



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

How do hearings work

Information about the different types of hearings, what happens at those hearings and how to appeal against a decision made at a hearing.

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When a concern is raised about a registered person it may be investigated. If the evidence shows that the registered person may be a risk to the public if they continue to work we may ask for a hearing to be held. Here is information about the different types of hearings, what happens at a hearing and how to appeal against a decision made.

What is a hearing

A hearing is a formal meeting where a panel of people look at the evidence gathered as part of an investigation into a [concern raised about a registered person's behaviour](#).

The hearing panel will decide whether the registered person should continue to work in social care or not.

Hearings can be held in public or in private. The registered person will be asked to attend so that their evidence can also be heard, this ensures that all evidence collected as part of the investigation has been looked at carefully and fairly.

Members of the public, media and press can only attend public hearings.

[View transcript](#)

Hello, and welcome to this video about our fitness to practise hearings.

Firstly, let me start by explaining who we are at Social Care Wales. We are the regulatory body for the care and support workforce. We set the standards people should work to, and make sure they have the knowledge and skills to do their jobs well.

We keep a register of different groups of workers employed in care. This helps protect people who use care services because all staff who register with us have to work to a set of standards. These tell them how to behave when providing services to people who need their support.

At the moment, all social workers, social work students, residential child care managers and workers, and all social care managers in Wales must register with us.

Within the next few years, we'll also be registering people who provide care in people's houses and in residential care homes.

So, what is 'fitness to practise'?

'Fit to practise' is when a person registered with us, who we refer to as a 'registered person', is able to do their job well, they develop their skills and knowledge regularly and make sure that they help those they support and other people be safe.

It means that a registered person is currently able to do their job well, to a high standard, irrespective of whether something may have affected this in the past - and if something has affected how they do their job, we may try to find a way to help them improve how they do their job.

Registered persons must do their work to the standards set in the 'Code of Professional Practice for Social Care'

Sometimes, people contact us about a worker they feel is not working to the standards of the Code. When this happens, we may investigate. During an investigation the registered person will be contacted so that they can give their side. Registered persons can have a representative, like a solicitor or a trade union rep to help them with this.

If the investigation shows that the person may not be fit to practise and therefore may be unsuitable to work in care, we will hold a hearing. These hearings take place in front of a panel of people who look at the information collected in the investigation and decide what action to take, if any. The registered person will be told when hearings take place and will be invited to attend.

Fitness to practise hearings are normally held in public, unless some of the concerns about a worker are related to a medical condition, in these cases, the hearings can sometimes be held in private.

You will now hear from some of the people involved in a fitness to practise hearing. Each one will explain what they do.

The Chair

Hello, I'm the Chair of the panel.

My role is to lead the hearing, speak on behalf of the panel, and make sure everyone understands what's happening.

The Panel is made up of three people appointed by Social Care Wales.

I sit here.

I am what's called a lay member – a lay member is a person with no experience of working in social care but they may have received care or know someone that does. The Chair is always a lay member.

With me on the panel is a social care member - a person who has experience of social care or is employed in social care and may be registered with Social Care Wales. We also have another lay person.

Being on a hearings panel is not our full-time job. We come from a wide range of backgrounds and bring different experience and knowledge to the hearings.

The panel is advised by a legal adviser and a clerk. A legal adviser is a solicitor. Their job is to advise the panel and make sure the hearing is fair. We will hear more from the legal adviser later.

The clerk provides advice to the Chair when we need some guidance on the procedure of the hearing and makes sure the hearing runs smoothly, and that the registered person who is before the panel understands what's happening. We will hear more from the clerk later.

Sitting opposite the panel is a fitness to practise officer, and a presenter

The registered person, whose case is being heard, will have discussed the case with the fitness to practise officer beforehand and so will already know them. A fitness to practise officer is the Social Care Wales member of staff who investigated the case.

The presenter is a solicitor who presents the case to the panel on behalf of Social Care Wales, when required. Fitness to Practise Officers may also present cases sometimes.

As fitness to practise hearings are normally held in public, members of the public, including the press may be there.

Okay, now we have explained who's likely to be at a hearing, let's look at how the panel looks at a case.

The hearing starts with the chair opening the hearing and introducing everyone.

The clerk will then read a list of allegations – which is a detailed list of the complaint or concerns against the registered person.

It's important that the registered person engages with the Fitness to Practise Officer while they are investigating the case, so that they can have the chance to agree or deny the allegations and send in any information which they think will help them.

The panel looks at evidence which Social Care Wales and the registered person have agreed. The registered person will have the chance to speak to the panel to explain things and answer any questions the panel may have.

