

Fitness to Practise Restoration Hearings

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

What is a Fitness to Practise Restoration Hearing?

Rules 37.1 and 37.8

A hearing where the Panel will consider the application made by a former registered worker who was removed due to:

- a removal order
- an application for renewal of registration being refused by a Fitness to Practise Panel
- any other decision of a Fitness to Practise Panel.

We may refer a case to a restoration hearing in circumstances where we decide:

- not to grant an application to restore
- to grant an application to restore with conditions, and the worker asks for a 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.

Before the hearing

We will write to you and your employer or university setting out the facts that you have stated in support of your application to restore, our position and our reasons for that position. We will also tell you the date and time for your hearing.

Rules 37.9 and 37.10

We will write to the person who made the allegation (if the allegation was made within five years of the application) and we think we need to.

Rule 38

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

At the hearing

Rule 39.1

We will hold Restoration hearings in private unless you ask for a public hearing and the Panel agrees to this.

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 takes 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.

Stages

Rule 40.9

First, the presenter will set out the facts of the case and why your registration was removed before. The presenter may lead evidence about anything that has happened since your registration was removed, which affects your fitness to practise.

Second, you can make statements about the removal and anything that has happened since your removal from our Register which affects your fitness to practise. You may also lead evidence about why the application should be granted.

It is for you to prove to the Panel why they should grant your application. Every case is different and the outcome will depend on what happened and why in each case.

The Panel may grant an application for restoration and make a Restoration Order only where it is satisfied that:

- there has been a material change in your circumstances since you were removed from the Register
- you are fit to practise.

After the hearing

Rule 41.1

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

Publicity

We don't currently publish the decisions of Restoration Hearings on our website.

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](https://www.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

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