



Witness to harm, holding to account: panel member training animation

Working with a vulnerable witness: training notes

Dr Gemma Ryan-Blackwell; Emerita Professor Louise M Wallace & Rose Stringer

The Open University

Faculty of wellbeing, education and language studies

Louise.wallace@open.ac.uk; gemma.ryan-blackwell@open.ac.uk

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Introduction

The resource is for the training of panel members and chairs, and it could also be used by regulatory lawyers and professionals who take part in fitness to practise hearings.

The aims are to consider seven common challenges for panel members with witnesses who may have been harmed by the registrant and / or who may have specific vulnerabilities that could affect their engagement and the quality of their evidence, as well as aiming to mitigate as far as possible any re-traumatisation that can occur when recounting traumatic events. It is also important to recognise that vulnerability is situational and may change while being a witness (Sorbie & Garippa, 2025).

The scenarios are presented and how they might be addressed in a trauma informed way, while being fair to all parties. The scenarios are not intended to relate to individual regulator's processes. In each section there is a place to pause for discussion with some suggested questions for each scenario. Then a suggested, but not perfect, approach is offered. Coupled with the handouts for each scenario (in the appendices), this may prompt further discussion. There are no right answers. Trainers may want to highlight how these processes differ in relation to a specific regulator. They may also want to point to regulator specific special measures as well as witness support services available through the regulator (e.g., a regulator witness support officer, victim support) that the regulator would expect to make available for these witnesses. They may also want to refer to case law.

The overall aim is to prompt reflection around preparation, questioning, emotional responses, and the overall witness experience and to help panel members think more deeply about their role in reducing harm and supporting witnesses effectively.

This trainers guide includes:

- The ‘Seven Challenges’ (guidance)
- Appendices containing resources that can be used to support training and scenario discussion
- Additional useful resources for self-study
- Please prompt those being trained to access our feedback survey [here](#)
- A feedback survey for trainers is [here](#).

Pre-training activities

The following activities be used to prepare for the training:

- [Understanding the real-life experiences of public witnesses](#)
- [Improving patient, family and colleague witnesses’ experiences of Fitness to Practise proceedings](#) (particularly [session 4](#) on [witness experiences](#) and situational [vulnerability animation](#))
- Appendix K - Self-study activity: What does this regulator tell the public about being a witness?

The ‘Seven challenges’

- [The ‘seven challenges’ animation training](#)

1. Preparing for the hearing with vulnerable witnesses (appendix A)

- How might the chair and panel members consider witness care needs while preparing for the hearing, in their own time and in the pre-hearing meeting of panel members and the legal adviser?¹
- Who might be a vulnerable witness?
- How might their needs situationally change? E.g., if the registrant is unrepresented?
- What options is the regulator or registrant's representative suggesting? Consider a personal supporter being present, screens, use of an interpreter or the use of a qualified intermediary.
- Who might be a vulnerable witness and acknowledge that vulnerability may change based on circumstances?
- At a prior case management meeting, there may be several options to consider; a personal supporter may be present, screens, use of an interpreter or the use of a qualified intermediary. If an intermediary is involved, has an agreed date been set for cross examination questions to be considered by the intermediary.
- Consider if more frequent breaks might be helpful, giving choice to the witness.
- Has the questioning process been explained to the witness? Who does this in advance of the hearing in a specific regulator; examination-in-chief, cross-examination and re-examination. Some regulators have witness leaflets or videos.
- Consider if the hearing is in public / with the press present.

¹ It is understood that terminology differs by regulator and therefore, it is advisable to explain this prior to the training.

- ‘Special needs’ in regulation does not imply the same needs as in an education setting.

Discussion points

- How can vulnerability be understood as situational and changeable, rather than fixed?
- What assumptions might be made about a witness before the hearing, and how could these limit effective preparation?
- How can early planning reduce the risk of re-traumatisation while remaining fair to all parties?
- What ‘reasonable adjustments’ support participation without signalling bias?

2. Introducing a witness and focus on witness needs and agency (appendix B / C)

- How do you manage putting the witness on oath or affirmation, and introducing them to the panel, legal adviser and parties (presenting officer, defence and registrant)? There can be a lot of information to take in.
- You might consider instructions such as, if you don’t recall something, say so. If you don’t understand questions, please say and it can be re-phrased for you.
- How do you manage breaks and ensure they give their ‘best evidence’? Some may want breaks; others want to get it over with.
- Consider how you can be warm, and empathetic, and recognise the value of their evidence (smile, thank them for coming, apologise for delays etc.)
- It can be more empathic and allow checks for recording if the chair allows panellists to introduce themselves.
- Who is who? Recalling who sits where. Are name plates used? Does the regulator have a plan of the room or a video / virtual tour in the witness information?

- The regulator could add names / roles to the chat for reference in an online meeting.
- The Chair may want to check if someone is available to them outside the hearing for support in breaks.
- Does witness information contain the rules about asking for breaks, about questioning?
- If a witness is anonymised it may be reassuring to remind them how they are referred to.
- Is the hearing in public? If so, reminding them of this (and note if any other members of the public are present).
- For some witnesses (e.g., those with intellectual disability) some words like 'affirmation' would need to be simplified and taking it in small steps.

Discussion points

- How might the volume of information at the start of a hearing overwhelm a witness?
- What practical steps help restore agency (e.g. choice over breaks, permission to say 'I don't recall')?
- How do warmth, tone, and acknowledgment influence a witness's sense of safety?
- How can introductions be structured to reduce threat and cognitive load?
- Special circumstances: Consider how you may need to adapt the oath / affirmation for a vulnerable witness with difficulties speaking or a child witness. There are versions of the oath and how it is broken down that the regulator may use adopted from other jurisdictions.

3. Witness is upset (appendix D)

- Consider that not everyone is looking at the witness all the time so any panel member or the legal adviser may be the first to notice a witness is becoming upset.
- Offer breaks (with a choice of how long) but also consider this can prolong giving evidence and may not be what is wanted.
- Acknowledge the emotion expressed and offer options, giving agency.
- What regulator support is available during a hearing on site? E.g., Hearings officer, support officer, or supporter? Try to ensure an upset witness is accompanied / checked on before ready to return. Also, the legal adviser could be asked to assess needs and make suggestions re questioning.

