



Case Form

For members, representatives, branches and regions

FILE NUMBER

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FOR REGIONAL OFFICE USE ONLY

CASE TYPE

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SUB TYPE

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Conditions for providing assistance

- UNISON seeks to ensure that members are provided with the best possible advice and assistance to achieve a satisfactory outcome to matters of grievance and discipline. UNISON will determine the most appropriate representative for your case. This may mean reallocating the case at a later stage and you will be informed of any such decision.
- UNISON representatives and members are expected under UNISON rules to treat one another with respect. Failure to do so by a UNISON representative will entitle you to make a complaint in accordance with UNISON's Complaints Procedure: www.unison.org.uk/upload/sharepoint/Policies/COMPLAINTS_PROCEDURE.pdf. Failure by you to treat your representative with respect may lead to support being withdrawn from you.
- At all times, action taken on your behalf will be on the basis of agreement reached between you and your representative about the best way UNISON can assist you. Throughout the procedure you will be kept informed and no decision will be made without first consulting you. Should you decide at any point not to accept the advice of your UNISON representative then you are free to proceed without UNISON assistance. Please inform UNISON if you no longer require UNISON's assistance in these circumstances.
- The Declarations at Section 12 must be signed if a potential legal claim is identified. UNISON supports claims to an Employment Tribunal, where a legal claim has been assessed by our solicitors as having reasonable prospects of success.
- Until UNISON or its solicitors confirms in writing that it is acting for you in a legal claim, any responsibility for lodging a claim in an Employment Tribunal or Court (including County Courts, Sheriff Courts and appeal Courts) is yours alone.
- UNISON representation is provided on the understanding that UNISON is your sole representative. UNISON cannot be held responsible for any costs or expense incurred if you have opted out from UNISON assistance or if UNISON representation has been withdrawn. Nor will UNISON be responsible for providing assistance in respect of any appeal or higher level hearing against a decision arising from representations made after you have opted out from UNISON assistance or after UNISON assistance has been withdrawn.
- You are expected to cooperate with your representative by being honest and frank about any allegation against you and in respect of any grievance you have. Your representative can only assist you if they are in possession of the full facts. Failure to cooperate can lead to UNISON support being withdrawn.
- You must notify your representative immediately if your circumstances change or if any new information comes to light regarding your case.
- You must ensure that your personal and financial information is accurate and up to date at the time that you apply for assistance. You must also confirm that your UNISON subscriptions are up to date. If you have given information which is misleading UNISON has the right to withdraw support.
- In the event of UNISON support being withdrawn you have the right to appeal to your branch secretary in the first instance unless notified otherwise.
- You must remain a member of UNISON throughout any period during which UNISON is providing advice and assistance to you. This means that if you are unemployed by reason of dismissal or redundancy you must pay a UNISON subscription at the Unemployed Member's rate; if you gain new employment within or outside of the areas of UNISON organisation you must maintain a UNISON subscription according to your earnings band as set out in Schedule A of the UNISON Rule book.
- UNISON reserves the right to use the details of your case and outcome in publicity, case study or learning materials, subject to your name only being used with your permission.

Please ask the branch to copy this form for you and note the contact details below

Your case has now been referred to the UNISON representative whose name and contact details are recorded below. Assistance will be provided in accordance with UNISON's scheme for representing members and the conditions outlined overleaf.

If, following your initial discussions, it is agreed that the representative will act on your behalf, any action will normally be done in consultation with yourself. Your representative should keep you routinely informed of any developments, and you should note short periods of non-communication may simply mean that your representative is waiting for someone (for example an employer, a witness) to respond to a letter or message. Please respect that most lay officers are doing a voluntary job in their own time. However, if necessary, please feel free to contact your representative to avoid undue stress to yourself.

The name of your UNISON representative is

Work telephone:

Mobile:

Email:

Workplace address:

Regional contact:

Please note that if your claim goes to court or an Employment Tribunal, the judgement will be made publicly available. UNISON may make public comments on such judgements.

12. Declarations

I agree and confirm that:

11.1 I have complied with the Union's Conditions of Legal Assistance and will continue to do so.

11.2 my membership subscriptions are up to date and that I will continue paying membership subscriptions until any legal claim brought on my behalf comes to an end.

11.3 the information I have provided is a true and accurate record.

11.4 any information I provide can be shared with a third party in respect my legal representation in accordance with the General Data Protection Regulations 2018 but that no information will be disclosed to any external marketing.

11.5 I have not triggered the ACAS Early Conciliation procedure, and I understand that it is a condition of my representation that I do not trigger the ACAS Early Conciliation procedure*.

11.6 I authorise UNISON to make representations on my behalf to ACAS under the Early Conciliation scheme. When UNISON triggers the ACAS Early Conciliation procedure, and ACAS call me, I will inform them that they should speak to the person from UNISON named in the letter to me from UNISON, normally my organiser*.

11.7 I have retained a copy for my own future reference.

*If ACAS Early Conciliation has been triggered, the branch must contact the organiser for advice on how to proceed. However, please sign the form to avoid delays processing your claim.

**11.5 and 11.6 do not apply to members in Northern Ireland.

Signature of member

Date

Signature of branch official
(name of branch officer handling the case)

Date

Diversity information will be used to monitor whether your employer's practices are targeting certain groups of people who have protected characteristics.

