

## Fitness to practise fact sheet

This fact sheet explains your involvement in the regulatory process as a witness, the steps to providing a formal witness statement and what it means to be called to give evidence at an HCPTS hearing.

### The HCPC investigation

The HCPC undertakes an investigation when a complaint or referral is made about a registrant. We cannot investigate every concern about a registrant, only those where there appears to be a risk to the safety of service users, colleagues or the public, or if it could undermine public confidence in the professions we regulate.

At any stage during the investigation, you may be identified as a relevant witness and contacted by the HCPC to provide information. The information you share helps us assess the seriousness of the concerns raised and determine whether relevant criteria are met for the case to proceed to the next stage of the fitness to practise process. An investigation may result in a formal Tribunal hearing.

### Providing a witness statement

If you are willing to assist the HCPC with its investigation into the concerns raised about a registrant, you will be asked to provide a witness statement, and potentially attend a hearing to give evidence.

You will first have an introductory phone call with the HCPC Case Manager or instructed solicitors to discuss what it means for you to become a witness. If you decide to go ahead with the process, you will be invited to a telephone interview, where you explain your recollection of events. The Case Manager will write up a formal witness statement, which is a detailed account of the information you have provided. You will have opportunities to check the witness statement is accurate and to make changes to it before you sign it.

In the conclusion to your witness statement, it will state that you are willing to attend a hearing if required and the expectation is that all those who have given statements will attend.

### Being called to give evidence

Your witness statement is a key piece of evidence in the HCPC's case. If the case meets all the relevant thresholds and is referred to a final hearing, the HCPC will confirm the list of witnesses required to give oral evidence at a hearing. You are likely to be called as a witness in most cases if you are the complainant, or directly involved in the incidents where concerns about the registrant were raised. You may also be called as a witness if the registrant and their representatives wish to question you about the issues contained in your statement. It is important for the panel to hear your evidence first hand as it helps them get a better understanding of the case and gives them the opportunity to ask questions and clarify any information.

Giving evidence is not a memory test, you can refer to your witness statement and relevant exhibits in the hearing bundle. The purpose of cross-examination from, or on behalf of, the registrant, is to make sure your account is accurate and to test your evidence. This can be challenging, but remember it's a necessary process to make sure our hearings are fair. A legal assessor will be present and they can intervene if the line of questioning or tone is inappropriate.

The **Information for Witnesses** document and our **FAQ** should help answer any questions you have about giving evidence.

If the case is referred to a final hearing, it can take some time before the case is ready. This is because the HCPC need to undertake further investigations, including taking statements from other witnesses. You should expect a case update from the HCPC every 8 weeks. Please inform the HCPC if any information has changed since signing your witness statement.

### Who can be a witness?



You may be identified as a witness for an HCPC case, because you:

- raised concerns about a registrant
- are directly or indirectly involved in the incidents alleged
- know or work with the registrant
- received treatment from the registrant
- are aware of the concerns and/or a part of an investigation prior to the HCPC.

We recognise becoming involved in a case as a witness can be daunting. It may be a difficult experience because of the nature of the case, the relationship between the witness and the registrant, and particularly where the allegation is linked to conduct directed at the witness.

**Please talk to us about any questions or worries you may have, and how we can best support you in the fitness to practise process.** Examples of adjustments and support we provide can be found [here](#).

Your main point of contact is the HCPC Case Manager or instructed solicitor. You can also contact the HCPC on **02078409814** or email [ftp@hcpc-uk](mailto:ftp@hcpc-uk).

The HCPC cannot successfully carry out our role to protect the public without the participation, assistance and co-operation of complainants and witnesses. You help us protect the public from individuals who may not be fit to practise and are a risk to public safety due to their inability to practise safely and efficiently.

### Next steps

If the case is referred to a final hearing, it will be scheduled and facilitated by the Health and Care Professions Tribunal Service (HCPTS). Your contact details will be passed to the Scheduling Team at the HCPTS, who will confirm your availability to attend a hearing. You will be informed of the hearing time frame and asked to provide your dates to avoid, this means any dates where you have a commitment that cannot be moved. The Scheduling Team will collate all hearing participants' availability and identify a mutually convenient date within that time frame. Once a hearing date is set, you will receive a formal Notice of Hearing.

Your role in a hearing is really important and we will only ask you to take part if we think your involvement is necessary to the case. Please take steps to ensure you remain available all day on dates specified in the Notice.

We know that sometimes unavoidable circumstances happen. If there's a change to your availability, you should tell the Scheduling Team as soon as possible, and provide supporting information such as a doctor's note or travel documents. Please quote the 'FTP' reference number when contacting the Tribunal Services department.