

Investigation process for workers applying for registration

If you are applying for registration, and we need to investigate your fitness to practise, this factsheet will help you understand the process.

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 public need us to make sure that social workers, social care and children and young people workers are fit to practise. We investigate cases to check that workers are suitable to be on our Register.

If we receive information which causes us a concern about your fitness to practise, we need to get all the relevant information so we can fully understand the circumstances.

We will investigate your case with an open mind and understand that there may or may not be any substance to the allegation.

Information can come from:

- you
- individuals who use services or their carers
- members of the public
- employers, managers or colleagues
- the police or other authorities.

Sometimes we receive information about you before you are registered. This can include information about disciplinary processes, dismissals, resignations, convictions or police charges. We can take this information into account when you apply for registration.

Working while under investigation

Being under investigation does not automatically mean you cannot work in the social service sector. In most cases, you can continue to work while we are processing your application.

You must apply for registration within three months of starting work in a role that requires registration.

Usually, you must achieve registration within six months of starting work in a role which requires registration and you should not work in such a role after this period, without a reasonable excuse (the 'six month rule').

If you do, your employer may be committing an offence and the Care Inspectorate may enforce this. If the only reason that you are not registered is because of a fitness to practise investigation, we will not refer your employer to the Care Inspectorate.

If you think you may be affected by the 'six month rule', you should discuss this with your employer.

The investigation stages

There are three stages to our investigations.

Stage 1: Screening

All information we receive about you is screened. This means we will consider whether the information suggests that your fitness to practise might be impaired.

If we decide that the information does not affect your fitness to practise, we will take no further action and will process your application in the usual way.

If we decide that the information may affect your fitness to practise, we will open a case and allocate this to a caseholder who will begin an investigation. The caseholder may be a fitness to practise investigator or a solicitor.

Stage 2: Investigation and decision

We will gather information from a variety of different sources to understand the circumstances.

In most cases we will write to:

- you to explain any allegations and may ask for your comments
- the person or organisation who raised the concern with us (we might ask them for more information or for clarification)

- your employer (includes any new employer) or university (we will ask them to provide a character reference confirming that they are aware of the matter we are investigating and to comment on your current practice).

Depending on the type of case we are investigating, we may do the following.

- Request investigation or disciplinary paperwork. This may include any hearing minutes, copies of statements or interviews and relevant policies.
- Contact potential witnesses to request independent witness statements. This can include individuals who use services, employers and colleagues.
- Contact the Scottish Court Service, the Crown Office and Procurator Fiscal Service (COPFS), the police or other relevant authorities to confirm or provide information.
- Contact health professionals to confirm or provide information. We may request reports from your GP or other health professionals who know about your health condition or treatment.

In every case, we need to consider the circumstances and reach our own independent decision.

Taking part

We understand that being investigated by us may be stressful. However, it is very important we have all relevant information. This includes your comments and views.

We expect you to respond to our requests for information as part of your responsibilities as a social service worker but you have the right to choose not to respond to us.

This is something that you may want to take independent advice about.

If we don't get comments from you, we will continue our investigation and will make a decision without fully knowing your position. If you take part, you may get a better outcome.

We also expect that you are open and honest with your employer or any future employer about the status and progress of any investigation.

We will seek a reference from your current employer as part of our consideration of your application for registration. You can also provide us with references and testimonials in support of your application.

Length of investigation

How long an investigation takes depends on how complex and serious the concerns are. The following can also have an impact:

- how long it takes other people to provide us with information

- in most cases where you are being investigated by a third party, for example, the COPFS or the police, your employer or another regulatory body, we will wait for the outcome of their investigation before starting ours
- the caseholder may need to ask for a legal opinion about the information.

We will complete our investigation as quickly and efficiently as possible. You can contact your caseholder at any time for an update.

Cases where we take no further action are, on average, open for six months. In cases where we decide a condition is necessary, an investigation may take, on average, nine months. Cases which are referred to a hearing may take longer.

Decision

After we finish our investigation the caseholder will review the information and make a decision.

This is a formal process and involves considering whether there is enough evidence to support any allegations and whether those affect your fitness to practise.

We are required to prove our cases on the civil standard of proof. That is whether it is more likely than not that an event occurred.

Stage 3: Outcome

When making our decisions, we must have regard to public protection and seek to maintain public trust and confidence in the social service sector.

The options we have are to:

- take no further action and grant the application
- grant the application subject to conditions if you accept
- refuse the application and refer to a Fitness to Practise Panel to decide on registration.

At every stage of the case we will be mindful of your needs and encourage you to tell us what your support needs might be or if they have changed.

Accepting a registration condition

If you choose to accept a registration condition, we will ask you to sign and return an acceptance form. We will then send a final Notice of Decision to:

- you
- the person or organisation who raised the concern with us, if relevant
- your current or most recent employer or university

- any other person or body we think should be informed of our decision (if we consider it necessary for the protection of members of the public, or otherwise in the public interest).

Not accepting a registration condition

If you chose not to accept a registration condition, you should contact your caseholder and your case will be transferred to a Fitness to Practise Panel hearing.

Publicity

We do not currently publish information about registration decisions on our website.

More information

Find more information about our fitness to practise processes on our website: sssc.uk.com

You may also find these documents helpful:

- Factsheet 4 about application outcomes
- Factsheet 8 about Fitness to Practise Application Hearings
- Factsheet 12 about what it means to accept a registration condition
- 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.