

# Osprey Approach: Employment – Tribunal Process Employee

This help guide was last updated on  
Aug 6th, 2024

The latest version is always online at  
<https://support.ospreyapproach.com/?p=23289>



CLIENT DETAILS FW\_EME

Client date of birth

Select a date

Client Salutation

Funding

Please Select

Please Select

Private

Trade Union

Legal Expenses

No win no fee

Public funding

Client gender

Please Select

Please Select

Male

Female

✓ Submit

Cancel

EMPLOYER DETAILS FW\_EME

Employer Company Name

Current Recipient

Please Select

Please Select

Dear Sirs

Employer Contact 1

Employer Contact 2

Employer Contact 3

Employer Contact 4

Employer Contact 1 Title

Employer Contact 1 Initials

Employer Contact 1 Forename

Employer Contact 1 Surname

Employer Contact 1 Email

Employer Contact 1 Tel

Employer Contact 1 at Main Address?

Please Select

Please Select

Yes


No

Not applicable

Employer Contact 1 Address

**EMPLOYMENT DATES FW\_EME**

Employment Start Date

Select a date

Employment Termination Date

Select a date

Date of Dismissal

Select a date

Years with Employer

Date from which Time Limit Runs

Select a date

Limitation Date

Select a date

Date last paid

Select a date

Notice Period (Contract)

Notice Period (Actual)

 Submit

Cancel

**JOB DETAILS FW\_EME**

Job Title

Employment Status

Hours per week

 Submit

Cancel

## CONTRACT OF EMPLOYMENT / POLICIES FW\_EME

Does client have a Contract of Employment?

Please Select

Please Select

Yes

No

Has client supplied Contract of Employment?

Please Select

Please Select

Yes

No

Not applicable

Do we need a chronology?

Please Select

Please Select

Yes

No

Has client supplied a chronology?

Please Select

Please Select

Yes

No

Does employer have written disciplinary procedure?

Please Select

Please Select

Yes

No

Not Known

Has client supplied company disciplinary procedure

Please Select

Please Select

Yes

No

Not Known

Does employer have written grievance procedure?

## EMPLOYMENT FINANCIAL DETAILS FW\_EME

Gross Salary (annual)

0.00



Gross Salary (monthly)

0.00

Gross Salary (weekly)

0.00

Net Salary (annual)

0.00

Net Salary (monthly)

0.00

Net Salary (weekly)

0.00

Payment Period

Please Select



Please Select

Weekly

Monthly

Other

London Weighting?

Please Select



Please Select

Yes

No

Not applicable

London Weighting Amount

0.00

Bonus?

Please Select



Please Select

Yes

No

Bonus Amount

0.00

## TYPE OF CLAIM FW\_EME

### Unfair dismissal

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Age

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Disability

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Gender Reassignment

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Marriage / Civil Partnership

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Pregnancy / Maternity

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Race

Please Select	▼
Please Select	
Yes	

TRIBUNAL DETAILS

Tribunal Case No

Tribunal

(None selected)

(None selected)

TRIBUNAL - Employment Tribunal ( - ),

Submit

Cancel

LIMITATION DATE

Is Limitation Date known yet?

Please Select

Please Select

Yes

No

Limitation Date

Select a date

Submit

Cancel



EMPLOYER DETAILS FW\_EME

Employer Company Name

Current Recipient

Please Select

Please Select

Dear Sirs

Employer Contact 1

Employer Contact 2

Employer Contact 3

Employer Contact 4

Employer Contact 1 Title

Employer Contact 1 Initials

Employer Contact 1 Forename

Employer Contact 1 Surname

Employer Contact 1 Email

Employer Contact 1 Tel

Employer Contact 1 at Main Address?

Please Select

Please Select

Yes

No

Not applicable

Employer Contact 1 Address

**EMPLOYMENT DATES FW\_EME**

Employment Start Date

Select a date

Employment Termination Date

Select a date

Date of Dismissal

Select a date

Years with Employer

Date from which Time Limit Runs

Select a date

Limitation Date

Select a date

Date last paid

Select a date

Notice Period (Contract)

Notice Period (Actual)

 Submit

Cancel

**JOB DETAILS FW\_EME**

Job Title

Employment Status

Hours per week

 Submit

Cancel

## EMPLOYMENT FINANCIAL DETAILS FW\_EME

Gross Salary (annual)

0.00



Gross Salary (monthly)

0.00

Gross Salary (weekly)

0.00

Net Salary (annual)

0.00

Net Salary (monthly)

0.00

Net Salary (weekly)

0.00

Payment Period

Please Select



Please Select

Weekly

Monthly

Other

London Weighting?

Please Select



Please Select

Yes

No

Not applicable

London Weighting Amount

0.00

Bonus?

Please Select



Please Select

Yes

No

Bonus Amount

0.00

TYPE OF CLAIM FW\_EME

Unfair dismissal

Please Select

Please Select

Yes

No

Discrimination - Age

Please Select

Please Select

Yes

No

Discrimination - Disability

Please Select

Please Select

Yes

No

Discrimination - Gender Reassignment

Please Select

Please Select

Yes

No

Discrimination - Marriage / Civil Partnership

Please Select

Please Select

Yes

No

Discrimination - Pregnancy / Maternity

Please Select

Please Select

Yes

No

Discrimination - Race

Please Select

Please Select

Yes

TRIBUNAL DETAILS

Tribunal Case No

Tribunal

(None selected)

(None selected)

TRIBUNAL - Employment Tribunal ( - ),

Submit

Cancel

LIMITATION DATE

Is Limitation Date known yet?

