

Scottish Social Services Council (Fitness to Practise) (Amendment) Rules 2021

The Scottish Social Services Council, in exercise of its powers under sections 49 and 57 of the Regulation of Care (Scotland) Act 2001 and of all other powers enabling the SSSC to do so, and having consulted such persons as appear to the SSSC to be appropriate, with the consent of the Scottish Ministers, hereby makes the Scottish Social Services Council (Fitness to Practise)(Amendment) Rules 2021:

General

1. Citation, commencement and interpretation

1. These Rules are the Scottish Social Services Council (Fitness to Practise) (Amendment) Rules 2021.
2. The Rules come into force on 1 May 2021 ('the commencement date').
3. In these Rules 'the Fitness to Practise Rules' means the Scottish Social Services Council (Fitness to Practise) Rules 2016 as amended.
4. Expressions used in these Rules and the Fitness to Practise Rules have the same meanings as in those Rules.

2. Transitional Provisions

The amendments made by these Rules have no effect in relation to any referral to a Fitness to Practise Panel before the commencement date.

Workers to request a Fitness to Practise Panel

3. Workers to request a Fitness to Practise Panel

1. The Fitness to Practise Rules are amended as follows.
2. In the title of Part 3 for '**ORDERS WITH CONSENT**' substitute '**ORDERS MADE BY THE SSSC**'.
3. In Rule 8 (Impairment of fitness to practise allegations: investigation by SSSC) in paragraph 1 after '(by any means and from any person)' insert 'or otherwise becomes aware of'.
4. In Rules 3, 9.9.a, 11.1, 22.1.b, 25.13.b, 34.1.e and 37.9.b after 'the person who made the allegation under Rule 8.1' insert '(if applicable)'.

5. In Rule 9 (Impairment of fitness to practise allegations: orders with consent and referral to Fitness to Practise Panel):
 - a. in the title, for 'orders with consent' substitute 'orders made by the SSSC';
 - b. in paragraph 3.b. for 'the worker consents to the sanction' substitute 'the worker does not request that the case be referred to a Fitness to Practise Panel under paragraph 1.c;
 - c. in paragraph 4.b. for 'the worker consents to the order' substitute 'the worker does not request that the case be referred to a Fitness to Practise Panel under paragraph 2.b'.
6. In Rule 16 (Impairment case: temporary orders) in paragraph 1.b. for 'the worker consents to the order' substitute 'the worker does not request that the SSSC makes an application for a temporary order to the Panel under paragraph 2.b'.
7. In Rule 25 (Review of suspension order and conditions) in paragraph 1.b. for 'the worker consents' substitute 'the worker does not request that the SSSC makes an application to a Fitness to Practise Panel under paragraph 2.'
8. In Rule 37 (Application for restoration to the Register):
 - a. in paragraph 6 for 'the worker consents' substitute 'the worker does not request that the application be referred to a Fitness to Practise Panel under paragraph 5.c';
 - b. in paragraph 8.b. for 'unless the worker consents to the conditions' substitute 'if the worker requests'.
9. In Rule 48 (Review of temporary order) in paragraph 2 for 'if the worker consents' substitute 'unless the worker requests that the SSSC makes an application to a Panel to review the order under paragraph 3'.

S. Campbell

Convener

On behalf of the Scottish Social Services Council

Dated 26 April 2021