**Stress claim form**

Before completing this form the branch must have gone through the ‘Stress Claims Protocol – a guide for UNISON branches and regions’ (Stock no 1926) and ensured the member meets all the checklist criteria in Appendix 2. The completed checklist must be attached to this form.

Legal assistance for branches for work related stress personal injury advice

**WARNING:** Very few work related stress personal injury cases are successful as it is necessary to prove that your employer was on notice that you would suffer a recognised psychiatric illness as a result of your employer’s behaviour. It is also difficult to succeed with a claim under the Protection from Harassment Act as you have to have suffered a course of extremely serious behaviour from a colleague which would be considered to amount to a criminal act. The time limits that apply are outlined at the end of this form. If these time limits are missed it is very unlikely that the Tribunal/Court will allow your claim to proceed.

ALL sections of this form MUST be completed and the completed checklist MUST be attached to this form.

**Section 1** to be completed by Branch Secretary  
**Section 2** to be completed by Member

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**Section 1. To be filled in by the Branch Secretary**

**This section is to be completed fully by the Branch Secretary.**  
**The form will not be processed if this section is not fully completed.**

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I confirm that the above named person was a fully paid-up member of UNISON for at least 4 weeks before the incident. (The Branch Secretary’s signature is confirmation that the member is entitled to legal assistance).

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**Questionnaire for Branch Secretary**

1.1 **Has the member reported the problem to the employer?**

If so, when and what was said?  

[ ] YES  [ ] NO

1.2 **Has the member instituted a grievance procedure?**

If so, when and with what result? If not, why not?  

[ ] YES  [ ] NO

1.3 **When was the problem referred to you?**

[ ] YES  [ ] NO

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This information will be used to check that the member is eligible for support; and for general statistical purposes. It may also be used to update our membership record.

This information will be given to our lawyers in order for them to assess the case.

This form will be kept by our lawyers in accordance with their retention policy/privacy statement.

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Section 1 continued

1.4 What steps have been taken by you to resolve the problem with the employer?
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________

1.5 Has a risk assessment been carried out?

If so, please give details:
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________

YES ☐ NO ☐

1.6 What advice have you given the member so far?
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________

1.7 Does the member have any claim which you consider could form the basis of a complaint to the Employment Tribunal?

If so, please give details:
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________

YES ☐ NO ☐

1.8 Has a CASE form been completed?

If so, are you aware whether the employment claim is being supported?
____________________________________________________________________________________________________________________________________________________
____________________________________________________________________________________________________________________________________________________

YES ☐ NO ☐

1.9 Have you advised the member of the time limit for any possible Employment Tribunal claim?

YES ☐ NO ☐

1.10 Have you advised the member of any other relevant time limits (ie three years for a civil case for a work related personal injury stress claim)?

YES ☐ NO ☐

This information will be used to assess the case.
This form will be kept by our lawyers in accordance with their retention policy/privacy statement.
Legal assistance for branches for work related stress personal injury advice

This form will go to our lawyers who will consider whether you have a work related stress claim or a claim under the Protection from Harassment Act. They will not consider whether you have an Employment Tribunal case – you should ask your branch or regional organiser about that. Very few work related stress personal injury cases are successful because it is necessary to prove that your employer was on notice that you would suffer a recognised psychiatric illness as a result of your employers’ behaviour. It is also difficult to succeed with a claim under the Protection from Harassment Act as you have to have suffered a course of extremely serious behaviour from a colleague which would be considered to amount to a criminal act. The time limits that apply are outlined at the end of this form. If these time limits are missed it is very unlikely that the Tribunal/Court will allow your claim to proceed.

Section 2. To be filled in by member

This section is to be completed fully by the UNISON member. The form will not be processed if this section is not fully completed.