Please Select

Please Select

Yes

No

Limitation Date

Select a date

Submit

Cancel

TRIBUNAL DETAILS

Tribunal Case No

Tribunal

(None selected)

(None selected)

TRIBUNAL - Employment Tribunal ( - ),

✓ Submit

Cancel

ET3 TO US

ET3 received by us?

Please Select

Please Select

Yes

No

✓ Submit

Cancel

ET3 TO TRIBUNAL

ET3 received by Tribunal?

Please Select

Please Select

Yes

No

✓ Submit

Cancel

JUDGMENT IN DEFAULT

Judgment in Default granted?

Please Select

Please Select

Yes

No

 Submit

Cancel

TRIBUNAL ORDERS

Bundle of Documents

Please Select

Please Select

Claimant to prepare

Respondent to prepare

Bundle of Documents due

Select a date

Exchange of Documents ordered?

Please Select

Please Select

Yes

No

Exchange of List of Documents due

Select a date

Exchange Expert Reports ordered?

Please Select

Please Select

Yes

No

Exchange Expert Reports due

Select a date

Exchange Witness Statements ordered?

Please Select

Please Select

Yes

No

Exchange Witness Statements due

Select a date

Service of Schedule of Loss ordered? (to other sid

Please Select

Please Select

Yes

No

Service of Schedule of Loss due

Select a date



TRIBUNAL HEARING DATE(S)

Preliminary Hearing scheduled?

Please Select

Please Select

Yes

No

Preliminary Hearing Date

Select a date

Final Hearing Date

Select a date

Submit

Cancel

NUMBER OF WITNESSES

Number of witnesses (claimant)

Please Select

Please Select

None

1 - 3

4 or more

Submit

Cancel

---

### WITNESS DETAILS 1-3

Witness 1 Title

Witness 1 Initials

Witness 1 Forename

Witness 1 Surname

Witness 1 Address

---

Witness 2 Title

Witness 2 Initials

Witness 2 Forename

Witness 2 Surname

Witness 2 Address

---

Witness 3 Title

Witness 3 Initials

Witness 3 Forename

Witness 3 Surname

Witness 3 Address

---

**WITNESS DETAILS 4-6**

Witness 4 Title

Witness 4 Initials

Witness 4 Forename

Witness 4 Surname

Witness 4 Address

---

Witness 5 Title

Witness 5 Initials

Witness 5 Forename

Witness 5 Surname

Witness 5 Address

---

Witness 6 Title

Witness 6 Initials

Witness 6 Forename

Witness 6 Surname

Witness 6 Address

TRIBUNAL HEARING DATE(S)

Preliminary Hearing scheduled?

Please Select

Please Select

Yes

No

Preliminary Hearing Date

Select a date

Final Hearing Date

Select a date

Submit

Cancel

NUMBER OF WITNESSES

Number of witnesses (claimant)

Please Select

Please Select

None

1 - 3

4 or more

Submit

Cancel

---

### WITNESS DETAILS 1-3

Witness 1 Title

Witness 1 Initials

Witness 1 Forename

Witness 1 Surname

Witness 1 Address

---

Witness 2 Title

Witness 2 Initials

Witness 2 Forename

Witness 2 Surname

Witness 2 Address

---

Witness 3 Title

Witness 3 Initials

Witness 3 Forename

Witness 3 Surname

Witness 3 Address

---

**WITNESS DETAILS 4-6**

Witness 4 Title

Witness 4 Initials

Witness 4 Forename

Witness 4 Surname

Witness 4 Address

---

Witness 5 Title

Witness 5 Initials

Witness 5 Forename

Witness 5 Surname

Witness 5 Address

---

Witness 6 Title

Witness 6 Initials

Witness 6 Forename

Witness 6 Surname

Witness 6 Address

TRIBUNAL ORDERS

Bundle of Documents

Please Select

Please Select

Claimant to prepare

Respondent to prepare

Bundle of Documents due

Select a date

Exchange of Documents ordered?

Please Select

Please Select

Yes

No

Exchange of List of Documents due

Select a date

Exchange Expert Reports ordered?

Please Select

Please Select

Yes

No

Exchange Expert Reports due

Select a date

Exchange Witness Statements ordered?

Please Select

Please Select

Yes

No

Exchange Witness Statements due

Select a date

Service of Schedule of Loss ordered? (to other sid

Please Select

Please Select

Yes

No

Service of Schedule of Loss due

Select a date

NUMBER OF WITNESSES

Number of witnesses (claimant)

Please Select

Please Select

None

1 - 3

4 or more

✓ Submit

Cancel



---

### WITNESS DETAILS 1-3

Witness 1 Title

Witness 1 Initials

Witness 1 Forename

Witness 1 Surname

Witness 1 Address

---

Witness 2 Title

Witness 2 Initials

Witness 2 Forename

Witness 2 Surname

Witness 2 Address

---

Witness 3 Title

Witness 3 Initials

Witness 3 Forename

Witness 3 Surname

Witness 3 Address

---

**WITNESS DETAILS 4-6**

Witness 4 Title

Witness 4 Initials

Witness 4 Forename

Witness 4 Surname

Witness 4 Address

---

Witness 5 Title

Witness 5 Initials

Witness 5 Forename

Witness 5 Surname

Witness 5 Address

---

Witness 6 Title

Witness 6 Initials

Witness 6 Forename

Witness 6 Surname

Witness 6 Address

## EMPLOYMENT FINANCIAL DETAILS FW\_EME

Gross Salary (annual)

0.00



Gross Salary (monthly)

0.00

Gross Salary (weekly)

0.00

Net Salary (annual)

0.00

Net Salary (monthly)

0.00

Net Salary (weekly)

0.00

Payment Period

Please Select



Please Select

Weekly

Monthly

Other

London Weighting?

