



# Help for witnesses

General  
Medical  
Council

Regulating doctors  
Ensuring good medical practice

The process of giving evidence can be intimidating. We are here to support you before, during and after you have given evidence.

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# Introduction

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The role of a witness at a General Medical Council (GMC) hearing is crucial in giving a fitness to practise panel a first hand account of what has happened so that they can make a decision about a case.

We understand that the process can be intimidating, so we have developed this booklet to inform you of the support available to you before, during and after you have given evidence.

This information can be made available in other formats and languages. We can also arrange an interpreter to be present if you are more comfortable communicating in another language. To request this, please speak to your GMC contact as soon as possible.

# Before attending the hearing

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When an allegation is made about a doctor, we have to decide whether the case should proceed to a hearing in front of a fitness to practise panel.

If the doctor disputes the allegations, or for some other reason the case is to be heard by a panel, witnesses may be called to provide evidence at a hearing.

*You may be asked to speak to a GMC solicitor on different aspects of the case.*

To prove the allegations, the GMC must gather evidence to support its case. This will be made up of a number of documents including reports, correspondence, and written witness statements.

You may be asked to speak to a GMC solicitor on different aspects of the case. Arrangements will be made for you to meet with the solicitor, who will allow you to ask any questions about the process.

Sometimes witnesses may have difficulty with their employer allowing them to attend the hearing or they may be reluctant to attend. Because witnesses play a key role in our hearings, which are designed to protect patients, a witness can be served with a formal summons. The summons is a legal requirement for a witness to appear at a hearing, and, if a summons is ignored, the witness can be prosecuted for contempt.

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## Virtual tour

We have launched an interactive virtual tour of the hearing centre on our website – [www.gmc-uk.org/virtualhearingroom](http://www.gmc-uk.org/virtualhearingroom). This gives witnesses an idea of what to expect when they arrive to give evidence.

The virtual tour allows you to explore 360° views of the reception, hearing rooms and doctor and witness waiting rooms at our Manchester hearing centre. Users can click on the people in the photographs to access more information about the role of different people who are present at our hearings. The feature is supported by audio commentary.



*Visit our interactive hearing room to find out what to expect when you arrive to give evidence.*

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*We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.*

## The hearing date

We will contact you to discuss a hearing date and your availability to appear as a witness. Where possible, we will try to ensure that the hearing date coincides with a time when you are available. However, this is not always possible as there are a number of other factors that will affect the date, as well as many other people to accommodate.

Please let your GMC contact know as soon as possible about any specific travel or hotel accommodation requirements that you may have. For example, if you are a wheelchair user or if you have a visual impairment.

We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.

## Other help available

*If you have any concerns about giving evidence, please raise this at an early stage with your GMC contact.*

There may be factors that might make giving evidence particularly difficult for some witnesses. If you have a disability, illness or a condition, such as a depression or anxiety, a learning difficulty, a physical disability, or you experience difficulty in social situations, then this may affect how you give evidence before a panel. The way in which you present evidence may also be affected in situations where the allegations are of a sexual nature and you are the alleged victim or you feel intimidated due to your age, gender, race, cultural background or sexuality.

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If you have any concerns about giving evidence, please raise this at an early stage with your GMC contact. They will discuss your circumstances with you and let you know whether adjustments can be made to assist you or if any special measures (eg screens or video-link) can be put in place to help you give evidence.

### Talking to someone about being a witness



Being a witness can be a stressful experience for some people. If you feel that you would like support, you might wish to speak to someone who is independent of the GMC.

Our witness service provides dedicated support for people who have made a complaint to the GMC or who may be asked to give evidence to a hearing.

It is a confidential service run by volunteers from the charity Victim Support.

You can access support from the service at any time before, during or after attending a hearing.

The witness service can provide:

- telephone support
- home visits or face to face support in your local community
- an opportunity to talk to someone confidentially about how you are feeling

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- help to understand what happens during an investigation into a complaint about a doctor
  - an opportunity to visit the hearing centre before the day you are due to give evidence
  - an independent supporter who can accompany you on the day and be in the room while you give evidence to a hearing
  - practical assistance to make sure the GMC is aware of any arrangements that are needed to enable you to attend the hearing and help completing your expenses claim form
  - sign-posting to other organisations that can provide further support.

This service is free, confidential and independent.

Please remember that while volunteers are able to provide emotional support and practical help, they are not qualified to provide professional counselling or legal advice. They are also not allowed to discuss the evidence.

### Contact us

If you would like to use this service you can ask your solicitor to make a referral. Alternatively, you can contact the witness service manager yourself by calling 0161 954 1797 or emailing [witnesssupport@gmc-uk.org](mailto:witnesssupport@gmc-uk.org).

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## Meeting the doctor you are giving evidence against

If you are particularly concerned about meeting the doctor or anyone else involved in the case when you come to the hearing centre, it may be possible for someone to meet you and escort you to a witness waiting area or another room away from other witnesses. Unfortunately, it is not possible to guarantee that you will not meet other people involved in the case.

## Things to remember

Make sure you have all the information you need before the day of the hearing.

