



**Birmingham Peoples  
Centre**

Putting People First

## Witnesses for the Hearing

If you intend to use the testimony of a person to back up your case during the hearing you will have had to send a copy of their witness statement along with any other witness statements to the other side, normally about a week before the hearing. As long as you have done this you will be able to call that person as a witness during the hearing. An example of a witness statement is available through the link Witness Statements. In the resources we have a link entitled Presidential Guidance: pages 10 – 12 deal with Witness Statements.

A witness statement is a document which sets out that person's version of events relative to your case. It should be typed and the paragraphs and pages will need to be numbered. Both you and the other side will normally have at least one witness statement for the hearing (your witness statement and the statement of the main person involved in your case from your employer). At the hearing the judge will be given all the witness statements that will be used during the hearing. The witness will then be asked to confirm that the contents of the statement are true and then that person's evidence will be cross examined during the hearing.

If other documents such as the ET1 or ET3 contain facts or statements related to your case your job, with your witnesses, is to make sure they confirm your version of events. The other side will try their level best to undermine their testimony by challenging your witnesses' testimony. If you find yourself in the situation where you have someone who is important to your case but is unwilling to provide you with a witness statement, for example someone who still works for your previous employer and does not want to get involved, then you will need to get an order from the employment judge ordering that person to attend the hearing to give evidence. A tribunal has the power under the Employment Tribunals Regulations 2013 Schedule 1 Rule 32 to order a person to either attend a hearing or to produce any documents or information related to a case. If you find yourself in this position do not leave this situation to the last minute. If you know a witness is important for your case and that person is reluctant to help or your employer or throwing obstacles in their way get an order from the tribunal and they will have to obey the order.

It is also worth bearing in mind that if you have a person who could provide evidence that will help you in your case and that person is being intimidated or threatened by your employer then that treatment in itself could be illegal.

If you find yourself in any of these situations get in touch with us and we will help you to deal with this situation.



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