



Fitness to Practice Impairment Hearing: Evidence

Disclaimer

The information on these slides is for general guidance only and is not legal advice. It should not be regarded or relied upon as a complete or authoritative statement of the law. The Law Clinic does not represent or warrant that the information on the website is accurate, complete or up to date.

Please see the full disclaimer [here](#).

Fitness to Practice Impairment Hearing: Evidence



- The burden of proof lies with the SSSC and the standard of proof is the civil standard.
 - This means that the SSSC has to prove that it is more likely than not that something happened.
- Unlike in criminal hearings, evidence does not need to be corroborated (ie confirmed by two different sources).
- Hearsay evidence (ie second-hand evidence) can be allowed.

Which evidence can I use?

- You need to think about which evidence might be useful for proving your case.
- The evidence you use will vary depending on the allegation(s). Evidence can include:
 - witness statements
 - line management records
 - your job description
 - recordings
 - your employer's policies
 - grievance documents
 - incident reports
 - references
 - shift records
 - medical evidence (eg health records)
 - letter from the Police confirming that no action is being taken
 - recordings
 - care plans

When do I need to provide the evidence?



Evidence should be provided in advance. However, the Panel can allow late evidence if the other party consents or where it is necessary to ensure fairness.



Evidence can be oral (ie from you or witnesses), documents or recordings.



14 days before the hearing you must send any additional evidence you have to the SSSC.



7 days before the hearing you will receive all the evidence, this will be numbered.



It is possible to submit late evidence. To do so you will need to explain why it is late and the reasons why you believe it should be allowed.

How can I challenge SSSC evidence at the hearing?

- Before the hearing, read the evidence which the SSSC has sent you and make notes on issues you would like to raise.
- If you think there are issues with the SSSC's evidence (for example, there is no witness to speak to the evidence), you can raise this at the hearing.
- The Panel may also take issue with some of the evidence and if so, they will raise this at the hearing.