Discussion points

- Who is responsible for noticing distress, and how is this communicated in the moment?
- How can emotion be acknowledged without being interpreted as a credibility issue?
- What are the risks of insisting on breaks versus offering choice?
- What on-site or procedural support should be activated, and by whom?

4. Witness becomes incoherent (appendix D / E)

- Any panel member / legal adviser may seek to intervene.
- Consider fairness to both parties.
- Consider if the person is having intrusive thoughts from prior trauma - window of tolerance. This is a point to consider when training on witness credibility and the specific approach of each regulator (e.g., <https://nmc.org.uk/ftp-library/ftpc-decision-making/evidence>.) Trauma may not necessarily be related to the harm caused, it could be other recent or past events in their lives e.g., a recent

bereavement not associated with the current panel / hearing and the events surrounding it.

- Incoherence could occur to anyone under pressure and is more likely if a person has language difficulties or is neurodivergent.
- The training discussion could include explanation of the role of intermediaries; these are a new initiative in some regulators. See <https://intermediaries-for-justice.org>.
- Consider what support can be offered if a break is given while they are on oath.

Discussion points

- How might intrusive thoughts or prior trauma push a witness outside their window of tolerance?
- Why is incoherence not necessarily evidence of unreliability?
- How do regulator-specific approaches to evidence guide responses here?
- What is the role of intermediaries in supporting communication without advocacy?
- If a break is taken while the witness is on oath, what support is appropriate and permissible?

5. Repetitive cross-examination (appendix F)

- Consider the differences between adversarial and inquisitorial processes.
- Consider what is inappropriate about the approach taken by the registrant's lawyer in the scene? When should a panel member intervene during cross examination?
- Consider how to balance witness needs with fairness to the registrant if the Chair intervenes.

Discussion points

- How does repetitive questioning affect someone already under stress?
- When does persistence become harmful rather than probative?
- What obligations do panel members have to intervene, and how can this be done fairly?
- How do adversarial traditions sit alongside trauma-informed principles?

6. Panel member questions (appendix G)

- Training could cover using the allegations and any evidence matrix supplied as basis for questions to test the evidence / address gaps or inconsistencies in evidence.
- Avoid lines of questions that are tangential / are of personal interest only.
- Consider the type of questions, open followed by closed, for example
- Void leading questions e.g., 'you felt scared when the registrant raised their voice at you, didn't you?' Rather, 'how did you feel when the registrant raised their voice?'
- Think about the complexity of the words and length of sentences that can be understood by each witness.
- There is a wide scope for panel members to ask questions.²

Discussion points

- How can questions be grounded in allegations and evidence rather than curiosity?
-

² Banerjee v General Medical Council [2017] EWCA Civ 78

- What sequencing (open → closed) best supports clarity without intimidation?
- How do leading questions risk distorting a traumatised witness's account?
- How does pacing influence cognitive load and emotional regulation?

7. The end of witness evidence (appendix H)

- Consider ways to handle letting the witness come off oath and stand down.
- Consider sources of support post hearing offered by the regulator. You might ask the counsel for the regulator / or regulator staff to contact them after the hearing.
- Presenting empathy and gratitude for their evidence and apologising or any delays.
- Coming off oath and being bound not to speak to other witnesses, consider this may be problematic in families with more than one witness, or with work colleagues yet to give evidence.
- Being able to observe as a member for the public once they finish their evidence. In online hearings this may involve regulator staff making new arrangements (trainers may mention that regulators do not pay for witness costs other than the days they attend in person).

Discussion points

- How can coming off oath be handled with clarity and care?
- What post-hearing support should be offered or signposted?
- How might restrictions on speaking to other witnesses affect families or colleagues?
- What does a trauma-informed ending look like in practice?

Appendix A – preparing the witness

Reasonable adjustments help ensure that vulnerable witnesses can give their best evidence, while maintaining fairness to all parties.

1. Identify vulnerability and needs early

Understanding who may be considered a vulnerable witness is the foundation for adjustments.

- Emphasise thinking about who a vulnerable witness might be and how their needs can vary.

Needs may include:

- Assessing communication, emotional, cognitive, or environmental needs.
- Considering additional stressors (e.g., if the registrant is unrepresented, which can increase witness anxiety).

2. Offer special measures and support options

Specific measures that can be offered to support vulnerable witnesses.

- These include a personal supporter, screens, use of an interpreter, or a qualified intermediary where appropriate.

Examples of reasonable adjustments:

- Having a supporter in the room whose role is to provide emotional reassurance.
- Using screens so the witness does not face the registrant directly.
- Providing interpreters for language or communication needs.
- Allowing the witness to have grounding objects or coping aids such as a handheld stress ball or fidget toy for emotional regulation needs.
- Using a registered intermediary to help with communication style and question formulation.

3. Adjust the timing, language and pacing of the hearing

Witnesses with trauma, anxiety, or neurodivergence may need modifications to timing and pacing. The witness may need breaks to prevent language fatigue.

- Advise considering more frequent breaks if helpful.
- Note that some witnesses want breaks, others want to 'get it over with,' so choice is important.

Practical adjustments:

- Scheduling shorter evidence sessions.
- Allowing breaks at set intervals or on request.
- Giving the witness some control over pacing where possible.
- The regulator may use video or picture presentations of the room layout (see their website) and may allow a prehearing familiarisation visit to the room.

4. Prepare and explain the questioning process

Preparation reduces anxiety and increases fairness.

- Witnesses should have the questioning process explained to them in advance (examination in chief, cross examination, re-examination).

Reasonable adjustments include:

- Providing simple written summaries ahead of the hearing.
- Allowing a pre-hearing meeting with support staff (e.g., witness support officer).
- Making sure the witness knows who will ask questions and in what order.

5. Modify communication approaches

Communication must be clear, trauma informed, and responsive to individual needs, including being age appropriate and using conversational vocabulary.

- Witnesses should be encouraged to say if they do not understand a question or cannot recall something, and questions can be re-phrased.

