



# Legal Plus Members' Handbook

Advice Guide for Usdaw Members



# Legal Plus - A Key Benefit for Usdaw Members



Usdaw's mission is all about improving workers' lives and winning for members. Usdaw Legal Plus is at the heart of that mission by providing members with a comprehensive range of legal services.

Over the last few years, we have extended the types of cases where our members (and their immediate family) can receive full legal assistance.

This Legal Plus Members' Handbook explains the range of legal services available, how Usdaw reps can help support you with legal issues, and how to get the best out of Legal Plus.

FirstCall Usdaw gives you access to a free 24/7 accident claim line, and guarantees that you receive 100% of any compensation awarded, unlike high street solicitors that can take up to 25% of any damages awarded.

Usdaw's panel of solicitors are specialists in personal injury work and have a track record of working for Usdaw members. Year on year, Legal Plus delivers great results and millions of pounds of compensation is secured for members.

**If ever you need to make a claim you can be confident that Usdaw will be there to look after you.**

A handwritten signature in blue ink that reads "Paddy Lillis". The signature is written in a cursive style and is positioned above a horizontal line.

**Paddy Lillis**  
General Secretary

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# Usdaw's Legal Plus Service

**Usdaw Legal Plus is one of the great benefits of being an Usdaw member.**

- Usdaw Legal Plus covers accidents and injuries, employment problems, wills, prosecutions, conveyancing, probate and also legal advice about non-work related matters.
- Usdaw Legal Plus helps members and their families.
- Usdaw Legal Plus is free from the day you join.
- If you win your case you get to keep all the compensation and there are no hidden charges.
- Usdaw Legal Plus works for people not for profits.
- Usdaw Legal Plus is delivered through the Usdaw team of reps, officials and professionals in the Usdaw Legal Department and is backed by a nationwide network of solicitors.
- Usdaw's solicitors are experts in work-related accident and disease cases and are committed to the work of the Union.

**This booklet tells you more about Usdaw Legal Plus.**

## Accidents, Injuries, Diseases

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As an Usdaw member, you and your immediate family will have experts ready to help you, with our Legal Plus service.†

It's fast-acting, effective assistance that brings real peace of mind - it's absolutely free for members:

- Any accident, anywhere in the UK, including:
  - Accidents at work.
  - Accidents outside of work.
- Accidents/illness to members whilst outside the UK on a package holiday.\*
- Road traffic accidents.
- Work-related conditions or diseases.
- Slipping and tripping.
- Injuries caused by violent crime or armed robbery (CICA claims).

### Udaw Legal Plus works for people not for profits...

If you win your case you get to keep all the compensation and there are no hidden charges.

## Family Cover

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- Family members living with you are covered for any non-work related accidents.

## Holiday Claims

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- Accidents/injuries to members and family that lives with them whilst on a package holiday outside the UK.\*

\*Package holiday claims mean accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992.

†You must be in membership when the accident or incident happens, and your contributions must be up-to-date.

## FirstCall Usdaw - Free Accident Helpline 24/7

If you have an accident, disease or injury just phone FirstCall Usdaw on **0800 055 6333** to start your claim, or complete the form on the Usdaw website.

- Give your:
  - Name and address.
  - Phone and email contact details.
  - Date of birth.
  - Date of accident.
  - Usdaw membership number (not essential, but can speed up the call).
- Your claim will be logged immediately and you will be given a case number and put through to your Usdaw solicitor straightaway.



### After your claim has been logged, use your solicitor's number...

Only use FirstCall Usdaw to start a claim. DO NOT use the FirstCall Usdaw number for any other enquiries or existing claims.

- Your Usdaw solicitor will ask you to confirm your details and case number. Please be prepared for this as it is a legal requirement that all information is provided to the solicitor by you and not any third party (including Usdaw).

