



Making a claim to an Employment tribunal

This booklet also applies if you are appealing against:

- an assessment to training levy made by an Industry Training Board;
- an improvement or prohibition notice issued under the Health and Safety at Work etc. Act 1974;
- a notice of underpayment issued under the National Minimum Wage Act 1998;
- an unlawful act notice issued under the Equality Act 2010; or
- any other notice where an appeal lies to the employment tribunal.

If so, you will be referred to in the proceedings as the appellant and in this booklet where the word 'claimant' or 'claim' appears you should read it as 'appellant' and 'appeal'.

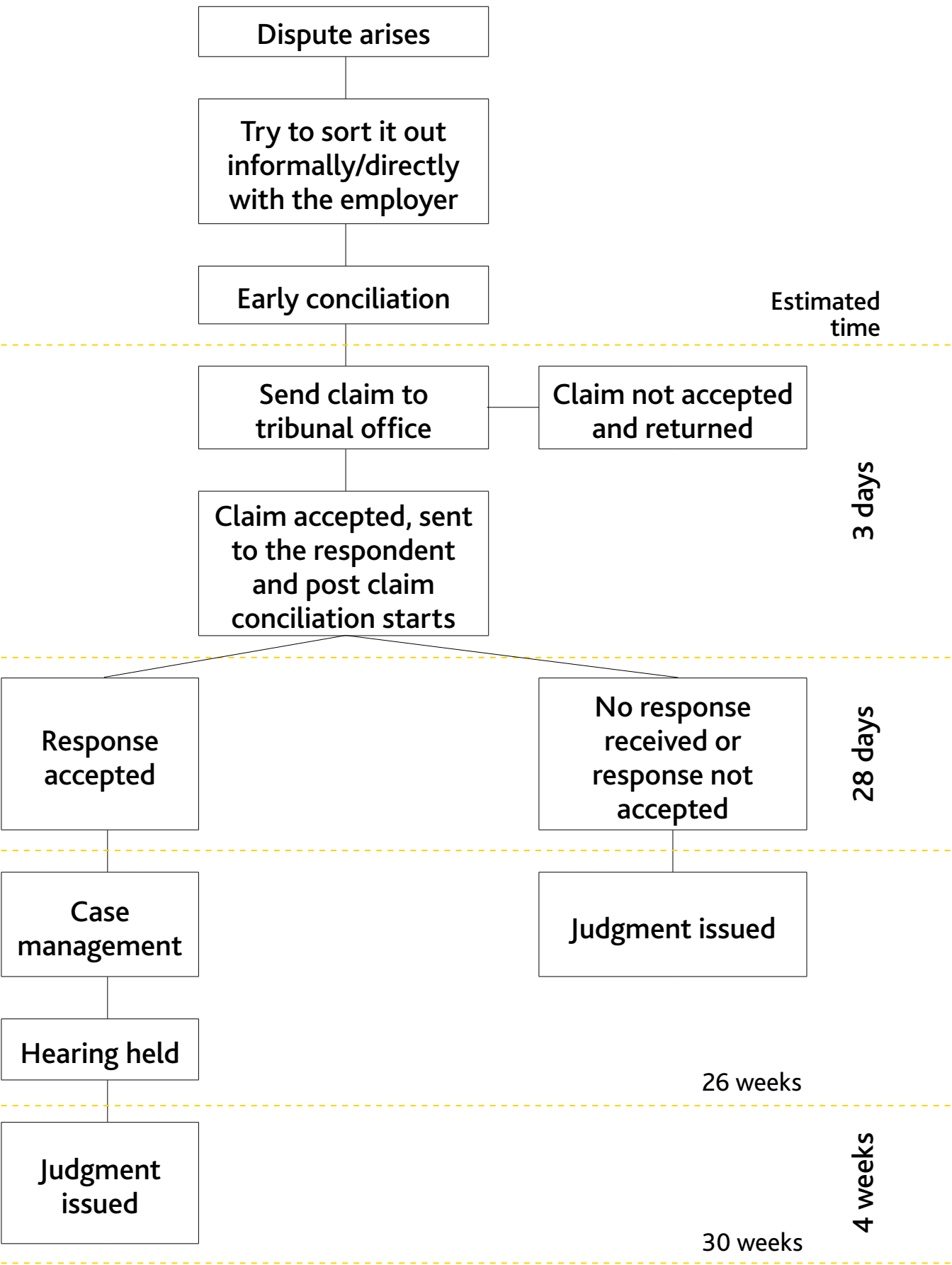
Note that requirement to contact Acas before instituting proceedings does not apply if you are making an appeal.

Presidential Guidance

Under the employment tribunal rules the Presidents of the employment tribunals in England and Wales and Scotland may issue Presidential Guidance. The aim of that guidance is to enable the parties to better understand what is expected of them and what to expect of the tribunal and to improve consistency in the way employment tribunals manage cases. It is not binding but should be followed where possible.

The Presidential guidance issued by both Presidents may be found at:
www.justice.gov.uk/tribunals/employment/rules-and-legislation

Claim process summary



Having a claim determined by an employment tribunal can take a few months. The average time from submitting your claim to the tribunal and getting a final decision in the 2012-13 financial years was 27 weeks. The length of time it takes to complete the process will depend on what your claim is about and the issues involved in your claim – if there are lots of issues, or they are complicated, your case may take longer than the average but if your claim is straightforward it may take less than the average time.

If the employment tribunal uphold your claim, they will consider what award to make. This is often referred to as the 'remedy' which is awarded by the tribunal. A remedy can have financial and non-financial aspects to it. For example, a tribunal may make a declaration that the respondent has violated your rights or make a recommendation in a discrimination case that the respondent take action to reduce the likelihood of the discriminatory act recurring. The award will include the amount the tribunal calculate you should have been paid if the breach of your rights had not occurred and might, depending on the nature of the claim, include an award in respect of a future period. Tribunals will decide what award you are entitled to based on your personal circumstances, including your age, how much you earn and, for cases involving discrimination, injury to feelings. This will be based on existing guidance, set out in case law. In unfair dismissal claims, the tribunal may also order that you be reinstated in your previous position or re-engaged by the respondent in other suitable employment. Awards for successful claimants will be different and depend on the details of the claim, but the average award for individual discrimination and unfair dismissal claims across all the types of claims was £10,290 in the 2012-13 financial year.

Before making a claim to an employment tribunal please read the information below. This contains information on the average length of time it takes to get a final judgment, and the average award made by the tribunal. This will help you understand the common outcomes for claims in your type of claim before entering the employment tribunal process. You can get impartial advice about your claim from the Acas (Advisory, Conciliation and Arbitration Service) helpline on 0300 123 1100.

