

SSSC Data Snapshot Report

Fitness to Practise

January 2024



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Foreword

Welcome to our first Scottish Social Services Council (SSSC) fitness to practise snapshot report where you'll see key information on the fitness to practise process and investigations during 2023.

With this report, we aim to build a picture for you over the coming years by sharing information and data on fitness to practise.

As the regulator for this workforce, we are in a unique position, able to provide a reliable source of information and insight into the registered workforce going through the fitness to practise process. This information also identifies areas for improvement in the way we work as well as influencing workforce development for this sector.

This report on fitness to practise sits alongside our [Register snapshot report](#) and our [annual official statistics report on the social service workforce](#) (both published in September).

This snapshot, alongside our other data reports, aims to support recruiting and retaining the professional, skilled workforce we need and rely on every day. Our data reports help to make sure that there is an increasing understanding of the workforce where decisions are being made about how social work, social care and children and young people services are delivered (you'll find information on the differences between data from the Register and workforce data on our website data.sssc.uk.com/what-we-do/registration-and-workforce-data).

Data is important but we also recognise the invaluable role every person registered with us has in delivering skilled, high quality, compassionate and safe care in our communities. →



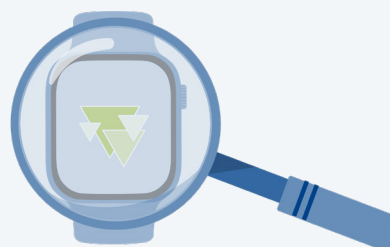
Fitness to practise - 2023/24 and beyond

The last few years have been increasingly challenging for the social work, social care and children and young people workforce and for the people and communities who access the services they provide and who deserve the highest quality care from a skilled, safe and trusted workforce.

It's important to highlight that the majority of the 170,313 people on our Register practise safely, effectively and are doing a great job. Investigating concerns about our registrants affects a minority. On average, 1.1% of registrants are investigated each year and in 2022/2023 there were 96 decisions made to remove people from the Register.

Reducing the time it takes to carry out investigations and reach decisions

We know that the length of time a referral takes to reach a decision can have a significant impact on the people involved. Reducing the time it takes to complete our investigations and reach decisions is crucial and we are making steady progress on this. With continuous improvements, it's now taking an average of 5.4 months to close a referral. This remains a key priority.



Investigation thresholds

It is important that we only investigate serious allegations that need consideration by us as the regulator. We screen referrals to assess whether to investigate or not. This helps us identify risk, then understand how serious it is and think about whether regulation is the right way to address it. This also ensures that we focus our resources on the right referrals.

We use thresholds to help us screen referrals. Our thresholds have changed over time in response to our experience. We work with employers so that they know what they should report to us, when and what we can and can't investigate.

We monitor where our referrals come from and who is raising concerns with us and look at what we can do to make sure that the referral process is straightforward and clear.

Supporting employers

In 2022 we launched our advice line for employers about fitness to practise. Feedback so far has been positive with around 60 people using this service per month. We have a rolling programme of meetings with employers where they can ask us questions about the fitness to practise process, about the SSSC Codes of Practice, professional boundaries and other emerging issues. These are opportunities for us to help employers understand what we can investigate and when to refer.



Working with representatives

Registrants and applicants going through the fitness to practise process are unlikely to have access to legal aid but can get advice from their trade union or professional bodies if they are members or from Citizens' Advice Scotland.

We want more people going through fitness to practise to have access to representation as it can have a positive impact. We continue to work with bodies and law centres across Scotland that can offer free legal advice and to encourage them to provide this service for SSSC registrants who need it. Between January 2022 to January 2023, the number of registrants represented at hearings increased from 19% to 24%.



Supporting registrants and witnesses going through investigations and hearings

It can make a difference to the outcome for a registrant when they are supported and engaged with the investigation and hearing process. We continue to work hard to support everyone going through the process, with a focus on learning from those involved at every stage.

We have a wellbeing support line for registrants launched in 2022 which averages 10 calls per month for registrants going through the fitness to practise process, with counselling being available to them.

Our Regulatory Improvement and Hearings Team provides support to all registrants and witnesses going through a hearing and all our hearings officers are trained mental health first aiders. We contact those involved before the hearing and arrange a time to talk about what will happen and provide support throughout the process.

Making sure our information is clear and easy to understand

The outcome of the fitness to practise process can have an impact on someone's ability to work in their chosen profession. Because of this, our processes must comply with the law and the highest standards of fairness and this can make them complex. Over the next year we will focus on improving our understanding of what it's like for those involved in the process and improving our communication, information and support. Our aim is to make sure that people can understand the information they receive from us and can act on it where needed.

What's next for our data and intelligence?

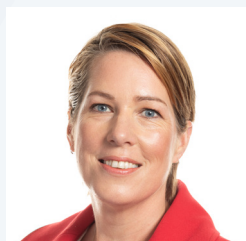
The information and data we have through our regulatory and workforce development roles gives significant insight into the workforce, shaping and influencing policy and decision making at all levels and touching everything from workforce planning to reshaping national delivery of care services across Scotland.