- Check that you know the location of the hearing centre – there is a map on page 20 of this booklet.
- Write down any questions you may have about being a witness and, if you are unable to get answers from our website, ask your GMC contact.
- Check the journey time and train or flight departure times to make sure you won't be late for the hearing.
- Bring a book or some other activity to help keep you occupied while you wait to give evidence.

# Attending the GMC hearing

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On the day of the hearing you should aim to arrive at the hearing centre in good time for the start of your evidence.

You will have been given a time to arrive, but please ensure you take account of any possible delays that may occur and aim to arrive at least half an hour before the time you have been allotted. Please come to the reception desk in the main foyer. You will be met by a member of GMC staff or a witness service volunteer, who will take you to the witness waiting room.

The witness waiting room has a free hot and cold drinks machine and a selection of newspapers and magazines will be available.

## Waiting to give evidence

*No witness is permitted to be present during the hearing before giving evidence.*

You will be asked to wait in the witness room along with other witnesses until you are required to give evidence. No witness (except an expert witness) is permitted to be present during the hearing before giving evidence. While you are waiting to give evidence, you should not discuss the case or your evidence with anyone else, including other witnesses, because this might prejudice the proceedings.

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All cases are dealt with as quickly as possible, but sometimes hearings can overrun and witnesses may be required to wait some time before being able to give their evidence. If you are unable to give evidence on the allotted day because of a delay or change in circumstance, you will be asked to return on another day.

## **Public access to the hearing**

Most GMC hearings are held in public. There will be a public gallery where the press and public sit to watch the proceedings, usually at one end of the hearing room. Sometimes the panel will ask the press, public and witnesses to leave the hearing if there are any confidential matters to discuss. If this happens, you will be guided back to the witness waiting room until the hearing restarts.

## **Support for disabled people**

Our hearing centre has wheelchair access and a loop system for people with hearing loss. If you have a disability, communication difficulties or other additional needs, please contact us before the hearing to ensure we can make any necessary arrangements for you to give evidence.

Arrangements could include providing a sign language interpreter or assistance for a witness with a visual impairment such as providing information in an alternative format, or mobility assistance on the day of the hearing.

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## Childcare

Please do not bring children to hearings if you can possibly avoid doing so. Our expenses policy provides information on claiming reimbursement for caring arrangements, where these are incurred as a result of giving evidence to a hearing.

If you really have no option other than to bring children with you, please could you ensure that they will be accompanied by an adult at all times. If you are involved in the hearing, this means you will need to bring another adult to provide care while you are giving evidence. Please remember that, for their own safety, children must not be left unattended.

Unfortunately, due to health and safety reasons, GMC staff and witness service volunteers are unable to take responsibility for any children, even for short periods.

## Who will be at the hearing?

*The chairman will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.*

**The panel and panellists** – the panel is made up of doctors (medically qualified) and lay people (not medically qualified), who are known as panellists. One member of the panel will act as the chairman. The chairman will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.

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**Legal assessor** – an experienced barrister or solicitor who advises the panel.

**GMC barrister** – the barrister presenting the case against the doctor. The barrister will ask a witness questions about their evidence.

**Doctor (or doctors)** – the person (or people) against whom allegations have been made. In most cases the doctor will be defended by a barrister. Occasionally, the doctor will be unrepresented and will defend their own case.

**Doctor's barrister or other representative** – the person presenting the case or speaking on behalf of the doctor. They will put the doctor's position to the panel. They will ask the witness questions about their evidence.

**Specialist health or performance adviser** – registered medical practitioners appointed to advise the panel on issues relating either to a doctor's health or to their performance. Where no issues relating to a doctor's health or performance are raised, specialist advisers will not be present.

**Panel secretary** – a GMC staff member responsible for the administration of the hearing.

**Shorthand writer** – the person who takes a note of the hearing.

# Giving evidence

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When you are called to give evidence, a GMC staff member will take you to the hearing room and show you to the witness desk.

A GMC staff member will ask you whether you wish to take a religious oath on a holy book of your choosing, or to make an affirmation as to the truth of your evidence. The chairman of the panel will then introduce themselves and the rest of the panel to you. When answering questions, you should speak clearly and slowly into the microphone on the witness desk so that all parties can hear your evidence.

## Examination and cross-examination

*You will not be able to have the witness statement with you when you give evidence, but you can read through it while you are in the witness room.*

You will be asked questions by the GMC barrister on the basis of your witness statement. In addition to the panel, the doctor or their legal representative may also ask you questions. You will not be able to have the witness statement with you when you give evidence, but you can read through it while you are in the witness room. While you are giving your evidence, you may be shown other documents referred to by the barrister. Take your time to read each document carefully.

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## Adjournments

The hearing may have to adjourn from time to time, either for lunch or at the end of each day, if the hearing lasts for more than one day.

The panel may also adjourn for a longer period to obtain additional evidence, in case of illness, or because it has overrun the days allotted to it.

It is extremely important to note that witnesses must not talk to anyone about the case or about their evidence during any adjournment. This includes anyone who is involved with the case as well as any friends or family. If you do not adhere to this rule, it could have serious repercussions for the outcome of the hearing.

