

Fitness to Practise Conditions Guidance

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Introduction

One of the sanctions which can be imposed on a social service worker's registration is a condition. A condition sets out the limits within which the worker can practise. Imposing a condition on a worker's registration allows that worker to stay on the Register while putting measures in place to protect the public, uphold the public interest and/or that are in the interests of the worker.

Conditions can be imposed on a social service worker's registration in one of two ways:

1. the Fitness to Practise department can impose a condition, if the worker does not ask for a hearing
2. a Fitness to Practise Panel can impose a condition during a hearing.

This document sets out guidance for Fitness to Practise panel members and SSSC staff involved in writing conditions. This guidance includes suggested wording for different types of conditions together with some examples, however it's not intended to be exhaustive and is for guidance only. Each case must be decided on its own facts. Anyone writing conditions must make sure the conditions are suitable for the circumstances of a case.

There are two types of conditions order which can be placed on a worker's registration:

- temporary conditions order
- final conditions order.

Both are looked at in more detail below.

You should read this document alongside the Decisions Guidance, Codes of Practice and the National Occupational Standards.

Drafting conditions

When drafting a condition you must consider the risk to the public, the public interest and what the proposed condition is trying to achieve.

Those drafting conditions should tailor the conditions to the facts of the case and consider:

- the allegations which have been proven or, in the case of a temporary condition, the allegations for which there is prima facie evidence
- the worker's current employment status including any indication they may move to another part of the Register and if they are working for, or plan to work for, an agency
- whether there are multiple allegations of several types of behaviour, in which case ensure the condition addresses all areas of concern.



In final conditions cases those drafting conditions should also consider:

- any insight the worker has shown and any remedial action they have taken since the behaviour took place
- any training the worker has done since the behaviour took place
- the worker's geographic area and their ability to access training (some workers may have to fund training themselves).

All conditions must also be workable, enforceable and proportionate. To achieve this, you must consider SMART criteria.

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| Specific | The condition should clearly set out what it is the worker must do to comply with the conditions. The condition should be specific to the worker and not be an excessive burden on other parties. |
| Measurable | If a condition is not measurable then it will be impossible to assess whether the worker has complied with it. The condition must be clear and unambiguous. The worker must be clear on what is expected of them and the timeframes around this. |
| Achievable | A condition must be realistic and set at the right level. It should take into account any qualifications the worker has, the worker's role and their experience. A condition set below the standards expected of the worker is meaningless. A condition set excessively beyond that standard may be unfair and difficult to comply with. The condition must not be extreme. Those drafting conditions should satisfy themselves that employers or other parties are willing and able to support the conditions. This is particularly important when considering temporary conditions orders. |
| Relevant | The condition must be relevant to the concern. |
| Time-bound | A condition must be set within a reasonable timeframe. Conditions shouldn't be so short that they create an unnecessary public protection risk or too long, making it difficult for the worker to comply. The start and end date of condition must be clear. |

It is important to write the conditions in plain English so the worker can understand what they are being asked to do. Avoid complicated words when simple ones are available and avoid jargon or technical terms as far as possible. Use unambiguous language, for example, different people could interpret the term 'supervision' differently, it could mean regular meetings with a manager, or it could mean having a supervisor physically present and overseeing work.

Temporary Conditions Orders (TCO)

A TCO can be placed on a worker's registration at any time during a fitness to practise investigation. The purpose of a TCO is to protect the public, maintain the public interest and/or it is in the interests of the worker while the investigation is ongoing. The focus of the condition is managing the risk posed by the worker.

When a member of SSSC staff or a Fitness to Practise panel decides that a temporary order is necessary a TCO must be considered first as it is the least restrictive option. When considering a TCO those drafting conditions should not include training or reflection as a condition as the investigation is not complete and the allegations against the worker have not been proven. Types of condition which may be appropriate for a TCO include a restriction on practice, for example, limit the type of work they can carry out, or increased supervision of particular work tasks and/or monitoring and assessment of work. Where the risk relates to the health of the worker, a condition can address the practical arrangements needed to manage the risk.

A TCO cannot impose so many restrictions on a worker's practice that it is effectively suspending them from practice. Those drafting conditions must think about the practicalities for the worker and their employer.

Workers must be given enough time to successfully complete any actions required by the TCO. You should consider the working environment and any practical implications for employers, for example, is it reasonable to expect an employer to provide the level of supervision necessary to enable the worker to practice safely?

Final conditions

Where a worker's fitness to practise is impaired, a condition may be imposed on their registration. A condition should only be considered when other less restrictive outcomes are not appropriate or do not adequately address any public protection or public interest concerns.