Early Conciliation

For claims made to the employment tribunals on or after 6 May 2014 anyone wishing to bring a claim (the prospective claimant) must (with a limited number of exceptions) contact Acas before making their claim. Acas will offer you and the prospective respondent the opportunity of attempting to resolve the dispute without the need to formally engage in the employment tribunal process. This is known as early conciliation. Early conciliation will be available from 6 April 2014 but will not be compulsory until 6 May.

Fees

For claims made to the employment tribunals on or after 29 July 2013 you will have to pay a fee. If you do not pay the appropriate fee when you send your claim, the tribunal will reject it. If you cannot afford to pay a fee you can apply for fee remission (or fee waiver). Please see our guidance leaflets T435, T436 and EX160A for further information about fees you might need to pay at <http://hmctsformfinder.justice.gov.uk>

You can get paper copies of the leaflets from the Employment Tribunals Public Enquiry Line
England & Wales: 0300 123 1024 Scotland: 0141 354 8574 or from any local office.

Average awards and waiting times

Table 1 below shows the average awards made in successful claims and the average length of time it took from the tribunal receiving the claim to the final judgment being sent to all parties for employment tribunal claims during the financial year 2012-13.

Jurisdiction	Average award (all successful claims)	Average time in weeks (all single claims)
Age discrimination	£4,499	26
Disability discrimination	£7,536	29
Race discrimination	£4,831	30
Religious belief discrimination	£4,759	29
Sex discrimination	£5,900	28
Sexual orientation discrimination	£6,319	25
Unfair dismissal	£4,832	20

The average has been measured by the 'median' which is the middle number in a series of numbers that have been ranked from lowest to highest.

What do employment tribunals do?

Employment tribunals hear cases and make decisions on matters to do with employment such as unfair dismissal, redundancy payments, discrimination and a range of claims relating to wages and other payments. Although an employment tribunal is not as formal as a court it must comply with rules of procedure and act independently.

Further help and advice

Early Conciliation

Single claims

You must complete and submit to Acas an 'Early Conciliation form' which provides your basic details and those of your employer. Alternatively, you may telephone Acas on 0300 123 1100 and provide the relevant information. If you are proposing to bring the claim against more than one prospective respondent or person then you must complete a separate form in respect of each of them. Further details on Early Conciliation and the form itself may be found at www.acas.org.uk or in the leaflet 'Early Conciliation explained' which may be obtained by contacting Acas on the number provided above or from any Citizens Advice Bureau.

On receipt of the form Acas will then contact you to gather further details and to offer conciliation services. If you and the prospective respondent(s) accept the offer of early conciliation then Acas will have a period of one calendar month (extendable by up to two weeks) to negotiate settlement. If conciliation is refused by either party, or fails, Acas will issue a certificate allowing you to submit a claim form to the employment tribunal.

The certificate will contain a unique number which you will have to quote when making your claim. Where you have named more than one prospective respondent then an individual certificate containing a unique reference number will be issued in respect of each prospective respondent.

When you submit the Early Conciliation form to Acas this 'stops the clock' on the time period in which you must lodge your claim with the employment tribunal. Time will only start to run again when the certificate is issued by Acas. Details of the impact of early conciliation on time limits are explained in the section "How soon must I make my claim to an employment tribunal?"

Multiple or Group Claims

Where a person (e.g. a trade union representative, a solicitor, a prospective claimant acting on behalf of others) is making an application on behalf of a group of people, they can choose to get each prospective claimant to submit individual forms, or the representative will have to complete and submit to Acas what is known as a 'group application form'. In that form they will be asked to provide the names and addresses of all of the individuals within the group. A unique reference number beginning with 'MU' will be given to identify this Group claim (and therefore all the claimants included on this form).

If more batches of claimants in the same dispute are notified on either the same or different days then a new MU number will be given to each new batch to distinguish it from the original group claim. All cases in the same dispute will be allocated to the same conciliator.

If early conciliation is not successful then Acas will issue one certificate in respect of each batch of claimants - i.e. one certificate per MU number. Each certificate will identify the names of all the individuals in that batch. Any person within the group may, if needed ask Acas to provide them with their own individual certificate which would have their own unique number.

If a claim is subsequently made to an employment tribunal in the dispute then the ET1 can include all claimants and all the MU numbers relating to those claimants must be quoted.

Exemptions from the requirement to contact Acas

You will be exempt from the requirement to contact Acas where:

- You are presenting your employment tribunal claim on the same form as other claimants and at least one of them has complied with the requirement for early conciliation;
- The matter you are complaining about, or one of them, is not something upon which Acas have the power to conciliate, see the jurisdiction list at www.justice.gov.uk/tribunals/employment/claims/jurisdiction
- You can show that your previous employer has been in touch with Acas;
- You are making a claim for interim relief; or
- Your claim is being brought against the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

If you are exempt from the requirement to contact Acas you will be asked to say that on the claim form and to state the reason why you are exempt.

You can get help and advice from:

- a trade union, if you are a member
- free advice services such as a law centre or a citizens advice bureau (the website address for Citizens Advice in England and Wales is **www.adviceguide.org.uk**, and in Scotland, **www.cas.org.uk**)
- solicitors and other professional advisers or, in Scotland, under the legal aid scheme, may be able to help you prepare your case.

If your claim involves discrimination, expert information, advice and support on discrimination covering England, Scotland and Wales is available from the Equality Advisory and Support Service (EASS).

Website: www.equalityadvisoryservice.com

Phone: 0808 800 0082

Textphone: 0808 800 0084

Opening hours: 9am to 8pm Monday to Friday

10am to 2pm Saturday

Closed on Sundays and Bank Holidays

Post: FREEPOST Equality Advisory Support Service FPN4431

If you are applying for a **redundancy payment**, there are specific time limits which are complicated. You can get help from the Redundancy Payment Helpline on 0845 145 0004.

If your complaint is about not receiving the **national minimum wage**, you can get help from the Pay and Work Rights helpline on **0800 917 2368, Textphone 0800 121 4042**.

Further information

Staff at the employment tribunals public enquiry line can answer general enquiries, give information about tribunal publications and explain how the tribunal system works. They may be able to help you fill in the form but they cannot give legal advice, such as advising you whether your claim is likely to be successful. The enquiry line numbers are England and Wales: 0300 123 1024 Scotland: 0141 354 8574 Minicom: 01509 221564.

