

Completing an ET1 Tribunal Form

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Overview & Introduction

This Guide is intended to help people understand the key elements to completing their ET1 Tribunal Form and what to expect in terms of its content.

The guide covers:

- ✦ Where to find the ET1 Form
- ✦ What must be included on the ET1 Form
- ✦ How to structure the further details or statement of the claim
- ✦ Time Limits
- ✦ Amendments
- ✦ Technical requirements of the LRA Early Conciliation scheme

This guide is not meant to be a substitute for representation or expert advice. Sources of free help and you are able to contact our Specialist Employment Advice Team should you require advice.

Law Centre NI's employment hub advises on employment law and provides a representation service for employees and workers.

Our employment team offers free, specialist and confidential employment advice. You can contact our advice line on 028 9024 4401, Monday-Friday 9.30am-1.00pm.

This guide has been prepared by Employment Advice Team at Law Centre NI.



The ET1 Form

The Tribunal website has a lot of useful information regarding the ET1 form, which you can download [‘here’](#).

The completed ET1 Form can be printed off and submitted by post, or it can be completed and served online via email at:

mail@employmenttribunalsni.org

Please note you can also view the Law Centre’s [‘Guide to the Employment Tribunal’](#) that outlines the key steps and processes you should be aware of when progressing your claim through the Employment Tribunal.

Jurisdiction

A claim can be taken in the Tribunals in Northern Ireland where:

- + the employer resides or carries out their business here,
- + the grievance or act complained of took place here,
- + a contact has been performed here, or
- + the Tribunal has authority to hear the claim ‘by virtue of a connection with Northern Ireland’.

Time Limits

The time limit for most claims to the Tribunal is three months from the date of the cause of action, for example a resignation or a dismissal. The law is clear as to the time limit within which a Tribunal can consider a Tribunal claim. This is strictly adhered to.

Most Tribunals in Northern Ireland follow the guidance in [Beasley v National Grid EQCA Civ 742](#) where the Tribunal said it did not have jurisdiction to hear the case because it was received 88 seconds after midnight on the last day for service. In discrimination cases, a Tribunal can be asked to grant a just and equitable extension, but this is sparingly granted and is likely to require compelling grounds.

“Time limits go to the jurisdiction of the tribunal. A claim presented after the time has expired cannot be considered at all on its merits, however strong these may be, unless the tribunal can be persuaded to extend time under the limited discretionary powers to do so conferred by the relevant statute.” - Tolley’s Employment Handbook, para 19.12

Required Information

The ET1 Form must include the name and address of each party and the Early Conciliation Certificate number from the Labour Relations Agency. The ET1 Form itself, which can be located on the Tribunal’s [website](#), must be used, or the Tribunal application will be rejected from consideration.

It will not be accepted by the Tribunal if there is no LRA Early Conciliation number or if the number is inaccurate.

It is vital that the information on the ET1 must be exactly the same as that given to the LRA, or the claim will be rejected. Therefore, it is imperative that accurate Respondent names and/or trading styles are used. Any application to reconsider a rejection must be made within 14 days of the date the rejection was sent.

Completing the ET1

The first section is self-explanatory, and it is important that you give the Tribunal up to date contact details as they will need to make contact with you as the case progresses.

You will be asked if you want to be contacted by post or email. If a representative has not been confirmed, or you are proceeding as self-litigant, the representative section can be left blank.

You must include the Early Conciliation Certificate number, or the claim will be rejected.

The Respondent's Details

There are two parts to this - the identity of the employer (known as 'the respondent' and if you worked at a different location from the employer's place of business, this should be stated.

If the employer is a limited company, the formal name and registered address should be used. The company name taken from the Companies Register **should be exactly the same as the name and registered address given to the LRA.**

The Tribunal prefers to deal with its correspondence by email and you will be asked for email contact information for each Respondent.

Identifying the Respondent(s)

An employer is usually vicariously liable for the acts of their employees. This means that an employer is responsible for the actions of their employees if incidents complained of have a connection with your employment. Therefore, you should not join any unnecessary parties as respondents just because they are dealing with internal grievance or disciplinary proceedings, for example manager or HR officers processing your dispute.

If an individual is being accused of harassment on a "protected" ground (for example, sex, race, sexual orientation etc.) they can be joined as a Co-Respondent. Otherwise you should sue the employer only.

Joining unnecessary or irrelevant parties as Respondents can lead to the employee (known in the Tribunal system as "*the claimant*") being subject to a costs application against them.

Employment Details

Most employees can tick the box "*employee under contract*". A "*worker providing services*", (the other alternative) is someone who is not an employee and who has more limited employment rights.

Dates of Employment

These are crucial, especially in cases such as unfair dismissal - where an employee in most cases, must have been employed for over 12 months to be able to issue Tribunal proceedings.

