



University of Strathclyde
LAW CLINIC

3A. ET1 Claim Form

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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. Please find a link to the online form [here](#).
- 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.

What is an ET1 Form?



An ET1 is the **claim form for the Employment Tribunal**



Once you have your Early Conciliation Certificate (ECC) you will need to fill out your ET1. For more information about early conciliation please see slideshows 1A-1B. You will need the ECC reference number for the ET1.



You must be aware of the strict time limits within which you must fill out the ET1.

For more information please see slideshows 2A-2D.

What is an ET1 Form?

The ET1 seems straight forward.

Most sections are tick boxes or basic information.

Section 8 is the most important section.

It is also the most difficult part to complete.

Respondent's Details (1)



It is important to ensure that the Respondent's details listed are correct. The details should match those set out in the Early Conciliation Certificate.



When you are submitting the early conciliation application you should ensure that you have the correct legal name of your employer. If the Respondent is a company then the best way to do this is through a Companies House check, which provides details of the correct employer's name and address.

Respondent's Details (2)

- ▶ If you worked someplace other than the address provided as the correct legal information for the Respondent there is another box where you are asked to give details of where you actually worked.
- ▶ **Make sure** to include those details in the correct part of the form to ensure that the claim ends up in the Tribunal closest to your home after it has been registered by the Glasgow Tribunal.
- ▶ All claims in Scotland initially go to the Glasgow Tribunal where they must be submitted. The Tribunal will then transfer the case to the closest local Tribunal.

What is an ET1 Form?



At Section 8.1 you are asked to tick which claims you are making. It is important to tick the correct boxes.



If you are not sure whether your claim is covered within the list provided, then:

Set out any other type of claim that you think you qualify for, in the extra box provided.

ET1 Form

- ▶ Section 8.2 is where the background and the details of the case are outlined.
- ▶ The Employment Tribunal will attach importance to both: what is *and is not* in the ET1.
- ▶ Anything that does not appear in the ET1, will **not** form part of the claim.
- ▶ Therefore you will not be able to discuss it during the hearing.
- ▶ 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 in chronological order.

If it is a discrimination complaint then set out the protected characteristic you rely on; the nature of your disability, or your race in terms of colour, nationality or ethnic or national origin, your gender, your faith, sexual orientation, age or age group , for example.

3. The claims (1)

This should be a relatively short paragraph after you have set out the facts. It will look like a list of the claims you are making.

For example: “I believe that I have been unfairly dismissed; I believe that I have suffered an unlawful deduction of wages, 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.”

You can make any combination of claims in one ET1 claim form. For example, you may be alleging different types of disability discrimination like above, as well as unfair dismissal.

3. The claims (2)

If you are unsure about which specific legislation applies then describe what you consider to be the unlawful treatment you have received.

That you have been unfairly dismissed; that you not received holiday pay; that you have suffered a detriment because of making a protected disclosure; that you have been discriminated against because of your gender, age, marital status, for example.

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 where one takes place. (see slideshows 4A-4E).

4. 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, unfair dismissal, failure to pay holiday pay, for example, and financial compensation (including injury to feelings in discrimination cases).

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

Section 8.2

- ▶ Because of the importance of completing section 8.2 of the ET1, there is another slideshow (see slideshow 3B) which provides some more information about this in a slightly different format that you might find useful alongside this slideshow.