

Draft Particulars of Complaint for ET1 in a claim for disability discrimination and unfair dismissal

1. I was employed by [NAME OF EMPLOYER] from [DATE] to [DATE].
2. The Respondent is [DESCRIBE THE BUSINESS OF THE EMPLOYER].
3. I was employed as [JOB TITLE] and my work and role involved [DETAIL].
4. At all material times [and to date] I [have] suffered from [DESCRIBE DISABILITY] which is a [physical **OR** mental] impairment that has a substantial and long-term adverse effect on my ability to carry out normal day-to-day activities. [DESCRIBE THE SYMPTOMS OF THE DISABILITY, ANY TREATMENT BEING RECEIVED AND GIVE DETAILS OF AFFECTED ACTIVITIES.] I believe I [am and] was at all material times disabled within the definition set out in section 6 of the Equality Act 2010.
5. I believe that the Respondent [has had knowledge of my disability since [DATE] because [DETAIL] **AND/OR** knew that I was disabled at all material times]. Alternatively, I believe that the Respondent ought reasonably to have known about my disability because [DETAIL].
6. I am bringing a claim for unfair dismissal, and claims under [sections 13 (direct discrimination), 15 (discrimination arising from disability), 19 (indirect discrimination), 21 (failure to make reasonable adjustments), 26 (harassment) **AND/OR** 27 (victimisation)] of the Equality Act 2010.
7. [As part of my job I was required to [SET OUT REQUIREMENT(S)]. Due to my disability, I found it increasingly difficult to comply with the requirement[s] [EXPLAIN WHY] and [SPECIFY HOW ADVERSELY AFFECTED WORK PERFORMANCE]. I raised the difficulties I was experiencing with [NAME AND ROLE] on [DATE] and asked if [SPECIFY ADJUSTMENT(S) REQUESTED] in order to fulfil my duties. [NAME] refused and stated that everybody else doing my job managed to fulfil all duties and [SPECIFY ANY FURTHER UNFAVOURABLE RESPONSE]. I believe this refusal and [DETAIL OTHER UNFAVOURABLE RESPONSE] was unfavourable treatment because of something arising in consequence of my disability and

the Respondent will not be able to show that the treatment was a proportionate means of achieving a legitimate aim.]

8. [Further and/or alternatively, the requirement [DETAIL] amounts to a provision, criterion or practice (PCP) which indirectly discriminated against me and persons with my disability and put me and persons with my disability at a substantial disadvantage because [DETAIL]. The Respondent will not be able to show that the PCP was a proportionate means of achieving a legitimate aim. The particular disadvantage I was placed at was [DETAIL] when compared to employees who do not share my disability. The detriment I suffered as a consequence was [DETAIL].]

9. [As I was not satisfied with the response of [NAME AND ROLE], I decided to speak to [NAME AND ROLE]. When I spoke to [NAME] on [DATE] about making adjustments for my disability, [NAME] said [SET OUT ALLEGED DISCRIMINATORY COMMENT]. I believe this constitutes direct discrimination **AND/OR** harassment.]

10. [I believe that I was treated less favourably because of my disability. [GIVE EXAMPLE OF DIFFERENCE IN TREATMENT TO REAL COMPARATOR OR IDENTIFY RELEVANT CHARACTERISTICS OF HYPOTHETICAL COMPARATOR] [NAME]'s conduct was unwanted and it [had the purpose or effect of violating my dignity **AND/OR** created an intimidating, hostile, degrading, humiliating or offensive environment for me.]

11. [I believe that [SPECIFY PCP, PHYSICAL FEATURE OR LACK OF AUXILIARY AID] put me at a substantial disadvantage at work compared to those not suffering from my disability because [DETAIL]. On [DATES] I requested that the Respondent make the following reasonable adjustments: [DETAIL]. The Respondent responded as follows [DETAIL RESPONSE]. I consider that it would have been reasonable in the circumstances for the Respondent to make those adjustments because [DETAIL]. If the Respondent had made the adjustments requested, my situation at work would have significantly improved because [DETAIL].]

12. [Following this, on [DATE] I decided to raise a written grievance complaining of disability discrimination which I sent to [NAME AND ROLE]. [OUTLINE THE DETAILS OF THE GRIEVANCE] I was invited to a grievance meeting on [DATE] which was conducted by [NAME AND ROLE]. I received a written response by letter dated [DATE] which [rejected my grievance **OR** did not deal with my grievance in a satisfactory way [GIVE DETAILS OF OUTCOME]]. [On [DATE] I appealed against the outcome of the grievance

[INCLUDE DETAILS OF APPEAL] **OR** I did not appeal the outcome of the grievance because [DETAIL].]

13. [On [DATE] I sent the Respondent a list of questions in accordance with the procedure set out in section 138 of the Equality Act 2010. The [Respondent has failed to [adequately] reply **OR** Respondent's answers support my claim for [DETAIL] disability discrimination because [DETAIL].]
14. On [DATE] the Respondent commenced disciplinary proceedings against me on the ground of my alleged poor performance and I was subsequently dismissed on [DATE]. [SET OUT IF DECISION WAS APPEALED OR NOT].
15. [I believe that the Respondent's decision to discipline and dismiss me was an act of unlawful victimisation and I suffered this detriment because [SPECIFY PROTECTED ACT(S)]. In addition or in the alternative, I believe my dismissal was [direct discrimination, indirect discrimination, discrimination arising from my disability **AND/OR** a further detriment due to the Respondent's failure to make reasonable adjustments].]
16. [Insofar as the tribunal finds that any act or omission complained of occurred more than three months before its receipt of this claim, and that such act or omission is not part of a continuing act under section 123(3)(a) of the Equality Act 2010, I would submit that it would be just and equitable in the circumstances for the tribunal to extend time for submission of my claim under section 123(1)(b) because [DETAIL].]
17. I believe that my dismissal was unfair for the following reasons: [INSERT RELEVANT SECTIONS FROM PARAGRAPHS 7 - 11 OF *ET1 for unfair dismissal: capability (poor performance)* (www.practicallaw.com/2-501-0187)].
18. I have found the treatment and actions of the Respondent very stressful and I have been affected in the following ways: [DESCRIBE THE EMOTIONAL AND/OR PHYSICAL IMPACT]. I [have **OR** have not] found alternative employment since the date of my dismissal.
19. In the circumstances I contend that I was subjected to unlawful disability discrimination and was unfairly dismissed. I seek the following:
 - (a) Compensation for unfair dismissal.

- (b) [An order for reinstatement or re-engagement.]
- (c) Compensation for [injury to feelings **AND/OR** financial loss].
- (d) [An uplift to the compensation awarded by the tribunal of up to 25% due to the Respondent's unreasonable failure to comply with the Acas Code.]
- (e) [That the tribunal make a recommendation that [DETAIL].]