Earnings & Benefits

The Tribunal requires a general statement of hours worked and weekly or monthly pay - both gross and net. Often this information is not disputed by the employer.

Post Termination Employment

The Tribunal will need to have a general idea of what you have earned since losing your job as this is part of the calculation of loss if you are successful. This is a critical area as the Tribunal must be satisfied that you have taken active steps to mitigate your loss. You should retain documents relating to efforts to find alternative employment after losing your job.

Details of Claim

There is a box to tick if claiming unfair or constructive dismissal, and boxes to tick clarifying which type of discrimination, or whistleblowing complaints you are making.

Para 9.2 is a crucial part of the form as it asks you to identify the date that the discrimination took place on and whether it is ongoing.

You should consider this very carefully before completing the form, as the date given could indicate that you are out of time to present this element of the claim.

You are expected to set out as much relevant information as you can when identifying the issues you want to be determined, the allegations you are making against the respondent and why that party should be liable in law.

This should be set out in detailed narrative form providing, where necessary, relevant dates of key meetings, identifying those present, and the basis for the claim you are making. For example, if your claim is for unfair dismissal, you could detail the procedural flaws in any internal disciplinary or grievance processes and why these are relevant to a claim of unfair dismissal. It may be helpful to refer to the content of an email or other communication.

Much of the non-discrimination legislation, such as unfair dismissal and unlawful deduction of wages, is contained in the in the ***Employment Rights (NI) Order 1996***.

Amendment

If your claim includes allegations of discrimination, you should detail which type of discrimination you are claiming and why. If you fail to give sufficient detail on the form and later feel you have to amend the form, you will have to apply to the Tribunal to have this considered, which in turn will have to consider if you are out of time to present this element of your claim as per ***Selkent Bus Co Ltd v Moore [1996] ICR 836***.

A later amendment could relate to the correction of clerical and typing errors or more factual details on existing claims, but serious issues arise where the claimant is making an application to include entirely new factual allegations, which change the basis of the existing claim.

The LRA Code

On reviewing this *Code of Practice*, if you believe that your employer has ignored or disregarded the guidance in this document, this could be used against the respondent.

In certain cases, failure to follow the guidance in this document can lead to an increased award against the respondent - click *'here'* to read the legislation. Where there has been unreasonable failure to adhere to the *'good practice standards'* set out in the LRA Code, a Tribunal may raise or lower an award by up to 50% to reflect that failure.

"I am owed"

At this stage, the Tribunal is looking for a general statement and is not requiring you to set out your stall in terms what you are claiming, as this will be dealt with at a later stage. You could add *"Schedule of Loss to follow when directed"* if you don't want to complete this entire section.

There is a special section on this part of the form which only related to proceedings in the Fair Employment Tribunal for those cases involving allegations of discrimination on the grounds of religion and/or political belief.

Disability

If you have a disability and are likely to need some special considerations, you should give details so that the Tribunal can give this detailed consideration. A physical accommodation may be necessary in some cases.

Where the claimant is a self-litigant and has a learning disability, the Tribunal will want to establish ground rules to ensure that there is fairness in the procedure and that the person is able to fully participate in the proceedings.

"It is a fundament right of a person with a disability to enjoy a fair hearing and to have been able to participate effectively in the hearing" as per *Galo v Bombardier Aerospace UK [2016] NICA 25*.

You may wish to refer to the *Equal Treatment Bench Book*.

Rejection of Claim Form

This can occur for mainly technical reasons, which can include the *"prescribed form"* not being used or key information being omitted. Other reasons can be because the Tribunal does not have jurisdiction to consider the claim (usually because it is out of time) or there is *"insufficient information to enable the basis for the claim to be established"* as per *The Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (NI) 2020, R11(c)(ii)*.

Reconsideration of Claim Form Rejection

If your application is rejected, you will receive correspondence from the Tribunal advising you on the basis for this decision. It may relate to the entire claim form, or to part of the claim form. Any application for reconsideration must be made in writing within **14 days from the date of the rejection letter** (not the date you received it). It can be made on the basis that the decision was wrong or because the defect identified in the rejection letter can be rectified.

You can request a hearing in respect of the decision to reject the claim or the Employment Judge can consider the application on the papers. Crucially, if you are successful in your application “the claim shall be treated as presented on the date that the defect was rectified” as outlined in the *LRA Code of Practice*. The same applied if it is decided that the original rejection decision was wrong, so it does not place the claim out of time.

✓ On Acceptance

Once the claim form has been accepted, it is processed by the Tribunal Office - who will write out to the respondents setting out the time limit for a response and advising of the consequences if no response is received from the employer.



CONTACT INFORMATION

028 9024 4401

**MONDAY TO FRIDAY
09:00 - 13:00**

**LAW CENTRE NI
SPECIALIST EMPLOYMENT TEAM**

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