Information needed before a claim can be accepted

Your claim cannot be accepted unless it meets certain conditions. It must be on an approved form, known as a prescribed form, provided by employment tribunals. By law, you must tell us:

- your name and address;
- the name and address of the respondent or respondents (the person or organisation against whom you are making a claim).
- the early conciliation certificate number or numbers provided by Acas or a declaration that you are exempt from the requirement to go through the early conciliation process.

You must also give sufficient details of your claim so that the tribunal and respondent can understand what your claim is about.

Please note: If you are making an appeal to the employment tribunal against, for example, an assessment to training levy made by an Industry Training Board or an improvement or prohibition notice issued under the Health and Safety at Work etc Act 1974 you do not have to use the prescribed form.

Fees – how much will I have to pay?

Your claim will not be accepted unless you send the correct fee or provide a remission application when you make your claim.

Please note: If your claim is not accepted the time will continue to run against you in relation to the time limit which applies to making your claim. Your claim could be time barred if you submit it close to the time limit expiry and it is then not accepted because you did not include a fee or remission application.

There are two fee levels depending on your claim type. Type A claims are claims which are more straightforward for the tribunal to deal with and have a lower fee than type B claims.

For full details of fee levels and how to pay as well as information on how to apply for a fee remission (or fee waiver) please see our fee leaflets T435, T436 and EX160A at <http://hmctsformfinder.justice.gov.uk> You can get paper copies of the leaflets from the employment tribunals public enquiry line (England and Wales: 0300 123 1024 Scotland: 0141 354 8574) or from any local office.

How soon must I make my claim to an employment tribunal?

Submission of the Early Conciliation form to Acas will 'stop the clock' on the time period for you to submit your claim. This means the time limit for all claims to which Early Conciliation applies will be three months plus the time during which Acas conciliates. Time will only start to run again when you are deemed to have received the certificate issued by Acas. If the certificate was sent to you by email, you will be deemed to have received the certificate on the day on which it was sent. If the certificate was sent to you by post you will be deemed to have received it on the day on which it would be delivered in the ordinary course of post.

In working out the number of days by which the time limit is extended, the period begins on the day following that on which your application for early conciliation was received by Acas and ends on the day on which you are deemed to have received the certificate. The date on which Acas received your early conciliation form will be stated in the Early Conciliation certificate. So, if your early conciliation application was received on 4 June and the certificate was sent to you by email on 20 June the time limit would be extended by 16 days.

If time is due to expire within one month of the clock re-starting after Acas involvement, there will be a minimum one month period to enter the claim. So, if you were dismissed by your employer on 10 February and submitted your Early Conciliation form on 5 May and

the Early Conciliation period ran its full course the Early Conciliation period of one month would end on 4 June. As the 'original' time limit was due to expire within one month of the clock restarting you would have one month from the date you receive the early conciliation certificate in which to make your employment tribunal claim. The time limit in these circumstances would, if the certificate was issued by email on 5 June, end on 4 July.

If you are exempt from the requirement to contact Acas then the tribunal must receive your claim within the strict time limits that apply to the type of complaint you are making. In most cases the tribunal must receive your claim within three months from the date your employment ended or the event you are complaining about happened. This means that if it happened on 1 March the tribunal must receive your claim on or before 31 May. If it happened on 5 March the tribunal must receive your claim on or before 4 June.

The time limit for making an **appeal** to the employment tribunal depends on the type of appeal you are making. For example: an appeal against an improvement or prohibition notice must be presented within 21 days from the date of service of the notice; an appeal against a notice of underpayment issued under the National Minimum Wage Act must be made within 28 days of the service of the notice. It is important that the claim or appeal you make is presented within the appropriate time limit.

If we receive your claim outside the time limit, the tribunal will only be able to consider it in a narrow range of circumstances. Please note what is said above about the impact on time limits of not including a fee or remission application with your claim.

Unfair dismissal (type B fee)

In general to claim unfair dismissal you must have worked continuously for the respondent for at least two years. However, in some circumstances in which unfair dismissal is claimed no minimum qualifying service is required. These include dismissals where the main reason for the dismissal is claimed to be:

- taking part or proposing to take part in the activities of a union or making use of union services
- joining a union or choosing not to join one
- being involved in health and safety activities either as an employer's health and safety 'officer' or a worker's representative
- taking part in activities as a pension scheme trustee
- being, or proposing to become, an 'employee representative'
- being a shop worker or a betting worker who refuses to work on a Sunday
- using certain rights covered by the Working Time Regulations
- being dismissed for pregnancy or a pregnancy related reason
- being dismissed for the assertion of a statutory right
- being dismissed for making a protected disclosure

Interim relief

If you believe you have been unfairly dismissed for one of the reasons listed below you can apply to a tribunal for 'interim relief'.

- For making a protected disclosure within the meaning of the Public Interest Disclosure Act 1998 (whistleblowing).
- For seeking to exercise the right to be accompanied at (or to accompany someone else to) a disciplinary or grievance hearing.
- For acting as a workers' representative:
 - dismissal of a safety representative or a member of a safety committee for a reason connected with that role;
 - dismissal of a workers' representative in connection with the Working Time Regulations;
 - dismissal of an employee trustee of an occupational pension scheme for a reason connected with that role.
- For trade union related reasons:
 - dismissal for reasons related to trade union membership or non-membership or trade union activity;
 - dismissal resulting from obstruction or promotion of official recognition of a trade union.
- For exercising or seeking to exercise the right to be accompanied to a meeting to discuss a request not to retire or for accompanying or seeking to accompany a fellow employee to such a meeting.

If the tribunal grants your application for interim relief your employment will be legally continued until the case is decided and you will receive your salary or wages.

If you were dismissed for one of the above reasons and you want to make an application for interim relief **the tribunal must receive your claim within seven days of your dismissal. You may also want to seek advice.**

If your application for interim relief is related to trade union membership or activities you will have to provide, at the time of making your claim, a certificate signed by a trade union official that states that the dismissal was on trade union grounds. The certificate must state that the individual is a member and that, in the view of the official, the dismissal is related to the individual's union membership or activities.

If you are making your application on-line it will not be possible to attach that certificate to the claim form. In order to progress the application for interim relief as quickly as possible we would recommend that

- you submit your claim on-line,
- send a copy of the claim form, the certificate and the application for interim relief by email to the relevant tribunal office, and
- clearly state in the body of the claim form submitted on-line that you have done so.

Public Interest Disclosure claims (type B fee)

If your claim consists of, or includes, a claim that you have made a protected disclosure under the Employment Rights Act 1996 (also known as 'whistleblowing'), we will copy your claim form, or extracts from it, to the relevant regulator, if you give your consent that we can by ticking the box at section 10.1 of the ET1 form. We will delete any other complaints not related to the 'whistleblowing' complaint, before copying the claim to the regulator. If you do not want your claim to be sent to the regulator or if you have already done so, do not tick the consent box.

