



**What is fitness to  
practice ?**

# Disclaimer

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# What is the meaning of fitness to practice?



The following information is taken from the [SSSC \(Fitness to Practice\) Rules 2016](#). The rules are useful and written in a way to try to make them easy to read, we recommend you look at them



**You are fit to practice if you meet the standards of character, conduct and competence necessary for you to do your job safely and effectively with particular regard to the Codes (Rule 2.1)**



For more information on the Codes of Practice, see our slideshow on 'Who are the SSSC and what do they do'

# When can fitness to practice be impaired?

Your Fitness to Practise may be impaired by one or more of the following:

- Misconduct
- Deficient professional practice
- Health
- Decisions by other regulatory bodies
- Criminal convictions

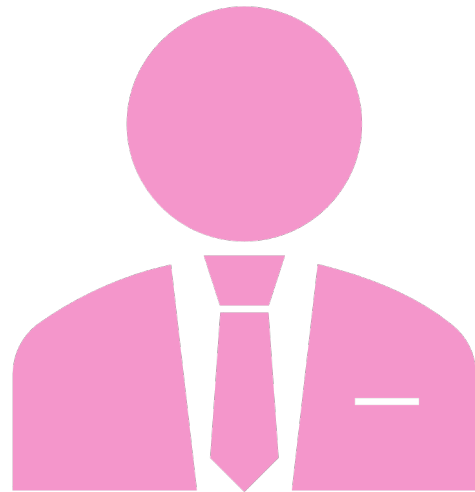
(Rule 2.2)

In every case the SSSC needs to consider the facts and circumstances to reach their decision.

# When can fitness to practice be impaired?

The following slides give you examples of when fitness to practice can be impaired. Some of the examples are taken from the SSSC website, you can find them (and more examples) [here](#).

# Misconduct - your behaviour



- **Misconduct:**
  - Can take place both at work and outside work
  - Includes administrative and managerial work
  - Can be an act or an omission
  - Depends on what is proper in the circumstances
- The Codes of Practice are relevant to deciding what is proper in the circumstances.

# Misconduct - your behaviour

## Example of conduct that would be investigated:

- The relative of someone who uses services has made a complaint that they witnessed a worker swear at and use excessive force when supporting that person.
- Complaints about racist or other discriminatory behaviour by a worker- this could be from co-workers, service users or their families.
- Complaints that a worker has had an inappropriate relationship with a service user.

# Misconduct - your behaviour

## Example of conduct that would not be investigated:

- A person who uses services asks a worker for a cup of tea. The worker acknowledges the request but does not return with the drink. The person who uses services makes two more requests for a drink before the worker finally brings the cup of tea and it is an hour after the original request. The shift supervisor overhears the final request and counsels the worker about her actions.
- Although the worker's behaviour demonstrated a lack of respect for the individual's rights and choices, it was an isolated incident addressed by the employer and is not of a level of seriousness that would raise a concern about the worker's fitness to practise. It would be expected that the employer manage this behaviour.



# Deficient Professional Practice - your competence and how you do your role

Professional practice is deficient when it is unacceptably low.

Example of practice that would be investigated:

- There are concerns about a worker's record keeping when administering medication to people who use services. An employer decides to manage these concerns through the organisation's capability process and provide the worker with increased supervision, mentoring and further training for a nine month period. After this period the worker is still failing to meet the record keeping standards. Despite the additional training and support the employer is not satisfied that the worker can competently complete medication records. The worker is dismissed on the grounds of capability due to competence.

# Deficient Professional Practice - your competence and how you do your role

## Example of practice that would not be investigated:

- An employer has concerns about a worker's ability to intervene timeously and appropriately to support colleagues during challenging situations that occur within the unit. The employer decides to manage the worker's fitness to practise through the organisation's capability process. A performance plan is put in place for the worker which includes further training, supervision and a period of monitoring and assessment. The plan is to be reviewed at regular intervals.
- The worker cooperates fully with the plan and there is an improvement in practise to a satisfactory standard. It would be expected that the employer continue to manage this behaviour.

# Health



- You are expected to manage your health condition(s) by speaking to your employer about this and complying with recommended steps to manage it.
- Health conditions can include mental and physical health as well as addiction to drugs or alcohol.

# Health

- Your Fitness to Practice may be impaired where a health condition has an adverse effect on your ability to do your job safely and effectively
- Some examples of conditions which **might** mean Fitness to Practise is impaired are:
  - periods of unconsciousness or blackouts
  - serious memory loss
  - inability to control anger or other emotions
  - reduced ability to make decisions
  - inability to carry out certain physical tasks
  - lack of self-awareness and impact of behaviour on others
  - lack of concentration
  - alcohol and substance addiction
  - a serious communicable disease

# Health

- If you are signed off from work because of ill health, you do not necessarily have impaired fitness to practice.
- If your health issues are being managed adequately with your employer, this would not be investigated.

# Health

## Example which would be investigated

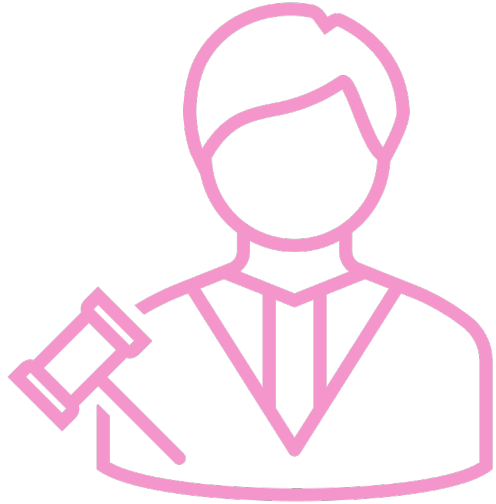
- A worker was recently diagnosed with epilepsy and declared this to an employer. The employer recommended that the worker tell colleagues, and asked the worker to make sure they took their medication. The worker chose not to tell any colleagues and in the following months did not take medication on a significant number of occasions.
- The worker and a colleague were carrying out personal care with a person who uses services and the worker had a seizure. The colleague did not know about the worker's condition so became very distressed when trying to help the worker, as a result the person who uses services was left unattended and fell.
- The worker is not complying with medical treatment and lacks insight into the impact of the health condition on colleagues and people who use services.

# Health

## Example which would not be investigated

- A worker has type 2 diabetes and has been taking medication for over seven years and has never fallen ill at work. The worker has told all colleagues about the condition and keeps a small amount of medication somewhere safe at work.
- The worker's insight into understanding and management of the condition means that they are able to practise safely.

# Decisions by other regulatory bodies



- Your Fitness to Practice may be impaired if you are registered with another regulatory body (for example, the Nursing and Midwifery Council) and that body has made an unfavourable decision about you.



# Criminal Convictions

- There are certain restrictions on the convictions that the SSSC can consider. This relates to the Rehabilitation of Offenders Act.
- Convictions which do not relate to professional practice can be considered.
- The SSSC can investigate, even if you have been acquitted.
- If you are convicted for a serious offence, this normally results in your practice being restricted for the length of your sentence (and possibly longer).