

WHERE TO GO FOR MORE HELP with employment problems

1. GETTING HELP FROM OTHER AGENCIES

We hope that you have found the advice you received from PERS helpful in knowing what action you might take and understanding what your options might be. However, employment law is complicated and you may need support and advice if you do decide to take further action. If you fall into one of the categories that we are funded to assist, you are always welcome to phone the **Pay & Employment Rights Service (01924 428030)** to discuss the possibilities and implications of your situation. However, we do not represent people at Employment Tribunals and in most cases we are not funded to give very extensive or complex individual advice.

Employment Tribunals (ETs) were intended to be informal enough for workers to be able to represent themselves, and in straightforward cases you should be able to do this. The ET will send parties a booklet about preparing for the hearing which you can see at www.employmenttribunals.gov.uk/claim/hearing.htm#7, and the Chairperson should explain the procedure at the hearing itself.

In any case, if you are a member of a Trade Union you should take advice from them. Otherwise you might want to get advice from an agency with experience of taking tribunal cases. They will advise you about your likelihood of success and, depending on the circumstances, may even agree to represent you.

Most free agencies are restricted by their funding and are only able to represent people in their own immediate area. Some agencies apply other criteria, such as income levels, for eligibility to their services. If you are at all unsure whether or not you are eligible for help, do telephone before you turn up.

FREE LEGAL HELP

Leaflets and websites

There is a wealth of free information available if you have access to the internet. Websites are listed at the end of this leaflet. Some websites, such as the CAB's Advice Guide or the Community Legal Service CLS Direct sites also list advice providers with drop-in or appointment facilities.

Many websites, including the www.pers.org.uk, have a range of downloadable leaflets on a variety of employment law issues. Try in particular sites for the Citizens Advice Bureau (CAB), Acas, Dept of Business, Enterprise and Regulatory Reform (BERR) and the Community Legal Service (CLS).

Telephone advice (in addition to **PERS: 01924 428030**)

You can get initial assistance by phoning the **CLS (Community Legal Service) Direct Helpline** on **0845 345 4345**. You will be asked to select which area of law you need and will then be asked to summarise your problem and to answer some questions about your savings and your income. If you need urgent help, you may be offered up to 30 minutes free advice regardless of your financial situation, otherwise you will be advised about local sources of legal help for your problem (probably the ones listed in the CLS website). If you do qualify for free assistance, you will be offered up to two hours free telephone advice.

You can get free information on employment law from **Acas** although they do not normally discuss individual cases in detail. Their Helpline is **08457 47 47 47**.

Free agencies or solicitors

Some agencies are funded by the Community Legal Service (CLS) to provide free help to people on very low incomes and with limited savings. This help is divided into 'Legal Help' (free initial advice and assistance) and 'Legal Representation' (free representation in court). 'Legal representation' is not normally available for employment cases, so you may only get help to make your application and to prepare your case for court but not get representation at the hearing.

You can consult the CLS website yourself at **www.clsdirect.org.uk** for a list of agencies in your area that provide legal help and representation. You can also use this website to calculate whether you are eligible for free advice.

Financial eligibility

To qualify for free help with the CLS scheme, you (and/or your partner) must have:

- a) less than £8000 of savings or capital **and**
- b) have an equity value of your home below £100,000 **and either**
- c) receive income support, income based job seekers allowance or guarantee state pension credit, **or**
- d) be on a low income. If you are not on one of the above benefits, eligibility is determined on the basis of your individual "disposable income" and includes allowances for housing costs and dependants. It is impossible to give any precise indication of the level of income that entitles you to free advice without doing a fairly complicated calculation. However, in order for you to qualify, this calculation must show that after subtracting your allowances from your income, you (and/or your partner, if you have one) have a (joint) "disposable income" of less than £698 a month.

Because of the "means tested" element of the legal help scheme, many agencies will ask you to provide evidence of your income when they agree to see you. Many working people, even those on low incomes, will in fact earn above these limits.

Financial ineligibility does not *necessarily* mean you will not get free help, since some agencies may have additional funding sources which allow them to do free work with people who do not qualify under the Community Legal Service scheme. However, such universally free help is, unfortunately, scarce.

Make sure you ask about charges before you commit yourself further.

