

Northern Ireland



Information leaflet for social workers and social care workers who have been referred to the Social Care Council's Preliminary Proceedings Committee (PPC)

You have been referred to the PPC as the Social Care Council has received information about you which may call into question your suitability to remain, or to remain without restriction, on the Social Care Register.

This information leaflet should help you understand what will happen next.

This information leaflet does not cover any specific details about your case. With this leaflet, you have received a Notice of Referral, together with a copy of the Report to the PPC which contains the documentary evidence obtained by the Council. These documents contain the details of the allegation against you.

The PPC follows a legal process which is set out in the Northern Ireland Social Care Council Fitness to Practise Rules. The Rules ensure that all allegations are dealt with in a fair, consistent and transparent manner.

Allegations are received from a variety of sources, including employers or former employers, members of the public, service users, colleagues, the police and self-referrals.

We have a duty to investigate all allegations referred to us.

The Investigation

You will have been contacted by a Fitness to Practise Officer (the case owner) soon after the information about you was received, notifying you of the nature of the allegation and inviting you to provide further information.

During the course of the investigation, witness statements may have been taken and documentary evidence gathered from a range of sources, e.g. your employer or former employer, the police if appropriate etc.

The investigation into your case will have been carried out by the Fitness to Practise Officer together with one of the Council's solicitors.

The PPC

Now that the Council has completed its investigation, it is referring your case to the PPC. The PPC will meet to review the evidence and determine whether your case should be transferred to the Fitness to Practise Committee. You have received this leaflet as your case has now reached this stage.

The PPC is made up of a Chair and two Committee Members. One of the Committee Members is a registered social care worker. The other Member and the Chair are lay people, meaning that they do not work in social care and are not on the Social Care Register.

The PPC is independent of the Council.

The PPC is assisted by a Legal Adviser, who is a qualified solicitor or barrister. The Legal Adviser's role is to provide advice to the PPC on points of law and procedure, and to make sure that the PPC acts fairly and in accordance with the law. The Legal Adviser does not make any decisions regarding your case.

The Role of the PPC

The PPC must follow a legal ‘realistic prospect’ test to decide whether the evidence would be strong enough for the allegations against you to be found proved on a future date by a Fitness to Practise Committee. The full legal test for the PPC is set out in the Social Care Council Fitness to Practise Rules. Your solicitor or trade union representative can help you with this. If you do not have representation and would like to discuss the role of the PPC, you should contact us without delay.

Options Open to the PPC

After a thorough and robust examination and consideration of the evidence provided, the PPC will make one of the following decisions regarding your case:

- Request further investigation; **or**
- Transfer your case to the Fitness to Practise Committee; **or**
- Refer the matter back to the Council to seek consensual disposal; **or**
- Close the case.

Decision to Request Further Investigation

If the PPC requests further investigation on a particular aspect of the case, the Council will undertake this. You would then be notified again when a new date for the PPC was arranged and would receive a new Notice of Referral and bundle of documents.

The PPC would meet again and apply the same test as that described above.

Requests for further investigation do not happen very often.

Decision to Transfer your Case to the Fitness to Practise Committee

The PPC will consider these two questions:

1. Is the evidence against you strong enough?
2. Are the allegations against you serious enough to affect your registration?

If the PPC decides that the answer is ‘yes’ to both of these questions, then it is likely that your case will be transferred to the Fitness to Practise Committee. Only the Fitness to Practise Committee has the power to decide whether the allegations against you are true and whether, if they are, they should affect your registration with the Council.

If your case is transferred to the Fitness to Practise Committee, you will receive further information on the process.

Decision to Refer the Matter Back to the Council to Seek Consensual Disposal

In some cases, the Council can agree a sanction on a Registrant’s registration without the case going to the PPC and the Fitness to Practise Committee. This is called ‘consensual disposal’. There are very strict rules and guidelines governing this and because your case has been referred to the PPC, the Council is of the view that your case is not suitable for consensual disposal. However, the PPC does have the power to decide that the Council should explore this option with you.

Further information on consensual disposal can be found on the Social Care Council website.

