

WORKL@W'S

DISCIPLINARY SKILLS WORKSHOP

TRAINER'S MANUAL

MODULE 2: OBTAINING AND ASSESSING EVIDENCE

- 1. INTRODUCTION**
- 2. APPLICABILITY OF RULES OF EVIDENCE**
- 3. WHAT CONSTITUTES EVIDENCE?**
- 4. ADMISSIBILITY OF EVIDENCE**
- 5. CREDIBILITY OF EVIDENCE**
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NOTE:-

This is one of 4 Modules comprising Worklaw's Disciplinary Skills Workshop. If you conduct this workshop on its own, please note the following:-

- *an outline of all 4 modules is contained at the beginning of Module 1 in the delegates' manual;*
- *you should refer to the pre-workshop instructions contained at the beginning of Module 1 in the trainer's manual*

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1. INTRODUCTION

8.30-9.00 (30)

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DESIRED OUTCOME

For delegates to-

- **Understand how this module forms part of a 4 module program**
- **Establish ground rules for the workshop**
- **Set objectives for this particular module.**

PROCESS

The trainer should introduce him/herself and the workshop in a way that establishes credibility for the workshop. If delegates do not know each other, mention that they will have an opportunity to introduce themselves/each other shortly. Refer to Section 1.1 and contextualise this module within the four modules comprising the Disciplinary Skills Workshop. Refer the delegates to the detailed index at the front of their manuals which should give them a "road map" for the workshop.

Discuss and agree on applicable ground rules, explain the training methodology to be applied and explain how the course material will be used. (Section 1.2) Move onto the "setting objectives" exercise. If delegates are unknown to each other, you may ask delegates to briefly introduce themselves (name, background, job function, experience etc) or the person sitting next to them prior to describing their objectives. Allow a short period for delegates to think about their objectives and then given each delegate an opportunity to briefly describe his/her objectives for this particular module. As each delegate gives input, summarise the group's objectives on flip chart. Advise delegates that you will return to this list of objectives before the end of the module to ensure that these objectives have been achieved.

After input from each delegate, distribute the handout summarising the primary objectives of this module. Discuss the extent to which delegates' objectives are different from the objectives in the handout. If so, discuss how delegates' objectives may be achieved. (This may mean you have to adapt sections of the course – be flexible!)

If modules are being combined into 1 workshop, adapt this introductory session accordingly e.g. it will obviously not be necessary to re-introduce everybody to each other. But still get delegates to set new objectives for this module, if this was not covered at the beginning of Module 1.

2. APPLICABILITY OF RULES OF EVIDENCE**9.00-9.45 (45)****Page 7-9****DESIRED OUTCOME**

To understand the extent to which the rules of evidence apply at disciplinary hearings.

PROCESS

Refer delegates to the questions contained in this section. Highlight the need to read the extracts from the legislation referred to. Request delegates to work in large groups (2-3, depending on the size of the class) and to nominate a spokesperson to present their views.

*Obtain feedback from delegates obtaining answers from different groups to the questions posed. Generate discussion to ensure that delegates understand that the rules of evidence cover both **admissibility** and **credibility**, and the need for a conservative approach in applying the rules of evidence at disciplinary hearings (refer to the conclusion in the handout).*

Distribute the handout as a top up. Discuss any issues requiring clarification. Ask delegates for their comments on the conclusions contained in the handout. Ensure delegates understand what is meant by a hearing “de novo”.

Please note the importance of this section, in influencing how evidence is dealt with at disciplinary enquiries.

3. WHAT CONSTITUTES EVIDENCE?**9.45 –10.15 (30)
Page 10-11****DESIRED OUTCOME***To understand the different forms of evidence.***PROCESS**

Provide brief input on the various forms of evidence contained on the pages opposite. Generate discussion and highlight key issues. Note that this input session should be kept fairly brief.

Ensure that delegates understand the meaning of each form of evidence discussed in the delegates manual.

TEA**10.15-10.30(15)**