

Employment Tribunals

Tuesday, 26 February 2019
Part 2 - Hearings

The Anatomy of a Basic Employment Tribunal Claim



Session Objectives

Hearing Preparation Steps

Meeting Counsel

Other Documents

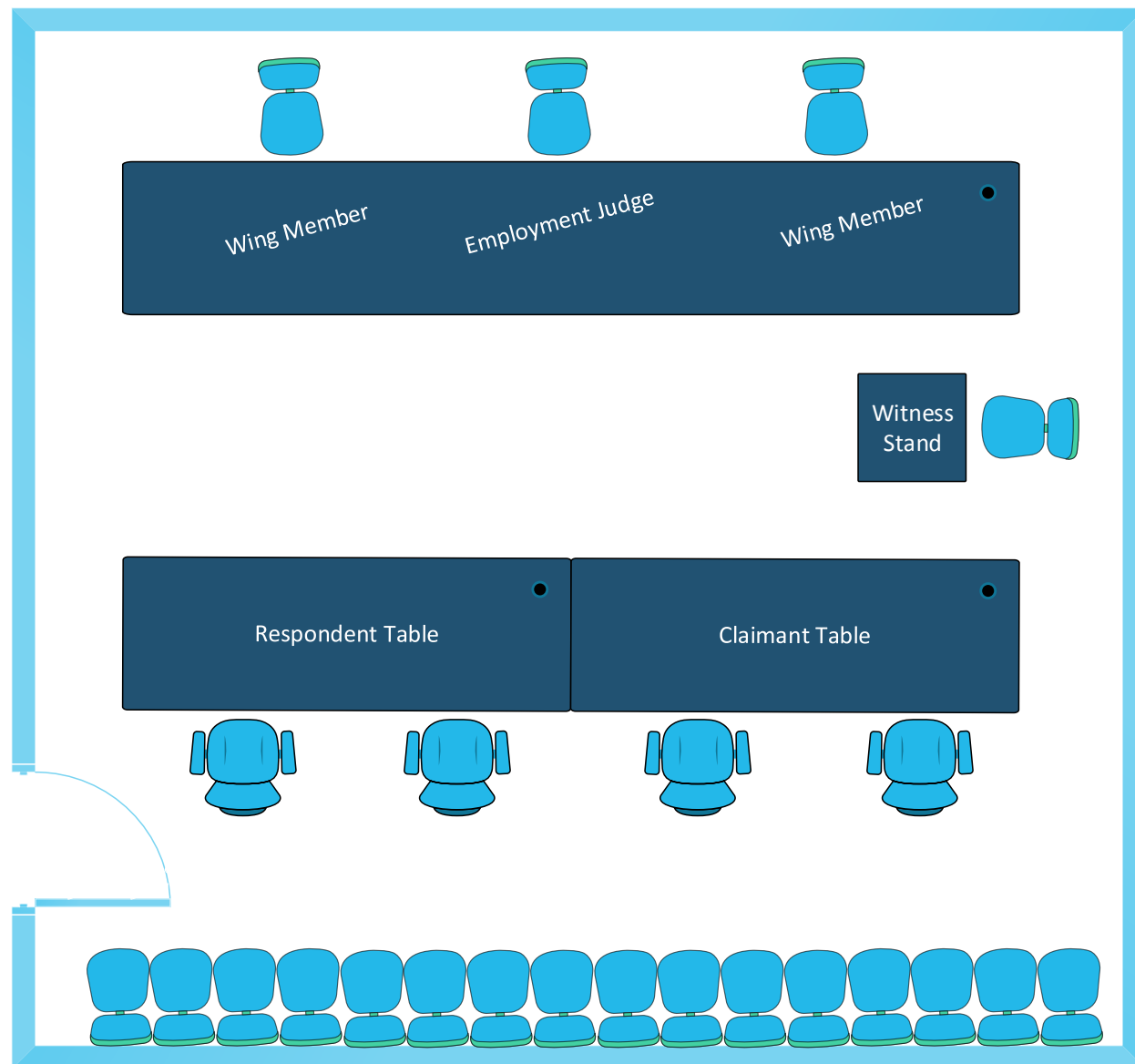
- List of Issues
- Chronology and agreed facts
- Cast List
- Scott schedule in discrimination claims – setting out particulars of each allegation
- Impact Statements/Expert Reports (Disability Cases)