Conditions may be appropriate when the following factors are present:

- the worker shows insight, or it has been determined they will be able to show insight following a period of training and/or supervision
- a period of retraining and/or supervision is the most appropriate way of addressing any failings
- there is potential to respond positively to remediation, retraining or to work being supervised
- there are no underlying values issues
- people who use services will not be at risk while the worker is in the process of carrying out the conditions
- the decision maker is satisfied the worker can and will comply with the conditions.

Conditions may not be appropriate when the following factors are present:

- dishonesty

- no insight or lack of reflection
- denial of wrongdoing
- serious breach of trust
- serious and persistent failings
- violent and abusive behaviour.

Drafting of different types of condition

The table below details the different types of condition that may be imposed together with the suggested wording for these and some examples. Those drafting conditions should try to follow the suggested wording where possible to ensure consistency. The examples are for guidance purposes only.

| Standard conditions | |
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| <p>There are some conditions which may apply to many cases and should be included as part of the overall conditions. It is unlikely that these types of condition would be the only condition imposed as they are unlikely to address all risk. For example, those drafting conditions may consider whether they should include a condition which requires the worker to tell their employer about the SSSC investigation and a TCO. Those drafting conditions may also want to include a requirement for the worker to tell their employer about an ongoing criminal investigation or to provide updates on the criminal investigation or court process.</p> | <p>Suggested wording</p> <ol style="list-style-type: none"> 1. By [date], or before accepting any offer of a new job in a role that needs SSSC registration you must inform your employer of: <ol style="list-style-type: none"> a. the SSSC's investigation b. the allegations being investigated c. the fact that a TCO has been imposed and d. the terms of the TCO. 2. By [date] or within seven days of starting a new job that needs SSSC registration you must send the SSSC proof that your employer knows about the conditions on your registration. |
| | <p>OR</p> <ol style="list-style-type: none"> 1. By [date] or within seven days of starting a job which needs SSSC registration you must provide the SSSC with a letter from your employer which: <ol style="list-style-type: none"> a. confirms they are aware of the condition(s) on your registration b. confirms they are aware of why the condition(s) was applied c. is signed by your employer. |
| | <p>Other examples where notification conditions have been used:</p> <ul style="list-style-type: none"> • From [date] you must provide the SSSC and your employer with updates on your criminal proceedings every six weeks. • Every six months, for the duration of condition 1 [a condition which prevents the worker from doing something for a period of time such as financial administration], you must provide a letter to the SSSC which: |



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| | <p>a. confirms that you are following condition 1</p> <p>b. is signed by your employer.</p> |
| Restriction on practice | |
| <p>The purpose of a restriction on practice is to limit a worker's contact with people using services or the type of work they carry out. The condition should also set out measures to ensure employers are aware of any condition placed on a worker's registration. These types of conditions should be temporary.</p> <p>Here are examples of cases where this may be appropriate.</p> <ul style="list-style-type: none"> • A worker who has repeatedly been found sleeping on a wakened night shift → worker is not permitted to work night shift. • Allegations relating to the administration of medication while there are no issues with other parts of the worker's practice → worker is not permitted to administer medication for the duration of the temporary order or until they complete further training. • A motoring offence involving service users → worker is not permitted to use any vehicle for the purpose of transporting service users. | <p>1. You must/must not:</p> <p>a. [insert details of the restrictions]</p> <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> • You must not administer medication [until you have completed training]. • While you remain in employment with [current employer] you must not work with your colleague, AA. • You must not directly support children who need help to eat or drink. • You must not take a job with supervisory responsibilities, including the authorisation of expenses, timesheets or financial transactions. • You must not handle money or be involved in any aspect of financial administration or management. • You must not carry out a role which means you are the most senior member of staff on shift in a service until you have completed [insert training]. • You must not visit service users at home without another colleague being present. |

