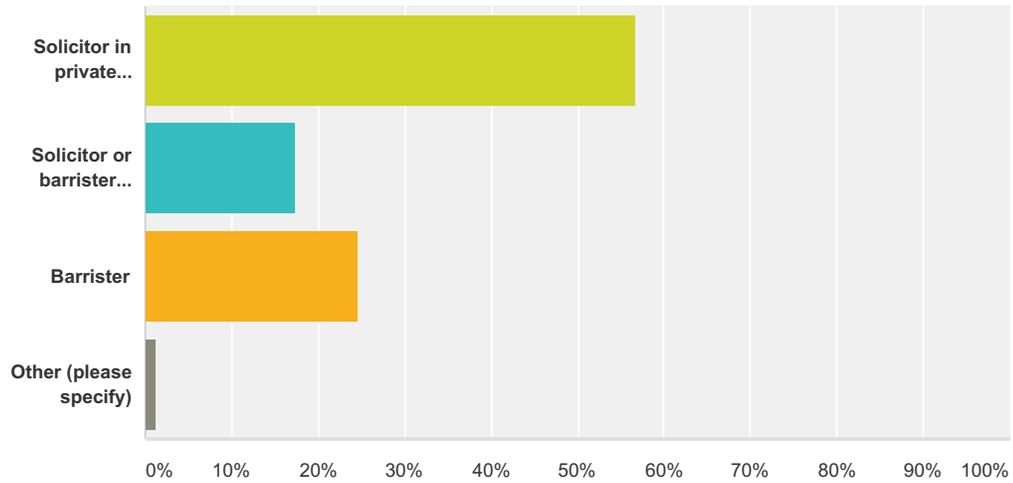


Q1 What is your legal background?

Answered: 81 Skipped: 0

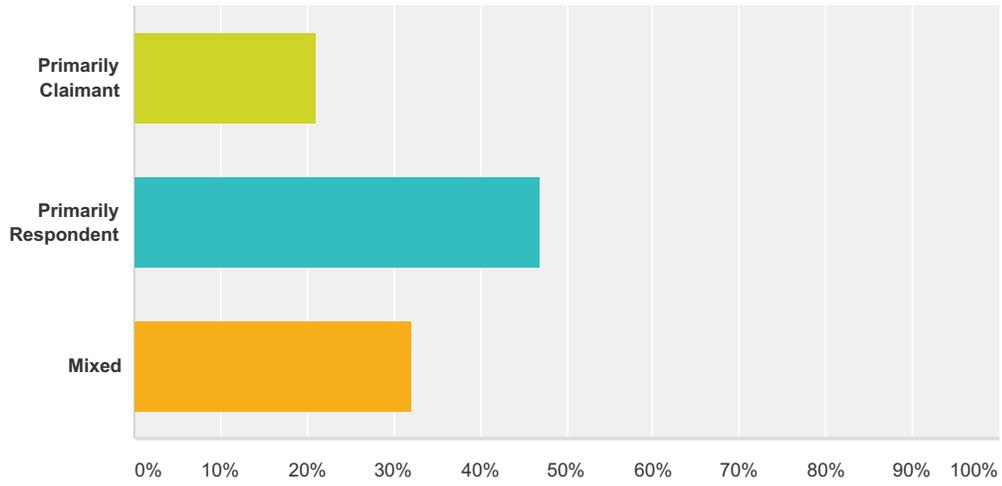


Answer Choices	Responses
Solicitor in private practice	56.79% 46
Solicitor or barrister working in house/for public body	17.28% 14
Barrister	24.69% 20
Other (please specify)	1.23% 1
Total	81

#	Other (please specify)	Date
1	Legal officer public service	3/1/2016 8:16 AM

Q2 What type of work do you typically undertake?

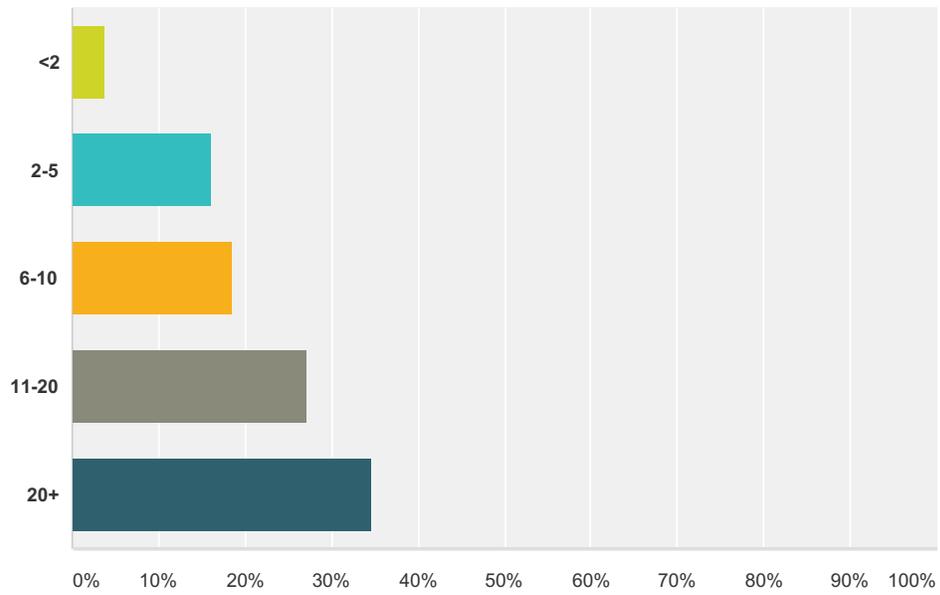
Answered: 81 Skipped: 0



Answer Choices	Responses
Primarily Claimant	20.99% 17
Primarily Respondent	46.91% 38
Mixed	32.10% 26
Total	81

Q3 How many years have you been in practice?

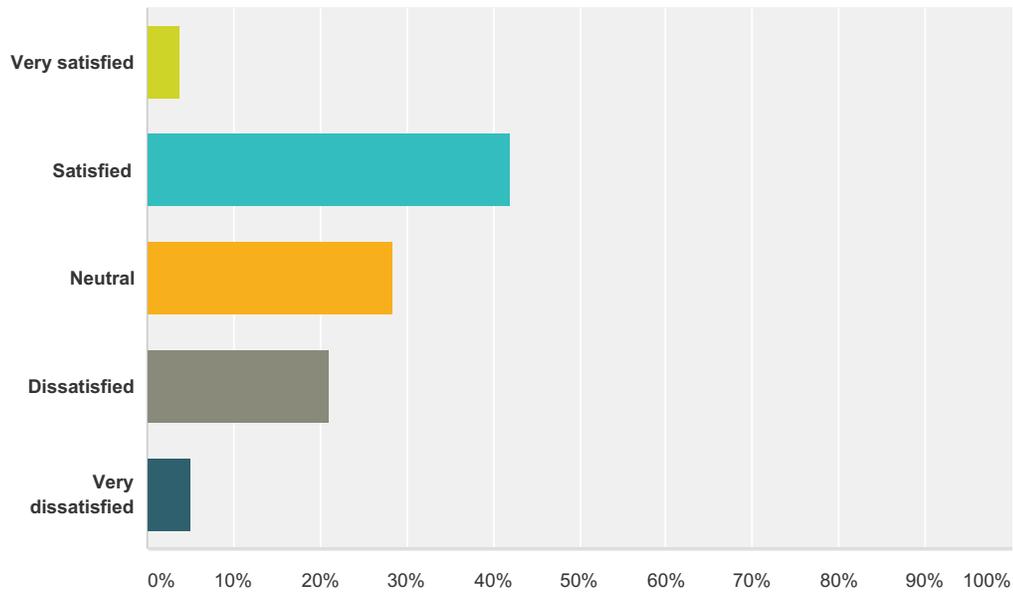
Answered: 81 Skipped: 0



Answer Choices	Responses	Count
<2	3.70%	3
2-5	16.05%	13
6-10	18.52%	15
11-20	27.16%	22
20+	34.57%	28
Total		81

Q4 How satisfied are you with the service as a user of Tribunals?

