

Fitness to Practise Restoration Hearings

This factsheet will help workers who are applying to be restored to the register know what to expect if they are participating in a Fitness to Practise Restoration 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.

What is a Fitness to Practise Restoration Hearing?

A hearing where the Panel will consider the application made by a former registered worker who was removed due to:

- a removal order
- an application for renewal of registration being refused by a Fitness to Practise Panel
- any other decision of a Fitness to Practise Panel.

We may refer a case to a restoration hearing in circumstances where we decide:

- not to grant an application to restore
- to grant an application to restore with conditions, and the worker asks for a hearing.

Before the hearing

We will write to you and your employer or university setting out the facts that you have stated in support of your application to restore, our position and our reasons for that position. We will also tell you the date and time of your hearing.

We will write to the person who made the allegation (if the allegation was made within five years of the application) if we think we need to.

We will send you a copy of any evidence that we will use during the hearing.

Case management meeting

We will hold a case management meeting (CMM) at least one month before your restoration 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 Restoration 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 clerk who makes sure the hearing process runs smoothly.
- The Panel. This includes the LQC, a social services member and a lay member. The LQC is a qualified solicitor or advocate who will lead the

hearing. The social services 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 course of the hearing.

Hearing stages

Firstly, the presenter will set out the facts of the case and why your registration was removed before. The presenter may lead evidence about anything that has happened since your registration was removed, which affects your fitness to practise.

Second, you can make statements about the removal and anything that has happened since your removal from our Register which affects your fitness to practise. You may also lead evidence about why the application should be granted.

It is for you to prove to the Panel why they should grant your application. Every case is different and the outcome will depend on what happened and why in each case.

The Panel may grant an application for restoration and make a Restoration Order only where it is satisfied that:

- there has been a material change in your circumstances since you were removed from the Register
- you are fit to practise.

After the hearing

A Notice of Decision will be sent to you and your employer or university.

If your application to be restored to the register is refused, you will not be able to apply again for restoration for a period of 2 years.

Publicity

We don't currently publish the decisions of Restoration 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

- 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.