

# **SSSC Revision to Fitness to Practice: Consultation**

## **Social Work Scotland response**

**27 January 2026**

### **Introduction**

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience for those who require a social work service. As an organisation and across our members we are committed to service improvement and ongoing development, based on evidence and research on how we can best meet the needs of those we work with and particularly those who experience the greatest challenges and barriers to their wellbeing and lives.

The profession is based on the principles of human rights, reflecting the value of all individuals and upholding their rights. This is expressed in the SSSC Codes of Practice and in the BASW code of ethics. These underline the inherent worth and dignity of all people, demonstrated in practice through relationships and promotion of self-determination, participation and wellbeing.

## Consultation Questions

### Revisions to the Fitness to Practise Rules

*We want to issue the revised rules as a single new set of rules which includes these proposed changes and all previous changes made to the 2016 Rules, rather than as a third set of updates to those Rules.*

**1. Do you think this will make the document easier to use?**

☒ Yes

☐ No

### Revisions to the Fitness to Practise Rules

*We want to define ‘vulnerable witness’ in a broader and more flexible way, rather than listing specific groups of people. This means people won’t have to fit into a particular category to get support. We also want to use a different term instead of ‘vulnerable witness’.*

**2. Do you think a more flexible definition of vulnerable witnesses would help those who need support when giving evidence?**

☒ Yes

☐ No

**3. Do you believe that the term ‘vulnerable witness’ could be stigmatising and should be avoided?**

☒ Yes

☐ No

**4. If you want to say more in relation to your answers to these questions, including any suggestion about an alternative phrase for ‘vulnerable witness’, please do so here.**

Social Work Scotland supports consolidating the rules into a single, updated document. This approach will improve clarity and accessibility for all involved. This will reduce the confusion which can arise from multiple amendments and ensure that practitioners and employers can easily access the current requirements.

We welcome the move towards a broader, more flexible definition of witnesses who may require additional support, to ensure that support is accessible to all who need it, not just those who fit into specific categories. We agree that the term ‘vulnerable witness’ can be stigmatising and recommend considering alternative language such as ‘supported witness’, “witnesses with support needs” or ‘witness requiring adjustments’. This aligns with our commitment to trauma-informed and non-stigmatising practice

## **Revisions to the Fitness to Practise Rules**

*We want to change our hearing rules for workers who do not cooperate with health investigations. This is so that Panels, workers and presenters are clear on the process and to improve consistency and fairness. We also want to allow Panels to suspend such workers as well as removing them, and to do so using Temporary Suspension Orders. This is so that we can strike a better balance between public protection, the public interest, and the interests of the worker. We think that these hearings should be in private as they will involve discussion about workers' health.*

### **5. Do you think that our proposals to clarify these rules would help those involved in these hearings, including workers?**

☒ Yes

☐ No

### **6. Do you think that allowing Panels to suspend workers who do not cooperate with health investigations may lead to more appropriate outcomes in these cases?**

☒ Yes

☐ No

### **7. Do you think holding hearings in these cases in private is desirable given that they concern workers' health?**

☒ Yes

☐ No

### **8. If you want to say more in relation to your answers to these questions, please do so here.**

Social Work Scotland supports the proposals to clarify the process and to introduce the option of temporary suspension. This will improve consistency and fairness, balancing public protection with the interests of workers. Holding hearings in private is appropriate given the sensitive nature of health information.

## **Revisions to the Fitness to Practise Rules**

*We want to set out a maximum length for Temporary Orders where we have been waiting for the results of investigations by another body. This is so that workers in these cases are not subject to Temporary Orders for excessive periods of time.*

### **9. Do you think this would better balance the interests of workers with those of the SSSC and the public?**

☒ Yes

☐ No

**10. If you want to say more in relation to your answers to this question, please do so here.**

Setting a maximum length for Temporary Orders is a positive step. It will protect workers from being subject to uncertainty for excessive periods while ensuring that public protection remains paramount. By establishing a clear timeframe, the process becomes more transparent and predictable for all parties involved, reducing the stress and anxiety that prolonged periods of uncertainty can cause for workers. Students and newly qualified social workers, who are still developing professional identity and confidence, can be especially vulnerable to anxiety about registration, hearings or complaints. Clear processes help to support their progression and early career stability. At the same time, this approach maintains a strong focus on safeguarding the interests of the public by ensuring that any concerns about fitness to practise are addressed in a timely manner. Introducing this limit also demonstrates a commitment to fairness and proportionality, balancing the need for thorough investigations with respect for the rights and well-being of workers. Overall, this revision will contribute to a more equitable and consistent regulatory framework, enhancing confidence in the decision-making process for both workers and the broader community.

