



## Making an unfair dismissal claim

When you've been dismissed and you want to make a claim for unfair dismissal in the Employment Tribunal, you need to fill in a document called a 'Schedule of Loss'.

We have written a guide that you can download at the end of this page that explains how to fill in a 'Schedule of Loss' form.

### What is an unfair dismissal?

To be able to claim unfair dismissal you **must**:

- 1) Be an employee (not just a worker, or a self-employed person);
- 2) Been employed continuously by your employer for a minimum of two years.
- 3) Been dismissed by your employer.
- 4) Establish that the decision to dismiss was unfair 'in all the circumstances'. This includes how reasonable the employer's behaviour was and how they dismissed you.

The Employment Tribunal ('Tribunal') will not decide if they would've dismissed you, but rather if the dismissal was within a range of responses the employer could take, given the circumstances.

If you have less than two years' service with your employer at the time of your dismissal, then you **might** still be able to claim unfair dismissal.

### What is an automatically unfair dismissal?

You may have been dismissed for a reason that is **automatically unfair**. This includes being dismissed because you:

- Asked for flexible working;
- Are a part-time employee, or because you complained about being treated differently to full-time employees;



- Applied for maternity, paternity and adoption leave, or for any reason related to such leave;
- You are entitled to Working Tax Credits, or tried to enforce a right to Working Tax Credits;
- Made a protected disclosure of information about wrongdoing in the workplace (commonly known as 'whistleblowing');
- Took action related to a health and safety issue;
- Insisted on your right to be paid the National Minimum Wage.

If you're dismissed for an automatically unfair reason, you **don't** have to show that the decision was unreasonable or otherwise unfair.

### If I want to bring a claim to the Employment Tribunal, what should I do first?

Before you bring a claim to the Tribunal, you need to **inform ACAS first** ([click here](#)). This is a **legal requirement before you can bring a claim**.

If you don't do this, your claim will usually be **rejected**, which may mean you can't bring a claim at all if the time to do so expires in the meantime.

If you and your former employer agree, then ACAS will facilitate a mediation process known as 'Early Conciliation'. This provides a chance to resolve the issue between you and your employer before making a claim.

### When can I make an unfair dismissal claim?

An unfair dismissal claim **must** made to a tribunal **within 3 months** of being dismissed, and **you must inform ACAS** that you want to bring a claim **before this time limit expires**.

You will then have some additional time to bring a claim, based on when you contacted ACAS and how long you spent in Conciliation (a maximum of six weeks). You will always have a **minimum of one month** from the date you receive your ACAS certificate to bring a claim.



The claim form you need to submit is known as an ET1. You can submit a paper form, but it's easier and quicker to do so using the [online ET1 form](#). There is no fee to pay to start a claim and usually you don't have to pay your employer's costs if your claim is unsuccessful.

### What is a Schedule of Loss form?

If you bring a claim for unfair dismissal, you need to tell the Tribunal what remedies you're looking for should you win. In short, this involves asking the Tribunal to order that your employer do something: this can include requiring your employer to take a specific action (such as reinstating you), but will usually mean ordering the employer to pay you a sum of money.

You need to calculate the amount of money you're seeking and to show these calculations to the Tribunal in a document known as a 'Schedule of Loss'. Please see more details on this in the guide you can download below.

### Where can I get a Schedule of Loss form?

Many Tribunals have created a Schedule of Loss form that you need to fill in. Check with your Tribunal office, if you've already started a claim.

If you haven't, you can use the one at the end of the guide or download it at [this link](#).

If you want more detailed information on how to fill in the Schedule of Loss form, please download our guide [here](#).



## More information

To inform ACAS you intend to bring a claim and to engage in Early Conciliation: <https://tell.acas.org.uk/>

Learn more about the early conciliation service provided by ACAS: <https://www.acas.org.uk/early-conciliation>

Online ET1 form to make a claim to the Employment Tribunal: [https://www.employmenttribunals.service.gov.uk/apply?\\_ga=2.254790848.916285054.1616410750-1288851270.1614775229](https://www.employmenttribunals.service.gov.uk/apply?_ga=2.254790848.916285054.1616410750-1288851270.1614775229)

Information on redundancy pay by GOV.UK: <https://www.gov.uk/redundancy-your-rights/redundancy-pay>

ACAS Code of practice: <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

Preparing a Schedule of Loss for an unfair dismissal claim by Citizen's Advice: <https://www.citizensadvice.org.uk/work/problems-at-work/employment-tribunals-from-29-july-2013/employment-tribunals-valuing-a-claim/compensatory-award/calculating-the-compensatory-award/employment-tribunals-preparing-a-schedule-of-loss/employment-tribunals-preparing-a-schedule-of-loss-for-an-unfair-dismissal-claim/>

Sample Schedule of Loss Form by Citizen's Advice: <https://www.citizensadvice.org.uk/work/problems-at-work/employment-tribunals-from-29-july-2013/employment-tribunals-valuing-a-claim/compensatory-award/calculating-the-compensatory-award/employment-tribunals-preparing-a-schedule-of-loss/employment-tribunals-sample-schedule-of-loss/>

Explanation of Unfair dismissal by ACAS: <https://www.acas.org.uk/dismissals/unfair-dismissal>



## Legal Advice

If you need free one-off legal advice, you can fill in this form by **Free Legal Advice Centre (FLAC)** of Toynbee Hall: <https://www.toynbeehall.org.uk/free-advice/legal-advice/#online-flac-ia-form> or you can email FLAC here: [flac@toynbeehall.org.uk](mailto:flac@toynbeehall.org.uk)

Please know that we do not offer representation or do case work. We provide advice on housing, employment, immigration, consumer, civil matters and more.

If you want to find other free legal clinics or you need representation, please look at LawWorks here: <https://www.lawworks.org.uk/legal-advice-individuals>