



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

Working with a vulnerable witness: self-directed learning notes

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About this resource

This self-study guide accompanies the [Witness to Harm: Holding to Account](#) – Panel Member Training Animation. The animation can also be downloaded [here](#).

It draws on recommendations from a National Institute for Health and Care Research funded project exploring the experiences of witnesses in Fitness to Practise (FtP) proceedings.

You will be presented with seven common challenges that arise when working with witnesses who may be vulnerable or affected by trauma.

There are no ‘right’ answers. The purpose is to support reflection, judgement, and awareness of how panel conduct can reduce harm while maintaining fairness and public protection.

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

This guide includes:

- The ‘Seven Challenges’ and reflection points
- Appendices containing resources to support reflection
- Additional useful resources

How to use this guide

Watch the animation scene by scene:

- Pause at each challenge when prompted
- Read the prompts

- Reflect on how you would respond in your role
- Consider how this aligns with your regulator's rules and guidance
- You may wish to make notes on each scenario as you go.
- There are responses to each discussion and reflection point in the appendices.
- Your feedback is important to us, please access our feedback survey [here](#) once you have completed this training.

The following activities can be used to prepare for your study:

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

The 'seven challenges'

- [The 'seven challenges' animation training can be viewed and downloaded here](#)

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

What the scenario shows:

Before the hearing begins, the chair, hearings officer, case presenter, and legal adviser consider whether the witness has any special circumstances or needs.

Key trauma informed considerations

- Vulnerability may be known in advance or may emerge during the hearing
- Witness needs are situational and changeable

- Preparation can significantly reduce the risk of re traumatisation
- If an intermediary is involved, has an agreed date been set for cross examination questions to be considered by the intermediary?

Reflective questions

- How would you identify potential witness vulnerability before a hearing?
- What information would you want to know as a panel member or chair?
- What reasonable adjustments might support the witness to give their best evidence?
- How do you balance adjustments with fairness to all parties?

Challenge 2: Introducing the witness and supporting agency (appendix B / C)

What the scenario shows:

The chair introduces the witness, explains roles, outlines questioning, discusses breaks, and seeks to support participation by the witness.

Key trauma informed considerations

- Introductions can be overwhelming
- Clear explanations reduce fear and confusion

Offering choice restores agency.

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

Reflective questions

- How might the oath or affirmation feel from the witness's perspective?
- What language helps normalise uncertainty or distress?
- How can breaks be managed so they support, rather than hinder, the giving of evidence?
- What small actions communicate warmth, respect, and empathy?

Challenge 3: When the witness becomes upset (appendix D)

What the scenario shows:

The witness becomes visibly distressed while giving evidence. It is the responsibility of all panel members to notice distress, and for the Chair to acknowledge the distress.

Key trauma informed considerations

- Distress is not evidence of unreliability
- Early recognition can prevent escalation
- Agency matters when offering breaks

Reflective questions

- Who is responsible for noticing distress during a hearing?
- How can emotion be acknowledged without being interpreted or judged?
- When might a break help, and when might continuing be preferable?
- What regulator support should be activated at this point?

Challenge 4: When the witness becomes incoherent (appendix D / E)

What the scenario shows:

The witness struggles to answer coherently, hesitates, and appears confused or overwhelmed. This could occur to anyone under pressure and is more likely if a person has language difficulties or is neurodivergent.

Key trauma informed considerations

- This may reflect intrusive thoughts or trauma responses
- It may not relate directly to the alleged incident (e.g., prior historical sexual abuse)
- The window of tolerance is a useful framework here
- Any panel member or legal adviser may intervene

Reflective questions

- What signs suggest the witness has moved outside their window of tolerance?
- How might trauma affect memory, sequencing, or clarity?
- When might re phrasing questions help?
- When should intermediaries be considered?
- What support is appropriate if a break is taken while the witness remains on oath?

Challenge 5: Repetitive cross examination cross examination (appendix F)

What the scenario shows:

Cross examination becomes repetitive, sarcastic, and emotionally pressurising. This may prevent the witness giving their best evidence, which is unfair to both parties.