# After giving evidence

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When you have finished giving evidence, you can choose to leave, or may remain to listen to the rest of the day's proceedings. If you wish to stay, you will be shown to where you can sit.

You will be informed of the outcome of the hearing when it has finished. The timing of this will depend on the length of the hearing, but generally we aim to notify all parties within two weeks of the end of the hearing.

If you do not hear anything, please ask your GMC contact who will be able to advise you on the progress of the case and its outcome if it is known.

At the end of a hearing, we publish the outcome of the case on our website at [www.gmc-uk.org/decisions](http://www.gmc-uk.org/decisions). You will also be able to find more information about panels and the types of decisions they can make.

## Claiming expenses

We will send you details of how to claim for out-of-pocket-expenses you may be entitled to for the period of time that you are required to attend in order to give evidence. If you choose to attend the hearing on days you are not giving evidence, this will be at your own expense. Please note that we will pay expenses for GMC witnesses only.

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*We want to improve the service we provide and welcome any comments you might have following your experience as a witness.*

## **Giving feedback**

We want to improve the service we provide and welcome any comments you might have following your experience as a witness. Please let us know what you think by completing a witness feedback form, which is supplied with this booklet or can be downloaded from our website at [www.gmc-uk.org/concerns/witnesses.asp](http://www.gmc-uk.org/concerns/witnesses.asp).

# Useful information

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There may be some terms that you are not familiar with. Here is a list of some of them.

<b>Adjournment</b>	a break in the hearing before it has completed its deliberations. The hearing will adjourn for lunch or comfort breaks and at the end of each day, if the case lasts for more than a day. An adjournment may be agreed for additional evidence to be obtained, in case of illness, or if the hearing has overrun.
<b>Allegation</b>	the charge that the fitness to practise of the doctor is impaired.
<b>Chairman</b>	the person who manages the panel. The chairman is also a member of the panel, and has responsibility for the fairness of the proceedings.
<b>Condition</b>	a sanction imposed by a panel that restricts a doctor's right to practise for a period of time.
<b>Contempt</b>	where a person shows wilful disobedience to, or open disrespect for, a court or hearing. This is a criminal offence and can lead to prosecution.
<b>Cross-examination</b>	being questioned by barristers and the panel while giving evidence.
<b>Defence counsel</b>	a barrister who represents the doctor at the hearing.
<b>Determination</b>	the decision of the panel on the case.

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<b>Erasure</b>	a sanction imposed by the panel to remove the name of the doctor from the <i>List of Registered Medical Practitioners</i> . This means the doctor cannot continue to practise medicine.
<b>Evidence</b>	what a witness says at the hearing and documentary evidence that can include photographs that are brought before a hearing.
<b>Expert witness</b>	a witness able to give opinions on any matter falling within their area of expertise on matters considered by the panel.
<b>Finding of fact</b>	the panel, once it has heard all the evidence, will decide whether the evidence has been proved. This is known as a finding of fact determination.
<b>Finding of impairment</b>	when the panel has made findings of fact, they will then consider whether the doctor's fitness to practise is impaired.
<b>Fitness to practise</b>	the ability of the doctor to carry out their medical duties.
<b>Hearing</b>	a meeting of the fitness to practise panel appointed to hear a case.
<b>Legal assessor</b>	an experienced solicitor or barrister who advises the panel.
<b>List of Registered Medical Practitioners</b>	the medical register of doctors who are eligible to work in the UK.

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<b>Mitigation</b>	the doctor's reasons for his or her actions.
<b>No action</b>	the panel has reached a conclusion and decided not to take any action against the doctor.
<b>Panel</b>	a group of panellists, comprising at least one medical and one non-medical person, and a chairman.
<b>Restriction</b>	a measure that prevents the doctor from carrying out certain functions or activities – for example, the doctor could be prevented from working privately.
<b>Sanction</b>	a decision by the panel that either restricts or removes a doctor's right to practise.
<b>Suspension</b>	a sanction imposed by a panel that removes the doctor's right to practise for a specified period of time.
<b>Undertaking</b>	a commitment given by the doctor to the panel to restrict their practice.
<b>Warning</b>	a warning may be issued to a doctor if the panel decides there has been a significant departure from the principles set out in the GMC's guidance for doctors – <i>Good Medical Practice</i> – but a restriction on the doctor's registration is not necessary.

# Directions

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## Hearing centre

5th Floor, St James's Buildings,  
79 Oxford Street,  
Manchester M1 6FQ

## Open

08.00–18.00 from  
Monday to Friday

## Metrolink

The closest Metrolink station is  
St Peter's Square.

## Train

The building is a ten-minute walk  
from Manchester Piccadilly station.  
Alternatively, the building is  
opposite Oxford Road station.



Email: [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org)

Website: [www.gmc-uk.org](http://www.gmc-uk.org)

Telephone: **0161 923 6602**

General Medical Council, 3 Hardman Street, Manchester M3 3AW

This information can be made available in alternative formats or languages. To request an alternative format, please call us on **0161 923 6602** or email us at **[publications@gmc-uk.org](mailto:publications@gmc-uk.org)**.

Published January 2012

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The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)

Code: GMC/HW/0112

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