

# Legal advice and professional help



This document provides information on ATL's legal services for members and their families.

## 1 Advice from the experts<sup>1</sup>

ATL provides expert legal advice and representation for all members in the UK<sup>2</sup> (except associate and retired members)

A team of experienced advisers at ATL's London office is ready to help with problems arising from members' employment including:

- unfair and wrongful dismissal
- assaults
- accidents at work and injuries in and out of work<sup>3</sup> (see section 5)
- stress at work<sup>3</sup>
- health and safety
- contract and salary disputes
- criminal investigations
- salaries
- contracts of employment
- conditions of service
- ill health retirement
- pensions
- maternity pay and leave
- parental leave
- family-friendly rights
- redundancy and redeployment
- disciplinary hearings
- grievances
- discrimination.

### Associate solicitors

ATL recognises that on-the-spot advice and representation from a local solicitor nominated by ATL may in some cases be the best way to meet a member's needs. This most frequently occurs when allegations have been made that lead to an investigation by the police.

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<sup>1</sup> please note this advice and representation will be subject to certain conditions (we reserve the right to change the service offered).

<sup>2</sup> including the Isle of Man, the Channel Islands, teachers serving on sovereign bases abroad and teachers working for the Department for Children, Schools and Families in European schools. For information about the support provided to members working overseas, please contact ATL.

<sup>3</sup> in the event of personal injury claims, please contact the ATL personal injury claims service. See section 5 for more details.

A network of associate solicitors has therefore been established in law firms throughout the UK to provide this support.

### No cost

Should an incident arise in the course of a member's professional duties, ATL will meet the costs of any approved legal proceedings, subject to certain conditions (see section 2 on the Defence Committee).

This comprehensive service is limited to employment-related matters: it cannot extend to problems in a member's personal life or when s/he is acting as an individual in a private or business capacity.

ATL is unable to offer representation or legal assistance to members with problems that arose before they joined.

### Members' charter

The ATL member's charter defines the terms and conditions of support for members and is available from the ATL website [www.atl.org.uk](http://www.atl.org.uk) or from ATL's legal and member services department, at the London office, on 020 7930 6441. The charter was revised in November 2010 and forms part of the conditions of membership.

## 2 The Defence Committee

The Defence Committee, appointed biennially by ATL's Executive Committee, decides upon requests for assistance, monitors the conduct of legal cases and ensures that ATL's funds are efficiently used in helping members.

The Defence Committee is the body with final decision-making powers in members' cases. Membership of the Committee comprises the chair (who must be a member of the Executive Committee), seven members of the Executive Committee, four members co-opted from ATL branches and three officers. Co-opted members need the support of their branch.

It meets six times a year to examine requests for assistance from members in professional difficulty and decides what assistance should be given. It also monitors requests for and provision of legal assistance to members and makes appropriate recommendations.

Between its meetings, the chair is empowered to make decisions on members' cases (or in his/her absence, the vice-chair). These decisions are reported to the next meeting of the Committee for review and confirmation. The Defence Committee also looks at issues relating to the protection and support of members in a broader sense.

There is no right of appeal against a decision of the Committee although a member may wish to ask the Committee to review its decision in the light of new and relevant information. The Committee does not hear representations in person.

Members who seek support from the Association should be aware that information relating to their case and personal circumstances may be placed before the Defence Committee. However, members should be reassured that the discussions, deliberations, decisions and all papers placed before members of the Defence Committee are strictly confidential.

In considering requests for support, the Defence Committee has established a number of principles:

- ATL is unable to assist those who join with a matter that is already 'live' and which pre-dates the receipt by ATL of the member's application. (New members are asked to submit a letter with their application form, declaring any problems that arose before they joined.) Colleagues who are thinking of joining but have not got around to it yet should be encouraged to join immediately.
- Members sometimes contact their own solicitors for advice and then request assistance with payment of the costs incurred; ATL is unable to accept responsibility for these costs.
- ATL will be unable to assist when members are advised on the same issues by their own solicitors.
- Contact with one of ATL's network of private local solicitors must always be authorised by one of the lawyers from ATL's London office.
- The Defence Committee may decide it cannot support a member based on a number of factors including the carefully considered advice of ATL's lawyers, counsel and locally appointed solicitors. Support will similarly be withdrawn if the advice given is that a case does not have reasonable prospects of success. This does not, of course, prevent members seeking outside advice; however, this will not be paid for by ATL.
- Where the Defence Committee decides that ATL should fund a member's case, the decision may be reviewed at any time by the Committee.
- A member may feel unable to accept the advice given by an ATL caseworker or legal adviser (including a recommendation to accept a negotiated settlement of their case). Again, the Committee may come to the conclusion that it has no alternative but to withdraw support for the member in such circumstances.
- Members should ensure that their subscriptions are fully paid up. Requests for support have been turned down because subscription payments were not up-to-date and complete. Members should also ensure that their membership status is correct.
- Branch officials and ordinary members are not sanctioned to begin legal proceedings in the name of ATL without first consulting and obtaining authorisation from one of the lawyers working in ATL's London office.
- Support will be declined where a member is unable to accept the terms of the members' charter or is in breach of its terms.