Please Select



Please Select

Yes

No

Not applicable

London Weighting Amount

0.00

Bonus?

Please Select



Please Select

Yes

No

Bonus Amount

0.00

## TYPE OF CLAIM FW\_EME

### Unfair dismissal

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Age

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Disability

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Gender Reassignment

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Marriage / Civil Partnership

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Pregnancy / Maternity

Please Select	▼
Please Select	
Yes	
No	

### Discrimination - Race

Please Select	▼
Please Select	
Yes	

### SCHEDULE OF LOSS

Job Seeker's Allowance End Date

Select a date



Job Seeker's Allowance Start Date

Select a date



Job Seeker's Allowance Total Amount

0.00

Date Mitigation Commenced

Select a date



Net Weekly Pay in Mitigation

0.00

Relevant Multiplier

Total Continuous Service

Weekly Pay Amount / Statutory Minimum

0.00



### LIST OF DOCUMENTS

Exchange of List of Documents due

Select a date



Preliminary Hearing Date

Select a date



## DOCUMENTS RECEIVED

All documents received?

Please Select

Please Select

Yes

No

☒ Submit
 ☐ Cancel

## BUNDLE OF DOCUMENTS

Bundle of Documents

Please Select

Please Select

Claimant to prepare

Respondent to prepare

Bundle of Documents due

Select a date

☒ Submit
 ☐ Cancel

## NUMBER OF WITNESSES

Number of witnesses (claimant)

Please Select

Please Select

None

1 - 3

4 or more

☒ Submit
 ☐ Cancel

---

### WITNESS DETAILS 1-3

Witness 1 Title

Witness 1 Initials

Witness 1 Forename

Witness 1 Surname

Witness 1 Address

---

Witness 2 Title

Witness 2 Initials

Witness 2 Forename

Witness 2 Surname

Witness 2 Address

---

Witness 3 Title

Witness 3 Initials

Witness 3 Forename

Witness 3 Surname

Witness 3 Address

---

**WITNESS DETAILS 4-6**

Witness 4 Title

Witness 4 Initials

Witness 4 Forename

Witness 4 Surname

Witness 4 Address

---

Witness 5 Title

Witness 5 Initials

Witness 5 Forename

Witness 5 Surname

Witness 5 Address

---

Witness 6 Title

Witness 6 Initials

Witness 6 Forename

Witness 6 Surname

Witness 6 Address



RESPONDENT WITNESS STATEMENTS

Respondent Witness Statements received?

Please Select

Please Select

Yes

No

 Submit

Cancel

**ADVICE TO WITNESS (3) RE**

**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**ADVICE TO WITNESS (4) RE**

**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**ADVICE TO WITNESS (5) RE**



**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**ADVICE TO WITNESS (6) RE**

**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **APPLICATION FOR AN ORDER**

**FOR JUDGMENT IN DEFAULT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name }  
{ MERGEFIELD FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_address }

Dear Sirs

**{ MERGEFIELD LINKNAME SURNAME 1 } v { MERGEFIELD  
FW\_EMPLOYER FW EMPR\_CO\_NM }**  
**Case No. { MERGEFIELD FW\_EMP\_TRIBPROC\_FW\_TRIB\_CSNO }**

We act for the claimant in the above proceedings.

In accordance with rule 30 of the Employment Tribunals Rules of Procedure 2013 (ET Rules), we are writing to request an order for [DETAILS].

We consider that an order in the terms requested would assist the tribunal in dealing with the proceedings efficiently and fairly and in accordance with the overriding objective because [SPECIFIC REASONS].

We confirm that we have complied with rule 30(2) of the ET Rules by providing a copy of this letter or giving details of and the reasons for this application, to { MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }. We have also advised that any objection to this application must be sent to the tribunal office as soon as possible and copied to ourselves and { MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }.

We are grateful for your assistance and look forward to hearing from you.

Yours faithfully

**{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }**  
**{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }**





**CLIENT ADVISE APPLYING FOR**

# **JUDGMENT IN DEFAULT**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }

Dear { MERGEFIELD FW\_CLI\_INFO\_EME\_FW\_SALUTATION }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**CLIENT ADVISE AWAITING ET3**

**FROM TRIBUNAL**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: Your Employment Matter**

Please find enclosed a copy of a letter I have received today from the Tribunal confirming your claim has been accepted and has been sent to { MERGEFIELD  
FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }. The Respondent has 28 days in which to respond and I will let you know as soon as this is received.

I also enclose our own information sheet on the procedure and mitigation.

If you have any queries please do not hesitate to contact me.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }





## **Client care letter - Tribunal**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }

Dear { MERGEFIELD FW\_CLI\_INFO\_EME\_FW\_SALUTATION }

**Re: { MERGEFIELD MATTER MATTER\_DESCRIPTION }**

Thank you for instructing me to act on your behalf in this matter. I am { MERGEFIELD  
CALCULATION\_FEE\_EARNER\_DESCRIPTION }, a { MERGEFIELD  
CALCULATION\_STATUS\_DESCRIPTION } in the Employment Department. I am supervised  
by { MERGEFIELD CALCULATION\_EXECUTIVE\_NAME } who will also be aware of your  
matter.

