

**This booklet contains a form  
for responding to a claim to  
an Employment Tribunal.**

# **Responding to a claim to an Employment Tribunal**

**Employment Tribunals**

This booklet is also available in the following languages: **Bengali, Hindi, Gujarati, Urdu, Punjabi, Cantonese, Gaelic, Welsh and Polish.** For a copy please contact the tribunal office or the Enquiry Line on **0845 7959775**. Please note this booklet is for information only.

# Introduction

**An Employment Tribunal claim has been made against you. This booklet explains what action you must take.**

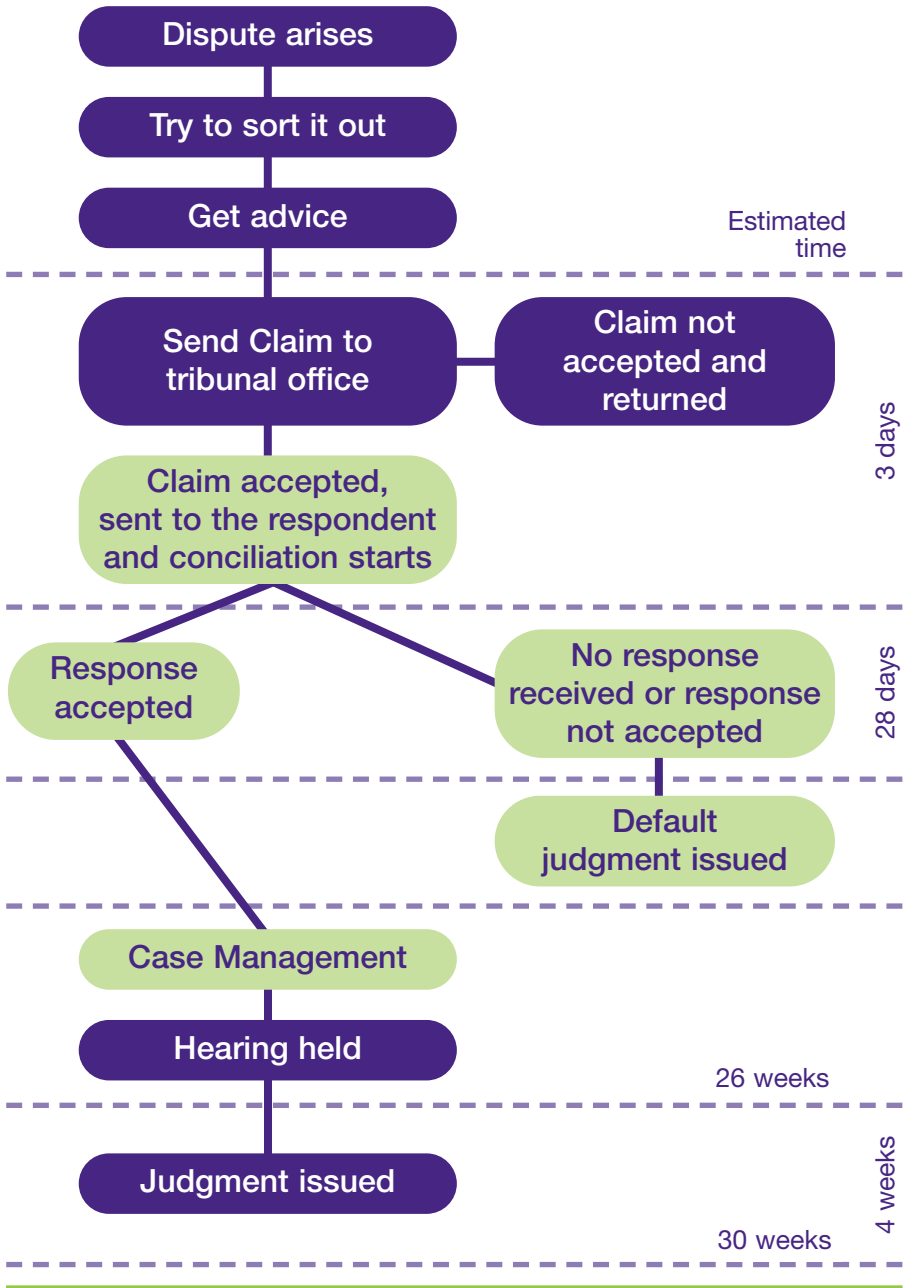
A form to respond to the claim made against you can be found at the back of this booklet. Or, you can respond through the Employment Tribunals website at [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk).