Decision to Close the Case

1. Is the evidence against you strong enough?
2. Are the allegations against you serious enough to affect your registration?

If the PPC decides that the answer is ‘no’ to **one** or **both** of these questions, then it is likely your case will be closed with no further action.

If you are subject to an Interim Order, this will be lifted.

The PPC may decide to give you advice on your future conduct or practice, and may remind you about particular sections of the Standards of Conduct and Practice.

The Council will keep a record of your case and would take it into account if any further allegations are received about you.

What the PPC does not do

The PPC does not have the power to test the evidence. This means that it cannot hear from witnesses and cannot decide whether the allegations against you are true or false. The PPC does not have the power to resolve any conflicts in the evidence. The PPC does not have the power to decide whether or not you are suitable to remain on the Register.

It is very important that you understand that the PPC simply decides which cases go to a fitness to practise hearing and which cases do not.

What Should I Do Next?

The Notice of Referral which you have received sets out the date, time and venue of the meeting, along with the allegation against you.

You should read the accompanying bundle of documentary evidence very carefully. The Report to the PPC sets out the details of the allegation. Witness statements taken and evidence gathered are included within the bundle.

After you have read all of the documentation which you have received, we would recommend that you seek legal or trade union advice if you haven't already done so. You may also want to write to the Committee with information which you would like it to consider. This is known as submitting written representations.

Written representations should be signed and dated and sent to the Committee Clerk no later than 14 days after you receive the Notice of Referral.

You can find guidance on what to include in your written representations below.

You should also provide the PPC (via the Committee Clerk) with any evidence you have to support your case.

Allegations Regarding Criminal Offences

If your case is about a criminal offence or offences, the PPC would find it helpful to hear from you regarding the circumstances. You may wish to provide the PPC with information regarding:

- The circumstances surrounding the offence(s) and your explanation of the offence(s);
- The sentence imposed for the offence(s).

Disciplinary Matters

If your case is about an issue which has resulted in you facing disciplinary proceedings at work, you may wish to provide the PPC with information regarding:

- The circumstances surrounding the matter and your explanation of the matter;
- Any action taken by your employer.

Health Conditions

If you consider that you have a health condition which the PPC should consider, you should provide the PPC with more information, including:

- Whether your condition affected, or currently affects, your ability to do your job;
- Any action already taken by your employer in respect of your health;

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- Anything else you consider to be relevant.
- You should be aware that the existence of a health condition will not affect the PPC's decision, but it could affect the way in which your case is handled if it is transferred to the Fitness to Practise Committee.

General Complaints

If a general complaint has been received about your conduct, behaviour or practice, either inside or outside work, you may wish to provide the PPC with information regarding:

- The circumstances surrounding the allegation and your explanation of the allegation.

Should You Attend?

You do not have to attend the PPC. The PPC will not take into account the fact that you have attended when making its decision.

However, you may decide that you would like to attend and speak to the Committee, either yourself or through a representative. If you wish to do this, you must contact the Committee Clerk as soon as possible. The Committee will be considering a number of cases on the same date as yours and all cases are listed for 9.30 am. **It is important that you let us know in advance if you plan to attend.** You will have to wait for your case to be called and you should be available for the whole day. A private waiting room will be provided for you and you may want to bring reading material with you to keep you occupied while you are waiting.

Change of Address

It is a requirement of your registration to notify us if you change your address or other contact details. This is particularly important if you are undergoing fitness to practise proceedings as they will continue even if we are unable to

contact you, and you may miss the chance to defend yourself against the allegations.

Contact Us

If you have any queries about the PPC process, or wish to attend your PPC, please contact the Committee Clerk on 028 9536 2933 or email niscc.committee@hscni.net.

Professional Advice

This information leaflet is to provide you with guidance only. It should be read together with the Social Care Council Fitness to Practise Rules and it is strongly recommended that you take legal or trade union advice.

Please note that due to the Covid-19 pandemic, all Social Care Council Committees are currently being held remotely. This guidance should be read in conjunction with the Northern Ireland Social Care Council Registration & Fitness to Practise Proceedings COVID-19 Arrangements.