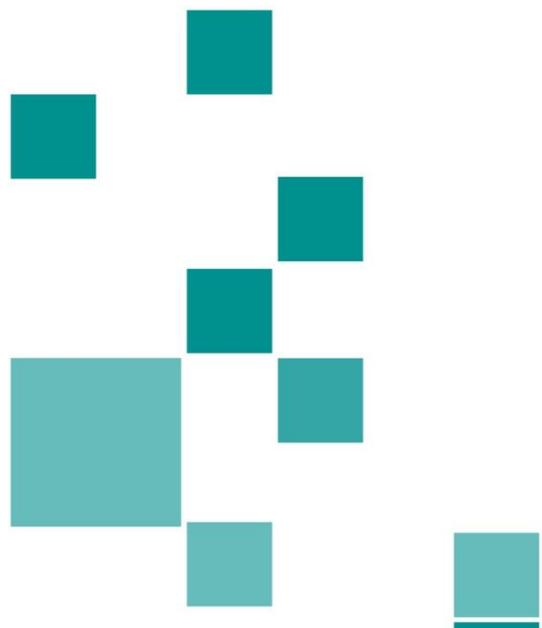


# SSSC Fitness to Practise Public Information Policy

**Public information on SSSC fitness to practise cases**



## **CONTENTS**

<b>Section</b>	<b>Title</b>	<b>Page</b>
1.	Introduction	2
2.	Principles of this policy	2
3.	Public information	3
4.	Public and private hearings	4
5.	Information available before a hearing	4
6.	On the day of a hearing	5
7.	Information available on the day a hearing ends	5
8.	Information available after a hearing	6
9.	Public information on decisions made by SSSC officers	7
10.	Temporary Orders	8
11.	Information we may not publish and why	8
12.	Publicising decisions	9
13.	Appeals to the Sheriff	10
14.	Public SSSC Register	10
15.	Information for employers	11

## **1. INTRODUCTION**

1.1 This policy sets out how the Scottish Social Services Council (SSSC) communicates information about our fitness to practise cases. This helps the SSSC to meet our responsibilities set out in the Regulation of Care (Scotland) Act 2001 to protect the public and maintain and uphold standards in the profession. The policy sets out:

- the information about hearings and decisions on our website [www.sssc.uk.com](http://www.sssc.uk.com) about registered social service workers
- the information available on the SSSC Register which is on our website.

## **2. PRINCIPLES OF THIS POLICY**

2.1 This policy meets the following aims:

- make sure that all our stakeholders are aware of and understand who the SSSC is and what we do
- make sure we engage effectively with employers
- work with employers and partners to promote learning and development for the social service workforce as a result of our fitness to practise work
- provide information to all our stakeholders about the role of registration in increasing standards and protecting people who use services.

To meet these aims we will:

- be open, accessible, responsive and accountable
- use clear, appropriate language
- make sure that our communication methods meet the needs of different interest groups
- work hard to develop good relationships with all those with an interest in what we do.

2.2 The Scottish Social Services Council (Fitness to Practise) Rules 2016 (the Rules) set out that the SSSC will publish fitness to practise decisions in any way we consider appropriate. And in doing this, we must make sure that we comply with the Data Protection Act 1998. In particular:

- the SSSC must process data fairly and lawfully
- the data must be adequate, relevant and not excessive in relation to the purpose for which it is being processed.

Releasing information about fitness to practise hearings, Temporary Orders and decisions is necessary to:

- allow people with an interest to attend hearings
- reassure people that we can and do take action (and, where appropriate, take swift action), both in a specific case that they may have an interest in and in general
- educate the public and, in particular, the social service workforce and their employers about fitness to practise issues
- reassure that complaints are considered fully by publishing the allegations before full hearings and then the findings in fact and reasons for the decision after a hearing or decision
- help employers with recruitment decisions
- protect and enhance the safety and welfare of people who use or are eligible to use social services and their carers.

### **3. PUBLIC INFORMATION AVAILABLE ON OUR WEBSITE**

3.1 You'll find the information below at [www.sssc.uk.com](http://www.sssc.uk.com):

- details (including the summary allegations) of the hearings coming up in the next seven days
- decisions made by the Fitness to Practise Panel (the hearing panel) and by SSSC officers
- information about current Temporary Orders
- information on the hearing process and contact details for the Clerk (Hearings Officer) to the hearing panel for members of the public who would like to attend hearings
- information for the media who would like to attend hearings
- our data protection statement about how we use personal data
- information for employers and social service workers registered with the SSSC on how our Fitness to Practise Department carries out investigations.

#### **4. PUBLIC AND PRIVATE HEARINGS**

4.1 Our hearings are normally in public but they can be held in private. The public and the media cannot attend a hearing held in private.

