

Rule 19.10 The Union is not responsible for any costs or damages awarded against any Branch or member but the Union may agree to pay costs only awarded against a Branch or member where all of the following apply:

- a) legal assistance was granted by the Legal Aid Committee under Rule 19.5 in respect of the relevant legal proceedings,
- b) there has been full compliance with all Union requirements, directions and obligations in relation to those proceedings,
- c) at the time when Court proceedings were commenced the solicitors' formal assessment of the case met the Union's criteria or, where they did not, the Legal Aid Committee had been informed in writing and had agreed to the commencement of Court proceedings and
- d) the award was made by a Court in which the normal rule is that the losing party (whether claimant, defendant or otherwise) pays the costs of the winning party.

Note

By reason of Rule 19.9 and 19.10 if a member wilfully misrepresents or fails to disclose any material fact to the Union's Solicitors then he or she will become liable under the rules of the POA's Legal Aid Scheme for any costs which become payable to either the other sides Solicitor and/or to the Union's Solicitors where these costs are incurred as a result of the member's failure to disclose or his or her misrepresentation. The POA will not indemnify any member in these circumstances.

6.0 Criminal Injuries Compensation Authority (CICA)

6.1

Limitation

The limitation period for submitting a CICA claim is two years from the date of the incident but the application must be received at CICA HQ before the two years limitation period expires.

6.2

Making a Claim

Any member who suffers an injury as a result of an assault at work should complete a CICA application form online at www.cica.gov.uk. A copy of the application should be forwarded to the Area Secretary NI and or Legal Department at Cronin House along with the CICA reference number.

6.3

The Paperwork

Additional documentation that may be required is:

A copy of the entry in the accident book:

DWP registration:

(The POA is not responsible for the representation of members at DWP appeals) Any witness statements:

Accident investigation report (HMPS Accident Assault or Near Miss Report):

Photographs or sketch plan:

Record of hearing and Adjudication form (HMPS F256):

Hospital or doctor's appointment card and any correspondence in relation to the treatment received and the hospital reference number:

The Crime Reference No: (the incident must be reported to the police as soon as is practicable)

6.4

Medical Treatment

It is important that members who are assaulted receive medical treatment from either their GP or a hospital and their treatment plan and aftercare complies with the requirements of the CICA scheme. Therefore, any member who has been assaulted should read the CICA guidance notes which outline the basic requirements for medical treatment following an assault. The guidance notes are available from the CICA website.

6.5

Submission to the CICA

It is important that once an application is completed on line at www.cica.gov.uk and that a copy of the application is forwarded to the Legal Department at Cronin House along with the CICA reference number.

6.6

The Award

When the matter has been considered the CICA will write to the POA and confirm their assessment of the award. That notification will be sent to the member with a covering letter which will explain:

the award can be accepted, or

if the member wants a review of the decision, upon receiving the members written request the papers will be sent to the Union's Solicitors for an opinion. The CICA allow 56 days to accept or appeal the decision. Any member seeking a review must advise the POA within the first 30 days. This is to facilitate an assessment by the Union's Solicitors who will normally advise the member within the next 30 days so that the member can either accept the award or for an appeal/review to be lodged within the 56 days limitation period. If the award is not accepted or the CICA do not receive notification of a review/appeal within the limitation period the award may be withdrawn by the CICA.

6.7

Applying for a Review and/or Appeal

If on receiving the advice the member decides to apply for a review the Union's Solicitors will write to the member setting out the procedures for the lodging and progressing the review and the POA's arrangements with regard to the costs of the review.

6.8

Funding of a Review and/or Appeal

Before pursuing the appeal, the member will be required to sign and return a copy of the letter signifying agreement to the funding arrangements. The letter specifies that the costs of pursuing the appeal will be met by the POA but that in the event that the appeal is successful costs in accordance with the scale set out below will be deducted from the award. Note that the amount deducted will never exceed the costs incurred in pursuing the appeal.

6.9

Scale of Recoverable Costs

Level of increase in the award £ 0 – 1,000 Nil

1,001 upwards

Costs contribution

The actual costs and disbursements incurred in pursuing the review up to a maximum of 50% of the increase of the award excluding the first £1,000 of such increase.

6.10

Changes to the CICA Scheme

The current 2012 scheme has introduced a number of new eligibility criteria in relation to claims. There are also reductions in the scope and levels of award made under the scheme.

