

## Panel with a legally qualified chair (LQC)

**This factsheet will help you to understand what happens in a panel hearing involving a legally qualified chair (LQC).**

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 that may impact on our investigation process 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.

Panels consider if a worker's fitness to practise is impaired. A Fitness to Practise Panel can consider different types of hearings such as:

- Application Hearings
- Temporary Orders Hearings
- Impairment Hearings involving registered workers
- Restoration Hearings, involving workers applying to be restored to the Register.

### Who is on the panel?

There are three panel members.

- A LQC, who is a qualified solicitor or advocate and the person who will lead the hearing.
- A social service member, someone who will have experience of working in social services and is registered with us.
- A lay member, someone who is not or has not, been involved in social service work for five years.

## Who appoints the panel members?

The Scottish Social Services Council (SSSC) was set up under The Regulation of Care (Scotland) Act 2001.

This Act, and the SSSC (Appointments, Procedure and Access to the Register) Regulations 2001, say that the SSSC will be run by Council Members. The Council Members are appointed by the Scottish Government.

The SSSC has a Chief Executive who is also appointed by the Scottish Government. The Council Members and the Chief Executive are allowed to pass on certain powers to other people appointed by them or employed by the SSSC. This is set out in a document called the Scheme of Delegation. This document is [available on our website](#).

The SSSC's Head of Regulatory Improvement and Hearings recruits Panel members. We advertise positions publicly and interviews usually include someone external to the SSSC.

The Head of Regulatory Improvement and Hearings then prepares a report for Council Members recommending appointments. Council Members consider the report and appoint people to be panel members.

## Independence of panel members

Panel members are not employees of the SSSC. They are independent of the SSSC and:

- do not share offices with the SSSC and only attend the SSSC's offices for hearings or training/support sessions
- have no liaison with the Fitness to Practise Department
- do not have access to the SSSC's computer system or IT network
- only have information about a case which the SSSC and the worker have given to them.

Panel members are appointed for three years and they can be re-appointed for further periods not exceeding four years, which means they can be a member for up to seven years in total.

A SSSC hearings officer selects the members who sit on each panel. The hearings officer is part of the Regulatory Improvement and Hearings Department.

The hearings officer selects panel members by taking a number of things into account, including:

- the availability of the individual members

- making sure that members do not have a conflict with a particular case that would prevent them being able to hear it (for example, if the member worked for the same employer as the worker whose case is being heard)
- making sure that members do not sit on more than one panel about the same case.

Panels make independent decisions based on the facts and evidence before them, taking into account the legal tests which apply. The hearings officer does not make decisions.

## **Training and appraisal of panel members**

Panel members are trained on how to make decisions by people not employed by the SSSC.

The members also appraise each other's performance which is recorded by the LQC.

Any concerns about a member breaching the terms of their appointment is referred to the SSSC Chief Executive. The Chief Executive may refer the matter to the SSSC's Special Appeals Committee.

The Fitness to Practise Department or the Regulatory Improvement and Hearings Department can't make decisions on whether there has been a breach of the member's terms of appointment.

## **How do panel members know about the law?**

The LQC advises the members on matters of law and ensures that the proceedings are fair.

## **Who represents the SSSC at the hearing?**

A presenter represents the SSSC. This is usually a SSSC solicitor who is employed in the Fitness to Practise Department. Sometimes this will be a solicitor from outwith the SSSC, who the Fitness to Practise Department has asked to represent the SSSC.

## **What is the difference between the Fitness to Practise Department and the Regulatory Improvement and Hearings Department in the SSSC?**

The Fitness to Practise Department deals with:

- the investigation of a case
- the decision to refer the case to a panel
- the presentation of that case to the panel.

The Regulatory Improvement and Hearings Department deals with:

- the recruitment process for panel members
- selection of panel members for a hearing
- scheduling of hearing dates
- the administration of the hearing.

## **More information**

Find more information about our fitness to practise processes on our website:  
[www.sssc.uk.com](http://www.sssc.uk.com)

You may also find these documents helpful:

- Scheme of Delegation which sets out what powers the SSSC can pass on to other people we appoint or employ.

You can find this on our website: [www.sssc.uk.com](http://www.sssc.uk.com)

If you would like a printed copy of any document, please contact your caseholder.