If you consent to the claim, or extracts from it, being forwarded to the relevant regulator we will write to you, or your representative if you have one, to say who we sent the form to and when. We will also write to the respondent explaining that we have done so. It will be for the regulator to decide whether the underlying issue contained in the claim form requires investigation.

This will not affect in any way how we process your claim.

You can find further guidance at <https://www.gov.uk/whistleblowing>

Where to send your claim

We cannot accept your claim unless it is on an approved (prescribed) form provided by HM Courts & Tribunals Service and accompanied by the correct fee or an application for a remission. It is very important that you use the approved form. The form is available in the following formats:

- a paper copy from the back of this booklet to send to the relevant office by post with the **fee or a remission application**
- a version from our website www.employmenttribunals.service.gov.uk to send **by post** with the **fee or a remission application**
- an online version for submitting your claim and the fee electronically that can be found at www.employmenttribunals.service.gov.uk

Submitting a claim online is the quickest way of sending a claim to the tribunal.

Sending your form by post to the appropriate Central Office is another way of making sure that your claim goes directly to the office where claims are first processed. The addresses of the Central Offices are:

Employment Tribunal Central Office (England and Wales)/Employment Appeal Tribunal (EAT) Fees
PO Box 10218,
LEICESTER LE1 8EG

And

Employment Tribunals Central Office Scotland /Employment Appeal Tribunal (EAT) Fees
PO Box 27105
GLASGOW G2 9JR

However, you can take your claim form, with the fee or remission application, to one of the individual employment tribunal offices listed in the schedule to the Practice Directions (one schedule for England and Wales and one for Scotland) on presentation of claims. You can find these at www.justice.gov.uk/tribunals/employment/rules-and-legislation Those offices are:

In England and Wales:

Region	Postal Address
Birmingham	9th Floor Centre City Tower 7 Hill Street Birmingham B5 4UU
East Anglia	Walden Road Huntingdon Cambridgeshire PO29 3DW
East Midlands	3rd Floor Byron House 2A Maid Marian Way Nottingham NG1 6HS
Leeds	4th Floor, City Exchange 11 Albion Street Leeds LS1 4ES
London Central	Victory House 30-34 Kingsway London WC2B 6EX
London East	2nd Floor Anchorage House 2 Clove Crescent London E14 2BE

London North & West	3rd Floor Radius House 51 Clarendon Road Watford Hertfordshire WD17 1HP
London South	Montague Court 101 London Road West Croydon CR0 2RF
Newcastle	Quayside House 110 Quayside Newcastle Upon Tyne NE1 3DX
North West	Alexandra House 14-22 The Parsonage Manchester M3 2JA
South West	First Floor, Crescent Centre Bristol BS1 6EZ
Wales	Caradog House 1-6 St Andrews Place Cardiff CF10 3BE

In Scotland:

Office	Address
Aberdeen	Mezzanine Floor, Atholl House 84-88 Guild Street Aberdeen AB11 6LT
Dundee	Ground Floor, Block C Caledonian House Greenmarket Dundee DD1 4QB
Edinburgh	54-56 Melville Street Edinburgh EH3 7HF
Glasgow	Eagle Building 215 Bothwell Street Glasgow G2 7TS

Please note that the employment tribunal offices listed above do not have cash handling facilities and payment of fees in these offices can only be made by cheque or postal order.

If your claim is accepted, the tribunal office which subsequently deals with your claim will normally be determined by the postcode of the place where you worked, where you applied to work or where the matter which you are complaining about happened. For example if you worked or applied for work in postcodes PE10, 11 or 12 your claim will normally be processed in the Nottingham office (the full address of each office is on the back cover of this booklet). If you are submitting the claim and appropriate fee electronically, the claim form will be automatically routed to the correct office. Quoting an incorrect postcode could mean that your claim is sent to the wrong office and may cause a delay. If you don't know the postcode for the place where you worked, call our public enquiry line on England and Wales: 0300 123 1024 Scotland: 0141 354 8574.

If you are submitting your claim and the appropriate fee (or an application for remission) **by post** and the incident you are complaining about took place in England and Wales, then, subject to what is said below about 'dual jurisdiction', they should be sent to the England & Wales Central Office at the address shown on page 12.

If the incident you are complaining about took place in Scotland (subject to what is said about 'dual jurisdiction'), the form and fee (or application for a remission), should be sent to the Scottish Central Office at the address listed on page 12.

Dual Jurisdiction – In some limited circumstances an employment tribunal in England and Wales would be able to deal with a case where the claimant worked in Scotland and a Scottish employment tribunal would be able to deal with some cases where the claimant worked in England or Wales. If you intend to make your claim by post and are thinking about sending it to a different country to the one where you worked then you may want to get advice. If you send your claim to the employment tribunal (England and Wales) but that tribunal does not have the legal ability to deal with your case your claim will not be accepted. The same is true if you send it to the employment tribunal in Scotland and it does not have the legal ability to deal with your case. If a claim is not accepted then time will continue to run against you so far as the time limit for making your claim is concerned.

When a claim has been successfully submitted online you will receive a receipt to confirm this. If you do not receive a receipt notification, you should contact the employment tribunal office immediately. You can check which office your claim form has been sent to by referring to the information provided later in this booklet.

If you have submitted your claim by post to one of the Central Offices or by hand to one of the designated offices listed above, you will receive notification once your fee or remission application has been processed by the Central Office and the claim passed to the appropriate employment tribunal office for action.

You should keep a copy of your claim form for your records. It is your responsibility to ensure that the tribunal office receives your claim within the relevant time limit.

What happens when I send in my claim?

Your claim will not be accepted if:

- it is not on an approved form
- you have not given all the required information including either an early conciliation certificate number or numbers or a declaration that you are exempt from the requirement to contact Acas
- no fee or remission application is sent with it

and in those circumstances the Central Office will return your claim form and any fee paid to you with a letter telling you the reason why and what action you should take. If a claim is not accepted time will continue to run against you so far as the time limit for making your claim is concerned.

If your claim is accepted, we will send you a letter to confirm this. That letter will contain a link to a booklet 'Your claim – what next' which will tell you the next steps. At the same time we will send the respondent a copy of your claim form together with a form for their response.

In most cases we will also send a copy of your claim to Acas. An Acas conciliator will contact you to explore whether or not it might be possible to resolve the claim through conciliation and without the need for a tribunal hearing.

