

Northern Ireland

Social

Care

Council

Guidance for Witnesses

Giving evidence at Northern Ireland Social
Care Council Fitness to Practise Hearings

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Introduction

This Guidance has been developed as part of an information pack to help answer any questions you may have about giving evidence to a Northern Ireland Social Care Council fitness to practise hearing. We hope you find it useful.

Before the Hearing

Why do I need to attend?

If you have been sent this Guidance, it is because you have given a witness statement to our solicitor about a social worker or social care worker's fitness to practise and are going to be called to give oral evidence about it at a fitness to practise hearing.

You have been asked to attend because the Committee needs your evidence to help it make a decision on the facts of the case. Hearing live evidence is very important as it helps the Committee to get a better understanding of the case and gives them a chance to ask questions. We are very grateful to witnesses for giving up their time to attend a hearing.

What if I do not wish to attend?

We understand that giving evidence may be a frightening or daunting prospect. Our Witness Co-Ordinator is available to give you advice and support before, during and after you have given evidence.

If you have any particular concerns about giving evidence, please raise these at an early stage with your Witness Co-

Ordinator who will discuss your concerns with you and alleviate any fears you may have. Witnesses can be served with a Court summons which orders them to attend the hearing if we think it is really necessary.

When will the hearing take place?

You will be contacted by the Witness Co-Ordinator to discuss dates for the hearing. We will take your availability into account when the hearing is being arranged. Most hearings are arranged a couple of months in advance and can last for a few days.

Will I have to attend the hearing every day?

Probably not. The Witness Co-Ordinator will tell you which day to come. You should make yourself available all day. It is difficult to estimate how long each witness will take to give evidence. You may have to wait some time to give your evidence on the day.

All cases are dealt with as quickly as possible, but sometimes events can overrun and you may be required to return on another day. We will keep you updated if there are any delays. Difficulties can sometimes occur during the hearing or the hearing can be postponed at late notice. We will always ensure that you are updated of any change of circumstances as soon as possible.

Where does the hearing take place?

Hearings are normally held at our office on Great Victoria Street in Belfast. You should make sure you know how to get there. Directions and maps are included in the information pack provided to you approximately two weeks before the hearing. Information is also available on the 'Contact Us' section of our website www.niscc.info.

How will I get there?

You are normally expected to make your own travel arrangements. Please let the Witness Co-Ordinator know if you have a disability and need us to make arrangements for you to travel to the hearing.

Will I be able to claim for expenses?

You can claim for the cost of your travel and car parking. We are funded by public money and by the fees paid by the social care workers on our Register so we try to keep costs down. You should use public transport wherever possible unless there are reasons why this is not practical. If you cannot use public transport, and need to travel by car, mileage costs are paid at the public transport rate. If travelling by car, you should share transport if possible.

Reasonable childcare costs may be reimbursed if care is not normally provided for the period of time when you are attending the hearing, or when it is required in addition to the normal contracted hours of the carer. Entitlement for this expense must be sought and confirmed in advance of the hearing.

For more information on expenses, you should read the Expenses Policy for Witnesses which is included in your information pack or speak to your Witness Co-Ordinator.

I gave my statement a long time ago and am not sure what's expected of me at the hearing.

The Council's Solicitor will meet or speak with you again before the hearing to talk through your written statement and answer any questions you may have regarding this.

Should I bring anything with me?

You should bring a copy of your witness statement and any other associated documentation you may have. You may wish to bring a book or some other activity to keep you occupied as you may have to wait some time before you are called. On request, we may be able to provide a quiet area for you to work.

I have special needs – what arrangements can you make for me?

It is important that you let us know as soon as possible if you have any accessibility or other requirements so that we can make suitable arrangements in advance of the hearing. Our building and office have wheelchair access, a 'loop' system for the hard of hearing and disabled toilet facilities.

Let the Witness Co-Ordinator know as soon as possible if you find understanding or speaking English difficult so that we can book an interpreter.

Please discuss any particular requirements you may have with the Witness Co-Ordinator and we will try to put arrangements in place to help you. Special arrangements will be made to ensure that vulnerable witnesses are able to give evidence.

At the Hearing

Where do I go?

When you arrive at Millennium House, you need to sign in at the Reception desk on the ground floor. You will be given a visitor's pass and directed to the lifts to bring you to the 7th floor.

Once you arrive on the 7th floor, please proceed through the automatic double doors and report to our Reception desk. You will be shown into the witness room and the Witness Co-Ordinator will be told that you have arrived.

The Council's Solicitor, who presents the case, and the Committee Clerk, who manages the running of the hearing, will introduce themselves and answer any questions you may have.

How long will I have to wait before I am called?

It is very difficult to give an exact time for when you will be called to give evidence. The Council's Solicitor will tell you the order in which all of the witnesses will be called, but it is possible that the order could change throughout the day as sometimes there are unexpected issues which arise throughout the course of a hearing. It is also difficult to know how long the witness before you will take to give their evidence. The Witness Co-Ordinator will keep you updated as much as possible.

It may be possible for you to leave the building for a period of time while you are waiting as long as it does not disrupt the running of the hearing. Please do not leave without first speaking to the Witness Co-Ordinator.

Will I be given lunch?

You will be provided with refreshments when you arrive and throughout the day. Sandwiches are provided at lunchtime. Please let the Witness Co-Ordinator know in advance if you have any special dietary requirements.

