

GUIDANCE FOR HEALTHCARE PROFESSIONALS ACTING AS PROFESSIONAL OR EXPERT WITNESSES

The Academy of Medical Royal Colleges has today published *Acting as a professional expert or witness*. The guidance, which follows a recommendation in [Sir Norman Williams' Review of Gross Negligence Manslaughter in Healthcare](#), has been endorsed by nine healthcare professional bodies on behalf of over 70 healthcare separate professional organisations representing doctors, dentists, nurses, midwives, pharmacists, allied health professionals, optometrists and healthcare scientists (listed below).

Importantly, the General Medical Council, Nursing and Midwifery Council, Health and Care Professions Council, General Pharmaceutical Council, General Dental Council and General Chiropractic Council have all confirmed that the advice set out in this guidance is consistent with their standards and guidance as regulatory bodies.

Whilst the guidance was produced in response to the Williams inquiry recommendation there have been concerns about aspects of the role of expert witnesses for some time. Whilst professional bodies cannot act to regulate professional witnesses this guidance, aimed specifically at clinical professionals who provide an expert opinion or act as professional or expert witnesses in courts or tribunals, clearly states what healthcare professional bodies expect of their members in terms of standards, training and behaviour when acting as a witness.

The guidance reflects good practice set out by other bodies and highlights the legal requirements of witnesses. However the aspects which are original or have been highlighted as specific responsibilities for clinicians include

- Healthcare professionals giving expert evidence must hold the appropriate licence to practise or registration and be in, or sufficiently recently be in, practice
- Healthcare professionals who act as expert witnesses should undertake specific training and continuing professional development (CPD) for being an expert witness
- The healthcare professional must have a full understanding of the wider context of the care delivery and how it impacts on the case, including the care delivery setting (rural, tertiary care, district general hospital, independent sector, primary care etc) and the historical context and circumstances if relevant.
- Healthcare professionals should be able to describe and explain the range or spectrum of clinical and/or professional opinion on the issue in question and indicate, with sufficient reasoning, where their own opinion fits into that spectrum
- Healthcare professionals acting as expert witnesses should make a self-declaration as to their scope of practice, professional development, training, special interests, areas of expertise both in general and in relation to the specific case and any conflicts of interest that could impact on their evidence.
- If they are found to have provided misleading information after such a declaration, they could be liable to professional misconduct proceedings in addition to the possibility of any criminal sanction

Professor Carrie MacEwen, Chair of the Academy of Medical Royal Colleges, said
“Being an expert witness is an important and valuable role. It is essential is that clinicians acting in these roles are properly trained, fully up to date and act with complete integrity.

Having this guidance endorsed by such a range of professional bodies and supported by professional regulators is a significant step.

I believe this guidance will help ensure and maintain the required standards as sought by Sir Norman Williams Review”

Professor Sir Norman Williams said

“The review which I led into gross negligence manslaughter in healthcare identified problems with the expert evidence provided by healthcare professionals in both criminal and regulatory proceedings. The review recommended the introduction of standards and better training to ensure greater consistency and higher standards in the evidence provided by medical expert witnesses.

The important work taken forward by the Academy of Royal Medical Colleges, which has been agreed with organisations across the profession, is a major step forward in delivering this recommendation.”

NOTES

1. Supporting organisations

This guidance has been endorsed by the following healthcare professional organisations

Academy for Healthcare Science
Academy of Medical Royal Colleges
Allied Health Professions Federation
Association of Optometrists
British Dental Association
College of Optometrists
Royal College of Midwives
Royal College of Nursing
Royal Pharmaceutical Society

The following professional regulatory bodies have also confirmed that the advice set out in this guidance is consistent with their standards and guidance

General Dental Council
General Chiropractic Council
General Medical Council
General Pharmaceutical Council
Health and Care Professions Council
Nursing and Midwifery Council