

Opt-in Hearings Consultation

We are proposing a change to our hearings process and want to hear your views.

We'd like to improve our process and focus our resources better.

We propose to do this by only holding hearings when the worker disagrees about the outcome of our investigation and asks for a hearing to resolve the disagreement.

In this consultation we will:

1. tell you what we currently do
2. explain the change we are proposing
3. ask for your views
4. ask for your help to identify any potential impact on people with protected characteristics.

What we currently do

We are responsible for protecting and enhancing the safety and welfare of people who use social services in Scotland. To meet that responsibility, we must be confident the right people are on the SSSC Register.

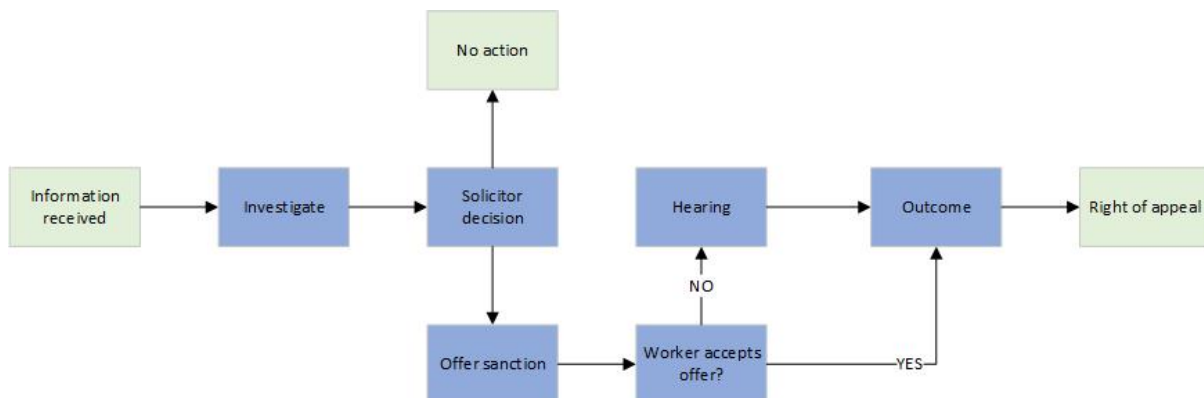
We investigate concerns about workers and take action when necessary. You can find more information about fitness to practise on our [website](#).

If we think action is necessary we ask the worker if they accept our findings, their fitness to practise is impaired, and our proposed sanction. If they tell us they do not accept our findings and proposed sanction, we hold a hearing.

Only 1.9% of people on our Register have their fitness to practise investigated. Of this number, only 15% have a sanction imposed on their registration because their fitness to practise is impaired. Most workers agree to these sanctions.

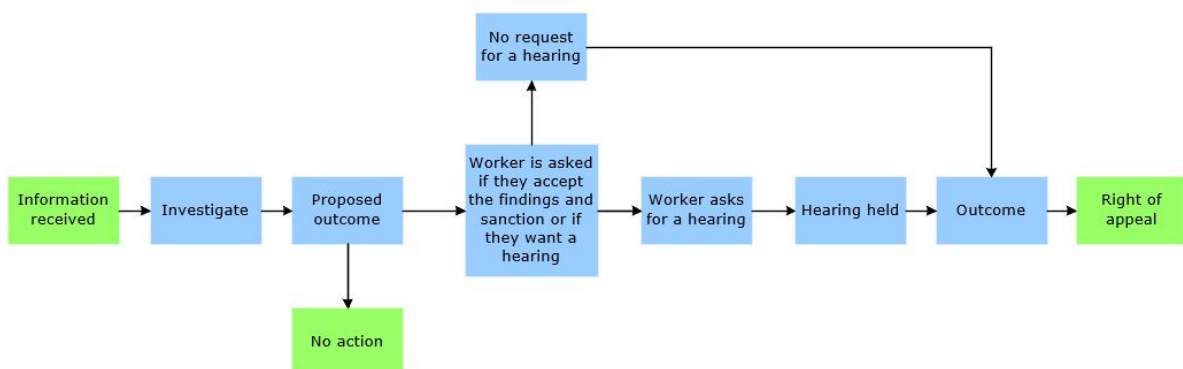
We can impose the following sanctions:

- Temporary suspension
- Temporary conditions
- Warning
- Conditions
- Suspension
- Removal



What we propose

When we ask if the worker accepts their fitness to practise is impaired we'll explain that we will impose a sanction unless they disagree with our findings and proposed sanction and ask for a hearing. If a worker doesn't ask for a hearing, we'll impose the sanction and tell the worker in writing. When a worker asks for a hearing, we will always hold one.



