

Sanctions

This factsheet will help registered workers understand what sanctions we can impose at the end of an investigation.

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 can impose the following sanctions:

- a warning
- conditions
- a suspension
- a combination of either a warning and conditions or a suspension and conditions
- removal from our Register.

The main purpose of our sanctions is to protect the public and to maintain public trust and confidence. We can also decide to impose a sanction on a worker if we decide it is in their interests.

Our sanctions also send a message to the profession, individuals who use services and the wider public about the standards expected of a registered worker.

Factors we can consider

What we take into account depends upon the facts and circumstances of each case. At every stage of the case we will be mindful of your needs and encourage you to tell us what your support needs might be or if they have changed.

In most cases, we consider and balance mitigating factors (in favour of the worker) with aggravating factors (not in favour of the worker).

These factors include:

- the seriousness of the behaviour or impairment
- any insight, apology and regret shown
- previous history, length of time since the behaviour or impairment and subsequent practice
- any circumstances leading up to the behaviour or impairment
- whether the behaviour or impairment occurred in or out of social service work
- whether there was a pattern, or if the behaviour or impairment was isolated
- what the consequences of the behaviour were
- whether there was an abuse of trust, dishonesty or concealment of the behaviour or impairment.

In some cases, the conduct or impairment of the worker is so serious, that no number of mitigating factors will affect our decision about removal.

No further action

We do not impose a sanction in every case and may decide to take no further action. This can happen if we consider that:

- there is not enough evidence to prove the allegations
- there is evidence to prove the allegations, but the conduct, professional practice or health concern does not impair the worker's current fitness to practise
- it would not be necessary or appropriate to impose a sanction.

A decision to take no further action will not affect a worker's registration but we will keep the information. Should any further allegations come to light or should any more information become available in the future, then we can reconsider it.

Warning

We can impose a warning for up to five years. This is the least restrictive sanction as it does not restrict a worker's ability to practise.

A warning may be appropriate:

- if the impairment is low level, but the behaviour is unacceptable

- to reduce any risk of the worker repeating the behaviour
- if the worker has shown insight
- if the impairment has been corrected or addressed by the worker.

A warning will always form part of a worker's record of registration with us. It will show on our online Register and the information is available to current or future employers. If the worker leaves social service employment, we cannot impose the rest of the warning on a new period of registration if they come back.

Conditions

Conditions allow a worker to stay on the Register and put measures in place which:

- protect people who use services and the wider public
- maintain public trust and confidence, or
- are in the worker's interest.

They may be appropriate in cases about a worker's health or professional practice and in particular where:

- a worker has shown insight
- training and/or supervision would address concerns
- there are no underlying values issues.

Examples of types of conditions are:

- increased supervision
- training
- counselling and/or medical treatment
- a requirement to disclose a health matter
- a reflective account.

Conditions are imposed for a fixed period but will always form part of a worker's record of registration with us. They will show on our online Register and the information will be available to current or future employers.

If conditions are imposed on a worker's registration, the worker is responsible for making sure they are met. An employer will decide if they can accommodate the conditions to allow a worker to continue working in their role. If, before a condition has been met, a worker leaves social service employment, we may seek to impose a condition on any new registration if they come back.

Warning and conditions

In some cases, a warning is appropriate but does not effectively address a concern. We can use a combined sanction of a warning and condition in these cases.

Suspension

A Suspension Order prevents a worker from working in a particular role for a period up to two years. It may be appropriate where:

- the impairment is serious and there is significant risk of harm to people who use services or the wider public, or there is a marked departure from the SSSC Codes of Practice
- the impairment can be corrected or addressed during the period of suspension
- there are no underlying concerns about the worker's values
- if the worker has shown insight.

A worker cannot work in a registered role while suspended but they will remain on the Register. When the Suspension Order ends, the worker may return to their role unless a further hearing is fixed.

A Suspension Order will always form part of the workers record of registration with us. Current Suspension Orders are shown on our online Register and are publicly available. If a worker leaves social service employment before the Suspension Order ends, they will still remain on our Register. The worker's name will then be removed from the Register at the end of the Suspension Order.

Suspension and conditions

In some cases, a Suspension Order is appropriate but does not effectively address a concern. We can use a combined sanction of a Suspension Order and condition in these cases.

Removal

A Removal Order results in the removal of the worker's name from our Register. This is the most serious sanction. A Removal Order is imposed where there is no other way to protect people who use services and the wider public, or where allowing the worker to remain registered would undermine public trust and confidence.

There are certain types of serious behaviours, such as sexual misconduct and serious abuses of trust involving individuals who use services where removal will always be appropriate. It may also be appropriate where:

- the behaviour is serious, deliberate or grossly negligent

- there are reckless acts or omissions
- there is a significant abuse of trust
- the worker has shown a lack of insight
- there is a pattern of unacceptable behaviour
- there is no evidence that the worker has taken action to correct the impairment.

Removal from our Register will always form part of a worker's record of registration with us. It is shown on our online Register and will be publicly available. Unless removal was on grounds of health only, a worker cannot reapply to be restored to our Register for a period of three years.

Removal on grounds of health

A Removal Order may also be appropriate where a worker's fitness to practise is impaired by health only. This will allow a worker to leave the profession and focus on their recovery. A worker can reapply to be restored to our Register at any time following removal in these circumstances.

Publicity

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

Investigation stage

While we are investigating a worker's case there is no public record or marker of this.

Temporary Orders

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 'suspended'.

Hearings

We publish information about our impairment hearings in advance. This includes a summary of the allegations.

Decisions

Our general position is that we publish all Notices of Decision on our website unless the case relates solely to the worker's health or there are other exceptional circumstances. Health and other sensitive information may be withheld. The media read our website and may report on any decision published. We may also give Disclosure Scotland information in line with the Protection of Vulnerable Groups (Scotland) Act 2010.

More information

Find more information about our fitness to practise processes on our website: www.sssc.uk.com

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.