Name of member

Member’s contact telephone number

1. I confirm that there is no solicitor acting for me.
2. The information given in this form is true.

Member’s signature

Questionnaire for UNISON member

2.1 What is your job title?
Please describe the type of work you do.

2.2 Please set out in as much detail as possible the incidents which have caused your stress-related condition and the dates on which these occurred. In respect of a claim for bullying/harassment please set out details of each incident (use a separate sheet if necessary).
2.3 What symptoms have you suffered?

2.4 When did these begin?

2.5 When did you first connect these symptoms to your work?

2.6 When did you first consider that you were suffering from a psychiatric condition?

2.7 When did you first report your problems to your employer? Who did you make this report to?
If you have been referred to Occupational Health please set out details and include copies of any letters/reports they have provided.

2.8 Following your report of problems to your employer please set out details of the steps they took?
If you have been referred to Occupational Health please set out details and include copies of any letters/reports they have provided.

2.9 Is there anything that you believe your employer could have done to improve your situation?
2.10 Please set out details of any grievances which you have pursued against your employer and the result. Please include copies of any decisions made.

2.11 Does your employer have any policy or practices to deal with stress at work? If so please provide a copy.

YES □  NO □

2.12 Does your employer provide a counselling service? If you have used this please set out details of the counselling provided.

YES □  NO □

2.13 Please set out the first date on which you reported the problem to your doctor and please describe all the treatment you have received since that date.

2.14 Please provide the dates of all absences from your work due to your condition.

2.15 Has your medical advisor ever contacted your employer about the problem? If so, please set out the details.

YES □  NO □
Section 2 continued

2.16 Have you suffered from any previous stress related condition or episodes of depression?  
YES ☐ NO ☐

Please set out details of any other factors influencing your well-being outside of the workplace which could cause a stress related condition (e.g. mental health problems, bereavements).

2.17 Have any of your colleagues suffered from similar problems?  
YES ☐ NO ☐

If so, please set out the details.

2.18 Please give the names of any witnesses who will be prepared to support your claim.

Limitation warning for stress claims

Employment Tribunal Claim
Claims must be received by the Employment Tribunal within 3 months of the effective date of termination of employment,

Or,

in the case of sex, race or disability discrimination, within 3 months from the date of the act complained of, or where the act is continuing within 3 months of the last act of discrimination.

Personal Injury Claims
Court proceedings must be commenced within 3 years of the date of an accident, or in the case of occupational disease, including stress, within 3 years from when the member knew or ought to have known that he/she has suffered a stress related condition due to their employment.

Claims under the Protection from Harassment Act 1997
Court proceedings must be commenced within 6 years of the date on which the first act of bullying/harassment occurred or 3 years if the case is pursued in Scotland.

Please return completed form to:
Thompsons, Synergy Buildings, Hartshead, Sheffield S1 2EL.
We recommend you send by registered post.

How we use your information
At UNISON, we are committed to keeping your data secure and to never using it in ways you would not expect.
UNISON is the data controller for the information you provide on this form. We use this data to assess if you are eligible for support and to provide this support.
We may also use your information to pursue our legitimate interests as a trade union, such as updating your details on our database or commenting on Employment Tribunal judgements.
We may share the information on this form with our solicitors, an Employment Tribunal, or court.
We don’t routinely transfer your data outside of the UK. However, where it is necessary, we ensure appropriate data protection measures (as applicable under UK law) are in place.
We retain your data in accordance with UNISON’s data retention policy and delete it when it is no longer required.

Where you have given consent for UNISON to process your data, you may withdraw it at any time by contacting us.
You have rights as a data subject. These rights include: subject access; erasure; rectification; the right to restrict or object to processing; the right to data portability; and the right to complain to the Information Commissioner’s Office (ICO). UNISON is fully committed to upholding these rights.
If you believe we have not done so, please get in touch so that we can put things right.

For further information on how we will use your personal data, go to:
unison.org.uk/privacy-policy
Email: dataprotection@unison.co.uk
Write to: Data Protection Officer, UNISON, UNISON Centre, 130 Euston Road, London, NW1 2AY.