Get in touch

We aim to publish regular snapshots on key areas of our work. Please do get in touch at intelligence.enquiries@sssc.uk.com if you'd like to know more about our data and intelligence or to give us your feedback on the insights in the report.

Maree Allison
Acting Chief Executive



About this report

This is a snapshot of our fitness to practise information from April to October 2023 and, in some cases, we've included previous years for comparison.

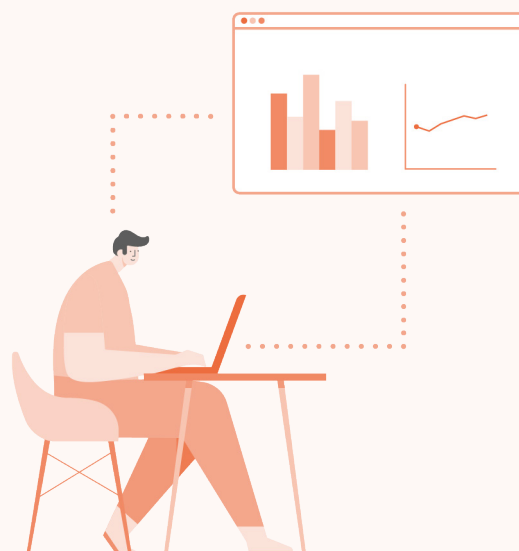
This is the first of this style of fitness to practise report which we aim to publish regularly to help build a long term picture of this area of our work. This information, alongside our other intelligence, will identify trends, opportunities and challenges and contribute to key policy development and decision making for this sector in Scotland.

Our data

We continually review the quality of our data and our information. The data we use for this publication is based on our live data source which will be subject to change. As such, figures will alter over time as records are updated. It is a snapshot of our fitness to practise work and those registrants going through the fitness to practise process at a point in time.

The information in this report is based on certain parameters as set out in our role as a national and official statistics provider. The information could differ from other SSSC publications (eg our workforce data) due to different parameters being included. You'll find more information on this at data.sssc.uk.com/what-we-do/registration-and-workforce-data along with our workforce data publications and the quarterly registration statistics published there.

The information provided in this report is based on data provided to the SSSC by individual registrants and their employers, recorded by staff managing case work and our analysis of that information. The data is as accurate as the last time it was updated by an individual, organisation or our staff.



Our Register

We hold the register of social workers, social work students and social care and children and young people workers who can practise in Scotland.

There are different parts to our Register and each person applies for the part of the Register relevant to them. There are 10 main parts to the Register:

At the moment there are 10 parts of the Register:



Each of these Register parts (with the exception of social workers and social work students) is divided into the roles that people have eg they may be registered as a manager, supervisor, practitioner or support worker. We have not included that level of detailed information in this report.

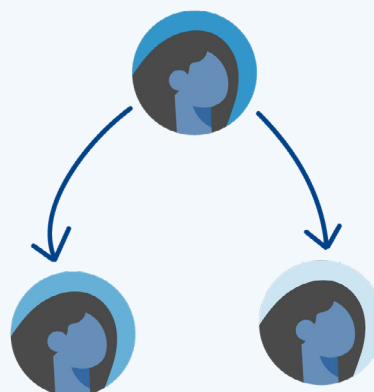
Our Register doesn't include other people working in these services eg teachers, nurses, ancillary/auxiliary staff. →

Number of people on the SSSC Register

On 2 October there were 170,313 people on our Register, an increase of 5,871 for the same time last year.

We record all registrations because individuals can be registered on more than one Register part.

Our registrants often have more than one type of role in a service, they may also have more than one job and/or work in different kinds of services. For example, someone might work in a care home as a practitioner part time as well as working in a housing support service part time as a support worker. In this situation, they need to be registered for both roles.



→ **Table 1**

| Number of individuals on each Register part | November 2022 | November 2023 | % change |
|--|---------------|---------------|----------|
| Care Inspectorate inspectors | 286 | 286 | 0.0% |
| Managers working in adult daycare services | 350 | 347 | -0.9% |
| People working in residential school care accommodation services | 400 | 435 | 8.7% |
| Social work students | 2,006 | 1,905 | -5.0% |
| People working in residential childcare services | 7,960 | 8,180 | 2.8% |
| Social workers | 10,756 | 10,973 | 2.0% |
| People working in day care of children services | 42,054 | 44,045 | 4.7% |
| People working in care home services for adults | 40,340 | 42,851 | 6.2% |
| People working in housing support services | 53,744 | 55,759 | 3.7% |
| People working in care at home services | 62,986 | 65,811 | 4.5% |

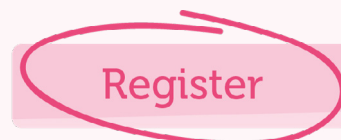
What is fitness to practise?

We regulate people working in social services to make sure that you can have confidence they have the right skills, values and training to do the job. Our work is about protecting and enhancing the safety and welfare of people who use social work, social care and children and young people services. We investigate concerns about registrants and take action where necessary.

Our work is underpinned by the **SSSC Codes of Practice for Social Service Workers and Employers** (the Codes) which set out the behaviours and values expected of social service workers registered with us. Registrants are expected to behave in a way, in or outside work, which does not call into question their suitability to work in social services.