| Training and learning conditions | |
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| <p>You should only use training and learning conditions in a final conditions order and not in a TCO. These types of conditions are most appropriate where there is a specific part of the worker's practice that needs to be addressed.</p> | <ol style="list-style-type: none"> 1. By [date] you must complete training/learning which covers: <ol style="list-style-type: none"> a. [details of training to be undertaken] 2. Within 14 days of completing training/learning you must provide the SSSC with evidence of this signed by either your employer or the training provider. |
| <p>When deciding on the type of training or learning you should consider:</p> <ul style="list-style-type: none"> • the seriousness of the behaviour • the risk to the public and the effectiveness of the training to minimise the risk • the ability of the worker to access training and/or learning • the ability of the worker to evidence the required learning outcome and whether a reflective account and/or focused supervision session would help the worker demonstrate what they have learned • the ability of the employer to support the worker's access to the learning/training • if the training and learning follows the SMART principles • what qualifications, if any, the worker holds? | <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> • By [date] you must complete training and/or learning on: <ol style="list-style-type: none"> a. managing stressed and distressed behaviour b. promoting positive behaviour in social care settings c. CALM training or the equivalent for your service area. • By [date], you must complete learning and/or training on: <ol style="list-style-type: none"> a. moving and handling which includes assessment and risk assessment including bariatric care b. your employer's policy and procedures on the use of moving and handling equipment c. first aid at work d. understanding/assessing and managing pressure area care. • By [date] you must complete refresher training on the administration of medication including safe administration and storage of medication. • By [date] you must complete the training and/or learning listed below. It can be done in face-to-face or online training or in supervision. The learning must cover: <ol style="list-style-type: none"> a. how derogatory or discriminatory language and communication can impact on others b. responsible use of social media as a social services worker. |
| <p>While it is important to allow some flexibility around identifying suitable training, the standard of training people can access does vary. Sometimes it will be necessary to specify the type of training, especially when you want to be confident that learning is meeting a specific assessed standard and covering a specific programme, for example, a national induction programme, an accredited course on a specific topic or a piece of training from the SSSC Learning Zone.</p> | |



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| <p>Those drafting conditions should include a condition on how the worker will provide evidence to show they have completed the training.</p> <p>Areas of practice where recognised/standard training programmes are likely to be available and accessible for workers include:</p> <ul style="list-style-type: none"> • moving and positioning of individuals • administration of medication • managing challenging behaviour eg Therapeutic Crisis Intervention (TCI)/ de-escalation/safe holding • first aid • health & safety • child protection • adult support & protection • workload management • supervising others. <p>Where panel members are considering a training/learning condition and need advice, they should ask the SSSC presenter to request it from the Regulatory Improvement and Hearings Team.</p> | |
| <p>Reflective account</p> | |
| <p>You should only use this as part of a final conditions order and cannot use it as part of a TCO.</p> <p>Reflective accounts can be useful for a worker to show insight and reflect on the behaviour which led to the condition. These may follow a training condition to allow the worker to reflect on their learning. The reflection can also follow a period of supervision or an incident</p> | <ol style="list-style-type: none"> 1. By [date] you will provide a reflective account to the SSSC. Within the reflective account you should write about each of the following points: <ol style="list-style-type: none"> a. [eg how your behaviour placed service users at risk of harm] b. [eg why it is important to keep information about colleagues confidential] c. [eg what you learned at the training you completed in condition X and how you will act differently in the future] |

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| <p>or behaviour outwith the workplace, for example, criminal offences.</p> <p>The condition should contain the specific points the decision maker wants the worker to address in their account to help the worker reflect and provide the necessary evidence.</p> | <p>d. [eg how the SSSC can be assured that the same behaviour won't happen again].</p> <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> • Within one month of completing the training in condition X, you must send a written reflective account to the SSSC. Within the reflective account you should write about each of the following points: <ul style="list-style-type: none"> a. the impact of your behaviour on others b. why self-control and acting in an appropriate way both inside and outside of work is so important to the job you do c. how your behaviour fell below the standard expected of a social service worker d. what you have learned since you have completed the training at condition X and the supervision at condition X and what you would now do differently to reassure the SSSC that this type of behaviour will not be repeated in future. • By [date] you will provide a written account to the SSSC reflecting on your dishonest behaviour and demonstrating that you understand the impact of your behaviour on your employer, colleagues and the public and how they can be reassured that you would not repeat this behaviour. • Within one month of completing the training in condition X you will provide a written reflective account to the SSSC. Within the reflective account you should write about each of the following points: <ul style="list-style-type: none"> a. the potential impact of your behaviour on others b. how your use of social media and the images you sent could cause offence and impact negatively on people c. what you have learned from the training you have done d. what you would now do differently to reassure the SSSC that this type of behaviour will not happen again. • Within one month of completing condition X you must complete a reflective account and provide it to the SSSC. Within the |
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| | <p>reflective account you should write about each of the following points:</p> <ol style="list-style-type: none"> the impact your actions have had or could have had on service users, their families and your colleagues the importance of service users having the correct medication at the correct time why it was wrong to continue to give medication to service users after you had been told by your employer not to what you have learned from the refresher training you have completed how the SSSC can be assured that you will not repeat your behaviours what you have learned since the incidents and what you would now do differently. |
| One-to-one (1:1) meetings | |
| <p>A condition which sets out a need for regular 1:1 meetings (sometimes referred to as supervision meetings) and what the meetings must cover is a way of managing risk when you want the worker to be monitored until they are fit to practise. You may want to say as part of the condition that the worker must submit regular meeting notes to the SSSC.</p> <p>This type of condition might be appropriate in cases when, for example, you want to be confident the worker is reading and can evidence that they are complying with service user's personal plans including management of risk and distressed behaviours.</p> | <ol style="list-style-type: none"> You must take part in 1:1 meetings with your line manager at least every [X] weeks. During each meeting you must discuss: <ol style="list-style-type: none"> [list areas to be discussed]. You must send a record of each meeting, signed by your employer to the SSSC within [X] weeks of each meeting. <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> You must take part in 1:1 meetings with your employer at least every four weeks. During each meeting you must discuss: <ol style="list-style-type: none"> how you communicate with service users in an appropriate and caring way in line with their care plans any stress that is affecting your work any concerns raised by you, your employer or anyone else in relation to your practice or conduct at work and what is being done about this. You must take part in 1:1 meetings with your line manager at least every week until the conclusion of your probationary period and then at least once every four weeks. During each meeting you must discuss: <ol style="list-style-type: none"> professional boundaries the work you have been doing. You must take part in 1:1 meetings every four weeks with your line manager. During each meeting you must discuss: |



