

Guidance Notes: Completion of a Response to a Complaint to the Employment & Equality Tribunal

These guidance notes have been prepared to assist with the completion of a response to a complaint to the Employment & Equality Tribunal ("the Tribunal") and should be read carefully before you complete and submit your response. They do not purport to be a complete or definitive statement of the law. Further information about the Tribunal is available at the Website: <https://www.courts.im/court-procedures/tribunals-service/tribunals>

You may wish to discuss the matter before responding to the Complaint.

In such circumstances you should contact:

- (a) For **work** related issues the Manx Industrial Relations Service, who provide a free and impartial service, and are available to talk to individuals and employers with regard to matters such as employment rights and employment disputes. They can seek to resolve matters through conciliation either prior to a Complaint being made to the Tribunal, or after a Complaint and Response has been submitted.

The Manx Industrial Relations Service can be contacted as follows:

Tel: +44 1624 672942
Email: iro@mirs.org.im
Website: www.mirs.org.im

- (b) For **education** related issues the person appointed by the Department of Education, Sport and Culture to conciliate in proceedings.

The Department can be contacted as follows:

Tel: +44 1624 685820
Email: admin@doe.gov.im
Website: www.gov.im/about-the-government/departments/education-sport-and-culture/information-and-publications/e/equality-in-education/

- (c) For **any other issue arising under the provisions of the Equality Act 2017** the Office of Fair Trading.

The Office of Fair Trading provides a conciliation service and can be contacted as follows:

Tel: +44 1624 687540
Email: Equality.OFT@gov.im
Website: www.gov.im/about-the-government/statutory-boards/isle-of-man-office-of-fair-trading/equality-act-2017-goods-and-services/

Help may also be available from other sources or you may wish to seek legal advice.

General

A response must be entered by completing the response form and must include certain information as required under the provisions of the Employment & Equality Tribunal Rules 2018 ("the Rules") and the form indicates which sections must be completed.

Time Limit

Please note that there is a **strict time limit of 28 days** in which to submit the response form. The time limit begins on the date on which a copy of the complaint was sent to the Respondent. **Please also note that discussions with the M.I.R.S, or other sources, will not alter or extend the time limit.**

Application for an Extension of Time in Which to Present a Response to a Complaint

An application for an **extension of time in which to present the response** may be made in writing before or at the same time that the response is submitted, and must explain why the Respondent cannot/could not comply with the time limit.

If the response is submitted after the expiry of the time limit or after the expiry of any extension granted by the Tribunal (and no application for an extension or further extension of time has been made) the response will be returned and treated as if it had not been received.

Filling in the Response Form

As indicated below by questions marked with an asterisk (*), certain information **must be provided in the response** otherwise it will be returned and treated as if it had not been presented.

It is important to note that **a Respondent who does not present a response** to a complaint may be precluded from taking any further part in the proceedings (other than in very limited circumstances).

Respondent's Details	
*Name of Respondent	Careful consideration should be given to ensure that the Respondent is correctly identified, and that the full correct name of the Respondent to the complaint is entered here. If a complainant has brought their complaint against multiple Respondents, each individual Respondent will have been sent notice of the complaint.
*Address inc. Postcode	Give the Respondent's full postal address including the postcode. This will be the address to which correspondence will be sent unless you have chosen to be represented by someone else or if you have indicated that you wish correspondence to be by e-mail.
Please provide details of the individual to be contacted in relation to this matter and to whom correspondence should be addressed	If you, as Respondent, have identified a contact person, then their details should be entered here. Such a contact person might be, for example, a Human Resource Manager or a named Director with responsibility to deal with the matter. Details of a formal representative who will act on your behalf, such as an Advocate, are requested later in the form, and if completed we will only correspond with that formal representative.
Title	Tick the relevant box/indicate to confirm your title.
*Forenames(s)	Give your forename(s) in full.
*Surname	Give your surname.
Is their address different to the address above?	If yes, then provide the full postal address including the postcode of the contact person. If no, then the already provided postal address will be used for all correspondence, unless you have indicated that you wish correspondence to be by e-mail.
Mobile/Home/Work Telephone Numbers	If the contact person is happy to be contacted by telephone during normal working hours, please provide mobile, home and/or work telephone numbers as appropriate (including the full dialling code).
Email Address	If the contact person is happy to be contacted by email please provide the details. If an email address is provided you should ensure that your emails are checked every day as all correspondence will be by e-mail.

