

Guidance Notes When Applying for Restoration

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Things to know before applying for restoration

When to apply

An application to be restored to the Register after you have been removed cannot be made unless either:

- a period of three years has passed from the date of the decision to remove your registration, or
- a period of two years has passed from the date of any previous application for restoration, or
- the only reason for your removal was your health, or you were removed under Rule 42.5 (non-cooperation in a health case) or Rule 29.4 (fitness to plead) in which case you can apply for restoration at any time.

Which part of the Register to apply for

You must apply to be restored to the part of the Register you were removed from. While you may not wish to actually be registered on that part in the future you cannot apply for any other part of the Register until you are restored to the part you were originally removed from. Please refer to our website for help with Register parts.

If your application for restoration is granted you will be able to apply for registration on any other part of the Register.

Working while your application is being considered

You cannot work in a post which requires registration before your application for restoration has been considered. There is no 6 month grace period prior to the application for restoration being decided.

It is an offence for an employer to employ a worker in a post which requires registration when they are not registered.

The public register

Once you are registered, the following information will appear on our public online register.

- Your full name and title.
- Your registration number and the part, or parts, of the Register you are registered on.
- The postal town of your work address, if applicable.
- Your registration status, for example registered, removed, suspended.

Fitness to practice

The SSSC must be satisfied that there has been a material change in your circumstances and you are fit to practice before an application for restoration will be granted. Your fitness to practise might be impaired because of your conduct, professional practice, health, a decision about you made by another regulator or a conviction.

If you are applying to be restored on the part of the register for Social Workers, or if you are in social services employment (in a role which does not require registration) you may need to complete a PVG application and pay the relevant fee.

The SSSC Code of Practice for Social Service Workers

You should read and understand the SSSC Code of Practice for Social Service Workers (the Code).

This sets out clear standards of professional conduct and practice that social service workers must meet in their everyday work.

You are responsible for making sure you meet the required standards and that nothing you do, or don't do, harms the wellbeing of people who use services.

The Code is part of the wider package of legislation, practice standards and employers' policies and procedures that social service workers must meet.

We expect social service workers to meet the standards in the Code and may take action if registered workers fail to do so.

Read the Codes of Practice for Social Service Workers and Employers on our website at www.sssc.uk.com

Completing the restoration application

This information will help you to fill in your restoration form.

If you do not complete all of the questions your application and supporting documents will be returned to you.

SECTION 1 – PART OF THE REGISTER

As previously stated you must apply for restoration to the part of the Register you were removed from. You cannot apply for any other part of the Register until you have been restored to the part you were originally removed from. Please refer to our website for help with Register parts or call our helpline number.

SECTION 2 – YOUR DETAILS

You must complete all questions in the personal details section. Where possible communication will be emailed so please provide a secure confidential email address.

SECTION 3 – CURRENT EMPLOYMENT

Please complete all questions. Continue on another sheet if you have more than two employers.

SECTION 4 – QUALIFICATIONS

To register with the SSSC a worker must satisfy the criteria for registration. We should have details of any qualifications previously obtained during your previous period of registration. Please note at this section any relevant qualifications for the part of the Register you are applying for which you have gained **since** you were removed from the Register.

The qualifications we accept for each part of the Register are on our website at <https://www.sssc.uk.com/registration/help-with-register-parts-fees-and-qualifications/>

If you are applying for restoration and did not obtain the required qualifications during your previous period of registration you may be granted restoration subject to the condition that you achieve the required qualifications within the specified period – normally your initial period of registration.

If you hold an appropriate qualification, you must provide us with a copy.

If you gained any of the following qualifications **in Scotland** you do not need to provide evidence of your award:

- Degree in Social Work
- Diploma in Social Work (DipSW)
- Certificate of Qualification in Social Work (CQSW)
- Certificate in Social Service (CSS)
- Certificate in Social Work (CSW).

SECTION 5 – REGULATORY BODIES OR LICENSING ORGANISATIONS

Please give the details we ask for if you have been registered **since** your removal from our Register with one of the other UK regulatory bodies listed below

- Northern Ireland Social Care Council
- Health and Care Professions Council
- Social Work England
- Social Care Wales
- Education Workforce Council
- General Dental Council
- General Medical Council
- General Optical Council
- General Osteopathic Council
- General Teaching Council for Northern Ireland
- General Teaching Council for Scotland
- Nursing and Midwifery Council
- General Chiropractic Council
- General Pharmaceutical Council

Give details of any current or previous registration with regulatory bodies or licensing authorities outside the UK.

