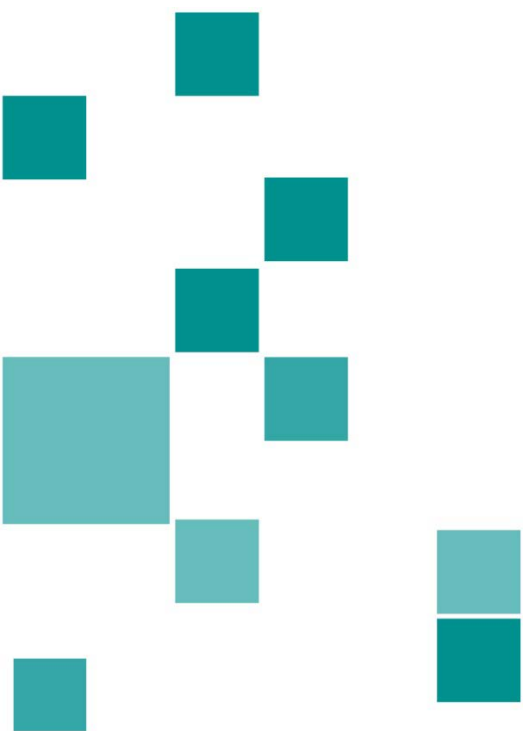


Guidance for Raising a Concern About a Colleague



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This guidance is for workers who wish to raise a concern about a colleague who is registered with us.

1. The role of the Scottish Social Services Council

The Scottish Social Services Council (SSSC) is the regulator for the social service workforce in Scotland. Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce.

We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and take action.

The Fitness to Practise Department investigates concerns and complaints.

This document will give you information about:

- what we can and cannot consider
- what information we need from you
- the investigation process and possible outcomes.

If you require this guidance in another format or language, please contact us on 0345 60 30 891.

2. Before we can investigate

Before we can consider a concern:

- we must be able to identify the worker
- the worker must be registered with us
- there must be an allegation that the worker's fitness to practise is impaired.

We must be able to identify the worker

We expect you to tell us the name of the worker. If you don't know the worker's name we will need details about where and when the incident or events took place and some way of identifying the worker. If we have this information we will make reasonable efforts to trace the worker.

The worker must be registered with us

We can only investigate workers who are registered or applying to be registered. Not all social service workers are registered with us, for example child-minders, social work assistants and some care at home workers who are not required to be registered until 2020. Some workers are registered with other bodies such as the Nursing and Midwifery Council. You can check if a worker is registered with us by searching the Register on www.sssc.uk.com or by calling us.

An allegation that the worker's fitness to practise is impaired

We do not expect you to know about our process or to put your concerns in technical language. However you must be clear about what has happened and what the concerns are to allow us to decide if the worker's fitness to practise might be impaired.

3. What concerns we consider

We can consider concerns that a worker's fitness to practise may be impaired. This could be because of their:

- conduct
- professional practice or
- a health condition which has an adverse effect on their ability to do their job safely and effectively.

The standards we expect are set out in the SSSC Codes of Practice for Social Service Workers and Employers (the Codes).

Examples of behaviour that can be referred to us include:

- physical or verbal abuse of people who use services or colleagues
- dishonesty
- failure to deliver an acceptable level of care
- failure to follow policies and procedures
- bullying and harassment
- or other **serious** behaviour.

4. What we cannot consider

We cannot consider all concerns for example:

- employment matters such as pay, terms, conditions, probationary outcomes
- personality conflicts (provided there is no evidence of bullying or harassment) including colleague/personal disputes or grievances
- deliberately malicious complaints

Employers are best placed to deal with these issues and employees need to use the appropriate systems to address concerns of this nature.

If you are unsure who to raise your concern with you should contact us and we will give you advice.

We must focus on making sure that the worker is investigated and that the right decision is made about their registration. We cannot change anything about the service or force the worker to apologise. We will direct you to the service to use their complaint process or you may wish to take independent advice.

5. What information do we need?

We understand that it can be difficult to raise a concern and tell someone about what has happened, but the more detail you can give us the better we can consider your concerns. We often have further questions and may need to contact you. You can submit a complaint anonymously but it may stop us from being able to investigate the matter fully and result in the investigation being closed.

The complaint form asks you some questions and a guide to what to include is below.

