



Fitness to Practise Application Hearings

This factsheet will help workers who are applying to be registered to understand what to expect if they are participating in a Fitness to Practise Application Hearing.

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.

What is a Fitness to Practise application hearing?

A hearing where a Panel will consider the application of a worker who is applying to be registered, and whether they are fit to practise and therefore should be registered.

Before the hearing

We will write to you, the person who made the allegation and your employer or university setting out the allegation and the reasons why we consider your fitness to practise to be impaired. This letter will also inform you of the date and time for your hearing.

We will also send you a copy of any evidence that we intend to rely on during the hearing.

Case management meeting

We will hold a case management meeting (CMM) at least one month before your application hearing to help make sure that you and the SSSC are prepared before it goes ahead. The CMM is led by a legally qualified chair (LQC).

At the meeting, decisions will be made about:

- hearing dates
- any requests made for the hearing to be delayed
- the length of hearing
- witness details and arrangements
- matters relating to your health, and any reports that we might need
- any legal matters, including whether the case should be heard in public, whether evidence should be considered, whether charges are competent, and whether we have the right to go ahead with the case
- any requests for specific information for the Panel
- whether we can agree any of the facts.

We will send you a copy of any decisions made by the LQC at the CMM.

At the hearing

We hold application hearings in private, unless you ask for a public hearing, and the LQC at the CMM or the panel agrees with your request.

We hold most of our hearings online using Microsoft Teams. If you would like to have the hearing in person, you can ask for this. We may also decide that it is better for the hearing to be in person. We can pay your travel costs to help you attend. We will always confirm where your hearing is in a letter.

The following parties will be involved in the hearing.

- You, your representative/supporter.
- The presenter, a solicitor who will present the SSSC's case.
- A Hearings Officer who makes sure the hearing process runs smoothly.
- The Panel. This includes the LQC, a social service member and a lay member. The LQC is a qualified solicitor or advocate who will lead the hearing. The social service member will have experience of working in social services and is registered with us. The lay member is not and has not been involved in social services work in the past five years.

The parties may also call witnesses to give evidence during the hearing.

Hearing stages

The hearing will be split into:

Stage 1: findings of fact

Stage 2: findings on impairment

Stage 3: decision on application.

Findings of fact

If we can't agree on the facts, the Panel will ask the presenter to lead evidence in support of the SSSC's case.

The Panel will ask you if you want to lead evidence in support of your case.

The Panel can hear from witnesses, look at documents and watch or listen to recordings.

The Panel will decide if a fact is proved and will do this by looking at whether it is more likely than not to have happened.

Findings on impairment

If we can't agree on impairment the Panel will ask the presenter to lead evidence in support of the SSSC's case.

The Panel will ask you if you want to lead evidence in support of your case.

The Panel will decide if your fitness to practise is currently impaired. They will do this by looking at factors like:

- the length of time since the conduct or incident
- any insight, apology and regret you show
- any training you have done to correct or address the conduct or concern.

Decision on registration

The Panel can decide to:

- grant the application or renewal
- grant the application or renewal, subject to conditions.
- refuse the application or renewal.

The Panel can take a range of factors into account in making their decision and these will vary from case to case.

After the hearing

We will send a Notice of Decision to you and your employer or university.

If your registration has been refused, you cannot reapply to register on the same part of the Register within two years, unless the only ground of refusal was due to health, or there has been a material change in circumstances.

If you are applying to a different part of the Register, you can apply at any time.

Publicity

We do not currently publish the decisions of application hearings on our website.

More information

You can contact your caseholder at any time if you have any questions about your hearing or the process. We cannot provide legal advice or representation. We strongly recommend you take independent advice.

You may also find these documents helpful:

- Factsheet 5 about where to go for help and advice
- Factsheet 12 about registration conditions
- 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.