



Fitness To Practise

WHAT IT MEANS

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This leaflet provides guidance on what fitness to practise means in the context of the Northern Ireland Social Care Council's fitness to practise procedures. It is aimed at all those involved in the process including Registrants, employers and service users.

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What does it mean?

'Fitness to practise' means that a Registrant has the skills, knowledge and character to practise their profession safely and effectively. Fitness to practise is about more than professional performance however. It also includes acts by a Registrant which may have an impact on public protection or confidence in the profession or the regulatory process. This may include matters not directly related to professional practice.

Being fit to practise means that a Registrant is fit to practise in their role now, irrespective of whether something may have affected this in their past.

For a Registrant on the NISCC Register, being 'fit to practise' means adhering to the Standards of Conduct and Practice for Social Workers and Social Care Workers. These set out the required attitudes, behaviours and competence a Registrant requires to practise safely and effectively. All Registrants agree to adhere to the Standards as a condition of their on-going registration with NISCC.

Impaired Fitness to Practise

If it is considered that a Registrant's fitness to practise is 'impaired', it means there are concerns about their ability to practise safely and effectively, which may mean that they should not practise at all and should be removed from the Register, or that their practice should be restricted.

If a Registrant has been referred to NISCC due to concerns as to whether they are fit to practise, NISCC will consider whether their fitness to practise has been impaired due to:

- misconduct;
- lack of competence;
- physical or mental health;
- a conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in the UK, would constitute a criminal offence;
- a determination by a relevant regulatory body that the Registrant's fitness to practise is impaired;
- inclusion on a list maintained by the Disclosure and Barring Service

What is meant by 'misconduct', 'lack of competence' and 'physical or mental health'?

Misconduct

Misconduct is conduct that calls into question the suitability of a Registrant to remain on the Register without restriction or to be registered at all. The type of matters that can be considered in deciding whether a Registrant has committed misconduct includes issues relating to a Registrant's character, for example, where a Registrant has been dishonest in his or her actions.

Lack of competence

When it is alleged that a Registrant lacks competence, this could mean:

- not having the necessary skills and knowledge to undertake the role
- persistent inability or failure to meet standards
- a persistent inability to improve work practices, following advice, guidance or training provided,
- failure to accept and undertake agreements put in place by an employer
- behaviour and attitude which affects the integrity required for the role

Competence would be assessed and measured against the Standards of Practice.

¹ Further information of the Disclosure and Barring Service may be found at www.homeoffice.gov.uk/agencies-public-bodies/dbs/

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Physical or Mental Health

Health matters will only be considered if it appears, through evidence obtained, that the alleged impaired fitness to practise may have been caused, or substantially contributed to, by the Registrant's mental or physical ill health.

NISCC will only consider health concerns that may have contributed to the alleged impaired fitness to practise.

Examples of the types of health matters are:

- serious and uncontrolled mental health issues
- alcohol misuse
- substance misuse
- a health condition that affects reasoned decision making, thinking and/or behaviour
- health problems that have not been addressed

Factors taken into account in deciding whether a Registrant's fitness to practise is impaired

The purpose of fitness to practise is not to punish Registrants for past mistakes. It is to protect the public by ensuring that social workers and social care workers are fit to continue practising (or restricting their practice if not).

In deciding whether a Registrant's fitness to practise is impaired, NISCC will take into account any action/inaction that led to the allegation, together with factors such as whether it was an isolated incident. We will also consider whether, as a result of the Registrant's conduct and practice since, he/she is fit to practise now and should be allowed to continue working. A Registrant may be able to continue working if he/she can show that they have learnt from their past mistake, there has been no repeat of the conduct, and steps have been taken to ensure that it will not happen again.

Each case is considered separately and on its own merit.

Additional guidance and documents

Additional guidance and documents are available on the NISCC website:
www.niscc.info

These include:

NISCC Fitness to Practise Rules, May 2016

The Standard of Acceptance for Fitness to Practise Allegations

NISCC's Fitness to Practise process – what you need to know

Indicative Sanctions Guidance

NISCC's Standards of Conduct and Practice for Social Workers and Social Care Workers

Contacting NISCC

For information on how to make an allegation and on the investigation of a case, please contact the Fitness to Practise Team on:

Email ftp@niscc.hscni.net or call 028 9536 2940