

## **Investigation process for registered workers**

**If you are a registered worker under investigation, this factsheet will help you understand the process.**

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 that may impact on our investigation process 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.

The public need us to make sure that social workers, social care and children and young people workers are fit to practise. We investigate cases to check that workers are suitable to be on our Register.

If someone raises a concern with us about you, we need to get all the relevant information, so we know what the concerns are about.

We will investigate your case with an open mind and understand that there may or may not be any substance to the allegation.

Information can come from:

- you
- people who use services or their carers
- other members of the public
- employers, managers or colleagues
- the police or other authorities.

## **Working while under investigation**

Being investigated does not automatically mean that you cannot work in the social service sector. However, your registration might be suspended temporarily or conditions put on your registration. This is known as imposing a Temporary Order.

There are three stages to our investigations.

## **Stage 1: Screening and risk assessment**

We screen all information we receive about you when someone raises a concern.

We will consider:

- whether the information suggests that your fitness to practise might be impaired
- the type of behaviour
- any risk of harm presented by the behaviour and the risk of it being repeated.

If we decide that the information does not affect your fitness to practise, we will take no further action.

If we decide that the information may affect your fitness to practise, we will open a case and allocate it to a caseholder who will start an investigation. The caseholder may be a fitness to practise investigator or a solicitor.

We will carry out a risk assessment. If we assess your case as high risk, it will be passed to a solicitor and we may hold a Fitness to Practise Panel Temporary Order hearing. If an order is imposed your registration could be temporarily suspended or conditions put on it.

We will still fully investigate high risk cases whether a Temporary Order is imposed or not.

## **Stage 2: Investigation and decision**

We will get information from lots of different sources to understand the circumstances.

In most cases we will write to:

- you to explain any allegations and may ask for your comments
- the person or organisation who raised the concern with us (we might ask them for more information or for clarification)
- your employer or higher education institution; this includes any new employer.

Depending on the type of case we are investigating, we may do the following.

- Ask for investigation or disciplinary paperwork. This may include any hearing minutes, copies of statements or interviews and relevant policies.
- Contact potential witnesses to take independent witness statements. This can include individuals who use services, employers and colleagues.

- Contact the Scottish Court Service, the Crown Office and Procurator Fiscal Service (COPFS), the police or other relevant authorities to confirm or provide information.
- Contact health professionals to confirm or provide information. We may request reports from your GP or other health professionals who know about your health condition or treatment.

In every case, we need to consider the circumstances and make our own independent decision.

### **Taking part**

We understand that being investigated by us may be stressful. However, it is very important we have all relevant information. This includes your comments and views.

We expect you to respond to our requests for information as part of your responsibilities as a social service worker but you have the right to choose not to respond to us.

This is something that you may want to take independent advice about.

If we don't get comments from you, we will continue our investigation and will make a decision without fully knowing your position. If you take part, you may get a better outcome.

We also expect that you are open and honest with your employer or any future employer about the status and progress of any investigation.

### **Countersignatories**

If you are a countersignatory and are the subject of an investigation, you should not endorse any registration applications or renewals.

We will remove your name from the countersignatory option available in MySSSC and if any workers have submitted applications endorsed by you, we may return those applications and ask for a different countersignatory. You should make sure alternative provisions are in place. We will not tell the worker the reason for the returned application.

### **Length of investigation**

How long an investigation takes depends on how complex and serious the concerns are. The following can also have an impact.

- How long it takes other people to provide us with information.
- In most cases where you are being investigated by a third party, for example, the Crown Office and Procurator Fiscal Service (COPFS) or the police, your employer or another regulatory body, we will wait for the outcome of their investigation before starting ours.

- The caseholder may need to get legal advice about the information.

It usually takes about 11 months to complete cases for registered workers where we decide to take no further action. It can take around 18 months where we decide a sanction should be imposed. The process may take longer if we decide to refer a case to a hearing. These figures are based on the average length of time taken to conclude a case. There will be cases that take much shorter or much longer than this for a variety of reasons.

We will complete our investigation as quickly and as efficiently as possible. You can contact your caseholder at any time for an update.

### **Risk assessment**

We regularly risk assess our cases during an investigation. We can impose a Temporary Order at any time or hold a Fitness to Practise Panel hearing to ask for a Temporary Order (if you ask for a hearing).

### **Decision**

After our investigation is finished the caseholder will review the information and make a decision.

This is a formal process and involves considering whether there is enough evidence to prove any allegations and whether those allegations raise a concern about your fitness to practise.

We need to prove our cases on the civil standard of proof. That is whether it is more likely than not that an event occurred.