Answered: 81 Skipped: 0



Answer Choices	Responses
Very satisfied	3.70% 3
Satisfied	41.98% 34
Neutral	28.40% 23
Dissatisfied	20.99% 17
Very dissatisfied	4.94% 4
Total	81

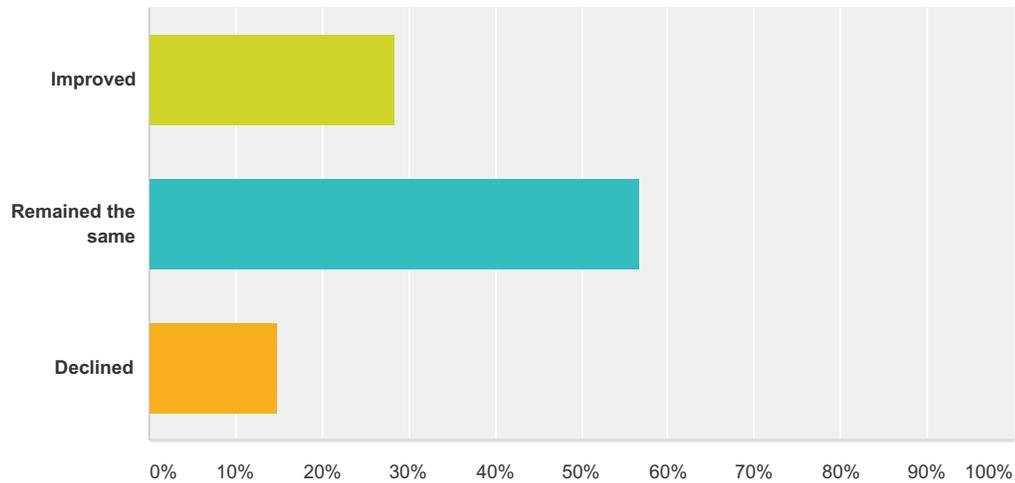
#	Please comment	Date
1	I find the administrative staff to be generally courteous and helpful. I find the Tribunals to be oppressive, over rigid and grossly and disproportionately lacking in flexibility or empathy for the challenges faction users, whether reps or parties themselves. I have a range of experience in courts at all levels and the lack of courtesy, occasional downright rudeness and intransigence of the Tribunals to be singular.	3/7/2016 5:44 PM
2	Changes in procedure are not well communicated - The website could be used to issue practice directions for procedural changes. User Group meetings are not, in my experience, widely advertised as I do not get any notice that they are on - I am at the tribunal regularly and in the ELG.	3/3/2016 9:28 AM
3	The tribunal admin staff are very helpful and accessible	3/3/2016 9:06 AM
4	I find the service provided by the Tribunal to be very unpredictable and inflexible to the competing demands of practitioners both professional and personal which at times require practitioners to seek short adjournments of cmd's or other hearings. I also feel that cases are front loaded and overly restrictive and tight timeframes are set for parties which vastly reduces the possibility that cases can be resolved in good time before the hearing. This tends to lead to settlements at the last minute which is not an outcome any party is happy with.	3/1/2016 11:29 AM

5	In general, I am reasonably satisfied with the tribunal but I feel that there are many areas for improvement. The administrative process is unnecessarily burdensome and rigid. Routine applications for adjournments or requests to change dates or times of hearings takes a disproportionate amount of time to deal with. This is an example of something that could quickly be dealt with by phone instantly (especially where there is consent from the parties). Whereas the reality is that this requires multiple emails from all parties followed by a wait for a decision, a decision that is often left to the day before hearing. In that scenario, further telephone calls are required to enquire as to when the decision will be made. If a request for a change of date or time is made, it is usually because it is unsuitable for a party or a representative - that person needs to know quickly if they can be facilitated. It should also be pointed out that often the initial dates and times are unilaterally imposed by the tribunal. It is quite likely and reasonable that it will not suit all parties - while I accept that this approach has improved in recent years, the reality is that it is difficult to secure such a change without making an application. Contrast this with the approach of the civil courts. The administrative staff, who have to listen to our frustrations, are unfailingly polite and courteous. Nonetheless, their frustration can be sensed as well.	2/27/2016 11:13 PM
6	The service can be inflexible and inconsistent. This does not assist the different requirements of a relatively simple as compared to a complex case. The approach of employment judges can be inconsistent	2/26/2016 1:42 PM
7	The greatest difficulty faced with use of the tribunal service at present is the lack of consistency with respect to case management and conduct of hearings across different employment judges. This provides a great deal of uncertainty for clients and makes advising on matters of process often difficult. A number of clients have also raised particular concerns about the impact that the draw of Employment Judge can potentially have on a case when it comes to applying the law to the evidence before it.	2/26/2016 1:05 PM
8	Generally, the service is efficient and organised. However, we witness vastly different approaches to matters/issues depending on which Employment Judge is presiding.	2/26/2016 12:44 PM
9	See the comments below.	2/25/2016 12:17 PM
10	The administration staff are excellent and very helpful. The working atmosphere is at times unnecessarily confrontational between EJs and legal representatives at times with little appreciation that all are attempting to work towards resolution of cases through settlement or hearing. Micro management of cases is often unproductive.	2/25/2016 10:52 AM
11	See below.	2/25/2016 10:07 AM
12	My experience has been mostly satisfactory, however there have been occasions when I have felt that a couple of the Employment Judge have been unnecessarily rude and other occasions when I have felt that the Judges are unrealistic in respect of timetabling and listing cases for hearing.	2/25/2016 9:32 AM
13	Very inflexible towards respondents.	2/25/2016 9:28 AM
14	Overall the tribunal is fit for purpose and it is very useful to be allowed to engage with it via the user group.	2/24/2016 9:17 PM
15	Inconsistency in approach to case management is a concern.	2/18/2016 1:06 PM
16	Overall there seems to be an undue emphasis on targets and often an apparent lack of understanding of the practical difficulties that can be faced by legal representatives and the burden in terms of time and costs that can result from an often inflexible and sometimes unnecessary application of standard case management requirements. There is often a lack of an appropriate degree of flexibility as found in the civil courts. While some employment judges show the necessary degree of flexibility others are often very inflexible and standard directions are applied irrespective of the particular case and circumstances. There have been some positive recent developments including the use of telephone CMDs where appropriate.	2/18/2016 1:02 PM
17	The entire procedure is completely statistically driven so that Tribunal targets are met. There is inordinate pressure brought to bear to adhere to artificial deadlines without allowing the process to unfold and take its course naturally as it would in the civil courts. The cases are completely micro-managed. Dates for CMDs are thrust upon you, with no regard for your working hours and when you try and arrange an alternative date, the matter is referred to as an "adjournment" , when a simple phone call would have determined if you were able to attend on the proposed day. As a regular user, with experience of the process, there is very little rapport with the Employment Judges as one would have in the civil courts and little professional courtesy.	2/17/2016 1:50 PM
18	Not user friendly, for example, on the parts of certain judges there is too much inflexibility , too combative/schoolteacher approach, not enough co-operation with the representatives, inconsistency of approach for example regarding 'issues'	2/17/2016 11:59 AM
19	Deposit hearings are encouraged yet where an order has been made then paid and Claimant's are unsuccessful very rarely are Respondent's successful pursuing costs which is surely contrary to their purpose. These need to be enforced more	2/17/2016 10:46 AM

<p>20</p>	<p>1. The Tribunals are not sufficiently flexible in relation to various matters such as fixing dates and granting adjournments as compared to the Courts. The practice and procedure of the tribunal can be very bureaucratic with a rigid focus on and adherence to procedures, timetables etc rather than a broader more flexible approach to allow justice to be administered efficiently and fairly. There is an obsession with words in witness statements and numbers of documents in bundles. Tribunals sometimes refuse to allow parties to lead further evidence where it has become necessary to do so by reason of the emergence of new facts - generally such an approach is contrary to the interests of justice. (See the NICE decision.) 2. Operating at the Tribunals is problematic for practitioners because of the inconsistency. There are two main forms of inconsistency: (a) perceived lack of neutrality on the part of some Judges; (b) propensity to make errors of fact and law; 3. Tribunals are not sufficiently judicial or restrained in their approach to adjudication: (a) Judges jumping to premature views on the merits of claims or defences; (b) Judges repeatedly intervening in cross examinations for no apparent rational or fair reason; 4. The Tribunal has much greater power than the English Tribunals because there is no appeal to the EAT and costs are at issue in the Court of Appeal - therefore the import of the problems identified above is magnified and many errors and unfairnesses fall below the radar because litigants cannot risk costs on appeal. In short there are fundamental problems with the administration of justice in the Tribunals.</p>	<p>2/17/2016 9:37 AM</p>
<p>21</p>	<p>All front of house staff and clerks are excellent. Always helpful on the phone and in person.</p>	<p>2/17/2016 8:11 AM</p>
<p>22</p>	<p>The Tribunals can be a strange and very arbitrary environment to practice in. Different Judges employ vastly different practices and clients / practitioners seem to bear the brunt.</p>	<p>2/16/2016 9:12 PM</p>

