**ET1 Box 8.2 Example Template**

**Draft Particulars of Complaint for ET1 in a claim for 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 [DESCRIBE DUTIES].

4. On [DATE] the following occurred: [DESCRIBE THE INCIDENT(S) WHICH THE RESPONDENT FOUND TO BE [GROSS] MISCONDUCT].

5. On [DATE], I was informed by [METHOD AND PERSON] of the decision to dismiss me on the grounds of [gross] misconduct and my dismissal took effect on [DATE]. I [was summarily dismissed without any notice pay OR was given [NUMBER] weeks' notice OR was paid in lieu of notice for a period of [NUMBER] weeks].

6. [I appealed against the decision to dismiss on the following grounds: [SET OUT DETAILS]. My appeal was heard by [NAME AND ROLE] on [DATE] and the decision to dismiss me was upheld.]

7. The Respondent did not carry out [any OR sufficient] investigation into the allegation(s) against me [SET OUT DETAILS].

8. I was not given [any OR sufficient] particulars of the allegation[s] [which I deny], and I was therefore unable to give [any OR sufficient] explanation of the matter [SET OUT DETAILS].

9. I attended a disciplinary hearing with [NAME[S] AND ROLE[S]] on [DATE]. The disciplinary hearing was conducted unfairly in the following ways: [SET OUT DETAILS WHICH AFFECT FAIRNESS.] [The Respondent failed to follow its own disciplinary procedure in the following ways: [SET OUT HOW].] [The Respondent failed to follow the Acas Code of Practice on Disciplinary and Grievance Procedures in the following respects: [SET OUT HOW].] [I was not offered the right to be accompanied to the disciplinary hearing.]

10. Prior to my dismissal, I [had OR had not] received [the following OR any] previous [formal OR informal] warnings in relation to my conduct. [SET OUT DETAILS OF DISCIPLINARY RECORD].

11. [The Respondent had previously issued me with a [warning OR final written warning] but [that warning expired on [DATE] OR that warning was used oppressively for relatively minor misconduct [SET OUT DETAILS] OR that warning was itself unfair [SET OUT DETAILS]. I believe that the Respondent's reliance on this warning was unfair and affected the overall fairness of my dismissal.]

12. The Respondent's decision to dismiss me was not fair and reasonable in all the circumstances [SET OUT REASON(S) WHY THE DECISION WAS UNFAIR, FOR EXAMPLE, THE RESPONDENT FAILED TO CARRY OUT A FAIR OR THOROUGH INVESTIGATION, EMPLOYEE WAS TREATED DIFFERENTLY TO OTHER EMPLOYEES GUILTY OF THE SAME MISCONDUCT, EMPLOYEE WAS NOT OFFERED RIGHT OF APPEAL].

13. In the circumstances I contend that my dismissal was unfair and I seek:

(a) compensation;

(b) [an order for reinstatement or re-engagement;]

(c) [an uplift (increase due to the Respondent's unreasonable failure to comply with the Acas Code of [up to 25]%)

Reference: Lions Law (2018) available @ <http://lionsheadlaw.co.uk/wp-content/uploads/ET1-unfair-dismissal.pdf>, accessed 10/05/2018