

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

Welcome to the PDF form to enable you to present a Response to a Complaint to the Employment and Equality Tribunal ("the Tribunal"). The Full Guidance Notes below will assist you when completing this form. If you are at all unclear about responding to the Complaint(s) then further assistance can be obtained from the relevant conciliator, whose contact details can be obtained via the buttons shown below.

How to complete your 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"). They do not purport to be a complete or definitive statement of the law.

Guidance Notes

You should carefully read these notes before completing your response to a complaint to the Tribunal.

[Further information about the Tribunal](#)

[Employment & Equality Tribunal Information](#)

Discussing the matter before presenting a Response

You may wish to discuss the matter before responding to the Complaint with the relevant conciliation service provider. Click one of the following links (for contact details) according to the nature of the Complaint(s):

- 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 have been submitted. The **Manx Industrial Relations Service (MIRS)** can be contacted via this [Link](#)
- For **Education** related issues the person appointed by the **Department of Education, Sport and Culture** to conciliate in proceedings can be contacted via this [Link](#)
- For **Goods & Services/Other** related issue arising under the provisions of the Equality Act 2017. The **Office of Fair Trading** can be contacted via this [Link](#)

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

Time Limits and Presenting a Response to the Tribunal

It should be borne in mind that there is a **strict time limit of 28 days in which to Present a Response**. Rule 46(2) of the Employment and Equality Tribunal Rules 2018 ("the Rules") provide for the 28 day period to commence from the day following the date of the notification of the Complaint. For example, a respondent is sent a copy of a complaint on 1st October. He or she must present a response to the Clerk within 28 days of the date on which he or she was sent the copy. The last day for presentation of the response is 29th October.

Please note that discussions with a conciliator will not alter or extend the legal time limit.

If you are to present a response outside of the time limit you must apply to the Tribunal for an extension of time either before or at the same time as presenting a Response, and you must include with your application an explanation as to why you cannot or could not comply with the time limit. An application in advance of presenting your response should be made in writing to the Clerk to the Tribunal. If your application is to accompany the response then this can be set out in the section of this form entitled **Extension of Time Application**.

If no such application is made, the response will be returned and treated as if it had not been submitted.

If you are close to the expiry of the time limit then you should be mindful of the office opening hours of the Tribunals' Centralised Administration Office, which are 9:30am to 4:30pm Monday to Thursday (4:00pm Friday). This is because the Rules provide that **any document submitted after the office closes will be treated as having been delivered the next day that the office is open for business**.

Filling in the Response to a Complaint Form

Please complete the form **clearly in ink**. In the event that there is insufficient space, please continue on a separate sheet(s) of A4 paper as necessary, marking each additional page at the top with the name of the Complainant, the name of the Respondent and with the complaint number which can be found at the bottom right hand corner of 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).

Question 1 – Respondent's Details	
1.1*	It is important 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 be sent notice of the complaint, together with a response form for completion and return.
1.2*	Give your full postal address as Respondent including the postcode. This will be the address to which correspondence will be sent unless you have chosen to be represented by someone else (see question 3.), or if you have indicated that you wish correspondence to be by e-mail. If you, as Respondent, have chosen to be represented by someone else, correspondence will only be sent to that representative.
1.3	<p>If you, as the Respondent, have identified a contact person, then their details, including postal address and postcode, should be provided here. Such a contact person might be, for example, a Human Resources Manager or a named Director with responsibility to deal with the matter.</p> <p>Please note: unless you as Respondent have chosen to be represented by someone else (see question 3) correspondence will only be sent to the person named in this Section.</p>
1.4	Please provide mobile, home and/or work telephone numbers as appropriate and indicate which you would prefer us to contact you on during normal working hours.
1.5	As e-mail is the preferred method of communication please can you provide your email address at this section. Please note that if you have provided an email address you should ensure that emails are checked every day as all correspondence will be by e-mail.
1.6	If you are able to take part in a hearing by an audio/visual solution (examples being via telephone conference call and or Microsoft Teams). Please indicate if you are able to or not. If Yes is selected you will require internet access.
Question 2 – If You have chosen to be represented by someone else, please give their details	
<p>You only need to fill in this section if you have chosen to be represented by another person. Once the details of a representative have been provided all future correspondence will only be sent to that person, not to you.</p> <p>You can choose to be represented by someone at any time and, if you choose to be represented at a later date you should immediately give notice of your representative to the Clerk and to the other party or parties and, where appropriate, to the conciliator dealing with your case.</p>	
2.1	Specify the title, forename(s) and surname of your representative.
2.2	Provide the type of representation you have engaged with. This can be the following; - IOM Advocate, Union, Family/Friend, HR Provider & Other. If Union, Family/Friend & Hr Provider are selected, then no further requirements are needed. But if IOM Advocate and or Other are selected, then please refer below. The dropdown list of Advocate's Firm is provided to give assistance to complete the local Advocate's Name and Address. This list will be regularly updated, but if your local Advocate is not contained within this list, you will be required to fill in the name and address manually via the postcode search and or Other option. If your representation falls outside of the above mentioned dropdown list, please provide your type of representation within this field.
2.3	Give the full postal address, including postcode, of your representative. Please note: this will be the address to which all correspondence will be sent in future.

2.4	Please provide mobile, home and/or work telephone numbers as appropriate and indicate which your representative would prefer us to contact them on during normal working hours.
2.5	If your representative is happy to be contacted by email, give their email address. If an email address has been provided, you should ensure that your representative checks their emails every day as all correspondence will be by e-mail.

Question 3 – Response

3.1*	<p>Please indicate by ticking the appropriate box whether or not you, as Respondent, resist the complaint made by the complainant. If the complaint is resisted, please indicate, again by ticking the appropriate box, whether the complaint is resisted in whole or in part.</p> <p>If you are resisting the complaint in part, or indeed the complaint is about more than one issue, please ensure that clearly identify which aspects of the complaint you are resisting and why.</p> <p>If you do not resist the Complaint in its entirety you should seek guidance from the relevant conciliator to settle the Complaint against you.</p>
3.2*	Please provide the grounds upon which you, as Respondent, are resisting the complaint. Please continue on separate A4 Sheet(s) as necessary, marking each additional page at the top with the name of the Complainant, the name of the Respondent and with the complaint number which can be found at the bottom right hand corner of the response form.

Question 4 – Supporting Documentation

Please **do 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, e.g. contract of employment, pay slip etc. (Please continue on a separate sheet of paper if necessary)

Question 5 – Extension of Time Application

If you are not responding to the complaint within 28 days of the date on which you were sent a copy of the complaint, 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 give your explanation.

Question 6 – 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.

Sign, Date and Print Your Full Name

This part should be completed by you, as Respondent, or by your chosen representative.

What Next?

Please check that you have answered all of the questions to the best of your ability, paying particular attention to the **mandatory questions that are marked with an asterisk**, and then forward your response to:

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)