Q5 Over the past 5 years do you feel the level of service received as a user of the Tribunals has:

Answered: 81 Skipped: 0



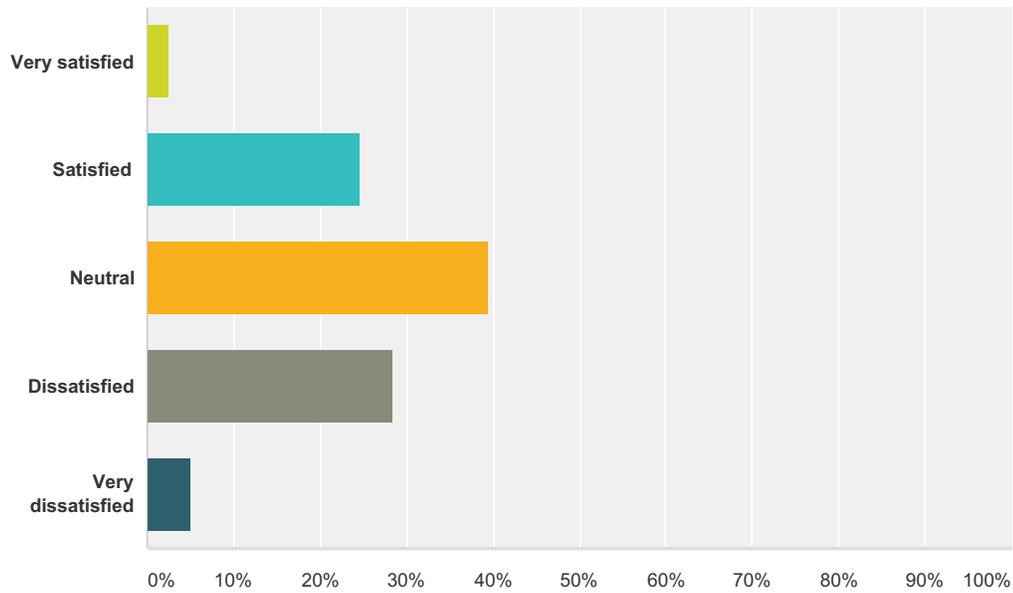
Answer Choices	Responses
Improved	28.40% 23
Remained the same	56.79% 46
Declined	14.81% 12
Total	81

#	Please comment	Date
1	Regrettably. I have longed for improvement and the voice of users to be properly heard. However i feel that the Tribunals obsess with the quantitative (hitting the oft mentioned 'targets') and the expense of the qualitative (simply doing justice - and being seen to do justice).	3/7/2016 5:44 PM
2	The attitude of the chair/judges has declinef	3/2/2016 8:26 PM
3	I find that there is greater inconsistency of approach by the Tribunal than there used to be and greater inflexibility as outline above.	3/1/2016 11:29 AM
4	the Tribunal service has I believe become significantly less user friendly in this period.	2/29/2016 5:57 PM
5	The same issues remain problematic for the users and tribunal -inflexibility and inconsistency.	2/26/2016 1:42 PM
6	It is to be hoped that the new rules may reduce the inflexibility that appears a feature of the tribunal process-for example in consideration of adjournments.	2/25/2016 12:47 PM
7	The comments above apply increasingly and the atmosphere has deteriorated.	2/25/2016 10:52 AM
8	I accept that c10 years ago that there was too little case management of Tribunal cases and that they were taking far too long to come to hearing. However, over the intervening period (and particularly over the last five years) things have gone much too far the other way. Cases are now being micro managed and the timetables that are being set are too restrictive.	2/25/2016 10:07 AM
9	I have noticed an increased level of service although there is still room for improvement.	2/24/2016 9:17 PM
10	Improved recently from a high degree of inflexibility to more flexibility on the part of some but not all of the Employment Judges. Also telephone CMDs a positive development.	2/18/2016 1:02 PM

11	Whilst there may have been improvements in terms of timescales for the disposal of cases, as a service user there is too often a feeling of 'them and us' - as above	2/17/2016 11:59 AM
12	The Vice President has made a positive impact to the work of the Tribunal.	2/17/2016 9:37 AM
13	Increased use of telephone CMDs has allowed for a more efficient service.	2/17/2016 9:17 AM

Q6 How satisfied are you with the communication process for the introduction of procedural changes into the Tribunal?

Answered: 81 Skipped: 0



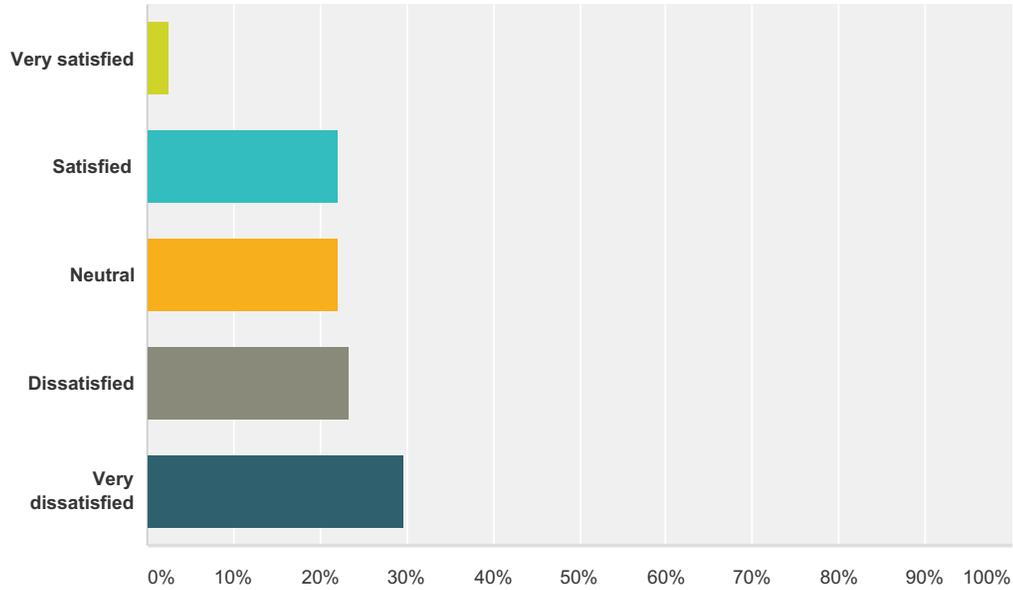
Answer Choices	Responses
Very satisfied	2.47% 2
Satisfied	24.69% 20
Neutral	39.51% 32
Dissatisfied	28.40% 23
Very dissatisfied	4.94% 4
Total	81

#	Please comment	Date
1	Too much is left to rumour and gossip. Changes are indicated in a piecemeal way. The website is an obvious place to notify procedural changes. Yet it is very old fashioned and completely user-unfriendly.	3/7/2016 5:44 PM
2	The User Group is an effective method of update, though practice directions, presidential guidance and updates on the website could assist.	3/3/2016 9:34 AM
3	See 4	3/3/2016 9:28 AM
4	there has been little in the way of procedural change over the years. Rules are awaited. A formal Protocol from the President to record any changes in practice would assist.	2/26/2016 1:42 PM
5	No communication has been received on this	2/26/2016 1:05 PM
6	I think it would be useful if the Tribunal published practice directions	2/25/2016 10:44 PM
7	For those who take time to be involved the Tribunal User Group can flag up changes. There will need to be a wider process to cover early conciliation, and other changes to the Tribunal Rules.	2/25/2016 12:47 PM
8	I've not received any thing from them	2/25/2016 9:55 AM

9	Any changes should be publicised more clearly.	2/25/2016 9:32 AM
10	I believe more effort could have been made generally especially for those who are not part of the user group.	2/24/2016 9:17 PM
11	Apart from User Group minutes could be improved.	2/24/2016 11:12 AM
12	There needs to be some more structured form of consultation with employment lawyers. While the Tribunal Users Group serves a useful purpose it is a generally a self-selecting group and cannot be taken to represent the views of employment lawyers. Also the method of operation and numbers present are not conducive to proper consultation.	2/18/2016 1:02 PM
13	Other than ELG, I have seen practically nothing elsewhere regarding this.	2/17/2016 1:50 PM
14	It is encouraging that there is a forum where issues can be raised and discussed i.e. the Users' Group, but there may be feeling that we are being told how things are going to be without any genuine sense of co-operation - are numbers down at the TUG?	2/17/2016 11:59 AM
15	What communication process exactly?	2/17/2016 9:37 AM
16	I am not sure what the process is but have never been formally advised of procedural changes that are taking place.	2/16/2016 9:12 PM

Q7 How satisfied are you with the level of professional courtesy bestowed upon lawyers appearing at the Tribunal?