Eligibility will depend on establishing that an incident falls within the definitions of the scheme. There are also requirements in relation to the residency and conduct of an applicant and the reporting of an incident. Failure to specifically report the incident to the police as soon as is reasonably practicable will disqualify a claim.

The basis and extent upon which claims for loss of earnings can be made has also been significantly restricted. The CICA can also deduct £50 from an award for the costs of obtaining medical evidence.

7.0

Personal Injury and Stress claims

7.1

The Limitation Period

The time limit for submitting a personal injury claim is three years from the date of the incident, but to allow the unions solicitors to assess the merits of any claim, members must report the claim as soon as possible and no later than two years and six months after the incident directly to the Unions Solicitors (Thompsons) by ringing the free phone telephone number **0800 587 7515**. If you cannot obtain all of the requested information as outlined in paragraph 7.2 the application should not be delayed.

7.2

The Paperwork

Any member who wishes to make a claim should report the incident and or illness including stress to the Unions Solicitors by telephoning the Thompsons Free phone number on **0800 587 7515**.

Accident book entry:

DWP registration:

(The POA is not responsible for the representation of members at DWP appeals) Witness statements describing the incident:

Accident investigation report (HMPS Accident Assault or Near Miss Report):

Photographs/sketches:

Details of lost wages or expenses incurred by reason of the accident:

Details of the medical person consulted as a result of this incident together with any relevant reference number:

Any other information that is relevant to the claim

7.3

Progressing the Claim

The Union's Solicitors are required to keep the Legal Aid Committee up to date with the progression of a case at all times and will provide it with any relevant documentation. It is in the member's interests to supply any information requested by the Union's Solicitor as quickly as possible or advise them if the member is unable to obtain the information from their employer. In these circumstances the Union's Solicitors will try and obtain the information.

8.0

Employment Law Claims

8.1

The Limitation Period

The time limit for most employment law claims is **three months less a day**. **ALL APPLICATIONS MUST BE SUBMITTED TO CRONIN or CASTELL HOUSE WITHIN TWO MONTHS, OTHERWISE YOUR CLAIM MAY BE REJECTED.**

8.2

Use of the Grievance Procedure

Since 6 April 2009 it is no longer a requirement that the Grievance Procedure has to be engaged before a claim is issued in an Employment Tribunal. However, members who fail to comply with the new ACAS Code on Disciplinary and Grievance Procedures by not raising a grievance with their employer in writing before a claim is issued in an Employment Tribunal may result in any award of compensation, reduced by up to 25%. It is the Union's position that members should raise a grievance in relation to any work-related matter.

8.3

Forms to be Completed

When a member wants to make a claim in relation to an employment law issue an LA100 and the appropriate employment law application form must be completed. The LA100 and a fully completed application form and copies of all relevant documents must be submitted to Cronin or Castell House as soon as it has been completed.

8.4

Member -v- Member

The Union's Equal Opportunities policy makes it plain the POA opposes all forms of discrimination. In pursuance of that policy the POA will support any member who wishes to take proceedings through a court or tribunal against either the employer or the employer and the harasser(s) in respect of an act or acts of unlawful discrimination. All requests for assistance will be submitted to the Union's Solicitors who will advise the Legal Aid Committee on the merits of the claim on the basis of the papers submitted. The Legal Aid Committee, or the Secretary to the Committee in cases of urgency, will consider the assessment of the claim provided by the Solicitors and then make a decision on whether to grant assistance in accordance with Rule 19.7 and on the basis of the merits of the claim.

8.5

Support for One Side Only

Once the POA has decided to support one party to a claim it will not offer support, other than for initial advice under rule 19.4, to another party to that action unless funding is approved by the National Executive Committee on appeal by the member.

9.0

The Legal Aid Committee

9.1

Constitution

The constitution and remit of the Legal Aid Committee is set out in the Rules. See Rule 19.1. It is responsible for administering the Legal Aid Scheme and dealing with all matters and issues arising from the operation of the scheme. The Secretary to the Legal Aid Committee is appointed to administer the scheme on a day-to-day basis and act as Secretary to the Committee.

9.2

Meetings

The Legal Aid Committee normally meets on a monthly basis to consider any issues relevant to the Legal Aid Scheme. If you have any suggestions, proposals or complaints about any aspect of the Legal Aid Scheme or in relation to a particular case then please write to the Secretary to the Committee at Cronin House, or the Area Secretary NI at Castell House. Your correspondence will be placed on the agenda for the next meeting of the Committee for its consideration. If you endeavour to raise any issue relating to the Legal Aid Scheme in any other forum without first raising it through the Legal Aid Committee the matter will be referred by the person or body to whom you have complained to the Legal Aid Committee.