Key trauma informed considerations

- Adversarial questioning can undermine evidence quality
- Panel members and chairs have authority to intervene
- Fairness applies to both the witness and the registrant

Reflective questions

- How would you recognise questioning that has become hostile?
- What language could you use to intervene neutrally?
- How can questioning be redirected to remain inquisitorial?
- How does trauma informed intervention protect the integrity of the process?

Challenge 6: Panel member questions (appendix G)

What the scenario shows:

Panel members consider what questions they should ask and how to phrase them appropriately.

Key trauma informed considerations

- Questions should be purposeful and evidence led
- Avoid curiosity driven or tangential questioning
- Leading or emotive wording can distort evidence

Think about the complexity of the words and length of sentences.

Reflective questions

- What is the purpose of panel questioning in this case?
- Are the questions grounded in the allegations and evidence?
- How might re phrasing reduce harm while clarifying facts?
- How can pace and structure support the witness's emotional regulation?

Challenge 7: The end of witness evidence (appendix H)

What the scenario shows:

The witness is formally released from oath, thanked, and informed about next steps and support.

Key trauma informed considerations

- Endings carry emotional weight
- Gratitude and empathy can be expressed without compromising neutrality
- Boundaries around speaking to other witnesses must be explained carefully
- Post hearing support matters

Reflective questions

- How should a witness be brought off oath clearly and respectfully?
- How might restrictions on speaking to others affect family or colleagues?
- What post hearing support does your regulator offer?
- How can chairs ensure witnesses are not left distressed or unsupported?

Final reflection

Trauma informed Fitness to Practise processes are not about being unfair to one party.

They are about creating the conditions in which witnesses can give their best evidence, and panels can make decisions that are fair, defensible, and with compassion.

Take a moment to reflect on the seven challenges as a whole:

- When do you feel most confident responding?
- How aware are you of the support the regulator offers to witnesses?
- What one change could you make in your own practice as a result of this learning?

Your feedback is important to us, please access our feedback survey [here](#).

Appendix A – preparing the witness

Reasonable adjustments help ensure that vulnerable witnesses can give their best evidence, while maintaining fairness to all parties. Regulators and their law forms (or counsel calling witnesses for a registrant's defense) consider witness care needs and should take a collaborative approach before hearing. The witness is the best person to talk with about what might help them in terms of any special measures. The aim should be to make the hearing as predictable as possible for the witness. An officer or lawyer should take time with a witness before a hearing, ensure they are encouraged to ask questions about what to expect ahead of a hearing, and ask if there is anything they do not understand. Panel Members / chairs can ask the hearing team any specific witness measures put in place.

1. Identify vulnerability and needs early

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

Think about who a vulnerable witness might be and how their needs can vary.

Adjustments may include:

- Assessing communication, emotional, cognitive, or environmental needs by the regulator. Consider 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 assessed and delivered by 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 (or the registrant's camera is turned off during witness evidence online).
- Providing interpreters for language or communication needs.
- Using a registered intermediary to help with communication style and question formulation.

3. Adjust the pace and structure of the hearing

Witnesses with trauma, anxiety, or neurodivergence may need modifications to timing and pacing:

- 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.

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 in developmentally appropriate language and use common 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, specific 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 notes highlight 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 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:

- Think about avoiding re-traumatisation and supporting witnesses to give high quality evidence.

Reasonable adjustments can include:

- The regulator providing tissues, water, and a calm private space or breaks.

- Allowing the witness to have grounding objects or coping aids such as a hand 'fidget ball' or 'stress ball' (if appropriate).
- Using a predictable structure to reduce uncertainty.

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:

- Your/regulator notes emphasise 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 question I can be rephrased.

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.

Tip:

Match your tone to calmness, maintain open posture (e.g. „unfolded arms), 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 and parties that some witnesses want breaks, others want to keep going, and this should be managed sensitively to help them give their best evidence. Suggesting a break may be required if a witness becomes disregulated (e.g. appears upset or not responding).

Tip:

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

6. Prepare thoughtfully for witness needs

The party calling a witness is responsible for preparing a witness. This should be conducted in collaboration with them in advance to find out their needs and measures that might help them, and that these are known about by the panel and are working as agreed. Remember not one size fits all, and witnesses are the best source of information about what may help them.

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

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:

The regulator should plan for special measures (e.g., screens, personal supporter, intermediary) *before* the witness arrives, and this may be an application at a case management meeting or a preliminary application at a hearing.

