



Tribunal Procedures

The Employment Tribunal is a less formal version of a court where disputes are heard between the employer and the employee. If you find yourself facing an Employment Tribunal hearing, do not worry as the Birmingham Peoples Centre can help you every step of the way!

The Tribunal process:

Hearing bundle and witness statements:

You will need to prepare a witness statement and a hearing bundle. A hearing bundle contains all the relevant paperwork. The contents of the bundle are usually agreed in writing with your employer.

This may include ET1 and ET3 forms used for the initial claim and your contract of employment. Include any notes from meetings you had with your employer. Witness statements are the usual way evidence is given and should document what happened. This is your version of what happened so you should use language you can understand. Include full names, set them out in numbered paragraphs and include any language used, even bad language, in speech marks. You can also ask a work colleague to be a witness if they have something relevant to say. Make sure they can attend the Tribunal or get an order for them to attend. The Tribunal will tell you how many copies of hearing bundles and witness statements you will need as well as when to exchange the witness statements.



How to prepare:

Familiarise yourself with the documents in the hearing bundle and your witness statement. Prepare questions for the cross examination of the other side's witnesses. It may also be beneficial to attend a Tribunal hearing at your local Tribunal or watch a mock Tribunal online. Ensure you know when and how to get to the Tribunal on the day of the hearing.



Arriving at the Tribunal:

Arrive at least 30 minutes before the hearing. Most hearings start at 10AM. Check you have all documents with you, dress smartly and turn off your phone. You will meet with the Tribunal Clerk who will take you to the waiting room. A representative of the employer may come to see you to discuss a last-minute settlement. This allows you to end the dispute without a hearing. If you agree, the Tribunal will ask both parties to contact Acas so a legally binding agreement can be produced.



Tribunal hearing:

When you walk into the hearing room, you will see a raised platform where the Tribunal Judge sits. You will also see desks and chairs with rows of chairs behind them. There will also be a witness stand and a table and chair for the Tribunal clerk.

At the beginning of the hearing, the Judge introduces themselves. The Judge decides which side goes first. Sometimes each side makes an opening statement, but this is rare.

During the hearing, each side gives evidence, cross examines witnesses and summarises evidence and arguments at the end the hearing.

When addressing the Judge, call them Sir or Madam as appropriate.



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Examination-in-Chief:

This is the process of putting the evidence of your own witnesses before the Tribunal. In most Tribunals, the witness statements are taken as read and therefore are not read out loud. This is the time when witnesses tell their side of the story.

Cross examination:

Where the witnesses are questioned. The aim is to bring out evidence which supports the claim of the party asking the questions. When you are asking questions, ask one question at a time and don't talk over or argue with the witness.

Giving evidence:

You will be asked to go to the witness stand and take an oath or affirmation to tell the truth. You will be challenged on your evidence through cross examination. Stay calm, be honest and say if you do not understand something. It is okay to take a moment to look at any documents.

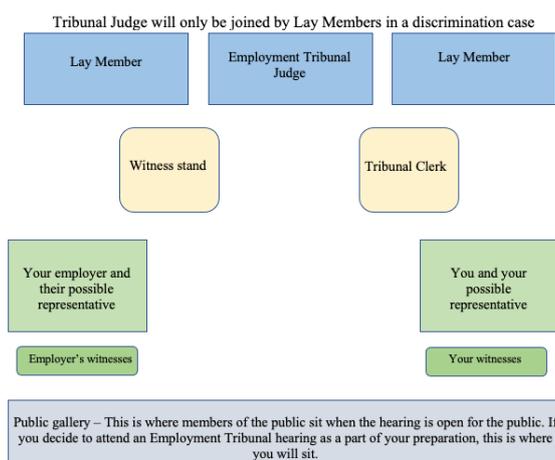
End of the hearing:

You have a chance to summarise your case by making a closing submission. This can include a summary of evidence presented, your legal arguments and an explanation of why the Tribunal should decide in your favour. The other side will also be given a chance to make one. You can prepare this in advance.

Next steps:

After closing submissions, the Judge will tell you when to expect a decision. When you are called back in, the Judge will tell you their decision and why they have decided so. The Judge makes their decision based on the 'balance of probabilities' from the evidence presented and applying the law. You will receive a copy of the judgment.

A diagram of the typical layout of an Employment Tribunal hearing room:



The Birmingham Peoples Centre can help you any stage of the process.

Stay positive, tell your side of the story and be honest.

Good Luck!

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