



Information for social workers and social care workers who have been referred to the Social Care Council's Preliminary Proceedings Committee (PPC) to consider the imposition or review of an Interim Order

Cases are referred for an Interim Order consideration if the allegations against a registrant are of such seriousness that there may be issues of public protection if the Registrant is allowed to continue working in social work or social care, or to continue working without restriction, while the allegations are being investigated.

You have received this leaflet as the Social Care Council has received information about you and is making an application to the PPC for an Interim Order.

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

This information leaflet does not cover any specific details about your case. You have received a Notice of Intention or Notice of Review, together with a copy of the Report to the PPC. These documents contain the details of the allegation(s) against you.

The PPC follows a legal process which is set out in the Social Care Council's Fitness to Practise Rules. The Rules ensure that we deal with all allegations 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.

A registrant can be referred for an Interim Order hearing at any point while their case is under investigation if the allegations are such that the Council has immediate concerns about them continuing to work or continuing to work unrestricted.

Interim Orders

There are two types of Interim Order.

An Interim Suspension Order temporarily suspends registration while an investigation into an allegation is being carried out by the Council.

An Interim Conditions of Practice Order temporarily places conditions upon registration while an investigation is being carried out.

The PPC

The PPC is made up of a Chair and two Committee Members. One of the Committee Members is a registered social care worker. The Chair and the other Member 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 Powers of the PPC

The PPC may impose an Interim Order if it is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in your interests.

The full legal test for the PPC when considering an Interim Order is set out in the Fitness to Practise Rules. Your solicitor or trade union representative can help you with this. If you do not have a legal or union representative, you should contact us to discuss the process.

This Committee does **not** decide whether you are innocent or guilty of the allegations. That decision would be made by another Committee at a later date following a thorough investigation.

Proceeding in Your Absence

The PPC may not impose or review an Interim Order without the Social Care Council first sending you a Notice of Intention or a Notice of Review, and giving you the opportunity to attend, be represented and / or make written representations.

The PPC may go ahead and make its decision even if you do not attend, but only if it is satisfied that we have made all reasonable efforts to inform you of the hearing.

Matters which the PPC will take into account when making its decision

When making its decision, the PPC will consider the following factors (this list is not exhaustive):

- The seriousness of the allegation(s);

- Is there a real risk to service users, colleagues or other members of the public?
- The nature of the evidence;
- The likelihood of your alleged conduct being repeated if an Order is not made;
- Serious damage to the reputation of the profession if an Order is not made;
- The impact an Order would have on you, both financially and on your reputation;
- The principle of proportionality.

This list is not exhaustive and the PPC may also take other factors into account. You should read Part II of the Social Care Council Indicative Sanctions and Use of Interim Orders Guidance, which is enclosed with this leaflet, very carefully.

What happens if the PPC imposes an Interim Suspension Order (ISO)?

If the PPC decides to impose an ISO, you will be suspended from the Social Care Register with immediate effect.

You may not practise as a social worker or social care worker while an Interim Suspension Order is in place.

What happens if the PPC imposes an Interim Conditions of Practice Order (ICPO)?

If the PPC decides to impose an ICPO, you will still be able to work in social care but will have conditions on your registration. Examples of conditions include undergoing training in a particular area, or providing the Council with a report signed by your employer on a monthly basis.

Duration and Review

The PPC must specify the length of an Order, which cannot be for more than 6 months in the first instance. The PPC will meet again to review the Order before it expires. At a second

meeting, the PPC will decide whether to extend an Order, remove an Order, vary the terms of an Order or replace an Interim Suspension Order with an Interim Conditions of Practice Order and vice versa.

The Social Care Council will continue to investigate the allegations against you while the Interim Order is in place.

What happens if the PPC does not impose an Interim Order?

If the PPC decides not to impose an Order, your registration remains unaffected during the Social Care Council investigation into the allegations against you. This means that you can continue to work as normal.

Once the Social Care Council has completed its investigation, a decision will be made on whether your case should be referred to a fitness to practise hearing. You will receive further information on this before it happens.

What Should I Do Next?

The Notice of Intention or Notice of Review which you have received sets out the date, time and venue of the Interim Order hearing.

You should read the accompanying bundle of documentation very carefully. The Report to the PPC sets out the detail of the allegation(s). Any witness statements and evidence gathered are included within the bundle.

After you have read all of the documentation which you have received, you should seek legal or trade union advice if you haven't already done so.

Should You Attend?

You have the right to attend the Interim Order hearing and to be represented by a solicitor, barrister or trade union representative.

You have the right to give evidence and call witnesses. Anyone giving evidence is required to be sworn and can be cross-examined by the other Party.

If you do not attend the hearing and the Committee decides that it needs to impose an Interim Order upon your registration, it is unlikely that it will be able to impose an ICPO. This is because the Committee will not know what conditions you would be able to meet if you are not there to talk to. In these circumstances, it is likely that an ISO would be imposed instead.

If you wish to attend, you should complete and return the Attendance Form to the Committee Clerk as soon as possible. Yours will not be the only case to be heard on the date of your hearing and all cases are listed for 9.30 am. It is important that you let us know in advance if you are attending. 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 Interim Order process, or have anything else you would like to discuss, please contact the Committee Clerk on 028 9536 2933 or email niscc.committee@hscni.net.

Professional Advice

This brief information leaflet is to provide you with guidance only. It should be read together with the 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.