'Evidence' is anything that Social Care Wales and the registered person think is relevant to proving whether the allegations are true or not. This can include things like, for example, reports or letters, it may also include videos or photographs, and statements from witnesses.

The panel usually gets this information at least seven days before the hearing. The registered person will also get a copy of all the evidence the panel will look at.

The panel consider everything they have read, including the Code of Professional Practice, and what has been said at the hearing before making any decisions.

Fitness to practise hearings are formal and a process has to be followed, however, we will make sure the registered person is given support as the legal adviser will always

make sure their evidence is considered.

A registered person can be represented by someone at a hearing, like a solicitor or a trade union rep, or someone else if they prefer. If they are not represented, the registered person should still attend the hearing but if they don't attend, the legal adviser will make sure their evidence is given to the panel, but they will not be representing them.

It's very important that a registered person works with Social Care Wales during the investigation and attends hearings when invited to do so, even if they're not represented.

If the registered person helps with the investigation, it gives the Fitness to Practise Officer a chance to consider if there may be any options available to help them improve their practise.

Having the registered person engaging in the investigation process and present at a hearing is a big help to the panel to understand the case and gives a chance to ask questions, face-to-face. If the registered person does not engage with the investigation process and isn't at the hearing, there may not be much evidence on the registered person's side for the panel to look at.

The hearing is a chance for the registered person to put their side forward and to explain why they are able to do their social care job to the standards in the Code.

The registered person should explain to us what they have been doing since their case was investigated. We will want to hear what they have learned from what happened and what they have done to change how they do their job to a higher standard.

Thank you – goodbye.

The Clerk

Hello, I'm the clerk and I work for Social Care Wales.

I make sure the hearing runs smoothly and deal with any non-legal issues that may happen in the hearing. I also make sure that anyone who is taking part, or is an observer, understands what's happening.

I'm the main point of contact for anyone at a hearing. When the registered person and their representative, if they have one, arrive, I'll take them to a private room that they can use for as long as the hearing lasts. I'll help the registered person as best as I can during the hearing by answering any questions about the hearing process and explain what is expected of them.

Anyone involved in a hearing should arrive in plenty of time before it's due to start.

During the hearing, I sit here (**shows where they sit**), next to the Chair, so I can give them any support they might need. Even though I sit with the panel, I don't take any part in any decisions they make.

We encourage the registered person to attend and be represented if possible. But, if they don't attend, the hearing may carry on without them if the panel is satisfied that it's fair to do so.

The registered person (**point to the chair**) will sit here during the hearing. If they have a representative, then they'll also sit here (**point to chair**).

The panel will, at various times during the hearing, leave the hearing room to talk things through in private. During these times and any breaks the registered person can go to their private room to wait.

I will now explain the process of giving evidence at a hearing, for witnesses and the registered person.

This is where witnesses or the registered person sit when they give evidence (**show table**).

Anyone giving evidence is asked to take an oath on a Holy Book of their choice or make an affirmation. This is a promise that their evidence will be the truth. The clerk will discuss this with anyone giving evidence beforehand.

Please make sure the Clerk knows of any religion, before the hearing so they have the right Holy Book available. Witnesses or the registered person can bring their own Holy Book if they prefer.

Witnesses will probably have already given a statement during the investigation. They may be asked to read out this statement and other documents, so reading glasses may be needed! (said with humour to lighten the tone of the piece.) The questions from the panel are likely to be about the statement.

If reading out loud is likely to be difficult for anyone, please let us know.

If the registered person is at the hearing, they can ask the witness questions about the evidence they have given.

Sometimes, we may think that someone who is going to give evidence at the hearing is a 'vulnerable witness', - this means, for example, that they may be under 18 years old, or they are a person who uses services who may feel uncomfortable being in a formal atmosphere or being in the same room as the registered person.

So that we can make sure they are able to give evidence we may arrange for them to give evidence in a different way. This could be by video for example, so that they don't have to be in the same room as the registered person where the hearing's being held.

We'll talk this through with the person to find out how they want to give their evidence and help and support them while they give their evidence.

Witnesses and the registered person can of course, bring someone with them as moral support.

If anyone giving evidence has any specific needs, please let the clerk know before the hearing so that arrangements can be made, if necessary.

After giving evidence, a witness should not speak to any other witnesses who have not yet given evidence, as this could affect the rest of the hearing.

Hearings can last different times, but usually last between 2 and 4 days, but some can be only one day, but we will tell everyone how many days they're going to last and how long they will be needed to attend.

Hearings usually start at 09.30 and finish around 5 o'clock, but this can vary from day to day. There can also be some waiting around while the panel have private discussions - but the clerk will give regular updates to everyone who is waiting around.