9.3

Exercise of Discretion

In administering the Legal Aid Scheme, the Committee has a constitutional responsibility to ensure that the POA receives the best possible value for money and that the members' subscriptions are not wasted on pursuing fruitless claims. In order to be able to assess the merits of the issues, which they need to decide the Legal Aid Committee will be provided with all relevant information for them to decide upon the issues. To assist the Committee in exercising the powers delegated to it the Committee has developed a number of principles, which it will follow when exercising its discretion. It should be noted that these are merely guidelines and they do not cover all the circumstances, which may arise.

9.4

Guidelines

Subject to exceptional circumstances, either related to the general importance of the issues or the facts of a particular case, legal assistance will not generally be granted or continued where:

The prospects of succeeding in the claim do not warrant support.

The claim is one that would be dealt with under the small claims procedure in the County Court.

The member has not pursued the internal remedies available.

The member has refused without good cause to engage in mediation of the dispute or the member wishes to take proceedings against, the Union itself or the Union's Solicitors.

The member wishes to pursue a course of action in circumstances where there was or is an

equally effective or cheaper course of action available.

The purpose of the advice is to assist in relation to a complaint to the Certification Officer.

The member wishes to change his legal representative where the Legal Aid Committee is of the view that there is no good reason for such a change.

The cost of pursuing the claim is disproportionate to the benefit to be gained from the action.

The member has failed to co-operate with the Solicitor or the Legal Aid Committee.

The member is subject to internal disciplinary proceedings.

The member is abusive to any staff employed or seconded to the Union or the Union's Solicitors

Note:

For the avoidance of doubt, the criteria to support member's legal claims in respect of employment law issues are as follows,

The value of the claim must be £1000.

The claim must have a better than 50% chance of succeeding.

The value of the claim must not be disproportionate to proceedings.

The Legal Aid Committee and or National Executive Committee in accordance with the Rules may exercise discretion on any claim they see fit.

Note:

The exercise of the Legal Aid Committee's discretion not to grant assistance or not to continue support for a claim, does not prevent the member from continuing with the claim on his/her own behalf or through other Solicitors at his or her own expense. Furthermore, a refusal or withdrawal of support does not mean that the individual does not have a claim that he/she could pursue, it merely means that the claim no longer meets the criteria laid down by the Committee.

A member may appeal against any decision of the Legal Aid Committee to the National Executive Committee whose decision is final.

10.0

POA HQ Contact Details:

Secretary to the Legal Aid Committee: Mick Pimblett

**Address: Cronin House
245 Church Street
Edmonton
London
N9 9HW**

Phone: 0208 8030255

Mobile: 07968 324045

Fax: 0208 8031761

Email: legal@poauk.org.uk

Northern Ireland Contact Details

Area Secretary June Robinson

**Address: Castell House
116 Ballywalter Road
Millisle
Co Down
BT22 2HS**

Direct line: 02891861928

Mobile: 07971 838649

E-Mail: adminni@poauk.org.uk

Thompsons Office

**Address: Thompsons Solicitors
171 Victoria Street
Belfast
BT1 4HS**

Telephone: 0800 138 6880

EMPLOYMENT LAW Form 1
POA Application Form Employment Law Services

Office use only

Thompsons ref:

POA ref: LA/

Personal Details

Full name:

Home Address:

Contact Telephone number(s):

Email address:

Date of Birth:

Employment Details

Employer name:

Employer Head Office Address:

Workplace Address:

Job Title:

Date commenced
employment:

Date employment ended

(if applicable):

Basic pay per month:

Case Details:

Date of incident (or most recent incident) which is the subject of this case: _____

Please give as much as detail as possible (continue on separate sheet if necessary). Please include dates of all incidents, meetings, conversations and include the full names and job titles of those involved. If a meeting or a hearing about the issue has been arranged or has recently taken place please give details below. Please attach copies of all correspondence and relevant documentation.

What would be a solution to your problem?

Acas Early Conciliation

Have you or anyone on your behalf triggered Acas Early Conciliation: Yes No

If yes, when did you trigger Acas Early Conciliation?

If the period of Acas Early Conciliation has come to an end, when were you issued with the Early Conciliation Certificate?

