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GUIDANCE ON HOW TO WRITE A WITNESS STATEMENT

Introduction

As a health worker there are a variety of reasons why you are asked to write a witness statement. This can be a daunting experience. It is the most common issue that our members raise with us. It is not unusual for people to be frightened or worried about writing a statement.

A witness statement is a written account of events that have taken place. Its purpose is to provide support to either party during an investigation/ disciplinary hearing. It is important to remember that a witness statement is a legal document and therefore can be used as evidence during these hearings and subsequent hearings. Therefore in a witness statement, you must always give a truthful and accurate account of the event.

You can be asked to write a statement for a number of reasons. For example:

- If a patient makes a complaint. An employer must always investigate, and as part of this process, you and other members of staff that may have been involved in their care may be required to write a statement. This will enable your employer to collect information and address any concerns raised by the patient. Every employer should have a policy for managing patient complaints;
- If a patient, service user or resident has hurt themselves, their condition has seriously deteriorated or if something unpredicted has occurred. This is sometimes known as Serious Untoward Incidents. Again staff involved in their care may be asked to write a statement;
- If you or other members of staff may be under an investigatory procedure. If you or colleagues take out a grievance or if an investigation proceeds to a disciplinary hearing. These are all reasons why an employer might ask you to write a statement;
- If there is a legal case – this would be a statement for a coroner's report or court case

This guidance has been produced to help you write a statement. We have listed below some golden rules that **should** be followed if you are asked to write a statement.

Golden Rules:-

1. Always get advice from your UNISON representative if you are asked to make a statement, whatever the reasons for you having to write it. Ensure they read it for you before it is submitted.



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2. A witness statement is a legal document regardless of the circumstances. It must be legible and easy for anyone to read. Always keep copies of your statements and store in a safe place. You must ensure that your UNISON representative also has a copy of your written statement.
3. As a witness statement is a legal document, you must ensure to always tell the truth. Make sure you give a truthful and accurate account of the event that has taken place.
4. Statements are designed to relate factual information – so they should be about what you saw, what you know took place. They are not about what someone else told you happened or what they saw or speculation.
5. If you have to write a statement about someone who has been in your care – you can always ask to see the notes or documents to remind you of any involvement you had. However, when writing a statement you must differentiate between the facts written in the notes and documents and your own recollection – remember golden rule numbers 3 and 4.
6. Take your time to write it – sometimes employers will tell you that they need it within a specific period of time. Whilst it might help them to have it within this time, it's your statement and you should take time to ensure that you are happy with its content and accuracy. No-one should change it without your permission – remember golden rule number 1.

Some helpful tips

When writing a statement there are a number of things you might find useful to consider:

1. Be clear about why you have been asked to write a statement. Do not assume you know the reason. If there is any doubt, speak to the person who has asked you to write one.
2. Any request for a written statement or report should be confirmed in writing. Once you have found out the reason you should then speak to your UNISON representative and seek appropriate advice. – remember golden rule number 1.
3. Irrespective of the reason for writing statements please ask your UNISON representative to check your statement before you submit it.

UNISON representatives are used to this process and are a valuable source of support and can steer you in the right direction.

4. It can be upsetting to write a statement so take your time. If you become upset put the statement to the side and come back to it. It is easier to write an objective record



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if your mind is clear. Take yourself somewhere quiet to write it, somewhere you won't be disturbed.

5. You may be asked to write a statement some time after the event. Remember if it's about a patient, client or service user you can always, look at the notes to help your recollection and see what involvement, if any, you had in their care – however remember golden rule numbers 3 and 4. You should also consider whether written consent is needed from the patient/client.
6. If you cannot remember everything that happened and the notes or records do not assist you can still write a statement. You should say that you do not recall the event but explain what your normal practice might be and that you do not believe you would have departed from this – again remember golden rule numbers 3 and 4.

In the next section we have provided two case studies, on different scenarios, both based on real life experiences.

Case Study 1

John was a hospital porter who collected specimens from the ward. He was asked to make a statement when an important specimen went missing. He was asked some time after the event. Due to the length of time after the event he could not clearly recall the day. With support from his UNISON representative, he wrote explaining that he could not recall the specific day and instead described what his normal practise and routine was.

John explained how he always listed the specimens he collected in the book when he arrived at the laboratory. If he was asked during his round to take an important specimen he would interrupt his normal routine and take it straightaway, returning to his round when it was completed. By recording it in this way, his employer was able to identify through the laboratory record that they had recorded the specimen incorrectly on the bottle.

◆ It's ok not to remember information. If you cannot there are other ways you can describe what you normally do. Do not make things up.

Case Study 2

Annabel was a nurse. Whilst on duty she and a colleague made a drug error. They were both asked by their manager to write a statement. Annabel was off for two days so was not asked to write one until she returned to work on a late shift. She contacted her UNISON representative and asked for some help to check what she had written. Annabel admitted that she made the mistake but the ward was extremely busy and that they had asked for some additional staff due to the complexity of two patients' conditions.



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She believed that the error all be it a minor one would not have occurred has they had the additional staff they felt they needed, as she didn't feel that either her or her team were supported. With the help of her UNISON representative she was able to record her statement along with the mitigating circumstances surrounding the ward. She was able to accept that the error had occurred but explained the circumstances in which it took place.

☺ It's ok in a statement to admit that something took place. We learn from our practice by talking to someone else. Annabel was able to put forward mitigating circumstances which were taken into account.

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