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| | <ul style="list-style-type: none"> a. your difficulties with substance misuse and how this is currently affecting you, including any supports you have in place and or that may be needed so you can carry out your role safely b. any other health or personal issues which are affecting your work and any supports in place and or that may be needed. <ul style="list-style-type: none"> • For three months after you have completed the training/learning at condition X, you must have 1:1 meetings with your manager every two weeks. During each meeting you must discuss: <ul style="list-style-type: none"> a. your role and responsibilities when responding to emergency situations b. your contributions to care plans and risk assessments to promote the safety and well-being of service users and to reduce the risk of harm c. any more training needs you have and how you will get the necessary training. <ul style="list-style-type: none"> • For six months from the start of this condition or for six months after starting in a job which needs SSSC registration, you must have 1:1 meetings every four weeks with your line manager. At the meetings you must discuss: <ul style="list-style-type: none"> a. behaviour and communication when supporting service users b. the importance of following service users care plans c. accurate record keeping and reporting to protect people and respond to their care needs d. how you are managing service users stressed or distressed behaviour e. any stress or other difficulties that may be affecting your work. |
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| Supervision of practice | |
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| <p>Supervision of practice is also a useful way to support a worker's learning and/or to evidence their learning or understanding of specific areas of practice and manage risk by observing them in certain areas of work until they are fit to practise. There may be a practical part to the worker's job which you would like to be observed with feedback through supervision. You may want to make part of the condition that the worker must submit regular observation notes to the SSSC.</p> <p>The fitness to practise caseholder should contact the employer to ensure the proposed supervision of practice condition is workable and manageable in the workplace before this is imposed.</p> <p>Supervision of practice conditions might be appropriate in the following cases:</p> <ul style="list-style-type: none"> • medication administration where you want to include a requirement for direct observation of practice and feedback through 1:1 meetings • part of the condition may have restricted a specific part of the worker's practice and you may want to include a requirement for direct observation before being confident the worker is competent to use the restricted practice again. | <p>1. You must be supervised by [a colleague/line manager] when carrying out the following tasks:</p> <p>a. [insert task].</p> |
| | <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> • You must be supervised by a colleague who is trained in medication administration when providing medication to service users until you have completed the training at condition X. • You must be supervised by a work colleague when carrying out any work with service users. |

| Health cases | |
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| <p>While conditions may be appropriate in cases concerning the health of the worker the SSSC cannot impose conditions which will cost either the worker, their employer or the SSSC money, for example, drug or alcohol testing.</p> <p>Conditions in health cases may include a requirement to provide a letter from their GP/addiction services/mental health services confirming that they are engaging with their service and providing an update on the worker's progress.</p> <p>Those drafting conditions will need to be aware that some health services charge for such letters and that such a charge cannot be imposed on a worker.</p> <p>There may be other conditions in addition to this such as checking in with their manager at the start of every shift to ensure the worker is not under the influence of any substances or not working alone with service users.</p> | <p>For the duration of this TCO you must provide a letter from [GP/addiction services] every four weeks confirming that you are engaging with them.</p> <p>Some examples where this has been used.</p> <ul style="list-style-type: none"> • Every eight weeks you must provide the SSSC with a letter from your GP, or other relevant health professional or addiction support service, confirming that you continue to engage with services in relation to your drug addiction, including an update on the support you are receiving and your progress. • You must report to a senior member of staff at the start of every shift, to assess whether you are fit to do your job that day. • Within seven days of starting a new job which needs SSSC registration you must tell your new employer about your health condition and give the SSSC proof, signed by you and your employer, that you have told them. • For one year you must send the SSSC proof from your GP, or other suitable mental health professional that you are still taking part in health services and treatment to manage your health condition. This must be sent every three months. |



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