Answered: 81 Skipped: 0



Answer Choices	Responses
Very satisfied	2.47% 2
Satisfied	22.22% 18
Neutral	22.22% 18
Dissatisfied	23.46% 19
Very dissatisfied	29.63% 24
Total	81

#	Please comment	Date
1	I am afraid that I am almost depressed at the thought of having to appear in the Tribunals. I dread the behaviour of some (not all) judges, who completely lack emotional intelligence, demonstrate very little ability to "actively listen" and treat professional representatives like school children. I have witnessed the bullying of some opponents by certain judges. I have felt on occasion as though I am being treated with suspicion, and indeed been criticised for settling cases 'at the last minute', as though I have contrived the situation. I have been scolded and rebuked by some in the Tribunals in ways I have never experienced in any other court. Judges will appear down for CMDs for example very late with no apology or explanation. No such behaviour would be tolerated from reps by Judges. One has the overwhelming impression that many of the Tribunal Judges are unhappy with their lot and cannot prevent themselves from transmitting this on to users. I am tired of being perceived as a problem maker and not a problem solver. We should be working together. Instead we have a system which is in disrepute.	3/7/2016 5:44 PM
2	I believe that certain judges could show more courtesy towards lawyers appearing in the Tribunal, particularly when dealing with cases involving self represented claimants	3/7/2016 9:21 AM
3	It appears that some Employment Judges don't show enough professional courtesy towards lawyers, however others do. There should be a consistent approach and always professional courtesy shown, in the same way that we show it towards the Judges.	3/4/2016 2:48 PM

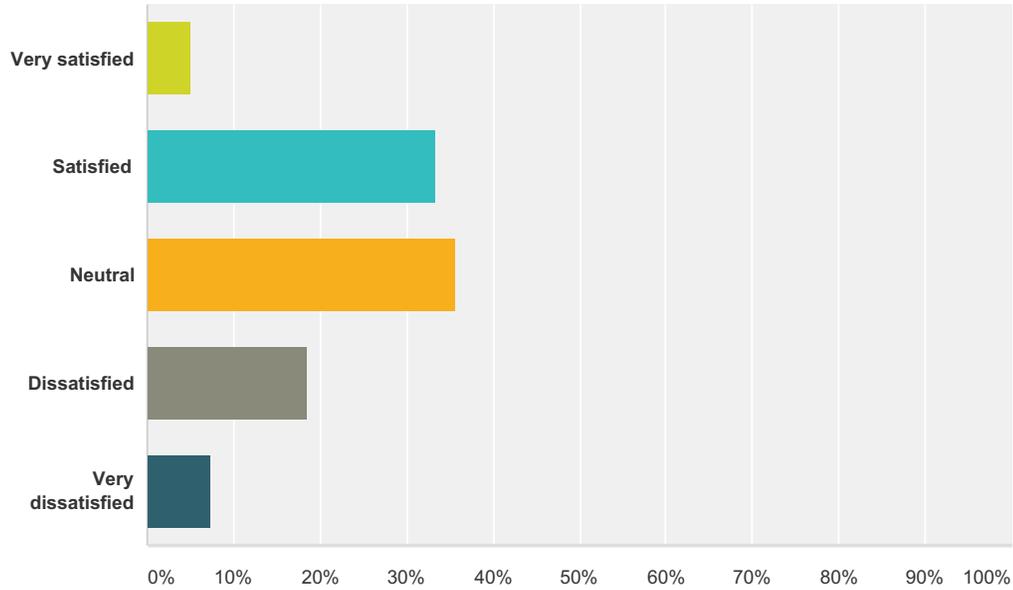
4	There is a disrespect given to the legal profession which is uncalled for and unprofessional	3/2/2016 8:26 PM
5	The treatment of practitioners by certain Employment Judges is utterly unacceptable. There is a complete lack of respect given to practitioners, and certain judges feel that it is appropriate to embarrass, bully and attempt to intimidate practitioners. I myself have been on the receiving end of this, but have also seen many of my colleagues treated in this way- in front of clients. It is evident that the Tribunal Judges feel intimidated by the threat of the Court of Appeal, and unfortunately this is taken out on practitioners. However I should say that many judges are polite, fair and reasonable to appear in front of. It is a shame that other Judges feel that it is appropriate to be rude and disrespectful.	3/2/2016 8:25 PM
6	Again the treatment of lawyers can vary but generally I find that very little professional courtesy is extended to lawyers at Tribunal. There appears to be an unjustified assumption that our approach to preparation of cases for hearing is to put matters on the long finger rather than the fulfilment of the overriding objective when this is far from the case. There is little appreciation of the practical issues lawyers need to deal with in case preparations such as taking client's instructions and advising clients in their handling of internal matters which are intrinsically related to the issues in the proceedings. In some instances when I have been making applications I have not even been given the courtesy of an opportunity to set out the basis of the application fully.	3/1/2016 11:29 AM
7	my experience is mixed ..on many occasions I believe that an adequate amount of professional courtesy is extended but frequently also I feel undermined before my clients	2/29/2016 5:57 PM
8	As an experienced solicitor, I appear in many courts and tribunals. Generally speaking, the courts treat lawyers with respect and courtesy. This is not always the case in the tribunal. In my view, most, if not all, lawyers are working towards the same goal - to have their case completed satisfactorily and quickly for their clients. I know that the judges are too but I'm not sure that they recognise that lawyers have that goal. There is a tendency to treat lawyers with suspicion - that any attempt to adjourn or deal with matters differently is an attempt to shy away from dealing with the case. I know, from talking to other lawyers, that many young lawyers are frightened of attending the tribunals as they do not know what reception they will receive. Some have even avoided the area of employment law for that reason. This, in my view, is both unfortunate and unacceptable. The tribunal procedure works very quickly and I am pleased that cases are generally dealt with, within targets. However, those targets should not be the sole driving force. There are some cases where proceedings have been issued protectively while negotiations are ongoing or internal employer procedures are ongoing. Pushing such a case to an early full hearing (along with the associated work of lists of issues, interlocutorys, witness statements, bundles etc) is not always the best way forward. Employment judges should try to trust lawyers more to recognise such cases and to respect their professional views about the way forward in cases. In some cases, the timetable which was initially set slips. In my experience, some of the judges are most unsympathetic to the reasons given for these slippages. It is akin to telling the teacher that your homework has not been done. Solicitors are immediately on the defensive rather than being able to discuss the matter professionally. Different judges have different approaches and some are much more courteous than others. However, those that are discourteous can be downright rude and unprofessional. While this is personally embarrassing and uncomfortable, it is even more professionally so, especially in front of clients. This contrasts starkly with the professional respect and courtesy which is shown by the judges in the civil courts - judges who are dealing with longer daily lists of cases. I would invite some of the employment judges to sit for a morning in one of those courts and witness the difference. Another issue that I would raise is punctuality. Some judges are unfailingly punctual but completely intolerant of parties being late - even by just a few minutes. In contrast, other judges routinely keep parties waiting 20/30 minutes and sometimes longer with barely an apology. One tends to know which judge will be in time and which will be late. A little more consistency would be appreciated.	2/27/2016 11:13 PM
9	In some cases clerks have interacted in a less than professional manner with counsel and solicitors.	2/26/2016 5:20 PM
10	As an experienced practitioner, personally I am treated with courtesy. If it were not the case I would address this. However, I have witnessed discourtesy/hostility extended on occasion by some Employment Judges to professional colleagues causing embarrassment in front of colleagues. Indeed I prepare clients in advance for the possibility of an embarrassing situation.	2/26/2016 1:42 PM
11	This is largely dependant on the draw of employment judge. There is a perception that certain employment judges often take a more harsh approach to respondent representatives.	2/26/2016 1:05 PM
12	Occasionally, as a Respondent representative, I have been made feel like the Claimant's failures are my client's concern. Most recently, following a Claimant's non-attendance, we were more heavily scrutinised than the Claimant.	2/26/2016 12:44 PM
13	I am completely dissatisfied with this or to be more to precise at the sheer lack of respect that is shown to lawyers. To the point that I personally today "demanded that the Tribunal treat me with respect" I am happy to discuss this openly with anyone and I am prepared to put my name to this as a solicitor who has practiced before the Tribunals since 1982.	2/25/2016 3:48 PM

