

Practice Note – Adopting a trauma informed approach

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- need this Practice Note in a different format or to discuss how we can help you access it
- are affected by illness, disability or any other factor which may fall into the category of protected characteristics and that may impact on our investigatory and/or hearing processes in any way.

Protected characteristics can mean age, disability, gender reassignment, marriage and civil partner, pregnancy, race, religion and sexual orientation.

Please refer to Appendix 1 for general information about our Fitness to Practise Practice Notes and the definitions used within them.

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1. Purpose

1.1 The SSSC is committed to being a trauma informed and trauma responsive organisation. We recognise that parties involved in fitness to practise proceedings, including workers and witnesses, may have experienced trauma.

1.2 This Practice Note explains:

- What trauma is, including complex trauma.
- What trauma informed practice means.
- Practical steps that might be taken by those involved in the fitness to practise process to ensure that Panel hearings are conducted in a trauma informed manner.

2. Resources

This Practice Note is based on information contained within the following documents.

- [NHS Education for Scotland, in collaboration with the Scottish Government - Transforming Psychological Trauma: Knowledge and Skills Framework for the Scottish Workforce](#) (Knowledge and Skills Framework for the Scottish Workforce).
- [NHS Education for Scotland, in collaboration with the Scottish Government - Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses](#) (Knowledge and Skills Framework for Working with Victims and Witnesses).

3. Trauma

3.1 Trauma occurs when someone experiences a traumatic, abusive or neglectful event or series of events, which were emotionally or physically harmful or life threatening¹. This can be a one-off event such as a car accident or assault, or repeated and ongoing events such as domestic abuse or sexual abuse.

3.2 Whether an event or series of events is traumatic depends on the person's experience of it and on how it affects their emotional, social, spiritual and physical health.

3.3 People react to trauma in different way. Trauma can be understood using the three Es.

- The **E**vent.
- How it is **E**xperienced.
- Its **E**ffects.

3.4 Most people get better after trauma, usually because there are protective factors or 'buffers' that are present such as positive and safe relationships.

¹ [Knowledge and Skills Framework for the Scottish Workforce](#), Page 9.



- 3.5 People struggle to recover when they have experienced multiple and repeated traumas – often referred to as complex trauma – as well as other hardship, alongside an absence of buffers.
- 3.6 Complex trauma refers to traumatic events which are repeated, involve more than one person and often (although not always) occur in childhood, with significant potential risk of developmental impact. The most commonly studied example of complex trauma is childhood sexual abuse, but other examples would include domestic abuse or repeated gang violence².
- 3.7 The combination of these factors can mean that, for people who have experienced trauma:
- it can be difficult to manage strong emotions
 - they find placing trust in relationships challenging
 - they can use risky strategies to manage distress
 - they are at a much higher risk of experiencing physical and mental health problems.

4. Trauma informed practice

4.1 Being 'trauma informed' means:

- knowing when someone may be affected by trauma
- changing how we work to take this into account
- responding in a way that supports recovery, does no harm and recognises and supports people's resilience³.

4.2 Being 'trauma informed' is underpinned by the four Rs.

- **R**ecognising how common trauma is.
- **R**ecognising the impact of trauma.
- **R**esisting re-traumatisation.
- **R**esponding by taking account of the ways that people can be affected by trauma to support recovery⁴.

4.3 Being a trauma informed organisation means everyone, in the context of their own role and remit, has a unique and important role to play in responding to people who are affected by trauma.

4.4 In the context of a SSSC Panel hearing, this means how everyone involved in the hearing responds to workers and witnesses affected by trauma.

² [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 186.

³ [Knowledge and Skills Framework for the Scottish Workforce](#), Page 29

⁴ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 17.



4.5 The Decisions Guidance includes a commitment at paragraph 5 that all fitness to practise proceedings should be conducted in as trauma informed a way as is possible, in the relevant circumstances.

4.6 The Codes place an obligation on workers at paragraph 5.8 to:

“Work in a way that is informed by an understanding of the impact that trauma may have on individuals, carers and colleagues”.

4.7 SSSC staff and Panel members have received training on how to adopt a trauma informed approach to investigations and Panel hearings.

