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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 registered persons can appeal against a decision made.

Watch this video to find out how hearings work on Zoom and this video for [who will be at a hearing](#).

What is a hearing

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

The panel will decide whether the registered person should carry on working in social care or not.

Hearings can be held in public or private. The registered person will be asked to attend the hearing so that they can speak to the panel to give their side, this ensures that the panel is given the opportunity to ask questions and to consider the evidence carefully and fairly.

A registered person may have representation with them at the hearing, such as a solicitor or a union representative (if they are a member of a union).

Some hearings may have 'witnesses'. A witness is someone who either Social Care Wales or the registered person has asked to come to a hearing to speak to the panel to help them understand the evidence they'll be looking at. [Find out](#)

[more about being a witness at a Social Care Wales hearing.](#)

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

What type of 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](#).

Fitness to practise hearings are normally held in public, but some are held in private. The registered person is invited to attend the hearing so that they can speak to the panel and explain why they think they're fit to practise.

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 hearing, and how a hearing should be run. Find out more about the fitness to practise hearings rules.

Interim orders hearings

The interim orders panel decide whether 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.

Interim order hearings are held in private. The registered person is invited to attend to speak to the panel to explain why they think they should not have an

interim order.

There are two types of [interim 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.

Registration appeals hearings

If we've refused your application for registration or renewal, you can appeal our decision.

The decision can't be appealed if it was based on any of the following:

- failure to pay the application fee
- failure to apply in the form and manner required
- failure to supply the documents required to support your application.

Also, you can't appeal if we've refused your application based on the results of an aptitude test or an adaptation period (where a qualification has been achieved). When we can consider an appeal, the registration appeals panel can:

- confirm the original decision
- replace the decision (the new decision must be of a type that the Registrar could have made originally)
- send it back to the Registrar with instructions about how we should dispose of the matter.

Registration appeal panel hearings are normally held in public but in some circumstances, they may be held in private.

As an applicant or registered person, you'll be invited to attend the hearing to explain to the panel why you feel your application should be granted. You can also be represented at this hearing.

Applying to get back on the Register after being removed by a panel

The registration appeals panel also looks at applications for **restoration** to the Register.

This means that you submit an application if you're someone who has been removed from the Register by a fitness to practise panel following concerns about your fitness to practise.

If you're removed from the Register by a removal order and you want to come back on the Register, you must:

- wait a minimum of five years before applying for restoration
- apply to the part of the Register from which you were removed.

After a registration appeals panel grants an application to be restored, you can apply to be registered in a different social care role. You can't apply for the other role without first being restored to the Register. [Registration appeals panel rules](#) explain the process we must follow before, during and after a registration appeals panel hearing, and how a hearing should be run.

For more information about applying for restoration after being removed [please read this guidance](#).

Being a witness at a fitness to practise hearing

For some hearings, we may decide that witnesses are needed to help a hearing panel make decisions about allegations against a registered person.

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.

The fitness to practise case officer will contact you or your employer to ask you to provide a witness statement. The fitness to practise case office will provide you with questions beforehand and explain to you what will happen with the witness statement you provide. The witness statement will be provided to the hearing panel and they will be able to ask you questions about the information you've provided.

[Find out more about attending a hearing as a witness.](#)

Watch this video for more information about being asked to be a witness.

Hearings panels

A panel will decide the outcome of the hearing based on the evidence presented to them by our representative, an applicant or a registered person.

Each panel has three people on it, known as 'panel members'. Panel members are appointed for four years. They can apply to be reappointed for another four years but can't sit for more than eight years.

Panel members are recruited and appointed by us and are independent.

[Register of Panel Member Interests](#)

Who is present at hearings?

This video explains who's at a hearing and their roles.

[View transcript](#)

Who's at a hearing

0:07 Hello. This video will explain who is likely to be at the hearing.

0:12A Clerk — this person works at Social Care Wales

0:15and will be your main point of contact

0:17before, during and after the hearing.

0:20The Clerk's role is to make sure the hearing runs smoothly.

0:24You may have had emails or letters from them about the hearing.

0:27They will be the first person you see

0:29when you log into the Zoom hearing.

0:32A Legal Advisor — they are a solicitor

0:35and their role will be to give advice to the panel

0:38on the rules and other matters of law.

0:41They will be with the panel

0:42when they need to talk about the case in private.