Examples of adjustments:

- Using short, concrete questions without legal jargon.
- Allowing extra time for processing or answering.
- Avoiding rapid fire or complex question structures.
- Re-phrasing questions when needed.

6. Make the hearing environment less intimidating

Environmental adjustments help reduce distress and enhance witness safety.

- The animation highlights the importance of being warm, empathetic, and recognising the value of the witness' evidence (e.g., 'smile, thank them for coming').

Possible adjustments:

- Providing a quiet and private waiting area away from the registrant.
- Allowing the witness to enter and leave a room separately.
- Offering remote evidence options, where permitted by the regulator.

7. Support emotional regulation during the process

Witnesses who have experienced harm or trauma may face heightened emotional responses:

- Emphasise the aim of avoiding re-traumatisation and supporting witnesses to give high quality evidence.

Reasonable adjustments can include:

- Providing tissues, water, and a calm space for breaks.
- Allowing the witness to have grounding objects or coping aids (if appropriate).
- Using a predictable structure to reduce uncertainty.
- Having a supporter present.

Bringing it all together

A 'reasonable adjustment' is simply anything practical, proportionate, and fair that helps a vulnerable witness participate without compromising justice.

There are four core principles, prepare early, offer choice, adapt communication, and maintain empathy throughout.

Appendix B – trauma informed language

1. Acknowledge their effort and presence

Opening with appreciation helps reduce anxiety and affirms their value:

- The animation emphasises recognising the value of their evidence and thanking them for coming.
- Simple gestures such as smiling and apologising for delays show respect and genuine regard for the witness' experience.

Tip:

'Thank you for being here today, it's appreciated.'

2. Normalise uncertainty and provide agency

Giving witnesses permission to express confusion or limits in recall helps reduce pressure and shame.

- Advise telling witnesses that if they don't recall or understand something, they can say so and the question can re-phrased.

Tip:

'You're not expected to remember every detail. If something isn't clear, just let us know.'

3. Manage information in digestible steps

Traumatised or anxious witnesses may become overwhelmed by too much information at once.

- Highlight that introductions and oath / affirmation can involve a lot of information to take in, and it can be broken down into easier steps.

Tip:

Break steps into small, clear explanations and check in gently as you go:

'is it okay if I explain what happens next?'

4. Use gentle, humanising non-verbal communication

Witnesses often read safety and warmth through tone and body language:

- Smiling and showing empathy is explicitly encouraged in the notes.

Tip:

Match your tone to calmness, maintain open posture, nod to indicate you're listening.

5. Maintain control over the pace, but tailor it to the witness

Trauma responses can affect concentration, stamina, and tolerance.

- Remind panel members that some witnesses want breaks, others want to keep going, and this should be managed sensitively to help them give their best evidence.
- Panel members may need to insist a break is taken if the witness wants to continue and they are so dysregulated it would diminish their ability to provide evidence.

Tip:

'Would you like a short break now, or would you prefer to continue?'

6. Prepare thoughtfully for witness needs

Preparation is part of being trauma informed:

- Panel members are asked to think about a witness' needs in advance, including care needs and situational factors.

Tip:

Plan for special measures (e.g., screens, personal supporter, intermediary) *before* the witness arrives.

7. Reduce cognitive load with clear, compassionate instructions

Witnesses should be prepared for questioning styles and processes ahead of time.

Tip:

Before questioning begins:

'We ask questions in different stages. I'll let you know what's happening as we go so you're never surprised.'

8. Adopt a trauma informed mindset throughout

At the core of trauma informed practice is:

- Safety
- Choice
- Collaboration
- Trustworthiness
- Empowerment

Emphasise avoiding re traumatisation and helping the witness give their best evidence in a way that is fair to all parties.

Tip:

Aim to create a steady, predictable environment where the witness feels safe, respected, and not judged.

Appendix C – Trauma-informed practices online

Start by creating psychological safety

- Open the hearing by explaining what will happen, who is present, and how questioning will work.
- Clearly state that breaks can be requested at any time.
- Acknowledge that online hearings can feel intense or unfamiliar.

Why it matters: Predictability helps regulate the nervous system and reduces fear.

- **Keep communication clear, slow, and empathic**
- Speak more slowly than you would in person.
- Use plain language and avoid unexplained legal or procedural terms.
- Allow extra time after questions: silence is not a sign of difficulty.

Online environments reduce non-verbal cues from those talking, increasing cognitive load.

Be mindful of tone and body language on screen

- Maintain a neutral, calm facial expression.
- Avoid talking over others; online overlap can feel confrontational.

You may need to explain that people may be looking away at a second screen when people are talking. Small visual signals (such as facial expressions and looking away when someone is talking) carry more weight online.

Ask questions in a trauma-informed way

- Ask one question at a time.
- Avoid rapid-fire or compound questions.

- Use neutral phrasing rather than accusatory language.
- Signal transitions clearly (e.g. 'I'm going to ask about timing next').

Trauma can affect memory recall under pressure.

Normalise stress responses

- If someone appears distressed, acknowledge it calmly:

'This looks difficult—please take a moment.'

- Do not interpret emotional responses as evasiveness or lack of credibility.
- Avoid commentary on demeanour unless procedurally required.

Distress is not evidence of unreliability.

Build in regulation breaks

- Schedule short pauses, especially for long hearings.
- Encourage grounding during breaks (movement, water, breathing).
- Be flexible where concentration clearly declines.

Online hearings are more draining than in-person proceedings.

Support the window of tolerance

- If someone becomes overwhelmed:
 - slow the pace,
 - offer a short break,
 - return to safer, factual questioning.
- If someone appears shut down:
 - gently re-orient ('We're taking things step by step now'),
 - simplify the question.

Avoid unnecessary repetition

- Repeating challenging questions can feel punitive online.
- Summarise and confirm understanding instead of re-asking.
- Where repetition is required, explain why.

Close the witness evidence with care and empathy

- Explain what happens next in the hearing and expected timescales of decisions.
- Avoid abrupt endings.
- Acknowledge the effort involved in participating.