You must complete section 5.1.

If you answer no, please proceed to section 6.

If you answer yes or currently, please complete sections 5.2 to 5.6.

SECTION 6 – DISCIPLINARY RECORD

As part of considering if you are fit to practise we will consider any disciplinary information.

You must answer all questions. If you answer yes to any of the questions, please give details in the space provided and contact details for the person to contact should we need more information.

Disclose all matters, if you are unsure, please call us on our enquiry line 0345 60 30 891 for advice.

SECTION 7 - HEALTH

We need to assess if you are fit to practise and this includes considering health. We don't need to know about every health condition.

Please only tell us if:

- you have a health condition that may have an impact on your ability to do your job **and**
- there are no arrangements in place to manage these impacts.

We do not need to know if the situation is being managed. For example, you may:

- have reduced your hours
- be on sick leave
- be taking medication
- have adapted equipment
- have co-working arrangements
- have restricted duties.

General information

Many people living with a health condition can practise safely and effectively with or without adjustments. We expect you to manage health conditions by:

- being open and honest with your employer about your condition and any limitations you have
- complying with any recommended steps to manage the condition.

When health might be an impairment

Your fitness to practise may be impaired if you have a health condition (which includes an addiction to drugs or alcohol) which has an adverse effect on your ability to do your job safely and effectively. For example, where your reasoned decision making, thinking and/or behaviour are affected or where there is a physical symptom that means you cannot carry out your role safely and effectively.

Your health must have **caused or substantially contributed** to the impairment of fitness to practise.

Examples of things you would not have to declare:

Example 1

- Nia is a care at home worker. She has arthritis in her knee. So far, it has not had an impact on her ability to do her job, but at the end of a shift it often aches, and Nia is considering reducing her hours as a result.

We do not need to know about this as the condition has not had any impact on her ability to do her job. If this changes in future, Nia may need to tell us then. Nia does not need to tell us if she reduces her hours. This is a matter between her and her employer.

Example 2

- Ben is a social worker. He has an alcohol addiction. Ben takes medication to help with this and regularly attends Alcoholics Anonymous meetings. He has not drunk alcohol for over three years.

We do not need to know about this condition, as while an alcohol addiction could affect someone's fitness to practise, Ben is managing his condition appropriately and it is not affecting his ability to do his job.

Example 3

- Alex is a residential child care worker. They have narcolepsy and occasionally suffer from sleep attacks causing them to fall asleep without warning. Alex's employer is aware of this and has put procedures in place to ensure that Alex is not left alone with young people at any time. This ensures the safety of both the young people and Alex.

We do not need to know about this as there are already measures in place to manage Alex's condition.

Example 4

- Joan is a nursery worker. Three months ago she was in a serious road traffic accident and has been off work since. She has had a number of surgeries and is undergoing physiotherapy to help her walk again.

We do not need to know about this as while Joan may not be fit to practise currently, she is managing the condition because she will be signed off work until she has recovered.

Examples of things you should declare:

Example 1

- Janice has been diagnosed with multiple sclerosis. She has been advised by her doctor that she is fit to go back to work, but she is sometimes unable to do any bending or lifting. Janice works in a nursery where she is required to lift children in and out of cots, high chairs etc. Janice has told her employer that she can manage and will let them know if she needs help.

This is something that we would need to know about. We would need to ensure there are appropriate measures in place to support and protect Janice as well as the children.

Example 2

- Tariq works in a day care of children service and has recently been diagnosed with epilepsy. He has told his employer about the condition but doesn't believe any formal measures are required as he has said he can tell when a seizure is coming on and he knows what to do.

This is something we need to know about. Tariq may be able to tell when a seizure is coming on, but without any formal measures in place, this may not be enough to manage the possible risk that could be caused if Tariq is providing care to a child when a seizure happens

SECTION 8 – DECLARATIONS

Please enter details about your criminal offences and alternatives to prosecution, either in the UK or abroad (refer to section 8 of the guidance for a list of sanctions) **which have occurred since you were removed from the Register.**

You must tell us about **certain** criminal offences. The types of offences we may need to know about are if you have:

- ever been convicted of a criminal offence
- been charged with a criminal offence, and you do not yet know the outcome
- ever received an alternative to prosecution.