Why do we want to make this change?

- We want to focus on cases where there is a disagreement about the outcome of our investigation
- We want to avoid witnesses having to come to hearings where there is no disagreement about the outcome of our investigation. Giving evidence is a difficult process for witnesses and also has an impact on services that have to release staff to attend.
- By focusing on cases where there is a disagreement about our investigation, we hope to be able to resolve those cases more quickly.

- We want to be able to put more resources into improving support for workers who disagree with the outcome of our investigation and want a hearing

Who will be most affected?

Workers who do not engage with our fitness to practise process will be most affected. However, our analysis shows that when the worker hasn't engaged, the outcome of the hearing is the same that our Fitness to Practise Department initially proposed.

We believe there are four reasons for workers not engaging in the hearing process:

- acceptance that their behaviour is incompatible with registration
- moving into a different type of work and have no interest in continuing to work in social services
- retirement
- lack of support to help them engage with us.

We are taking steps to improve the support we offer workers:

- working with other organisations, such as law centres, to improve the availability of advice and representation
- making it easier to attend hearings by holding hearings outwith Dundee, or by video conference
- paying for hotel and travel expenses for workers and representatives to attend
- improving our factsheets
- developing our fitness to practise portal to improve communication
- surveying workers, employers and witnesses to identify areas for improvement.

How will workers be protected?

- We will make sure there are no barriers to asking for a hearing if they disagree with the outcome of our investigation. We will make this easy to do. Any worker who wants a hearing will be able to have one.
- This simplified process will be easier to understand. You've told us the current process is complicated.
- We will publish clear guidance and information.

How do workers, employers and the public know we make decisions to impose a sanction fairly?

- We will continue to provide detailed notices explaining our decision to workers and employers.
- We will continue to publish decisions on our website.

- We have a rigorous quality assurance process which scrutinises each decision.
- The worker will continue to have the right to appeal our decision.

Tell us what you think about our proposal by completing our short survey. It should take around five minutes to complete.

About you and your response

The information you give us will help us improve our services. The results and any information, including who responded, may be released under a Freedom of Information request. If you give us other people's personal data it may be released to them if they ask for it. While a survey is open, the data will be stored online. When it is closed, the data is moved to our secure IT system.

This survey will not store your IP address or make it available to or viewable by SSSC staff.

You can find out more about how we use and share your information in our privacy policy which is here:

<https://www.sssc.uk.com/data-protection/>

I confirm that I have read and understand the above and agree to take part in this survey. *

☐ Yes

☐ No

Are you responding: *

☐ As an individual?

☐ On behalf of an organisation?

Do you agree to your response being made available to the public (for example, on our website)?

☐ Yes

☐ No

The name and address of your organisation will be made available to the public (for example, on our website). Do you agree to your response being made available to the public?

☐ Yes

☐ No

We will share your response internally with other departments in the SSSC who may be addressing any issues you raise. They may wish to contact you again in the future, but we need your permission to do so. Are you happy for the SSSC to contact you again about your response this consultation?

☐ Yes

☐ No

If yes, please provide contact details here:

Your views on this proposal

We propose to hold hearings when a worker disagrees with the proposed outcome of our fitness to practise investigation and asks for one. Do you agree?

☐ Yes

☐ No

Do you have any other comments on this proposal?

Promoting equal opportunities

The SSSC has a responsibility to promote equal opportunities. To do this, we seek to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who do not. We support the elimination of unlawful discrimination, harassment and victimisation of individuals who share any of the following protected characteristics: Age Disability Gender reassignment Ethnicity Marriage and civil partnership Pregnancy and maternity Religion or belief Sex Sexual orientation Do you think the introduction of changes to the way we hold hearings will result in less favourable treatment for people who share a protected characteristic as defined above?

- ☐ Yes
- ☐ No

Please tell us which groups you think will be affected (select as many as apply):

- ☐ Age
- ☐ Disability
- ☐ Gender reassignment
- ☐ Marriage and civil partnership
- ☐ Pregnancy and maternity
- ☐ Race
- ☐ Religion or belief
- ☐ Sex
- ☐ Sexual orientation

What effect do you think this change will have on these groups?

Does the proposal to change the way we hold hearings promote equal opportunities between people who share a protected characteristic and those who do not?

- ☐ Yes
- ☐ No
- ☐ Not sure

Are there ways we could change how we hold hearings to better promote equal opportunities?