Endings matter, especially in virtual settings.

Remember the core principle

Compassion and procedural fairness are not opposites.

Trauma-informed practice strengthens the quality and reliability of the process.

Appendix D – Supporting a Witness Who Becomes Upset During a Hearing

This handout supports trauma-informed discussion of situations where a witness becomes distressed during a hearing. It focuses on early recognition, compassionate response, shared responsibility, and preserving the integrity of the process while reducing harm.

1. Notice distress early – it's a shared responsibility

- In hearings, not everyone is looking at the witness all the time.
- A panel member or the legal adviser may be the first person to notice signs of distress (e.g. change in tone, silence, agitation, tears).
- Trauma-informed practice assumes collective responsibility for noticing and responding.

2. Pause evidence /cross examination before the distress escalates

- Early acknowledgment can prevent a witness moving further outside their window of tolerance.
- A simple pause or check-in can be protective rather than disruptive.

Examples:

- 'Let's pause for a moment.'
- 'I'm noticing this is becoming difficult.'

3. Offer breaks – but with care and choice

- Offering a break is often appropriate, but:
 - breaks can prolong the experience of giving evidence
 - some witnesses prefer to continue rather than stop and restart
- Trauma-informed practice means offering options, not assumptions.

Examples:

- 'Would you like a short break, or would you prefer to continue?'
- 'If a break would help, how long might feel manageable?'

Key principles:

- ✓ Offer breaks
- ✓ Offer choice
- ✓ Avoid enforcing breaks without checking preference

4. Acknowledge emotion without interpreting it

- Acknowledge what you see without attributing meaning.
- Emotional expression is not evidence of unreliability, avoidance, or weakness.

Examples:

- 'I can see this is upsetting.'
- 'This looks difficult to talk about.'

Avoid:

- Evaluating demeanour
- Suggesting motive or meaning
- Rushing to 'fix' the emotion

5. Restore agency wherever possible

- Trauma often involves loss of control.
- Small choices can significantly support regulation.

Examples of agency:

- choice to pause or continue
- choice of break length

- clear explanation of what will happen next
- reassurance that support is available

6. Use available regulator support

- Consider what on-site or procedural support is available:
 - hearings officer
 - support officer
 - named supporter or companion
- Try to ensure an upset witness is not left alone and is checked on before returning.
- The legal adviser can:
 - help assess readiness to continue
 - suggest adjustments to questioning
 - advise on fairness and proportionality

7. Adjust questioning, not the standard

- Trauma-informed practice does not lower evidential standards.
- It may involve:
 - slowing the pace
 - asking one question at a time
 - summarising and checking understanding
 - avoiding unnecessary repetition

Closing reminder

Trauma-informed responses protect both people and process.
Early recognition, acknowledgment, choice, and support can prevent unnecessary harm while strengthening fairness and reliability.

Appendix Ei – the window of tolerance

When someone is within their window of tolerance, they are able to:

- Stay calm enough to process information
- Answer questions coherently
- Stay emotionally regulated
- Engage meaningfully in the hearing
- They can communicate their best evidence

When someone is pushed outside this window (often due to stress, trauma triggers, or emotional overwhelm), they may shift into:

△ hyperarousal (fight / flight)

- Panic
- Agitation
- Increased fidgeting
- Rapid speech
- Emotional overwhelm
- Difficulty concentrating
- Their speech muscles may freeze so they cannot speak

▽ hypo arousal (freeze / collapse)

- Flat affect
- Shutting down
- Going pale
- Difficulty thinking or speaking

- Feeling disconnected or numb

Both states reduce the witness's ability to give clear, reliable evidence.

Why this matters in fitness to practise hearings

Trauma may not relate solely to the harm being described, it might be linked to other, non-related, recent or past events (e.g., a bereavement), making witnesses more likely to drop out of their window of tolerance during questioning or stressful moments in the hearing. The process of FtP itself may overwhelm their language skills and traumatise them.

Recognising signs that a witness is leaving their window of tolerance helps panel members:

- Intervene early
- Offer breaks
- Adjust communication
- Maintain fairness for all parties

1. Signs a witness is leaving their window of tolerance

△ hyperarousal (fight / flight) – 'too much' activation

Examples:

- Speaking rapidly or not letting others finish
- Becoming visibly distressed or angry
- Looking overwhelmed, restless, or panicked
- Intrusive trauma-related thoughts interrupting answers
- Emotional escalation when cross examined, especially if questioning is repetitive or adversarial

▽ hypo arousal (freeze/withdraw) – ‘too little’ activation

Examples:

- Becoming *incoherent* in answers—your notes highlight this as a key indicator
- Going blank, staring down, long silences
- Very slow or minimal responses
- Appearing detached, numb, or confused
- Reduced ability to follow the structure of questions

2. Trauma informed ways to bring the witness back into their window

The strategies below emphasise empathy, offering breaks, adjusting communication, and recognising the emotional and cognitive impacts of trauma on witnesses.

A. Pause or offer a break but with choice and agency

Offering breaks when a witness becomes upset or incoherent, while remembering that breaks may also prolong distress for some witnesses; therefore, agency is essential.

How to say it:

‘Would you like a short break, or would you prefer to continue for now?’

Why it helps:

Breaks allow grounding, reduce overwhelm, and restore cognitive clarity, especially when intrusive thoughts are present.

B. Gently acknowledge their emotion

Acknowledging emotions and offering options to reduce distress and support the witness’ agency.

How to say it:

'I can see this is difficult. You're doing really well—take your time.'

Why it helps:

Validation signals safety, reduces shame, and fosters re-regulation.

C. Slow the pace and simplify communication

Modifying questioning approaches, using clearer language, and rephrasing when the witness appears overwhelmed or confused.

Strategies include:

- Slow down the rate of questioning
- Break questions into smaller, simpler parts
- Avoid rapid fire or complex sequences
- Check in with:
'Is that question okay, or would you like me to rephrase it?'

Why it helps:

It reduces cognitive load and helps the witness process information steadily.

D. Reorient the witness to the present

This is especially useful when trauma-related intrusive thoughts arise, the exact scenario your notes describe as impacting coherence in evidence.