**Please contact a tribunal office or the Employment Tribunals Public Enquiry Line on 0845 795 9775 if you would like a copy of this booklet in Braille, large print or on disc.**

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# Claim process summary



## 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 information

The Employment Tribunals have a public enquiry line which 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 whether the claim made against you is likely to be successful. The enquiry line number is: **0845 795 9775**, minicom: **08457 573 722**.

## Further help and advice

You do not need to take advice before you fill in the response form but you may find it helpful to do so. You can get information on employment law from Acas who may also be able to assist you resolve the claim against you through conciliation and without the need for a Tribunal Hearing. The Acas help line number is **08457 474747**  
**[www.acas.org.uk](http://www.acas.org.uk)**

You can get more help and advice from:

- Free advice services such as a citizens advice bureau or a law centre. The website address for Citizens Advice is **[www.nacab.org.uk](http://www.nacab.org.uk)**
- Employers' organisations – if you are a member.
- Solicitors and other professional advisers.

## How do I respond to the claim?

Your response will not be accepted by the tribunal office unless it is on an approved form which is provided by the Tribunals Service. The form is available in the following formats:

- A paper copy which was sent to you by the tribunal office in the back of this booklet and can be sent to the relevant office by post.
- A PDF version which can be found on our website at [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)

You must fill in and return your response form to the tribunal office to reach us by the date on the letter sent with this booklet. It is your responsibility to ensure that the tribunal office receives your response within the relevant time limit; that is **28 days** from the date we sent you a copy of the claimant's claim form.

Or, you can make your response online through our website at [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)

When you respond on-line, it will be sent automatically to the tribunal office dealing with the case. There is no need to send a copy of your form or to send any other documents by post at this stage.

You should keep a copy of your response form for your records. Whenever you contact us you should quote the case number on our letter and any relevant documents.

If the claimant is claiming a redundancy payment, which you cannot pay due to financial difficulties, you should mention this in your response.

## What can I do if I cannot meet the deadline for sending in my response?

You can ask the tribunal to extend the time limit if it is not possible for you to fill in the form in time. For example, if you need more time because an important witness (such as the person who took the decision to dismiss the claimant) is abroad on holiday and you need information from them. You must ask for such an extension in writing as soon as possible and within the **28 day** time limit and provide full reasons why you are asking for the extension. An Employment Judge will then decide whether to grant an extension. You will be informed of their decision and cannot assume an extension has been granted until then.

## Information needed before your response can be accepted

The tribunal cannot accept your response unless you provide certain information. By law, you must tell us:

- your full name and address;

- whether you want to resist (defend) all or part of the claim; and
- the grounds on which the claim is being resisted.

If your response is not on an approved form provided by the Employment Tribunals Service or does not contain the information shown above, it will be returned and the claim dealt with as if we have not received a response.

## **What will happen if I do not send in my response on an approved form or on time or the tribunal does not accept it?**

Your response will not be accepted and so you cannot resist the claimant's claim if:

- Your response is not on an approved form provided by the Employment Tribunals Service
- The tribunal office does not receive your response within the time limit.
- Your response does not provide all the required information.

In these circumstances, an Employment Judge will issue a default judgment if he or she considers it appropriate.

## **What happens when the tribunal receives my response?**

If the tribunal accepts your response, we will send a copy to the claimant. In most cases we will also send a copy to Acas.

### **Acas's role**

An Acas conciliator will contact you to explore whether or not it may be possible to resolve the claim against you, through conciliation, and without the need for a tribunal hearing.