Can I talk about the case with other witnesses?

You have been called as a witness because you have important knowledge about a particular aspect of the case. You must not discuss your evidence with other witnesses as it could prejudice the case.

Will the person I am giving evidence against be there?

The Registrant against whom the allegations have been made has the right to attend the hearing. They also have the right to be represented.

The Witness Co-Ordinator should be able to tell you in advance if the Registrant intends to attend. Please note, though, that they can change their mind at any time before the hearing. We cannot guarantee that you will not meet the Registrant but you will have a separate room to wait in.

Who will be in the hearing room?

The Committee is made up of three people. One is a lay Chair (someone who does not work in social care and is not on the Social Care Register). There is also another lay member and a social care member.

A Legal Adviser sits with the Committee. The Legal Adviser is an experienced barrister or solicitor who advises the Committee on the law. The Legal Adviser makes sure the proceedings are carried out in a fair manner but does not play any part in the decision-making process.

The Committee Clerk sits beside the Committee and makes sure that the Committee follows the correct procedure.

The Council's Solicitor presents the case against the Registrant. A Council Officer sits beside the solicitor. If the Registrant is in attendance or has a representative, they will be in the hearing room. There may also be observers at the back of the room.

Will the hearing be held in public?

Most hearings are held in public. Journalists are allowed to attend but will not be allowed to approach you on our premises. Sometimes the Committee decides that the hearing, or part of the hearing, should be held in private, particularly if there are confidential or sensitive matters to be discussed. If this happens, any witnesses and observers are asked to leave the room.

Do I have to take an oath?

Before giving evidence, you must promise to tell the truth. You can choose to take an 'oath', which means that you hold a holy book of your choosing and read a statement which confirms that your evidence will be the truth. You should contact the Witness Co-Ordinator in advance if you require a holy book other than the Bible. Alternatively, you can read an 'affirmation' which is a statement that the evidence you are about to give is the truth.

Copies of both the oath and the affirmation will be on the witness table in the hearing room for you to read from.

What happens after I go into the hearing room?

After you have taken the oath or affirmation, the Chair will introduce everyone in the room. The Chair will ask you to speak loudly and clearly so that your evidence can be heard by everyone. The Chair will then hand over to the Council's Solicitor who will take you through your evidence.

How do I give evidence?

Normally, you will be allowed to bring your witness statement into the hearing room with you. The Council's Solicitor will ask you questions about your statement and may refer you to documentary evidence as well.

It is important not to use the names of any service users when giving your evidence. There may be a 'code' on the witness table which tells you how to refer to them e.g. Mrs A or Resident B.

Think about each question before you answer. If you do not understand a question, ask the person to repeat or explain it.

Do not be afraid to take your time so you can give a complete answer. Do not guess. If you are not sure about an answer, just say so. It is okay to say "I don't know" or "I don't remember." Explain what you saw or did or said yourself. Do not repeat the words someone else told you unless you are asked to tell what you heard.

Can anyone else ask me questions?

Once the Council's Solicitor has finished asking you questions, you may be cross-examined by the Registrant or their representative if they have one. This means that they may ask you questions on what you have just said, or about what you saw or did at the time of the allegations under consideration. After the Registrant or their representative has finished, the Council's Solicitor can ask you more questions arising out of the Registrant's questions.

The Committee may also ask you questions if there is anything they did not understand or if there is anything they would like to be explained further.

The Council's Solicitor and the Registrant can ask you further questions based on the questions asked by the Committee.

How long will it take me to give evidence?

It is difficult to say how long it will take as it varies from case to case and whether you are the main witness in the case.

What happens if events overrun and I do not give evidence on the day I expected?

We make every effort to ensure that you are not kept any longer than necessary. Sometimes, but not often, unexpected events occur and the proceedings overrun, which can mean that we are not able to get through all of the witnesses as expected. The Witness Co-Ordinator will keep you updated throughout the day and arrangements will be made for you to attend on another day if necessary.

What happens after I have given my evidence?

After you have finished giving your evidence, the Chair will inform you if you are released or if you need to remain on oath in case any further questions arise.

If the Chair informs you that you are released, you are free to leave or you may watch the remainder of the proceedings from the observers' area of the hearing room.

You may not speak to any other witnesses who have not yet given evidence.

After the Hearing

Will anyone tell me the outcome of the hearing?

The Witness Co-ordinator will inform you of the outcome as soon as possible after the conclusion of the hearing. This may be some time after you have given your evidence.

The outcome will also be published on the Fitness to Practise section of our website at www.niscc.info.

How do I claim my expenses?

You will be provided with our expenses policy and an expenses claim form in your information pack provided to you approximately two weeks before the hearing. Forms can also be obtained from your Witness Co-Ordinator.

You should complete the form, along with any receipts necessary, and return it to us within three months. Payment is made through your bank account.

Your Comments

We continually seek to improve the service we provide and welcome any comments you may have following your experience as a witness. We would be grateful if you could complete the witness feedback form provided in your information pack and return it to us.

Thank You

We want to thank you for your involvement in this process. We appreciate that your time is valuable and that you may have found it difficult to give evidence, and we want you to know that your contribution is very important to us.

Useful Contact Details

Witness Co-Ordinator

Email: niscc.committee@hscni.net

Regulatory Committee Manager

Email: caroline.cumberland@niscc.hscni.net

Committee Clerk

Email: niscc.committee@hscni.net

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