Correspondence

In future correspondence we will refer to you as the 'claimant' and to the person you are complaining against as the 'respondent'. We will send a copy of your claim form to the respondent.

Parties are required under the Rules of Procedure to copy any letters or documents that they send to the tribunal (other than an application for a witness order) to all other parties and must state that they have done this. You can show that this has been done, for example, by the use of 'cc'.

We will send you and the respondent any decision the tribunal makes.

You must let us know immediately if your contact details change. If you have a representative (a person you ask to act on your behalf), we will send all correspondence about your case to them and not to you. You must send any further requests for information through them and not straight to us.

Do I have to pay the respondent's costs?

Generally, no. However, the tribunal can make an order for costs or preparation time if it believes that you or your representative have behaved abusively, disruptively or otherwise unreasonably in the way you have conducted your case or thinks that your claim was so weak that it should not have been raised. Costs are known as expenses in Scotland.

Employment judges and tribunals also have the power, where the hearing relates to a claim made on or after 6 April 2012, to order a party to make a payment to cover expenses incurred by any witness or witnesses who have been asked to attend the hearing.

Can I get my fees back?

The tribunal has the power to order the respondent to reimburse fees paid by you, in addition to any award it makes. The general position is that, if you are successful, the respondent will be ordered to reimburse you, but the tribunal has no power to order reimbursement of fees paid if you lose your case. You can ask the tribunal to make an order to reimburse fees when it is considering the award due to you, or at any stage up to 28 days after the date on which your judgment was sent to you. Ultimately it is for the tribunal to decide whether it is appropriate that the respondent should reimburse you some or all of the fees you have paid, if you are successful.

Will I be responsible for any fees paid by the respondent?

If the respondent pays any fees, they can ask for you to pay them if they are successful. It will be for the tribunal to decide whether it is appropriate for you to reimburse any fees paid by the respondent, and you will have the opportunity to argue why they ought not to.

Breach of contract claims

If you are making a claim for breach of contract you should be aware that employment tribunals can only award compensation up to the sum of £25,000. If the amount of compensation you are claiming for a breach of contract is more than £25,000 you should pursue it through the High Court in England and Wales or the Sheriff Court or Court of Session in Scotland. You might want to get legal advice.

Access to information

You can request information from us, or ask for any information held electronically about you, by writing to:

Data Access and Compliance Unit
Communications and Information Directorate
Ministry of Justice
1st Floor, Zone C102
Petty France
London SW1H 9AJ

There may be a charge for responding to requests for information.

Welsh Language Act

If you are making a claim in Wales you can ask that correspondence and phone calls are in Welsh. If both sides agree, the hearings may be carried out just in Welsh. If both English and Welsh are used at a hearing, we can provide translation facilities if you ask.

Filling in the claim form

We have designed these guidance notes to be as helpful as possible. However, they do not give a full statement of the law. **If you do not provide the information marked with an asterisk (*) your claim will not be accepted.**

1 Your details

Please give your details

- 1.1** Tick the relevant box to show whether you want to be referred to as Mr, Mrs, Miss or Ms.
- 1.2*** Give your first name or names.
- 1.3*** Give your surname or family name in CAPITAL letters.
- 1.4** Give your date of birth in day/month/year format (for example 25/02/1965) and tick the relevant box to tell us whether you are male or female. It is helpful if you provide your date of birth as this information is needed for certain types of claims.
- 1.5*** Give your full address, including house number, street, town or city, county and postcode.
- 1.6** Please give the telephone numbers (including the full dialling code for a landline) where we can contact you during normal working hours.
- 1.7** Please give your mobile telephone number if different from the number provided at 1.6

1.8 Tick the relevant box to say how you would prefer us to contact you in future. If you want to communicate by email please check your emails every day. Although we will usually try to use email if you want us to, **this will not always be possible** as some documents need to be signed by an employment judge.

1.9 If you would prefer that we contact you in future by email, please provide your email address.

1.10 If you would prefer that we contact you in future by fax, please provide your fax number (including full dialling code).

2 Respondent's details

If your claim is accepted we will send a copy of your claim to the organisation you are complaining about (the respondent) so that they can prepare a response to your complaint. It is important that you tell us the correct identity of the respondent to avoid any delay in processing your claim. You should be able to identify this by looking at the letter that offered you your job, your contract of employment or your wage slip.

2.1* Complaints may be against a single respondent or a number of respondents. If you are claiming discrimination, you may be able to claim against more than one respondent – for instance, the employer and any person the employer is responsible for who you allege to have committed an act, or acts, of discrimination against you. If you do wish to complain about an individual or individuals as well as your employer put the name of the organisation in this box and the name and address of the individual or individuals as additional respondents in sections 2.5 and 2.7 and, if necessary, section 13.

2.2* Give the respondent's full address, postcode and telephone number.

2.3 Give the early conciliation certificate number provided by Acas or say why you do not have one.

2.4 Give the full address and postcode of the place where you worked, or applied to work, if this is different from the respondent's address you gave at 2.2. If you worked from home please enter your home details, as we will treat your home address and postcode as your workplace.

2.5 and 2.7 If your claim is brought against more than one respondent please tick the box and enter the details of the second and any other respondents including their names, addresses and telephone numbers.

2.6 and 2.8 Give the early conciliation certificate number provided by Acas or say why you do not have one.

Please use section 13 of this form to give details of additional respondents.

3 Multiple cases

3.1 If you are aware that your claim is one of a number of claims arising from the same or similar circumstances against the same respondent, please tick 'Yes' and, if you know the names of any of the other claimants include their names in the space provided. This will help tribunal staff to process these claims efficiently.

If you are submitting your claim on the same form as other people, you will be able to access the 'fee group' fees structure. This might mean you can pay a lower fee per person. Please refer to our leaflets on the fee group structure at www.gov.uk/government/uploads/attachment_data/file/254327/T436_113.pdf for details. You can get paper copies of the leaflets from the employment tribunals public enquiry line (**England and Wales: 0300 123 1024 Scotland: 0141 354 8574**) or from any local office.

4 Cases where the respondent was not your employer

4.1 If you were not employed by any of the respondents you have named at section 2 but are making a claim for some other reason connected to employment (for example relating to a job application or against a trade union) please tell us the type of claim you are making here.

5 Employment details

5.1 If your complaint is against your employer or ex-employer, please give the date when your employment started and, if it applies, the date when it ended or will end. Use day/month/year format (for example 08/03/2009).

