

Legal services

A branch guide to what we offer

2017



Contents

Personal injury service	3
Criminal service	5
Employment	6
Other services	7
Access to legal services	8



Legal services are one of the key reasons our members join UNISON. They want the reassurance of knowing that their union will provide high quality legal services when they need them, at no extra cost. But survey after survey has shown that many members are not yet aware of the full range of services available to them and their families. So it is vital that branches and reps have information at their fingertips to make sure our members know the extent of UNISON's legal services and how to access them.

This guide is designed to help you do that together with *Legal Help – A Members' Guide to UNISON Legal Services*, which is available from stockorders@unison.co.uk or online at www.unison.org.uk

Eligibility

To qualify for legal help you will have to show that:

- you were a member for the qualifying period before the incident or occurrence that led to you seeking help from UNISON
- your subscriptions are up to date
- you continue to pay subscriptions while the case is ongoing.

Special rules apply to industrial disease cases (see below).

Legal support will be given as long as the case has reasonable prospects of success as determined by the union or its approved lawyers.

Please note advice and/or representation is at the absolute discretion of UNISON.

We may withdraw legal help if you do not follow legal advice given or fail to co-operate with our lawyers by responding to letters or phone calls.



Personal injury service

Work-related personal injury

UNISON offers legal help for any personal injury claim arising out of a member's employment or while on union duties. It includes:

- **Personal injury claims** that can be pursued through the UK courts (ie civil claims) including work-related stress claims (see below)
- **Criminal Injury Compensation Authority (CICA) claims**, ie where a member has sustained a work-related injury due to a crime of violence, most usually an assault at work.

Industrial disease

Under the TUC code of practice UNISON assists members who have developed an industrial disease as a result of being exposed to dangerous substances or noise in their work. This includes where members have been exposed before they joined UNISON, as long as they belonged to another TUC-affiliated union at the time.

Please note that because of the real difficulties in succeeding in **work-related stress** claims, a special procedure applies to this type of case. Please see *Stress Claims, a guide for UNISON branches and regions* (stock no. 1926 or unison.org.uk/acrobat/13594.pdf).

Non work-related personal injury

Our members and their families (defined as a relative including partners, in-laws and step-relatives) are also entitled to legal help for non work-related personal injury claims.

This service has been extended to cover accidents abroad where that claim can be pursued through the UK courts (ie usually where the case is against a UK travel agent/tour operator).

Road traffic cases

Our members and their families are entitled to pursue road accident claims in which they have been injured. Please note that members using this service should also tell their insurers about any claim.

Clinical negligence

UNISON offers legal help for members and their families who have suffered clinical negligence. This service provides free initial advice with our lawyers. Should the advice be to press ahead and investigate the claim further, UNISON are not able to fund the future costs. However our lawyers will then advise on the best way to fund the claim. Funding by the Legal Aid Agency is now very limited and only covers very serious brain injuries suffered at birth. For all other cases UNISON has negotiated a very advantageous package with our appointed lawyers to enable members or their families to continue with the action on favourable terms using a conditional fee agreement (CFA). Full details will be given of any financial outlay that may have to be made so that members or their families can decide whether they wish to go ahead.

Costs protection in personal injury claims

UNISON has entered into a collective conditional fee agreement (CCFA) with our solicitors. This means that those accessing the service will be protected from legal costs and will receive all their damages in full (as opposed to some 'no win no fee' agreements that other lawyers offer). Full funding details will be sent to members and their families at the beginning of their case.

UNISON's legal assistance scheme ensures members and their families are fully protected – there is no up-front payment, no disbursements to pay throughout the case and therefore no need to take out a loan to cover any costs. Further there will be no deduction at the end of the claim from their compensation. The legal service provided by UNISON is truly no fee to members, win or lose.

Some members have made the mistake of pursuing their cases through 'no win, no fee' lawyers who are not approved by UNISON. 'No win, no fee' rarely means that there is actually no charge. Some union members in this situation have received bills for costs such as loan agreements that they did not expect. **It is important to advise UNISON members to beware the 'no win, no fee' lawyer's approaches.**

There are no costs for personal injury cases where a case is pursued through UNISON's legal assistance scheme. This is because UNISON provides an 'indemnity' ie an agreement to pay all legal costs incurred if the member uses the legal assistance scheme. We have made arrangements with our lawyers to secure this. Because of this

UNISON cannot support cases taken through other solicitors. **UNISON has no obligation to pay costs where the member instructs a non-union approved solicitor.**

All solicitors have professional obligations to make their client aware of the availability of legal assistance through their union's legal assistance scheme if it applies. Regrettably many do not and others write to UNISON requesting funding for the case. Where this happens it is important that members are contacted and advised of the availability of free legal assistance through the union and how they can access the service.

Time limits

Very strict time limits apply in personal injury matters. In most cases this is three years from the date of the injury/illness to begin court proceedings and two years from the date of the incident to lodge a claim with the CICA. It is therefore crucial that members and/or branches do not delay in obtaining legal advice from our lawyers as this could severely affect our member's rights.