How to say it:

'Let's take this one step at a time. We're here with you. When you're ready, we can go back to the last question.'

Grounding prompts:

- 'You can pause to settle and breathe if that helps.'

- 'Would you like a moment before we continue?'

Why it helps:

Reorientation reduces dissociation and brings the witness back into their window.

Be aware that a deep breathe in can activate the sympathetic nervous system and risks making them feel worse. Breathing out is advised.

E. Adjust environmental or procedural factors

Encourage reasonable adjustments to reduce distress e.g., using supporters, screens, interpreters, intermediaries, and other supportive measures.

Examples:

- Allowing a supporter to sit with them
- Changing seating arrangements
- Avoiding direct sightline to the registrant
- Offering water, tissues, or a quieter waiting area

Why it helps:

Small environmental changes significantly reduce threat responses.

F. Use warm, humanising non-verbal communication

Warmth (e.g., smiling, thanking them, empathetic tone) helps the witness feel safe and valued.

Your body language strategies:

- A varied melodic pitch conveys interest
- Open posture (e.g., unfolded arms)
- Soft facial expressions (e.g., not frowning)

Why it helps:

Safety cues from others help restore emotional balance.

G. Reinforce their autonomy

Giving choice (breaks, pacing, rephrasing) aligns with trauma-informed principles and is repeatedly emphasised in your training guidance.

How to say it:

'If at any point you don't understand or need something repeated, just let us know. That's absolutely fine.'

Why it helps:

Choice restores control and reduces the threat response that narrows the window of tolerance.

H. Reinforce safety

"Mrs X, you are safe here"

Why it helps:

Psychological safety is reinforced by being with people who know you.

Summary

When witnesses move outside their window of tolerance, you'll typically see emotional flooding, distress, or withdrawal / incoherence and communication difficulties.

Any panel member or legal adviser can intervene when this happens, and that trauma reactions may stem from multiple past or recent events, not just the incident under investigation.

Trauma informed responses include:

- ✓ offering a break with choice
- ✓ slowing down and simplifying questions
- ✓ gently acknowledging distress
- ✓ reorienting and grounding

- ✓ providing environmental adjustments
- ✓ using warmth and supportive nonverbal cues
- ✓ reinforcing agency at every stage

These help the witness return to the emotional zone where they can give their best evidence.

Appendix Eii – recognising the window of tolerance in online meetings

Signal clearly when the witness is coming off oath

- State clearly and calmly when the witness has finished giving evidence and is formally off oath.
- Avoid ending questioning abruptly or moving immediately to the next agenda item.
- Check the witness understands what will happen next in the online setting.

Suggested wording:

‘Thank you. You are now finished giving your evidence and may come off oath. I’ll explain what happens next before we move on.’

Use verbal empathy to replace lost in-person cues

- In online hearings, witnesses lose non-verbal reassurance.
- Empathy needs to be explicit and verbal, not implied.

Good practice includes:

- Thanking the witness for their time and effort
- Acknowledging that giving evidence online can be demanding
- Apologising for any delays, technical issues, or waiting time

Key point: Warmth and neutrality can coexist.

Explain post-evidence restrictions with extra clarity

- Clearly explain any requirement not to speak to other witnesses.

- Acknowledge that this may be difficult, particularly:
 - where family members are also witnesses
 - where work colleagues are involved
- Avoid sounding disciplinary; keep tone explanatory and supportive.

Example:

‘I need to remind you that, for now, you shouldn’t discuss your evidence with others who may still be giving evidence. We understand this can be difficult, and we appreciate your cooperation.’

Ensure safe and supported online exit

- Do not assume a witness will simply log off without difficulty.
- Particularly where distress has been shown:
 - confirm the witness knows how and when to leave the virtual room
 - ensure they are not left alone immediately after a distressing exchange
- Ask regulator staff to manage the witness’s exit if needed.

Prompt:

‘Before we close, can I just check that [regulator staff] will support the witness to leave the call safely?’

Activate post-hearing support deliberately

- Know what post-hearing support the regulator offers (e.g. witness support officer).
- Where distress has been observed, proactively request follow-up:
 - ask the presenting officer or

- ask regulator/hearings staff to contact the witness after the hearing.

Important: Witnesses may not ask for help themselves in an online setting.

Avoid evaluative or outcome-related comments

- Do not comment on the strength, credibility, or impact of the evidence.
- Keep remarks procedural, respectful, and neutral.
- Remember online platforms can record or amplify statements unintentionally.

Close the interaction deliberately

- State this is the end of this witness's evidence and wait for them to leave before moving on to the next witness or agenda item.
- This helps signal closure and reduces the sense of being 'cut off'.

Key trauma-informed principle:

Endings matter more online because there is no physical transition space.

Final reminder for online panel chairs

In virtual hearings, clarity, kindness, and structure must be spoken aloud.

How a witness leaves an online hearing often determines how safe and fair the process feels in hindsight.

Appendix F – Recognising inquisitorial versus adversarial cross examination

The regulatory process is inquisitorial. There is scope for challenging questioning in the interests of fairness, provided it is not repetitive or disrespectful.

1. Start with the purpose of the questioning

Ask:

Is the questioning aimed at clarifying the facts the panel needs to decide?

Is it challenging the version of events and/or credibility of the witness?

Does it appear designed to undermine, or pressurise the witness?

- Inquisitorial: focused on understanding evidence, and its limitations
- Adversarial: focused on winning a point, or exposing weakness in evidence and witness credibility

2. Listen for the tone, not just the words

Inquisitorial tone:

- Calm, neutral, curious
- Respectful and measured
- Allows pauses and reflection

Adversarial tone:

- Confrontational or sceptical
- Repetitive, sharp, or pressurising
- Interrupts or talks over witnesses

Panel prompt:

If this tone were used with us, would it feel fair or intimidating?

3. Notice how questions are structured

- ✓ Inquisitorial questioning:
 - One question at a time
 - Clear and simply phrased
 - Builds understanding step by step
- × Adversarial questioning:
 - Compound or layered questions
 - Rapid-fire sequences
 - Questions that assume wrongdoing, intent, or emotion
 - Red flag: A witness appears confused or defensive because of how questions are framed.