## Breach of contract claims

If a claimant is no longer employed, he or she may make a claim against an employer for breach of contract. In certain circumstances, this entitles you to make a counterclaim. Any such counterclaim must be made within six weeks of receiving the copy of the claim from the tribunal office. If you wish to make a counterclaim, please ask the tribunal office to send you a form.

## What happens while I am waiting for the case to be heard?

Once we have received your response, there may be some issues which need to be dealt with before the claim can be decided.

For example, either you or the claimant may need to get more information from each other. The tribunal may give directions or orders on this and other matters relating to the case, which you **must** follow. If witnesses are vital to the case but will not come to the hearing freely, you can ask for a witness order to make them attend.

If you decide that you need more information or documents from the claimant, you should ask for this in writing, giving a reasonable time limit for replying. If the claimant does not provide the information you have asked for, you should write to the tribunal as soon as possible enclosing a copy of your written request and ask the tribunal to issue an order.

The tribunal can also decide that more information is needed from either you or the claimant to clear up a particular matter.

In some cases, the tribunal may hold a case-management discussion to deal with these matters. This will be held by an Employment Judge on his or her own and you and the claimant will be invited to take part. It may be held over the phone or in person. If you do not carry out or comply with any order made by the tribunal your response may be struck out, and/or you may be ordered to pay all or some of the claimant's costs.

## Do I have to pay the claimant's costs?

Generally, no.

In most Employment Tribunal cases, each side will pay their own costs. However, in certain circumstances, the tribunal may order one side to pay costs to the other. Those circumstances can include if one side has behaved unreasonably in the way they have carried out the case. Costs are known as expenses in Scotland.

## When will the claim be heard?

We will write to you and the claimant at least 14 days before the day of the hearing to tell you when the hearing will take place. With this letter, we will send you a booklet called '**The hearing**' which will help you prepare.

## What should I do if the case settles?

If the case is settled before the date of the hearing, you must **let us know at once**. The conciliation officer will let us know if your case is settled through Acas.

## Correspondence

In future correspondence we will refer to you as the '**respondent**'.

We will send a copy of your response form and any other documents or letters you send us to the claimant. We will send you copies of all the documents the claimant sends to us. We will send you and the claimant any decision the tribunal makes.

You must let us know immediately if your contact details change.

If you have a representative acting for you, we will send all correspondence about the case to them and not to you. And, you must pass any further requests for information through them and not straight to us.

## Can I correspond by e-mail?

Yes – a full list of employment tribunal e-mail addresses can be found on **page 18**. You should make sure you quote the case number in any correspondence and in the title bar of the e-mail and send it to the tribunal office dealing with the claim.

Documents you send to the tribunal **must** be in a 'Word' compatible format. We will not accept documents in other formats.

When we receive your e-mail, we will send you an electronic acknowledgement. Do not send further e-mails or phone the tribunal office unless you have not received an acknowledgement within two working days of sending your e-mail.

You are responsible for making sure that the tribunal receives any correspondence sent by e-mail within the relevant time limit.

If you want us to communicate with you by e-mail whenever possible, you will need to supply a valid e-mail address. You can do this by filling in **box 2.4** on the response form or at any stage later. When you ask us to communicate with you by e-mail **you are agreeing that you check for incoming e-mail at least once every day** and that we may pass your e-mail address to other people involved in the claim.

If we send any documents by e-mail we will use enclosures using the software 'Word XP' currently used by our offices. We will send copies of non-electronic documents and documents which need an Employment Judge's signature, for example a judgment, by post.

## Disability or special needs

If you or anyone coming to a tribunal with you has a disability or a particular need, you should contact the tribunal office dealing with your case to discuss the matter. Examples of the help we can provide include converting documents to Braille or larger print, providing information on compact disc and paying for sign – or foreign language interpreters. We can also provide hearing-induction loops in the room where the hearing is held if you need them. Please contact us as soon as possible, so we can make appropriate or suitable arrangements.