### FirstCall Usdaw 0800 055 6333 is the number to ring to start a claim for:

- Any accident or injury to the member.
- A work-related condition or industrial disease of a member.
- A CICA claim if you have been a victim of violent crime.
- Accidents and injuries outside of the UK whilst on a package holiday\*.
- Members' family living with them for any non-work related accident, including accident and injury outside the UK whilst on a package holiday\*.
- A fatal accident of a member. When a member is killed in an accident, the Union will help that member's family whether or not the family are Usdaw members.

### FirstCall Usdaw:

- Is not a general helpline.
- Should not be used to enquire about the progress of an existing case.
- Should not be used to apply for any other kind of legal assistance.

More information about FirstCall Usdaw can be found on the website:

[www.usdaw.org.uk/FirstCall](http://www.usdaw.org.uk/FirstCall)

### Employment Problems

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Usdaw reps and officials are ready to help you resolve any type of employment problem, including:

- Redundancy.
- Dismissal.
- Discrimination.
- Contract claims.
- Equal pay.
- Family-friendly rights.
- Part-time workers' rights.
- Unlawful deductions.
- Minimum wage.

We'll try to settle the problems using your usual company procedures. By law, your employer must allow your Usdaw rep to come with you to all disciplinary and grievance hearings.

If we can't sort out the problem this way, your Usdaw team will advise you about taking the case further.

Our full-time officials (Area Organisers) and the Usdaw Legal Department provide advice and representation in employment tribunal cases.

Tribunal claims must be lodged within strict time limits – normally within three months less one day from the date of dismissal or cause of complaint. You are responsible for making your claim in time, so speak to your Usdaw rep as soon as you know you have a problem. Make sure you always follow the company grievance and appeal procedures.

For help and advice about any employment problem, you can either contact your Union rep, call the Usdaw Helpline on **0800 030 80 30** or visit the Usdaw website: [www.usdaw.org.uk](http://www.usdaw.org.uk) – **please do not use FirstCall Usdaw for employment problems.**

### Pensions Issues

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The Usdaw Legal Department has a specialist Pensions Section, ready to help you with any problem about your company or State Pension. Where appropriate, we'll also support legal action to secure your pension rights.

To contact the Usdaw Pensions Section, call **0161 224 2804** or you can find more advice on the Usdaw pensions website at: [www.usdaw.org.uk/pensions](http://www.usdaw.org.uk/pensions)

## Health and Safety Issues

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The Usdaw Legal Department has a specialist Health and Safety advice team who will be happy to help with any health and safety problems at work. You'll find more information on the Usdaw website:

[www.usdaw.org.uk/healthandsafety](http://www.usdaw.org.uk/healthandsafety)

You can contact the Usdaw Health and Safety Section on **0161 249 2474** or email: [healthandsafety@usdaw.org.uk](mailto:healthandsafety@usdaw.org.uk)

## Prosecution Cases

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As a member, if you're prosecuted for something in the course of your work, we'll instruct solicitors to advise on your defence. If there is a defence, we will instruct them to represent you until State Criminal Legal Aid can be arranged.

For work-related prosecutions, complete our online BL6 Form at: [www.usdaw.org.uk/BL6](http://www.usdaw.org.uk/BL6) or phone the Legal Department clerical team on **0161 249 2477**.

If you, or family members living with you, are facing criminal charges not related to work, you're entitled to free initial legal advice from an Usdaw solicitor.

To arrange this, complete our online BL3 Form at: [www.usdaw.org.uk/BL3](http://www.usdaw.org.uk/BL3) or phone the Legal Department clerical team on **0161 249 2477**.

## Free Wills

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It's important for your family and your own peace of mind that your affairs are in order before you die. If you want your property to pass to the people you choose, it's essential to make a Will. Every Usdaw member, and their partner, can make a Will free of charge through Usdaw solicitors.

Members can benefit from our free will writing service as soon as they join Usdaw – saving around £250. If your affairs are complex the solicitors may need to charge, but they'll discuss this with you beforehand.

