

JOB DESCRIPTION

Post: Chair, Fitness to Practise Panel

Responsible to: Head of Registration, Hearings and Improvement

Eligibility

You are eligible to apply to become a chair if you:

- are currently practising as a solicitor or advocate in Scotland
- have extensive litigation experience in regulatory, civil or criminal law

Context

The Scottish Social Services Council (SSSC) is responsible for protecting and enhancing the safety and welfare of people who use social services and maintaining public confidence in the social service workforce.

The Registration, Hearings and Improvement (RHI) department recruits and retains members to the Fitness to Practise Panel and arranges hearings in cases where workers' fitness to practise may be impaired because of their conduct, professional practice or health.

Purpose of the role

The Fitness to Practise Panel includes three members:

- chair – a member who is legally qualified, as per the eligibility criteria
- lay member – a member who does not have a background in social services
- social service member – a member who is registered with the SSSC and is an experienced social service worker.

The chair will chair application, impairment, restoration and temporary order hearings, where allegations of impairment of workers' fitness to practise are considered. The chair will provide legal advice to the Panel. The chair will reach decisions in collaboration with the other Panel members. The Panel must demonstrate fairness and consistency of application of the SSSC's Fitness to Practise Rules.

The chair will also be required to chair case management meetings.

Principal working contacts

Fitness to Practise Panel Members

Head of Registration, Hearings and Improvement

Regulation Manager (Hearings and Improvement)

Team Leader (Hearings)

Hearings Officers

Business Support Administrators

Main duties

The main duties listed below are those required under the current rules and may change if the rules change.

1. Chair Fitness to Practise Panel hearings (application, impairment, restoration and temporary order hearings). These will take place within our offices in Dundee, online or, on occasion, in alternative venues throughout Scotland.
2. Ensure the hearing process is:
 - fair
 - transparent
 - lawful
 - held in accordance with the formal Rules and procedures which govern the hearing process.
3. Provide advice to the Panel on matters of law, including procedure, admissibility and sufficiency of evidence, sanctions, natural justice, human rights, the Regulation of Care (Scotland) Act 2001 and the SSSC Fitness to Practise Rules as amended from time to time.
4. Hear submissions and evidence from the SSSC's Fitness to Practise solicitors, social service workers, workers' representatives, and witnesses.
5. With panel colleagues, question parties and witnesses where appropriate, to clarify points relating to their submissions or evidence. Questioning should be conducted in a trauma-informed manner.
6. Make impartial and objective assessments of submissions and evidence and work collaboratively with other Panel members during the hearing process and private deliberations, to come to a decision about workers' fitness to practise.
7. Carry out the twin role of providing legal advice to the Panel and working with the Panel to make decisions as above.
8. Manage hearings to make them as accessible as possible to those who appear before them.
9. Balance the need to allow unrepresented workers to understand and participate in the hearing with the interests of public protection.
10. Manage the hearing to ensure time is used effectively and efficiently.

11. Respond to applications for postponement from SSSC solicitors and workers and decide whether to agree or refuse the application.
12. Produce a written note of any legal advice given and repeat legal advice given in private to the parties in the hearing.
13. Read and consider case papers in advance of hearings.
14. At various stages of a hearing, draft notices setting out the Panel's decisions and proposals and the reasons for them.
15. Act as chair at case management meetings and make decisions on matters such as admissibility of evidence, and where necessary, to issue directions to ensure the smooth running of the hearings eg arrangements regarding vulnerable witnesses, requests for specific information.
16. Carry out tasks promptly and within timescales prescribed by the applicable rules.
17. Attend training courses provided by or facilitated by the SSSC, as required in relation to the role of chair, including induction before commencing Panel work, data protection training and twice-yearly panel training.
18. Actively participate in process improvement to ensure the hearing process develops to meet the needs of public protection and of those participating in it.
19. The time commitment varies depending on the number of hearings and the number and availability of chairs. Chairs must be available for between 15 and 30 days each year.
20. The appointment is for an initial period of two years with a potential for extension for up to a total of seven years.