5.2 Please give your job title and say what job you do or did for your employer.

6 Earnings and benefits

6.1 Please give the basic number of hours you work or worked each week – do not include overtime even if you work or worked it regularly.

6.2 Give details of your basic pay, before tax and any deductions but not including any overtime payments. Then give details of your normal take-home pay (this is your pay after tax, National Insurance and any other deductions but including overtime, commissions and bonuses). Your payslip should show these amounts. Please round the amounts to the nearest pound. Please tick the relevant box to show whether this is for a week or a month.

6.3 If your employment has ended, please tick the appropriate box to say if you either worked or were paid for a period of notice. If so, please tell us how long you worked or were paid for.

6.4 Please tick the appropriate box to say whether or not you were in your employer's pension scheme.

6.5 Give details of any other benefits you received from your employer. Examples might include a company car or medical insurance. Please describe what kind of benefit you received and give an idea of how much it was worth.

7 If your employment with the respondent has ended, what has happened since?

7.1 Please tick the appropriate box to say whether or not you have got another job since leaving your employment. If you have not, please now go straight to section 8.

7.2 If you have got another job, please tell us when you started (or will start) work. Please say whether the job is permanent or temporary. If it is temporary, give the likely date it is due to end (if you know it).

7.3 Please tell us the amount you are earning (or will earn) each week, month or year in your new job.

8 Type and details of claim

8.1* Please tick the appropriate box or boxes to say what you are complaining about.

8.2* Please give the background and details of your complaints.

Unfair dismissal (type B fee)

If your claim or part of it is about being unfairly dismissed by the respondent, or if you are claiming constructive dismissal, please use the box provided to explain the background to the dismissal and give any other information you think would be helpful to us. If you disagree with the reason the respondent gave for dismissing you, please say what you think the reason was. You should describe the events which led up to your dismissal and describe how the dismissal took place, including dates, times and the people involved. If you are claiming that the respondent's actions led you to resign and leave your job (constructive dismissal), please explain in detail the circumstances surrounding this.

Discrimination (type B fee)

Discrimination can take place on the grounds of sex (including complaints regarding equal pay) marriage or civil partnership, pregnancy or maternity, gender reassignment, race, sexual orientation, religion or belief, age, or for a reason related to a disability. Discrimination laws cover all areas of employment including recruitment, training, promotion and dismissal. They also cover victimisation because you (or the respondent thought that you) complained about discrimination or assisted someone else to do so or you did something else connected to the rights arising under the Equality Act 2010.

Events that happen after you have left employment can also be covered by discrimination laws. In the box please describe the incidents which you believe amounted to discrimination,

the dates of these incidents and the people who were involved. Explain in what way you believe you were discriminated against. If you are complaining about discrimination when you applied for a job, please say what job you were applying for. If you are complaining about more than one type of discrimination, please provide separate details of the act (or acts) of discrimination. You should describe how you have been affected by the events you are complaining about. If you are unable to give the dates of all the incidents you are complaining about, you must at least give the date of the last incident or tell us if the discrimination is ongoing.

Redundancy payment (type A fee)

If you are claiming a redundancy payment please say whether you have asked your employer for payment. If so, please give the date in day/month/year format (for example 25/10/2008).

Please say whether or not you have applied to a Redundancy Payments Office (RPO) for payment. If you have applied to RPO please tell us whether your claim has been rejected, and, if so, the date shown on the rejection letter.

Other payments you are owed (type A fee)

If you are complaining about outstanding unpaid wages, holiday pay, payment for a period of notice or some other payment (other unpaid amounts could include unpaid expenses, commission or a bonus) tell us how much you are claiming.

Please explain why you believe you are entitled to this payment, setting out full details such as the period the payment covers and the rate of pay. If you have specified an amount, please say how you worked this out. If you are claiming more than one type of payment, please give the amounts you are claiming for each type of payment and explain how you worked out each amount.

Other complaints

Please state what your complaint is and explain the events leading up to your claim, including any relevant dates at section 8.2. If possible, please tell us the relevant law which applies to your claim. If there is not enough space for your answer, please continue at section 15.

9 What do you want if your claim is successful?

9.1 It would be helpful if you would state what you are seeking from the respondent if your claim is successful by ticking the appropriate box.

Recommendation

Where a tribunal finds that unlawful discrimination has been proved it has the power to recommend that an employer takes steps to reduce the effect of discrimination on you and on any other person such as your colleagues at work. A recommendation will identify the steps that have to be taken within a specified time and could, for example, include re-training staff; publishing selection criteria used for staff transfer or promotion; setting up a review panel to deal with equal opportunities, harassment and grievances. If the employer fails to comply with the recommendation and the Tribunal also awarded you compensation that award can be increased. If no compensation was awarded initially it can be awarded once it is clear that the employer has not complied with the recommendation. Although not binding, failure to comply with the tribunal's recommendation could be damaging to the employer's reputation and be used in evidence against them in future discrimination claims.

9.2 Please enter the details in the space provided as to what compensation or remedy you are seeking. If you are claiming financial compensation you should give details of how you have calculated the amount.

Calculating Compensation

Whether you will be awarded compensation and, if so the amount, will depend on the type of claim you are making. A variety of other factors will also be taken into account.

The simplest type of case in terms of working out likely compensation is a claim for unpaid wages. In such a case, if you win, the amount awarded by the tribunal will be the amount of the wages that should have been paid. The tribunal has no power in this type of case to award compensation for distress caused to you but may award additional compensation if you can show that the employer's failure to pay you the correct amount has caused you any financial loss such as bank charges.

Unfair Dismissal

In an unfair dismissal case the tribunal can order the employer to reinstate you in your old job or re-engage you in a comparable job. In either case you would also receive backdated wages. Other employment benefits such as membership of your employer's pension scheme would be restored as if you had not been dismissed. However, if your employer refuses to re-employ you in accordance with the Tribunal's order, he cannot be compelled to do so but the Tribunal can increase the compensation that it has already awarded you.

Assuming you are not returning to work with the employer then the tribunal can award financial compensation which is divided into a 'basic' award and a 'compensatory' award.

The basic award is calculated by a formula that takes account of your age, length of service (up to 20 years) and your weekly pay, up to a maximum figure per week (£450 in 2013 but this normally changes each year).

When making a compensatory award the tribunal has to consider what is just and equitable. Normally the calculation will be based on your 'past loss' - the wages you have lost up to the date of the tribunal hearing - and can also take account of 'future loss' - the wages you will have lost by the date the tribunal estimates you will find another job. Future loss can be very hard to calculate because the tribunal can only speculate about what is likely based on a range of factors including local employment market conditions. If you have been in receipt of jobseekers allowance or income support the compensation you eventually receive from your employer will be reduced by the total amount of the benefit you received as your employer is required to repay it to the government. There is a maximum compensatory award. (In 2013/14 it is the lower of £74,200 or one year's salary).

