

Dealing with problems at work

Employment Tribunal fees

Settlement agreements

PCS Personal Injury Compensation scheme

Criminal legal expenses insurance

Will writing service, conveyancing

Medical negligence cover

24 hour legal enquiry line

# PCS legal and personal case services

## Defending members' access to justice



Public and Commercial Services Union | [pcs.org.uk](https://pcs.org.uk)

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## Foreword

**Since the present Government came to power we have seen one of the most concerted and cynical attacks on access to justice and on workers' employment rights of modern times.**

The coalition has cut back legal aid, fundamentally altered how personal injury and similar civil claims are funded, and introduced fees for courts and tribunals, including Employment Tribunals - workers now have to find £1200 to take a claim for unfair dismissal.

The Government have also:

- Abolished the Civil Service Appeal Board;
- Doubled the qualifying work period for protection from ordinary unfair dismissal;
- Capped unfair dismissal compensation to 12 months salary;
- Doubled maximum costs awards against claimants to £20,000, and the amount for deposit orders to £1,000;
- Stopped payment of witness expenses.

In addition they are threatening to weaken TUPE protections for those whose jobs are sold off to a new employer.

Your union has always offered excellent services – defending members in the courts and winning over £4m in compensation for injured members in

2012 alone. In the face of government attacks, we remain determined to maintain this and have reviewed the legal and personal case support available in order to continue to best protect you.

This booklet explains how we have changed our services and how you can access them when you need to. For example, we are now offering advances of the necessary fees for Employment Tribunal claims, as well as maintaining a personal injury scheme that returns all compensation won to the injured party. We have also introduced an additional insurance scheme members can purchase which will provide costs towards any criminal defence.

In the face of the Government's attacks, PCS as your union has responded accordingly and I am pleased we are able to launch these new legal and personal cases services and keep access to justice within the reach of our members.

**Chris Baugh**, Assistant General Secretary



## Dealing with problems at work

### **If you have difficulties at work advice and support is always available through PCS' network of local representatives.**

Therefore members first contact on all issues (including grievances and dismissals) should be your trained local representative. If, for any reason, your local representative is not available, you should contact your PCS Branch Secretary. Contact details should be posted in your workplace but otherwise you can find those through the PCS web site:

- [pcs.org.uk/en/pcs\\_where\\_i\\_work](http://pcs.org.uk/en/pcs_where_i_work)

Most work related issues are best solved within the workplace through negotiations with your manager/ employer. Resorting to the law should always be a last resort and only when discussions and negotiations have failed. However in certain circumstances members need to be aware that to protect your legal rights you must adhere to strict time limits.

The government have imposed deep cuts on the time available to your local reps to represent you. Despite this, the ongoing commitment of your local reps and the support provided by PCS can ensure you continue to receive the representation needed.

In any case where there is a potential claim to an Employment Tribunal, strict legal time limits apply and it is important, therefore, that you raise the issue with your local representative without delay. For most employment law issues, a claim has to be lodged with the Employment Tribunal within three months of the date of the act being complained of. This time limit is NOT delayed while you go through internal appeals or grievance. It is your personal responsibility to ensure that any legal time limits are complied with.

Only certain things can be taken to an employment tribunal – and it is always helpful if you can produce papers relevant to your employment, such as your written terms and conditions and your employment contract – so put these papers in a safe place. Further guidance can be found at:

- <http://bit.ly/1cMIVyr>

**Advice and support is always available through PCS's network of local representatives**

## Employment tribunal fees

**Since the summer of 2013 any application to an Employment Tribunal (ET) now has to be accompanied either by a completed form claiming remission or else by payment of a fee.** That initial fee, known as the lodging fee, depends on the type of complaint that you want to bring but will either be Type A (£160) or Type B (£250). The majority of claims, such as discrimination and dismissal claims, come under Type B. If you wish to proceed to a full Employment Tribunal hearing then a further payment known as a hearing fee will need to be paid. This hearing fee for Type A claims is £230 and for the more common Type B claims £950.

Further details on the ET Fees system can be found at:

- <http://bit.ly/18xBFtb>

PCS believe that the introduction of these fees at such high levels was a

cynical move to try to price most ordinary working people out of being able to challenge unfair employment practices and discrimination. To counter this attack PCS has put aside a considerable amount of money to be able to advance fees should your circumstances require a legal solution and your case have a reasonable prospect of succeeding.

To apply for an advance all you need to do is work with your local representative to send details of your case to the PCS Legal and Personal Case Unit. Make sure that you include a signed form undertaking to repay the fees to PCS if your claim is successful and you recover these payments – in most cases, if your claim does not succeed, PCS will write off the advance.

All of the details of the scheme and how to apply are on the PCS website – see:

- <http://bit.ly/18xBFtb>

NB Fees are not payable in Northern Ireland

**PCS can advance you your employment tribunal fees**

## Settlement agreements

Many members faced with the reduction in the civil service have decided to take severance.

Increasingly, employers offering severance packages to staff are requiring them to sign Settlement Agreements, signifying their acceptance of the terms on offer and surrendering any claim under employment or civil law as a result.

One of the key aspects of a legally binding Settlement Agreement is the need for the employee to have received independent legal advice about what the agreement means.

PCS can offer members a speedy and effective service, through our trade union lawyers. They will undertake all of the necessary work to make sure

that the agreement is legally sound and will invoice your employer direct for their charges, so no cost falls to be borne by you.

