

SSSC Consultation on the Constitution of Fitness to Practise Panels - Legally Qualified Chairs

Lay member with one legally qualified member

The lay majority and the appointment of a social service member on every panel will be retained and is outwith the scope of this consultation. The change we propose is that one of the lay members will be legally qualified.

Q10 Do you agree that appointing one lay member required to be legally qualified will maintain a fair hearing process?



Yes



No

Please tell us why:

Legally qualified member as chair

We propose that the legally qualified member of the panel will be the chair. We believe that this would make the process of the hearing as efficient as possible, allowing the chair to deal with legal issues as they arise quickly and appropriately. This is in line with the approach of other organisations that require a legal qualified person on the panel or tribunal.

Q11 Do you agree that the chair should be legally qualified so that hearings can move forward as quickly as possible?



Yes



No

Please tell us why:

Equality of membership

We believe that all of the members of the panel should be equal and that in this model, decisions should be taken by simple majority with everyone having an equal vote.

Q12 Do you agree that no one panel member should have a casting vote?



Yes



No



Please tell us why:

Case management meetings (CMM)

The rules currently require a legal adviser to attend a CMM as well as the member who is the chair of the CMM. We propose that the legally qualified chair should be able to hold case management meetings and make decisions about the case without the need for an additional legal adviser to attend as we think this will be more efficient and effective.

Q13 Do you agree the rules should be amended in this way?



Yes



No



Please tell us why:

Procedural and legal decisions

There are other procedural and legal matters which mean that the chair consults the legal adviser before reaching a decision. These matters are set out in the rules. We propose that if the decision is one which the legally qualified chair is entitled to take, they could take the decision without the need for an additional legal adviser to provide legal advice.

Q14 Do you agree the rules should be amended in this way?

<input checked="" type="radio"/>	Yes
<input type="radio"/>	
<input checked="" type="radio"/>	No
<input type="radio"/>	
Please tell us why:	
<input type="text"/>	

Legal advice given in private

The rules require that the legal adviser repeats the legal advice given to the panel in private deliberations in the presence of the parties attending the hearing. We propose that this should continue. We would also propose to continue requiring a note of legal advice given during the hearing to be provided to the registrant or applicant with their notice of decision.

Q15 Do you agree?

<input checked="" type="radio"/>	Yes
<input type="radio"/>	
<input checked="" type="radio"/>	No
<input type="radio"/>	
Please tell us why:	
<input type="text"/>	

The SSSC has considered if the appointment of legally qualified chairs would breach legislation that is aimed at promoting equality and decided that it will not.

The Equalities Act 2010 sets out a number of protected characteristics and it is prohibited to treat a person less favourably because of one of the protected characteristics.

Q16 Do you think there will be an impact on any groups with the protected characteristics set out below?

<input type="checkbox"/>	Age
<input type="checkbox"/>	
<input type="checkbox"/>	Disability
<input type="checkbox"/>	
<input type="checkbox"/>	Gender reassignment
<input type="checkbox"/>	

<input type="checkbox"/>	Pregnancy and maternity
<input type="checkbox"/>	Race, ethnicity, colour, nationality or national origins
<input type="checkbox"/>	Religion or belief
<input type="checkbox"/>	Sex/gender
<input type="checkbox"/>	Sexual orientation