### **Deadline to Submit Your Claim**

Your claim must be prepared and submitted by DATE. The claim is submitted to the Tribunal by  
completing Form ET1, together with a supplemental statement of the issues. I will prepare a  
draft of this form and statement and will send it to you as soon as possible for your  
consideration.

Please note there is no application fee payable to submit claims.

### **Preparing Form ET1**

Following our discussion, I understand the issues in respect of your case are as follows:  
*Insert issues here*

If there are other issues which I am not aware of, please contact me to discuss these further. It  
is extremely important to ensure all relevant information to your case is contained within your  
claim form.

I also have the following details for your Employer, and should be grateful if you would let me  
know of any inaccuracies as it is imperative that this information is correct in your claim form.  
*List the dossier fields for the employers details.*

Once the ET1 has been prepared I will forward this to you, together with the accompanying statement, for your consideration. Once approved I will send it to the Tribunal and a copy will also be sent to your Employer.

### **Employer's Response – Form ET3**

Once your Employer has received a copy of your ET1 form, they are obliged to complete form ET3 and send it to the Tribunal. The ET3 form allows your Employer to respond to the allegations you have made. Once I have received a copy of the ET3 from the Tribunal, I will forward it to you.

Once the Tribunal has received the ET3 from your Employer, both forms will be passed to an Employment Judge for consideration. The Judge will then send both parties a Case Management Order which will detail the next steps to be taken. The Judge may list a Preliminary Hearing where both parties will attend the Tribunal (in person or by telephone) and the Judge will set out a timetable of actions after hearing from both parties' representatives. It is possible, however, that the Judge will decide a Preliminary Hearing is not necessary to put in place a timetable, and this will be included within the Case Management Order by the Judge himself.

Usually, the Case Management Order will contain the following directions:

- For each party to compile and share with the other a list and copies of documents which are relevant to the case.
- Obtain any experts reports (if necessary).
- For both parties to exchange written witness statements.
- For you to prepare a schedule of loss, detailing any financial compensation you are claiming, which will be served upon your Employer.

If the Judge decides a Preliminary Hearing is not necessary, then a date for the Final Hearing will be confirmed in the Case Management Order. Please note that the Tribunal are very strict regarding hearing dates, so you should ensure you are available to attend. The Tribunal are unlikely to move a hearing date unless they believe there is a very good reason to do so.

### **Evidence**

During the Final Hearing, you will be required to give evidence as a witness. It may be necessary for us to consider whether you will require any witnesses to support your case, however I will discuss this with you in due course. If you believe you will require additional witnesses, I should be grateful if you would please let me know who these people are as I will need to get in contact with them as soon as possible (if they are willing to do so).

I should be grateful if you would please provide me with copies of the following documents:  
*List documents here.*

I would strongly advise you not to discuss your case with anyone, other than those who have to be involved. The reason for this is to prevent feedback of information or my advice about your case to your Employer, as this could be detrimental.

### **The Decision of the Tribunal**

Usually, the Tribunal do not give their judgment at the Final Hearing, rather preparing it after the hearing and sending a written judgement to the parties. This can take weeks or months, depending on the workload of the Tribunal Judges.

Once the judgement has been received, the unsuccessful party has 14 days to apply to the Tribunal to reconsider its decision, and 42 days to appeal. It is only possible to appeal a decision 'on a point of law' – this means it is not possible to appeal based solely on the unsuccessful party disagreeing with the Tribunal's decision.

If the Tribunal has not included compensation in the Judgement, it is likely a further separate hearing will be listed to consider how much you should be awarded.

### **Settlement**

It is possible to settle a case, even if an application has been made to the Tribunal. Often, cases do not go to Final Hearing because they have settled. There are many advantages to settling, such as reduced cost and stress, reduced bad publicity etc.

If a settlement is reached, it will usually include a compensation payment from your Employer to you.

Settlement can be reached either by both parties' representatives negotiating on their client's behalf, or through Acas (even where pre-claim conciliation has not worked).

### **Costs**

Even where a claim is successful, the Tribunal is highly unlikely to make a costs order against the unsuccessful party. Therefore if your claim was successful, your Employer would not usually have to pay your legal costs.

I estimate my costs in this matter to be:  
*Insert costs estimate here*

In my experience, I estimate this matter will conclude in:  
*Insert time estimate here*

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**CLIENT CONFIRMING**

# **PROCEEDINGS ISSUED IN**

**TRIBUNAL**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Please find enclosed a copy of a letter I have received today from the Tribunal confirming your claim has been accepted and has been sent to the Respondent. The Respondent has 28 days in which to respond and I will let you know as soon as this is received.

I also enclose our own information sheet on the procedure and mitigation.

If you have any queries please do not hesitate to contact me.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**CLIENT ENCLOSE ET3**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**CLIENT LETTER ENCLOSING**

# **DRAFT LIST OF DOCUMENTS**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: Preparation of List of Documents**

Please find enclosed draft List of Documents we have prepared for you.