14	Personally I have not encountered difficulties, but I have observed others on the wrong end of Judges who in a few cases appear sometimes to go well beyond robust management and almost towards behaviour which could be perceived as verging on bullying/harassment, especially in front of clients, in a manner that one would not expect a Tribunal to regard as appropriate from an employer. The experience is often described by lawyers as being more like in class in primary school than exchanges between professionals. The situation does vary widely between individual Employment Judges, so that as well as the behaviour above there are others who are unfailingly courteous.	2/25/2016 12:47 PM
15	I have experienced unnecessary and unwarranted rudeness and abruptness from certain Judges. I have been addressed in a highly unprofessional manner which can be professionally and personally embarrassing. Some Judges are unnecessarily overbearing and demanding at CMD hearings, particularly I feel with new practitioners who may not be as familiar with the practices of the Tribunal as those who appear there regularly. Some recent judgements have included personal disparaging comments about a colleague. Those who do appear regularly are often shown more courtesy.	2/25/2016 12:20 PM
16	Some of the Judges can be very unpleasant to lawyers.	2/25/2016 12:17 PM
17	See above. Judges in the High Court recognise that legal representatives in general have done their best to prepare their case and present both the facts and law fully and fairly. They tend to treat legal representatives with courtesy which is sometimes lacking in the Tribunal.	2/25/2016 10:52 AM
18	Whilst I appreciate that litigation involves a certain amount of cut and thrust, in the past there have been issues regarding professional courtesy with some (but not all) employment judges. There is also anecdotal evidence of junior employment practitioners having particular issues in this regard. By virtue of their role Employment Judges are in a position of power and it is difficult for practitioners (particularly junior practitioners) to challenge them in an open forum.	2/25/2016 10:07 AM
19	It varies considerably depending on the Employment Judge. There is one Judge in particular who I feel can be unnecessarily rude to representatives whilst they are taking witnesses through their evidence. I believe this has a detrimental effect on the evidence and the case in general.	2/25/2016 9:32 AM
20	Generally satisfied if there are lawyers on both sides but as against a self-litigant the lawyer faces an uphill struggle.	2/25/2016 9:28 AM
21	This depends largely on the particular panel members and clerk assigned but overall I am satisfied.	2/24/2016 9:17 PM
22	Professional courtesy is often lacking in judges especially in the presence of clients.	2/18/2016 1:06 PM
23	While generally most Tribunal judges show the appropriate degree of professional courtesy this is far from universal.	2/18/2016 1:02 PM
24	My experience is that the process is made unnecessarily fraught at times by Employment Judges being surly and disrespectful to professional representatives. In fact I would go so far as to say that their attitude at times can be extremely rude.	2/17/2016 1:50 PM
25	As above. It is a mixed bag, some there is a level of mutual respect others it is a superiority complex on the part of some judges	2/17/2016 11:59 AM
26	I believe that lawyers can often be addressed in a belittling way in front of clients and colleagues with little or no justification.	2/17/2016 10:51 AM
27	It is very difficult to have meaningful conversations with unrepresented Claimant's where an Employment Judge's conduct towards a Respondent's representative sets the Claimant's mind leading to unrealistic expectations of success	2/17/2016 10:46 AM
28	Some Employment Judges are extremely rude to lawyers. Some Judges simply don't know how to behave in a professional situation particularly where they have greater power than other people in the room.	2/17/2016 9:37 AM
29	depends on the Judge but often I feel intimidated and spoken down to	2/17/2016 9:15 AM
30	Varies from employment judge to employment judge.	2/17/2016 9:02 AM
31	I feel there have been examples of employment judges being rude and unfairly critical of lawyers without good reason. It feels almost like an abuse of position. There seems, at times, to be little appreciation that lawyers are trying to do their best to meet client needs and the needs of the Tribunal. It can be embarrassing if clients are present.	2/17/2016 8:54 AM
32	Most of the time there is a high level of courtesy show however on some occasions Judges have failed to recognise that lawyers, especially those who are there regularly, are trying their best to assist the overriding objective but there may be one or two occasions when they have been late with issues or request a postponement and no latitude is shown. This contrasts sharply with the practice of the Judges in the other civil courts	2/17/2016 8:11 AM
33	In NI, there is always a higher level of professional courtesy bestowed upon barristers. However, this may be because solicitors in NI feel the need to instruct barristers in all cases.	2/17/2016 8:09 AM

34	<p>Employment judges are often rude to representatives and appear set on personally embarrassing them. If anyone looks hard enough then fault can be found. There are many practitioners that refuse to accept instructions in the Tribunals and I believe this to be the main reason. We are obliged to act on our instructions and just because the Judge does not like the case is no reason to seek to embarrass the representative. There have also been a number of occasions on which I have been attacked by Judges about the merits of an application or case only for them to accept my explanation and then go on to attack the other side. There is a level of aggression and attack that is simply unacceptable in a professional environment.</p>	2/16/2016 9:12 PM
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Q8 How satisfied are you with the level of professional courtesy bestowed upon your clients at the Tribunal?

Answered: 81 Skipped: 0



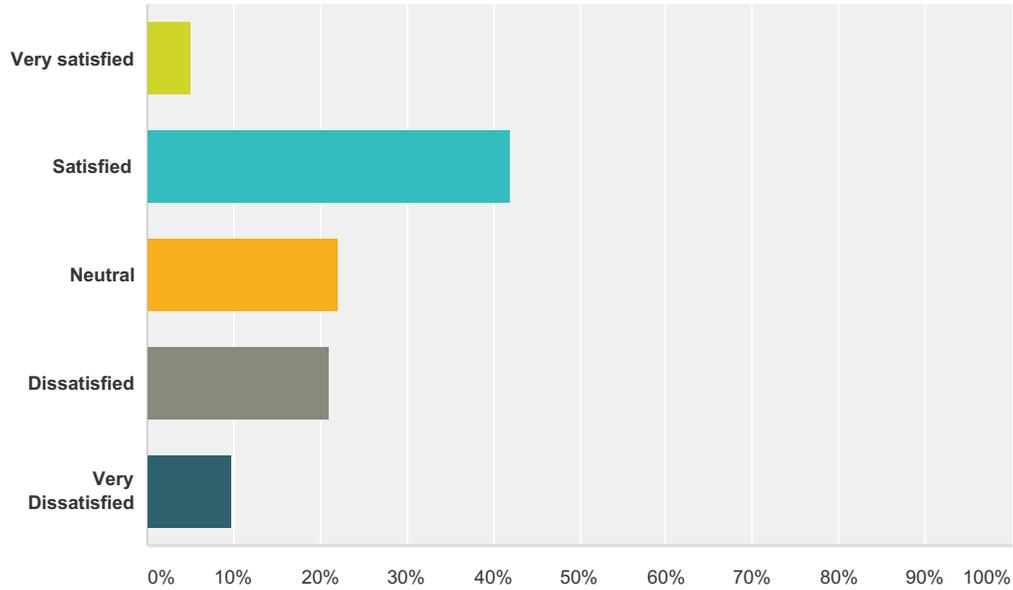
Answer Choices	Responses	
Very satisfied	4.94%	4
Satisfied	33.33%	27
Neutral	35.80%	29
Dissatisfied	18.52%	15
Very dissatisfied	7.41%	6
Total		81

#	Please comment	Date
1	As above. What goes for me will inevitably go for clients. Every simple request e.g. for an adjournment is subject to unnecessarily stringent scrutiny and inquiry - even where there is consent. this would never occur in the regular civil courts.	3/7/2016 5:44 PM
2	Clients are often spoken to by the judge in a superior and cutting manner which is uncalled for as clients are often nervous	3/2/2016 8:26 PM
3	generally clients are treated with courtesy but, again, with more frequency in recent times, this has not been the case	2/29/2016 5:57 PM
4	Clients, even those who have previous experience of tribunals, are usually stressed about coming to a tribunal. Judges often make "off the cuff" remarks or other comments about their organisation, especially public sector organisations. This can be very offensive to the clients and I think that judges need to consider the fact that individuals are there and that it is individuals who are carrying out the work of that organisation. It is unnecessary and I have had to persuade some of my clients not to formally complain.	2/27/2016 11:13 PM

5	Generally Employment Judges are courteous to clients. However, I am surprised by occasions when some Employment Judges fail in the normal courtesy of a greeting "good morning" and do not introduce panel members. The demeanor of some Employment Judges on occasion is necessarily confrontational and hostile to clients without good reason. Depending on the Employment Judge I warn clients in advance for the possibility of hostility or confrontation.	2/26/2016 1:42 PM
6	Having said that clients/witnesses are generally treated better than lawyers.	2/25/2016 3:48 PM
7	There can be the same range of attitudes as above.	2/25/2016 12:47 PM
8	Professional courtesy for clients is often not at the standard that would I expect or receive in the County Court or High Court. Some clients particularly have commented after giving evidence that they felt the Judge had "already made up their mind" from the tone taken with them by certain Judges.	2/25/2016 12:20 PM
9	Clients are not generally treated in the same manner as representatives	2/25/2016 10:52 AM
10	There have been occasions where Chairmen have been a bit discourteous to clients/ witnesses, the process is daunting enough without this.	2/25/2016 9:55 AM
11	See reply 7 above. Some clients have been a little intimidated by the attitude of some of the Employment Judges at the CMDs.	2/25/2016 9:32 AM
12	Please see 7.	2/17/2016 1:50 PM
13	Some Judges are very courteous. Some Judges can be rude and aggressive, seemingly not sufficiently conscious of the impact of their behaviour on clients / witnesses.	2/17/2016 9:37 AM
14	Again, varies from judge to judge.	2/17/2016 9:02 AM
15	It is impossible for clients to be treated with respect when their representatives are not. I would be particularly concerned about how personal litigants are treated in light of my comments about the treatment of lawyers.	2/16/2016 9:12 PM

Q9 How satisfied are you with the general practice requiring witness statements for all cases likely to last longer than one day?

