

Fitness to Practise Impairment Hearings

This factsheet will help registered workers to understand what to expect if they are participating in a Fitness to Practise Impairment 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.

What is a Fitness to Practise Impairment Hearing?

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

Before the hearing

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.

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

Case management meeting

We will hold a case management meeting (CMM) at least one month before your impairment hearing to help make sure that you and the SSSC are prepared before it goes ahead. The CMM is led by a legally qualified chair (LQC).

At the meeting, decisions will be made about:

- hearing dates
- any requests made for the hearing to be delayed

- the 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 should be considered, 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 by the LQC at the CMM.

At the hearing

We hold impairment hearings in public, unless it is about your health or you ask for a private hearing, and the LQC at the CMM or panel agrees with your request.

We hold most of our hearings online using Microsoft Teams. If you would like to have the hearing in person, you can ask for this. We may also decide that it is better for the hearing to be in person. We can pay your travel costs to help you attend. We will always confirm where your hearing is in a letter.

The following parties will be involved in the hearing:

- You, your representative/supporter.
- The presenter, a solicitor who will present the SSSC's case.
- A clerk who makes sure the hearing process runs smoothly.
- The Panel. This includes the 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.

The parties may also call witnesses to give evidence during the course of the hearing.

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

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

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

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

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.

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

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.

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

Media Interest

The media read our website and our decisions are regularly reported in local and national newspapers and online news outlets. Occasionally they appear on television or radio news. We don't ask the media to report on decisions.

Social Media

When cases appear in the media members of the public may comment about them on social media. These comments are often made without full knowledge of the facts; may represent what is said in the notice and can be unpleasant.

To help manage the impact of any media attention you might want to think about:

- telling friends and family in advance
- deciding beforehand whether you want to read reports
- changing your social media settings, to restrict who can view your profile
- arranging for someone at work or a friend/family member to support you
- knowing about sources of help (see below).

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.

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

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.