- If we know that the hearing is due to be in private we will say so on the website notice.
- The panel can consider a request to take the hearing into private at any time during a hearing. This means that we will not always be able to give advance notice.

4.2 If the allegation relates only to the person's health then the hearing will be held in private and there will be no information available on the website, unless in the public interest.

#### **5. INFORMATION AVAILABLE BEFORE A HEARING**

5.1 In line with the Regulation of Care (Scotland) Act 2001 and the Rules, Fitness to Practise Panel Impairment hearings are normally held in public. Hearings are normally held at our offices in Dundee however they can be held in other locations. This information will be on the website.

5.2 Notices of scheduled hearings are published on the SSSC website [www.sssc.uk.com](http://www.sssc.uk.com) seven working days before the hearing is due to take place. The notice will contain the information below.

- Registrant's name.
- Registration number.
- SSSC Register part.
- Town/most recent town of employment.
- A summary of the allegations.
- Location of hearing.
- Date of hearing.
- Time of hearing.

5.3 If a hearing is postponed or adjourned, we will publish this on the website. We will only provide the reason for the postponement or adjournment if there is a public interest.

5.4 Notices are removed from the website after a certain timeframe. However it is possible for an individual to retain a copy of a Notice beyond that timeframe and the SSSC has no control over the actions of individuals in respect of this.

## **6. ON THE DAY OF THE HEARING**

6.1 A member of the Communications Team will escort the media and the public both to and from the hearing. All members of the media and public will leave the rooms where the hearing takes place during adjournment, deliberation or for parts held in private and will wait in a waiting room if available, at reception or outside the premises.

6.2 Members of the media and public will be briefed on hearing procedures, where necessary provided with a copy of the media or public guidance information and will be expected to act accordingly.

6.3 Other than taking notes, the public and media present cannot record and/or broadcast the hearing.

6.4 The media are reminded of the need to adhere to the Editor's Code of Practice published by the Independent Press Standards Organisation (IPSO) and in particular that children under 16 years and other vulnerable witnesses should not be named.

## **7. INFORMATION AVAILABLE ON THE DAY THE HEARING ENDS**

7.1 The outcome and sanction of any public hearing will be made available to the media on request on the day of a hearing. Any media wishing the findings of fact, finding of impairment (where applicable) and the hearing panel's reasons for sanctions should arrange to be present when this is read out at those hearings held in public. Anyone attending the hearing will also get a hard copy of the decision from the Clerk if required once the decision has been read in public. The Communications Team will not provide this information to those who are not in attendance. Nor will they provide a report on the hearing.

7.2 Transcripts of the hearing will not be provided to anyone other than as required by the Rules.

## **8. INFORMATION PUBLISHED AFTER A HEARING**

8.1 The Clerk issues the Notice of Decision within seven days of the hearing. We normally publish the Notice of Decision on our website within 14 days of the hearing.

8.2 The notice will include the information below.

- Registrant's name.
- Registration number.
- Register part.
- Date of hearing.
- Hearing panel's findings of fact, determination on impairment and any sanction imposed. This will include cases where there has been no findings of fact or impairment. Reasons will also be included. Go to paragraph 11 to find out about information that we may remove from a Notice of Decision.
- Date when the order comes into effect.

8.3 The notice will be removed from the decisions page of the website after a year as the purpose of informing those with an interest in the case and providing more general information has been satisfied.

8.4 If, after a year the sanction imposed by the panel still has a period of time before it is spent, the notice will go into an archive on the website. The notice will remain in the archive until the sanction has expired.

8.5 If the hearing panel makes no findings in fact or decides that the registrant's fitness to practise is not impaired, the Notice of Decision will go onto the website for the same period of time that the Notice of Hearing was on the website in advance of the hearing. This is generally seven days. At the end of this time we will remove the notice. This means those

with an interest in the outcome can be informed of the panel's decision while balancing the requirement to be fair to the registrant.

8.6 When the sanction is a Removal Order the notice will remain on the decisions page for one year and then move into the archive section for two years. The notice will be removed from the website after three years. The status of the person's entry on the public Register will show that the person is removed.

8.7 The Notice of Decision is removed from the website after the stated timescale. However it is possible for an individual to retain a copy of a Notice beyond that timeframe and the SSSC has no control over the actions of individuals in respect of this.

## **9. PUBLIC INFORMATION ON DECISIONS MADE BY SSSC OFFICERS**

9.1 SSSC officers can place conditions, warnings, suspensions and Removal Orders on a Registrant's registration. Where this happens, the following information will be published on the website when the order comes into effect:

- registrant's name
- registration number
- Register part
- date of decision
- sanction
- date of effect
- Notice of Decision.

9.2 We will remove the notice from the decisions page of the website after a year as the purpose of informing those with an interest in the case and providing more general information has been satisfied.

