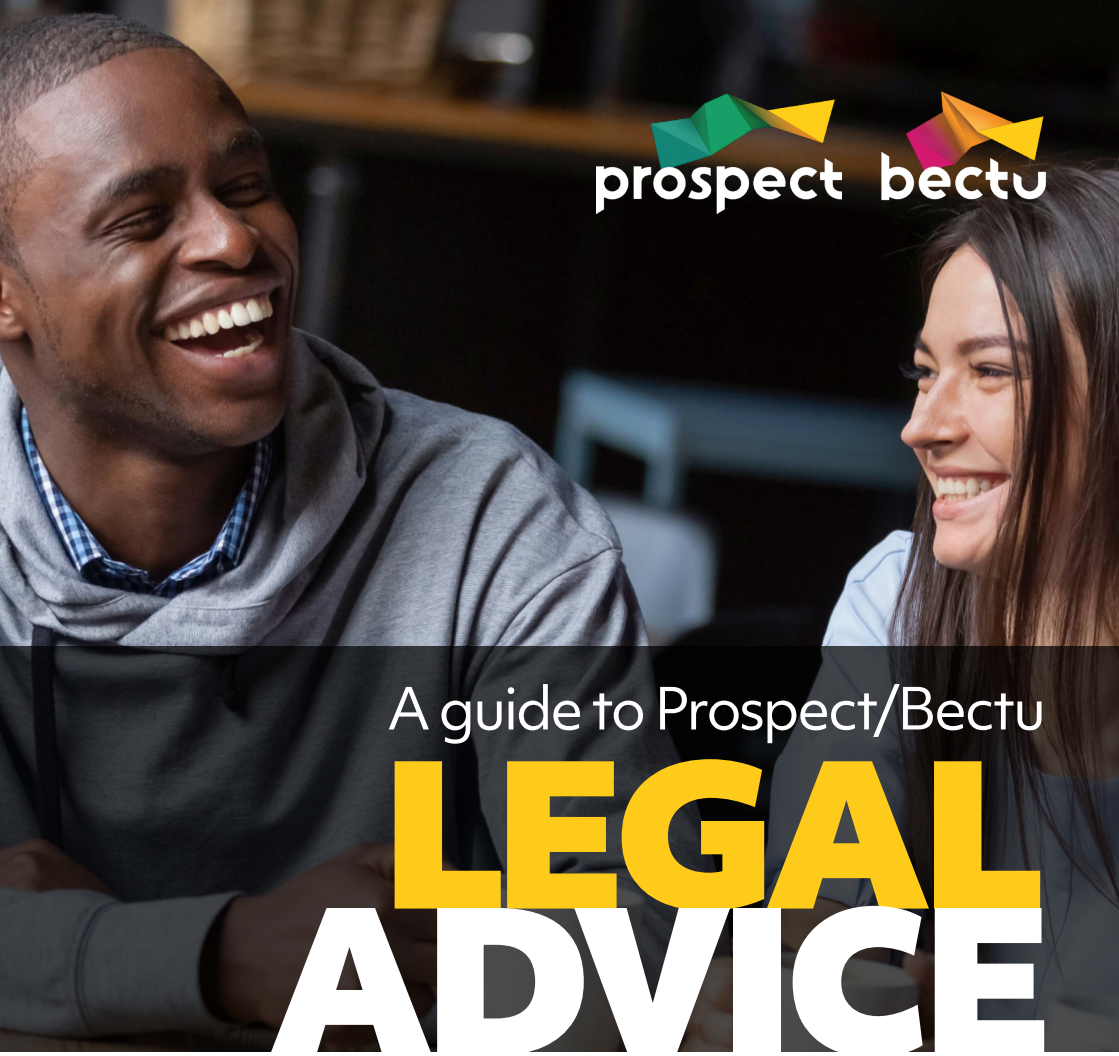


A guide to Prospect/Bectu

LEGAL ADVICE

in Northern Ireland

prospect.org.uk • bectu.org.uk

> Prospect and Bectu believe in justice, equality, and fairness for members, both in their working lives and outside work. Your union membership gives you access to a high-quality, responsive and effective range of legal services.

