

# Fitness to Practise Impairment Hearings

The Scottish Social Services Council Combined Fitness to Practise Rules 2021 apply to these hearings.

## What is a Fitness to Practise Impairment Hearing?

### Rule 9

A hearing where a Panel will decide if a registered worker's fitness to practise is impaired, and what sanction, if any, should be imposed.

## Before the hearing

### Rule 11

We will write to you, the person who made the allegation and your employer or university saying what the allegations are and the reasons why we think your fitness to practise is impaired.

We will also tell you the date and time for your hearing.

### Rule 12

We will send you a copy of any evidence that we will use during the hearing.

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.

## Case management meeting

### Rules 13 and 14

We will hold a case management meeting (CMM) at least a month before your impairment hearing to help make sure that 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 we might need
- any legal matters including whether the case should be heard in public, whether evidence is admissible, whether charges are competent, and whether we have the right to go ahead with the case
- any requests for specific information for the Panel
- whether we can agree any of the facts.

We will send you a copy of any decisions made at the CMM.

## At the hearing

### Rule 15

We will hold impairment hearings in public, unless it is about your health or you ask for a private hearing.

### Where

We hold most of our hearings at our offices in Dundee. We can pay your travel costs to help you attend. Sometimes part or all of a hearing will take place online. We will always confirm where your hearing is in a letter.

### 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 (LQC), a social services member and a lay member. The LQC 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 and has not been involved in social services work in the past five years.

## Hearing stages

The hearing will be split into:

**Stage 1:** findings of fact

**Stage 2:** findings on impairment

**Stage 3:** decision on sanction.

### Findings of fact

#### Rules 18 and 32

If we can't agree on the facts the Panel will ask the presenter to lead evidence in support of the SSSC's case.

The Panel will ask you if you want to lead evidence in support of your case.

The Panel can hear from witnesses, look at documents and watch or listen to recordings.

The Panel will decide if a fact is proved and will do this by looking at whether it is more likely than not to have happened.

### Findings on impairment

#### Rules 19 and 32

If we can't agree on impairment the Panel will ask the presenter to lead evidence in support of the SSSC's case.

The Panel will ask you if you want to lead evidence in support of your case.

The Panel will decide if your fitness to practise is currently impaired. They will do this by looking at factors like:

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

### Decision on sanction

#### Rules 20 and 21

In any case, regardless of what sanction we want to impose, the Panel will make their own decision and can impose:

- no sanction
- a warning
- a condition
- a warning and condition
- a Suspension Order
- a Suspension Order and condition
- a Removal Order.

The Panel can look at lots of different factors when making their decision and these will be different in each case.

A sanction can have serious consequences for your career. The Panel will think carefully about all the information they see and hear. If you don't say why you think we don't need to impose a sanction, the panel might think you agree with it.

## **After the hearing**

### **Rule 22**

A Notice of Decision will be sent to you, the person who made the allegation and your employer or university.

## Publicity

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

### Investigation stage

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

### Temporary Orders

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 'temporarily suspended'.

### Hearings

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

### Decisions

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. The media read our website and may report on any decision published.

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

## More information

You can contact your caseholder at any time if you have any questions about your hearing or the process. **We cannot provide legal advice or representation.** We strongly recommend you take independent advice.

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

You may also find these documents helpful:

- **Factsheet 5** about where to go for help and advice
- our **Decisions Guidance** about how we make decisions
- our **Hearings Guide**.

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.