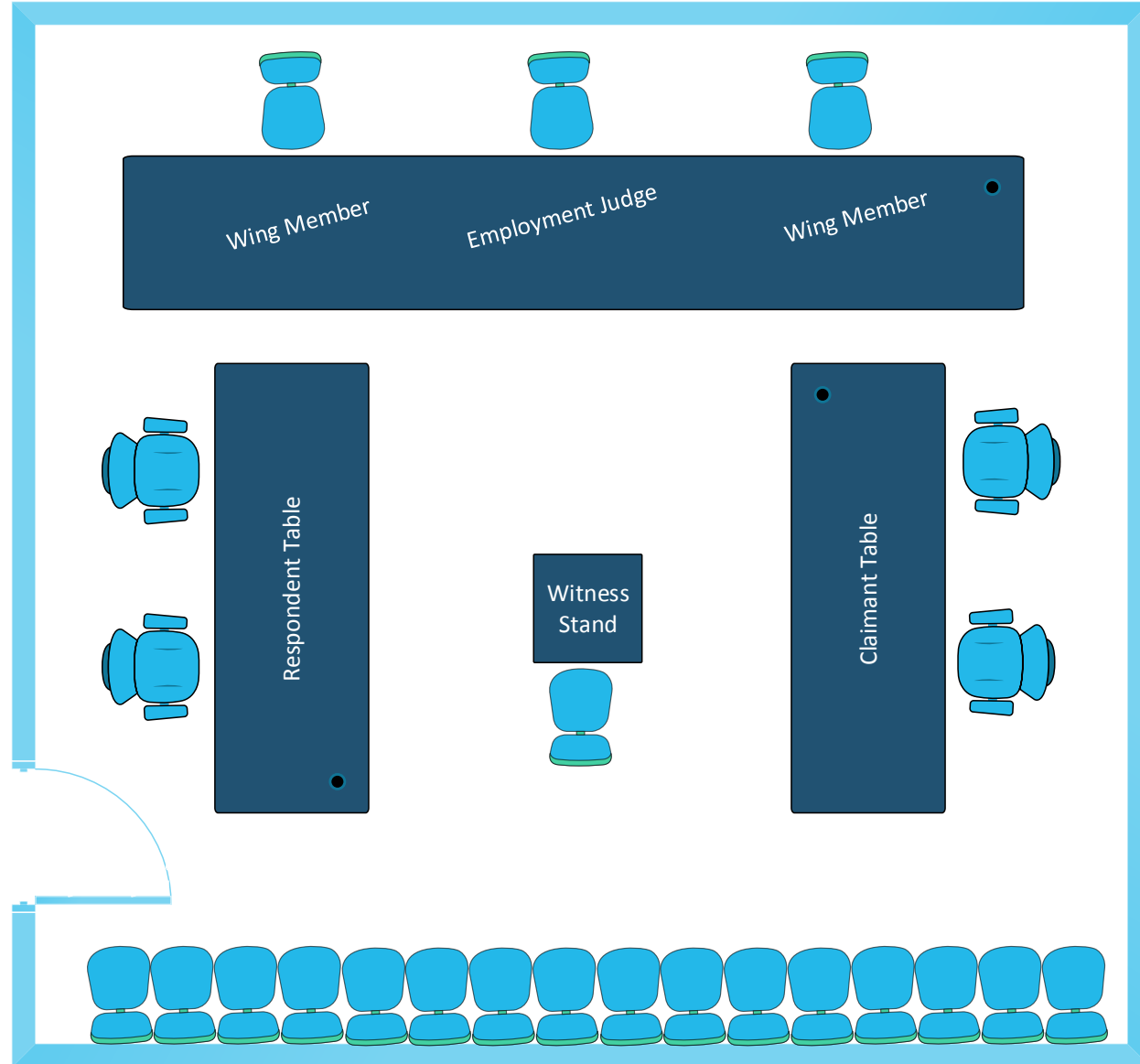
Arriving at Tribunal

Rooms and facilities

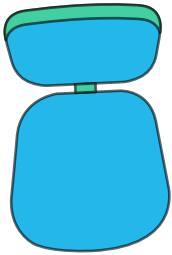
- Waiting Rooms
- Meeting Rooms
- Signing in
- Nothing else – maybe a water cooler!

Tribunal Lay Out

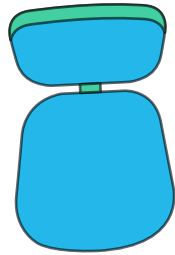




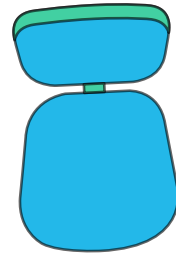
Panel Composition



Wing Member

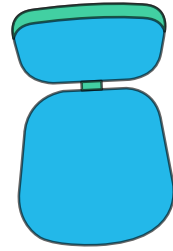


Employment Judge



Wing Member





Employment Judge



Order of Play



The Evidence Cycle



Who should be a Witness?

- Key decision makers – dismissing officer, grievance or appeal chair
- Anyone investigating the issues in question
- Those directly involved with the issues e.g. a manager or colleague

Who makes a good Witness?

- Open from the outset – no nasty surprises
- Where possible, experienced in the issue in question
- Able to keep calm under pressure
- Able to focus on the questions asked of them

The Bundle

Using the Bundle

- Only read if referenced
- Witness evidence
- Cross Examination

Cross Examination

Art or Science?

- What needs to be challenged?
- When to leave alone?
- Open or closed questions?

Closing

Closing Submissions

- Written or Oral?
- Limited time
- Linked to the evidence
- Legal and factual



Judgment

The Decision

- On the day or reserved
- Written reasons
- Merits and/or quantum

After receiving the Judgment

- Separate Remedies hearing?
- Financial Penalty payable to the Secretary of State?
- Unless specified – Payments are due within 14 days of the Judgment
- Enforcement of awards is via the Courts
- Interest at 8% per annum

- Costs Applications – 28 days from Judgment
- Application for reconsideration of Judgment – 14 days from Judgment being sent out
- Appeal to the EAT – 42 days from the Judgment

Thank You – Any questions?