What we need you to tell us	This should include
What happened?	Brief details of the behaviours or actions that have caused you concern
Where and when it happened?	The location and approximate dates for the concerns you are reporting
Was anyone harmed?	What harm or injury was caused and to who. This could include physical, psychological or emotional harm.
Why you think the behaviour of the worker is concerning?	Why you feel the behaviour is below the standard expected of a registered worker
How did the worker's behaviour make you feel?	How you felt at the time and how you feel about it now
Did anyone witness the behaviour?	Names of anyone who saw or can support your concerns
Have you raised your concerns with anyone else?	If you have raised your concerns with the police, social work department, relevant employer or other organisation
What supporting information do you have?	Copies of letters, emails, photographs, reports and which parts of your complaint they relate to

6. What happens next?

If we are unsure if your concern is something we can investigate we will contact you for further information to help us decide.

If your concern is not something that we can investigate we will contact you to explain this and will advise who else you might be able to speak to. If the concern should be reported to another body we will do so, for example, the police, social work child or adult protection teams, or other regulators.

If we can investigate we will review the information you have provided and may contact you if we have further questions. This will usually be within a week of us receiving your complaint.

7. What we will do with the information?

We will let the worker know that we have received the referral and ask them for their comments. We will tell the worker the information set out in the referral form so that they can comment on it. During our investigation, the worker may receive a copy of all relevant information we receive so that they can understand and respond to the allegations against them. You should tell us if there is anything you would prefer we did not send to the worker. We will consider this request but may still need to provide the information. We will not share any information that might compromise a criminal investigation.

We may use any information that you provide as evidence of the allegations against the worker. If an officer sanction is placed on a worker the decision is usually made public (other than in health cases) or if the matter goes to a hearing the detail may become public as hearings (other than those concerning health) are usually held in public and the media can attend.

We may share information with other regulatory bodies and partner agencies where we consider it appropriate to do so. In sharing information we will comply with the data protection legislation. Information may also be released as a result of a subject access request or a freedom of information request made under the data protection legislation.

8. The investigation process

Your complaint will be investigated by a caseholder in the Fitness to Practise Department. They will ask for information from you and other relevant parties such as the employer, the police, social work department and any witnesses. The worker will be made aware of allegations made against them and be given the opportunity to comment.

Our investigation is independent and although we will speak to other people for information, such as the employer, we are independent of them.

9. What information we will tell you

We regularly review cases and ensure that they are progressing. We will not automatically update you with progress, however if you would like an update you should contact the caseholder.

Our investigation is about the worker and much of the information we will gather is about them and their registration. We cannot share all of the detail with you. We may also have information and concerns raised by other people which we cannot share.

10. Temporary Orders

At any time during our investigation we may decide to seek a Temporary Order. This may be to suspend the worker or place conditions on their registration. We do this before all of the facts have been proved, but there is a public protection or public interest risk. We may also do this to protect the worker, for example where their health is a concern.

11. Possible outcomes

After our investigation we will make a decision on whether the worker's fitness to practise is impaired and if it is what action to take. We will use the SSSC Decisions Guidance to help us. You can find this on our website www.sssc.uk.com.

The possible outcomes are that we:

- take no further action
- place a sanction on the worker's registration which can include:
 - a warning
 - a condition
 - a warning and condition
 - suspension
 - removal from the register

We can place a sanction on the worker's registration with their consent or refer their case to a hearing for a decision. If there is a hearing we may ask you for a signed statement and/or ask you to attend as a witness.

When we have made a decision we will write to you and let you know.

12. What does no further action mean?

There are several reasons why we might take no further action. This does not mean that we do not believe you or think that nothing has gone wrong. We might take no further action where:

- There is not enough evidence of the facts. This means that there is not sufficient evidence about the facts. This does not mean that our evidence does not count but there are legal tests that must be met and we do not

have enough evidence to meet them. We keep a record of the investigation and may reinvestigate if more evidence becomes available.

- The worker's fitness to practise is not impaired. This means that we have evidence of the facts but do not think that the worker's fitness to practise is currently impaired. This might be because they have worked safely since the incident, apologised and understood the effect of their actions, apologised or carried out training.

13. How long will this take?

Each case is different and we cannot tell you how long it will take. However on average if we take no further action cases take six months. If a sanction is placed on the worker's registration it will take an average of 12 months – this may be longer if we hold a hearing.

14. More information

Visit the fitness to practise section of our website www.sssc.uk.com to find out about:

- investigation process
- Fitness to Practise Panel hearings
- being a witness
- outcomes of investigations.

Dissatisfied with the SSSC?

If you are unhappy or dissatisfied with how we have dealt with your complaint the SSSC has a Complaints Procedure. We define a complaint as an expression of dissatisfaction about the way in which we work. You cannot complain about any decision regarding the outcome of an investigation. For more information about our Complaints Procedure please contact 0345 60 30 891.

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If you would like to request this document in another format please contact the SSSC on 01382 207101.

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