



Witness sent to the dog house for discussing her evidence

A BBC journalist has had her Employment Tribunal claim struck out for unreasonable conduct after the Tribunal found that she had discussed her own evidence with another journalist while the hearing was underway and she was still under oath.

Sally Chidzoy had alleged that she had been called a 'dangerous dog' and that she had suffered sexual discrimination. While she was being cross examined and was still under oath the Tribunal took a break and she was warned (as she had been warned before previous breaks) not to discuss her evidence with anyone else until she had finished giving her evidence. This is a normal direction to prevent a witnesses' evidence being corrupted.

However, during this break, Ms Chidzoy was seen by the BBC's legal representatives speaking to another journalist and the word 'rottweiler' was heard being said. This was a key word in the case and in fact Ms Chidzoy had been cross examined on it just before the break.

The BBC's legal representative immediately stepped in to stop the conversation and subsequently applied for the whole claim to be struck out because of the Claimant's unreasonable conduct.

The Tribunal decided that the Claimant had engaged in a discussion about the case during the time she was giving evidence and that this amounted to unreasonable conduct. It also decided it could no longer have trust in the Claimant: it found that the conversation (which her solicitor had allowed to happen) should never have taken place and felt that her solicitor's explanations of how the conversation had taken place were inconsistent. As a result the whole claim was struck out.

This case is a clear reminder that when witnesses are giving evidence and under oath that they should never discuss their evidence with anyone else. They also should beware of putting themselves in a position where they could be accused of doing so.

GQ offers a witness training course to prepare witnesses for what to expect at a hearing.