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

aims to avoid re-traumatisation and aims to help the witness give their best evidence in a way that is fair to all parties.

Tip:

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

See next appendix, where many of the principles apply to both in person and online hearings.

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. This applies whether in person or online.

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.

Online you may need to explain some people will be looking away at a second screen. Small visual signals (such as facial expressions, looking away when someone is talking) carry more weight online.

The principles below apply to in person and to online settings.

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 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.

Close the hearing with care

- Explain what happens next and expected timescales.
- 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 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 regulatory 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 of evidence

- 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
 - Acknowledging and attuning to the witnesses' emotions

- Being aware of what support the regulator offers this witness during breaks and after the hearing is important so you can ensure there is someone, formally or informally, they can get support from at these times.

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 (WoT)

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

▽ **hypo arousal (freeze / collapse)**

- Flat affect
- Shutting down
- Going pale
- Difficulty thinking or speaking
- Feeling disconnected or numb

- Their speech muscles may freeze so they cannot speak

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 heard, it might be linked to other, non-related, recent or past events (e.g., historical sexual abuse), 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, impacting how they appear to understand questions and how they give their evidence.

Recognising signs that a witness is leaving their WoT 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

A witness who has been prepared collaboratively with the regulator about being a witness (see Appendix A) will be more likely to remain in their WoT. A supporter may be able to notice when they move out of their WoT and help them to remain in their WOT using agreed strategies to cope.

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. This is also when pre-agreed strategies such as using a photo of a loved one or saying a calming phrase may be prompted by a supporter.

You too can encourage them to re-orientate to the present:

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 slowly / breathe out 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

Understand what reasonable adjustments are planned to reduce distress e.g., using supporters, screens, interpreters, intermediaries, and other supportive measures, before the hearing, and make use of them as needs arise. Even if they are not planned, these adjustments may help.

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, compassionate non-verbal communication

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

Body language strategies:

- Varied melodic pitch conveys interest
- Open posture (e.g., unfolded arms)
- Soft facial expressions

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, but it is most helpful if it is someone with whom the witness has already built up a supportive relationship.

Trauma reactions may stem from multiple past or recent events, not just the incident under investigation.

The regulator/lawyer preparing a witness should collaborate with the witness to ensure they are fully informed about what will happen in a hearing, find out their needs and put in place support and adjustments as planned. These should be known to the panel.

Trauma informed responses by the panel 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 Check the witness understands what will happen next in the hearing and timescale for decisions.

Suggested wording:

‘Thank you. You have 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 punitive; 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.

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, oral / written witness evidence, 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 simply 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 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. Check the witness understands what will happen next and the timescale of decisions.

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 may miss non-verbal reassurance cues (such as body language).
- 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 punitive; 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.

✓ **Close the interaction deliberately**

- Pause briefly before explaining about the next steps and timing of decisions in the hearing. 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

Public Services Delivery Scotland (PSDS), formerly known as NHS education for Scotland launched a trauma informed justice framework in 2023 to reduce the re-traumatisation of victims and witnesses of crime.¹ There are many resources on the national trauma transformation programme (Scotland) [Victims & Witnesses – National Trauma Transformation Programme](#). 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. It also includes two e modules developed and freely available for anyone working with victims and witnesses. Although they were developed specifically with the criminal justice processes in mind, the principles apply to civil proceedings and to FtP.

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.² 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

¹ <https://nes.scot.NHS.uk/news/reducing-re-traumatisation-in-justice-system-new-approach-to-better-support-victims-and-witnesses/>

should experience a process that considers the principles of safety; trustworthiness; choice; collaboration; culture; empowerment.

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.*'³

Advocates gateway

The advocate's gateway provides practical, evidence-based guidance on communicating with vulnerable witnesses and the use of intermediaries.⁴

OpenLearn course: witness to harm, holding to account

³ 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.

⁴ <https://www.theadvocatesgateway.org/>

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 To Harm, Holding To Account'](https://www.journalslibrary.nihr.ac.uk/hsdr/sspp1118) 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 – Model responses to reflection and discussion points

Below are model answers / suggested responses for each of the seven scenario discussion points.

These are not ‘right answers’, but defensible, trauma-informed approaches that panels and chairs could reasonably adopt while maintaining fairness and procedural integrity.