9.3 If, after a year, the sanction imposed by the SSSC officers still has a period of time before it is spent, the notice will be placed in an archive on

the website. The notice will remain in the archive until the sanction has expired. This will satisfy the public interest.

9.5 The Notice of Decision is removed from the website after the stated timescale. However it is possible for an individual to retain a copy of a Notice beyond that timeframe and the SSSC has no control over the actions of individuals in respect of this.

## **10. TEMPORARY ORDERS (TO)**

10.1 Hearings about temporary suspension and temporary conditions orders are held in private and there is no advance information on our website. If a Temporary Order is imposed this will be published on our website shortly after the hearing. The Temporary Order notice will include:

- registrant's name
- registration number
- part of the Register
- period of suspension or conditions
- date of effect.

10.2 The notice will be removed when it is no longer in effect.

10.3 There is a list on our website ([www.sssc.uk.com](http://www.sssc.uk.com)) of the registered social service workers who have a TO.

## **11. INFORMATION THAT WE MAY NOT PUBLISH AND WHY**

11.1 There can be circumstances where we do not publish the information set out in this policy. There can be a number of reasons for this, for example to:

- protect the identity of people who use services or their carers
- protect any person connected with the case
- protect the worker who may be vulnerable due to their health or other reason
- protect the family and, in particular the children, of a worker
- comply with a legal obligation.

11.2 This means there is information that we routinely remove (or redact) such as:

- the registrant's date of birth and personal address
- information that may identify people who use social services
- information that may identify other people (including witnesses) connected with the hearing
- information about a registrant's health if this is not in the public interest (however, the fact a registrant was/is suffering from a particular condition may be relevant and made public)
- information that may adversely affect someone connected to the case.

11.3 We may also decide not to publish that a hearing is due to be held, or the outcome of a hearing. We may remove the worker's name from the notice of hearing, or particular details from the notice or the decision. Decisions like this are made on a case by case basis, taking account of all the available information.

11.4 Requests for additional information. We do not give out information about cases other than the information we put on our website. We can give information about our process and the procedures we use.

11.5 In circumstances not covered by the policy or in exceptional circumstances, we will make our decision about publishing fitness to practise decisions in line with the principles and factors set out at 2 above.

## **12. PUBLICISING DECISIONS**

12.1 We may publicise the outcomes of hearings, decisions and Temporary Orders to employers and other stakeholders with an interest in public protection to raise awareness about when we will investigate and take action. This is so the public know the standards of practice they can expect and the kinds of things they can complain to us about. It will also help employers and people working in social services in the same way.

12.3 Search engine results

Search engines such as Google, Bing etc 'look' at websites on a regular basis and use this to give search results. How often they do this varies. This means that their search results may show links between a registrant's name and the SSSC after we have deleted Notices. The link may appear in search results but there is no actual information available on our website to download.

We have no control over the time it may take Google or other search engines to update their records.

Registrants can approach Google to ask them to remove personal data from their search results. This is the link to the relevant part of the Google support website:

<https://support.google.com/websearch/troubleshooter/3111061> . Other search engines may also have guidance.

- 12.4 Notices are removed from the website after the stated timescale. However it is possible for an individual to retain a copy of a Notice beyond that timeframe and the SSSC has no control over the actions of individuals in respect of this.

### **13. APPEALS TO THE SHERIFF**

- 13.1 Registrants can appeal against an SSSC decision to the Sheriff. We will post on our website when any decision is under appeal. We may make a statement about a particular appeal and this will be on the website if we do.

### **14. PUBLIC SSSC REGISTER**

- 14.1 We have a public register of all social service workers currently registered and this is on our website [www.sssc.uk.com](http://www.sssc.uk.com). You can search to find out if someone is registered with us, if they are suspended following a hearing, are suspended temporarily or have been removed. So, where a worker's registration has been removed or suspended, this information will appear on the SSSC Register. Access to the public SSSC Register is set out in the Regulation of Care (Scotland) Act 2001 and the Scottish Social Services

Council (Appointments, Procedure and Access to the Register) Regulations 2001 as amended.

14.2 The information appears as below.

- The name of anyone removed from our Register will remain on the searchable online SSSC Register. Any requests to remove this information will be considered.
- Suspension order – this will appear along with their name, registration number, Register part and town of employment for as long as the person is suspended.
- Temporary suspension – this will appear along with their name, registration number, Register part and town of employment for the temporary suspension period.

## **15. INFORMATION FOR EMPLOYERS**

15.1 Social Service employers use MySSSC, the SSSC's online information system. This gives employers/prospective employers secure access to the following information about their employees/prospective employees:

- name
- part of Register they are on or have applied for
- registration number
- job title
- whether registered, suspended, removed, subject to a condition or have a warning on their registration
- date they applied to register application
- work address.

**If you have any questions about this policy please contact:**

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If you need this document in another format, please contact the SSSC on 0345 60 30 891

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