Applying to register

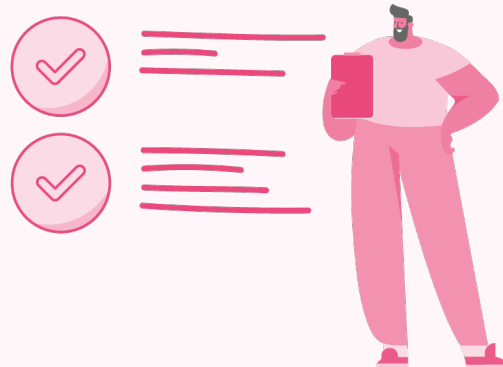
To register, people need to meet the criteria for registration and be fit to practise. People are fit to practise if they meet the standards of character, conduct and competence necessary for them to do their job safely and effectively with particular regard to the Codes.



Registrants

We must be sure that people on our Register continue to meet the standards of character, conduct and competence necessary for them to do their job safely and effectively in line with the Codes.

We only investigate allegations that meet our thresholds. This makes sure that we focus our work on the most serious allegations. When we decide allegations do not meet our thresholds this does not mean that we don't believe that something has gone wrong. What it means is that it doesn't need action by us as regulator. For example, it could be something that the employer will take action about.



Action

We consider each referral individually. In every situation, we will do everything we can to reach a decision and an outcome as quickly as possible. Our legal duties and responsibilities differ from the employers' so our view of risk and the action we may take is different.

Where we find that a registrant presents an immediate risk to the people using social services, to the public or their colleagues we can impose a temporary order (TO) that will restrict their working practice or suspend their registration while we carry out an investigation.

After our investigation if we find evidence of allegations we may:

- decide to take no further action or
- impose a sanction.

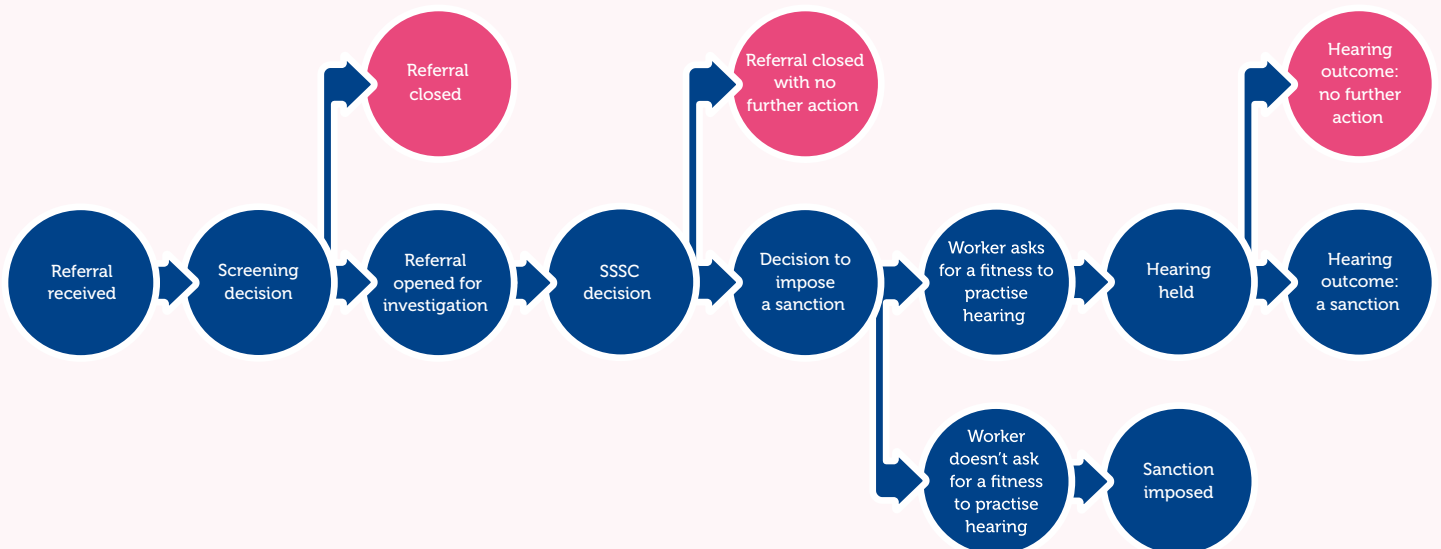
The sanctions are:

- a warning
- conditions on registration
- suspension
- removal from the Register.

We impose sanctions because we have decided that a person's fitness to practise is impaired and believe that formal action is needed. Fitness to practise investigations and decisions are not about punishing workers.

You can find out all about our fitness to practise process, what we can and cannot consider, the sanctions we can impose, how we make our decisions and more on [our website](#).

Fitness to practise process



When can fitness to practise be impaired?

A registrant's fitness to practise may be impaired by one or more of the following:

- misconduct
- deficient professional practice
- a health issue
- a decision about them by another specified regulatory body
- a criminal conviction.

How do people raise concerns with us?

Anyone can tell us if they have concerns about the fitness to practise of someone registered with the SSSC. And we can also make a referral ourselves.

You can find out more about how to raise a concern with us and the kinds of concerns we can and can't consider on [our website](#).