To take advantage of our free Will writing service, complete our online BL4 Form at: [www.usdaw.org.uk/Wills](http://www.usdaw.org.uk/Wills) or phone the Legal Department clerical team on **0161 249 2477**.

**Did you know that Usdaw members, and their partners, can make a Will free of charge?**

It's essential to make a Will and our members can benefit from our free Will writing service as soon as they join Usdaw – saving around £250.



## Probate

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Sorting out probate matters when someone dies can be stressful. Our Usdaw solicitors can provide you with sympathetic and professional initial advice at special, favourable rates.

To benefit from this service, complete our online BL3 Form at: [www.usdaw.org.uk/BL3](http://www.usdaw.org.uk/BL3) or phone the Legal Department clerical team on **0161 249 2477**.

## Moving House

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Buying a property is a long-term financial commitment and may be one of the most important steps in your life. Usdaw solicitors will deal with all stages of your property transaction professionally and efficiently, at favourable rates for Usdaw members.

You'll receive a written quotation at the outset, so you won't have any unwelcome surprises.

To take advantage of this service, complete our online BL3 Form at: [www.usdaw.org.uk/BL3](http://www.usdaw.org.uk/BL3) or phone the Legal Department clerical team on **0161 249 2477**.

## Free Initial Advice Scheme

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Usdaw's Legal Plus service doesn't stop when you clock off work. You're entitled to free initial advice about any non-work related legal problem. For example, you may have:

- Bought a car or a washing machine that simply isn't up to standard and the salesperson refuses to do anything about it.
- A dispute with your landlord, the council, or with nuisance neighbours.
- A matrimonial or other family problem at home, or want advice about debts.

If there's more legal work required after you've received our solicitors' advice, they'll offer you special terms.

For non-work related problems, complete our online BL3 Form at: [www.usdaw.org.uk/BL3](http://www.usdaw.org.uk/BL3) or phone the Legal Department clerical team on **0161 249 2477**.

## Help for Your Family

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If a family member living with you is injured in a non-work related accident, call FirstCall Usdaw on **0800 055 6333** or complete the form on the Usdaw website to make a claim. They are fully covered by Usdaw Legal Plus if they live with you.

Family members who live with you are also entitled to free advice under the BL3 scheme for any other problem not related to work.



# Who Gets Usdaw Legal Plus Assistance?

## Members

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- All members are entitled to Usdaw's legal assistance from the day they join.
- It does not matter how long you have been in Usdaw - there is no 'waiting period'.
- You must be in membership when the accident or incident happens - so the quicker you join, the quicker you are covered!
- You must keep up-to-date with contributions.
- It does not matter how much you earn or what hours you work.
- You must observe the rules of Usdaw Legal Plus.

## Family Members

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- Members of your family can benefit from Usdaw's legal services provided you remain in membership and keep up-to-date with your contributions.
- Family members living with you are covered for any non-work related accident, anywhere in the UK (including where they are victims of violent crime), and also for injuries outside the UK on a package holiday\*.
- Call FirstCall Usdaw on **0800 055 6333** to make a claim or complete the form on the Usdaw website.
- They can have initial advice from a solicitor on any legal problem not related to work with special rates for follow-up work.

### All members are entitled to Usdaw's legal assistance from the day they join...

It does not matter how long you have been in Usdaw – there is no 'waiting period' but you must be in membership when the accident or incident happens.

- They can share the benefit of Usdaw's competitive conveyancing and other legal services.
- Partners of Usdaw members can share the benefit of our free Will writing service.
- They and the member must observe the rules of Usdaw Legal Plus.

\*Package holiday claims means accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992



# What You Should Do After an Accident

## This section tells you about:

- Calling FirstCall Usdaw - **0800 055 6333**.
- Reporting the accident.
- Keeping the evidence.
- Health and safety investigation.
- Medical examinations.
- Seeing your doctor.
- Benefits claims.
- Warning about filming/social media.
- Keeping in touch.
- Contacting Usdaw.
- Contacting the Usdaw solicitor.