For an explanation of these terms, see NOTE 1 below.

However, you **do not need** to tell us about **all** convictions and alternatives to prosecution.

This is because some offences become 'spent' over time and some spent convictions are 'protected' and you do not need to tell us about these. Before answering these questions please refer to our guidance at <https://www.sssc.uk.com/knowledgebase/article/KA-01093/en-us>.

Please note that if an offence involved either of the following, you must tell us about it even if it is spent and protected:

- a child and/or vulnerable adult was a victim or was harmed by the offence, or
- the offence was committed in the course of your employment in social services, or in the course of any employment or voluntary work closely linked to social services

If an offence was outside Scotland, it must still be declared if the Scottish equivalent of the offence would have to be declared.

Please also tell us if a child has been removed from your care, either temporarily or permanently in response to the question below - we realise that this is often not in relation to any offence but require you to declare this information.

Note 1

Conviction: You have pled guilty (whether by letter, through an agent or in person) or were found guilty by a court. This is still a conviction whether or not the court imposed any sanction.

Alternative to prosecution: A direct measure by the police or Procurator Fiscal, such as one of the following examples.

- A fixed penalty notice – a financial penalty issued by the police/other law enforcement agencies.
- A police warning/caution.
- A conditional caution – where the person is not charged by police, provided they comply with the particular conditions set out in the caution.
- A procurator fiscal's warning – these are issued by the procurator fiscal, either in letter or in person. They make it clear to the person that a report of a crime has been submitted to them and that any repetitions of the alleged behaviour will likely result in prosecution.
- A fiscal fine – these are offered by the procurator fiscal. If the person pays the fine, then no further action will be taken.
- A fiscal work offer (FWO) – the procurator fiscal may offer the accused the opportunity of completing unpaid work instead of being prosecuted.
- Bound over – The courts can make orders binding a person to act in a certain way for example, to be of good behaviour. There are consequences if the terms are breached.
- Diversion from prosecution, the procurator fiscal may refer an accused to the supervisions of a social worker, psychiatrist, psychologist or mediator.
- Compensation – where the victim has suffered loss as a result of the alleged behaviour, the procurator fiscal may make a compensation offer to the accused.

SECTION 9 – RESTORATION INFORMATION

In order to fully consider your application to be restored to the Register we must know why you think there has been a material change in your circumstances which means you should now be restored. Please tell us why you believe there has been a material change in your circumstances. The questions listed at 9.1 are to provide assistance and should be answered where appropriate. You should also give any other information you think is relevant.

You should also send any documents which you think are relevant to your application for restoration and would like us to consider. This can include references and training certificates. Where you were removed due to your health you should also provide a medical report to confirm the state of your health and whether this has changed and is now being managed safely and effectively.

SECTION 10 – PERSONAL DECLARATION

Please make sure you have read and understood the personal declaration then sign and date sections 10.1 and 10.2.

Application fee

Please refer to our website at www.sssc.uk.com for details of how much the fee is for your application. You will pay the fee for the part of the Register you are applying to be restored on.

Do not enclose any payment with this application. We will contact you on receipt of this form to take payment over the phone. In addition to the fee above you may be asked to pay up to £59 towards the cost of obtaining an up to date PVG Scheme check.

If your application is refused for any reason or you withdraw your application, the fees you have paid will not be returned.

What happens next

Once we receive your completed application and accompanying documents:

- we will process your application as quickly as possible
- we may contact you to seek further information
- we will pass your case to the Fitness to Practise Department who will contact you about the application.

Once the Fitness to Practise department have considered your application and made any investigations they feel are necessary they can:

- grant your application for restoration
- grant your application for restoration and impose conditions on your registration (you will be asked whether you consent to these conditions)
- refer your case to a Fitness to Practise Panel who can grant your application, grant your application and impose conditions or refuse your application.

Please note that if your application for restoration is granted you **will still be removed** from the register if you are not working in an eligible role. After this you would be free to reapply for the register for any eligible role you take up in the future.



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If you would like this document in another format,
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