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COMPULSORY ET1 AND ET3 FORMS

For any companies who are filing their own defences to Employment Tribunal Claims being brought by employees it is crucial to note that as from 1 October 2005 the prescribed form must be used. Any other form of response will not be accepted.

There is no official guidance on it but it is understood that the following will also be acceptable:

- Riders attached to the official form.
- PDF versions of the forms which will soon appear on the Employment Tribunal website.
- Faxed Forms.
- Black and white photocopies of the official form.

The reasoning for this tightening up of what is and is not acceptable stems from the new Employment Tribunal Service case management system which scans in forms automatically.

The golden rule is therefore – use the official form.

On the topic of lodging defences with the Tribunal it is essential that if the form is faxed or posted a call be made to the Tribunal before the deadline for receipt expires to ensure that it has been safely received and that all the pages are clear. This will avoid any dispute later if it goes missing in the post or does not go through the fax machine and that failing is only discovered after the time limit for presenting the defence has expired.

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