## **Stage 3: Outcome**

When making a decision, we must take public protection into account and seek to maintain public trust and confidence in the social service sector.

We can:

- take no further action
- impose a sanction (warning, condition, suspension or removal) unless you ask for a hearing, in which case we will refer the case to a Fitness to Practise Panel
- refer the case to a Fitness to Practise Panel to hold a hearing to decide on fitness to practise and sanction.

We are always thinking about your needs. Please tell us what support you need or if that changes at any point during your case.

### **Imposing a sanction**

If we decide we need to impose a sanction, we will write to you setting out the reasons for our decision. If we think it is fair to you and that we don't need to

have a hearing for some other reason (such as significant public interest) then we will ask if you want a hearing. If you don't ask us for a hearing, we will impose the sanction and send the final Notice of Decision to:

- you
- the person or organisation who provided the initial information to us (if relevant)
- your current or most recent employer or higher education institution
- any other person or body we think should be informed of our decision (if it is necessary for public protection or otherwise in the public interest).

Sometimes we think we need to have a hearing. This might be because there is a lot of public interest or we think it would be unfair to you to impose a sanction without a hearing or some other reason. If we think we need to have a hearing, we won't ask if you want one but will refer the case for Fitness to Practise Panel hearing to decide whether a sanction is needed.

We will never impose a sanction on you without either asking you if you want a hearing or referring the case to a Fitness to Practise Panel hearing for a decision.

If we give you the choice of having a hearing and you want a hearing, you should contact your caseworker to tell them. We will make sure a Fitness to Practise Panel hearing is held.

## **Publicity**

Our Public Information Policy is on our website and gives more information on how we publicise our decisions.

While we are investigating a worker's case there is no public record or marker of this.

Workers subject to a current Temporary Order are listed on our website. If the order is a Temporary Suspension Order the worker's status on our Register will change to 'suspended'.

We publish information about our impairment hearings in advance. This includes a summary of the allegations.

We publish all Notices of Decision (accepted by the worker or made by a Panel) on our website. Health and other sensitive information may be withheld.

We may also give Disclosure Scotland information in line with the Protection of Vulnerable Groups (Scotland) Act 2010.

## **Media interest**

The media read our website and our decisions are regularly reported in local and national newspapers and online news outlets. Occasionally they appear on television or radio news. We don't ask the media to report on

decisions.

## Social media

When cases appear in the media members of the public may comment about them on social media. These comments are often made without full knowledge of the facts; may represent what is said in the notice and can be unpleasant.

To help manage the impact of any media attention you might want to think about:

- telling friends and family in advance
- deciding beforehand whether you want to read reports
- changing your social media settings, to restrict who can view your profile
- arranging for someone at work or a friend/family member to support you
- knowing about sources of help (see below).

## Sources of help

### Wellbeing line

Our [wellbeing line](#) offers independent, free and confidential emotional support and practical advice to those going through a fitness to practise case. It offers up to three sessions of solution focused, structured counselling, practical information, support and signposting as well as limited support for immediate family members of a single session with a counsellor. You can call free on 0808 169 4430, it is available 24 hours a day, seven days a week. There are also free online resources which you can access at [vclub.healthhero.com](http://vclub.healthhero.com) (username SSSC, password FTPSupport), login to create your personal account.

### National Wellbeing Hub

The National Wellbeing Hub is a resource for everyone working in health and social care. You can visit the website at <https://wellbeinghub.scot> or call their helpline on 0800 111 4191.

### Workforce Specialist Service (WSS)

The WSS is a confidential multidisciplinary mental health service. It has expertise in treating regulated health and social service professionals. They specialise in caring for regulated professionals as patients and are experts at the interface between regulation, employment and mental illness and addiction. Find out more at: Accessing the service in Scotland (<https://www.practitionerhealth.nhs.uk/accessing-the-service-in-scotland>)  
Email: [prac.health@nhs.net](mailto:prac.health@nhs.net) Tel: 0300 0303 300

## **More information**

Find more information about our fitness to practise processes on our website: [www.sssc.uk.com](http://www.sssc.uk.com)

You may also find these documents helpful:

- Factsheet 3 about Sanctions
- Factsheet 6 about Fitness to Practise Panel Temporary Orders hearings
- Factsheet 7 about Fitness to Practise Impairment hearings
- Factsheets 10 and 11 about what it means to accept different sanctions
- our Decisions Guidance about how we make decisions.

You can find all of these on our website: [www.sssc.uk.com](http://www.sssc.uk.com)

If you would like a printed copy of any document, please contact your caseholder.