Please confirm whether this contains all the documents you have in your possession relating to your matter. If you have any further documents please let me have copies of these by return.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

Enc

**CLIENT LETTER ENCLOSING**

# **INFORMATION FORM RE**



# **SCHEDULE OF LOSS**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **CLIENT RE DOCUMENTS**

**RECEIVED**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**COPY BUNDLE TO CLIENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**DRAFT ET1 TO CLIENT FOR**



**APPROVAL**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: { MERGEFIELD MATTER MATTER DESCRIPTION }**

Yours sincerely

**{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }**

# **INFORMATION REQUIRED FROM**

**CLIENT IN ORDER TO PREPARE**

# STATEMENT OF LOSS

## INFORMATION REQUIRED FROM CLIENT IN ORDER TO PREPARE SCHEDULE OF LOSS

Date of Birth	{ MERGEFIELD FW_CLI_INFO_EME_FW_CLI_DOB }
Employment Dates: Start Date: End Date:	{ MERGEFIELD FW_EMP_TRMS_DTS_FW_EMP_START_DT } { MERGEFIELD FW_EMP_TRMS_DTS_FW_EMP_TERM_DT }
Gross weekly earnings	{ MERGEFIELD FW_EMP_DET_FIN_FW_GRS_SAL_WK \# "£,##.00;(£,##.00)" }
Net weekly earnings	{ MERGEFIELD FW_EMP_DET_FIN_FW_NET_SAL_WK \# "£,##.00;(£,##.00)" }
Notice	{ MERGEFIELD FW_EMP_CLM_DET_FW_NOTICE_PAY } { IF { MERGEFIELD FW_EMP_CLM_DET_FW_NOTICE_PAY } = "Yes" " { MERGEFIELD FW_EMP_CLM_DET_FW_NTCE_PAY_AMT \# "£,##.00;(£,##.00)" }" "" }
Holiday entitlement	{ MERGEFIELD FW_EMP_CLM_DET_FW_HOL_PAY } { IF { MERGEFIELD FW_EMP_CLM_DET_FW_HOL_PAY } = "Yes" " { MERGEFIELD FW_EMP_CLM_DET_FW_HOL_PAY_AMT \# "£,##.00;(£,##.00)" }" "" }
Benefits:-	{ MERGEFIELD TK_EMP_DET_BENS_TK_AO_BENEFITS }
Health Cover	{ MERGEFIELD FW_EMP_DET_BENS_FW_HLTHCOV } { IF { MERGEFIELD FW_EMP_DET_BENS_FW_HLTHCOV } = "Yes" " { MERGEFIELD FW_EMP_DET_BENS_FW_HLTHCOV_AMT \# "£,##.00;(£,##.00)" } { MERGEFIELD FW_EMP_DET_BENS_FW_HLTHCOV_DTL }" "" }
Pension	{ MERGEFIELD FW_EMP_DET_BENS_FW_PENSION } { IF { MERGEFIELD FW_EMP_DET_BENS_FW_PENSION } = "Yes" " { MERGEFIELD FW_EMP_DET_BENS_FW_PENSION_AMT \# "£,##.00;(£,##.00)" } { MERGEFIELD FW_EMP_DET_BENS_FW_PENSION_DTL }" "" }
Bonus	{ MERGEFIELD FW_EMP_DET_BENS_FW_BONUS } { IF { MERGEFIELD FW_EMP_DET_BENS_FW_BONUS } = "Yes" " { MERGEFIELD FW_EMP_DET_BENS_FW_BONUS_AMT \# "£,##.00;(£,##.00)" } { MERGEFIELD FW_EMP_DET_BENS_FW_BONUS_DTL }" "" }
Shares	{ MERGEFIELD FW_EMP_DET_BENS_FW_SHARES }
Company car	{ MERGEFIELD FW_EMP_DET_BENS_FW_CO_CAR } { IF { MERGEFIELD FW_EMP_DET_BENS_FW_CO_CAR } = "Yes" " { MERGEFIELD TK_EMP_DET_BENS_TK_CO_CAR_AMT \# "£,##.00;(£,##.00)" } { MERGEFIELD FW_EMP_DET_BENS_FW_CO_CAR_DTL }" "" }
Fuel allowance	
Company phone	

--	--

# **INFORMATION SHEET –**



# **PROCESS AND MITIGATION**

### **Basic procedures for issuing a claim in the Employment Tribunal:-**

1. Your Application (Form ET1) should be sent to the Employment Tribunal by your limitation date. If you miss this date you will probably not be able to bring your case against your employer even if you have a good case.
2. The Tribunal will confirm when this has been issued and sent to the Respondent.
3. The Respondent has 28 days in which to file their response on Form ET3.  
(the Tribunal often take a further 7 days to send this to us)
4. An ACAS Officer is assigned to the matter – the ACAS Officer often conducts negotiations between the parties.
5. List of Documents are prepared by both parties – this list includes all documents you have about the case, whether they help your case or not. You should include all the documentary evidence you have including any electronic documents e.g. e-mails. We are then able to request copies of any documents on the Respondent's list we have not previously seen.
6. A Schedule of Loss is prepared and sent to the Respondent. The Schedule of Loss details your basic award for statutory redundancy, any contractual payments, current and future net losses and an indication of the amount of the award you are seeking for injury to feeling if you have a discrimination claim. Deduct state benefits. You must keep us informed if you find further work which reduces your losses.
7. Witness Statements will be prepared and exchanged with the Respondent. The Witness Statements form the basis of the hearing. You are usually required to read this out. All witnesses must attend the hearing, a Witness Statement alone will not be sufficient.
8. Mitigation details need to be provided by you (see below).
9. Trial Bundle prepared for Hearing. This incorporates both parties evidence, included in their List of Documents.

Please note that not all matters reach a final hearing and negotiation and settlement can sometimes be reached between the parties & their legal representatives at an earlier stage.

### Mitigation Checklist

It is important when issuing an application in the Employment Tribunal to prove that you have attempted to mitigate your losses. It is essential that you keep a record of all job search you have undertaken and details of what resources you have used i.e. Newspapers, Internet, Agencies etc. You should record all attempts you have made to look for work including making telephone calls. If you include the cost of looking for work e.g. postage, mileage, train fares and keep records you may also be able to recover this cost.