It is important to be aware that you are under a legal obligation to 'mitigate' (minimise) your wage loss by trying to get another job and you will be asked to produce information about your efforts to do so. You should also note that the tribunal can reduce the basic and compensatory awards if it concludes, on the basis of the evidence it hears, that you have 'contributed' to (i.e. partially been to blame for) your dismissal. The tribunal cannot normally award extra compensation in unfair dismissal cases for upset or hurt to feelings.

Discrimination cases

In a discrimination case the tribunal can award compensation for financial loss. This could be loss of wages if you were dismissed for a discriminatory reason or if you should have got a job you applied for but did not get it due to discrimination. However, again, you are expected to minimise your loss by trying to get another job.

In a discrimination case the tribunal can also award compensation for injury to feelings – that is a sum of money paid to compensate for the upset and distress caused by discrimination. The amount awarded will vary depending on how badly a person has been affected. Evidence will be needed so the tribunal can assess this. In extreme cases if there is evidence that a person has become ill because of discrimination, then compensation can also be awarded for personal injury. However in cases like this the tribunal will require medical evidence which explains what illness has developed and how it is linked to the discrimination.

A tribunal can also make a recommendation in a discrimination case and if the employer does not do what is recommended compensation can be given instead.

Overall the tribunal award of compensation will be what is considered just and equitable in all the circumstances. If you have made both an unfair dismissal and discrimination claim you will not get 'double' compensation. In other words, if you received the wages you have lost as part of the unfair dismissal compensation you will not get that wage loss again as part of your discrimination compensation.

Details of the average awards in unfair dismissal and discrimination cases can be found near the front of the booklet.

If you win your case in addition to compensation the tribunal may order the employer to reimburse any fees you have paid in connection with your case (with the general position being that if you are successful the respondent will be ordered to reimburse you). You should ask the tribunal to do this at the same time as you provide information about what your wage loss has been.

10 Information to regulators in protected disclosure cases

10.1 If appropriate, please tick the box if you wish a copy of the form, or extracts from it, to be forwarded to the relevant regulator.

11 Your representative

You only need to fill in this section if you have appointed a person to act on your behalf (a representative). If you appoint a representative we will deal directly with them, not with you. Please do not give the name of a representative unless they have agreed to act for you. Do not give the name of a person or organisation who is only giving you advice on filling in this form.

11.1 If you know the name of the person representing you, give it here.
If you don't know it, leave this section blank.

11.2 Give the full name of the representative's organisation (for example, the union, firm of solicitors or Citizens Advice Bureau).

11.3 Give the full address and postcode of the representative's organisation.

11.4 Give the DX number (if known) of the representative's organisation.
(DX is a private mail system commonly used by a number of organisations such as legal firms, Citizens Advice Bureaus etc.)

11.5 Give the representative's phone number including the full dialling code.

11.6 Please give your representative's mobile telephone number if different from the number provided at 11.5.

11.7 Give the reference number your representative has given to your case (if you know it).

11.8 If your representative would prefer that we contact them in future by email, please provide their email address. Please only include your representative's email address if they check their emails every day.

11.9 Tick the appropriate box to say how they would prefer us to contact them in future (if you know) and give the email address if appropriate.

11.10 If your representative would prefer that we contact them in future by fax, please provide your representative's fax number (including full dialling code).

12 Disability

12.1 Please tick 'Yes' if you consider that you have a disability. If you feel able to do so please say what this disability is and give details of any help you may need from tribunal staff. Examples of the help we can provide include converting documents to Braille or larger print, providing information on disc and paying for sign language interpreters. Remember that if we do not know that you have a disability we will not know what reasonable adjustments might help you to participate in the tribunal process.

13 Details of additional respondents

Use the boxes to give details of extra respondents.

14 Fees

Please tick the appropriate boxes to confirm that a) you have reread and checked your form and b) that you **have either enclosed the appropriate fee or have enclosed an application for remission of the fee.**

If you are unsure how much you should pay, or whether you might qualify for a remission or reduction of your fee, please refer to our fees guidance - leaflets T435, T436 and EX160A - at <http://hmctsformfinder.justice.gov.uk>

You can get paper copies of the leaflets from the Employment Tribunals Public Enquiry Line England & Wales: 0300 123 1024 Scotland: 0141 354 8574 or from any local office.

Data Protection Act 1998

A copy of the claim form will be sent to the respondents and Acas. If your claim consists of, or includes, a claim that you have made a protected disclosure under the Employment Rights Act 1996 (and you have given your consent that we should do so) we will send a copy of the form, or extracts from it, to the relevant regulator. We will put the information you give us on this form onto a computer. This helps us to monitor progress and produce statistics. Information provided on this form is passed to the Department for Business, Innovation and Skills to assist research into the use and effectiveness of employment tribunals.

15 Additional information

Please do not send a covering letter with your claim form. You should give us any extra information that you want to tell us here. For example, you may want to give an explanation of why your claim is out of time or tell us whether you raised the issue with the respondent and, if so, what if any action was taken. If there is not enough space, please continue on a separate page and attach it to this form. If you are providing information on separate pages for a number of questions, please say here how many pages in total you have attached to the form.

Diversity Monitoring Questionnaire

You are not obliged to fill in this section but, if you do so, it would enable us to monitor our processes and help ensure that we provide fair treatment for all. The information you give us will be treated in the strictest confidence and will not form part of your case. It may be used for general research purposes where you will not be identified.

