



Statement Writing

As healthcare professionals you are frequently asked to provide reports or statements during your professional lives. You are asked to provide reports to patients, to colleagues, to your employer, to the gardai or to the Coroner. In this article we are focusing on the statements you provide to the State Claims Agency as your indemnifier in a medical negligence claim.


The purpose of a statement to the State Claims Agency is to enable us to fully investigate the allegations of negligence made by the patient. We use the statement to instruct our independent experts and ultimately to assist us in deciding whether the patient's claim should be defended or settled.

Since the introduction of the Civil Liability and Courts Act, in 2004, statements are more important than ever. They form the basis of a sworn document your employer must now submit as part of the legal proceedings. It is essential, therefore, that your statements are comprehensive and accurate.

We know from the calls we get that you worry about the format your statements should take. There are no "hard and fast" rules about the format of a statement to your indemnifier. However, if you follow the guidelines below, your statement will be comprehensive, presented in an orderly fashion and will ultimately be of greater use to us and to you.

- Mark your statement **"Privileged - Prepared in Contemplation of Litigation"**

With the benefit of these excellent notes, we prepared to defend the case in full. We advised the patient's solicitors that while we were not disputing that the DVT had occurred following the surgery, the patient had clearly given her informed consent to the surgery and we referred them to the detailed clinical note made by the SHO.

Shortly afterwards, the plaintiff decided to discontinue her legal action, in all probability because she had received advice that the case would not succeed on the basis that the records showed that she had consented to the surgery knowing and understanding that there was an increased risk of DVT. 



- Begin by stating your name, address and your status in the hospital at the time the patient attended.
- Set out your qualifications and when you obtained them.
- Set out your previous relevant experience.
- Remind yourself of the case by carefully reading the patient's records. Then set out in detail and in chronological order your involvement in the patient's treatment, referring to your entries in the records, where relevant.
- If you discover any inaccuracies or inconsistencies in the records, explain these in your statement. Never alter the records after the event.
- Refer to protocols (if any) relied upon in determining the care provided to the patient. If care or treatment deviated from the protocols, explain the reason for the deviation.
- Sign and date the statement before sending it to us.
- Keep a copy for yourself.

If you need any further advice about preparing your statement, don't hesitate to contact us. We will be happy to assist.

Josephine Deasy, Solicitor/Claims Manager