## Call FirstCall Usdaw

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Members should make the free call to lodge their claim or complete the form on the Usdaw website.

- You will need to provide your:
  - Name and address.
  - Telephone and email contact details.
  - Date of birth.
  - Date of accident.
- If you have your membership number it will speed up the process - but the membership number is not essential.
- The operator will give you a case number and transfer you immediately to your Usdaw solicitor.
- If there are any difficulties in processing the case you should call Usdaw's Legal Department on **0161 249 2477**.

## Reporting the Accident

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Make sure that you:

- Let your Usdaw rep know about the accident.
- Tell the employer and get it recorded in the Accident Book.
- Check that the Accident Book entry is accurate and keep a copy of it.
- Ask for help from your rep if there is any problem in getting the correct version of events in the Accident Book.

## Keeping the Evidence

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You must keep any letters, memos, receipts or any other documents that will be useful in your case. Also any receipts, tickets or evidence of expenditure.

You also need to keep wage slips and make a note of the pay you receive from the employer whilst off work.

You should work with your rep to make sure that any tools or equipment which were involved in the accident are not thrown away but are kept safely for future inspection. If vehicles, forklift trucks etc. are involved, make sure you have the registration or serial number to identify the vehicle involved.

## Health and Safety Investigation

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Independent research shows that workplaces with a trade union are twice as safe as those where there is no employee consultation on safety. Please make sure that you tell your Usdaw rep about your accident. This will give them a chance to investigate it and raise any safety concerns with the company. This will help make the workplace safer and may help your accident claim.

You must co-operate with any reasonable investigation the employer needs to make because of their duties under health and safety law. The purpose of the investigation should be to identify what went wrong and decide what can be done to prevent it happening again. It is important that they stick to the facts about what happened and avoid getting into a discussion about who was to blame. You should have your Usdaw rep, or a trusted colleague if no rep is available, present when the manager is interviewing you.

Apart from the accident investigation you should not make any statements to the company, its insurers, their solicitors, or anyone else acting for the employer in connection with the claim.

### Medical Examinations

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If your employer, their insurance company or solicitor wants to arrange to have you medically examined, you should not agree to anything until you have spoken to your Usdaw solicitor.

The employer may wish to meet you to discuss your future employment situation. This might include the prospects of returning to work, transferring to different work, or dismissal.

Before the meeting, they may want to arrange a medical examination to assess your ability to return to work. You should co-operate with your employer as fully as possible about this. This examination should concentrate solely on your fitness to return to work.

Contact your Usdaw rep before any meeting with the company about your employment situation.

### Seeing Your Doctor

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You should see your doctor as soon as possible after the accident so that there is a record of it. This is important because the doctor may be asked to provide a medical report later on.

You should also go back to your doctor if the injury continues to give you trouble, not only to get the proper treatment but also so that there is a record of it.

### Sick Pay

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Company sick pay may be payable - this will depend on the terms of your contract.

Statutory Sick Pay (SSP) should be payable through the payroll. If SSP is not paid, you should query the position with the employer and contact the Benefits Agency.



## Disablement Benefit

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You should claim Disablement Benefit if the injury is still causing problems 15 weeks after your accident, whether or not you have returned to work. To do this, you need to get a form from the local Benefits Agency. If you have any difficulty filling in this form you should contact the Union solicitors dealing with your accident claim.

The Benefits Agency will get a doctor to examine you and assess the degree of disability. The assessment will determine whether you receive any benefit and how much you get. So you must send a copy to the Union solicitors dealing with your claim along with any comments.

The solicitors dealing with the accident claim should also be told if your condition changes after the Benefits Agency assessment is made. If there is any need to appeal against the decision of the Benefits Agency, the Union solicitors should be able to advise.

## Claiming Union benefits

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You may be entitled to Union benefits if you are off sick or unemployed.

