

# Claim Form Guidelines

We have drafted 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 01/01/1969). 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 residential address, including house number and street. [If you want documents to be delivered to a different address, then include this address below your residential address.]

1.6 Please give your mobile telephone number.

1.7 Please give us a landline number where we can contact you during normal working hours.

1.8 Please give us your email address.

1.9 Tick the relevant box to confirm whether you would prefer us to contact you by email 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 a chairperson.

## 2 Representative details

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.

2.1 If you know the name of the person representing you, give it here along with the full name of the representative's organisation (for example, the union, law firm).

2.2 Give the full address of the representative's organisation.

2.3 Give the mobile number of your representative, if you know it. Otherwise leave this section blank.

2.4 Give the landline number of your representative where we can contact them during normal working hours.

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

2.6 Give your representative's email address.

2.7 Tick the relevant box to confirm whether you would prefer us to contact your representative by email in future (if you know). Please only tick the 'Yes' box if they check their emails every day.

### 3 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.

3.1\* 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 3.5 and 3.6 and, if necessary, section 3.7.

3.2\* Give the respondent's full address.

3.3 Give the respondent's mobile number (if known).

3.4 Give the respondent's landline number (if known).

**3.8 Multiple cases** - 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 complete this section.

**3.9 Cases where the respondent was not your employer** - If you were not employed by the respondent you have named at section 3 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 in this section.

## 4 Employment details

4.1 Tick the relevant box to confirm whether you are still employed by the person against whom you are making the complaint.

4.2 If your complaint is against your employer or ex-employer, please give the date when your employment started. Use day/ month/year format (for example 01/01/2016).

4.3 If applicable, please give the date when your employment ended or will end. Use day/ month/year format (for example 01/01/2016).

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

## 5 Earnings and benefits

5.1 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.

5.2 Give details of your basic pay (gross earnings), before tax and any deductions but not including any overtime payments. Then give details of your normal take-home pay (net earnings, this is your pay after tax, social 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.

5.3 Please tick the relevant box to show whether this is for a week or a month.

5.4 Please use this section to confirm whether you worked your notice period in full.

5.5 Please use this section to confirm whether you participated in your employer's pension scheme.

## 6 Type of claim

Type and details of claim

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

6.2\* Please give the background and details of your complaints.

Unfair dismissal - 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. You should describe

the events that 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** - Discrimination can take place on the grounds of sex, pregnancy or maternity, gender reassignment, race, sexual orientation, religion or belief, age, race and ethnic origin, victimisation, or for a reason related to a disability. Please tick the relevant box(es) to identify the grounds of discrimination you are claiming. In the box at 6.2 below please describe the incidents that 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 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.

**Redundancy payment** - 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 01/01/2016).

**Arrears of notice pay, holiday pay or other payments** - 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. If possible, please tell us the relevant law that applies to your claim.

If there is not enough space for your answer, please continue on a separate paper and attach the paper to the form. If you do so, please indicate the number of pages attached on the form itself so that the Tribunal can be sure of how many pages are attached.

**6.3** If your employment with the person against whom you are making the complaint has ended, please use the boxes at 6.3 to confirm whether you have another job, when you started or expect to start this new job and how much you earn or expect to earn.

## 7 What do you want if your claim is successful?

7.1 It would be helpful if you would state what you are seeking from the respondent if you can agree a settlement or if your claim is successful, by ticking the appropriate box. Identifying what action you are seeking will help the mediator in attempting to settle your dispute. You may tick more than one box if the actions you are seeking are compatible.

Re-instatement and re-engagement – If you are claiming unfair dismissal, you may want to get your old job back (re-instatement) and compensation or you may want to get another job with the same employer (re-engagement) and compensation.

Compensation – If you are seeking compensation, you will need to tick this box and complete box 7.3.

Apology – If you are seeking an apology from your employer, please tick this 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.

If you are seeking any other remedy or relief, please tick the last box in 7.1 and set out the remedy or relief that you are seeking in box 7.2.

7.2 If you are seeking a remedy or relief that does not fall within the first 5 boxes in 7.1, please provide details of the remedy or relief that you are seeking here.

7.3 If you are claiming financial compensation, you should give details of how you have calculated the amount. Whether you will be awarded compensation and, if so the amount, will depend on the type of claim you are making and a variety of other factors.

**Arrears of pay** - 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.

**Unfair dismissal** - In an unfair dismissal case, the Tribunal can award financial compensation that 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. 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, although this is very hard to calculate. It is important to be aware that you are under a legal obligation to 'mitigate' (minimise) your wage loss by trying to

find alternative employment 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.

**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. In a discrimination case, the Tribunal can also award compensation for injury to feelings to compensate for the upset and distress caused by discrimination. If you have made both an unfair dismissal and discrimination claim you will not get 'double' compensation.

7.4 Tick the relevant box if you are owed a redundancy payment, notice pay, holiday pay, arrears of pay or any other payment from the respondent.

## 8 Delivery

8.1 Tick the relevant box to indicate whether you are sending the form to us by post, direct delivery, by hand or by e-mail.

## 9 Confirmation

9.1 Once you have completed the form and are satisfied that all the information on the form is correct and truthful, you should sign the box in 9.1.

9.2 This box explains how we will process the information contained on your Claim Form