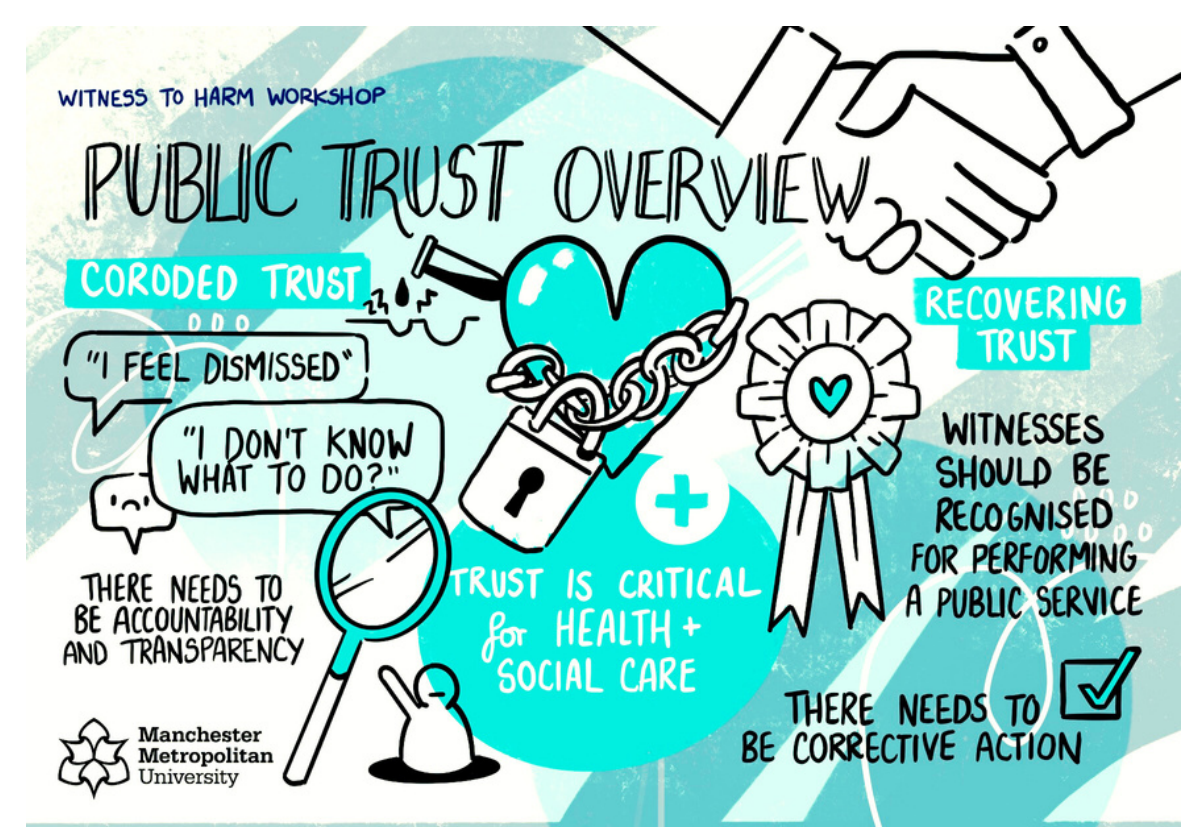# Witness to Harm

Workshop 3 Summary

8.11.23

Our research aims to understand the experience of fitness to practise processes from the perspective of people who have experienced harm themselves, or the harm of a family member. We will examine the impact of raising a concern, and being a witness in investigations and hearings, what support public and registrant witnesses receive from the regulator and what support they would like.

Emerging findings overview

- Being a public witness involves considerable physical, intellectual and emotional work which is not widely visible, valued or supported.
- Trust is foundational to effective health and social care services and their regulation. We found trust breaches across regulatory processes.
- The differing knowledges of public and professionals disadvantage the public witness.
- Labels of vulnerability may be too narrow, too broad or lead to the stereotyping of people/groups.
- In key texts, vulnerability may be conflated with accessibility and is presented in outdated ways.