Raising concerns in the workplace

To help ensure public protection people working in social work, social care and children and young people services have a duty to raise concerns and employers are responsible for making sure they can do this in an easy and safe way.

We have also published guidance jointly with the Care Inspectorate that sets out their roles and responsibilities. [Raising concerns in the workplace – Guidance for employers, social service workers and social work students](#) sets out these roles and responsibilities and the protection offered to people raising concerns under whistleblowing legislation.



Public information about our decisions

We publish information about our upcoming hearings and recent decisions on [our website](#) and you can find out more about what we publish in our [Fitness to Practise Public Information Policy](#).

Our referrals in 2023/2024

The information in this section gives a snapshot of the fitness to practise process including where our referrals come from, the length of time our referrals can take and the number of individuals going through a fitness to practise investigation.

In this section, the information covers 1 April to 31 October 2023 with some references to previous years for comparison.

Our main priority in 2023/24 is to maintain the number of open fitness to practise referrals at an acceptable level and that 95% will be less than three years old. This is important because processing cases promptly and efficiently makes sure that concerns are addressed and that action is taken where needed so that there is confidence that only the right people are on the SSSC Register. →

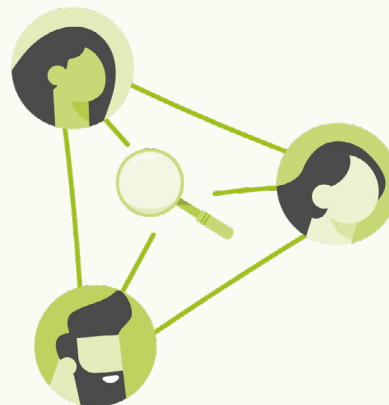


Number of referrals

Between 1 April 2023 and 31 October 2023, we received 2,674 referrals. A referral is when we receive any information that someone is concerned about. It includes information about people applying to register and information about workers who are not currently registered with us (non registered workers) but might be in the future. We hold information about people who are not working in social services in some limited circumstances where the information is serious and it is likely they will apply to register. For example, people who are in a role that needs registration but they have not yet applied. 13.9% or 373 of the 2,674 referrals were about non registered workers.

We decide if referrals meet our thresholds and the tests in our Rules before opening a case. We may carry out enquiries to decide whether to open a case. On average 50% of referrals are opened for investigation.

Tables 2 and 3 show the numbers of referrals received and the stage they are at ie either being assessed in our screening process, closed or open.



→ **Table 2**

| Year (1 Nov-31 Oct) | Referrals received | Referrals closed | Number of live referrals at the year end | % increase/decrease |
|---------------------|--------------------|------------------|--|---------------------|
| 2019-20 | 4,216 | 4,138 | 2,711 | 1.9% |
| 2020-21 | 3,750 | 4,007 | 2,477 | -8.6% |
| 2021-22 | 3,846 | 4,378 | 1,939 | -21.7% |
| 2022-23 | 4,456 | 4,594 | 1,831 | -5.6% |

→ **Table 3**

| Year (1 Nov-31 Oct) | Referrals received | Current status - closed | Current status - open | Current status - in screening |
|---------------------|--------------------|-------------------------|-----------------------|-------------------------------|
| 2019-20 | 4,216 | 4,173 | 43 | 0 |
| 2020-21 | 3,750 | 3,626 | 124 | 0 |
| 2021-22 | 3,846 | 3,522 | 322 | 2 |
| 2022-23 | 4,456 | 3,370 | 969 | 117 |

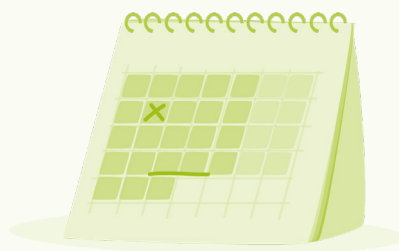
How long does it take?

On average it takes 5.4 months to investigate, make a decision and close a referral – this includes referrals that we decide not to open. We do not open approximately 50% of referrals and this brings down the average.

This is based on referrals closed in the three-month rolling average for July to September 2023. Table 4 shows the different average closure times over the last year and for different outcomes.

The average length of time to close a referral is affected by a range of variables, including the number of referrals, their complexity, and staffing levels. We wait for the outcome of employer disciplinary processes, police investigations and court processes which can each have an impact on the length of time it takes us to conclude our investigation.

Not all referrals result in any action following our investigation.



→ **Table 4**

| Month | Time in months for referrals closed in a three-month rolling average | | | |
|--------|--|-----------|--------------------------|---------|
| | All cases | No action | Sanction with no hearing | Hearing |
| Oct-22 | 6.6 | 6.1 | 23.4 | 16.8 |
| Nov-22 | 6.8 | 6.4 | 22.7 | 16.7 |
| Dec-22 | 7.0 | 6.7 | 22.4 | 26.9 |
| Jan-23 | 7.5 | 7.3 | 20.7 | 25.6 |
| Feb-23 | 7.6 | 7.2 | 20.1 | 25.1 |
| Mar-23 | 7.9 | 7.1 | 20.8 | 23.5 |
| Apr-23 | 7.1 | 6.2 | 20.3 | 22.9 |
| May-23 | 6.6 | 5.8 | 21.1 | 22.5 |
| Jun-23 | 6.0 | 5.1 | 22.3 | 25.6 |
| Jul-23 | 6.1 | 5.4 | 21.8 | 25.6 |
| Aug-23 | 5.6 | 5.1 | 20.6 | 23.3 |
| Sep-23 | 5.3 | 5.1 | 18.1 | 19.6 |

The number of open referrals and the age of open referrals

We had 1,831 open referrals at 31 October 2023. This is a decrease of 108 from the same time last year.