## Charter statement and standards of service

The standards that you can expect from us are shown in our '**Charter statement**'. A copy if this is enclosed with this booklet.

If you want to make a comment or complaint, we have a complaints procedure outlined in our leaflet 'A positive step forward: a guide to giving your feedback' You can get this from the enquiry line on 0845 795 9775 or any tribunal office.

## More information

You can get more information from our websites at [www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)

## 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  
Information Directorate  
Ministry of Justice  
1st Floor, Zone C  
102 Petty France  
London  
SW1H 9AJ**

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

## Welsh Language Act

If you are responding to 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 response form

We have designed these guidance notes to be as helpful as possible. However, they do not give a full statement of the law. Your response will not be accepted if you do not provide the information marked with an asterisk (\*) and the information marked with a dot (●) if it is relevant.

## 1 Claimant

**1.1\*** Please give the full first and family name of the claimant. It is not necessary to give a title.

## 2 Your details

**2.1\*** Please give the full name of the respondent who is completing this form, or on whose behalf it is being completed. Please say whether the respondent is a sole trader, a partnership, a limited liability company, a plc, a limited company or otherwise and the name of the person we should use as a contact point if you have not appointed a representative.

**2.2\*** Give the full address and post code of the respondent completing the form.

**2.3** Give us the full phone number (including the dialling code) for the contact person named at 2.1.

**2.4** Tick the relevant box to say how you would prefer us to contact you in future. Please do not provide

an e-mail address unless you check your e-mails every day. While we will usually try to use e-mail if you want us to, this may not always be possible as some documents need to be signed by an Employment Judge.

You are not obliged to answer questions 2.5 to 2.8 but this information would be useful for monitoring and research purposes and may assist the tribunal. Any monitoring or research carried out on this information would not identify any organisation or individual.

**2.5** Please give a brief description of the nature of the work of your business or organisation.

**2.6** Please give the number of people the organisation employs in Great Britain (Great Britain is England, Scotland and Wales). Please give an approximate figure if you do not know the exact number.

**2.7** Please tick 'Yes' if the respondent has more than one site in Great Britain.

**2.8** If you have ticked 'Yes' in 2.7 please give the number of people employed at the place where the claimant worked. Please give an approximate figure if you do not know the exact number.

## 3 Employment details

If the claimant is, or was, a worker providing services to you, please answer the following questions as if “employment” referred to the claimant’s working relationship with you.

**3.1** Please tick the appropriate box to say whether or not you agree with the dates of employment given by the claimant in section 3.1 of their claim form. If you tick ‘Yes’, please now go straight to **section 3.3**.

**3.2** If you disagree, please give the details you believe to be correct here and say why you disagree with the dates given by the claimant.

**3.3** Please tick the appropriate box to say whether or not you agree with the claimant’s answer about the description of their job or their job title. If you tick ‘Yes’, please now go straight to **section 4.1**.

**3.4** If you disagree, please give the details you believe to be correct here.

## 4 Earnings and benefits

**4.1** Please tick the appropriate box to say whether or not you agree with the hours of work the claimant has given in section 4.1 of their claim form. If you tick ‘Yes’ please now go straight to **section 4.2**.

If you disagree, please give the number of hours you believe to be correct here. Please round up to the nearest hour.

**4.2** Please tick the appropriate box to say whether or not you agree with the earnings details the claimant has given in section 4.2 of their claim form. If you tick ‘Yes’ please now go straight to **section 4.3**.

If you disagree, please give the earnings details you believe to be correct here and tick the relevant box to show whether this is for an hour, a week, a month or a year.

**4.3** Please tick the appropriate box to say whether or not you agree with the claimant’s answer about working or being paid for a period of notice in section 4.3 of their claim form. If you tick ‘Yes’, please now go straight to **section 4.4**.

If you disagree with the claimant’s answer, please give the details you believe to be correct here. If relevant, please give a full explanation of the reasons why

the claimant did not work, or did not receive payment for, a period of notice.

