

Imposing a Temporary Order

This factsheet is to help you understand the consequences of imposing a Temporary Order on your registration and to help you decide whether to ask for a 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 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.

We may decide to impose a Temporary Conditions or Suspension Order, or both, at any time during our investigation. Based on the information we have obtained, we have decided that we need to impose a Temporary Order on your registration.

We do this if we have information which suggests that your conduct, professional practice or health has caused or presents a risk of serious harm and a Temporary Order is necessary to:

- protect the public, or
- is in the public interest, or
- is in your interests.

If you don't do anything, we will impose the Temporary Order.

If you think we are wrong to impose a Temporary Order, you should ask us to hold a Fitness to Practise Panel hearing, where an independent panel will decide whether to impose a Temporary Order.

The draft Notice of Decision

We will send you a draft of our Notice of Decision. This will say what the allegations are and the reasons why we think it is necessary to impose a Temporary Order while we continue our investigation.

We need to act quickly if we think we need to impose a Temporary Order. This is why we will ask for a Fitness to Practise Panel Hearing to be arranged.

If you want the Panel to decide whether to impose a Temporary Order, then you should tell your caseholder as soon as possible and no later than 21 days from the date of our letter. You can do this by phoning them or sending them an email.

We will also send you a copy of the evidence we will present to the Panel. This will help you to decide whether you want the Panel to make a decision and it is what the Panel will look at if you do.

If you don't tell us that you want the hearing to go ahead within those 21 days, we will cancel the hearing and impose the Temporary Order on your Registration.

Imposing a Temporary Order has serious consequences for you and your career. You can ask for the hearing to go ahead if you want the independent Fitness to Practise Panel to make the decision.

What happens if you do not ask for a hearing?

If you don't ask for a hearing within 21 days of our letter, we will impose the Temporary Order on your registration. We will send a copy of the final Notice of Decision to:

- you
- your employer or university.

Will I always be asked if I want a hearing?

No. Sometimes we hold hearings in the public interest even if you don't want one. We will tell you whether this applies to you in our letter.

What happens if you ask for a hearing?

If you decide you want a hearing, you should tell your caseholder as soon as possible. You can do this by phoning them or sending them an email.

The Panel will hear evidence including the bundle we have sent to you and make an independent decision about the allegations and whether they need to impose an order. They will also decide what type of order to impose. The Panel can decide they don't need to impose an order.

Short notice hearings

Some cases are so serious that we need to impose a Temporary Order more quickly. We call this a short notice Temporary Order. In those cases, we will ask for a Fitness to Practise Panel hearing to take place within three or seven days, depending on how quickly we think the Temporary Order needs to be imposed.

The Panel might not agree with us and tell us to give you the full 28 days' notice of the hearing.

If we ask for a Temporary Order to be imposed quicker, we will still give you the chance to accept the Temporary Order on your registration and say you don't want a hearing to take place.

You should let your caseholder know if you want to accept the Temporary Order on your registration at short notice. You can do this by completing the form enclosed with the letter we will have sent to you telling you about the order we are seeking.

We recommend that you read this leaflet carefully and get independent advice before deciding what to do.

For more information please see Factsheet 5 about where to go for help and advice.

If you accept the short notice Temporary Order we will still send the notice to you and your employer or university. You have the same right of appeal to the Sheriff Court, even if you accepted the order.

If you don't get in touch to consent to the order, the Panel will meet and make the decision.

Appeal

You have 14 days from the date you receive the Notice of Decision to appeal against it to the Sheriff Court, even if you did not ask for a hearing.

The decision will come into effect when it has been served on you. If your appeal is successful, the decision will no longer be in effect.

Effects of a Temporary Conditions Order

You can continue working but must meet the temporary condition(s). Your registration status on our Register will be the same.

Effects of a Temporary Suspension Order

You will be suspended from our Register and will not be able to work in the role you are registered for during the suspension period.

Your registration status on our Register will be changed to 'Temporarily Suspended'.

Effects of both orders

A Temporary Order can last up to two years, unless:

- we are waiting on the outcome of criminal or other third party investigations/proceedings

- your case has been referred to a Fitness to Practise Panel hearing for consideration on impairment.

In these cases, we can ask for a longer order.

Allowing us to impose a Temporary Order does not mean you admit the allegations. It is temporary while we investigate.

Extending the order

We may get in touch if we think we need to extend the Temporary Suspension or Temporary Condition Order (or both). This may happen if we have not finished our investigation.

We will contact you again to ask if you want a hearing to decide whether to extend the order.

You can also tell us if you think the order should be reviewed or removed. We may agree to this or hold a hearing so a Panel can decide.

Publicity

Our Public Information Policy is on our website and gives more information on how we publicise our decisions.

Temporary Order hearings are held in private, unless you ask for the hearing to be held in public and the panel agrees to your request.

Decisions made to impose Temporary Orders are not published on the SSSC's website.

Workers subject to a current Temporary Order are listed on our website. If the order is a Temporary Suspension Order the worker's status on our Register will change to 'temporarily suspended'.

More information

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

You can also contact your caseholder.

You may also find these documents helpful:

- our Decisions Guidance about how we make decisions
- Factsheet 5 about where to go for help and advice
- Factsheet 6 about Fitness to Practise Panel Temporary Order hearings.

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.