If the matter proceeds to a final hearing it will be necessary for us to provide copies of evidence to show your job search and details of any interviews you have been to. An example of how to set this out is as follows:-

Date applied for position	Position	Company	Where you saw details of job	Comments

Also keep copies of back up documents e.g. job ads and job application letters/online applications.

**NB. Please note that if the Tribunal find in your favour at the hearing any award you may receive may be reduced if you have not reasonably mitigated your loss.**

**LETTER ENCLOSE WITNESS (1)**

# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**LETTER ENCLOSE WITNESS (2)**



# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**LETTER ENCLOSE WITNESS (3)**

# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**LETTER ENCLOSE WITNESS (4)**



# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**LETTER ENCLOSE WITNESS (5)**

# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**LETTER ENCLOSE WITNESS (6)**



# DRAFT STATEMENT



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Please find enclosed a draft copy of your witness statement. I should be grateful if you would please read through it carefully and if approved, sign and date where indicated.

If, however, you wish to make any amendments to the statement please let me know as soon as possible so I can discuss these with you.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**Letter to Emp (Company) to**

# Confirm Exchange



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }  
{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_MN\_ADR }

Dear Sirs

**Re: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 }**

Please confirm that you will be in a position to exchange Witness Statements on {  
MERGEFIELD FW\_EMP\_TRIB\_ORD\_FW\_EXCHWIT\_DUE \@ "d MMMM yyyy"} in  
accordance with the Tribunal's Order dated [DATE].

We look forward to hearing from you.

Yours faithfully

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# LETTER TO OTHERSIDE

**ENCLOSING WITNESS**



**STATEMENT(S)**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: Witness Statement**

Please find enclosed Witness Statement(s) received from the other side. I would be obliged if you could read through the same and let me have your comments.

I look forward to hearing from you.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

Enc

**Ltr Chase Emp (Company) for List**

**of Docs FW\_EME**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }  
{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_MN\_ADR }

Dear Sirs

**Re: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 }**

We note from our file that we have not received your client's List of Documents in accordance with the order dated [DATE].

We look forward to receiving your client's List of Documents within the next 7 days. Failing which we will have no option but to apply for an Unless Order but trust this will not be necessary.

Yours faithfully

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**Ltr enc. List of Documents to Emp**

**(Company) FW\_EME**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }  
{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_MN\_ADR }

Dear Sirs

**Re: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 }**

Please find enclosed our client's List of Documents. If you require copies of any of the documents listed please let us know and we will forward these to you.

Yours faithfully

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**Ltr to Emp (Company) Chasing**

**Witness Stat FW\_EME**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }  
{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_MN\_ADR }

Dear Sirs

**Re: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 }**

Please confirm that you will be in a position to exchange Witness Statements on [DATE] in  
accordance with the Tribunal's Order dated [DATE].

We look forward to hearing from you.

Yours faithfully

**{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }**

**Ltr to Emp (Company) enc.**

**Witness Stat FW\_EME**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }  
{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_MN\_ADR }

Dear Sirs

**Re: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD  
LINKNAME SURNAME 1 }**

Please find enclosed our client's Witness Statement(s) in accordance with the Tribunal's Order dated [DATE]. Kindly acknowledge receipt.

Yours faithfully

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **TEMPLATE LETTER TO PREPARE**

# CLIENT STATEMENT





Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }  
{ MERGEFIELD CALCULATION\_ADDRESS }

Dear { MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }

**Re: Preparation of your witness statement**

I write further to my letter of [DATE].

As you know, we need to prepare a witness statement to deal with all the matters that the tribunal must consider in your tribunal claim.

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your witness statement. I have also included some general advice on how to prepare to give your evidence and how to deal with cross-examination by the other side's representative.

**YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;
- (d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and
- (e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version. The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

- (a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or
- (b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers. Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

### **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

### **Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

### **Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

### **Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

### **DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**TEMPLATE LETTER TO PREPARE**

# **WITNESS (1) STATEMENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version. The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.



## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

**Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

**Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

**DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **TEMPLATE LETTER TO PREPARE**

## **WITNESS (2) STATEMENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version. The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.



**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

**Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

**Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

**DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **TEMPLATE LETTER TO PREPARE**

## **WITNESS (3) STATEMENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version. The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.



### **Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

### **Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

### **DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**TEMPLATE LETTER TO PREPARE**

## **WITNESS (4) STATEMENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version.

The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

**Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

**Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

**DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**TEMPLATE LETTER TO PREPARE**

## **WITNESS (5) STATEMENT**

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version.

The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

**Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

**Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

**DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**TEMPLATE LETTER TO PREPARE**



## **WITNESS (6) STATEMENT**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

I write further to our discussion of [DATE].

Thank you for agreeing to give evidence in the tribunal claim being brought by { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. I understand that  
you are able to give evidence about [DETAILS OF INFORMATION OR EVENTS TO BE  
COVERED BY WITNESS STATEMENT].

I thought it would be useful if, at this stage, I set out the steps that will be taken to prepare your  
witness statement. I have also included some general advice on how to prepare to give your  
evidence and how to deal with cross-examination by the other side's representative.

#### **YOUR WITNESS STATEMENT**

Early preparation of your statement will ensure that:

- (a) Your recollection is set down on paper while matters are as fresh in your mind and before  
they are subject to challenge;
- (b) You have a proper opportunity to think about the matters and/or events you are dealing with  
and your evidence is presented in a clear and logical fashion;
- (c) You have the chance to thoroughly consider any documents referred to in your statement;

(d) The words used in the statement are your own, you are comfortable with what you have said, and you are not committed to say anything that you do not really mean; and

(e) We can identify any areas of difficulty or concern at an early stage so that you can be properly prepared to deal with them at the hearing.

