



Fitness to Practice Impairment Hearings: The Three Stages

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What is a Fitness to Practice Impairment Hearing?

- At a Fitness to Practice Impairment Hearing, the Panel will decide whether a worker's Fitness to Practice is impaired and what sanction (if any) should be imposed (Rule 9).
- For more information - see the [SSSC's Factsheet #7](#)
- The rules which apply to these hearings are [The Scottish Social Services Council Combined Fitness to Practise Rules 2021](#)
- Before the hearing you will receive a document called '*Fitness to Practice Hearings Guide for Workers Impairment Hearings*'. This is a very useful guide and we recommend that you read this closely before attending the hearing.
- For more information on what the hearings look like, see our 'Hearings Information' slideshow.

Do I have to go to my Fitness to Practice Impairment Hearing?

- The SSSC cannot force you to attend. However, important decisions about your employment can be made at the hearing. **We strongly recommend that you attend the hearing.**
 - It is possible to apply for a postponement. You can find more information about how to do this in [SSSC Factsheet #23](#).
 - If you do not attend and you have not provided reasons/evidence for this, the Panel may decide to go ahead with the hearing without you.
- You can contact the SSSC about your hearing using the following details:

Telephone: 0345 60 30 891

Email: enquiries@sssc.uk.com

Address: Compass House, 11 Riverside Drive, Dundee, DD1 4NY

The Fitness to Practice Impairment Hearing

- Unless the hearing is about your health or you ask for a private hearing, it will be held in public.
- There are 3 stages of the hearing process:
 - (1) Fact-finding
 - (2) Findings on impairment
 - (3) Decision on sanction(s)

Preliminary Matters

- Before stage 1 begins, the Panel will consider any preliminary matters.
- This can include issues such as:
 - witness availability
 - additional evidence
 - request for a postponement
 - if the hearing should be in private (if not already decided)
 - amending the allegation(s)



Stage 1: Fact-finding (Rules 18 and 32)

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- The chair will ask you if you admit any facts alleged in the allegation(s).
- If you do not admit the facts alleged or if some of the facts alleged are disputed, the presenter will present the SSSC's case.
 - This involves calling any witnesses they have and asking them questions.
 - They will also refer to any documents which support the allegation(s).
- You may cross examine witnesses called by the SSSC. This means that if anything comes up in their evidence that you dispute, you can ask them questions about it. It is helpful to take notes whilst the witnesses give evidence.



Stage 1: Fact-finding (Rules 18 and 32)

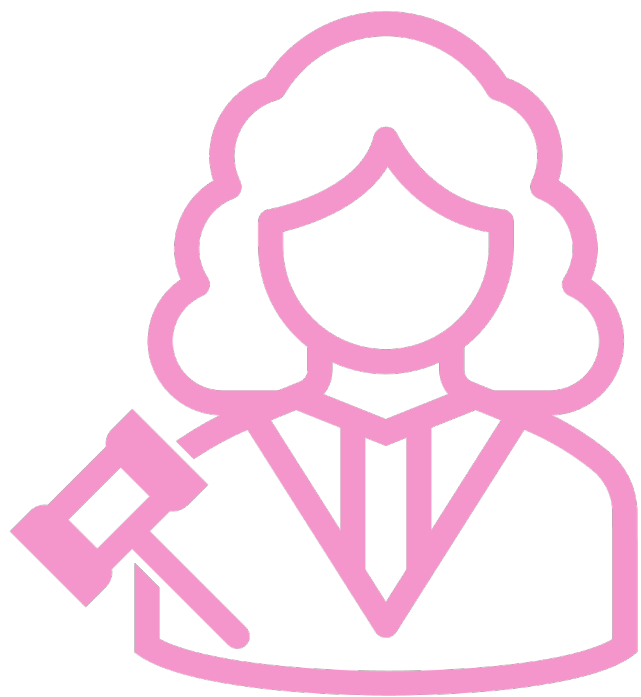
- You may present your case. This is your opportunity to give your evidence by telling the Panel what happened. This can include questioning witnesses.
- If you are giving evidence on your own, explain your version of events in chronological order and refer to relevant documents in the bundle as you go along.
 - You must draw the Panel's attention to any relevant document
- If you are questioning witnesses, do the same - prepare questions for them in a chronological order and refer to relevant documents.
- If your questions are not relevant to the case or stray away from the relevant facts then they may not help the case or frustrate the Panel.
- Keep an eye on the Panel and if they are writing quickly, give them a chance to catch up before asking your next question.
- Remember - the SSSC may cross examine you or any witnesses called by you.