The union is uniquely placed to assist with problems at work. In most areas we know the organisation you work for and the terms and conditions that apply to employees. Our workplace knowledge, combined with our legal expertise, provides you with an invaluable service.

Legal advice and assistance is provided at the discretion of the union but where we have agreed to support a claim, the union will pay the costs involved in bringing your case to tribunal or the courts.

Members are also eligible for advice from highly specialised lawyers on personal injury claims. Unlike many other firms, you can rest assured that by bringing your claim through the union's solicitors you will always retain 100% of your damages payments.

This legal advice guide covers our members in Northern Ireland. Other members can download the GB guide at **https://prospect.org.uk/legal-scheme/**.

Our legal advice scheme covers

- rights at work
- personal injury
- LegalLine telephone advice service
- regulatory, professional and criminal law
- other legal services –
  - clinical negligence
  - wills
  - criminal injuries compensation
  - welfare benefits
- discounted legal services through our solicitors on a range of other non-work issues.

How to access help

More information on legal services visit prospect.org.uk and bectu.org.uk or

- contact your local union representative
- email your full-time negotiator
- Prospect members call the Member Contact Centre on **0300 600 1878**
- email **ProspectLegal@prospect.org.uk**

Some services described in this guide are provided directly by the union's solicitors. Members seeking access to these services (excluding advice on employment rights at work) can phone our lawyers' legal advice line on **0800 587 1278**. You will need to have your membership number and a brief outline of the issue ready when you ring.



Prospect and Bectu's legal scheme

Legal advice and assistance is offered at the discretion of the union and is decided on the facts and merits of each case.

We take account of factors including:

- the chances of success
- the impact of the case on other members
- the cost-effectiveness of running the case compared to the likely outcome.

Most non work-related benefits, including the personal injury scheme and the LegalLine telephone advice, are also available to the member's partner, spouse or any of their children aged under 19.

We will regularly review and discuss the merits of each case with the member. Decisions on continued representation or funding of advice are subject to regular review.

Qualifying for workplace and legal assistance

The person seeking assistance must:

- be in membership at the time the problem arises and their subscription payments must be up-to-date;
- continue to be in membership and have paid the relevant membership subscriptions for the duration of their case;

- not have had representation from a third party before approaching the union or during our conduct of the case;
- not take independent legal advice from a third party before approaching the union or during our conduct of the case;
- not commence litigation (including starting the LRA early conciliation process) before approaching the union or during our conduct of the case, unless it is with our agreement and authority.

Assistance can be refused or withdrawn if the person seeking assistance:

- decides not to proceed, or acts contrary to our or our lawyers' advice;
- has been advised that their case has no reasonable prospect of success;
- fails to provide relevant information;
- provides misleading or incomplete information;
- fails to co-operate with the adviser and/or comply with the adviser's reasonable advice;
- requests assistance so close to the limitation date that it is not reasonably practicable to assess the merits of a claim and lodge/issue the claim with the relevant court or tribunal;
- uses abusive language or behaviour towards any Union representative, employee or anyone from our external law firms or anyone connected with their case. This includes behaviour which is contrary to Prospect's **Code of Conduct**[1];
- there has been a breakdown in the relationship between Prospect and the member.

Retired and unemployed members

Retired and unemployed members are eligible for most legal services. The exception is assistance over work-related issues – such as employment rights, workplace personal injury or regulatory issues – if these arise while they are paying the retired or unemployed subscription rates.

Geographical scope

We aim to ensure as full coverage of our legal services as possible. We are unable to advise on legal matters arising overseas or on contracts governed by other legal jurisdictions.

1 *https://mx.prospect.org.uk/asset/26EF1939-2E28-4260-80ADF4B9589E224C/*



Rights at work

The union can advise and represent members on their rights at work. This is a full service, ranging from initial advice through to legal representation at court, including:

- advice on workplace policies and procedures
- representation at workplace grievance or disciplinary meetings
- advice on legal rights
- representation at employment tribunals and other courts.