Please record the Early Conciliation Certificate number here:

Undertaking

I have read the guidance notes relating to my claim and the POA circular set out in the Legal Advice Handbook which outlines the Rules of the Legal Aid Scheme.

If the Legal Aid Committee agrees to refer my case to the Union's Solicitors, I undertake not to discuss or settle my case without reference to them. I agree to abide by such Regulations as the POA from time to time introduces in relation to the conduct of legal work on behalf of members of the POA.

Signed: _____

Dated: _____

Please email your completed form and supporting documentation to legal@poauk.org.uk

Office use only

Thompsons

POA

LA/

You can access the Legal Advice Handbook via the POA's website www.poauk.org.uk or Thompsons' website www.thompsons.law.co.uk.

This form is to be completed if the member is aware of the enquiry/investigation. If a member is arrested and a Solicitor cannot be appointed the duty Solicitor must always be used and the forms completed after the initial interview.

If Cronin and or Castell House is closed or the request is made out of normal hours, members should contact **0800 587 7530**, 24 hours helpline

Name:

Address:

Date of Birth:

Home phone/Mobile number:

Membership No:

Branch:

Name and contact number of the Official or Committee member dealing with the application:

Date of the incident:

Brief details of the allegation:

Name of the inmate or other person who has made the complaint:

The date of the proposed Police/NHS fraud interview:

Time of the proposed interview:

Place of the interview, *preferably the Police station or other venue if it is a NHS fraud investigation*

Interviewing Officer's name:

Investigating Officer:

Contact No for Investigating Officer:

Contact details of the local Official dealing with the member or the details for another member of the Committee if you are not going to be available:

**During normal office hours please ring Cronin House
on 02088030255, Castell House 02891 861928**

or

**Thompsons direct 0800 587 7515 to arrange a
solicitor;**

**should you require a solicitor out of office hours
contact 0800 587 7530 to arrange a solicitor**

Death in Custody

Form 3

Office use only

Thompsons

POA

LA/

Name of Establishment:

Name of Deceased:

Prison Number of Deceased:

Prisoner Details

Date of Birth:

Was the prisoner? on remand

awaiting sentence

convicted

(Please tick as appropriate).

Has a date been set for the inquest?

Yes

No

If so, when will this take place?

What is the name and address of the local Coroners Court /Coroners Officer?

Date and time of death:

Where found?

Who was the prisoner found by?

Was the prisoner on a special watch?

Yes

No

Do you believe that there will be a conflict of interest between the position of the POA members involved and the Prison Service which will mean that separate representation will be needed? If so please briefly state why you believe there will be a conflict.

List the names and membership numbers of staff who were or who may be involved:

Date

Please email your completed form to legal@poauk.org.uk

POA Legal Aid Application N/Ireland (reference LA/100)

Cronin House, 245 Church Street, Edmonton, London, N9 9HW Tel: 020 8803 0255 Fax: 020 8803 1761

Branch	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>		
Signature	<input type="text"/>		
Name of Branch Official authorising application	<input type="text"/>		

LA	<input type="text"/>
Date	<input type="text"/>
Entered	<input type="text"/>
Office use only	

Membership Details	
Surname & Initials	Membership Number
<input type="text"/>	<input type="text"/>

Prisoner/s involved	
Surname & Initials	Prison Number
<input type="text"/>	<input type="text"/>

Reason for request *(please tick as appropriate)*

**Employment Advice
(Work Related)**

Send copies of all relevant documents and completed application form to Cronin House, accompanied by this completed form. Photocopy all documentation for your files

**POLICE NHS FRAUD INVESTIGATION
work related criminal matters**

Send all copies of all relevant documents to Cronin House, accompanied by this completed form. Photocopy all documentation for your files.

Death in Custody

Send completed LA490. Any documents not previously supplied should be copied to Cronin House accompanied by this form. Photocopy for your files.

CICA CLAIM/REVIEW

Complete CICA form. Provide the following documents and forward to Cronin House: DSS Registration, Copy of Incident Report, Witness Statements, Photographs. Sketch. Photocopy all documentation for your files.

Please ensure the appropriate application form is completed and sent with this form. An LA100 form will not be referred to the Unions Solicitors unless an application form has been completed and is attached, **except in the case of Personal Injury and Stress Claims, which should be sent directly to: Thompsons Solicitors at TUCH, Synergy Building, Campo Lane, Sheffield, S1 2EL.**

