

Writing a Witness Statement

To be admissible (allowed) in court section 9 of the Criminal Justice Act (CJA) 1967 states for a witness statement to be used as evidence in any criminal proceeding it must:

- be a formal written document of a person
- be a set of facts relating to a certain event, or events
- be signed by the person who makes it, to confirm that the contents of the document are true (this is known as a statement of truth)
- have had a copy served on the other parties before a court hearing/ trial

To facilitate completing a witness statement

Robust records should be kept so that when it comes to writing a statement you can refer back to these records to ensure the facts of the case are clear.

In completing a witness statement you must

- Use the MG11 template with the statement of truth
- Use Arial, size 12 font
- Double space the text
- Ensure each page is numbered e.g. page 1 of 3, 2 of 3, 3 of 3 etc.
- Print out a one sided (not double sided) copy
- Ensure each page is signed in pen along with the statement of truth

Information you must include

A witness statement must give an accurate, factual, concise account of the witness's involvement of the case being heard.

For school attendance matters it must include:

- The witness's identification of themselves
- Their job title
- Place of work
- Main responsibilities
- All factual details of the child, e.g. their full legal name, DOB and address.
- The date that the child is legally required to attend school until.
- All factual details of the parent/(s), their DOB(s) and address/es.
- Full identification of any relevant person/business featuring in the statement
- A chronological, concise narrative of relevant events.
- Identification by reference number (your initials) of any exhibits that will be produced e.g. Adam John Brown writing the statement would produce the registration certificate as Exhibit AJB 1.

Remember there are some reasons for absence that are statutory defences. You MUST ensure you have considered these before making any statement.

The main principles to follow when writing a statement

- Use plain English avoiding jargon, acronyms, abbreviations or technical language (if you do have to use technicalities explain them)
- Write in the active voice e.g. I visited on... I spoke to Mr ...
- Use short concise sentences that factually convey the main points. Do not waffle.
- Explain why certain actions were taken (e.g. in line with school policy...)
- Do not routinely include every single action or every item as an exhibit
- Use robust record keeping ensuring that when it comes to writing a statement you can refer back to these records to ensure the issues of the case are clear.
- Ensure you are being even handed; it would not be right to include everything that proves the prosecution case and exclude all material that might contradict it. YOU have a legal and ongoing duty to disclose ALL evidence pertinent to the case.
- Include any material which is not referenced/exhibited in your witness statement as unused material in the disclosure process
- Avoid ambiguities, contradictions or gaps which may be revealed on cross examination
- Check your statement thoroughly to make sure it will make sense in court.

Things that should NOT be included in a witness statement

- Any subjective or prejudicial comments e.g. Mr... has been found guilty before/ Mr... is a criminal type
- Any opinion or speculation
- Personal views which cannot be objectively tested e.g. they were not in when I visited the home address/ he appeared to be drunk. (Instead state what you actually factually observed - i.e. there was no answer at the door when I visited the home address/ he was unsteady on his feet)
- Any sensitive, irrelevant facts or information not pertinent to this case.
- Hearsay evidence*
- Anything that might be seen as 'expert opinion' unless you are one

Remember by writing and signing a witness statement you are signing to say you are giving an unprejudiced factual account – a statement of truth to the court. You are accountable for your statement.

Witness statements are served to the defendants (parents) prior to court proceedings.

By writing a witness statement you may be called upon to attend court to give your evidence in person, as may any other party you reference (i.e. The Headteacher as a signatory of the register) or involved in the case. By signing your witness statement you are agreeing to this.

* Evidence that is offered by a witness of which they do not have direct knowledge but, rather, their testimony is based on what others have said to them.