Answered: 81 Skipped: 0



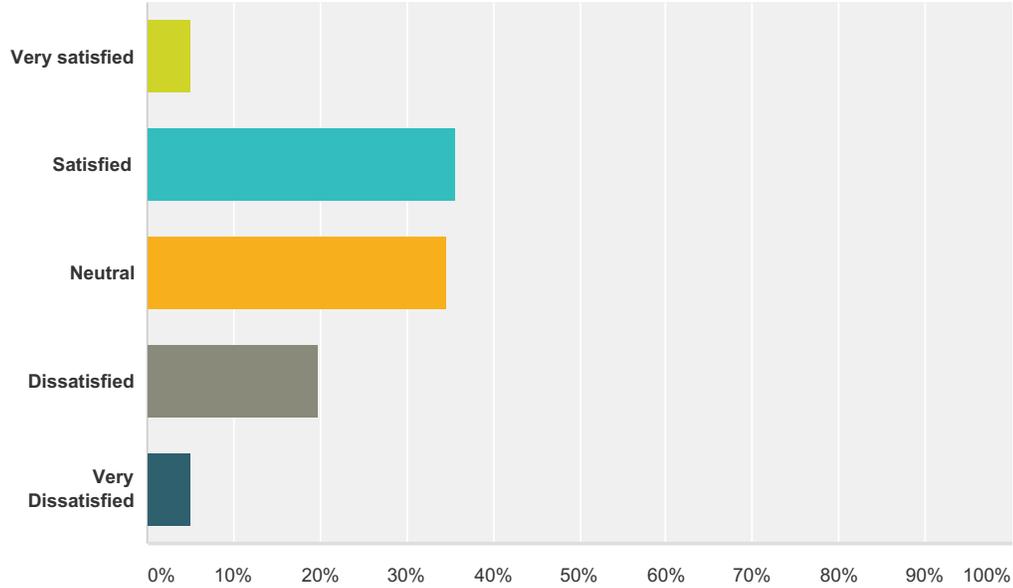
Answer Choices	Responses
Very satisfied	4.94% 4
Satisfied	41.98% 34
Neutral	22.22% 18
Dissatisfied	20.99% 17
Very Dissatisfied	9.88% 8
Total	81

#	Please comment	Date
1	My view is that the witness statement procedure does not necessarily comply with the overriding objectives and can in fact create additional complexity/confusion.	3/7/2016 9:21 AM
2	Not necessary as curtails the evidence	3/2/2016 8:26 PM
3	I do not believe that witness statements are warranted for relatively straight forward cases which will last up to two days. I do not believe that the significant time and effort required to prepares witness statements in such cases is warranted particularly given the strong likelihood that cases such as this resolve before the hearing. We seem to have lost the value of replies to additional information which are largely redundant with the introduction of witness statements. I think that more emphasis should be placed on notices and replies to notices for additional information in substitution for witness statements in cases such as these.	3/1/2016 11:29 AM
4	Whilst generally this does not pose a problem, there is sometimes a reluctance to recognise that each case is different and that whether or not witness statements are appropriate varies from case to case.	2/26/2016 5:20 PM
5	In the majority of cases, witness statements provide for a more efficiently run hearing both in terms of focusing the minds of the parties to the issues in hand and in ensuring the case is completed as quickly as possible.	2/26/2016 1:05 PM
6	I think this front loads a lot of work and can deter clients from wishing to pursue cases	2/25/2016 10:44 PM

7	The general practice does not sufficiently take into account the level of cost that can be involved, which can be disproportionate to the likely value of a successful claim.	2/25/2016 12:47 PM
8	Witness statements help for those cases which actually proceed to hearing and for that reason I understand why the Tribunal is keen to use them. However, there does not seem to be sufficient recognition of the fact that where experienced employment practitioners are acting for both sides the vast majority of cases will settle and will not actually proceed to a full hearing. In such cases the requirement for witness statements leads to unnecessary frontloading of work and costs.	2/25/2016 10:07 AM
9	There is a lot of work involved, I'd rather hearings just run like the criminal courts/ petty sessions, they get through many cases in a day often on issues of greater magnitude and more serious consequences.	2/25/2016 9:55 AM
10	I'm not convinced that statements are essential in every such case. The word limit is often exceeded and statements can become verbose which invariably lengthens the hearing.	2/24/2016 9:17 PM
11	Time consuming and only leads to longer timetabling and disclosure issues	2/24/2016 8:56 PM
12	unsure if helpful in UD cases.	2/24/2016 11:12 AM
13	Witness statements are not required for all cases. Each case should be considered as to the need or effectiveness of witness statements.	2/18/2016 1:06 PM
14	Much more flexibility required taking due account of the nature and value of the case and other relevant issues like the desirability of considering the demeanour of a witness giving their direct evidence without a prepared script where credibility is a major issue.	2/18/2016 1:02 PM
15	There should not be a general practice - each case should be considered on its merits. It is only increasing the practitioners workload.	2/17/2016 1:50 PM
16	There is an inconsistency of approach in terms of the exchange process. The costs and pressure is always of the Claimant with little incentive for the Respondent to settle. Simultaneous exchange should be revisited. If not, where the burden is on the Respondent they should be required to go first - despite submissions based on this logic some judges, disparagingly, reject this.	2/17/2016 11:59 AM
17	Witness statements interfere with justice being done. Witnesses do not lead their own evidence and this can be prejudicial to both sides depending upon various considerations. Notwithstanding they bring efficiently and are likely to continue to be utilised.	2/17/2016 9:37 AM
18	Whilst witness statements can narrow the issues and focus minds they are no substitute for oral evidence. Many witnesses I have encountered are simply not equipped to prepare witness statements as they mix up their emotions with the facts. This places lawyers in a very difficult position as they try to guide their witnesses but refrain from manipulating their statements. It would be of assistance if the Tribunal or Labour Relations Agency could consider publishing guidance / practice direction to set out how witness statements should be prepared.	2/17/2016 9:23 AM
19	The practice causes considerable front loading of costs to the detriment of both Claimants and Respondents	2/16/2016 9:22 PM
20	I believe that this is a deeply unsatisfactory practice. In most cases, Witness Statements are required to be furnished before discovery is closed. It is a lawyers job to take their client through their evidence yet that simply cannot happen when witness statements are directed. It inevitable leads to unjust results as there are many representatives who are content to draft witness statements on behalf of clients, giving them an automatic advantage and usually benefiting the respondent employer. Issues invariable arise that have not been dealt with in witness statements, usually for innocent reasons, and these can often de-rail a case for no good reason.	2/16/2016 9:12 PM

Q10 How satisfied are you with the time limits for the use and exchange of witness statements?

