



Making a Complaint about Service Provision

Introduction:

This document provides general guidance to Applicants on how to make complaints under:

- The Prevention of Discrimination (Guernsey) Ordinance, 2022

If you think you, as a potential Applicant, have suffered a detriment / less favourable treatment based on a protected ground, by a Goods and Service Provider, a Club or Association or an Accommodation Provider you may be able to make a complaint.

For further details about what is meant by Goods and Services Providers, please click [here](#).

What are the protected grounds?

Under the Prevention of Discrimination (Guernsey) Ordinance, 2022, a person cannot suffer a detriment or less favourable treatment linked to any of the following protected grounds:

- Disability
- Carer Status
- Race

- Religion or belief
- Sexual Orientation

For further information on what constitutes a protected ground, please [click here](#).

Step 1: Notify Provider

Under the Prevention of Discrimination (Guernsey) Ordinance, 2022 you will need to write to the Provider within six weeks of the act of discrimination occurring. If the potential complaint is not resolved within one month, you will need to inform them, in writing, that you may exercise your right to make a complaint under the Ordinance.

Step 2: Notify EEOS

If you haven't had a response from the Provider as an outcome of Step 1, or you are not satisfied with the response provided, you may choose to make a complaint.

Complaint Forms

For all complaints relating to the provision of Goods & Services, an ITC1a form must be filled in and submitted to EEOS before you can lodge this formally with the Employment & Discrimination Tribunal (E&DT). This is because by law, you must notify EEOS of your intent to complain. You can do this by completing what is called an ITC1a form, which you can access [here](#).

[ITC1\(a\) form.pdf](#)

Should you be unsure which form to complete, or wish to obtain a physical copy, please contact us.

Next steps

Once your complaint has been received, a Conciliation Officer will be appointed to your case. Where relevant, they will discuss the conciliation process with you, and align the next steps.

If none of the parties wish to engage, or the process fails to reach an agreement, then a certificate (known as the ITC3) will be issued to you allowing you to raise a formal complaint with the E&DT if you wish to do so. This will require you to complete an ET1a form which can be found [here](#).

The Conciliation Officer appointed to your case will provide you with further advice, as required.

More information about our conciliation services can be found [here](#).

Time limits

Please see below the various time constraints that you should be mindful of should you consider making a complaint:

You have **3 months** from the last detrimental or less favourable act that you experienced, in which to make your complaint. This period includes the 6 weeks during which you must have notified the Service Provider. It also includes the one month the Service Provider has to respond to you.

Once EEOS receives your Intent to Complain form – the clock stops during Pre-Complaint Conciliation (PCC) process. This means that should PCC not be successful for any reason, you will still have the remainder of the initial three-month period (minus PCC) to lodge your formal complaint.

‘Out of Time’ Complaints

If you wish to apply for further time on the basis that it was not reasonably practicable for you to do so, you should either request this in writing or complete the appropriate complaint form accompanied with a request in writing. However, you may benefit from discussing this further with an Advice and Conciliation Officer.

If you choose to submit your complaint outside of the timescales, please be mindful that you may be asked by the Respondent or Tribunal to evidence why you have not been able to submit the form within three months of the effective date of termination, or the date when the discrimination took place.

The Tribunal will ultimately decide if the matter can be accepted.

Making a Complaint to the Employment & Discrimination Tribunal

As explained in the '[Complaint Forms](#)' section above, should pre-complaint conciliation fail you will be provided with a certificate (ITC3) which will then enable you to submit a formal complaint. Visit our '[Making a Complaint to the Employment & Discrimination Tribunal](#)' page for more information on how to make complaints to The Employment & Discrimination Tribunal.