

## Witness Skills Training – Health Services

### ***How health professionals can deliver evidence confidently***

#### **Background**

*Giving evidence and cross examination can be a highly technical and specialist process which is alien to the vast majority of people and can cause them to feel nervous, stressed and extremely uncomfortable.*

As part of their role, health professionals are regularly called on to provide evidence to courts, tribunals, inquiries (including coronial inquiries), investigations and commissions, but they often find themselves unprepared for the process

At these hearings, it is common that the witnesses' decision making, procedures, experiences, notes and considerations will be forensically analysed and debated. Witnesses will be required to justify their actions and can be criticised for these actions. This often causes considerable personal discomfort, as well as potentially reflecting poorly on their department or organisation.

Wouldn't it be helpful if there was a solution to prepare witnesses as to what to expect, how to deliver their evidence and to deal with the 'tactics' used by barristers and cross examiners in a court or tribunal? Well, the good news is that Loquitur has a solution. We have developed our Witness Skills training course out of the ongoing difficulties faced by health services professionals when providing evidence to these bodies and when under cross examination. This course seeks to redress the imbalance which many health workers face when giving testimony.

This training serves as a foundation on which representatives of health organisations can understand more about the delivery of evidence (including where relevant, expert evidence) under cross examination. It also provides those staff likely to be giving evidence a detailed understanding of the fundamentals of the witness process, as well as rigorous practical experience in being effective in this role.

In this way health services staff called to be witnesses (and their legal team, organisation and other stakeholders) can be assured and confident that the witness will be well placed to effectively deliver evidence effectively and be able to handle the evidential process.

#### **Aim**

The aim of this course is to provide detailed information and practical experience to witnesses appearing for health organisations on the delivery of evidence under cross examination in courts, tribunals, inquiries, investigations and commissions (or anywhere else where staff may be required to give evidence and be subject to cross examination).



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### Learning Outcomes

- Know the rules and obligations for witnesses in giving evidence.
- Understand the purpose of cross examination.
- Know what parties and stakeholders are looking for in witness testimony to judicial and quasi-judicial bodies.
- Understand issues faced by health professionals when giving evidence.
- How to give considered, confident, clear and impartial testimony.
- Be aware of advocate cross examination techniques and methods.
- Develop personal strategies to effectively deliver evidence under cross examination.
- Practical implementation of such strategies.

Witness training courses  
*“prevent witnesses from being disadvantaged by ignorance... As such, witness familiarisation arrangements are not only permissible; they are to be welcomed.”*

Bar Council of England and Wales: Guidance on Witness Preparation

### Witnesses

Courses are suitable for ALL health service employees that may be required to be witnesses, although particularly useful for:

- Managers, specialists and professionals within health organisations with limited experience in giving witness evidence or witnesses seeking to understand more about the evidential process.
- Staff with limited court-room or cross examination experience but seeking to be confident in this.
- Employees and consultants with some cross-examination experience but looking to “refresh” or hone their skills.
- Health professionals looking to refresh or maintain any professional ongoing Continuing Professional Development (CPD) requirements.

### Instructors

All of our courses are taught by experienced practising barristers with broad-based practices who regularly cross examine witnesses in all legal and quasi-legal forums. Trainers are also advocacy instructors who teach advocacy and cross examination to organisations across the spectrum, including trainee barristers, both in Australia and internationally.

Our barristers have been specially selected to deliver this training because of their approachability, and ability to effectively explain practical legal concepts to witnesses from across the spectrum that are required to give evidence. They are accessible and personable while still maintaining their incisive technical skills.

### Independence

Loquitur, our staff, and all of our barristers are wholly independent of the facts and matters of any case(s) in which the witnesses may be involved, and will remain so, so you can rest assured that they will be acting in your best interests to ensure that you can give your evidence to maximum effect

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### Attendee Preparation

Review of pre-prepared materials – approx. 2-3 hours.

### Location & Delivery Method

- In person courses can be delivered in most Australian capital cities, and regionally -.
- Remote courses via video-link are immediately available for delivery throughout Australia and internationally.