Stage 1: Fact-finding (Rules 18 and 32)

- At the end of the evidence presented by you and the SSSC, the Panel may ask questions.
- The presenter, and then you may make a closing statement on the facts.
 - You should prepare notes for this.
 - It can be helpful to include: asking the Panel to accept your evidence as truthful and your comments on any evidence you heard from the SSSC witnesses that is inconsistent or why it should not be believed.

Stage 1: The Panel's Finding of Fact (Rules 18 and 32)

- The Panel's findings of fact must be announced in the presence of you and the SSSC. This means they will tell you which of the allegation(s) they think are proved and which are not.
 - They can decide that an allegation is partly true.
- For more information on evidence and the standard of proof, see our slideshow 'Fitness to Practice Impairment Hearings: Evidence'
- If the Panel find that none of the allegation(s) have been proved:
 - The Panel must dismiss the case and conclude the hearing; and
 - Any temporary order is revoked



Stage 2: Finding on impairment (Rule 19 and 32)

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- On the basis of the facts they have just found to be proved in the first part of the hearing, the Panel will then go on to consider whether those facts mean that your Fitness to Practice is impaired.
- Your Fitness to Practice can be impaired by one or more of the following:
 - Misconduct
 - Deficient professional practice
 - Health
 - Decisions by other regulatory bodies
 - Criminal convictions
- For more information on the grounds of impairment, see our slideshow 'What is Fitness to Practice'.

Stage 2: Finding on impairment (Rule 19 and 32)

- You will be asked whether you admit impairment of your Fitness to Practice.
- If your impairment cannot be agreed, the Panel will ask the SSSC presenter to present their case against you on the issue of impairment.
- As with the fact-finding stage, you may present your case, question witnesses and make a closing statement. For more information on this, see the slides on ‘fact-finding’ in this slideshow.

Stage 2: Finding on impairment (Rule 19 and 32)

- The Panel will decide if your Fitness to Practice is impaired and announce their decision in the presence of you and the SSSC.
- When deciding whether your Fitness to Practice is impaired, they must consider:
 - The protection of the public
 - Maintaining public confidence in social services
 - Upholding proper standards of conduct
- Insight is central to the consideration of impairment. For more information on what insight means, see our slideshow 'Insight and the Personal Statement Form'.
- If the Panel decides that your Fitness to Practice is not impaired
 - The Panel must dismiss the case and conclude the hearing; and
 - Any temporary order is revoked



Stage 3: Sanction(s) (Rules 20 and 21)

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- If the Panel decides that your Fitness to Practice is impaired, they will decide which sanction, if any, to impose.
- The purpose of the decision is not punishment, rather it is:
 - To protect the public
 - To uphold the public interest
 - In the interests of the worker

Stage 3: Sanction(s) (Rules 20 and 21)

- The sanctions that can be placed on your registration are:
 - Impose no sanction
 - Impose a warning
 - Impose condition(s) on your registration
 - Impose a warning and condition(s)
 - Make a suspension order for a period no longer than 2 years
 - Make a suspension order and impose condition(s)
 - Make a removal order
 - Revoke any temporary order
- All sanctions form part of your record of registration with the SSSC
- For more information on sanctions, see our slideshow 'Sanctions' and [SSSC factsheet #3](#).

Stage 3: Sanction(s) (Rules 20 and 21)

- When the Panel considers what sanction to impose, they must take into account:
 - The evidence which was given in stage 2 of the hearing process (finding on impairment)
 - The seriousness of your impairment of fitness to practice
 - the protection of the public
 - the public interest in maintaining confidence in social services
 - the issue of proportionality - this is a balancing exercise between your interests to do your chosen role and the interests of the wider public
- The Panel will refer to the [Decisions Guidance](#) when making their decision, we recommend that you read this.

Stage 3: Sanction(s) (Rules 20 and 21)

- The SSSC will present their case on which sanction should be imposed. This can include leading evidence and questioning witnesses.
- You can also present your case, including leading evidence and questioning witnesses.
- At the end of each case being presented, the Panel may ask questions.
- The Panel will begin with the decision that is least restrictive to you when it considers the decisions available.
- The Panel's decision on sanction(s) must be announced in the presence of you and the SSSC.

If condition(s) are proposed by the Panel

- If the Panel proposes to impose a condition on your registration, the Panel must give you and the SSSC time to consider this proposed condition.
 - You and the SSSC presenter can speak to the Panel about the sanction to be imposed.
- The Panel may invite you and the SSSC to call witnesses to give evidence about the enforceability or workability of a proposed condition.
 - To try to persuade them to impose the least serious sanction, you can explain to them whether you think a proposed sanction is workable and/or the financial impact it would have on you/your dependents.
- If the Panel imposes a condition, any temporary order will be revoked.