We usually hold hearings at our Cardiff office, but we also use other places around Wales.

We can arrange for a registered person and witnesses based in North Wales to be part of the hearing and give evidence from our office in St Asaph by video link.

All arrangements will be agreed with the registered person before the hearing.

Thank you – goodbye.

The Legal Adviser

Hello. I'm the legal adviser. I make sure the hearing is fair and that the hearing procedure is followed.

I sit next to the Chair and give unbiased advice to the panel. If the registered person is at the hearing but not represented by anyone, I'll help them as much as I can to make sure they understand what's happening, that they are aware what is expected of them and when and make sure their evidence is clear. I will not be representing them, but I will make sure their voice is heard.

I will also make sure the hearing is fair if the registered person is not there and make sure the panel looks at their evidence carefully.

Even though I sit with the panel, I take no part in making decisions.

There are three parts to a hearing;

Firstly, the panel must decide if the evidence proves the facts of the allegations are true. This is usually the longest part of the hearing especially if there are witnesses giving evidence. If the facts are not proved, the hearing is closed with no further action.

Secondly, if any of the facts are proved, the panel has to decide if this has had an impact on how well they can currently do their job.

Thirdly, if the panel thinks the registered person is currently, not fit to practise, the panel then considers what action could be taken that may help the registered person improve their practise and to protect the public.

There are several things they can do. They can:

give a warning, and recommend the registered person studies parts of the Code of Professional Practice to improve the way they work

put in place an agreement between the registered person and Social Care Wales, which usually means doing extra training or a qualification to improve the way they do their job

agree with the registered person that their name should be taken off the register. For this to happen, the registered person must admit the facts of what they have done and that their ability to do their work has been affected

put conditions on the person's registration. They will be able to carry on working while the conditions are in place. The conditions may be things to help the registered person improve how they do their job

suspend the registered person for a set amount of time, after which the registered person's fitness to practise will be reviewed

take the registered person off the register. If they must be registered to do their job, for example they are a social worker, it will mean they will not be able to work as a social worker.

A person is taken off the register in serious cases of, for example, dishonesty or deliberate actions which may have harmed people or put people at risk. Or, if there has been continued problems with their work which the employer has been unable to help improve and they haven't shown that they have learned from their mistakes or actions.

Actions taken by the panel are meant to protect the public, and to make sure the registered person is safe to practise. The Panel also try, where appropriate, to suggest how they could improve how they do their job.

The panel's final decision will be read out at the hearing so the registered person, if present, will not have to wait for the outcome. The decision and the panel's reasons will

also be sent to the registered person in writing.

As hearings are held in public, the outcome and the panel's reasons will be put on our website for a set period of time.

The registered person can appeal against the final decision.

Thank you – goodbye.

The Clerk

Hello - we hope you've found this video useful and now understand more about how hearings work.

We understand it can be worrying and stressful for those involved, but, even though it's a formal process, we try our best to make sure the hearing is as comfortable as possible, that everyone understands what's going on and that it is a fair process.

If you are attending a hearing – please contact the hearings team for more information.

For general information, please visit our website.

As most of our fitness to practise hearings are held in public – we advertise them on our website a week before they're held.

Thank you for watching, goodbye.

What hearings do we hold

Fitness to practise hearings

Fitness to practise hearings look at cases where a registered person's fitness to practise may be impaired, this means that they may not be working to the high standards expected of them as set out by [The Code of Professional Practice for Social Care Workers](#). Find out what [hearings are coming up](#) and the [outcomes of hearings](#).

Fitness to practise hearings rules explain the process we must follow before, during and after a Fitness to Practise Panel hearing, and how a hearing should be run. If your case is referred to us on or after 1 October 2022, we will use the 2022 rules.

[Fitness to Practise Hearings Rules 2022](#)

PDF 352KB

If you had a case referred to us between 1 April 2020 and 30 September 2022 inclusive, we will use the 2020 rules.

[Fitness to Practise Hearings Rules 2020](#)

PDF 392KB

If you had a case referred to us between 1 April 2018 and up to 31 March inclusive, we will use the 2018 rules.

[Fitness to Practise Hearings Rules 2018](#)

PDF 794KB

If a case was referred to us between 1 April 2017 and 31 March 2018 inclusive, we will use the 2017 rules.

[Fitness to Practise Hearings Rules 2017](#)

PDF 754KB

If a case was referred to us between 1 April 2014 and 31 March 2017 inclusive, we will use the 2014 rules.

Interim orders hearings

The interim orders panel decide whether or not to place an interim order on a registered person's registration if they believe that they are a risk to the public, or it is in the public's interest while an investigation is ongoing.