How to get advice

Members seeking advice should first ask their local union workplace representative, where there is one. Many cases will be dealt with entirely by your local rep. Our reps are trained, supported and experienced.

Because they know the workplace well, they are an excellent source of advice and support on many issues. The rep can raise issues directly with management and will often represent members at grievance or disciplinary hearings.

The union's full-time negotiators will always be there to support the local rep. The negotiator will deal directly with more complex cases or those involving legal assistance. Also where there are no lay reps, the negotiator will advise.

Our legal team provides advice and assistance on employment law issues to full-time negotiators. A legal officer will be involved in all cases proceeding to the tribunal and will deal directly with

the more complex cases.

The legal officers will instruct Counsel for further advice or representation of members where necessary and at Prospect's discretion. Some cases may be referred to the union's external solicitors.

If you do not know who your rep or negotiator is, phone Prospect on 0300 600 1878 or Bectu on 020 7346 0900.

Information on rights at work

Prospect produces regular briefings on employment law. There is also a factcard for members in Northern Ireland at **https://library.prospect.org.uk/id/2018/01412**, and a number of detailed guides on issues such as:

- equality at work
- contracts of employment
- parental and family leave
- fixed-term contracts
- Transfer of Undertakings (Protection of Employment) Regulations, known as TUPE
- whistleblowing.

These are available on our website at **prospect.org.uk/get-involved/guides-for-reps/** or **bectu.org.uk/get-involved/guides-for-reps/**

Employment tribunals

There are strict time limits for making claims to an industrial or fair employment tribunal. For most types of claim, including unfair dismissal or discrimination, the process must be started within three months of the dismissal or incident occurring. So it is extremely important that members seek advice as soon as possible.

Pensions

The union can offer advice and legal representation on pensions issues. Members seeking this should first contact their local rep or full-time negotiator.

If a member dies, their partner, spouse or other beneficiaries of the pension scheme can seek advice from the union about matters relating to the benefits and rights of dependents arising from the scheme for up to 12 months after the member's death.



Personal injury

The union's personal injury scheme provides members with expert advice, and where appropriate, representation through our solicitors.

Personal injury claims can arise where an accident or illness arises through the negligence of the employer or a third party.

Call our solicitors' LegalLine on **0800 587 1278** to seek advice on personal injury.

You will be asked for brief details of the claim and your Prospect/Bectu membership number.

Alternatively, contact Prospect's in-house legal team on **020 7902 6624**.

Accidents/illness at work

Members are eligible for advice in respect of any injury arising from an accident or incident at work, such as a fall or injury because of faulty equipment.

The scheme also covers members who have developed an illness or disease through work, for example, exposure to asbestos or hazardous substances, or work-related stress.

Accidents/illness outside work

Members, their partner, spouse or their children under 19 are also covered for any injury or illness that arises outside work, such as road traffic accidents, faulty equipment, or non-work exposure to dangerous substances.

Accidents overseas

The personal injury legal advice scheme does not cover accidents or

illnesses that occur overseas which are not work-related. Where a member suffers an accident overseas that is related to their employment, the union would consider providing advice if the matter is not covered by travel and employers' insurance. The LegalLine will provide initial advice about consumer complaints over travel insurance.

Radiation-linked diseases

The Compensation Scheme for Radiation Linked Diseases (CSRLD) has been agreed between a number of employers and trade unions, including Prospect. The scheme offers a way of resolving claims without court action for union members. Prospect's solicitors will provide independent advice on offers made through the scheme.

The CSRLD covers many employers within the UK nuclear industry, including UK Atomic Energy Authority, Urenco UK Ltd, EDF Energy Nuclear Generation Ltd, Ministry of Defence, Atomic Weapons Establishment, Babcock International Group, Devonport Royal Dockyard Ltd, Rosyth Royal Dockyard Ltd, Babcock Marine (Clyde) Ltd, GE Healthcare, Sellafield Ltd, Magnox Ltd, Springfields Fuels Ltd, Dounreay Site Restoration Ltd, Research Sites Restoration Ltd.