Workshop 3 summary discussion points

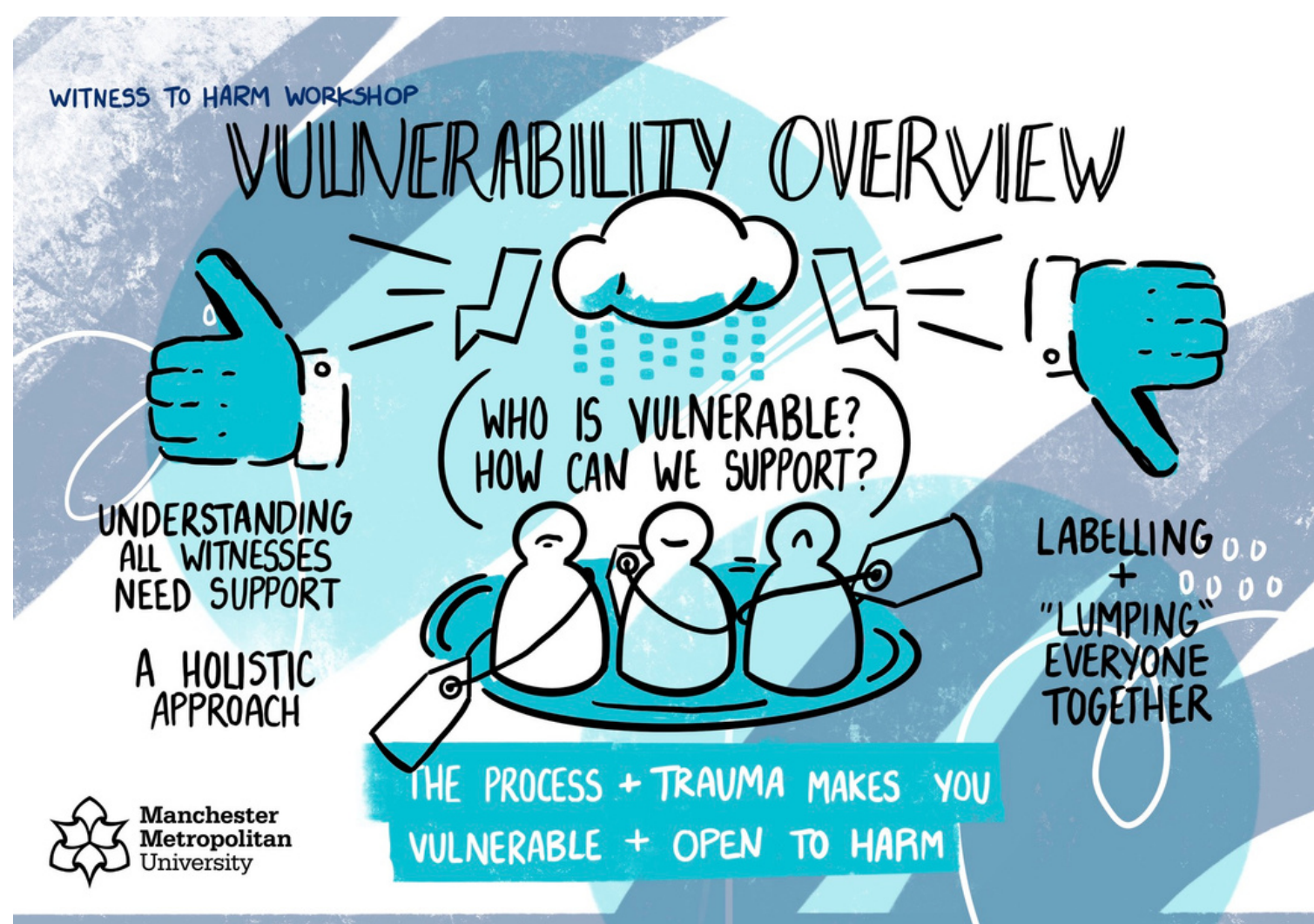**Where is the humanity?**

Fairness and respect

Acknowledging the public good behind referrals

Use of appropriate language

Change in organisational culture needed to allow humanity

The problem with the process

- Measures of success are on process (and reputation?) ignoring human and emotional cost.
- A challenge for regulators is to apply fair and consistent processes as well as acknowledging the different ways cases affect people.
- People's experiences should be validated rather than denied or challenged via cross-examination.
- Lack of transparency around decision making (including closing concerns).
- People come through to FtP having already lost trust due to how complaints have been handled at earlier stages, and the importance and impact of saying sorry is not apparent.

> "Small, local regulators are perhaps able to act with more humanity, for example, visiting people in their homes."

Workshop 3 summary discussion points

What changes can be made to improve the process within existing frameworks?

> "We don't need a stack of cash to make changes happen."

- Learn from criminal proceedings where there is extensive guidance on how to manage witnesses.
- Introduce victim impact statements.
- Create space for referrers to share their experiences as part of the process.
- Independent advocacy and support.
- Improve information.
- Train staff to better communicate and when to signpost.
- Improve the use of language and change outdated technology/templates.
- People don't understand what the FtP is, it is important to reiterate it is not a complaints resolution service.
- Establish how the witness would like to be kept in touch (extend the GMC witness needs assessment process for vulnerable witnesses to all).
- Keep people in touch and up to date with progress on their referral.
- Signpost people to other support orgs.
- Reduce the time taken from referral to hearing.

Alignment and cross-regulatory processes

- Recognise public referrers may be involved with more than one regulator.
- Aligning these processes will reduce the burden on the person.
- Regulators should come together and share and develop similar standards (similar to within the police to handling witnesses).
- Collect feedback from witnesses as a system improvement approach (low uptake currently).

Workshop 3 summary discussion points

- Panel member involvement should be strengthened, to ensure they step in and prevent abuses within the giving of evidence.
- Professionals involved in giving evidence could write a reflective account as part of their CPD.
- Employers are unsure what they can say about a case once they have referred a registrant.
- Employers want a reliable point of contact to keep them updated.
- Employers want support to prepare witnesses.
- Regulators/PSA risk framework audit tool should include risk to witnesses being part of FtP processes which it should.

Who would benefit from the project outputs and resources?
- Panel members.
- Witnesses
- Communications teams.

The importance of raising awareness of the way in which the process is experienced.
The importance of presenting the findings as 'ideas for change' while not shying away from how negative they are.