Response	
*Do you resist the complaint?	Please indicate using the option buttons whether or not the Respondent resists the complaint made by the complainant. If the complaint is resisted, please indicate, using the option buttons, whether the complaint is resisted in whole or in part.
*Complaint resisted in whole or in part?	Please provide the grounds upon which the Respondent is resisting the complaint. If you are only resisting the complaint in part, or indeed if the complaint is about more than one issue, please ensure that you clearly identify which aspects of the complaint you are resisting and why.
*Will you be representing yourself?	You only need to fill in this section if you, as Respondent, have chosen to be represented by another person. Once the details of a representative have been provided, correspondence will only be sent to that person, not to you. You, as Respondent, can choose to be represented by someone at any time. If you choose to be represented at a later date you should immediately give notice of your representative to the Clerk to the Tribunal ("the Clerk") and to the other party/parties and, where appropriate to the Manx Industrial Relations Service (or other conciliator).

Representative's Details	
Title	Tick the relevant box/indicate to confirm your representative's title.
*Forenames(s)	Give your representative's forename(s) in full.
*Surname	Give your representative's surname.
*Address inc. Postcode	Give your representative's full postal address including the postcode. This will be the address to which correspondence will be sent. If you or your representative change address, or if you choose to be represented by someone else at a later date, you should immediately provide notice of such change to the Clerk and to the other party or parties and where applicable Manx Industrial Relations Service (or other conciliator).
Mobile/Home/Work Telephone Numbers	If your representative is happy to be contacted by telephone during normal working hours, please provide mobile, home and/or work telephone numbers as appropriate (including the full dialling code).
Email Address	If your representative is happy to be contacted by email please provide their email address. If your representative does provide an email address you should ensure that they check their emails every day as all correspondence will be by e-mail to them.

Supporting Documentation
You can not submit any supporting documentation or evidence with this form. If you plan to rely upon documentation or evidence later in the proceedings please provide a simple list of it. For example: contract of employment, pay slip, letter of dismissal etc.

Extension of Time Application

If you are responding to a complaint outside a relevant time limit imposed by law, a written application to the Tribunal to extend the time for responding to the complaint must be submitted with your response, including an explanation as to why you could not comply with the time limit. If no such application is made, the response will be returned and treated as if it had not been presented. Please use the box below to make your application.

Additional Needs

Should you have any additional needs, e.g. any reduced mobility, or restriction in your vision or hearing, or English is not your first language, please let us know if we need to make any special arrangements for you when dealing with your case (e.g. if we need to arrange for a hearing loop, interpreter etc.). If you are unsure, please feel free to contact the Clerk and discuss the matter as appropriate.

*Declaration

Please check that you have answered all of the questions to the best of your ability using the "Review" function and, once satisfied, you should complete the declaration by entering the full name of the individual who has completed the form and their capacity when doing so using the drop down selections.

Data Protection

As a statutory requirement some of the information you give us on this form will be held electronically and on a Public Register/Website. We will also send a copy of this form to the Complainant and any third party relevant to your complaint, e.g. the Manx Industrial Relations Service (or other conciliator). Except with your express permission we will not send any of your information to any other person whom we don't have an obligation in law to make aware of the complaint.

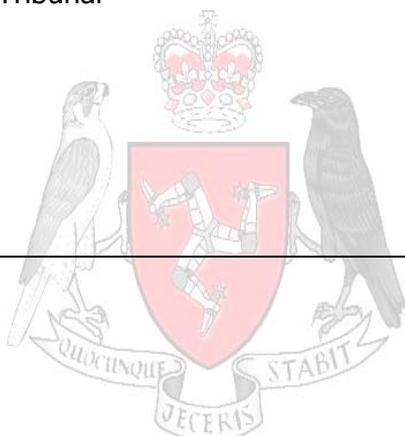
You need to agree with the above statements and tick the box.

Press the "submit" button to electronically submit the response to the Clerk to the Tribunal.

Further Assistance:

If you have any difficulties in completing the form then the Clerk to the Employment & Equality Tribunal can be contacted as below.

Clerk to the Employment & Equality Tribunal
Tribunals Office
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 2SF.



Contact details:

Tel: +44 (0)1624 685941

Email: tribunals@gov.im

Office opening hours

9:30am to 4:30pm Monday to Thursday
(4:00pm Friday)