We are likely to prepare several draft witness statements as part of producing a final version. The tribunal is likely to order the parties to exchange witness statements in advance of the hearing and you should therefore have the opportunity to read what is being said by the witnesses appearing for { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }. Your comments on those statements will be very helpful in preparing for the hearing.

### **PREPARING FOR THE HEARING**

Once your statement has been finalised, in preparation for giving evidence at the hearing you should practise reading your statement slowly out loud a number of times. Doing this should avoid two situations that commonly make witnesses look foolish and damage their credibility:

(a) A witness who reads out their statement in a faltering fashion suggests that the words they are reading are unfamiliar. The tribunal may conclude that the words they are hearing are not their own; or

(b) A witness contradicts their statement when they answer a question in cross-examination.

A witness who remains calm and sticks to their evidence is difficult for even a skilled cross-examiner to undermine.

### **GIVING EVIDENCE AT THE HEARING**

When you are called to give evidence you will be asked to take the oath. This will involve either swearing on a holy book or, if you are not religious, affirming. Most tribunals will then ask you to read out your witness statement. You will be asked to pause from time to time while the tribunal looks at documents that have been referred to in your statement. Some tribunals, however, prefer to read the statements to themselves.

Once you have finished reading out your statement, or the tribunal has read it (as the case may be), our representative will ask you "supplementary questions". These deal with matters that have been addressed in the other party's witness statements that may not have been addressed in your own. These questions will also enable you to get comfortable with the process of answering questions before the tribunal.

Once supplemental questions have been completed, the other party's representative will have the opportunity to cross-examine you. Since this is the part of giving evidence that most often worries witnesses, I have set out some advice below about how to give evidence effectively when being cross-examined.

After you have been cross-examined, the [tribunal **OR** employment judge] may have questions for you. Those questions may be put by the legally-qualified employment judge or one of the two "wing members". One wing member will have an employee representative background and the other will have a background in advising employers.

Finally, our representative will be permitted to ask you questions about matters that have come up during your cross-examination.

## **HOW TO GIVE EVIDENCE EFFECTIVELY**

This is very simple: do what the oath requires of you. Tell the truth, the whole truth and nothing but the truth.

### **Dealing with possibilities**

You should only tell the tribunal things you know for a fact. The cross-examiner may ask you to speculate about whether it is possible that a particular event occurred. Contrary to what is commonly assumed, you cannot refuse to answer a question merely because it is hypothetical. The issues commonly dealt with by tribunals often involve the consideration of hypothetical matters.

If you are asked whether something was possible, unless you tell the tribunal how likely you think it was they will be left guessing. Therefore, if you think that there was a slight possibility of that something happening or having happened, rather than saying that it was possible you should let the tribunal know how likely it was. For example, you could say that it was possible but would have been very unlikely.

### **When you can't remember something**

If you have no recollection of something you are asked about, don't be tempted to tell the tribunal what you assume must have happened as if you know it for a matter of fact. You should say that you do not recall the particular matter in issue but think it likely that a particular scenario would have happened and explain why you think that to be the case. For example, "I do not recall if I typed this document immediately after the meeting, but I think it likely that I would have done as that is my usual practice". Do not say: "I would have typed it up immediately", and hope that no-one notices that you can't remember what actually happened. The phrase "would have" is heard so often in the tribunal that it amounts to an admission that a witness can't remember. Be honest or the cross-examiner will force you to admit you can't remember and you will look foolish for not having been honest in the first place.

### **When you would rather not remember something**

There may be something that you are tempted to forget and suggest that you have no recollection of. However, you should still be honest. In relation to serious matters, the tribunal will simply not believe you if you tell them you can't remember. They will expect serious allegations (for example, that a conversation had included an allegation of dishonesty or a threat of violence) to stick in your memory and therefore be matters that you will deal with in your evidence.

### **You don't have to be perfect**

Do not worry about admitting that you or your organisation were less than perfect in anything you did. Generally, tribunal proceedings are about persuading the panel that you are a reasonable person who has acted in a reasonable manner. Defending the indefensible will give your cross-examiner the chance to make you look unreasonable.

Cross-examiners frequently ask witnesses whether a hypothetical course of conduct would have been reasonable. The hypothetical course of conduct put to you will be eminently reasonable and you will agree that it is. You then find yourself being treated as if you have accepted that what you actually did was unreasonable. For example, a cross-examiner may suggest that postponing a disciplinary meeting as a result of an employee's sickness absence would have been a reasonable step. Where, however, you have already postponed the hearing on a number of previous occasions, you may consider that pressing ahead was equally reasonable.

**Being asked for a yes or no answer**

The most popular line of attack for a cross-examiner is the closed question. You will become familiar with the phrase "it's a yes or no answer". You probably won't agree.

The temptation when faced with an unreasonably restrictive question is to not answer it and instead to answer the question you think you should have been asked. However, this will make you appear evasive and unhelpful and will not endear you to the tribunal. It is better to either answer yes or no, but to state that is not a complete answer and there are other things the tribunal should know in order to be able to understand it. Then, the tribunal will either let you expand your answer immediately or you will at least have brought your representative's attention to this issue as being one that you should be taken back to in re-examination.