For further information visit:

[www.usdaw.org.uk/benefits](http://www.usdaw.org.uk/benefits)

## Warning About Filming/Social Media

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Insurers sometimes obtain evidence of a Claimant's capabilities, for example, by secretly filming them doing DIY or shopping, if they suspect the Claimant of exaggerating their injuries.

The courts can allow such evidence to be used. The message to members, of course, is to be honest about the extent of their injuries.

You should also take care if you regularly use social media websites such as Facebook, Twitter, Instagram and Snapchat etc.

Insurers regularly search these types of websites to look for information they can use against potential Claimants.

The best advice we give is to always avoid discussing your claim (or commenting on how it is going) or making statements or posts that could contradict your medical evidence on any social media websites.



## Keeping in Touch

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You must tell us whenever something important happens which may affect the case.

Tell the Usdaw Legal Department and your solicitor if:

- You change your name.
- You change your address.
- You change your phone number or email address.
- You change your job or lose your job.

Tell your Usdaw appointed solicitor if:

- You change your name or contact details.
- You have hospital treatment or an operation.
- Your medical condition changes.
- You discover any new evidence or witnesses.
- There are major changes in the way you do your job compared to before your accident.
- You change or lose your job.

## Contacting Usdaw - Use the Case Number

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You should always use the Usdaw legal case number when you write to or telephone the Union. This is because we deal with thousands of claims and this number helps us to find your file quickly.

The Usdaw legal case number is usually printed in bold type at the top right of an Usdaw letter and will be your name with a six-figure number after it, for example:

**P Smith/01/1234**

**A Choudhry/99/4798**

Members are welcome to contact Usdaw to discuss the claim. However, generally you should contact the Usdaw solicitors for any information or advice in respect of the progress of a personal injury case.

It is usually better to email or write than to phone, so there is a record of it.



## Contacting the Usdaw Solicitor

Ushaw solicitors will appoint a named person to deal with the claim.

Address any queries to that person directly. When telephoning or writing to the Ushaw solicitors use their reference number. If this is not available, give them the Ushaw case number.

**Make sure you keep the contact details of the solicitor in a safe place. Contact the Legal Department if the contact details get lost or you have any difficulty getting hold of the solicitor.**

## Members' Checklist

Have you called FirstCall Ushaw?

Have you told your Ushaw rep?

Have you reported the accident to management?

Have you recorded the accident in the Accident Book?

Do you agree with the record?

Have you kept a copy of your Accident Book report?

Have you reported the accident to Jobcentre Plus? Get the appropriate form from them to get it declared an industrial injury.

Is your accident being investigated?

Have you made enquiries at your local Benefits Agency and claimed your full entitlement to State Benefits?

# The Usdaw Panel of Solicitors – Specialists Working for You

1. Usdaw’s panel of solicitors have been selected because they are specialists in personal injury work and have a track record of working for Usdaw members.
2. The Usdaw panel of solicitors have signed up to the Usdaw Solicitors’ Charter to ensure that Usdaw members are well looked after.
3. The solicitor assigned to your case is an independent professional who will give you impartial and confidential advice.
4. The Usdaw panel of solicitors are committed to Usdaw and its members and help and support the Union in a number of ways, including:
  - They finance the operating costs of FirstCall Usdaw.
  - They contribute to the publicity and promotion of FirstCall Usdaw and Usdaw Legal Plus.
  - They provide the free Wills and advice service.
  - They undertake other work for Usdaw and its members and waive their charges.
  - They contribute to conferences, seminars and other events.