Postcode	Tribunal office
AL	Watford
BA1-16	Bristol
BA20-22	Bristol
B	Birmingham
BB	Manchester
BD	Leeds
BH	Southampton
BL	Manchester
BN1-10	London South
BN11-18	Southampton
BN19-42	London South
BN43-45	Southampton
BN46-99	London South
BR	London South
BS	Bristol
CA	Manchester
CB	Huntingdon
CF	Cardiff
CH1-3	Manchester
CH4-8	Cardiff
CH41-66	Manchester
CM	East London
CO	East London
CR	London South
CT	London South
CV	Birmingham
CW1-5	Birmingham
CW6-10	Manchester
CW11-12	Birmingham

Postcode	Tribunal office
DA	London South
DE	Nottingham
DH	Newcastle
DL	Newcastle
DN1-20	Leeds
DN21-22	Nottingham
DN31-37	Nottingham
DN38-40	Leeds
DN41	Nottingham
DT1-5	Southampton
DT6-8	Bristol
DT9-11	Southampton
DY	Birmingham
E	East London
EC	London Central
EN	Watford
EX	Bristol
FY	Manchester
GL	Bristol
GU1-25	Reading
GU26-35	Southampton
GU46-52	Reading
HA	Watford
HD	Leeds
HG	Leeds
HP1-8	Watford
HP9-15	Reading
HP16-18	Watford
HP19	Reading

Postcode	Tribunal office
HP20-23	Watford
HP27	Watford
HR	Birmingham
HU	Leeds
HX	Leeds
IG	East London
IP	Huntingdon
KT	London South
L	Manchester
LA	Manchester
LD	Cardiff
LE	Nottingham
LL	Cardiff
LN	Nottingham
LS	Leeds
LU	Huntingdon
M	Manchester
ME	London South
MK	Huntingdon
N1	London Central
N2-22	Watford
NE	Newcastle
NG	Nottingham
NN1-18	Huntingdon
NN29	Huntingdon
NP	Cardiff
NR	Huntingdon
NW1	London Central
NW2	Watford
NW3	London Central
NW4	Watford

Postcode	Tribunal office
NW5	London Central
NW6-7	Watford
NW8	London Central
NW9-11	Watford
OL1-13	Manchester
OL14	Leeds
OL15-16	Manchester
OX	Reading
PE1-9	Huntingdon
PE10-12	Nottingham
PE13-19	Huntingdon
PE20-25	Nottingham
PE26-38	Huntingdon
PL	Bristol
PO	Southampton
PR	Manchester
RG1-20	Reading
RG21-28	Southampton
RG29-45	Reading
RH	London South
RM	East London
S1-39	Leeds
S40-45	Nottingham
S46-79	Leeds
S80-81	Nottingham
SA	Cardiff
SE	London South
SG1-19	Huntingdon

Postcode	Tribunal office
SK	Manchester
SL	Reading
SM	London South
SN1-6	Bristol
SN7	Reading
SN8-26	Bristol
SO	Southampton
SP	Southampton
SR	Newcastle
SS	East London
ST	Birmingham
SW1	London Central
SW2	London South
SW3	London Central
SW4	London South
SW5-7	London Central
SW8-9	London South
SW10	London Central
SW11-20	London South
SY1-14	Birmingham
SY15-25	Cardiff
TA1-24	Bristol
TD****	Newcastle
TF	Birmingham
TN	London South

Postcode	Tribunal office
TQ	Bristol
TR	Bristol
TS	Newcastle
TW1-3	London South
TW4-6	Reading
TW7-12	London South
TW13-20	Reading
UB	Watford
W	London Central
WA	Manchester
WC	London Central
WD	Watford
WF	Leeds
WN	Manchester
WR	Birmingham
WS	Birmingham
WV	Birmingham
YO1-6	Leeds
YO7	Newcastle
YO8-20	Leeds
Y021-22	Newcastle
YO23-62	Leeds

TD** postcode area – English locations only – Scotland has its own tribunals.**

Employment tribunal offices

Aberdeen	Mezzanine Floor, Atholl House, 84-88 Guild Street, Aberdeen AB11 6LT	t. 01224 593137 e. aberdeenet@hmcts.gsi.gov.uk
Birmingham	Centre City Tower, 7 Hill Street, Birmingham B5 4UU	t. 0121 600 7780 e. birminghamet@hmcts.gsi.gov.uk
Bristol	The Crescent Centre, First Floor, Temple Back, Bristol BS1 6EZ	t. 0117 929 8261 e. bristolet@hmcts.gsi.gov.uk
Cardiff	2nd Floor, Caradog House, 1-6 St Andrews Place, Cardiff CF10 3BE	t. 029 2067 8100 e. cardiffet@hmcts.gsi.gov.uk
Dundee	Ground Floor, Block C, Caledonian House, Greenmarket, Dundee DD1 4QB	t. 01382 221578 e. dundeeet@hmcts.gsi.gov.uk
East London	2nd Floor, Anchorage House, 2 Clove Crescent, London E14 2BE	t. 020 7538 6161 e. eastlondon@hmcts.gsi.gov.uk
Edinburgh	54-56 Melville Street, Edinburgh EH3 7HF	t. 0131 226 5584 e. edinburghet@hmcts.gsi.gov.uk
Glasgow	Eagle Building, 215 Bothwell Street, Glasgow G2 7TS	t. 0141 204 0730 e. glasgowet@hmcts.gsi.gov.uk
Huntingdon	Huntingdon Law Courts, Walden Road, Huntingdon PE29 3DW	t. 01480 415600 e. huntingdonet@hmcts.gsi.gov.uk
Leeds	4th Floor, City Exchange, 11 Albion Street, Leeds LS1 5ES	t. 0113 245 9741 e. leedset@hmcts.gsi.gov.uk
London Central	Victory House, 30-34 Kingsway, London WC2B 6EX	t. 020 7273 8603 e. londoncentralet@hmcts.gsi.gov.uk
London South	Montague Court, 101 London Road, West Croydon CR0 2RF	t. 020 8667 9131 e. londonsouthet@hmcts.gsi.gov.uk
Manchester	Alexandra House, 14-22 The Parsonage, Manchester M3 2JA	t. 0161 833 6100 e. manchesteret@hmcts.gsi.gov.uk
Newcastle	Quayside House, 110 Quayside, Newcastle Upon Tyne NE1 3DX	t. 0191 260 6900 e. newcastleet@hmcts.gsi.gov.uk
Nottingham	3rd Floor, Byron House, 2a Maid Marian Way, Nottingham NG1 6HS	t. 0115 947 5701 e. nottinghamet@hmcts.gsi.gov.uk
Reading	4th Floor, 30-31 Friar Street, Reading RG1 1DX	t. 0118 959 4917 e. readinget@hmcts.gsi.gov.uk
Southampton	Southampton Magistrates' Court, 100 The Avenue, Southampton SO17 1EY	t. 023 8038 4200 e. southamptonet@hmcts.gsi.gov.uk
Watford	3rd Floor, Radius House, 51 Clarendon Rd, Watford WD17 1HP	t. 01923 281 750 e. watfordet@hmcts.gsi.gov.uk

Our offices are open from 9.00am to 5.00pm Monday to Friday.

We will direct you to a map showing the location of the office where the hearing has been arranged and giving details of local car parking and facilities for refreshments and phones.

For office e-mail addresses see the inside back cover

Enquiry Line: England and Wales 0300 123 1024 Scotland: 0141 354 8574

Minicom: 01509 221564