

Northern Ireland

**Social**

**Care**

**Council**

# Being a Witness

Your Part in a Social Care Council Investigation

# Who we are

**We are the social work and social care regulator for Northern Ireland. We exist to protect the public.**

We set standards of education, training, conduct and performance so that social workers and social care workers can deliver services safely and to a high quality. We maintain a register of social workers and social care workers who are allowed to practise in Northern Ireland. We make sure that social workers and social care workers keep their skills and knowledge up to date and that they uphold our professional standards. We have clear and transparent processes to investigate social workers and social care workers who fall short of our standards.

The Social Care Council register contains the names of the people who are able to work as a social worker or social care worker in Northern Ireland.

# Your role as a witness

We understand that acting as a witness can sometimes be worrying for those involved. We have developed this guide to help you understand the investigation process and what to expect when acting as a witness. It also provides information about the support available throughout the process.

As a witness, your role in a Social Care Council investigation is very important. You will help us build a picture of what happened so that a decision can be made in this case. The information which you give us will help us fulfill our duty in protecting the public.

# Receiving an allegation

Anyone can contact us with information if they have concerns about a social worker or social care worker's standard of conduct or practice that may affect public protection or confidence in the profession.

When we receive an allegation about a social worker or social care worker, we assess the information to decide if it is appropriate to conduct a full investigation. If it is not, no further action is taken.

If it is appropriate to investigate the information further, interviewing witnesses may form part of that investigation.

# Being a witness

When we investigate an allegation, we speak with witnesses to build up a picture of what happened. A witness is usually someone who saw the alleged event or some part of it.

## **What does it mean to be a witness?**

Witnesses provide a written and / or verbal account of what they know about the matter being investigated. We may also speak with people who did not see the incident in question but might be able to provide background information or documents relating to the case.

## **Why do you want me to be a witness?**

We have studied all of the evidence, and want to speak to you about what you saw or did in relation to the event. Even though you might not think that you saw anything important, you might still be able to help with the investigation, so a conversation with you will help ensure that our investigation is thorough and fair.

# I'm nervous

We will only ask you to act as a witness if we believe that your involvement is necessary to the case.

## **Where can I go for information and support?**

We understand that some witnesses find the prospect of giving evidence worrying and we can answer any questions you have about the investigation.

You can also get support from our Witness Coordinator. Our Witness Coordinator can provide you with information about:

- **What to expect during a fitness to practise investigation;**
- **What to expect if the case ends in a fitness to practise hearing;**
- **Arrangements we could make for you to be able to give evidence (for example if you need an induction loop for a hearing aid).**

A Witness Coordinator is a Social Care Council employee and is responsible for providing information and support to witnesses.

**You can contact the witness co-ordinator on tel: 028 9536 2932 or at email: [niscc.committee@hscni.net](mailto:niscc.committee@hscni.net).**

Please note that the Witness Coordinator cannot discuss your evidence or details of the case. She can only provide general support and information.

## **What if I don't want to act as a witness?**

We have a legal duty to promote high standards of conduct and practice of social workers and social care workers. Because of the nature of social work and social care, this helps to protect vulnerable people such as children, older people, adults with learning disabilities and people whose ill health has made them vulnerable. We need your help to make sure that all social workers and social care workers are competent and safe to carry out their professional duties.

We hope that, like us, you want to play your part in protecting the public by engaging in our investigation.

If you are a social worker or social care worker, you are required to cooperate fully with the Social Care Council investigations as part of the Standards of Conduct and Practice which you signed up to when you were registered. Failure to do so could result in your own registration being called into question. If you are a nursing or medical professional, your own professional code of conduct may carry a similar requirement.

If you are worried about acting as a witness, we would encourage you to speak with our solicitor or the Witness Coordinator for information and support.

# Statement

## **How will I give my account of what happened?**

We will contact you to make arrangements to meet. We will arrange the meeting at a time convenient for you so that you are able to discuss the matter in private without being disturbed.

The meeting may take place at the location where the alleged incident took place. If you feel uncomfortable about meeting us at your place of work, let us know and we will try to find an alternative location.

If you are a member of the public, we will try to organise a convenient and neutral place to meet.

We will reimburse all reasonable travel expenses.

## **Can I discuss the case with other people?**

No, you must not discuss the case with anyone else involved while the investigation is ongoing. It is important that the evidence given by each witness is their own, individual recollection of what happened. If you discuss the case with another witness, this might affect the investigation.

# Meeting with us

## **What will happen during the meeting?**

During the meeting, we will ask you questions about what you saw or did. We will take notes, which will be typed up into a document called a witness statement.

Any documents or records that are mentioned in your witness statement may then be attached to it. These will be known as 'exhibits'. Exhibits help tell the story of what happened and contain useful information that can be read alongside your witness statement.

## **What questions will I be asked?**

You will be asked about what you saw or did in relation to the incident. You may be asked why the incident caused you concern. You may also be asked to provide relevant documents such as an incident report form or a service user's care plan.

Remember, we are not investigating you, your actions or those of the other witnesses. We need to have the clearest picture possible of what took place so that our investigation is fair. To help us achieve this, we will need you to tell us as much as you can about what happened.

You may be asked about your employment history, experience and qualifications, but only if this is relevant to the case.

We will need your contact details so that we can keep in touch with you throughout the case. If you are planning to move home or you are changing your place of employment, please tell us as soon as possible. There is a change of address form at the end of this booklet.

## **The events took place a long time ago. How am I supposed to remember what happened?**

We will not expect you to remember every detail of what took place. We understand that time has passed and will know what we want to ask you about. We may show you documents that you saw at the time of the incident, for example, a statement which you wrote for your employer, an incident report form that you filled in, a completed medication administration record or a service user's care plan. All we ask is that you tell us what happened as you remember it.