95.8% (1,754 of 1,831) of open referrals are less than three years old.

The analysis shown in Figures 1, 2 and 3 below focuses on both the number of open referrals and how many of those are less than three years old. These are linked as the number of referrals impacts on how long it takes to investigate and make decisions.

Several factors affect the number of open referrals and their age profile. Some are external to the SSSC, such as complexity, proportion affected by third party proceedings, the quality of information and the proportion of member of the public complaints. Others are internal to the SSSC such as staff ratios, staff turnover, experience, capacity and performance.



Number of open referrals

Since March 2020 the number of open referrals has reduced as shown in Figure 1. We set ourselves a target of holding a maximum of 2,000 open referrals at which level we can deliver defensible decisions within a reasonable timeframe. From April 2023 to October 2023 this downward trend has continued but is now beginning to level out. This may indicate the expected number of open cases for the size of the Register.

The Register continued to grow in large numbers in stages from when it opened to the first group to register in 2003 until September 2020, the deadline for the last groups to register. With no new groups to register at the moment, we do not see the large changes in register size that we used to when new groups became eligible to register.

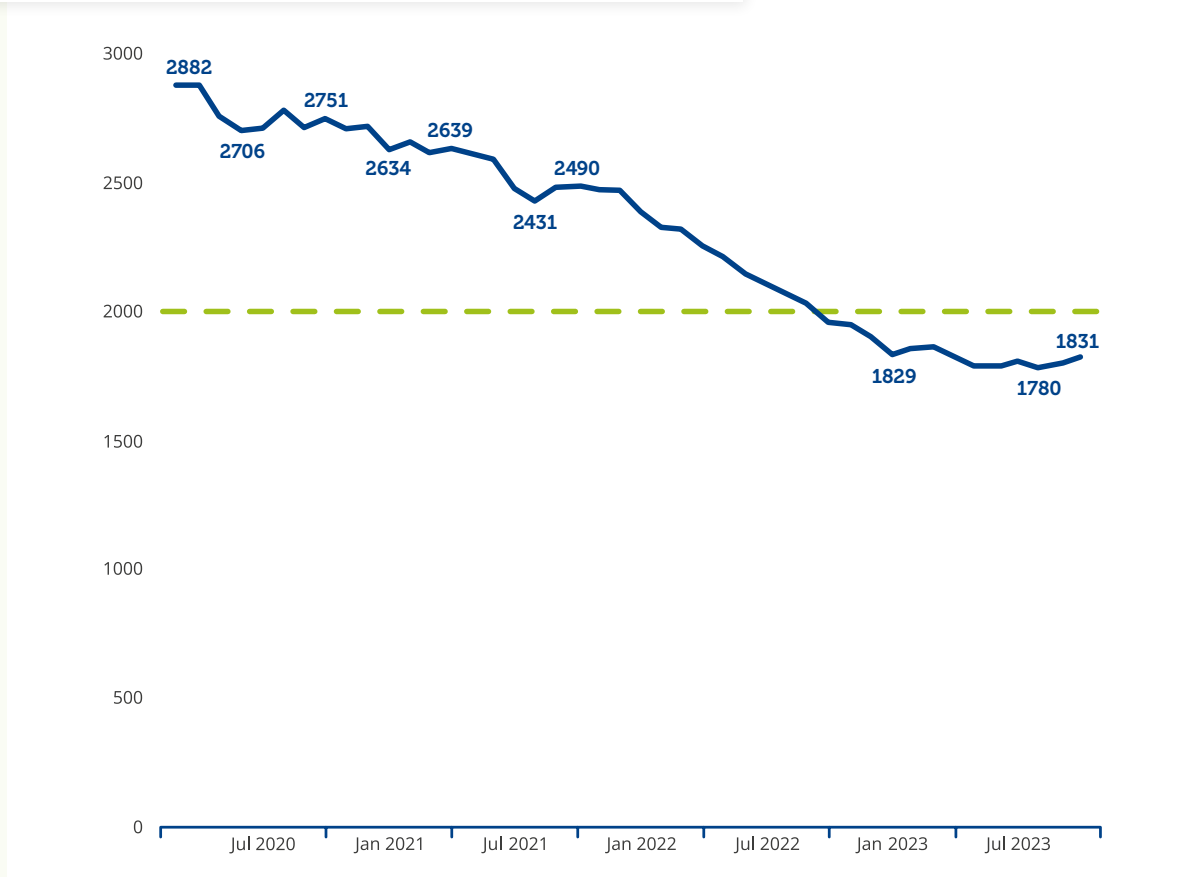
This makes it easier to monitor performance in fitness to practise. However, the Register has grown this year albeit more slowly and this may be driving the recent increase in referrals which may result in an increase in the number of open referrals.

