

***Practice* Based Scenario**

**Appearing as a court witness**

**About this document**

This document is designed to take you through a practice-based scenario to help you reflect on what you might do if faced with a similar situation. It can be used to guide your thoughts and prompt discussion with your colleagues. Working through this document counts towards your continuing professional development (CPD). Your reflections on this document are not assessed and you do not have to send your responses to the RCSLT.

You can work through it on your own, with a colleague or supervisor, or in groups, e.g. as part of an RCSLT Hub or Clinical Excellence Network.

This document is broken into five parts:

1. **The scenario:** for you to read
2. **The issues to consider:** for you to gather your thoughts on practice issues relating to this scenario
3. **Next steps:** for you to plan what you would need to do next
4. **Prompts for consideration:** RCSLT prompts for further consideration
5. **Sources of further information:** links to CQ Live themes
6. **Update your CPD diary:** for you to do
7. **The scenario**

**You have received a court summons to attend court regarding the case of an individual who choked to death whilst in the care of a residential home.**

**The individual had been discharged from your service at the time of the incident but had previously been assessed and placed on modified diet and thickened fluids.**

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**What do you do in this scenario?**

1. **The issues to consider**

**What do you need to consider?**

Think about the above scenario and its implications and jot down your notes about issues you may need to consider. Please feel free to use extra sheets of paper if you need. Or, if you are in a group, you may like to record on a whiteboard or flipchart.

1. **Next steps**

**What steps do you think you need to take next?**

1. **Prompts for consideration**

It is recommended that you think about the following prompt questions and formulate a considered strategy to deal with the problem.

Remember that if you are faced with a similar situation you will need to think about it in relation to the frameworks within which you work, such as the Health and Care Professions Council (HCPC) Standards, RCSLT professional guidance and resources, local and national policies and policies of your employer (or your own policies if practising independently). Use the relevant resources available on this website and the list of prompts that follow, to help with your thinking.

Please note that this list is not exhaustive and does not constitute legal advice.

**Prompt questions to consider**

1. What is your duty of care?
2. Who should you inform regarding this request?
3. What do you know about the process of giving evidence in court?
4. Where can you find out more about giving evidence in court?
5. Who else will review your records in a court case?
6. What are the professional standards for record storage?
7. What the standards for maintaining confidentiality in this case?

**Possible next steps**

1. Discuss with your manager/ IG department
2. Pull the relevant records from storage – do not attempt to give evidence from memory.
3. Seek permission from employing authorities before taking records to court.
4. Provide an explanation of professional/ technical terms used within your records.
5. Consider contacting an RCSLT advisor
6. Consider
7. **Sources of further information**

**The following information in the professional accountability and autonomy, and professional guidance sections of the RCSLT website is also particularly relevant:**

1 – [Promote and safeguard the interests of service users and carers](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-5)

2 - [Communicate appropriately and effectively](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-6)

3 – [Knowledge and skills](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-7)

5 - [Respect confidentiality](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-9)

6 - [Manage risk](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-10)

7 - [Report concerns about safety](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-11)

8 – [Be open](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-12)

9 – [Be honest and trustworthy](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-13)

10 – [Record keeping](https://www.rcslt.org/professional-autonomy-and-accountability-guidance#section-14)

[Appearing in court as a witness](https://www.rcslt.org/appearing-in-court-as-a-witness)

[Duty of care](https://www.rcslt.org/duty-of-care)

[Information governance](https://www.rcslt.org/Search?query=Information%20governance)

1. **Update your CPD diary**

Working through this scenario counts towards your continuing professional development (CPD). Once you have completed this scenario, please record this learning and your reflections in your CPD diary.