0:45There will be three panel members —

0:48one Chair Person, one lay member, and one social care member.

0:53The Chair leads the hearing and the panel's private discussions.

0:57When decisions are given in the hearing

0:59the Chair will read out the decision and the panel's reasons.

1:03The Chair is always a lay member.

1:07A lay member has no professional background in social care

1:10but they may be a user of care and support.

1:14A social care member has experience

1:16and a professional background in social care

1:19and they may be registered with us.

1:21They will help the two lay members understand

1:24social care references and procedures mentioned in the hearing

1:27which are likely to be unfamiliar to them

1:29and they'll be able to ask specific social care related questions

1:33to help the panel understand the evidence and come to a decision.

1:38A presenter for Social Care Wales —

1:41they are a solicitor who will present the case to the panel

1:44on behalf of Social Care Wales.

1:46You may have had emails and letters from them

1:48and maybe spoken to them on the phone

1:50whilst the investigation was underway.

1:53Fitness to Practise Officer —

1:56this person works at Social Care Wales

1:58and carried out the investigation.

2:00You may have had emails and letters from them

2:02and maybe spoken to them on the phone

2:04whilst the investigation was underway.

2:07There may also be a Medical Advisor if there is medical evidence.

2:12They give advice to the panel

2:13and help them understand medical terms referred to in the evidence.

2:18If it's a public hearing,

2:19there may be members of the public observing the hearing2:22including
sometimes someone from the press.

2:25The Clerk will tell you if there's anybody from the press there.

2:29When the hearing is ready to start

2:31the Chair will ask the Clerk to close the breakout rooms

2:34and a message will pop up on your screen

2:36to let you know you have sixty seconds before the room closes.

2:40 You could either leave the room at that point
2:41 by clicking on the message
2:43 or do nothing and wait for the room to automatically close.
2:48 When the breakout rooms close
2:50 as everyone who is at the hearing leaves their breakout rooms,
2:53 you will see their faces appear on the screen.
2:56 Every person at the hearing should have their names and titles
3:00 such as "Chair" or "Clerk" on their screen.
3:03 The Chair will also ask everyone taking part
3:05 to introduce themselves at the start of the hearing.
3:08 Members of the public, however,
3:10 don't have to have their names showing
3:11 and they will not be asked to introduce themselves.
3:15 The Chair will start the hearing
3:16 when everyone has left their breakout room
3:19 and have appeared in the main meeting room.
3:22 For more information about what happens in the hearing,
3:24 please see our website.
3:26 I hope you found this video helpful.

3:28 Thank-you for watching, and goodbye.

There may be several people present at a hearing, they can include:

- **the panel** - has three people on it. The chair, a lay member and a social care member. The chair is always a lay member. A lay member is someone who has no professional experience or background in social care but may be a user of care and support.
A social care member is someone who has professional experience and background in social care and may also be registered with us
- **a legal adviser** – a solicitor who advises the panel on legal issues and makes sure the hearing is fair. When the panel is discussing a case in private the legal adviser will be with them. The legal adviser doesn't take part in the panel's private decision-making process
- **a medical adviser** – if the panel is considering medical evidence, the medical adviser provides advice to the panel on medical matters. When the panel is discussing a case in private, the medical adviser will be with them. The medical adviser doesn't take part in the panel's private decision-making process
- **a clerk** – a Social Care Wales staff member who is the applicant or registered person's main point of contact before and during a hearing. They make sure hearings run smoothly and that the decisions are recorded accurately and [the Register](#) is updated, if necessary.

Other people who may be present

- **a presenter** – a solicitor who presents the case to the panel
- **a fitness to practise officer** – the person who investigated the allegations and advises the presenter. During the investigation, the fitness to practise

officer will have been in contact with the applicant or registered person and any witnesses who are likely to be asked to attend a hearing

- **the applicant / registered person** – the worker whom the case is about
- **a representative** – to support and present the applicant or registered person's case to the panel
- **the public** – including the press. Anyone can observe a public hearing by getting in touch with us to book a place.

Information we make public

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

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

[Publication policy 2024](#)

PDF 138KB

How to appeal a hearing decision

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

There'll be a time limit for when an appeal can be made, so an applicant or registered person should contact them as soon as possible after a hearing.

Contact us

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

Get help and advice if you're going through a fitness to practise investigation or hearing.