To access this service, speak to your local PCS representative.

Increasingly members who have taken severance and now no longer work in the civil and public sector, still wish to retain links with their trade union. PCS has a very active retired members section and should you use the PCS trade union solicitors to advise you over the Settlement agreement then they will provide you with further information regarding joining the ARMS section.

Alternatively you can find information at:

- <http://bit.ly/1gxNSxp>

**PCS can offer members a speedy and effective service, through our trade union lawyers**

## Personal injury compensation scheme

It is a fact of life that accidents happen and when they do they can have devastating effects on members and their family. When accidents do happen your union will be on hand to ensure that you get the compensation that you deserve and your family need.

In 2012 PCS' trade union solicitors won £4,133,669 in compensation for members and in 2013 around £2.5 million more by October. All PCS members have access to the union's free personal injury service, provided the accident or injury has occurred in the UK or within UK jurisdiction. The scheme also extends to partners and other family members where the accident or injury has occurred outside of work.

Not only is the service free of charge but you will also receive all of the compensation awarded to you, in the event of your claim being successful – unlike most High Street solicitors or advertised accident claim specialists

who will charge between 20-25% of your compensation awarded as their costs.

If you or a family member is a victim of criminal violence or assault, PCS lawyers can help you claim to the UK Criminal Injuries Compensation Authority (CICA). You will need to have reported the incident to police.

Personal injury claims have a time limit of 3 years from the date of the accident or injury (but diseases like asbestosis can often be longer). The time limit for claims involving ships or aircraft, or CICA claims, is 2 years. So court proceedings must be started within that time. To register a claim call our dedicated reporting line on

- **0800 328 3255**

Lines are open Monday – Friday 8am to 8pm. For further details and the full terms of the scheme, see:

- <http://bit.ly/cB85rD>

**PCS is on hand to ensure that you get the compensation that you deserve**

## Criminal Legal Expenses Insurance

Many of our members work closely with the public – which sometimes can bring them into conflict. Members working in enforcement or custodial duties have already difficult jobs which at times are made more difficult by incidents which can result in criminal proceedings.

One of the impacts from the Government's constant erosion of the right to legal aid and criminal protection is that members can now find themselves potentially exposed and forced to fund their own defence against criminal charges.

To protect members in these circumstances PCS has secured an add-on Legal Expenses Insurance arrangement for members, which

safeguards them against these and other potential risks. This add-on benefit insures the member and covers costs such as for a solicitor if you are taken to a police station for interview or if you need support facing interviews from enforcement and inspection authorities, such as the Independent Police Complaints Commission (IPCC).

And all of this for no more than £5 per month.

If this sounds like an insurance policy that you need, please contact PCS Legal and Personal Case Unit for further details and an application form.

● 020 7801 2651  
email: [legal@pcs.org.uk](mailto:legal@pcs.org.uk)

**To protect members  
PCS has secured  
an add-on legal  
expenses insurance  
arrangement**

## Valued services from our legal scheme partners

### Wills

None of us wants to think about our mortality and what happens afterwards – but if you die without leaving a will then your loved ones have a much more difficult time in sorting out your affairs and there is a risk that your wishes may not be met.

Why take that risk? PCS, through its legal partners, can offer a straightforward service to set your affairs in order.

Simply complete a basic form and our lawyers will let you know what their services would cost to set up your will – it might even be free! For a pack, call

● 020 7801 2601

### Conveyancing

Buying or selling a house? Need someone to undertake the Conveyancing, for a reasonable price? (Not N. Ireland). Call our partners on

● 01752 521862

PCS is working with our partners to develop further cost saving services for members which are likely to include excellent discounted prices on; Probate; power of attorney; legal work around remortgaging and severance of joint tenancy and mis-selling of financial products – for further details as they become available see:

● <http://bit.ly/1gxNSxp>

**PCS, through its  
legal partners,  
can offer a  
straightforward  
service to set your  
affairs in order**

## Medical negligence cover

PCS offers legal assistance to members and their families injured as a result of negligent medical treatment. This is provided through the specialist law firm Ashton KCJ, who have a dedicated team of highly specialised medical negligence lawyers. From the outset, they aim to explain the claims process in plain language free of medical and legal jargon.

Members get realistic honest advice from a lawyer who will act quickly and decisively to achieve the best possible outcome.

The coverage offered is 'No win no fee' – so claims can be explored with no

financial cost to the member. There may be a charge levied in successful cases, the scale of which will reflect the difficulties encountered in securing a settlement – but which are capped at no more than 25% of overall compensation awarded. Full details can be seen at:

● <http://bit.ly/1eGUloH>

To register a claim, call our dedicated reporting line on:

● **0800 328 3255**

Lines are open Monday – Friday  
8am to 8pm.

**Members get realistic honest advice from a lawyer who will act quickly and decisively**

## 24 hour legal enquiry line

The PCS legal helpline gives you immediate access to legal advice. You can get advice about any legal matter (apart from employment issues or personal injury), including family issues, neighbour disputes, consumer law, criminal law and probate

**0800 916 9066**

**24 hours a day,  
7 days a week,  
all year round**

Now you've seen the benefits that you can get from being a member of PCS,  
**can you afford not to join?**

**[pcs.org.uk/join](http://pcs.org.uk/join)**

