

## **Fitness to Practise Temporary Order Hearings**

**If you have a temporary order hearing coming up, this factsheet will guide you through the process and what might happen at the 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 Temporary Order Hearing?**

A hearing where a Panel will consider if a Temporary Order is:

- necessary for the protection of members of the public
- in the public interest
- in your interests.

We may hold a Temporary Order hearing at any time during our investigation and can ask for a Temporary Conditions Order or a Temporary Suspension Order or both.

We do this if we receive information which suggests that your conduct, professional practice or health has caused or presents a risk of serious harm to people who use services or the public, or we feel that temporary action is necessary to uphold public confidence in the profession.

### **What is a Temporary Suspension Order?**

This order suspends you from our Register and prevents you from working in the particular role you are registered for while we investigate your case.

### **What is a Temporary Conditions Order**

This order places certain restrictions or requirements on your registration. You are able to continue working while we investigate your case.

## How long does a Temporary Order last?

A Temporary Order can last up to two years, unless:

- we are waiting for the outcome of criminal or other third party investigations/proceedings
- your case has been referred to a Fitness to Practise Panel for consideration and a decision on impairment.

In these cases, we can ask for a longer period.

## Before the hearing

We will write to you and your employer or university setting out the allegation(s) and the reasons why we consider a Temporary Order to be necessary. We will also tell you the date and time of your hearing.

We will also send you a copy of any evidence we intend to rely upon during the hearing.

## At the hearing

Temporary Orders hearings are heard in private unless you ask for it to be held in public.

We hold most of our hearings online via Microsoft Teams. If you would like the hearing to take place in person, you can ask for this. We can pay your reasonable travel costs to help you attend. 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 the case for the SSSC.
- 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 service work in the past five years.

## Stages of the hearing

First, the presenter will set out the allegation(s) and the reasons why a Temporary Order should be imposed. The presenter may lead evidence.

Second, you can make statements about why a Temporary Order should not be imposed. You may lead evidence.

The Panel must then decide if:

- there is prima facie evidence of the allegations (this means 'on the face of it', the evidence supports the allegations)
- the Temporary Order is necessary for protection of members of the public, is in the public interest or is in your interest.

The Panel can look at lots of different factors when making their decision and these will be different in each case. 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 Temporary Order, the Panel might think you agree with it.

## **Conditions**

If the Panel proposes conditions, the hearing may be stopped and a new hearing date given. You and the presenter will be able to make submissions about any Condition in writing and at the new hearing.

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

## **After the hearing**

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

A Temporary Order is not a conclusion to the proceedings and our investigation will continue.

## **Reviews**

After a Temporary Order has been imposed, we may revoke or apply to extend or vary it. We can do this at any time.

You are also able to ask for a review of an order. You can only do this after three months unless there are exceptional circumstances. You should contact your caseholder to discuss your circumstances.

We may hold a review hearing. If a review hearing is held the Panel may do any of the following.

- Take no action.
- Extend the order.
- change the order.
- lift the order.
- Make another Temporary Order which will start when the current one ends.

## Publicity

[Our Public Information Policy](#) is on our website and gives more information on how we publicise our decisions.

Temporary order hearings are held in private and we do not publish the fact that a temporary order hearing is taking place or the Notice of Decision on our website.

If a Temporary Order is imposed, 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'.

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

## 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.

If you are suspended or have conditions imposed on your registration this will have an impact upon your ability to work in the role you are registered for. For this reason, 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

You can find all of these on our website: [www.sssc.uk.com](https://www.sssc.uk.com)

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