### Forum and Jurisdictions

These courses are available for all legal forums – courts, tribunals, arbitrations, investigations, depositions, inquiries and commissions – anywhere evidence will be provided under cross examination.

Sessions can be provided for all Australian jurisdictions.

### Course Structure and Pricing

Session	Content
Part 1 – Fundamentals of Cross Examination	<ul style="list-style-type: none"><li>• Nature of judicial and quasi-judicial proceedings</li><li>• Duties of witnesses therein</li><li>• Specific considerations for health services professionals in giving evidence</li><li>• The giving of testimony under cross examination</li><li>• Counsel preparation to cross examine witnesses</li><li>• How witnesses should prepare for cross examination</li><li>• Counsel cross examination techniques</li><li>• Witness counter-measures and strategies to deliver clear and considered evidence effectively under cross examination</li></ul>
Part 2 – Cross Examination Practical	<ul style="list-style-type: none"><li>• Mock cross examination sessions.</li><li>• Mock cross examination of one attendee – in front of other attendees.</li><li>• Reviewed and analysed by trainer with group.</li><li>• Repeat with other attendees and with original witness as required.</li></ul>

This course is provided as a group session, with recommendation of approx. 4 attendees (half day) and 8 attendees (full day).

Ad hoc training sessions for individuals or tailored/bespoke courses can also be arranged.

Please [contact us](#) to discuss pricing options.

### Attendee Prior Experience

It is anticipated that attendees' prior experience will be varied – some have never given evidence before, while others have some experience. This course is designed to benefit ALL attendees regardless of prior experience of having given evidence or cross examination.

## Witness Skills Training – Health Services

### Benefits

Witness training courses by an independent third-party provider such as Loquitur offer various unique benefits, some which are often unavailable in other witness training methods. These benefits include:

- Detailed understanding of the roles and obligations of witnesses
- Detailed understanding of the forums in which evidence will be given
- Improved delivery of evidence
- Witness confidence, assurance and support
- Training from experienced, practising barristers
- Comprehensive course with immediate results
- Boutique and specially tailored courses
- Third party instructors ensure no excessive familiarity
- Time saving
- Effective and practical techniques and evaluation
- Presentation of materials in plain English
- Reassurance that witness will present in the best way possible
- Completely independent and ethical
- Promotes openness of justice
- Improved witness performance reflecting better on organisation or department.

### Feedback & Testimonials

*“very professional and showcased great expertise in the expert witness space and we all gained great insight into the expert/ cross-examination process.”*

Forensic Accountant, Sydney

*“Overall it was extremely informative and the presenter was very knowledgeable and conveyed the information in a very easy to comprehend manner.”*

Public Servant, Sydney

*“It was very helpful to have this presented by a solicitor to understand the requirements of a witness (clinical or expert) and for reports, as well as their role in the process.”*

Health Professional, Melbourne

*“The knowledge of the presenter was apparent in his delivery of the content. He was clear in his explanations and engaging throughout.”*

Management Executive, NSW

*“No particular single highlight - overall it was extremely informative and the presenter was very knowledgeable and conveyed the information in a very easy to comprehend manner.”*

Professional witness, Queensland

*“The mock trial example illustrated well what the speaker was saying and it was interesting.”*

Executive, Melbourne

Witness training courses will **“assist witnesses to give their best at the trial or hearing in question without any risk that their evidence may become anything other than the witnesses' own uncontaminated evidence.”**

Bar Council of England and Wales: Guidance on Witness Preparation

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### ***About Loquitur***

Loquitur is Australia's leading witness training and support organisation.

Loquitur offers specialist witness familiarisation courses (often referred to as witness training courses), expert witness training and institutional witness skills training to witnesses of fact (lay witnesses), and other professional and expert witnesses, as well as and other evidence support and training services.

We ensure witnesses have the confidence, skill and knowledge to effectively deliver their own evidence.

Please [contact us NOW](#) to find out more.

Be prepared and make sure you don't leave to too late!