# After the Meeting

## My Witness Statement

### Will I receive a copy of my witness statement?

Yes, we will send it to you as soon as possible after the meeting. You should read it carefully to make sure that it accurately reflects what you saw or did. If any of your statement does not reflect what you told us, you should change it or add to it as appropriate.

As soon as you are satisfied that it is correct, you should sign and date it, and return it to us. You must do this as quickly as possible so that the investigation is not delayed.

The Preliminary Proceedings Committee (PPC) is an independent panel which looks at the evidence and makes an impartial decision on a case. It can close a case or transfer it to a fitness to practise hearing.

### What will happen to my witness statement?

Once we have interviewed all of the witnesses and gathered all of the available documentary evidence, we will assess the case and decide whether it is strong enough to be sent to the Preliminary Proceedings Committee (PPC). If it goes to the PPC, your witness statement will be included in a report to the Committee. You will not be asked to attend the PPC. A copy of the report, including your witness statement, will also be sent to the social worker or social care worker under investigation.

Not all cases are sent to the PPC. If the case is not sent to the PPC, we will write to let you know.

## **Why does the person under investigation have to see a copy of my witness statement?**

It is very important that the social worker or social care worker under investigation knows what information we have about them and how we are going to use it in a case against them. This gives them a fair chance to answer the case and give their own explanation of events.

## **What happens at the PPC?**

The PPC looks at all of the evidence gathered during the investigation and decides if the social worker or social care worker has a case to answer. If so, the Committee sends the case to a fitness to practise hearing to determine if the social worker or social care worker's fitness to practise is currently impaired. We will write to you to let you know the PPC's decision.

# What happens next?

## How long will the investigation take?

We aim to conclude cases within 15 months of opening the case, including a final hearing if one is required. Many cases are completed in less time but sometimes they take longer if we have problems identifying or locating witnesses or getting the information we need.

We will keep you up to date with any developments in the case, but we need your help to make sure we can finish our investigation as quickly as possible.

# What if there's a Fitness to Practise hearing?

## If there is a hearing, do I have to attend?

Not all witnesses who have given us statements will be asked to attend a hearing - for example, if the social worker or social care worker admits the allegations against them, we may not need to ask you to attend.

However, you should prepare for the likelihood that we will ask you to attend the hearing to give sworn evidence to the Fitness to Practise Committee. If the social worker or social care worker does not admit any or all of the allegations, it will be important for the Committee to hear your evidence first-hand as it will help them to get a better understanding of the case, and give them a chance to ask you questions. Giving your evidence in person will also allow the registrant, if present at the hearing, to cross-examine you on your evidence. This is vital to ensure a fair and thorough hearing.

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If you do not attend when requested to give evidence to the Committee, this may affect the case. For instance, the Committee may decide to exclude your written statement completely, or more likely, it might decide to give your statement less weight because you are not there to give sworn evidence or to answer questions.

‘Cross-examination’ is the legal term used to describe the process of asking questions to witnesses on the opposing side.

## **When and where would the hearing take place?**

The Witness Coordinator would contact you to agree dates for your attendance at the hearing. At this stage, you would also be sent a booklet called Giving Evidence at the Social Care Council Fitness to Practise Hearings – Frequently Asked Questions. This booklet explains in detail what happens at the hearing.

Most of our hearings take place at our offices in Belfast. There may be circumstances where the hearing is held elsewhere. You would be notified of the location of the hearing if you are asked to attend. You can find information on our location, including a map, on our website at <https://niscc.info/contact-us>

‘Fitness to Practise Committee’ is an independent panel which hears evidence and makes a decision on whether the allegations are proved. The Committee then decides if the worker’s fitness to practise is impaired and, if so, what sanction to impose.

Witnesses must promise to tell the truth before giving evidence. This is known as giving ‘sworn evidence’.

'Less weight' – the Committee has to decide what 'weight' to put on all of the evidence it hears. This means that it has to decide whose or which evidence is most convincing or persuasive.

## **Would I get paid for attending?**

You would not get paid for attending the hearing but you would receive reasonable travel expenses. We would also provide you with a light lunch and refreshments.

If you are in social care employment, we would expect your employer to give you time off to attend the hearing. If you are worried that you will lose earnings, you should speak to us or your employer as soon as possible.

You would receive more information on expenses when we send you the Giving Evidence at the Social Care Council's Fitness to Practise Hearings – Frequently Asked Questions booklet.

## **How do I make a complaint?**

If you are unhappy with how you have been dealt with at any stage of the process, you can send your concerns in an email to **ftp@niscc.hscni.net**

## **How do I give feedback?**

Once the case has completed, you will be sent a link which will take you to a witness feedback survey.

We value the contribution you are making as a witness and welcome your feedback on how we can improve the experience for witnesses in the future.

If you would like a hard copy, you can request one from our Witness Coordinator.

It is important that we have your contact details so that we are able to contact you if we need to. If you change address, telephone number or email address after you meet with us, we would be grateful if you would let us know by email to [niscc.committee@hscni.net](mailto:niscc.committee@hscni.net) or complete and post this form to the :

**Committee Administrator**  
**Northern Ireland Social Care Council**  
**7th Floor Millennium House**  
**25 Great Victoria Street**  
**Belfast BT2 7AQ**

# **Change of Contact Details Form**

**Your Name:**

**New Address:**

**Case:**

**New Phone Number:**

**New Email Address:**





**Northern Ireland Social Care Council**  
**7th Floor, Millennium House**  
**25 Great Victoria Street**  
**BT2 7AQ**

**[nisc.info](http://nisc.info)**