Answered: 81 Skipped: 0



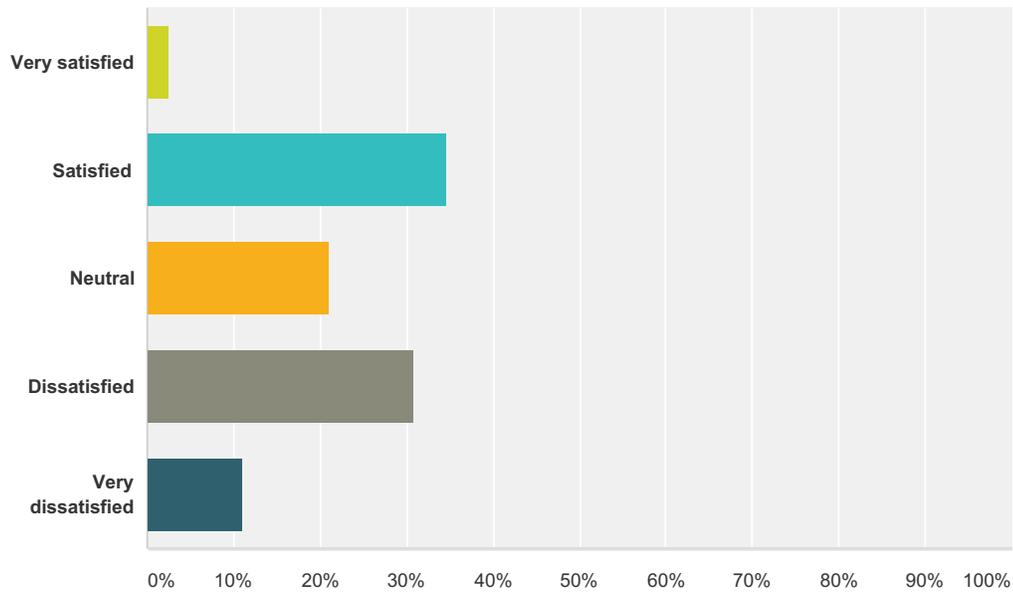
Answer Choices	Responses
Very satisfied	4.94% 4
Satisfied	35.80% 29
Neutral	34.57% 28
Dissatisfied	19.75% 16
Very Dissatisfied	4.94% 4
Total	81

#	Please comment	Date
1	More flexibility required	3/7/2016 12:03 PM
2	Please see above.	3/7/2016 9:21 AM
3	Witness evidence deadlines appear to be set too early in the matter	3/3/2016 9:32 AM
4	time limits are required to focus minds but it is sometimes difficult to get everything completed for deadlines as you are reliant upon busy clients	3/3/2016 9:06 AM
5	The timetabling for witness statements is far too tight. They force parties to focus on their preparation and allow no reflection time before the hearing.	3/1/2016 11:29 AM

6	I have no real objection, in principle, to the use of witness statements. However, I do not believe that there is any appreciation by the Employment Judges of the work that is involved in preparing witness statements. I make a point of not drafting the statements. However, I meet with all my witnesses. As a mostly respondent solicitor, this often involves multiple witnesses. It is difficult to fully make them understand the nature of the witness statements and the fact that they cannot be changed, especially witnesses who have no experience of tribunals. They usually prepare their drafts outside of working hours as it is not part of their working day. They are usually stressed by the situation and spend a lot of time on that. Despite that, I find that I have to spend a lot of time advising and commenting on the statements to ensure that the claim can be properly defended. When dictating a timetable, the judge is not usually alert to this and appears more intent on having a quick timetable in place. The judges should trust the professional judgement of experienced lawyers as to the likely realistic timescales involved. All cases do not fall in to the same template or parameters.	2/27/2016 11:13 PM
7	As at 9 above, there is a reluctance to appreciate that some cases, in the interests of justice, require more time for the preparation of statements, given the complex factual/legal issues and/or the number of witnesses involved.	2/26/2016 5:20 PM
8	There is little flexibility in the period of time for exchange of witness statements so they do not really take account of the complexity in some cases.	2/26/2016 1:42 PM
9	I think more flexibility should be given depending on the circumstances of the case and the fact that some witnesses are attending voluntarily (perhaps as a board of governor) and will require extra time to do the statement on top of their day job.	2/25/2016 10:44 PM
10	Mostly fine, but Judges sometimes underestimate the work involved in getting statements from clients, and balancing the need for it to be the witnesses statement with the need for the statement to cover the right factual issues-it is in no-ones interest if the statements do not cover the ground. For that reason sequential exchange is preferable.	2/25/2016 12:47 PM
11	Satisfied except for the ordering of mutual exchange of witness statements which goes against the order of hearing.	2/25/2016 10:52 AM
12	The standard timescales applied for the provision of witness statements are extremely tight and do not always allow for issues which arise during the preparation of a case for hearing and which impact on the parties ability to prepare their statements. I believe that it would be appropriate to make sure that there is a realistic buffer period between the end of witness statement exchange and the hearing so as to allow for any slippage.	2/25/2016 10:07 AM
13	It varies depending on the Employment Judge. Some Judges are more understanding than others and are more willing to take on board the views of the representatives.	2/25/2016 9:32 AM
14	Fails to factor in changes, discovery difficulties	2/24/2016 8:56 PM
15	At times, this can present problems. Again greater flexibility is required.	2/17/2016 1:50 PM
16	Again, inconsistencies of approach make this difficult to answer. However, sufficient 'slippage' time should be built in before the hearing date to allow for matters that arise resulting in a 'late' exchange.	2/17/2016 11:59 AM
17	Respondent statement often too near to hearing	2/17/2016 9:15 AM
18	Time limits appear to be guidance rather than Orders for solicitors in NI. This is not helpful.	2/17/2016 8:09 AM
19	Please see above comments. Mutual exchange rarely happens and the Tribunals have been silent on the proper course to take when the other side are late in furnishing their statement. I have been in a number of cases where the other side have deliberately delayed their witness statement so that they can directly respond to the Claimant's statement.	2/16/2016 9:12 PM

Q11 How satisfied are you with the case management procedure generally?

Answered: 81 Skipped: 0



Answer Choices	Responses
Very satisfied	2.47% 2
Satisfied	34.57% 28
Neutral	20.99% 17
Dissatisfied	30.86% 25
Very dissatisfied	11.11% 9
Total	81

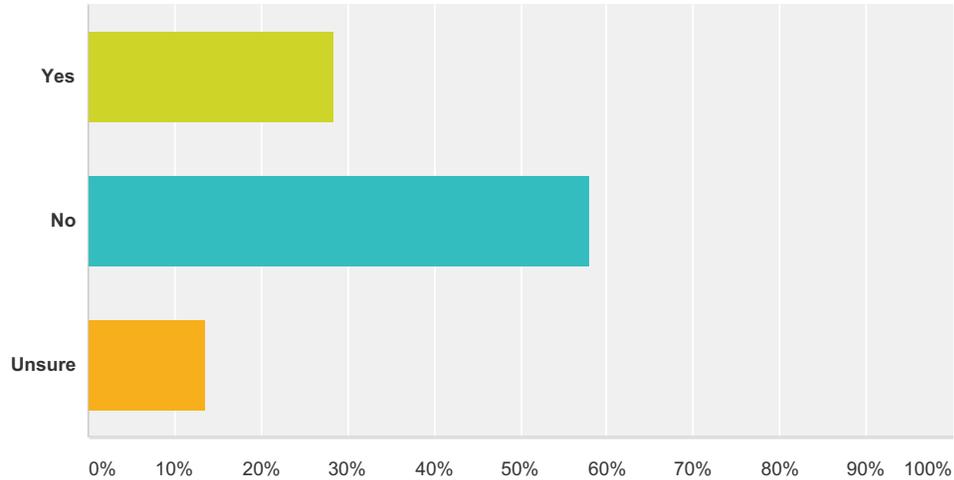
#	Please comment	Date
1	This is cumbersome, over the top, artificial and pointless. How many "statements of issues" are ever revisited at hearing? On the plus side directions about bundles etc have cut down on waste - but this could all be dealt with by standard directions or by teleconference. Again if it can be done in the regular courts, which have heavier workloads, why not the Tribunals?	3/7/2016 5:44 PM
2	No need for the attitude of the judges as both parties are trying their best to get issues etc sorted	3/2/2016 8:26 PM
3	They are overly formulaic and time consuming. I advocate greater use of telephone cmd's particularly where both parties are represented and can be required to agree most matters before the telephone cmd.	3/1/2016 11:29 AM
4	the procedure focusses too much attention on the detail of legal and factual issues and heavily increases the costs burden on the parties	2/29/2016 5:57 PM

