



Providing Police Statements:

Guidance for Health Professionals

Aim

Health professionals may be asked to provide statements to police during the course of an investigation into a possible crime.

This document aims to give clarity and guidance.

What you should do

You may be asked in the course of your work to provide a statement to the police. As an NHS employee **you are obliged** to take part in a police investigation if requested.

If you are contacted by the police to provide a statement, you should advise your line manager as soon as possible to ensure appropriate support is available during the process.

A Police Officer should arrange a suitable time to take your statement. You can be supported by:

- Your line manager
- A colleague (if they are not involved in the case)
- Clinical / Educational Supervisor

It is important to discuss this with the police officer in advance of the meeting, and note that these individuals can only offer support; they are unable to answer on your behalf.

You should also have the opportunity for a 'debrief' after giving the statement.

Providing a Witness Statement

The Police Officer will outline the subject of the investigation/patient/client, and explain the requirements of the witness statement and involved.

You will be asked to provide details of your name, job title, duration in post, and professional qualification.

You may be asked about your role in the care of the patient(s) concerned, how long you have been involved with the patient(s), and the times you were on duty.

If the investigation relates to a specific incident you may be asked to describe what you were doing and where you were during at the time or whether you saw the incident occur.

This may include:

- A list of events (in chronological order)
- A list of anyone else present
- Details of when/how/from whom you heard of the incident (if you did not observe it)
- Any other information you think may be relevant

Recommendations

Commenting only on facts. Opinion or adverse comment should be avoided.

If you cannot remember something, then state this clearly.

Avoid the use of jargon, clichés and abbreviations.

Do not discuss your statement with others.

An opportunity to debrief after you provide your statement should be given by your line manager/staff side representative. You can request this if you feel it is beneficial.

Attending Court

Being a police witness can cause anxiety for practitioners, it is important to remember that you may only have to go to court in certain circumstances, such as if the defendant:

- Denies the charges and pleads not guilty
- Pleads guilty but denies an important part of the offence which might affect the type of sentence they receives.

Most cases are heard in the Sheriff Court, more serious crimes are held in the High Court.

The police can issue a formal citation to witnesses requiring them to appear at court. If you receive a citation, you must ensure that you comply with any instructions contained within it. You should always take a citation seriously and if you are unable to attend for whatever reason. You should notify the court as soon as possible. If you fail to attend the court may take action against you for failing to appear.

If you do receive a citation to attend court, please contact your line manager in the first instance for advice and support.

Precognition Statements

A precognition is a distinctive feature of the Scottish legal system. It is a face-to-face interview of a witness who may be called to give evidence at a forthcoming criminal trial, civil proceedings or in respect of insurance claims.

A precognition statement is carried out to evaluate the evidence the witness will give while under oath at the trial. It is an account of what the witness says and can't be put to the witness during a trial – whilst other statements (Police or witness statements) can be.

A precognition statement is given orally, then typed up and looks like a witness statement. Defence agents may employ a precognition agent to take statements on their behalf. You may be asked to give a number of statements if there are a multiple parties involved.

Witnesses are not under any direct legal obligation to agree to give a precognition statement to the Defence:

- You don't have to give one but if one is given, it may stop you being cited for Court;
- You can meet with no prior notice of the questions, but this is not advisable;
- You can meet having been sent the questions in advance. The Defence are not then allowed to deviate from those questions;
- You can be asked questions in writing and provide written answers

If you do not wish to give a precognition statement you should contact the requesting party to make them aware of the fact.

Where can I get support?

If you are questioned by the police, it may be the case that you simply need to report what you have witnessed. However, if you are concerned about the incident or any aspect of your conduct or practice then you should seek support from your staff side representative.

If you are a suspect (i.e. the police say that they will be interviewing you under caution) you should not answer questions or submit any statement until you have legal support. You should also advise your line manager and other relevant colleagues that this is the case.

General Medical Council – *Acting as a witness in legal proceedings*

<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/acting-as-a-witness/acting-as-a-witness-in-legal-proceedings>

General Medical Council – *Doctors giving evidence in court*

<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/protecting-children-and-young-people/doctors-giving-evidence-in-court>

The MDU – *Preparing a witness statement*

<https://www.themdu.com/for-students/student-case-files/preparing-a-witness-statement>

MyGov.scot – *Being a witness at court*

<https://www.mygov.scot/being-a-witness/>

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