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2. FREE ADVICE – LOCAL AGENCIES

CITIZENS ADVICE BUREAUX

All CABx are free and independent and all will give help with employment problems. However since CABx rely largely on volunteers for their advice work, not many of them have staff with specific expertise in employment rights and only a few bureaux can assist with tribunal representation.

The CAB website, www.adviceguide.org.uk, allows you to search for the bureau nearest to you and gives opening times and directions, as well as details as to whether specialist help is available. In any case, try phoning first – **PERS** can give you phone numbers if you can't get them from the website, or you will find them in the phonebook. Sometimes you may need to go along to the bureau if the phonedlines are very busy.

COMMUNITY LAW CENTRES

Community Law Centres are also free and independent and will frequently employ staff who are specialists in employment rights. However, most Law Centres are forced by lack of resources to limit the numbers of cases that they can represent at tribunal or at other courts.

Some Centres give advice over the phone, others ask you to make an appointment and some operate drop-in sessions at particular times. Do phone to check before you go along.

The Community Law Centres in Yorkshire and Humberside are:

Bradford Law Centre

31 Manor Row, Bradford BD1 4PS

Tel: 01274 306617

Phone for an appointment - employment advice sessions held every fortnight on Thursday 11.00 – 1.00. Specialist advice and assistance available for

- a) low paid workers and*
- b) race discrimination issues.*

Bradford Law Centre outreach service:

Keyhouse Project, 130 North Street, Keighley BD21 3AD

Tel: 01535 211311

Phone for a Monday morning appointment

Kirklees Law Centre

Unit 11 & 12, Empire House

Wakefield Old Road, Dewsbury WF12 8DJ

Tel: 01924 439829

Phone for an appointment. Face to face advice given in Dewsbury and Huddersfield if you qualify for free Community Legal Service help (see above), otherwise initial advice only given by phone.

Sheffield Law Centre

1st Floor, Waverley House
10 Joiner Street, Sheffield S3 8GW
Tel: 0114 273 1888

Phone to leave details and a case worker will phone you back

INSURANCE COVER

Some home insurance policies will cover you for free legal employment advice from their own helplines or solicitors. Some policies will also allow you to seek legal advice from a provider of your choice, including community law centres as above, and reimburse the costs.

Trade Union membership will also often entitle you to free advice on employment disputes from their own legal experts or from nominated solicitors as well as giving you access to advice and support from branch officials.

Make sure you check your insurance options before you commit yourself to paying legal fees.

PRO BONO LEGAL HELP

Some lawyers will offer to provide a limited amount of free legal assistance to people who cannot afford the full cost. The Bar Pro Bono Unit is a charity which helps to find pro bono (free) legal assistance from volunteer barristers. The Unit acts as a clearing house, matching barristers prepared to undertake pro bono work with those who need their help.

The Unit receives applications for assistance through advice agencies and solicitors. It aims to help in cases where the applicant cannot afford to pay for the assistance sought or obtain public funding (such as Legal Help from CLS), has a meritorious case, and needs the help a barrister can provide.

For more information assistance, visit their website, www.barprobono.org.uk

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3. Free Advice – Regional and Specialist Agencies

REGIONAL AGENCIES

For basic advice on employment law:

Acas

The Cube, 123 Albion Street, Leeds LS2 8ER
Tel: 0113 205 3800

The Acas Helpline is **08457 47 47 47**

For information about Unions and how they can help you:

Regional Trades Union Council

Friends Provident House
13/14 South Parade
Leeds LS1 5QS
Tel: 0113 242 9696

Leeds TUC

88 North Street
Leeds
LS2 7PN
Tel: 0113 279 2543

For health & safety at work cases:

Health & Safety Executive

Marshall's Mill, Marshall Street
Leeds LS11 9YJ
Tel: 0113 283 4200

For enquiries and complaints about payment of the National Minimum Wage:

National Minimum Wage helpline: 0845 6000 678

LOCAL SPECIALIST AGENCIES

For cases involving race discrimination:

Kirklees Race Equality Council

4th Floor, Pearl Assurance House
10-18 John William Street
Huddersfield HD1 1B
Tel: 01484 540225/6

Bradford Law Centre (see above) also give specialist advice on cases of race discrimination.

Bradford CAB have a specialist adviser to help with cases of discrimination on grounds of religion or belief, or on grounds of sexual orientation.