However, whilst clear timescales are helpful, guidance will need to address situations where a Temporary Order is in place but information from another organisation is still pending—specifically, what happens if the timescale expires before the information is received, and whether there is a mechanism to extend the Order in exceptional circumstances.

**Revisions to the Fitness to Practise Rules**

*We want to introduce a definition of workers who are unfit to plead. We also want to set out that where a worker who has applied for registration or restoration is unfit to plead, their application shall be treated as withdrawn. There should be no restriction on future applications because of this.*

**11. Do you think that it would be helpful for those involved in our hearings to provide a definition of people who are unfit to plead?**

☒ Yes

☐ No

**12. Do you agree that applications by people who are unfit to plead should be treated as withdrawn, with no restriction on future applications?**

☒ Yes

☐ No

**13. If you want to say more in relation to your answers to these questions, please do so here.**

Providing a clear definition of individuals who are unfit to plead will support fairness and transparency within the hearings process. It ensures that all parties involved have a consistent understanding of what it means for someone to be unfit to plead, reducing ambiguity and the risk of subjective interpretation. This clarity can help to prevent misunderstandings or disputes about eligibility and the appropriate procedures to follow, ultimately promoting confidence in the system.

Furthermore, treating applications by those who are unfit to plead as withdrawn, without imposing a penalty or restriction on future applications, is a fair and compassionate approach. It recognises that individuals may be unable to fully participate in the process due to health or capacity issues, and avoids unfairly disadvantaging them for circumstances beyond their control. Allowing such individuals to reapply in the future, once they are able, upholds the principles of equality and non-discrimination, and ensures that no applicant is unjustly excluded from registration or restoration because of temporary incapacity. This approach both safeguards the rights of workers and maintains the integrity of the registration process.

### **Revisions to the Fitness to Practise Rules**

*We want to set out when we can review decisions to not open an investigation or to take no further action following an investigation.*

**14. Do you think setting out when we can review these decisions will strike a better balance between the rights of the worker and the goals of public protection and upholding the public interest?**

☒ Yes

☐ No

**15. If such a power is introduced, do you agree it should be triggered where either new evidence is obtained or where the original decision was materially flawed?**

☒ Yes

☐ No

**16. If you want to say more in relation to your answers to these questions, please do so here.**

Social Work Scotland supports transparent criteria for reviewing decisions, particularly when new evidence emerges or the original decision was materially flawed. However, the threshold for reviewing a decision not to open an investigation, or a decision to take no further action, should be high. Reviews should only be triggered by new, significant, and relevant information. This approach ensures such reviews remain rare, minimising unnecessary stress and activity, while still upholding fairness and maintaining trust in the process.

### **Revisions to the Fitness to Practise Rules**

*We want to make various administrative changes to the rules as set out in the appendix. (Appendix can be found here: [Appendix to Revised Fitness to Practise Rules Consultation | Scottish Social Services Council](#))*

**17. Do you have anything you want to say about the proposed amendments?**

No additional comments at this stage, but we welcome ongoing engagement on operational details.

### **General**

**18. Do you foresee any equalities issues arising as a result of the changes proposed in the revised Fitness to Practise Rules, which have not been addressed in the previous questions**

☐ Yes

☒ No

**19. Please explain what issues you are concerned about here.**

Social Work Scotland believes the proposed changes generally support equality, diversity, and inclusion. However, we encourage the SSSC to continue monitoring for unintended impacts and to engage with stakeholders representing protected groups.

**20. Are there any other areas not covered by the changes currently proposed that you feel need to be amended, added to or removed from the revised Fitness to Practise Rules?**

☐ Yes

☒ No

**21. What do you think needs to be amended, added to or removed from the revised Fitness to Practise Rules?**

No further suggestions at this time. We appreciate the opportunity to contribute and will share any additional feedback as it arises.

We support consolidating the rules into a single, updated document. This approach will improve clarity and usability for all stakeholders, reducing confusion that can arise from multiple amendments and ensuring that practitioners and employers can easily access the current requirements.

We welcome the move towards a broader, more flexible definition of witnesses who may require additional support, which will ensure that support is accessible to all who need it, not just those who fit into specific categories. We agree that the term 'vulnerable witness' can be stigmatising and recommend considering alternative language such as 'supported witness' or 'witness requiring adjustments'. This aligns with our commitment to trauma-informed and anti-stigma practice

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**January 2026**