## Usdaw Solicitors' Charter

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1. Usdaw solicitors specialise in Personal Injury work and are committed to Usdaw.
2. Usdaw solicitors will act in the best interests of the member and the Union.
3. Usdaw solicitors shall at all times behave and act in a manner which will uphold the reputation of Usdaw and the Usdaw legal services.
4. Usdaw solicitors will ensure that the member feels well looked after in the process of the claim.
5. Usdaw solicitors will ensure that their staff have up-to-date training and expertise to deliver the Usdaw legal service.
6. Usdaw solicitors will tell the member who is dealing with their case.
7. Usdaw solicitors will be polite and considerate in their dealings with members.
8. Usdaw solicitors will ensure that their staff are aware of discrimination issues and treat members fairly and will not discriminate on the grounds of sex, race, sexuality, age, disability, religion or belief.
9. Usdaw solicitors will make special arrangements to meet the servicing needs of a member with a disability insofar as it is reasonably practicable to do so.
10. Usdaw solicitors will keep members informed of all developments in their case and will communicate clearly in plain English and avoid legal jargon.
11. Usdaw solicitors will return members' telephone calls on the day of the call or, if that is not possible, will telephone to explain why and tell the member when their call will be returned.
12. Usdaw solicitors will respond to members' emails and letters as soon as possible and not later than five working days after receipt.
13. Usdaw solicitors will explain to members the funding arrangements of the case.
14. Usdaw solicitors will have a complaints procedure which a member may use if they are dissatisfied with the service they have had.
15. Usdaw solicitors will encourage their own staff to join a trade union.

# The Rules of Legal Plus

## - All Claims

1. Usdaw has complete discretion on whether to grant or to continue legal assistance to its members or their families. We will exercise that discretion fairly and consistently in accordance with these rules.
2. To be eligible for legal assistance:
  - You must be a fully paid up member at the time of the event or incident giving rise to your claim.
  - In employment cases you are not entitled to legal assistance if the issues relating to your claim arose before you joined the Union.
  - You must remain a fully paid up member.
  - You must comply with the Rules of Legal Assistance.
3. Cases will be supported only if they have reasonable prospects of success, they are proportionate in value to the cost of pursuing the claim, they are not an abuse of process or fundamentally dishonest and no reasonable offer of settlement has been made.
4. Once legal assistance is granted the case will be kept under review to ensure that the rules are complied with and the case continues to enjoy reasonable prospects.
5. Legal assistance may be refused or withdrawn in any of the following circumstances (the list is not exhaustive):
  - If you cease to be a member.
  - If you are in arrears of membership contributions.
  - If you are in breach of the Union's rules.
  - If your claim brings you into conflict with the Union; its policies; its ethos; or officers.
  - If you have instructed or taken legal advice outside the Union.
  - If you instruct or take advice from any other legal representative.
  - If you have been dealing with a claim yourself or through another representative and you ask us to take over conduct of it.
  - If you reject the reasonable advice of the Union appointed representative as to the conduct and/or settlement of your claim.
  - If you fail to provide reasonable instructions or fail to provide instructions at all.
  - If you appear to have no cause of action and/or your claim does not enjoy reasonable prospects of success and/or it is an abuse of process.
  - If you behave in a manner which has or is likely to destroy trust and confidence between you and your representative.
  - If you require the Union or its solicitors to act improperly.

- If you deliberately mislead the Union or its solicitors or provide false information or if all or any part of the claim is fundamentally dishonest.
  - If the necessity for legal advice has been caused by drunkenness, drug use, wilful neglect of duty or other misconduct or by any criminal act on your part.
  - If you fail to co-operate.
  - If you insist upon dealing with the claim in a way that is significantly disproportionate to the amount or issues involved.
  - A claim made against the Union, its employees, National Executive Council, officers and representatives.
6. You must co-operate with the Union and its solicitors, your representative and any experts appointed on your behalf:
- You must use the solicitors appointed by Usdaw.
  - You must keep appointments.
  - You must provide any information or instructions requested by the deadline set.
  - You must behave reasonably and provide reasonable instructions to your case representative.
- You must provide honest and accurate information.
  - You must remain in contact with Usdaw and your case representative and respond promptly to letters; email; and calls.
  - You must deal with your representative politely and treat them with respect.
7. You must authorise Usdaw and/or its solicitors to:
- Disclose to the court, tribunal and opponents all relevant information in respect of the claim and/or recovery of costs.
  - Disclose to Usdaw Legal Department and/or the National Executive Council and/or the Central Officials of the Union their advice and any information relating to your claim.
8. You are entitled to reject the advice of Usdaw and/or the solicitors and instruct another representative, but Usdaw will not be responsible for their charges and disbursements nor any costs awarded against you.
9. If Usdaw legal assistance is refused or withdrawn, the Union will not be liable for any legal costs or expenses you subsequently incur.

