

A GUIDE TO PROSPECT AND BECTU

LEGAL ADVICE

IN NORTHERN IRELAND



Your voice at work

prospect.org.uk/legal

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.

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.

Our legal advice scheme covers:

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



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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 problem arises
- continue to be in membership for the duration of their case

- not take independent legal advice before approaching the union or during our conduct of the case
- not commence litigation before approaching the union or during our conduct of the case, unless it is with our agreement and authority.

Assistance will be withdrawn if the member:

- decides not to proceed on the basis of our advice
- fails to provide relevant information
- provides misleading or incomplete information
- fails to co-operate with the adviser.
- Breaches any of the terms above.

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.

HOW TO ACCESS HELP

More information on legal services is available at prospect.org.uk/legal

- or contact your **local Prospect/BECTU representative**
- email your **full-time negotiator**, at ni@prospect.org.uk
- call Prospect's **Member Contact Centre** on **0300 600 1878**
- or 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 *LegalLine* on **0800 587 1278**. You will need to have your membership number and a brief outline of the issue ready when you ring.

RIGHTS AT WORK

Prospect/BECTU 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 industrial tribunal, fair 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.

Our 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 in-house legal team provides advice and assistance on employment law issues to full-time negotiators. A legal officer will usually be involved in all cases proceeding to a 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 the union'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 the union on 0300 600 1878

Information on rights at work

Download our factcard on *Your legal rights at work in Northern Ireland* from <https://library.prospect.org.uk/download/2018/01412> or contact your Prospect/BECTU Belfast office.



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 Prospect/BECTU 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 dependants arising from the scheme for up to 12 months after the member's death.

PERSONAL INJURY

Prospect/BECTU's personal injury scheme provides members with expert advice, and where appropriate, representation through our solicitors.

Personal injury claims can arise where the 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 union membership number.

Alternatively, contact the union'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.





LEGAL LINE ADVICE

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

The **LegalLine** is **open 24/7** for general advice. This service is available to all Prospect/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 in Northern Ireland, call **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 union negotiator, or in an emergency, a Prospect and BECTU 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 at the union's expense.

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

Ours 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.

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

Wills

Our 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**.

Criminal Injuries Compensation Scheme

The solicitors offer a free half-hour advice service to victims of assault in the workplace, including how to pursue a claim through the CICS.

If a claim is rejected the solicitors will review the decision and where there are reasonable chances of success, the union legal scheme will fund a review or appeal.

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

Welfare benefits

The union can provide initial advice on work-related welfare benefits, such as Jobseeker's Allowance, Employment and Support Allowance and Working Tax 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

Our solicitors provide a range of other services at specially discounted rates for members. These include:

- conveyancing and property
- matrimonial, family and childcare
- probate
- later life services (including powers of attorney)

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

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 finally, the Prospect General Secretary. For services provided directly by our solicitors, they will advise on the firm's complaints procedure.



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