There are two types of orders that can be placed on a registered person's registration they are [interim suspension orders](#), or [interim conditional registration order](#).

Interim order rules explain the process we must follow before, during and after an Interim Orders Panel hearing or meeting, and how a hearing or meeting should be run. If your case is referred to us on or after 1 October 2022, we will use the 2022 rules.

[Interim Orders Rules 2022](#)

PDF 302KB

If you had a case referred to us between 1 April 2020 and 30 September 2022 inclusive, we will use the 2020 rules.

[Interim Orders Rules 2020](#)

PDF 289KB

If you had a case referred to us between 1 April 2018 and 31 March 2020 inclusive, we will use the 2018 rules.

[Interim Orders Rules 2018](#)

PDF 669KB

If you had a case referred to us between 1 April 2014 and 31 March 2017 inclusive, we will use the 2017 rules.

[Interim Orders Rules 2017](#)

PDF 497KB

Registration appeals hearings

If a worker's application for registration or renewal of registration has been refused by us, they can appeal our decision. The appeal will be considered by the Registration Appeals Panel.

The panel can:

- confirm the original decision
- make another decision
- send it back to us with instructions on how we should settle it.

The applicant or registered person is invited to attend the hearing to explain in person why they feel their application should be granted. They can also be represented at this hearing.

These rules explain the process we must follow before, during and after a Registration Appeals Panel hearing, and how a hearing should be run. These rules are effective from 1 October 2022.

[Registration Appeals Panel Rules 2022](#)

PDF 442KB

The 2020 rules apply to appeals that were made between 1 April 2020 and 30 September 2022 inclusive.

[Registration Appeals Panel Rules 2020](#)

PDF 342KB

The 2018 rules apply to appeals that were made between 1 April 2018 and 31 March 2020 inclusive.

[Registration Appeals Panel Rules 2018](#)

PDF 630KB

Being a witness at a fitness to practise hearing

At some hearings, Social Care Wales or a registered person may ask someone to attend the hearing as a witness.

A witness is someone who will answer the panel's questions about the allegation or concern to support either Social Care Wales or the registered person's evidence.

[Social Care Wales witnesses giving evidence at the fitness to practice hearing](#)

DOCX 35KB

Hearings panels and their roles

A panel will decide the outcome of the hearing based on the evidence presented to them.

A panel always has three people on it, this is because decisions are always made by vote. Panel members are appointed for four years, but they can apply to be reappointed for another four years but can't sit for more than eight years.

These rules explain how panels should look, and how long members are appointed for. They apply to cases that were referred to us on or after 1 October 2022.

[Panel Constitution Rules 2022](#)

PDF 248KB

The 2020 Rules apply to cases referred between 1 April 2020 and 30 September 2022 inclusive.

[Panel Constitution Rules 2020](#)

PDF 223KB

The 2017 rules apply to cases referred between 1 April 2017 and 31 March 2020 inclusive.

[Panel Constitution Rules 2017](#)

PDF 479KB

We have a list of all our panel members' interests and review it each year.

[Panel members declaration of interest](#)

XLSX 22KB

Who is present at hearings?

When a hearing takes place there may be several people present. They include;

- the panel
- a legal adviser – they can't vote but advise the panel on legal issues and makes sure the hearing is fair. When the panel is discussing a case, only the legal adviser will be with them.
- medical adviser – if the panel is considering medical evidence, the medical adviser provides advice to the panel on medical matters.
- a clerk – they can't vote but make sure hearings run smoothly and makes sure the decisions are sent to the registered person and that [the Register](#) is updated, if necessary the clerk is the main point of contact for everyone attending a hearing.

Other people who may be present

- a presenter – presents the case to the panel. This person may be a solicitor
- the fitness to practise officer – who investigated the allegations and advises the presenter
- the registered person – whom the case is about
- a representative – to support and present the registered person's case to the panel
- the public – including the press and media. The public can only be present to observe Fitness to Practise Panel final hearings, if the hearing is held in public.

Information we make public

The Workforce Regulation Policies and Procedures sets out the kind of information we will include on our Register and the length of time it will remain on the Register.

It also sets out the information we will include in our list of persons removed from the Register and the information we will publish about fitness to practise proceedings on our website.

[Workforce Regulation Publication Policy](#)

PDF 267KB

How to appeal a hearing decision

If a registered person wants to appeal against a decision made by a panel, they should contact the [\(First Tier\) Care Standards Tribunal](#).

There will be a time limit for when an appeal can be made, therefore a registered person should contact them as soon as possible after our hearing.

Contact us

If you have a question or if you can't find what you are looking for [get in touch with us](#).