4. Watch for leading or loaded questions

Adversarial signs:

- Emotional or judgement-laden language
- Forcing a witness to agree with a characterisation

Inquisitorial alternative:

- Open questions followed by neutral clarification
- Letting the witness describe events in their own words
- Questions can be leading but should give a clear option to disagree

5. Pay attention to repetition

Ask:

Is the repetition genuinely needed for clarification?

Or is it pressuring the witness to change or concede?

- ✓ Inquisitorial repetition: explained, limited, and purposeful
- × Adversarial repetition: persistent, unexplained, or escalating

6. Observe the witness's response

- Possible indicators of an adversarial approach:
 - Witness becomes distressed, confused, or shut down
 - Emotional responses are increasing rather than settling

- Answers become less clear over time

Panel reminder:

Distress or inconsistency may reflect process pressure, not credibility.

7. Check whether fairness to all parties is being maintained

- Is the questioning proportionate to what is at issue?
- Is the witness being given a fair opportunity to answer?
- Would an observer see the process as balanced and respectful?

Key principle:

Inquisitorial approaches protect fairness for both the witness and the registrant.

8. Be ready to intervene – inquisitorially

- Panel interventions should:
- Slow the pace
- Clarify or re-frame the question
- Refocus on what the panel needs to determine
- Restore a respectful tone

Neutral intervention example:

‘Can we pause here and clarify what the panel needs to understand from this line of questioning?’

9. Remember the core distinction

Adversarial asks: ‘How do I challenge this account?’

Inquisitorial asks: ‘What do we still need to understand to decide fairly?’

Appendix G – Constructing panel questions

1. Start with the decision-making purpose

Before asking a question, be clear about **why it is needed**.

- What issue or allegation does this question help the panel resolve?
 - Does it clarify facts, context, timing, or reliability?
 - Would the panel be unable to decide fairly without this answer?
- ✓ Purpose-led questions stay focused and proportionate.

2. Anchor questions to the evidence

- Base questions on the **allegations, evidence matrix, and documents** already before the panel.
- Avoid questions driven by curiosity, speculation, or personal interest.
- Signpost where the question comes from if helpful:

'I want to ask about your earlier statement regarding...'

- ✓ Inquisitorial questioning tests evidence, not people.

3. Use a clear questioning structure

- Begin with open questions to allow the witness to explain in their own words.
 - Follow with focused or closed questions only where clarification is needed.
 - Avoid jumping backwards and forwards between topics.
- ✓ Structure reduces confusion and cognitive load.

4. Ask one question at a time

- Keep each question short, clear, and singular.
- Avoid compound or multi-part questions.

- Allow sufficient time for the witness to process and respond.

✘ Avoid:

‘Can you explain what happened, why you didn’t report it, and whether you realised it was inappropriate?’

✓ Instead:

‘What happened next?’

‘Did you report that at the time?’

5. Avoid leading, loaded, or emotive wording

- Do not suggest the answer in the question.
 - Avoid embedding emotion, judgement, or motive.
 - Let the witness describe their experience in their own terms.
- ✘ ‘You were frightened when they raised their voice, weren’t you?’
- ✓ ‘How did you respond when their voice was raised?’
- ✓ Neutral language supports reliable evidence.

6. Be transparent when probing or revisiting an issue

If you need to probe or return to a point:

- Explain why you are doing so.
- Frame it as clarification, not challenge.

Example:

‘I’m going to come back to the timing of this, as it helps the panel understand the sequence clearly.’

- ✓ Transparency reduces defensiveness and distress.

Appendix H – Ending witness evidence

✓ **Plan how the witness will come off oath and stand down**

- Signal clearly when questioning has concluded so the witness is not left uncertain.
- Explain calmly what 'coming off oath' means and what will happen next.
- Avoid abrupt transitions; take a moment to close the interaction respectfully.

Why it matters: Clear endings reduce anxiety and prevent confusion at a vulnerable moment.

✓ **Show empathy and gratitude**

- Thank the witness for attending and for the effort involved in giving evidence.
- Acknowledge that the process can be difficult.
- Where appropriate, apologise for any delays or procedural issues.

Example:

'Thank you for your evidence today. We recognise this may not have been easy, and we appreciate your time and the care you have taken in answering questions.'

Key point: Empathy does not compromise neutrality.

✓ **Be clear about post-evidence boundaries**

- Explain any restrictions on speaking to other witnesses clearly and calmly.
- Recognise that this may be **practically or emotionally challenging**, particularly:
 - where multiple family members are witnesses
 - where colleagues are still due to give evidence

- Where possible, ensure these restrictions were signposted in advance and reiterate them without judgement.

Chair's reflection:

How can this be explained without adding unnecessary stress?

✓ **Consider and activate post-hearing support**

- Be aware of what support the regulator offers after a witness stands down.
- Where appropriate, ask:
 - the presenting officer, or
 - regulator staff (e.g. hearings officer or witness support officer) to follow up with the witness after the hearing.
- This is particularly important if distress has been observed.

Key principle: Support should not depend on the witness asking for it.

✓ **Ensure the witness is not left unsupported immediately afterwards**

- If the witness was upset, check that practical arrangements are in place before they leave or log off.
- In online hearings, ensure the witness knows how to exit safely and who to contact if they need support.
- Avoid witnesses being left alone in emotional distress where possible.

✓ **Maintain fairness and dignity for all parties**

- Close the witness's evidence in a way that is:
 - respectful to the witness, and

- fair to the registrant and wider process.
- Avoid comments that could be perceived as validating or rejecting the substance of the evidence.

Trauma-informed principle: Dignity and fairness are mutually reinforcing.

Final reminder

How a witness leaves the hearing can shape how the entire process is remembered. Clear explanations, gratitude, and appropriate support help protect both people and the process.

Appendix H – Ending witness evidence for online hearings

✓ Signal clearly when the witness is coming off oath

- State clearly and calmly when the witness has finished giving evidence and is formally off oath.
- Avoid ending questioning abruptly or moving immediately to the next agenda item.
- Check the witness understands what will happen next in the online setting.

