



**Birmingham Peoples  
Centre**

Putting People First

## **Practical Necessities during the Hearing**

If any of the parties require any special adjustments to be made, for example for people with disabilities or language difficulties then they should have been brought to the attention of the tribunal well before the hearing. So for example, if you have a witness whose first language is not English then the tribunal should have an interpreter available for that person when they give evidence. If you wish to make an opening statement for the tribunal make sure you get permission off the judge before you do so. Opening statements are usually not required; however in more complicated cases they might be helpful. The purpose of an opening statement is to outline the case and the main issues of it.

Tribunals will usually take some time out after the initial opening session to read the bundle and familiarise themselves with the documents and the issues of the case. This can take a couple of hours. You will be sent back to the waiting area while they do this.

It is very important that you take notes during the proceedings. There is going to be a lot of things being said and presented during the hearing and it is important that you are able to keep a track of these. You will need to make a note of something that is said or presented that you do not agree with so that you can challenge this when you get the opportunity.

Witnesses give evidence which is classified: evidence in chief is when a witness that you call gives evidence when you are asking them questions when they are in the witness table. Cross-examination is when the other side is questioning your witness.

Leading questions when you are questioning your witness are strongly discouraged by the tribunal.

So for example, 'Mr Harris hit you didn't he', would not be an acceptable question and would be considered a leading question by the tribunal.

However, when you are cross-examining the other side's witness, leading questions are encouraged by the tribunal.

You will be expected to call and introduce your witness by saying something along the lines of: 'My witness is Mr Harris, Mr Harris will you make your way to the witness table please' Your witness will then be sworn in by the judge, while this is happening make sure you do not talk, whisper or play around with the papers in front of you.

You will then have to ask the witness the following:

Mr Harris, please turn to page 84 of the bundle (or the relevant page number) is this your witness statement?

Please turn to page 86, is this your signature?

Is this statement true to the best of your knowledge and belief?

You can then continue to ask your witness any questions you have for them.

Once you and the other side have finished putting questions to the witness the tribunal will normally have their own questions for them.

You and the other side will then be asked to call the next witness and the whole process is then repeated.

After all of the witnesses have been questioned and all of the documents have been taken into account the judge will then take some time out to consider what decision to come to. The judge may then return and deliver their judgement. Sometimes, especially in complicated cases the judgement is delivered sometime later through e-mail or the post.



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