5. Practical steps that can be taken to help Panel hearings be conducted in a trauma informed way

SSSC witnesses

5.1 Prior to a witness who may have experienced trauma giving evidence at a Panel hearing, where the witness is appearing as a witness for the SSSC, the SSSC presenter should:

- ensure that the witness understands the role of the SSSC in protecting the public and the wider public interest
- ensure that any legal processes, terms or procedures that the witness is unclear or unsure about are explained to the witness⁵
- explain the role of the Panel and other people present in the hearing to the witness⁶
- ensure that the procedure of what will happen before, during and after they give evidence is explained to the witness⁷
- work with the witness and any relevant professional or supporter (where relevant) to understand from their perspective the things that will ensure they feel as in control of the process as possible and have a sense of certainty as to what will happen and when, to enable them to give the best evidence⁸
- think about using prior statements and recorded accounts as evidence in chief⁹
- work with and support witnesses to read and review any prior statements in a way that feels safe and reduces the risk of re-traumatisation¹⁰
- where a vulnerable witness is due to give evidence, consider using the arrangements as detailed at Rule 34.3, and/or any other particular arrangements not detailed within that rule that may be suitable given the

⁵ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 142.

⁶ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 142.

⁷ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 143.

⁸ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 150.

⁹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 151.

¹⁰ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 151.



particular circumstances of the case¹¹ (please refer to the 'Obtaining evidence from a vulnerable witness' Practice Note for more detail on this)

- ensure the witness knows what to expect from the questioning process of examination-in-chief, cross-examination and re-examination¹²
- ensure the witness is aware of the possibility for questioning of an intimate and potentially distressing nature in order to properly test evidence¹³
- explain clearly to the witness the reasons why procedures or rules of evidence may prevent a witness voicing in a hearing the full details of what happened to them¹⁴.

Worker's representative

5.2 Where a worker is represented and where:

- the worker is giving evidence and may have experienced trauma, and/or
- a witness who may have experienced trauma is giving evidence as a witness for the worker

the representative for the worker should consider the matters detailed in paragraph 5.1 when communicating with the worker/witness in advance of the hearing.

LQC and Hearing Clerk

5.3 Prior to a witness or worker who may have experienced trauma giving evidence at a Panel hearing, the LQC, with the support of the Hearing Clerk where appropriate, should take steps to ensure that:

- where the worker is unrepresented, or where a witness is giving evidence on behalf of an unrepresented worker, thought is given to communicating the matters detailed in paragraph 5.1 with the worker/witness as required
- where particular arrangements are to be used for a worker/witness to allow them to give evidence, these are arranged in advance and communicated to the worker/witness so that they know what to expect, and that these are available and working well on the day when the worker/witness is giving evidence¹⁵
- where the hearing is taking place in person, an offer is made to the worker/witness to allow them to visit the hearing room before they give their evidence
- before the worker/witness begins to give evidence, all of those present in the hearing introduce themselves to the worker/witness

¹¹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 152.

¹² [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 148.

¹³ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 143.

¹⁴ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 146.

¹⁵ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 152.



- while the worker/witness is giving evidence, a sense of safety for the worker/witness is encouraged by maintaining an awareness of how power, control and intimidation are being used in a hearing, for example by taking steps to limit the worker’s ability to interact directly with a witness, or intervening to halt an inappropriate line of questioning, not waiting until the worker/witness requests this¹⁶
- where appropriate, steps are taken to recognise and apologise for mistakes, delays, miscommunications and any other factors that may contribute to the discomfort of a worker/witness¹⁷.

General points to consider

5.4 When hearing the evidence of a worker or witness who may have experienced trauma, those present in a Panel hearing, with particular reference to the LQC, other Panel members and the representatives for the parties, should have regard to the [Knowledge and Skills Framework for Working with Victims and Witnesses](#), and may wish to consider how they can:

- respond to a worker/witness with empathy and understanding, and where appropriate demonstrate shared emotion such as frustration with delays¹⁸
- consider a worker/witness’s wellbeing when giving evidence, for example by offering regular breaks during the hearing and informing them at the start of when these will be, where possible¹⁹
- recognise when a worker/witness is experiencing distress and assist them appropriately by, for example, offering a glass of water, using their name, taking a break etc when needed²⁰
- demonstrate interviewing skills consistent with an understanding of the impact of trauma on memory by, for example:
 - providing the worker/witness with time and space to think by demonstrating patience and calm, and not making them feel rushed²¹
 - allowing for an uninterrupted story, articulated by the worker/witness, of what happened²²
 - pacing questions slowly²³
 - using open questions²⁴
 - asking a worker/witness about any sensory memories (smells, sounds, sights, physical sensations or feelings) they can recall instead of the exact time and sequence of events²⁵

¹⁶ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 147.

¹⁷ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 146.

¹⁸ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 146.

¹⁹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 151.

²⁰ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 156.

²¹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 132.

²² [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 132.

²³ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 133.

²⁴ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 133.

²⁵ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 133.