Suggested wording:

'Thank you. You are now finished giving your evidence and may come off oath. I'll explain what happens in the hearing after you leave us.'

✓ Use verbal empathy to replace lost in-person cues

- In online hearings, witnesses lose non-verbal reassurance.
- Empathy needs to be **explicit and verbal**, not implied.

Good practice includes:

- Thanking the witness for their time and effort
- Acknowledging that giving evidence online can be demanding
- Apologising for any delays, technical issues, or waiting time

Key point: Warmth and neutrality can coexist.

✓ Explain post-evidence restrictions with extra clarity

- Clearly explain any requirement **not to speak to other witnesses**.

- Acknowledge that this may be difficult, particularly:
 - where family members are also witnesses
 - where work colleagues are involved
- Avoid sounding disciplinary; keep tone explanatory and supportive.

Example:

‘I need to remind you that, for now, you shouldn’t discuss your evidence with others who may still be giving evidence. We understand this can be difficult, and we appreciate your cooperation.’

✓ **Ensure safe and supported online exit**

- Do not assume a witness will simply log off without difficulty.
- Particularly where distress has been shown:
 - confirm the witness knows how and when to leave the virtual room
 - ensure they are not left alone immediately after a distressing exchange
- Ask regulator staff to manage the witness’s exit if needed.

Chair’s prompt:

‘Before we close, can I just check that [regulator staff] will support the witness to leave the call safely?’

✓ **Activate post-hearing support deliberately**

- Know what **post-hearing support** the regulator offers (e.g. witness support officer).
- Where distress has been observed, proactively request follow-up:
 - ask the presenting officer or

- ask regulator/hearings staff to contact the witness after the hearing.

Important: Witnesses may not ask for help themselves in an online setting.

✓ **Avoid evaluative or outcome-related comments**

- Do not comment on the strength, credibility, or impact of the evidence.
- Keep remarks procedural, respectful, and neutral.
- Remember online platforms can record or amplify statements unintentionally.

✓ **Close the interaction deliberately**

- Pause briefly before moving on to the next witness or agenda item.
- This helps signal closure and reduces the sense of being 'cut off'.

Key trauma-informed principle:

Endings matter more online because there is no physical transition space.

Final reminder for online panel chairs

In virtual hearings, clarity, kindness, and structure must be spoken aloud.

How a witness leaves an online hearing often determines how safe and fair the process feels in hindsight.

Appendix I – useful resources

NHS education for Scotland

In 2023, NHS education for Scotland launched a trauma informed justice framework to reduce the re-traumatisation of victims and witnesses of crime.³ There are many resources on the national trauma transformation programme (Scotland), <https://www.traumatransformation.scot>. This includes videos including videos: part 1 the ways trauma can affect a witness and their evidence, and the implications for assessments of credibility. Part 2 explains what re-traumatisation is, and some strategies to avoid it. Part 3 introduces some trauma informed practices that you can use to help witnesses to stay within their window of tolerance to give evidence effectively.

In August 2024, a consultation was launched regarding proposed changes to the decisions guidance for fitness to practise panels and Scottish Social Services Council staff.⁴ One proposal is conducting fitness to practise processes in a trauma informed way. This would mean those involved in fitness to practise investigations and hearings should experience a process that considers the principles of safety; trustworthiness; choice; collaboration; culture; empowerment.

³ <https://nes.scot.NHS.uk/news/reducing-re-traumatisation-in-justice-system-new-approach-to-better-support-victims-and-witnesses/>

Discussion may also consider the trauma of registrants in the FtP process. See <https://www.theregreview.org/2023/08/14/freiberg-trauma-informed-regulation/>

Bench book (best evidence)

The equal treatment bench book provides practical guidance on how judges can ensure that parties and witnesses participate effectively in proceedings and give their best evidence. It describes ways to adapt criminal proceedings to accommodate vulnerable witnesses and defendants (called 'special measures'), noting '*it is also relevant to civil and family cases, and to tribunal hearings with a vulnerable witness, party or litigant in person.*'⁵

Advocates gateway

The advocate's gateway provides practical, evidence-based guidance on communicating with vulnerable witnesses and the use of intermediaries.⁶

OpenLearn course: witness to harm, holding to account

The training resource is authored by Dr Gemma Ryan-Blackwell, Dr Sharif Haider and Professor Louise Wallace from the Open University. The resource arises from the findings and recommendations of the NIHR funded 'Witness to Harm' project: [Witness](#)

⁵ Equal Treatment Bench Book, July 2024 (February 2026 update), <https://www.judiciary.uk/wp-content/uploads/2026/02/ETBB-July-2024-February-2026-update.pdf>, p. 29.

⁶ <https://www.theadvocatesgateway.org/>

[‘Witness To Harm, Holding To Account’ NIHR report:](#)

<https://www.journalslibrary.NIHR.ac.uk/hsdr/sspp1118>.

For further self-study see:

<https://www.open.edu/openlearn/mod/oucontent/view.php?id=144831§ion=3>

It is free to use and can be downloaded in pdf format or for e-readers.

Trauma informed language / vulnerability

Cherry, L. (2023). *Trauma informed language guidance*.

https://westyorkshiretraumainformed.co.uk/wp-content/uploads/2023/11/West_Yorkshire_Trauma_Informed_Language_Guidance-1.pdf

Cullen, J. A., Stein, E. S., & Vlam, R. C. (2023). The Continuum of Victim to Survivor: Trauma-Informed Principles and the Impact of Language. In *Trauma Monthly* (Vol. 28, Number 5, pp. 922–926). Official Publication of the National Center for Trauma Research. http://www.traumamon.com/article_183887.html

Sorbie, A., & Garippa, L. (2025). (Re)constructing ‘witness vulnerability’: An analysis of the legal and policy frameworks of the statutory regulators of social work and social care professionals in the UK. *British Journal of Social Work*, 55(2), 744–762. <https://academic.oup.com/bjsw/article/55/2/744/7916468>

Appendix J – Guidance for working with intermediaries for justice

Intermediaries for Justice (IfJ) is grateful for the productive discussions which took place 2024-26 with Social Work England (SWE), the General Medical Council (GMC), and the Nursing and Midwifery Council (NMC). Likewise, the successful IfJ training day held in March 2026 under the guidance of Professor Louise Wallace has taken this project forward.

