

Witness statement guidance

Heading

1. The witness statement should be headed with the title of the proceedings. A suggested witness statement template, showing an appropriate heading and several of the other points noted below, is provided at Annex A.

Body of Witness Statement

2. The witness statement, must, if practicable, be in the witness's own words, the statement should be expressed in the first person and should also set out:
 - i. The full name of the witness;
 - ii. The witness' place of residence or, if he/she is making the statement in his/her professional capacity, the address at which he/she works, the position he/she holds and the name of his/her employer (if appropriate);
 - iii. As an alternative to 2ii above, a statement confirming that the witness' address is known the party to whom he/she is providing the statement. For example, this wording may be used in a factual witness statement from a lay person, instead of citing their residential address;
 - iv. His/her occupation.
3. A witness statement must indicate:

- i. Which of the statements in it are made from the witness's own knowledge and which matters are of information or belief; and
 - ii. The source of any matters of information or belief. For example, where the statement is from the registrant, he/she must indicate which facts are within his/her own knowledge or memory, and which facts are what he/she knows to be their usual practice or what would have been their usual practice at the relevant time.
4. An exhibit used in conjunction with a witness statement should be verified and identified by the witness and remain separate from the witness statement.
5. Where a witness refers to an exhibit or exhibits, he/she should state 'I refer to the (description of exhibit) marked...' (please also see paragraph 11 below – Exhibiting Documents).

Format of Witness Statement

6. A witness statement should:
 - i. Be produced on A4 paper
 - ii. Be fully legible and should normally be printed double-sided
 - iii. Have the pages numbered consecutively in the bottom right hand corner
 - iv. Be divided into numbered paragraphs; and
 - v. Have all numbers, including dates, expressed in figures.
7. It is usually convenient for a witness statement to follow the chronological sequence of events.

Statement of Truth

8. A witness statement is the equivalent of the oral evidence which that witness would, if called, give in evidence; it must include a statement by the intended witness that he believes the facts in it are true.

9. To verify a witness statement the statement of truth is as follows: 'I believe that the facts stated in this witness statement are true'.

Alterations to witness statements

10. Any alteration to a witness statement must be initialled by the person making the statement.

Exhibiting documents

11. The first page of each exhibit should be marked:
 - i. As paragraph 1 above; and
 - ii. With the exhibit mark referred to in the witness statement.

Letters

12. Copies of individual letters should be collected together and exhibited in a bundle or bundles. They should be arranged in chronological order with the earliest at the top, and firmly secured.

Other documents

13. Photocopies instead of original documents may be exhibited provided they are legible. The originals must be retained as it may be necessary for them to be made available for inspection by the other party before and/or at the hearing.
14. Where an exhibit contains more than one document, it may be helpful for a front page to be attached setting out a list of the documents contained in the exhibit; any list should contain the dates of the documents.

Exhibits other than documents

15. Items other than documents should be clearly marked with an exhibit number or letter in such a manner that the mark cannot become detached from the exhibit.

Annex A: Suggested Template Witness Statement

In the Fitness to Practise Procedures

General Medical Council

And

Dr [insert full name]

WITNESS STATEMENT OF [WITNESS NAME]

I [name of witness] of [[insert address] OR [an address made known to [insert party]]] will say as follows:

1. [[If witness' statement] I have been asked to make this statement by the [GMC/registrant] in relation to Dr [insert name of doctor]. I make this statement from matters that fall within my own knowledge. Where matters are not from within my own knowledge, I will state the source of my knowledge.] OR
2. [[If registrant's statement] I make this statement based on facts within my own knowledge, my memory and what I know to be my usual practice [or what I know to have been my usual practice at the relevant time, if different now].]
3. [Insert all other information in chronological order as far as possible.]
4. I understand that my statement may be used in evidence for the purpose of a hearing before a Fitness to Practise Panel of the Medical Practitioners Tribunal Service. I confirm that I am willing to attend any such hearing to give evidence if asked to do so.

I believe that the facts stated in this witness statement are true.

Signed.....

.....

Dated.....

In the Fitness to Practise Procedures

General Medical Council

And

Dr [insert full name]

EXHIBIT “*1”

This is the Exhibit marked “*1” referred to in the statement of [insert full name of witness].