We set ourselves a target of holding a maximum of 2,000 open referrals



→ Figure 1

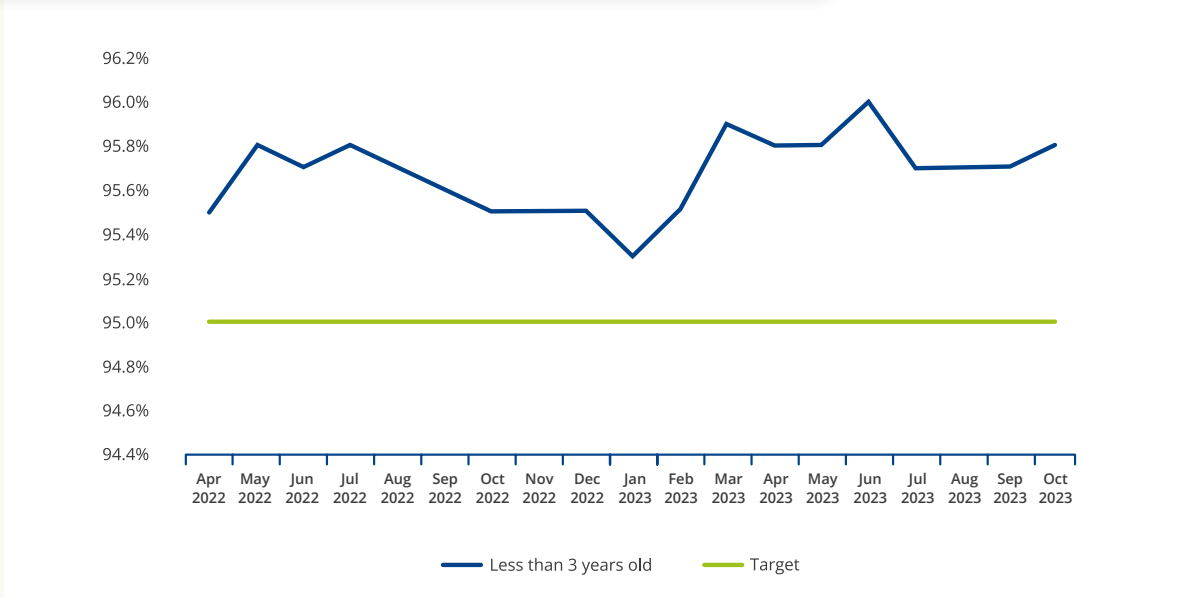
The number of open fitness to practise referrals



We have set ourselves a target that at least 95% of referrals will be less than three years old. Figure 2 below shows that we are maintaining this. Figure 3 shows the steady increase of referrals that are in the range 0-1 year and 1-2 years old categories.

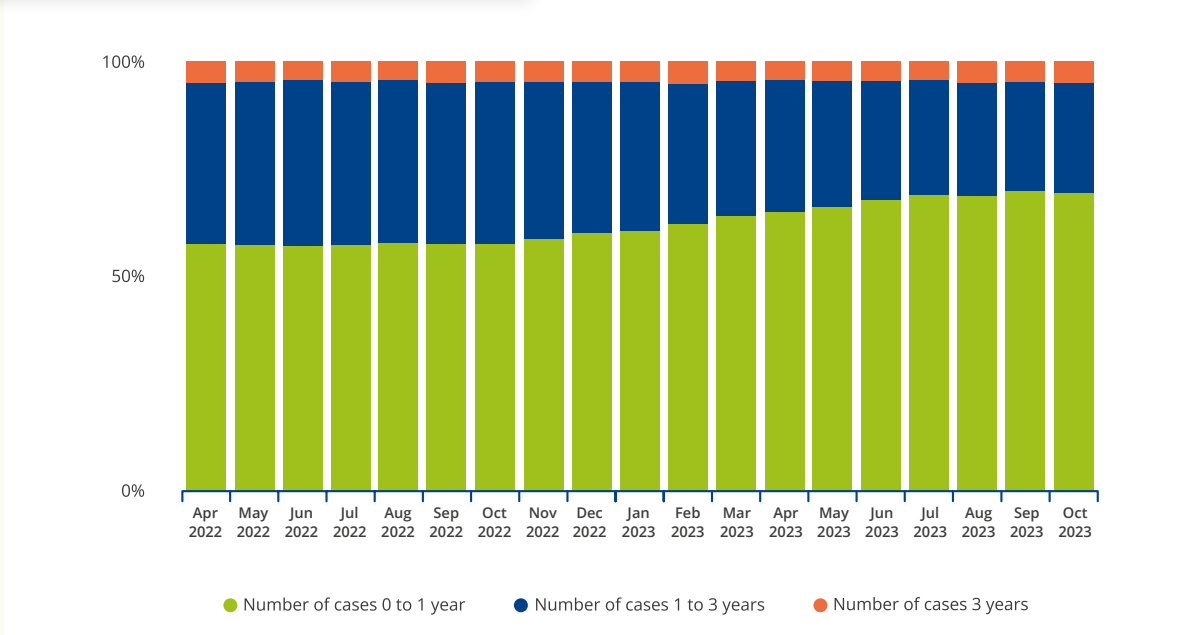
→ **Figure 2**

Percentage of open referrals less than three years old



→ **Figure 3**

Age of open referrals by grouping



The percentage of registrants with an open referral

Table 5 shows the percentage of registrants who had an active fitness to practise investigation each month since April 2023.