Scenario 1: Preparing for the hearing with vulnerable witnesses

Suggested response

A trauma-informed panel prepares by assuming that any public witness may become vulnerable, even if no adjustments have been flagged in advance. Preparation might include:

- Reviewing papers for indicators of trauma or stress (e.g. sexual harm, bereavement, power imbalance).
- Checking with hearings officers or case presenters via the legal adviser whether any special measures or support are in place, or if there are preliminary applications for these.
- Agreeing as a panel how distress will be recognised and who may intervene.
- Ensuring clarity about the availability of supporters, screens, interpreters, intermediaries, or breaks.

This preparation reduces the likelihood of re-traumatisation and supports the witness to give their best evidence, while keeping the process fair to all parties.

Scenario 2: Introducing the witness and supporting needs and agency

Suggested response

A trauma-informed introduction:

- Is slow, calm, and clear, avoiding information overload.
- Explains roles and the structure of questioning plainly.
- Normalises uncertainty ('If you don't understand or can't recall, please say so').
- Offers choice around breaks and pacing.
- Acknowledges the difficulty of giving evidence and expresses appreciation.

This approach enhances agency, reduces fear, and helps the witness feel oriented and respected without compromising neutrality.

Scenario 3: When the witness becomes upset

Suggested response

When a witness becomes distressed, the panel should:

- Acknowledge the emotion without attributing meaning ('I can see this is distressing').
- Pause the process before distress escalates.
- Offer a break with choice, recognising that stopping may help some witnesses and hinder others.

- Activate appropriate support (e.g. hearings officer, witness support officer).
- Ensure the witness is accompanied or checked on during any break.

Distress should not be interpreted as weakness or unreliability but recognised as a normal response to stress.

Scenario 4: When the witness becomes incoherent

Suggested response

Incoherence may indicate that the witness has moved outside their window of tolerance, often due to intrusive thoughts triggered by stress or trauma.

A trauma-informed response includes:

- Slowing the pace of questioning.
- Re-phrasing or simplifying questions.
- Offering a break with clear explanation and choice.
- Considering whether a qualified intermediary may be appropriate.
- Asking the legal adviser for guidance on fairness and credibility assessment.

Incoherence should not be equated with dishonesty; adjusting the process may restore clarity and evidential quality.

Scenario 5: Hostile or adversarial cross-examination

Suggested response

Where cross-examination becomes hostile or repetitive, the chair, panel or legal adviser should intervene to:

- Remind parties that the purpose is clarification, not intimidation.
- Redirect questioning to an inquisitorial, respectful tone.
- Limit unnecessary repetition.
- Pause proceedings if needed to protect fairness and welfare.

Trauma-informed intervention protects the witness and the integrity of the evidence, ensuring fairness for both the registrant and the witness.

Scenario 6: Panel member questions

Suggested response

Panel questions should be:

- Purpose-led and tied directly to the allegations and evidence.
- Structured from open → focused → closed.
- Neutral in tone and wording.
- Limited to clarification rather than challenge or curiosity.

Re-phrasing emotionally loaded or leading questions helps reduce harm and ensures the panel's enquiries improve, rather than undermine, evidential reliability.

Scenario 7: The end of witness evidence

Suggested response

A trauma-informed ending involves:

- Clearly explaining that the witness is coming off oath / affirmation.
- Thanking the witness and acknowledging the effort involved.
- Apologising for any delays or procedural difficulties.
- Explaining boundaries around speaking to other witnesses sensitively.
- Signposting or activating post-hearing support.
- Ensuring the witness is not left distressed or unsupported, particularly in online hearings.

Endings shape how the entire process is remembered and can significantly affect trust in regulatory justice.

Overall consolidating answer

Across all scenarios, trauma-informed practice is about how decisions are reached, not what decisions are made.

By recognising stress responses, preserving agency, and adjusting communication, panels support witnesses to give their best evidence while maintaining fairness, proportionality, and public protection.

Appendix K – 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, Communicourt, 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 L – 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>

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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:

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- Dr Gemma Ryan-Blackwell gemma.ryan-blackwell@open.ac.uk
- Your feedback is important to us. A feedback survey for those using this training is [here](#).

