



## Additional Support Needs

### GUIDANCE TO TRIBUNAL ADMINISTRATION AND PARTIES NO 01/2020

#### DOCUMENTARY EVIDENCE AND THE COVID 19 OUTBREAK

##### *Purpose of this Guidance*

1. This guidance has been issued in order to assist the Administration and parties when preparing documentary evidence for a hearing during the period of the Covid-19 outbreak.

##### *Applicability*

2. This guidance is temporary and applies from the date of its issue until the President announces that it no longer applies.

##### *PGN 01/2019 Documentary Evidence*

3. The requirements set out in paragraphs 21 to 33 of the [PGN 01/2019 'Documentary Evidence'](#) are suspended. This removes the requirement for the respondent/responsible body to prepare the bundle (electronic or physical).

##### *Electronic Bundle*

4. An electronic bundle of the documentary evidence will be created by the caseworker. This will create a single document that can be easily navigated by the parties/tribunal members. No physical bundle will be created.
5. Each document will be bookmarked in the electronic bundle to assist in navigation, with page numbering throughout so that specific pages/documents can be referred to during the hearing.
6. ~~Page numbering will have a consistent prefix followed by a consecutive number throughout the whole document, e.g. 'HEC 0001, HEC 0002, HEC 0003, etc.', rather than the usual T, A, and R/RB sections.~~
6. The electronic bundle will be set out in three sections: a 'T' section for tribunal papers; an 'A' or 'C' section for papers lodged by the appellant or claimant; and an 'R' or 'RB' section for papers lodged by the respondent or responsible body. Page numbering should run in each of these sections so that the numbering in each section would begin as follows: 'T1'; 'A1'/'C1' and 'R1'/'RB1'.

### *Timescale*

7. The electronic bundle will be created once the case statement period ends and will be circulated to the parties and tribunal members. It may be added to if necessary and re-circulated.
8. Late requests to lodge additional documents will not be considered within 5 working days of the hearing, unless exceptional circumstances exist.

### *Witnesses*

9. Where it is necessary for a witness to speak refer to a document, they must have access to a secure email server during the course of the hearing. Relevant documentation will be sent by the clerk to the witness, which they will access during their evidence.
10. To assist with this, the legal member, or tribunal, shall direct that parties provide a list of witnesses, the order/expected time they will be heard, any documents that they are to be referred to, and a secure email address, no later than 6 working days in advance of the hearing.

### *Limits on the Number of Witnesses*

11. The Administration shall send a copy of [Information note 01/2018 for Parties, Representatives, Witnesses and Supporters](#) to the parties when a hearing is to be fixed. This explains that each party can bring up to 2 witnesses in a reference, and 5 witnesses in a claim.

### *Conclusion of Evidence*

12. Once a witness has given their evidence, the clerk will send an email to the witness to instruct that any documentation be deleted in such a way that it cannot be retrieved in any form after the hearing is over.

**May Dunsmuir**

**President**

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