At October 2023, 1.11% of registrants had an open referral being considered by the Fitness to Practise Department. While there are small variations, we haven't seen any significant movement during this period.

→ **Table 5**

| Month | Percentage of registrants with an open referral |
|-----------|---|
| April | 1.11% |
| May | 1.08% |
| June | 1.09% |
| July | 1.10% |
| August | 1.08% |
| September | 1.07% |
| October | 1.11% |

Where do our referrals come from?

Table 6 shows the breakdown of where the concerns and referrals we received between 1 April 2023 and 31 October 2023 came from.

The category 'other' in the table below includes referrals made by Police Scotland, people who use services, the Care Inspectorate, universities, colleagues, other regulators etc.

→ **Table 6**

| Referral source | Referrals made |
|---|----------------|
| Current employer | 1,242 |
| Self-referral (made by applicants as part of the application process or by registered workers updating their information) | 531 |
| Member of the public (this includes people who care for a person who uses services) | 428 |
| Disclosure Scotland | 167 |
| Previous employer | 152 |
| Internal referral (made by Fitness to Practise staff who establish information about other workers during investigations) | 93 |
| Other | 61 |

The most frequent types of behaviour we investigate

Referrals can be complex and the allegations can include different types of behaviour. However, at the end of the process we make a judgement and categorise each referral based on the most serious aspect of behaviour. Table 7 shows the most common types of impairment we've investigated between October 2020 and October 2023 inclusive.

→ **Table 7**

| Type of impairment | Number |
|---------------------------------|--------|
| Inappropriate behaviour at work | 1,856 |
| Practice failings | 1,153 |
| Behaviour outside work | 624 |
| Dishonesty | 315 |
| Health issues | 125 |
| Management failings | 100 |
| Regulatory issues | 40 |
| Other | 24 |

The proportion of our fitness to practise open referrals in each Register part

Table 8 shows what percentage of fitness to practise referrals come from each Register part. It is a snapshot as of 31 October 2023 when the total number of referrals was 1,732. It does not include the 99 referrals that are about people applying to register with the SSSC.

These figures are approximate. We record all registrations because individuals can be registered on more than one Register part however they only have one Fitness to Practise case.

Our registrants often have more than one type of role in a service, may also have more than one job and work in different kinds of services. For example, someone might work in a care home as a practitioner part time as well as working in a housing support service part time as a support

worker. In this situation, they need to be registered for both roles.

This data shows that the number of referrals for workers in some Register parts does not match what we would expect based on the total number of workers. For example, staff in day care of children services make up 19.3% of the Register but only 8.9% of referrals.

There may be a number of reasons affecting this and we plan to expand the analysis of this data. The qualification levels in each part and the type and risk of the work will both be factors. We have seen a similar pattern emerge over a number of years.

→ Table 8

| Register part | FTP referrals % | Full Register % |
|---------------------------------------|-----------------|-----------------|
| Care at home services | 30.3% | 28.4% |
| Housing support services | 26.5% | 24.0% |
| Care home services for adults | 22.7% | 18.8% |
| Day care of children services | 8.9% | 19.3% |
| Residential childcare | 7.2% | 3.6% |
| Social workers | 3.7% | 4.7% |
| Students | 0.5% | 0.8% |
| Adult day care | 0.2% | 0.1% |
| Care Inspectorate inspectors | 0.1% | 0.1% |
| Residential school care accommodation | 0.1% | 0.2% |

Our hearings and decisions

Following an investigation, decisions on the outcome are made by SSSC officers or by a fitness to practise panel at a hearing. If we decide we need to impose a sanction or registration condition, we tell the registrant and explain the reasons for our decision. If we think it is fair and that we don't need to have a hearing for some other reason (such as significant public interest) then we will ask if the registrant wants a hearing.

If they:

- don't ask us for a hearing, we will impose the sanction
- ask for a hearing, we will hold one.

This approach has reduced the number of hearings we hold and means that workers participate in most of the hearings we hold. Hearings can be in person, online or hybrid.

Fitness to practise panels make decisions on impairment, temporary orders and applications for registration (where there may be concerns based on the information an applicant for registration has provided).