To start a claim to the CSRLD, contact your Prospect regional office – at London, Liverpool or Edinburgh, depending on your workplace.



Legal line advice

Through our solicitors members can seek free initial legal advice on any non-employment legal issues.

The **LegalLine** is open on **Monday from 9am-7pm and on Tuesday to Friday from 9am-6pm** for general advice. Outside of these times you can speak to an answering service and an adviser will call you back on the next working day.

This service is available to all Prospect and Bectu members, their spouse, partner or any of their children under 19.

The LegalLine only provides initial legal advice. The advisers will not be able to give detailed, lengthy or complex advice. They will research legal information and consider a few documents where necessary, but members should be aware the assistance is limited.

Members can phone *LegalLine* on

0800 587 1278

Make sure you have your membership number and background information to hand.

Regulatory, professional and criminal law

Members are eligible for legal advice and assistance where they face a potential prosecution for a criminal offence which:

- arises where the member, in the course of their employment, was following the employer's procedures or instructions, and
- the employer has refused, failed to provide, or withdrawn legal assistance, and
- if found guilty of the offence, the member's employment would be at risk.

For example, members are eligible for assistance where they face investigation or prosecution by the Health and Safety Executive or other statutory or regulatory authorities, arising from their employment.

Members seeking advice in these circumstances should contact their full-time officer or, in an emergency, a Prospect legal officer or one of the deputy general secretaries.

If at the initial investigatory stage an interview is not being conducted under caution, the full time- officer may provide advice and assistance. Where members are interviewed under caution, they will be eligible for assistance provided through the union's appointed solicitors.

The union does not provide advice on criminal matters that arise outside work, or on matters that may arise in the workplace, but not in the course of members' official duties. Initial advice on such matters may be available through the general legal advice line.

Other legal services

Clinical negligence

The union's solicitors will provide free initial advice to determine whether or not a case of clinical negligence looks viable. The service is available to members, their spouse, partner or children under the age of 19. These cases will arise from health care provided by a hospital or medical professional. The solicitors will investigate the case and advise on the chances of success, and if appropriate they will advise the member on possible arrangements for funding the case.

Call our solicitors on **0800 587 1278**.

Wills

The union's solicitors will provide a straightforward will at no charge for members and their partners. A straightforward will is defined as one where personal assets (as opposed to business) are left to a spouse, partner, children, relative or friend. In other cases, the solicitors will prepare the will at a significantly discounted rate.

Phone the solicitors on **0800 587 1278**[2] or complete an online form to start the will application at **prospect.org.uk/wills** or **bectu.org.uk/freewills**.

Criminal Injuries Compensation Scheme

Members can seek advice on claims to be made to the criminal injuries compensation scheme. In the first instance raise this with your full-time union official.

Welfare benefits

Prospect can provide initial advice on work-related welfare benefits, such as Universal Credit.

To seek advice, members should first contact their full-time negotiator. There are strict time limits for making applications to review decisions or appeals, so members are advised to contact the union as early as possible.

Discounted legal services

The union's solicitors provide a range of other services at specially discounted rates for members. These include:

- conveyancing and property
- probate
- later life services (including powers of attorney).

Phone the solicitors on **0800 587 1278**.

2 *Members in Northern Ireland will be referred to their local Thompsons' office.*



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COMPLAINTS: We hope that members are satisfied with the service they receive. In the event of a problem, the member should first raise the issue with the full-time negotiator dealing with their case. If the issue is not resolved to their satisfaction, they can raise their concerns with the line manager of the person handling the case or through our complaints process (**https://prospect.org.uk/about/complaints/** and **https://bectu.org.uk/about/complaints/**). For services provided directly by Prospect's solicitors, they will advise on the firm's complaints procedure.

prospect.org.uk • bectu.org.uk