



FAX COVER SHEET

TO: *Mr. George Brangam*

FROM: *Miss Hilary Boyd*

DATE: *14/11/02* TIME: *3:50 pm*

NUMBER OF PAGES TO BE FAXED: *3*

SIGNATURE: *Hilary Boyd*

COMMENTS: *Mr Brangam*

*Please find enclosed correspondence re
Witness Statements, which Miss Boyd
asked me to pass to you.*

Hilary Boyd



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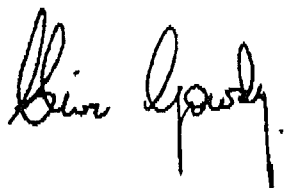
All Chief Executives of HSS Boards,
Trusts and Special Agencies

12 November 2002

WITNESS STATEMENTS

I wrote to you on 29 May 2002 enclosing a protocol for the taking of witness statements in relation to Coroner's inquests. In the light of experience and some discussions with legal advisers, some amendments have been made to the protocol. I attach a copy of the revised protocol.

I would be grateful if you would replace the 29 May version with this revised version of the protocol.



D C GOWDY

To all Chief Executives of HSS Organisations

WITNESS STATEMENTS

The recording of statements from witnesses in relation to court proceedings following a death resulting from an adverse incident occurring within a HPSS organisation is an important legal matter and must be undertaken carefully and properly. In most cases this task will be undertaken directly by the Police or other investigating authorities. However, in other proceedings, such as coroners' inquests, this task may, with the authority of the coroner, be undertaken by the HPSS body itself. This guidance note is designed to provide a clear set of principles which must be followed in recording such statements.

1. The determination of the witnesses from whom statements should be taken should be made in conjunction with the police or other investigating authorities, as appropriate, and with your legal advisers and a full list drawn up.
2. The witnesses should be advised that they may obtain advice on the preparation of their statement from their legal advisers or professional body.
3. Witnesses should be informed of the legal significance of their statement. They should be made fully aware of the purpose for which their statement is required and where and how it will be used.
4. Witnesses should provide their statement in draft form to your legal advisers for consideration and comment. It will, however, be a matter for each witness to decide on the content of their statement.
5. The final version of the statement must then be presented in standard format for signature by the witness.
6. The pages of each statement should be numbered and the witness must sign and date each page of the statement as a true account of their record of the matters under investigation. No statement must be submitted to the coroner without such signature.
7. Once a statement is signed it **must not** be altered without the express approval and consent of the witness. Any such revised statement must be signed and dated by the witness as for the original statement.
8. Statements in their original form (ie not photocopies) must be sent to the coroner or investigating authorities in a timely fashion by the HPSS organisation. Three copies should be taken – one for the HPSS organisation, one for the legal adviser and one for the witness. Copies should be retained safely as they may require to be produced subsequently at any further proceedings.