



University of Strathclyde  
**LAW CLINIC**

# 4D. Agenda and Agenda Response

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# Agenda



The Tribunal will ask you and the other party to each prepare an agenda form.

This must be completed before the Preliminary Hearing

You will exchange this with the other party or their representative.



This is to help parties know what to expect from each other and to be prepared for the matters that will be discussed at the Preliminary Hearing.

# Agenda Response (1)

- ▶ We will now go through the Agenda response section by section:
  1. If there are any errors in the names of the parties then this is the place to note this;
  2. If your case relates to whistleblowing or a form of discrimination:
    - The Tribunal will want to know more information about the types of discrimination you are alleging or which sections of the whistleblowing legislation you are relying on.
    - You may need some help- to understand the specific legal questions but make sure you note everything that you want to be covered by your claim;

# Agenda Response (2)

3. The Tribunal will also wish to know whether there are any other types of claims that you are making in addition to the discrimination or whistleblowing claims;

So for example if you are also claiming unfair dismissal, make sure to note this where asked.

# Agenda Response (3)

5. Next you will be asked if there is any information you need from the other side:
  - information or documents;
  - we discuss this issue in our 'Case Management' Document.

Again this is just to ensure that everyone is thinking about the preparation and what is needed as early as possible in the process;

# Agenda Response (4)

6. You will be asked some questions about your loss or how you are calculating your loss.
  - ▶ Don't worry if you do not have an exact figure for this, please refer to slideshows 7A-7F.
  - ▶ It is helpful for the other side to know what you think the value of your claim is, in case there is an opportunity to discuss any settlement of the case.
  - ▶ And so that they understand the value of the claim.
  - ▶ If you don't know how to work out what the case is worth then take your time and say that this is something you can work out and provide at a later date;

# Agenda Response (5)

7. The next part of the form asks you to list the legal issues in the case.
  - ▶ You do not need to complete this section if you are not legally represented. It is difficult to identify the legal issues without legal advice as it is about the legal questions that the Tribunal will need to answer to make a decision in the case.
  - ▶ List the claims that you have again and wait to see what the other side put in their agenda.
  - ▶ They might make a long list of the issues to help everyone.
    - ▶ You can review this before the hearing and see whether this fits with what you think-
  - ▶ The Judge will go through the legal issues at the PH. This process will help your understanding of the legal case that you are making which is very important if you will be continuing to self-represent.



# Agenda Response (6)

8. The next sections are about the practicalities of preparing for the Tribunal.
  - ▶ What witnesses do you plan to call and why are they relevant?
  - ▶ How long do you think their evidence will take?
  - ▶ Is there a need for expert witnesses or evidence such as a medical report if you have a disability discrimination claim?

# Agenda Response (7)



- ▶ Are there any necessary or relevant witnesses that would not be willing to attend of their own accord and who might need to be ordered to attend by the Tribunal is another question that will be considered?

This is a difficult tactical question.

- ▶ If you have a colleague who would be willing to attend if ordered but does not feel that they can attend on a voluntary basis this can be helpful.
- ▶ However if a witness really does not want to attend and give evidence it can be counterproductive to have them forced to attend;

# Agenda Response (8)

9. There are questions about who will make up the bundle of documents everyone wants to rely on in the Hearing.
  - ▶ It is usually the solicitors acting for the employer who do this.
  - ▶ Everyone usually agrees to exchange their documents with each other or a list of what they want included at least **14 days before the hearing date** so the ‘bundle’ can be made up;

# Agenda Response (9)

10. Finally, you will be asked if you are interested in participating in judicial mediation.
  - ▶ This is where a Judge who is not dealing with your case, but who is also trained as a mediator will be allocated to facilitate a mediation day between you and the other side and or their representative to see if you can find a resolution to the matter.
  - ▶ A mediator is an independent third party person who tries to help two sides that in dispute about something to find a resolution between themselves. To find out more about Judicial Mediation please refer to slideshow 10F.
  - ▶ In the event that this is not possible the case reverts back to the Employment Tribunal procedure.