13. Diversity information

Do you identify as:	<input type="checkbox"/> Female	<input type="checkbox"/> Male	<input type="checkbox"/> In another way
Would you describe yourself as:	<input type="checkbox"/> Lesbian	<input type="checkbox"/> Gay	<input type="checkbox"/> Bisexual
Would you describe yourself as transgender?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Are you disabled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is your race and/or ethnic origin?			
Are you pregnant or on maternity leave? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Are you a part time worker? <input type="checkbox"/> Yes <input type="checkbox"/> No		Are you a fixed-term worker? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you think you have been discriminated on the grounds of age and if so, why?			
Do you believe you have been discriminated against? Please state on what grounds:			

How we use your information

At UNISON, we are committed to keeping your data secure and to never using it in ways you would not expect. UNISON is the data controller for the information you provide on this form. We use this data to assess if you are eligible for support and to provide this support.

We may also use your information to pursue our legitimate interests as a trade union, such as updating your details on our database or commenting on Employment Tribunal judgements. We may share the information on this form with our solicitors, an Employment Tribunal, or court.

We don't routinely transfer your data outside of the UK. However, where it is necessary, we ensure appropriate data protection measures (as applicable under UK law) are in place. We retain your data in accordance with UNISON's data retention policy and delete it when it is no longer required. Where you have given consent for UNISON to process your data, you may withdraw it at any time by contacting us.

You have rights as a data subject. These rights include: subject access; erasure; rectification; the right to restrict or object to processing; the right to data portability; and the right to complain to the Information Commissioner's Office (ICO).

UNISON is fully committed to upholding these rights. If you believe we have not done so, please get in touch so that we can put things right.

For further information on how we will use your personal data, you can:

Go to: unison.org.uk/privacy-policy

Email: dataprotection@unison.co.uk

Write to: **Data Protection Officer, UNISON, UNISON Centre, 130 Euston Road, London NW1 2AY**

FOR THE BRANCH TO FILL IN

1. If this form has come to you because the member has no workplace representative, please allocate a representative and enter that representative's name and contact details on the tear-off slip at the back of the form, and return that section to the member without delay.
2. If you are seeking assistance from the region, please ensure that all sections of this form are completed and sent to the regional office together with copies of any documents and correspondence which could assist – an incomplete form is likely to be returned to you, causing unnecessary delay in the member's case.
3. You must complete sections 20-21. If there is no workplace representative please also complete sections 14-16.
4. If you think this case may involve an application to an Employment Tribunal, you must complete section 18 (the section on legal claims) and **ensure that the member has signed the Declarations in section 12 before forwarding this Case Form and relevant information to the regional office immediately.**
5. **Most claims to the Employment Tribunal have to be lodged within three months less one day of the act, failure to act or incident (eg discrimination, unfair dismissal etc), or some within six months less one day (eg equal pay or redundancy pay). Before a case can be lodged, the ACAS Early Conciliation process must be triggered. This process will be triggered by organisers once the Union's solicitors advise a case has merit. This is because triggering the ACAS Early Conciliation process will affect the limitation deadline ie the date by which a claim must be lodged.** <http://www.legislation.gov.uk/ukxi/2014/254/made>.
6. If the original time limit for bringing an Employment Tribunal claim is less than 28 days away, you must contact the organiser/ Case Unit immediately and mark the form 'Urgent assistance required'. You must inform the member that ACAS pre-conciliation and an Employment Tribunal claim will only be lodged in exceptional circumstances.
7. Where a member has already triggered the ACAS Early Conciliation procedure, or lodged a claim prior to seeking help from the branch, please contact your organiser about next steps, bearing in mind that the organiser may need to obtain legal advice.
8. Please sign the form to confirm that all details on the form are correct and that the member is up to date with UNISON subscriptions.

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This information will be used to assist with representation; and any Employment Tribunal claim made on behalf of the member.

14. Workplace representative's details

Membership number <input type="text"/>		Position held in branch
Title	First name	Surname
Address		
		Postcode
Email		Contact telephone

15. Employer contact details (the manager you have been dealing with)

Name		Job title
Address		
		Postcode
Email		Contact telephone

16. Branch details

Branch number/code <input type="text"/>		Branch name
Service group		
Address		
		Postcode
Email		Contact telephone

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This information will be used to assist with representation; and any Employment Tribunal claim made on behalf of the member.

20. Check list

Has the member completed their sections of the form?

Yes No

If a legal claim has been identified, has this been discussed with the organiser / Case Unit?

Yes No

Have you explained the declaration?

Yes No

Have you explained that if the member's case has reasonable prospects of success:

1. UNISON's organisers from the region will trigger the Early Conciliation procedure;
2. That ACAS must be notified about the dispute through their Early Conciliation service before an ET claim can be lodged;
3. Sought authority from the member for their organiser to speak on the member's behalf to ACAS;
4. Explained and agreed with the member that when ACAS calls, the member will ask ACAS to speak instead to their organiser or the person named in the letter confirming representation to the member.

Yes No

Are the following documents attached?

- | | | |
|--|---|---|
| <input type="checkbox"/> Contract of employment | <input type="checkbox"/> Dismissal letter | <input type="checkbox"/> Appeal letter |
| <input type="checkbox"/> Grievance letter | <input type="checkbox"/> Disciplinary procedure | <input type="checkbox"/> Redeployment procedure |
| <input type="checkbox"/> Grievance procedure | <input type="checkbox"/> Sickness absence | <input type="checkbox"/> Disability discrimination policy |
| <input type="checkbox"/> ACAS Early Conciliation Certificate (if relevant) | | |

Any other (please give details)

Incomplete information will lead to delays and may mean the member loses the opportunity to lodge an Employment Tribunal claim. Always be aware of deadlines to bring a case to the employment tribunal.

21. Branch secretary authorisation

Name

Signature of branch secretary

Date | | |