Criminal service

When we represent members

Members can receive legal advice if they are defending criminal charges arising out of their work. Members are encouraged to get legal help as soon as they realise that criminal charges are a possibility. We will only represent members for road traffic offences if the member's job is at risk following a conviction. UNISON will not provide representation for drink and drug related driving offences.

Our lawyers, at UNISON's discretion, will represent members up to and including any Magistrates/ Crown Court trial.

Where available we expect our lawyers to obtain state funding. The funding of legal aid contributions thereafter is discretionary.

When we are unable to represent members

UNISON can refuse to represent members who plead guilty to any offence that they are charged with.

We do not represent members whose only role in criminal proceedings is giving evidence. In exceptional circumstances we may represent members in giving evidence at an inquest arising out of a work-related matter – for instance, in situations where members may incriminate themselves in the proceedings.

Some criminal cases can also involve disciplinary proceedings at work or by a professional organisation. It is not normally appropriate to



appoint solicitors to deal with this area. The branch or regional office will represent the member.

Employment

We will provide help to any members who have difficulties at work, where appropriate. We can offer guidance on problems related to unfair dismissal, redundancy and employment protection. We will also help fight discrimination at work for reasons of sex, age, religious or political beliefs, marital status, race, disability and sexuality.

In general, this advice or representation will be provided by the branch or regional office. Employment tribunal cases will be handled by our lawyers.

UNISON has an arrangement with two firms of trade union solicitors – Thompsons and Thompsons McClures. This means regions (and branches through regions) can get advice directly from these firms on a number of issues. These arrangements streamline services to our members. To use this service, branch secretaries need to contact their regional officer.

UNISON's in-house lawyers prioritise matters which affect most members.

Priority matters

If you want advice concerning the following issues, you should contact the region which will then contact our employment rights team or appropriate national department or service group.

- European law and all new laws introducing new or extended employment rights for the first two years after those rights come into force
- Equal pay (special eligibility rules apply for mass

- litigation cases – there is no qualifying period)
- Injunctions and interdicts
- Matters affecting national terms and conditions, for example single status, agenda for change
- Strategic or national cases including leading TUPE and PFI cases
- Trade union recognition
- Trade union activities
- Public or private enquiries
- Rules (queries should be sent to the democratic services unit)
- Industrial action (regions should seek advice from the member liaison unit)
- All judicial appeals

Industrial action

Branches that want legal advice on industrial action should contact their regional office.

Time limits

Because employment cases have strict time limits, branches should get advice on employment matters as soon as possible. Full details of time limits are available from the Employment Law Time Chart which can be obtained from UNISON's website www.unison.org.uk

Other services

Work tenancy

Members may be entitled to advice from our lawyers on tenancy problems if they need to live in particular accommodation as part of their job or if their employer has given them accommodation as part of their job. Members may get legal representation to defend possession proceedings, if the tenancy meets certain legal requirements. However as a matter of policy we cannot assist members where their employment has come to an end and they wish to stay in/buy the property. This is because UNISON has a policy in favour of maintaining stocks of social housing and cannot support any action which might deplete these stocks.

Members can get initial advice on all other private tenancy matters under our free initial legal advice scheme (please see below).

Immigration

We will give advice and in certain situations represent members who have immigration problems which threaten their continued employment.

Free legal advice

Members only are entitled to free initial legal advice direct from our lawyers on any matter that is not related to work. This service entitles members up to 30 minutes of telephone advice. The advice must be specific to the member, our lawyers can not give advice to members about issues concerning

their family members. As it is an initial service our lawyers are not in a position to answer complicated questions or deal with matters which involve a large number of documents or represent members before a court or tribunal. Our lawyers cannot advise repeatedly on the same issue under this scheme. General financial advice will not be dealt with under this scheme.

Wills and conveyancing service

UNISON's legal assistance scheme includes a free initial standard wills service for members (and their partners if drawing up mirror wills). In addition UNISON has negotiated a low-cost wills service for members and their families for complex wills and a low-cost conveyancing service for members and their families.



Access to legal services

Employment

If members want employment advice they should contact their branch. Branches can then discuss next steps with the member and refer to the regional office as necessary.

The simplest way for members to access most other services is by contacting:

UNISONdirect

0800 0 857 857 (voice)

0800 0 967 968 (textphone)

Lines open: 6am to midnight – Monday to Friday,
9am to 4pm – Saturdays

Criminal law

Contact outside UNISONdirect hours and in an emergency is through the UNISON 24-hour criminal helpline on **0800 587 7530**

Quality service

UNISON only instructs specialist lawyers. Our lawyers work to agreed standards of service required by UNISON and are audited and judged against those standards.

For more information about our appointed lawyers, Thompsons Solicitors, please see *Legal Help – A Members' Guide to UNISON Legal Services* – or visit their website:
www.thompsons.law.co.uk

Contact us

For more information or to join UNISON online visit our website at **www.joinunison.org** or call us free on

0800 171 2193 (voice)

0800 0 967 968 (textphone)

Lines open from 6am to midnight,
Monday – Friday and 9am to 4pm Saturday