5	It is far too formulaic, rigid and procedural. From a Respondent's point of view, a lot of effort is put into preparing a response and almost immediately we are summonsed to a CMD. It is expected that issues be prepared and agreed. This is often before there has been an opportunity to collate all the information and fully understand the nature of the claims being made. The list of issues take a disproportionate amount of time to prepare and, in my experience, they are rarely referred to again. Interlocutories are required quickly, followed by bundles, witness statements etc. Employment law can be a complicated area of law. There are often difficult factual scenarios as well as difficult legal issues. These cannot always be done within short timescales. It appears that judges wish to "tick boxes" when conducting CMDs and have timetables set that meet the tribunal's internal targets. There doesn't seem to be an appreciation of the actual work involved in meeting the timetable and as set out above, there is little sympathy when they are not met. It has to be understood that all lawyers have multiple cases, all clients have multiple matters to deal with. It is not always possible to get them done as quickly as is hoped.	2/27/2016 11:13 PM
6	Satisfaction with the case management procedure is dependent on the Employment Judge dealing with the case. The approaches lack consistency and in some cases fail to adopt the agreements reached by legal representatives on complex cases after due consideration of the relevant documents. This wastes time and costs.	2/26/2016 1:42 PM
7	This will largely depend on the draw of employment judge. Some employment judges, whilst conscious of the overriding objective and the need to ensure parties are on an equal footing, will expect self represented parties to actively pursue their case and to comply with directions of the tribunal. However, on the other hand there is often a sense that some employment judges adopt an unduly lenient approach to self represented parties particularly with respect to failures to comply with orders. This will often result in an increased level of case management which will have a costs impact to represented clients.	2/26/2016 1:05 PM
8	I have personally spent some 10 hours plus on CMD's in one case which were purportedly arranged for the purposes of saving time. What a joke!	2/25/2016 3:48 PM
9	The process is useful both in preparation for hearing, and also as an opportunity to create discussions on resolution, especially with litigants in person, or non-specialist solicitors.	2/25/2016 12:47 PM
10	It can be too rigid.	2/25/2016 12:17 PM
11	Cases are often unnecessarily micro managed with too much front loading of preliminary arguments/ skeletons	2/25/2016 10:52 AM
12	I believe that there should be more recognition of the fact that experienced employment practitioners have large caseloads and are not always in a position to accommodate the timescales being suggested. There should also be more recognition of the fact that experienced employment practitioners carry out a role as gatekeepers keeping cases from reaching the Tribunal in the first place.	2/25/2016 10:07 AM
13	cases do seem to be listed much more quickly than in the past.	2/25/2016 9:55 AM
14	It varies depending on the Judge. Each Judge has their own view in respect of the statement of issues.	2/25/2016 9:32 AM
15	There needs to be consistency. Some EJs expect detailed issues whereas others slight lawyers for use of "precedents" as over complicating matters.	2/25/2016 9:28 AM
16	It is effective although I believe there are occasionally claims which should be scrutinised more closely before being accepted. I also lament the demise of the PHR!	2/24/2016 9:17 PM
17	Useful in Discrimination cases	2/24/2016 11:12 AM
18	There is a difficulty in how regular users of the Tribunal are treated in compared with those who are not, often too much latitude given to unrepresented claimants	2/18/2016 1:06 PM
19	Generally too rigid and inflexible although a minority of employment judges show the necessary degree of flexibility. Also extensive case management including inappropriate use of witness statements frontloads costs which causes great difficulties to Claimants and does not deal with the reality that most cases settle and most witness statements will never be used.	2/18/2016 1:02 PM
20	There is far too much indulgence to unrepresented claimants. Deadlines are extended and extended again to accommodate them. Judges tend to end up in an advisory role for them during CMDs. This should not be the case.	2/17/2016 1:50 PM
21	CMDs are a good idea, but need to be as consistent as possible in terms of the practice of judges and subject to the comments above	2/17/2016 11:59 AM
22	Please see comments at 7	2/17/2016 10:46 AM
23	Most judges operate CMDs efficiently. Some do not and a lot of time is wasted.	2/17/2016 9:37 AM
24	Can be obstructive at times. They are supposed to clarify issues but sometimes can create problems. Representatives are sometimes left feeling undermined	2/17/2016 9:15 AM
25	Case management varies considerably depending on the identity of the Judge. There is some unnecessary nitpicking by some Judges whilst others adopt a more free flowing approach more conducive to time being spent efficiently.	2/16/2016 9:22 PM

26	I think that the Tribunals case management procedure is a strength of the process but that phone CMD's are not effective or helpful.	2/16/2016 9:12 PM
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Q12 Do you believe Employment Judges are sufficiently flexible when applying case management and other procedures?

Answered: 81 Skipped: 0



Answer Choices	Responses
Yes	28.40% 23
No	58.02% 47
Unsure	13.58% 11
Total	81

#	Please comment	Date
1	the only negative point is perhaps being called to attend case management when cases are almost agreed and it can simply add an extra layer of costs.	3/3/2016 9:06 AM
2	They seem to be disproportionately concerned with their statistics rather than the requirements of the actual cases before them.	3/2/2016 8:00 PM
3	Please see my comments above	3/1/2016 11:29 AM
4	again on occasion they do but also occasionally there is a complete lack of flexibility	2/29/2016 5:57 PM
5	See comments above. Please understand that we are all working together towards the same aims. If that is understood and respected, rather than a teacher/child situation, then the process will be much more professional and efficient. I enjoy working in the area of employment law but there are days that I go home exhausted and frustrated by the tribunal system. That is wrong.	2/27/2016 11:13 PM
6	See numbers 9 and 10 above.	2/26/2016 5:20 PM
7	Some Employment Judges are flexible when applying case management etc, others are not.	2/26/2016 1:42 PM
8	As above. This depends on the Employment Judge case managing the proceedings.	2/26/2016 1:05 PM
9	This is heavily dependant on the EJ - some are extremely understanding, pragmatic and sensible, others are not.	2/26/2016 12:44 PM
10	Absolutely not they simply use it as an opportunity to bully the representatives.	2/25/2016 3:48 PM
11	Both the current rules, and a somewhat bureaucratic attitude, which is more in evidence in the Tribunals than most courts, inhibit sensible flexibility.	2/25/2016 12:47 PM
12	Some EJs are flexible	2/25/2016 10:52 AM

13	There isn't a consistent approach. Some Employment Judges are more flexible than others. At times it appears that experienced employment practitioners are having their cases micro managed in the same way as unrepresented Claimants or Respondents. Furthermore, at times it appears that there is more interest in making sure that timetables fit within the Tribunal's standard timescales rather than making sure that they are actually realistic and that the parties will actually be able to comply.	2/25/2016 10:07 AM
14	It very much depends on the Judge.	2/25/2016 9:32 AM
15	Including at one where it was put that the date would be set and if witnesses could not appear it would continue!!	2/25/2016 9:28 AM
16	At times Employment Judges can be a little inflexible as regards hearing dates and witness availability for example in preparation for a cmd solicitors will confirm their clients' witnesses availability. If the potential timeline for listing the case is over 2-3 months sometimes the witness will give me a list of dates they are unavailable but not necessarily detail the reasons they are not available on every single date. As part of my preparation for a cmd I will look at all of my client's witnesses' availability so that i can suggest a few suitable dates for hearing - on more than one occasion despite the dates i have suggested being just one week away from the date suggested by the employment judge at the cmd, i have been told off for not knowing why a witness is not available on the particular date(s) the employment judge wishes to list the hearing by - this seems to a little unnecessary and inflexible when i have a number of witnesses availability to confirm.	2/25/2016 8:56 AM
17	On balance, yes. Too much leeway is given by certain Judges to self represented claimants.	2/24/2016 9:17 PM
18	Employment Judges are typically less flexible than their County Court/High Court counterparts.	2/20/2016 11:49 AM
19	A minority of Employment Judges are sufficiently flexible. Much greater degree of consistency required.	2/18/2016 1:02 PM
20	Absolutely not. The complete opposite is the case.	2/17/2016 1:50 PM
21	Not sufficiently. See above. Some judges will not be flexible on times for CMDs or postponements where there are two hearings on at the same time	2/17/2016 11:59 AM
22	There is fundamental intrinsic inflexibility in the Tribunal - some Judges are more flexible than others. But the inflexibility is one of the main complaints lawyers have with the Tribunal as outlined above.	2/17/2016 9:37 AM
23	Undue emphasis on issues such as bundle size and presentation matters even in low value cases where there are not the resources to prepare perfect bundles.	2/17/2016 9:12 AM
24	I believe there is a more balanced approach now from Judges generally to how a particular case should be case managed rather than slavishly following a template. Judge Buggy and the VP are particularly good at this.	2/17/2016 8:11 AM
25	This is entirely dependent on the identity of the Judge. Some Judges are extremely efficient and flexible in applying procedures, others are less so being overly concerned about the minutiae This can have a considerable effect on how (for example) CMDs are conducted.	2/16/2016 9:22 PM
26	The review process is too inflexible and the Tribunals will almost invariably refuse an adjournment, even where significant issues / documentation has come to light on the morning of hearing. That does not meet the overriding objective and leaves representatives exposed and unprepared to deal with issues arising.	2/16/2016 9:12 PM