**4.4** Please tick the appropriate box to say whether or not you agree with the details given by the claimant about pension and other benefits in section 4.4 of their claim form. If you tick ‘Yes’, please now go straight to **section 5**.

If you disagree, please give the details you believe to be correct.

## 5 Response

**5.1\*** Please tick the appropriate box to say whether or not you resist the claim made by the claimant. If you only resist i.e. contest a part of the claim, please tick ‘Yes’ and tell us which part of the claim you are resisting in section 5.2 below. If you tick ‘No’, please now go straight to **section 6**.

**5.2** If you have ticked ‘Yes’, please explain the grounds on which you are resisting the claim. If the claim is about more than one issue, you will need to respond to each issue. Clearly explain what points you disagree with and give information to support your argument. If the respondent dismissed the claimant, explain the procedure you followed before the actual dismissal and give full reasons why you dismissed the claimant. If the claim is about

discrimination, please provide a response to each of the statements made by the claimant and describe the action you took when the claimant raised the matter with you. Give full reasons if you disagree that your organisation owes the claimant money or if you disagree with the amount claimed. At this stage you should not send any documents to support your response. However, you may have to produce them if the claim goes to a hearing. If there is not enough space, please continue on a separate sheet and attach it to this form.

## 6 Other information

**6.1** Please do not send a covering letter with your response form. Please give any extra information that you want us to look at here. If you have any special needs (for example, because of a disability) please give details here so we can make appropriate arrangements.

If there is not enough space, please continue on a separate sheet and attach it to this form. If you are providing information on separate sheets for a number of questions, please say here how many sheets in total you have attached to the form.

## 7 Your representative

A person you ask to act on your behalf is known as your representative. We will deal only with your representative if you appoint one – we will not deal directly 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.

**7.1** If you know the name of the person representing you, give their name here.

**7.2** Give the full name of the representative's organisation if any (for example, the firm of solicitors or the employers' association).

**7.3** Give the full address and postcode of the 'representative or of his or her organisation.

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

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

**7.6** Tick the appropriate box to say how your representative would prefer us to contact them in future. Please do not include an e-mail address unless the representative checks their e-mails every day.

## Data Protection Act 1998

We will send a copy of this form to the claimant and Acas. 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, Enterprise and Regulatory Reform to assist research into the use and effectiveness of employment tribunals.





## ***Employment Tribunal offices: E-mail addresses***

<b>Aberdeen</b>	aberdeenet@tribunals.gsi.gov.uk
<b>Ashford</b>	ashfordet@tribunals.gsi.gov.uk
<b>Bedford</b>	bedfordet@tribunals.gsi.gov.uk
<b>Birmingham</b>	birminghamet@tribunals.gsi.gov.uk
<b>Bristol</b>	bristolet@tribunals.gsi.gov.uk
<b>Bury St Edmunds</b>	buryet@tribunals.gsi.gov.uk
<b>Cardiff</b>	cardiffet@tribunals.gsi.gov.uk
<b>Dundee</b>	dundeeet@tribunals.gsi.gov.uk
<b>East London</b>	eastlondon@tribunals.gsi.gov.uk
<b>Edinburgh</b>	edinburghet@tribunals.gsi.gov.uk
<b>Exeter</b>	exeteret@tribunals.gsi.gov.uk
<b>Glasgow</b>	glasgowet@tribunals.gsi.gov.uk
<b>Leeds</b>	leedset@tribunals.gsi.gov.uk
<b>Leicester</b>	leicesteret@tribunals.gsi.gov.uk
<b>Liverpool</b>	liverpoollet@tribunals.gsi.gov.uk
<b>London Central</b>	londoncentralet@tribunals.gsi.gov.uk
<b>London South</b>	londonsouthet@tribunals.gsi.gov.uk
<b>Manchester</b>	manchesteret@tribunals.gsi.gov.uk
<b>Newcastle</b>	newcastleet@tribunals.gsi.gov.uk
<b>Nottingham</b>	nottinghamet@tribunals.gsi.gov.uk
<b>Reading</b>	readinget@tribunals.gsi.gov.uk
<b>Sheffield</b>	sheffieldet@tribunals.gsi.gov.uk
<b>Shrewsbury</b>	shrewsburyet@tribunals.gsi.gov.uk
<b>Southampton</b>	southamptonet@tribunals.gsi.gov.uk
<b>Watford</b>	watfordet@tribunals.gsi.gov.uk

