

Imposing a sanction - warnings, conditions or Suspension Orders

This factsheet is to help you understand the consequences of imposing a warning, condition or Suspension Order and to help you to decide whether to ask for a hearing.

We have finished our investigation about your fitness to practise. We have decided your fitness to practise is impaired and a sanction is appropriate. If you don't do anything, we will impose the sanction.

If you think we are wrong to impose a sanction, you should ask us to hold a Fitness to Practise Panel hearing, where an independent panel will decide whether to impose a sanction.

This factsheet explains both of your options.

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 may impact on our decision to impose a sanction on your registration 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 draft Notice of Decision

We will send you a draft of our Notice of Decision. This will say what the allegations are and the reasons why we think your conduct, professional practice or health affects your fitness to practise. It will say what sanction, if any, we want to impose. We will ask you if you want a hearing so a Fitness to Practise Panel can decide whether to impose a sanction.

Imposing a sanction has serious consequences for you and your career. You can ask for a hearing if you want one.

We recommend that you read this leaflet carefully and get independent advice before deciding what to do.

For more information see **Factsheet 5** about where to find help and advice

What happens if you don't ask for a hearing?

If you don't ask for a hearing within 28 days of our letter, we will start the process of imposing a sanction on your registration. We will send a copy of the final Notice of Decision to:

- you
- the person who made the allegation, and
- your employer or university.

Appeal

You have 14 days from the date you receive the Notice of Decision to appeal against it to the Sheriff Court, even if you did not ask for a hearing.

The decision will come into effect after the 14-day appeal period or at the end of any unsuccessful appeal. If your appeal is successful, the decision will not come into effect.

What happens if you ask for a hearing?

If you decide you want a hearing, you should tell your caseholder as soon as possible and they will arrange a Fitness to Practice Panel hearing.

The Panel will hear evidence and make an independent decision about your fitness to practise. If they find that it is impaired, they will decide what is an appropriate sanction, if any. The Panel can also impose a Removal Order or decide not to impose a sanction.

Effects of a sanction

Warning

We can impose a warning for up to five years. You will stay on our Register and the warning will always be part of your record of registration with us. Warnings do not show on our online Register, but information is available to current or future employers.

Conditions

Conditions allow you to stay on the Register and put measures in place which protect the public, maintain public trust or are in your interests. They are imposed for a set time and will always form part of your record of registration with us. Conditions do not show on our online Register, but information is available to current or future employers.

Conditions are imposed on your registration and you are responsible for making sure they are met. Your employer will decide if they can accommodate the conditions to allow you to continue working in your role.

In some cases, we will ask you to provide evidence to show you have met the condition. If you do not meet a condition, we may investigate you under our fitness to practise process.

Suspension

A Suspension Order stops you from working in a particular role for a period up to two years.

Although you cannot work in that role during the suspension your registration period will continue to run. When the Suspension Order ends, you may return to your role unless a further hearing is fixed.

A Suspension Order will always form part of your record of registration with us. Current Suspension Orders are shown on our online Register and are publicly available.

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

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

You can also contact your caseholder.

You may also find these documents helpful:

- Scottish Social Services Council **The Combined Fitness to Practise Rules 2021**
- **Decisions Guidance** about how we make decisions
- **Factsheet 5** about where to go for help and advice
- **Factsheet 7** about Fitness to Practise Panel Impairment Hearings.

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