- challenge approaches to questioning that appear to be designed to focus on the negative impact of trauma on the quality of a worker/witness’s evidence, for example demanding the worker/witness give a clear account in the order events occurred, repeatedly covering hotspots that trigger trauma memories and/or asking questions that have already been covered in a worker/witness’s prior answers²⁶.

Behaviours that should be avoided

5.5 Those present in a Panel hearing, with particular reference to the LQC, other Panel members and the representatives for the parties, should, wherever possible, avoid the following, which can increase the risk of re-traumatisation.

- Unpredictability arising from delays. Where this does happen, workers/witnesses should be informed and kept up to date as much as possible²⁷.
- Intentional strategies that can disempower or confuse the worker/witness, including approaches to questioning designed to confuse, repeated requests to “speak up”, repeated asking of the same question²⁸.
- Attacks on the character of the worker/witness unrelated to the evidence they are providing²⁹.
- Expressions of suspicion or disbelief in the account of the worker/witness³⁰.

Assessing the evidence of a witness affected by trauma

5.6 When assessing the evidence of a worker or witness who may have experienced trauma, Panels may wish to consider the following factors, where relevant:

- identify where the accuracy of the account of a worker/witness may be affected by the passage of time³¹
- recognise where elements of the account of events given by a worker/witness may be consistent with the impact of extreme stress and trauma during events, for example where the evidence of a worker/witness has the following qualities.
 - Is fragmented, with gaps and out of time order³².
 - Contains some key vivid emotional “hotspots”, recalled clearly but in a jumbled order, with other details much more difficult to recall³³.
 - Has strong implicit memories that are characterised by sensory components, feelings and emotions³⁴.

²⁶ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 155.

²⁷ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 148.

²⁸ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 142.

²⁹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 142.

³⁰ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 133.

³¹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 151.

³² [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 153.

³³ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 153.

³⁴ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 153.



- Has weaker explicit memories that lack coherence or a clear explicit narrative, without following a clear timeline of events³⁵.
 - Has strong recall of central details, but less recall of secondary ones³⁶.
 - Recall of events can change over time, for example where an initial statement has been taken close to the time of events(s), been adopted as a prior statement at a hearing months or years later, and consequently there are inconsistencies with the oral account of the worker/witness at the hearing³⁷.
 - Memories for repeated similar events over a prolonged period of time can become merged or difficult to disentangle or place on an accurate timeline³⁸.
 - The impact of dissociation³⁹ on ability to remember and provide a coherent detailed account of events⁴⁰.
- challenge interpretations of the evidence of a worker/witness that fail to take account of the impact of trauma – for example, the implication that reliable and credible memory for traumatic events should be detailed, coherent, linear or not change between prior statement and evidence given some months or years later⁴¹
 - recognise that there is no set reaction to look for when assessing whether the evidence of a worker/witness is affected by trauma⁴²
 - recognise where the impact of psychological trauma may affect the credibility of the worker/witness and the quality of their evidence⁴³
 - recognise where a Panel’s own expectations of the responses and behaviour of a worker/witness following a given type of behaviour may be at odds with what is commonly found to be the case in fact⁴⁴
 - recognise the ways that cultural, social, educational, developmental and linguistic factors can influence how a worker/witness gives evidence, which may inaccurately impact on perceptions of the credibility and reliability of the worker/witness⁴⁵

³⁵ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 153.

³⁶ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 153.

³⁷ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 154.

³⁸ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 154.

³⁹ Dissociation means “the disconnection or lack of connection between things usually associated with each other. Dissociated experiences are not integrated with the usual sense of self, resulting in discontinuities (gaps) in conscious awareness”. [Knowledge and Skills Framework for the Scottish Workforce](#), Page 23.

⁴⁰ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 154.

⁴¹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 155.

⁴² [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 209.

⁴³ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 157.

⁴⁴ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 157.

⁴⁵ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 159.



- where a child is giving evidence, recognise that the way that a child’s brain works can mean children will be more likely to blame themselves for what happened⁴⁶
- identify the range of ways in which the demeanour, actions or evidence of a worker/witness may have been affected by trauma, and provide an explanation, where helpful, in terms of common or normal trauma related responses for actions or responses that may otherwise have been misinterpreted as indicating a lack of credibility, for example:
 - freezing, rather than resisting, during an assault⁴⁷
 - delayed reporting⁴⁸
 - numbing rather than expression of acute distress in the immediate aftermath of traumatic events⁴⁹
 - lack of distress or emotion when giving evidence⁵⁰
 - where a witness was the alleged victim of the worker’s actions, maintaining a relationship with the worker facing the allegations during or after the traumatic incident(s), for example to continue with necessary or valued roles in life or due to the impact of traumatic bonding⁵¹.