The number of hearings

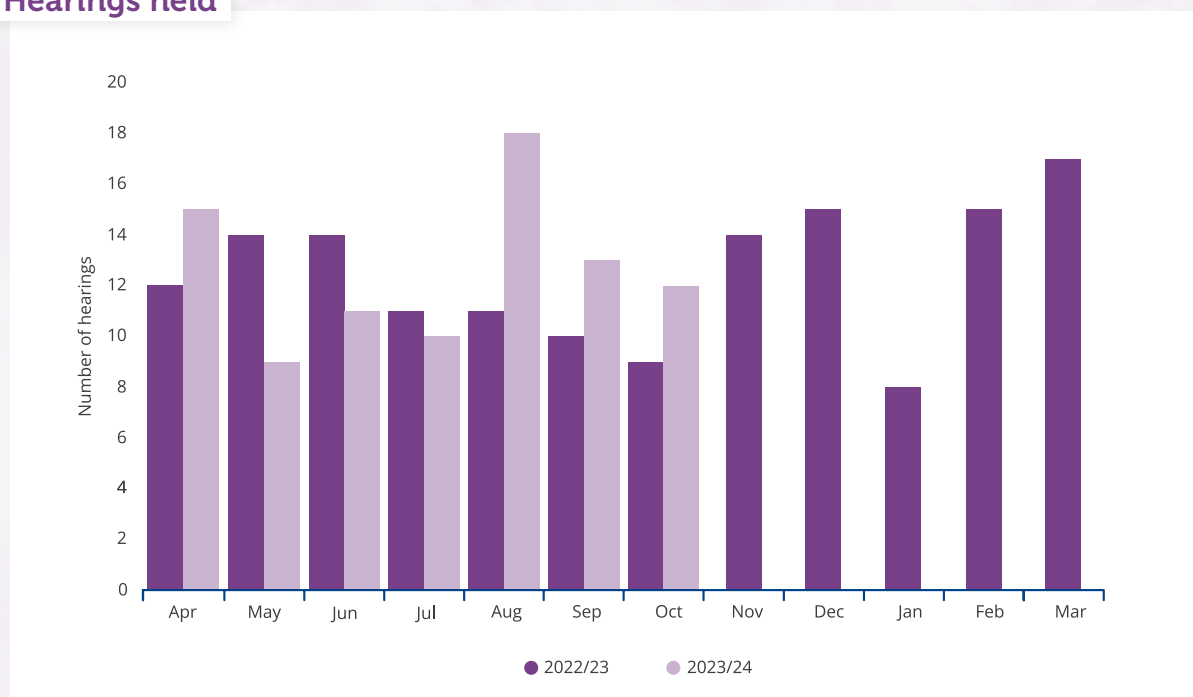
Some of the hearings taking place now will have been generated from referrals in previous years.

The number of hearings we hold each year depends on the volume and nature of referrals, the length of time each investigation takes and whether a person accepts the decision and outcome. If a hearing takes place, the length of time to close the referral is usually longer.

The chart below shows hearings held in financial year 2022/2023 and financial year 2023/2024 up to October 2023.

→ **Figure 4**

Hearings held



Fitness to practise referral decisions

After we open a referral and finish our investigation, we must make a decision. The decision includes deciding if there is evidence to prove the allegation, if the behaviour affects a registrant's current fitness to practise and, if so, what sanction is needed. The decisions are made by both the SSSC and by fitness to practise panels.

The number of times that a sanction is imposed is low. In many cases no action is taken. Looking only at the referrals we open and investigate, Table 9 shows the number of decisions for the previous two years and for 2023/24 to October 2023.

→ **Table 9**

| Year (financial year) | Other sanction | Removal | No action | Total |
|--------------------------|----------------|---------|-----------|-------|
| 2021/22 | 136 | 99 | 1201 | 1436 |
| 2022/23 | 200 | 96 | 1268 | 1564 |
| 2023/24 | 101 | 76 | 720 | 897 |

→ **Table 10**

Table 10 shows the same information as table 9 but as a proportion.

| Year (financial year) | Other sanction % | Removal % | No action % |
|--------------------------|---------------------|--------------|----------------|
| 2021/22 | 9.5% | 6.9% | 83.6% |
| 2022/23 | 12.8% | 6.1% | 81.1% |
| 2023/24 | 11.3% | 8.5% | 80.3% |

About us

The Scottish Social Services Council (SSSC) is the regulator for the social work, social care and children and young people workforce in Scotland. Our work means the people of Scotland can count on social work, social care and children and young people services being provided by a trusted, skilled, confident and valued workforce.

We protect the public by registering this workforce, setting standards for their practice, conduct, training and education and by supporting their professional development. Where people fall below the standards of practice and conduct we can investigate and act.



There are almost 210,000 people working in social work, social care and children and young people services across Scotland. This workforce includes social care workers, social workers, social work students and children and young people workers. They work across a range of care services, in residential and day centres, community facilities and in people's homes. We are responsible for registering most of this workforce, making sure they meet the standards set out in the SSSC Codes of Practice. Find out more about the groups of workers that register with the SSSC at www.sssc.uk.com.

The SSSC is responsible for standards of training and development for this workforce and we work with the other UK social work, social care and children and young people workforce regulators to develop and maintain these standards.

We publish data and official statistics on this workforce in Scotland. Our data underpins our workforce planning and development role and government, local authorities, health and social care partnerships, employers and others use it in national and local workforce planning.

We are a Scottish Government non-departmental public body, sponsored by the Office of the Chief Social Work Adviser at the Justice Directorate and set up under the Regulation of Care (Scotland) Act 2001. Through workforce registration and regulation, we are helping to improve standards in social work, social care and children and young people services and strengthen public protection.

We are one of a number of health and social care regulators in Scotland and across the UK established to ensure professionals are regulated against agreed standards. We work closely with other regulators and other bodies to ensure standards meet the needs of the social service sector.



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