- 10.** Usdaw can refuse to pay your legal bills and those of other parties and can require you to pay to the Union any sums it has paid out on your behalf if costs are awarded against you or are not recovered because of:
- Your own false statements.
  - There is a finding that part of, or all of the claim is fundamentally dishonest.
  - You have deliberately concealed or failed to disclose important information.
  - Your unreasonable actions or failure to act after legal proceedings have been commenced.
  - A settlement being made by you without the knowledge and/or approval of the Union.
- 11.** In an employment tribunal claim Usdaw will not meet any costs awarded against you when:
- You have been given a costs warning by the tribunal and/or ordered to pay a deposit.
  - You have been advised by the Union that the prospects of success are poor and there is a risk of costs being awarded against you.
  - The tribunal has awarded costs because of your dishonesty or unreasonable conduct.
- 12.** In prosecution cases solicitors will be instructed to give preliminary advice as to assess whether there is a defence to the charge.
- Legal assistance will only be continued if the solicitors advise that there are reasonable prospects of a defence to the charge.
  - Members are required to apply for State Legal Aid at the earliest opportunity.
- 13.** You must co-operate with your solicitors in recovering legal costs including any success fee or additional amount from your opponent.
- 14.** If you settle the claim outside the terms of this Agreement then you agree that you will pay the costs and any additional amount due to Usdaw and its solicitors for the work done by them, if necessary from your compensation or your new solicitors' costs.
- 15.** By accepting Usdaw legal assistance you agree that should there be any arrears of Union contributions at the date compensation is agreed in your favour, the Union and/or its solicitors may deduct the amount of the arrears from the compensation.
- 16.** Family members must also comply with these rules and the member must maintain their Union membership and remain up-to-date with contributions.
- 17.** Assistance will not be granted to a family member if they are employed in a company where Usdaw is recognised for any purpose and they should have been in membership.



# Special Rules

## 1. Special Rules About Funding Personal Injury Claims in England and Wales

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This information applies to Personal Injury cases in England and Wales. It does not apply to Scotland, Northern Ireland or the Isle of Man. In England, we work with our solicitors under what is called a Collective Conditional Fee Agreement (CCFA).

The Agreement is binding on you. The Union and the solicitors have the right to amend the Agreement and to do so retrospectively.



The Terms of the Agreement are summarised in the statement below.

Under the Collective Conditional Fee Agreement, the solicitors have to write and tell you technical details about costs.

## 2. Special Rules About Solicitors Code of Conduct in England and Wales

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The contributions that Usdaw solicitors make to Usdaw Legal Plus vary from time to time and are set out on page 17.

This support might be classed as financial arrangements under the solicitors code of conduct. The solicitors do not pay a referral fee for your individual case and the financial contribution they make to Usdaw is not calculated by reference to your individual case.

## 3. Special Rules – Compensation Act 2006 – Trade Union Code of Practice

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### a) Charges, fees, deductions from damages

- To be eligible for legal assistance you must be and remain a fully paid up member of the Union.
- It is a condition of Usdaw legal assistance that, if there are any arrears of contributions, they may be deducted from your compensation.
- Usdaw Legal Plus is available to members at no cost provided they are up-to-date with Union contributions.



- Usdaw does not have a practice of raising fees or charges or making such deductions from members' compensation. However, under the Compensation Act 2006 we are obliged to set up a complaints system specifically for this purpose.
- If you have a complaint relating to charges, fees or deductions from damages, then please note the procedure in paragraph c) below.