⁴⁶ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 160.

⁴⁷ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 158.

⁴⁸ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 158.

⁴⁹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 158.

⁵⁰ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 158.

⁵¹ [Knowledge and Skills Framework for Working with Victims and Witnesses](#), Page 158.



Appendix 1 - Overview of Practice Notes

Definitions

In our Practice Notes, any reference to 'the Rules' or a specific numbered rule is a reference to the SSSC Combined Fitness to Practise Rules 2021. The definitions as set out at Rules 2 and 3 apply to our Practice Notes.

The following additional definitions also apply:

- 'case law' means the process of interpreting and applying existing laws to a specific situation and clarifying them when necessary by a court, such as the High Court in England or the Court of Session in Scotland. This process may then set a legal precedent which other courts (and bodies such as a Panel) need to follow. Case law may be referred to in our Practice Notes. Where possible, an online link to the full judgment of the relevant Court is provided within the Practice Note. If not, this is highlighted in the Practice Note. The Hearing Clerk can provide a copy if required.
- 'Decisions Guidance' means the SSSC's Decisions Guidance for Fitness to Practise Panels and Scottish Social Services Council staff.
- A 'Hearing Clerk' (sometimes called a Hearing Officer) is a SSSC employee. They are responsible for selecting members of the Panel, making arrangements for hearings and meetings, and keeping a record of the decisions of the Panel and their reasons.
- 'Legally Qualified Chair (LQC)' means a qualified solicitor or advocate who is a member of the Panel and will lead the hearing.

A Practice Note may talk about 'fairness', or of the need for Panels to ensure that decisions are 'fair'. This is taken from Article 6 of the [European Convention on Human Rights](#). Fairness is also a common law concept.

What is fair may change over time and will depend on the context of the decision. Fairness will very often require that a person who may be affected by a decision will have an opportunity to make representations on their own behalf either before the decision is taken or after it is taken, with a view to changing the decision; or both ([R v Home Secretary, ex parte Doody \[1994\] 1 AC 531](#), paragraph 14).

Role of the SSSC and the Panel

The SSSC:

- protects the public by registering social worker, social care and early years workers
- sets standards for their practice, conduct, training and education
- supports professional development.

Where people fall below the required standards, the SSSC can investigate and take action, and we may refer cases to a Panel for decisions to be made.

The main decisions made by Panels are:



- Where a registered worker, a worker applying to be registered with the SSSC, or a worker applying to be restored to the SSSC's register has been referred to a Panel by the SSSC:
 - to make findings of fact in relation to an allegation (or allegations)
 - where findings of fact have been made, to decide whether the worker's fitness to practise is impaired, at the date of the Panel's decision
 - where the Panel decides that the worker's fitness to practise is impaired, to decide what sanction, if any, should be imposed on the worker's registration (if a registered worker). Where the worker is applying to be registered or restored to the register, to decide whether the worker should be registered or restored unconditionally, with conditions, or that their application should be refused.
- Where the SSSC considers that a temporary order should be imposed, extended, varied or revoked in relation to a worker's registration, to make decisions on these matters, in line with the Rules and relevant guidance.

Panel hearings are governed by [the Act](#) and the Rules. The Decisions Guidance also sets out detailed information about our fitness to practise processes.

The Codes set out the standards of conduct and practice expected of social service workers registered, or applying to be registered, with the SSSC. If a worker fails to meet the standards set out within the Codes, then the SSSC may take action.

Any reference to the Codes in our Practice Notes are to the latest version, published on 1 May 2024. However, previous versions of the Codes may be relevant, depending on when the behaviour detailed in the allegation(s) before the Panel took place.

The Practice Notes should be read together with the Codes and the Decisions Guidance.

Role of Practice Notes

Rules 36.1 and 36.2 state that:

- in reaching a decision on any matter, a Panel must take into account the Decisions Guidance and any Practice Notes issued by the SSSC
- if a Panel does not follow the Decisions Guidance or comply with the Practice Notes, it must give reasons for not doing so.

Our Practice Notes are written to assist understanding of the Rules and case law that the Panel should follow. The Practice Notes are guidance only and the Rules and full opinions in case law are the only authoritative documents.

Panels should have regard to the contents of the Practice Notes but must make decisions based on the facts and circumstances of each case. A Panel should give reasons in its Notice of Decision if it does not follow a Practice Note.

The Practice Notes are not legal advice. The LQC will advise the Panel on questions of law and/or procedure when appropriate. This may include advice on the use of a Practice Note.





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