



10D How to write Paper Apart (ET1 claim form - Section 8)

A guide for the general public

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Introduction

In order to make a complaint to the Employment Tribunal you need to submit an application form called an ET1. This can be completed and submitted online. Most of the ET1 claim form involves filling in boxes with information that you should have access to. If you need some guidance on completing this, please see slideshow 3A. The most important part of the form in terms of outlining your complaint is Question 8.

Question 8.1 asks you to tick which claims you are making. If you are raising a complaint about disability discrimination you will tick 'discrimination' and the subsection 'disability'. You may have other claims that you also need to tick off. Question 8.2, will ask you to 'set out the background and details of your claim in the space below'.

This question is one of the hardest parts of the ET1 claim form to complete. Doing it properly will make the Tribunal process easier in the long run, so it is worth taking the time to get it right.

Why is this question so important?

The reason Question 8.2 is so important is because it provides the opportunity to set out exactly what legal complaints you are making set against the background facts to your case.

Providing a clear outline of the relevant facts on your case gives fair notice of the case and means that the Respondent can then respond to the basis of your claim. It helps the Tribunal and your employer to understand the serious concerns you are raising and why you think they are in breach of the law. It ensures that all the relevant claims in your case are included from the outset.

While it is possible to amend your claim later on (see slideshow 10E), this is very difficult to do. You will save a lot of time and energy by getting section 8.2 as clear and correct as possible when you first make your claim.

How should I set out my answer to 8.2?

Because the answer to question 8.2 can be very long, we would advise you to set it out in a separate document titled 'Paper Apart'. You must save this as a **rich text format document** (available on the drop-down menu when you 'save as' the document) and upload the document to the ET1 claim form when it asks you to do so.

The best way to approach this is by setting out in short numbered paragraphs the outline of your case and legal complaints that follow. This makes it easier to read and to follow.

The rest of this slideshow will set out the key information you should include in the paper apart and the order in which you should set it out.

1. The parties

The first couple of paragraphs will be relatively short and should include the following:

- ▶ The name of your employer and what it is they do;
- ▶ Your job title, including whether your role has changed at any point e.g. you were promoted from one role to another;
- ▶ The date you started working for your employer;
- ▶ Whether you still work for the employer you are bringing the claim against;
- ▶ If you no longer work for this employer, the date at which your employment came to an end.

2. Background information (1)

This will be the longest section of the paper apart. It will include all the background facts which are relevant to your claim. It should include the following:

- ▶ **Your disability;**
- ▶ The name of your disability/long term health condition or an outline of your impairments;
- ▶ When you were diagnosed with or acquired the disability/condition or impairments;

Background information (2)

- ▶ A brief outline of the impact of your disability/impairments/long term health condition on your normal day to day activities;
- ▶ When your employer became aware of your disability - when do you feel they knew or ought to have realised that you had a 'disability' and how would they have known this;
- ▶ Describe the facts which you allege are disability discrimination. Try to include as much detail as possible, including dates of incidents and the names of any colleagues involved;
- ▶ **KEEP USING NUMBERED PARAGRAPHS.**

3. The claims (1)

This should be a relatively short paragraph after you have set out the facts where you set out exactly what types of disability discrimination have occurred. It will look like a list of the claims you are making.

For example: “I believe that there has been a failure by my employer to make reasonable adjustments and that I have been discriminated against for a reason arising from my disability.”

If you are unsure as to which claims you are making, please see slideshows 9A-9E.

You can make any combination of claims in one ET1 claim form. You may be alleging different types of disability discrimination like above. You may also have other claims such as unfair dismissal. So you would also say, for example, “I believe that I have been unfairly dismissed”.

3. The claims (2)

If you are unsure about which specific parts of the Equality Act apply to your case at the very least you should state that you think that your employer has discriminated against you because of your disability, and/or that you have suffered harassment related to your disability, for example.

The most common claims are a failure to make reasonable adjustments, discrimination arising as a consequence of disability, and harassment. However sometimes there may also be direct discrimination, or victimisation. Check the different kinds of claims in slideshows 9A-9E to consider which you think apply to the facts in your case. If you are not clear about this make sure that the background facts are covered and then the general allegation is made as set out above and the Tribunal will assist to identify the legal issues at the Preliminary Hearing (see slideshows 4A-4E).

5. Remedy

This section will be quite short and will set out what remedy you are looking for. There is no need to calculate the exact amount you are claiming for at this stage. You can simply seek a finding of discrimination, and financial compensation including injury to feelings. You may also state if you want a recommendation.

If you have other claims such as unfair dismissal, or an unlawful deduction of wages you should also mention these and the remedy for them will also be financial compensation.

Please see slideshows 7A-7F for general information on financial remedies, and slideshows 11A-11C for information on remedies specific to disability discrimination cases.

5. Remedy example

By way of example, the remedy section might read as follows:

“In the circumstances I believe that I have suffered unlawful discrimination.

I am seeking a recommendation and financial compensation including compensation for injury to feelings.”