#### **b) Advice direct from the Union**

- In compliance with the Compensation Act 2006, Usdaw has introduced the complaints procedure below, in addition to our main procedure for complaints against officers/staff set out on pages 25-26.
- This procedure under the Compensation Act does not cover advice or assistance from our solicitors at all - see pages 25-26.
- This procedure under the Compensation Act does not cover complaints about advice or assistance from the Union to members in relation to resolving issues in the workplace - see pages 25-26.
- However, this procedure covers non-members' claims, where they are taken via Usdaw's legal services (e.g. for family members of members).

#### **Charges, fees and deductions...**

To be eligible for legal assistance, you must be and remain a fully paid up member of the Union. Usdaw Legal Plus is available to members at no cost provided they are up-to-date with Union contributions.

If there are any arrears of contributions, they may be deducted from your compensation.

- If you think you have a complaint to which the procedure prompted by the Compensation Act applies, please note the procedure in paragraph c) below.

#### **c) Procedure - (charges, fees, deductions from damages or direct advice from the Union in relation to a claim, but not relating to a problem in the workplace)**

- Write to the General Secretary giving full details.
- We will consider the complaint within a reasonable time.
- We will write to you with the decision.
- If you remain dissatisfied, we will refer it to a third party for determination.

# How to Make Legal Plus Even Better – The Complaints Procedure

**We aim to give our members the best possible service and to have no complaints, but we accept that sometimes members can feel that things have gone wrong.**

## **Granting and Withdrawing Assistance**

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If your complaint is that we have refused to grant you, or a member of your family, legal assistance or that we have withdrawn assistance, then you should appeal that decision by:

- 1.** Writing to the Head of Legal Services at Usdaw Head Office, Voyager Building, 2 Furness Quay, Salford Quays, Manchester M50 3XZ giving full details of your appeal.
- 2.** Your appeal will be considered by the Head of Legal Services or Deputy Head of Legal Services, usually by way of a file review and you will receive a response within four weeks or an explanation for any delay, in which case you will be given a date when you can expect to receive a response.
- 3.** The decision of the Head of Legal Services on the granting, refusal or withdrawal of legal assistance is final.

## **How the Legal Department has Conducted Your Case**

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If you have been granted assistance and your complaint is about the way the Legal Department staff have conducted your case, then you should:

- 1.** Put that complaint in writing, giving full details, and send it to the Head of Legal Services, Usdaw Head Office, Voyager Building, 2 Furness Quay, Salford Quays, Manchester M50 3XZ.
- 2.** The Head of Legal Services will investigate the complaint, usually by way of a file review.
- 3.** The Head of Legal Services will respond to the complaint within four weeks. If the enquiry is not completed within that timescale the member will be told of the delay and given a date when he/she can expect a response.
- 4.** If the member has a complaint about the Head of Legal Services, or is dissatisfied with the response, the member should make a further complaint in writing to the General Secretary within two weeks, giving full details.

5. The General Secretary will investigate the matter, usually by way of a file review, and respond to the member within four weeks. If the General Secretary is unable to complete his enquiry within that timeframe he will write to the member to explain the delay and give a date when the member can expect a response.



### How an Area Organiser has Conducted a Case

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If you have been granted assistance and your complaint is about the way your full-time official has conducted your case, then you should:

1. First contact the official concerned and try to resolve the matter informally.
2. If not resolved, put the complaint in writing to the Regional Secretary, who will usually respond within 21 days.
3. If you remain dissatisfied with the Regional Secretary's response, within 10 days you should refer the matter in writing to the General Secretary giving full details of your complaint.
4. The General Secretary will usually respond within 21 days.

### Complaints About Solicitors

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If a member is not satisfied with the service provided by the appointed solicitor they should:

1. First try to resolve it directly with the solicitors involved.
2. If still unresolved the member should write to Usdaw's Legal Department and we will try and assist in resolving matters.
3. If the member remains dissatisfied, they should ask the solicitors for a copy of their formal complaints procedure and lodge a complaint. They should also write to the Deputy Head of Legal Services.



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UsdawUnion

