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

### Briefing paper (1)

#### Introduction and background

##### What is the programme about?

There are 2 million health and social care registrants in the UK and 1000s of 'concerns' about their practice are referred to regulators with <1% investigated further. In 2019/20, 2,783 final hearings were held to determine if there was misconduct, and whether sanctions should be taken to protect the public. Witnesses to misconduct can be called to give evidence in a fitness to practise (FtP) hearing, including patients and colleagues who may have been harmed by the registrant's behaviour such as sexual abuse, theft, clinical harm, failure to safeguard or abuse of trust. This first independently funded multi-regulator research into fitness to practise the processes will collect and consider evidence about whether and how the conduct of FtP processes may unintentionally impact on witnesses and evaluate regulators' interventions designed to mitigate these possible secondary harms.

Our study aims to find out what support witnesses want and what they receive. It will explore best practise and potential improvements in how the public can engage with the fitness to practise regulatory processes, creating workable recommendations and resources for the public, professional bodies, employers and regulators.

##### Work packages

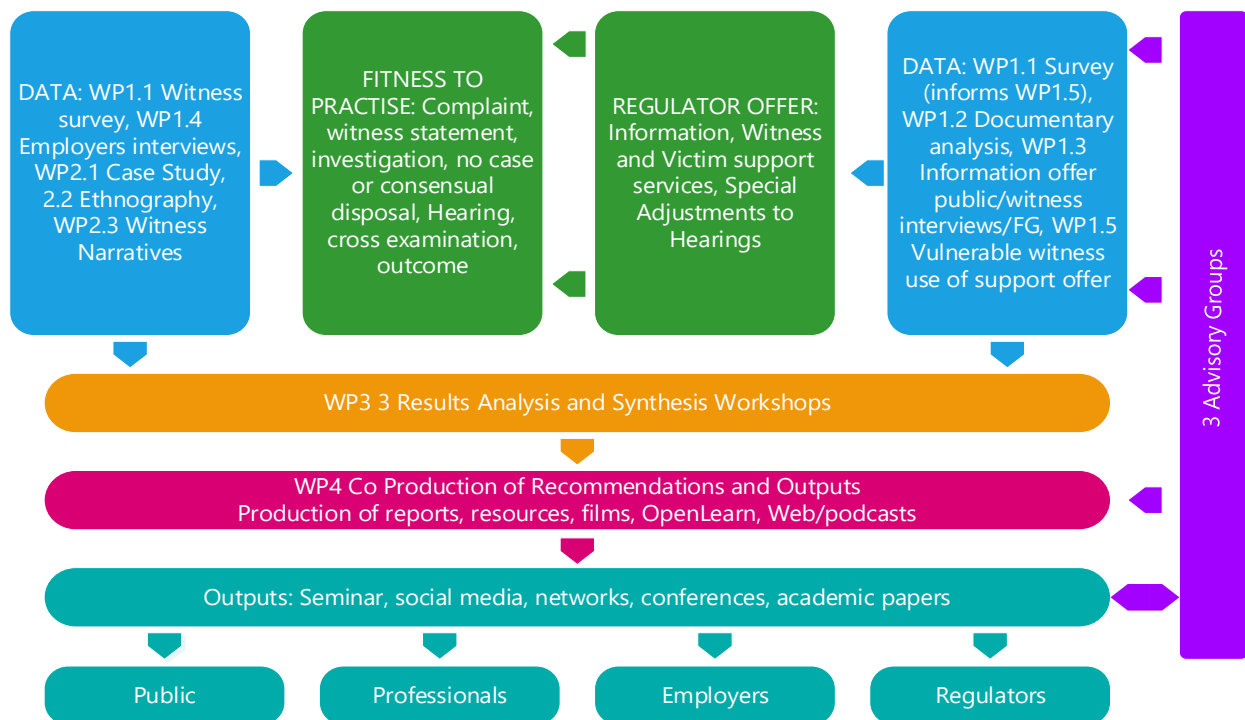
**Work package 1** will find out about the public's experience of the distinct stages of the regulatory process, from the decision to proceed to investigation through to a final hearing. This work package includes a short survey for witnesses once the process is complete (WP1.1). It includes looking at all the materials provided by regulators to explain the process and the support that can be provided to witnesses (WP1.2), and the usefulness of these materials (WP1.3). It 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 (WP1.4). Lastly, it includes interviews with vulnerable witnesses about the support they received from regulators (WP1.5).

**Work package 2** will evaluate the experience of witnesses of the FtP hearings process. We will analyse the testimony of public witnesses in past completed cases of serious harm and interview those involved at the time (WP2.1). We will also look at, via interviews and observing events as they happen, the process for cases during and after the hearing (WP2.2). We will film the stories, told by witnesses up to 5 years after a hearing, of their experience (WP2.3).

**Work package 3** we will analyse the results and work through them with members of our advisory groups (involving the public, regulators and employers, professional bodies and lawyers) to understand them from each perspective.

**Work package 4** will co-produce resources and actionable recommendations for regulators, employers, educators of registrants, health and social care professional bodies and regulatory lawyers. Resources will include free on line resources for the public and professionals to support choices about engagement with the FtP process.

### Witnessing Harm, Holding to Account: Mixed methods study of improving patient, family and colleague witnesses' experiences of Fitness to Practise proceedings.



#### Anticipated impact

The main beneficiaries will be the public, regulators, regulatory lawyers and professional bodies, health and social care educators and employers.

#### Principal investigators

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## Advisors

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This briefing describes independent research funded by the National Institute for Health Research (NIHR) under its Health Services and Delivery Research Programme (NIHR 131322). The views expressed are those of the authors, and not necessarily those of the NHS, the NIHR or the Department of Health and Social Care.