This guidance aims to provide clarity on the referral process when working with an Intermediary within Fitness to Practise proceedings (FtP). Under current arrangements, both Registered Intermediaries (RIs) and Court Approved Intermediaries (CAIs) are able to assist vulnerable witnesses and vulnerable registrants participating in Fitness to Practise (FtP) proceedings. This work would be classed as being outside their roles within the Witness Intermediary Scheme ([Ministry of Justice Witness Intermediary Scheme - GOV.UK](#)) and / or HMCTS Approved Intermediary Service ([HMCTS approved intermediaries - GOV.UK](#)).

Following a referral from a regulatory body, the Intermediary must complete an initial assessment, followed by a report outlining findings and recommendations.

Intermediaries for Justice (IfJ) provides a referral mechanism to source an Intermediary from some of our IfJ members (those who have expressed an interest in working within FtP proceedings). This is available via our website: [Find an intermediary | Intermediaries for Justice](#)

Other options for referral are:

- a) **Managed and Approved Service Providers** (MASPs) (i.e., organisations) The organisations currently (May 2026) providing intermediary services are Aspire, Communicate, The Intermediary Cooperative and Triangle.
- [HMCTS managed and approved service providers \(MASPs\) of intermediary services - GOV.UK](#)
- b) **Approved Service Providers** (ASPs) (i.e., sole traders). The list of Approved Service Providers is available here [HMCTS approved service providers \(ASPs\) of intermediary services - GOV.UK](#)

There is no publicly accessible contact information for Registered Intermediaries who wish to work within Fitness to Practise proceedings (and outside of the MoJ Witness Intermediary Scheme).

We recommend that intermediaries working in Fitness to Practise proceedings have:

- a) substantial experience in both previous intermediary practice (e.g., minimum 3 years or 30 cases completed) and in their 1st profession (e.g., minimum 5 years). This ensures that they have gained sufficient in-depth experience in:
- the communication assessment of vulnerable people
 - identifying and applying relevant communication strategies with vulnerable people
 - adapting their communication skills to assist the vulnerable person to adjust for real time interactions
 - creating and using specific communication aids as needed
 - completing Intermediary reports
 - working with legal professionals to ensure a vulnerable person's communication needs are understood so reasonable adjustments are applied

- b) have attended a Trauma course and be highly skilled in Trauma-Informed Practice (TIP). IfJ considers TIP to be a core requirement, alongside relevant clinical expertise, for Fitness to Practise work.

The IfJ referral form can be used to request an intermediary for pre-trial hearings, assessments, interviews, written statements, familiarisation visits, memory refreshing and court appearances. Please note that intermediaries often have limited availability; early notice will improve the likelihood of securing assistance.

Referral requests submitted via the IfJ system are automatically distributed to intermediaries operating in the selected area with the appropriate skill set. However, **it remains the responsibility of the referrer to verify the intermediary's expertise at the outset of the process for assisting that particular vulnerable person.**

Intermediaries for Justice does not directly employ or engage intermediaries. If the appointed intermediary is unable to fulfil the requirements of the case, the referrer must submit a new request via the referral form to seek an alternative intermediary.

Appendix K – Self-study activity

Self-study activity: What does this regulator tell the public about being a witness?

Aim: To find out what the regulator says about the process and support offered to witnesses, about giving a witness statement and attending hearing, which may differ from other regulators.

Why: Regulators differ in what information they provide about their FtP processes. While some information is on the website, you may find the regulator's investigation team / and case presenting firm(s) also provide information which is not publicly available. Being aware what information a regulator provides enables a panel member / chair to include this when considering what they say to witnesses in the hearing.

Activity:

- Is there a section of the website about FtP? What does it say?
- Is there a section or leaflet about being a witness in a hearing? What does it say and is there something missing you may need to cover e.g., who can be with a witness when taking breaks?
- Is there guidance as to who will be present in a hearing? (This may be text, or a video).
- Is there information on what 'special measures' might be available for a witness, and how can this be accessed? There may be section in the regulators' guidance for the conduct of hearings about witness special measures that is not public, review this to see what could be available (e.g., having a supporter present or witness support officer) and consider how this helps you guide the witness in the hearing (e.g., who can speak to them in breaks).

- Is there information on sources of support, e.g., a public support helpline (Victim Support), you may want to remind them of this for support after the hearing.

Research was conducted in 2022–23 across the 13 UK statutory health and care regulators that examined the language and content of regulator websites for witnesses: This research found most of the websites were difficult to navigate and the content was written in complex and legalistic language. Some regulators have taken steps to improve their websites following the recommendations made as a result of the research.

References

Ryan-Blackwell, G. & Wallace, LM. (2024) Witness to Harm, Holding to Account: What Is the Importance of Information for Members of the Public Who Give Evidence and May Be Witness in a Regulatory Hearing of a Health or Care Professional? *Health Expectations*. 27(4): E14168 <https://onlinelibrary.wiley.com/doi/10.1111/hex.14168>

Ryan Blackwell G, Wallace LM, and Ribenfors F (2024) A novel content and usability analysis of UK professional regulator information about raising a concern by members of the public. *Health Expectations* 27(5) <https://onlinelibrary.wiley.com/doi/epdf/10.1111/hex.70027>

Haider, S.& Wallace LM. (2024) How readable is the information the United Kingdom's statutory health and social care professional regulators provide for the public to engage with fitness to practise processes? *Health Expectations* 27(5): e70067
<https://onlinelibrary.wiley.com/doi/10.1111/hex.70067>

Feedback / key contacts

For feedback, and for more information contact:

- Emerita Professor Louise Wallace louise.wallace@open.ac.uk
- Dr Gemma Ryan-Blackwell gemma.ryan-blackwell@open.ac.uk
- Feedback survey for those being trained is [here](#).
- Feedback for trainers is [here](#).