***For full office address details see back cover***

## ***Employment Tribunal offices***

<b>Aberdeen</b>	Mezzanine Floor, Atoll House, 84-88 Guild Street, Aberdeen AB11 6LT	☎01224 593137
<b>Ashford</b>	1st Floor, Ashford House, County Square Shopping Centre, Ashford, Kent TN23 1YB	☎01233 621346
<b>Bedford</b>	8-10 Howard Street, Bedford MK40 3HS	☎01234 351306
<b>Birmingham</b>	Phoenix House, 1-3 Newhall Street, Birmingham B3 3NH	☎0121 236 6051
<b>Bristol</b>	The Crescent Centre, Ground Floor, Temple Back, Bristol BS1 6EZ	☎0117 929 8261
<b>Bury St Edmunds</b>	100 Southgate Street, Bury St Edmunds, Suffolk IP33 2AQ	☎01284 762171
<b>Cardiff</b>	2nd Floor, Caradog House, 1-6 St Andrews Place, Cardiff CF10 3BE	☎029 2067 8100
<b>Dundee</b>	Ground Floor, Block C, Caledonian House, Greenmarket, Dundee DD1 4QX	☎01382 221578
<b>East London</b>	2nd Floor, Anchorage House, 2 Clove Crescent, London E14 2BE	☎020 7538 6161
<b>Edinburgh</b>	54-56 Melville Street, Edinburgh EH3 7HF	☎0131 226 5584
<b>Exeter</b>	2nd Floor, Keble House, Southernhay Gardens, Exeter EX1 1NT	☎01392 279665
<b>Glasgow</b>	Eagle Building, 215 Bothwell Street, Glasgow G2 7TS	☎0141 204 0730
<b>Leeds</b>	4th Floor, City Exchange, 11 Albion Street, Leeds LS1 5ES	☎0113 245 9741
<b>Leicester</b>	5a New Walk, Leicester LE1 6TE	☎0116 255 0099
<b>Liverpool</b>	1st Floor, Cunard Building, Pier Head, Liverpool L3 1TS	☎0151 236 9397
<b>London Central</b>	Victory House, 30-34 Kingsway, London WC2B 6EX	☎020 7273 8603
<b>London South</b>	Montague Court, 101 London Road, West Croydon CRO 2RF	☎020 8667 9131
<b>Manchester</b>	Alexandra House, 14-22 The Parsonage, Manchester M3 2JA	☎0161 833 6100
<b>Newcastle</b>	Quayside House, 110 Quayside, Newcastle Upon Tyne NE1 3DX	☎0191 260 6900
<b>Nottingham</b>	3rd Floor, Byron House, 2a Maid Marian Way, Nottingham NG1 6HS	☎0115 947 5701
<b>Reading</b>	4th Floor, 30-31 Friar Street (entrance in Merchant's Place), Reading RG1 1DY	☎0118 959 4917
<b>Sheffield</b>	14 East Parade, Sheffield S1 2ET	☎0114 276 0348
<b>Shrewsbury</b>	Suite 7, 2nd Floor, Prospect House, Belle Vue Road, Shrewsbury SY3 7NR	☎01743 358341
<b>Southampton</b>	3rd Floor, Duke's Keep, Marsh Lane, Southampton SO14 3EX	☎023 8071 6400
<b>Watford</b>	3rd Floor, Radius House, 51 Clarendon Rd, Watford, WD17 1HP	☎01923 281 750

Our offices are open from 9.00am to 5.00pm Monday to Friday.  
We will send 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: 0845 7959775    Minicom: 0845 7573722**