

The Equality Act 2010 – Discrimination and Other Prohibited Conduct

Questions and Answers Forms

These forms are in two parts;

Part 1: The complainant's questions (a questions form to be completed by the person with a discrimination or other prohibited conduct complaint)

Part 2: The respondent's answers (an answers form to be completed by the person/organisation the questions form is sent to)

There is accompanying guidance to the forms, called, *The Equality Act 2010: Obtaining Information – Discrimination and Other Prohibited Conduct – Guidance* which can be found on the Government Equalities Office (GEO) website

www.equalities.gov.uk/news/equality_act_2010_forms_for_ob.aspx

These forms are to help someone obtain information under section 138 of the Equality Act 2010.

The questions form is for completion by someone who thinks they have been treated unlawfully under the Act ("the complainant") to help them get information from the person or organisation (the "respondent") he or she feels has discriminated against harassed or victimised him or her. The answers form is for completion by the respondent to reply to the complainant's questions.

The Equality Act 2010 makes it unlawful to discriminate against someone because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It applies to work and (apart from in the case of age and marriage and civil partnership) to the provision of services, exercise of public functions, managing or letting premises, in education, in associations and private clubs.

There are separate questions and answers forms and supplementary guidance for equality of terms complaints (which used to be called an equal pay complaint) which are also on the GEO website

www.equalities.gov.uk/news/equality_act_2010_forms_for_ob.aspx

Part 1: Complainant’s questions form

- Part 1 is a questions form to be completed by the person with a discrimination or other prohibited conduct complaint.
- **Please read the instructions in this form and Parts 1 and 2 of the supplementary guidance *The Equality Act 2010: Obtaining Information – Discrimination and Other Prohibited Conduct – Guidance before completing this form.*** You may find it helpful to prepare what you want to say on a separate piece of paper.
- If you do not have enough space on the form then continue on an additional separate paper which should be attached to the form and sent to the respondent.

Section 1: This section is about the respondent (the person or organisation you think may have acted unlawfully against you and want to ask questions of)

1. Enter the name of the person to be questioned (the respondent) **To**

Enter the respondent’s address **of**

Section 2: This section is about you (the complainant)

2. Enter your name (you are the complainant) **I**

Enter your address **of**

Section 3: This section is about the protected characteristic/s you (the complainant) have a dispute about

Please tick the appropriate box or boxes to indicate what protected characteristic you think your complaint relates to. A court or tribunal can consider complaints relating to more than one protected characteristic in the same case and you may tick more than one box if you think this applies to you.

Before you complete this section you may wish to read paragraph 2 of Part 2 of the supplementary guidance and you may want to seek professional advice to help complete this part of the form.

All of these terms are defined in the Equality and Human Rights Commission’s guidance and Codes of Practice which you can get from www.equalityhumanrights.com

Age	<input type="checkbox"/>
Disability	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>
Race	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>
Sex	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>

Section 4: This section is about the treatment which you (the complainant) thinks may have been unlawful

If you are able to, please tick the appropriate box or boxes to indicate what type of unlawful treatment you think you may have experienced. You may tick more than one box.

Before you complete this section you may wish to read paragraphs 3 – 4 of Part 2 of the supplementary guidance and you may want to seek professional advice to help complete this part of the form.

Direct discrimination	<input type="checkbox"/>
Indirect discrimination	<input type="checkbox"/>
Victimisation	<input type="checkbox"/>
Harassment	<input type="checkbox"/>
Discrimination arising from disability	<input type="checkbox"/>
Failure to make reasonable adjustments (for disability only)	<input type="checkbox"/>

Section 5: This section is about when the respondent might be responsible for what other people do

(If applicable) I think that you instructed, caused or induced or aided another person to treat me in a way which is unlawful under the Act as set out in section 3 and 4 above.

Before you complete this section you may wish to read paragraph 5 of Part 2 the supplementary guidance.

(Please continue on a separate sheet of paper if you run out of space here)

Section 6: This section is about what happened

Please give a brief factual description of the treatment, or the failure to make a reasonable adjustment to which your complaint relates and the circumstances leading up to that treatment or failure. You should give key factual details, such as the date, time, place and number of instances of the treatment or failure you are complaining about.

You should bear in mind that in section 8 of the questions form you will be asking whether the respondent agrees with what you say in this section.

(Please continue on a separate sheet of paper if you run out of space here)

I consider that this treatment may have been unlawful.

Section 7: This section lets you (the complainant) say why you think the treatment you experienced was unlawful

Please give the reasons why you think the treatment that you experienced was unlawful.

Before you complete this section you may wish read paragraphs 6 – 8 of Part 2 of the supplementary guidance.

Please continue on a separate sheet of paper if you run out of space here.

MY QUESTIONS

Section 8: In this section you should set out your questions to the respondent

Section 8 provides you (the complainant) with the opportunity to ask any other relevant questions you think may be important.

Please note there is a separate answers form which a respondent can use to answer these questions

Before you complete this section you may wish read paragraphs 9 – 14 of Part 2 of the supplementary guidance.

Please list and number the questions you would like to ask the respondent. We have included two standard questions here.

Question 1: Do you (the respondent) agree that the statement in section 6 above is an accurate description of what happened? If not, in what respect do you disagree or what is your version of what happened?

Question 2: Do you (the respondent) accept that your treatment of me was unlawful as I have set out in section 7 If not, why not? Why was I treated in the way I was?

Question 3:

Section 9: This section is about finalising your questions form

Please send your answers to the following address if different from my home address

Address (if appropriate)

Insert the address you want the answers to be sent to if different from your home address in section 2.

