



THE UNIVERSITY of EDINBURGH  
Edinburgh Law School



## Witness to Harm, holding to account: Improving patient, family and colleague witnesses' experiences of Fitness to Practise proceedings: A mixed methods study.

### Briefing paper (2)

#### Introduction and background

This is part of a wider programme of work, "Improving patient, family and colleague witnesses' experiences of Fitness to Practise proceedings: A mixed methods study". It is funded by the National Institute for Health Research. Ethical approval is provided by The Open University, Manchester Metropolitan University and the University of Oxford.

#### Objective of Work Package 1

#### Methods

Work package 1 aims to will find out about the public's experience of the fitness to practise (FtP) processes, both as members of the public who might wish to be involved, and from the experience of those who have suffered serious harm in connection with the registrant's behaviour.

In **WP1.1** we will conduct a short a **short survey** of the public who have referred a registrant and/or been a witnesses, once their involvement in the process is complete. This will include where cases are closed at "triage", that is, before a full investigation is undertaken, those that are closed after the investigation, or where a case is closed with the consent of the registrant after misconduct is admitted. Finally, it will include those whose case goes on to a public hearing (also known as a tribunal). Results will be analysed using descriptive statistics and thematic analysis of open text answers.

In **WP1.2** we will look at all the **materials provided by regulators** to explain the process and the support that can be provided to witnesses. This includes information on their website, leaflets and may include policies and procedures to support witnesses, particularly those deemed vulnerable. Data will be analysed using documentary thematic content analysis, and will examine readability and accessibility.

In **WP1.3** we use **interviews** with the public who are involved in seeking advice from the specialist charity Action against Medical Accidents (AvMA) and some regulators' consultation groups, including both those who have, and those who have not, been involved in FtP as witnesses. We will ask them about the **usefulness of the regulator' materials**. Results will be analysed thematically.

In **WP1.4** we will use **interviews with NHS and social care employers** on their expectations of referral to FtP of their staff, to ask about the involvement of their staff and patients/service users as witnesses (particularly where they are in a "vulnerable group"), witness preparation and how they conduct their duty of care to mitigate witness stress or traumatization. This includes asking employers of registrants about what support they

provide and expect the regulator to provide to their employees and patients/service users involved in this process. Results will be analysed thematically.

In **WP1.5** we want to know about the experience of **vulnerable witnesses who have used regulators' support services** (whether in house or those externally provided services commissioned by some regulators.) We will conduct interviews, and the data will be analysed thematically.

### Timing

We plan to undertake most of this work between November 2021 to end August 2022, with some flexibility expected due to current pandemic uncertainties.

### The team (see Briefing (1) "Overview of the project" for full research team)

#### Work package lead

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#### WP1.5 Lead:

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