- Support will be declined where unjustified and unsubstantiated complaints about ATL's support are made.

In November 2005 the Executive Committee decided that members seeking pensions and legal advice must be in current and fully paid-up membership of ATL and such membership should be continuous.

### 3 ATL protects you at work

ATL is here to help you with issues arising in the workplace. Some issues, such as changes to contracts, pay scales, the school day or duties, are often best and most effectively tackled collectively.

Talk to your workplace representative or colleagues about seeking advice as a group, ATL's caseworkers can then represent all the members affected by the same problem. This approach does not of course stop members seeking help with their own, individual concerns.

If members need help they should contact their workplace representative, branch or the legal and member services department at ATL's London office, preferably in writing. When making contact with your branch or the legal and member services department full details and a full account of the problem, as well as all relevant documents, should be provided.

#### Employment tribunals

If the decision is made that ATL will support a member's claim at an employment tribunal, the case will be managed by an ATL solicitor. Any award made either as a result of tribunal proceedings or in the settlement of a tribunal claim will be passed on to the member in its entirety.

#### Claims and time limits

Members need to be aware that there are time limits that apply to their potential legal claims. Some examples are given in the following table.

Potential claim	Forum for claim	Time limit
Unfair/constructive dismissal	Employment tribunal	Within three months of the date of dismissal
Discrimination (eg, sex, race, disability, age or sexual orientation)	Employment tribunal	Within three months of discriminatory act
Redundancy payment	Employment tribunal	Within six months of the date of dismissal

If these time limits or time limits for any other potential claims have expired, ATL will be unable to provide assistance.

### 4 Criminal investigations

Members facing a criminal investigation or prosecution arising from their work should approach ATL's London office for advice.

In the first instance, members remain responsible for the legal fees incurred in their defence of criminal proceedings. Funding may not be provided or may be withdrawn if it becomes apparent, for example, that at the time of the incident or incidents giving rise to the allegation, the member was not in membership of ATL. Where ATL does decide to fund support, the Defence Committee may review this decision at any time.

Funding may also be withdrawn if all relevant material facts and matters have not been disclosed to ATL or its locally-appointed solicitors. Members are strongly advised to take legal advice before giving any statement to the police and to have a solicitor with them during any police interview. If arrested or required to attend a police interview at very short notice, members should formally ask to see the 'duty solicitor' for the police station in question before making any statement.

## 5 What to do

If you have an injury or accident in or outside work or on the road All ATL members, including associate and retired members, and their families are entitled to free legal advice and, if appropriate, representation if they have suffered an injury which was the fault of a third party. Whether as a result of an injury, which occurs in or outside of the workplace or on the road; ATL is here to help you.

All ATL members are entitled to free advice and, if appropriate, representation if they are assaulted at work or have suffered from a psychiatric illness caused by excessive levels of stress in the workplace.

You are guaranteed to receive 100 per cent of your compensation. The service is free. Strict times apply – see below for details.

To contact Morrish, ATL's specialist solicitors, call 0800 083 7285 or complete an online enquiry at [www.atlinjuryclaims.org.uk](http://www.atlinjuryclaims.org.uk).

### Injury claims and time limits

Potential claim	Forum for claim	Time limit
Claims for compensation for personal injury and loss against third parties	County Court or High Court	Claims must be commenced at Court within three years of the date of the accident
Claims for assault in the workplace	Criminal Injuries Compensation Authority (CICA)	An application must be lodged at CICA on the prescribed form within two years of the assault.

Note: Special time limits apply in cases involving, eg industrial illness, stress, children and patients – please seek case specific advice via ATL's injury claims service.

## How to contact us

ATL – the education union  
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Tel: 020 7930 6441  
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