This form must be signed and dated. If it is to be signed on behalf of (rather than by) the complainant, the person signing should:

- *describe himself/herself e.g. 'solicitor acting for (name of complainant)'; and*
- *give their name and business address (or home address, if appropriate).*

Signed

Date

The respondent does not have to answer your questions. But by virtue of section 138 of the Equality Act 2010, these questions and any answers are admissible as evidence in proceedings under the Act and a court or tribunal may draw an inference from a failure to reply within 8 weeks or from evasive or equivocal answer.

How to serve the questions

- We strongly advise you to keep a copy of the completed form in a safe place.
- Send the respondent your completed questions form and a blank answers forms (i.e. **whole** of this document) either to their usual last known residence or place of business or, if you know they are acting through a solicitor, to that address.
- You can either deliver the documents in person or send them by post, fax or e-mail. If you decide to send by post you are advised to use first class post. Alternatively, you can use the recorded delivery service, so that, if necessary, you can produce evidence that they were delivered.
- If you decide to send the documents by email or fax you are advised to do what you can to ensure the documents are delivered, for example, requesting a “read” receipt on emails or checking the fax delivery status.
- Whatever method you choose to send them, you should make clear that the forms may require action.
- Please read paragraphs 15 – 17 of Part 2 of the supplementary guidance for further information about serving the documents.

Part 2: Respondent's answers form

- Part 2 is an answers form to be completed by the respondent.
- **Please read the instructions in this form and Parts 1 and 3 of the supplementary guidance *The Equality Act 2010: Obtaining Information – Discrimination and Other Prohibited Conduct – Guidance before completing the answers*.** You may wish to prepare what you want to say on a separate piece of paper.
- If you do not have enough space on the answers form for what you want to say, continue on an additional piece of paper which should be attached to the answers form and sent to the complainant.

Section 1: This section is about the complainant

<i>1. Enter the name of the questioner (the complainant)</i>	To	
<i>Enter the complainant's address</i>	of	

Section 2: This section is about you (the respondent)

<i>2. Enter your name (you are the respondent)</i>	I	
<i>Enter your organisation's name and address</i>	of	
	acknowledge receipt of the questions form signed by you and dated	
	which was served on me on (date)	

Section 3: This section is about what happened

Please indicate whether you agree or disagree that the complainant's statement in section 6 of the questions form is an accurate description of what happened and tick the appropriate box.

I agree with the statement in full or in part *

I disagree with the statement in full or in part*

Please tick the appropriate box

**delete as required.*

*If you **agree with the statement only in part or you do not agree** with the statement in full or in part please say why.*

If appropriate, include your own version of what happened.

Before you complete this section you may wish to read paragraphs 3 – 4 of Part 3 of the supplementary guidance.

I do not agree that the statement is an accurate description of what happened for the following reason(s).

Section 4: This section is about whether the treatment was unlawful

Please *indicate whether you agree or disagree that the treatment or failure experienced by the complainant as set out in section 7 of the questions form was unlawful.*

Please tick the appropriate box

**delete as required.*

*If you **do not agree** that treatment complained of by the claimant was unlawful please say why.*

Include any reasons which in your view explain or justify the treatment experienced by the complainant.

Before you complete this section you may wish to read paragraphs 5 – 9 of Part 3 of the supplementary guidance.

**I agree
with the statement in full or in part***

**I disagree
with the statement in full or in part***

I do not agree that the treatment complained of was unlawful for the following reason(s).

Section 5: In this section you should give answers to the other questions the complainant has asked

Please include here the answers to the other questions the complainant has asked in section 8 of the questions form.

Before you complete this section you may wish to read paragraphs 10 – 14 of Part 3 of the supplementary guidance.

A large, empty rectangular box with a thin black border, intended for the user to provide answers to the questions mentioned in the text above.

Section 6: In this section you should indicate which questions you are not answering and why

You do not have to complete this section if you have answered all the questions in the complainant's questions form

I have not answered the questions identified in the box below because I am

- unable**
- unwilling**

to do so for the reasons given.

But, if you are unable or unwilling to answer some or all of the questions, please tick the appropriate box, identify the unanswered questions and give your reasons for not answering them.

Before you complete this section you may wish to read paragraph 2 and paragraphs 12 – 14 of Part 3 of the supplementary guidance.

Section 7: This section is about finalising your answers form

The answers form must be signed and dated. If it is to be signed on behalf of (rather than by) the respondent, the person signing should:

Signed

Date

- *describe himself/herself e.g. 'solicitor acting for (name of employer)' or 'personnel manager of (name of firm, government department etc)'; and*
- *give their name and business address (or home address if appropriate).*

Name/description

Address (if appropriate)

Please note:

You (the respondent) do not have to answer the complainant's questions. However, if you do not answer within 8 weeks, or answer in an evasive or equivocal way a court or tribunal may draw an inference from this.

How to serve the answers form on the complainant

- If you wish to reply to the question form, you should do so within **8 weeks**.
- You should retain, and keep in a safe place, the questions sent to you and a copy of your reply.
- You can serve the answers form either by delivering it in person to the complainant or by sending it by post.
- If you decide to send by post you are advised to use first class post. Alternatively, you can use the recorded delivery service, so that, if necessary, you can produce evidence that the answers were delivered.
- You should send the answers form to the address indicated in section 9 of the complainant's question form.
- If you decide to send the documents by email or fax you are advised to do what you can to ensure the documents are delivered, for example, requesting a "read" receipt on emails or checking the fax delivery status.
- Please read paragraphs 15 – 16 of Part 3 of the supplementary guidance for further information about serving the documents.