For advice about health & safety:

Bradford Occupational Health Project

For advice or an appointment, contact:

Workers Health Advice Team (WHAT)

c/o Unison offices
2nd Floor, Auburn House
Upper Piccadilly
Bradford BD1 3NU
Tel: 01274 393949
Email: hazards.what@btconnect.com
Please phone first to check availability

Kirklees Better Health at Work

West Riding House
9 Manchester Road
Huddersfield HD1 3HH
Tel: 01484 416779

Leeds Occupational Health Project

88 North Street
Leeds LS2 7PN
Tel: 0113 294 8222
Email: info@leedsohas.org.uk

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4. Agencies That Make a Charge

SOLICITORS

You may feel **able to pay** for legal advice. However we must stress that if you go to a private firm of solicitors, it may prove to be very expensive.

Not all private solicitors specialise in employment law so if you do decide to go to a private firm, you need to choose with some care.

PERS can give you the names of some firms which do have experience in this area. You can also find out which solicitors in your own area specialise in employment law by consulting the Community Legal Service website: www.clsdirect.org.uk.

If your income and savings are within certain limits or you are on benefits, you may be able to get free initial advice from a solicitor under the **'Legal Help'** scheme. (See Page 1 of this supplement.) This scheme offers help with legal costs of 'advice and assistance' - it does not entitle you to free legal representation in an Employment Tribunal or other court. This means that you may find you will have to argue your own case in court, although your solicitor will give you help in preparing the case. Free **legal representation** for employment cases is usually only available from an agency such as a Citizens Advice Bureau or Law Centre which has additional sources of funding.

Some solicitors also offer a **free or fixed price half hour 'diagnostic' interview** regardless of your means. This could be enough to sort out your problem. Some solicitors may be prepared to continue to do more work for nothing ('pro bono'). Alternatively, some solicitors operate a **'no win, no fee' (or 'conditional fee')** charging system, which means that they will take an agreed percentage of any award that you win from your employer if you are successful at Tribunal or court. If you lose there will be a reduced fee or no charge. Understandably, solicitors operating this system are unwilling to take on cases unless they feel they have a good chance of winning enough compensation to make it worth their while.

Always ask what the charges are likely to be before you commit yourself to further action.

WHERE TO GO FOR MORE HELP

5. Websites

NB Many of these sites include leaflets or other publications which you can download or order for free.

Pay & Employment Rights Service (PERS) - includes leaflets, fact sheets and action packs on most aspects of employment law and good practice, model policies and other information: www.pers.org.uk

Community Legal Service (CLS) - downloadable leaflets on employment rights, a directory of where to go for legal advice locally and a calculator to find out if you might qualify for free advice under their legal help scheme: www.clsdirect.org.uk

Department of Business, Enterprise and Regulatory Reform (BERR) – formerly Dept of Trade and Industry. Website includes a number of downloadable publications on various aspects of employment law: www.berr.gov.uk

HM Revenue and Customs (Inland Revenue) - includes information on e.g. statutory sick pay, statutory maternity/paternity/adoption pay, the national minimum wage plus information on tax credits and other in-work benefits: www.hmrc.gov.uk

Acas - includes a number of advisory publications and factsheets to download or order: www.acas.org.uk

Employment Tribunals – includes contact details of your nearest Tribunal office, forms to make Tribunal application (form ET1) and advisory leaflets: www.employmenttribunals.gov.uk

Citizens Advice Bureaux (CABx) – details of your local bureaux and advice about a very wide range of topics including employment law: www.adviceguide.org.uk

Working Families - includes a lot of resources and information for working families and carers, especially about combining responsibilities for family and working life: www.workingfamilies.org.uk

TUC (Trades Union Congress) - information about campaigns and workers' rights, especially changes to the law: www.tuc.org.uk

Health and Safety Executive (HSE) - tells you about the law and best practice with regard to workers' rights and responsibilities. Access to free publications on health and safety issues: www.hse.gov.uk

Commission for Equality and Human Rights ((CEHR) – now incorporates the Equal Opportunities Commission (EOC) for all matters relating to sex discrimination and equal pay; the Commission for Racial Equality (CRE) for all matters to do with racial equality; and the Disability Rights Commission (DRC) for all matters relating to disability rights: www.equalityhumanrights.com