**Being referred to documents**

You may find the cross-examiner posing an impossible memory test by referring to a document in the hearing bundle (for example, they may suggest "this isn't mentioned anywhere in the minutes, is it?").

The temptation is to avoid appearing as if you do not know what the document says by agreeing with the statement. Instead you should stay calm, ask to be taken to the relevant document in the bundle and to be given an opportunity to read it. If you think that the relevant matter is dealt with in another document, but can't remember which one, tell the tribunal that you think a relevant document exists and look through the bundle for it.

**Answer the question and avoid repetition**

You should keep your answers to the questions that you are asked. You can undermine your credibility and the strength of your evidence if you take each question as an opportunity to repeat the same thing.

**DEALING WITH THE CROSS-EXAMINER**

Do not be tempted to argue with the cross-examiner. You will come across as being deliberately difficult and evasive, which tribunals hate. It is far better to stay calm and focus on dealing with the questions put to you.

If there are any matters of particular concern to you about either the evidence you are to give or that may be put to you in cross-examination you should let me know now.

So that we can start on the preparation of your statement [DETAILS OF MEETING OR TELEPHONING PARTY OR WITNESS TO START THE PROCESS].

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **WITNESS (1) DRAFT STATEMENT**

**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW\_TRIB\_CSNO }**

**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD  
FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1FORENAME \\*  
Upper } { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....



Dated .....

# **WITNESS (2) DRAFT STATEMENT**

**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW\_TRIB\_CSNO }**

**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD  
FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2FORENAME \\*  
Upper } { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....

# **WITNESS (3) DRAFT STATEMENT**

**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW\_TRIB\_CSNO }**

**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD  
FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3FORENAME \\*  
Upper } { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT3FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT3ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....

# **WITNESS (4) DRAFT STATEMENT**



**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW TRIB CSNO }**  
**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD**  
**FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD**  
**LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4FORENAME \\***  
**Upper } { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT4FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT4ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....

# **WITNESS (5) DRAFT STATEMENT**

**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW\_TRIB\_CSNO }**

**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD  
FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5FORENAME \\*  
Upper } { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT5FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT5ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....

# **WITNESS (6) DRAFT STATEMENT**

**Case No: { MERGEFIELD FW\_EMP\_TRIBPROC FW\_TRIB\_CSNO }**

**IN THE EMPLOYMENT TRIBUNAL AT { MERGEFIELD  
FW\_EMP\_TRIBPROC\_FW\_TRIBUNAL\_name \\* Upper }**

**BETWEEN:**

**{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

**Applicant**

**-and-**

**{ MERGEFIELD FW\_EMPLOYER\_FW\_EMPR\_CO\_NM }**

**Respondent**

---

**STATEMENT OF { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6FORENAME \\*  
Upper } { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6SURNAME \\* Upper }**

---

I, { MERGEFIELD FW\_EMP\_WITDET\_2\_FWWIT6FORENAME } { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6SURNAME } of { MERGEFIELD  
FW\_EMP\_WITDET\_2\_FWWIT6ADDRESS }, will say as follows:

1. I make this statement in accordance with...

I believe that the facts stated in this witness statement are true.

**Statement of Truth**

Signed .....

Dated .....



**ADVICE TO CLIENT RE**

# APPLICATION



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }

Dear { MERGEFIELD FW\_CLI\_INFO\_EME\_FW\_SALUTATION }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

# **ADVICE TO CLIENT RE HEARING**

**DATE(S)**



Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD LINKNAME\_TITLE\_1 } { MERGEFIELD LINKNAME\_INITIALS\_1 } {  
MERGEFIELD LINKNAME\_SURNAME\_1 }

Dear { MERGEFIELD FW\_CLI\_INFO\_EME\_FW\_SALUTATION }

**Re: { MERGEFIELD MATTER\_MATTER\_DESCRIPTION }**

Please find enclosed a copy of a letter I have received today from the Tribunal confirming your claim has been listed for hearing on { MERGEFIELD FW\_EMP\_HRTGS\_FW\_DSCHRG\_DT }, { MERGEFIELD FW\_EMP\_HRTGS\_FW\_DSCHRG\_TM }, { MERGEFIELD FW\_EMP\_HRTGS\_FW\_DSCHRG\_LC }.

Please note you will be required to attend this hearing. If for any reason you or any of your witnesses are unable to attend, please let me know straight away as I will need to inform the Tribunal within the next seven days so that they can relist the matter. If you have a pre-booked holiday or appointment the Tribunal may want to see evidence of this.

If you have any queries please do not hesitate to contact me.

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }



**ADVICE TO WITNESS (1) RE**



**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT1TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT1SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }

**ADVICE TO WITNESS (2) RE**

**HEARING DATE**



**PRACCTICE**  
SOLICITORS

www.demoospreyapproach.com  
enquiries@pracctice.com  
Suite 1, Falstaff House  
Malvern  
WR14 1JJ  
T: 0330 060 4940

Our Ref: { MERGEFIELD MATTER\_FEE\_EARNER\_ID }/{ MERGEFIELD  
client\_no }/{ MERGEFIELD matter\_no }

Your Ref:

{ SET LETTER{ DATE \@ "d MMMM yyyy" } }{ref LETTER \@ "d MMMM yyyy" \ \\*  
MERGEFORMAT }

{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2INTS } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }  
{ MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2ADDRESS }

Dear { MERGEFIELD FW\_EMP\_WITDET\_1\_FWWIT2TITLE } { MERGEFIELD  
FW\_EMP\_WITDET\_1\_FWWIT2SURNAME }

**Re: { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 }**

Yours sincerely

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME\\*UPPER }