

Eligibility for Advice and Representation Guidance

The following fact sheet is a summary of some of the key pieces of information that may support you to resolve your current issue and to manage the immediate situation. If you are an eligible member and require further advice, please see the link at the bottom of the page.

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Introduction

Thank you for your enquiry to the BASW / SWU Advice and Representation service. We want to ensure that we provide you with the best possible service and, in order to do so, have set out the remit of our support based on our eligibility criteria.

Advice and Representation

New members become eligible for advice and representation after **one month** of membership for any **new issues** that arise. It is important to note that any **known pre-existing** issues or issues that arise in the first month of membership **do not ever become eligible for advice or representation**.

A pre-existing issue is defined as a matter that was **known about**, or in process at the time of joining BASW / SWU . If the known issue subsequently results in a **formal process**, such as capability, grievance or disciplinary, that formal process is considered to have arisen from the known issue and **remains ineligible for representation**.

Eligibility criteria exist in most other unions, the reason being one of fairness to all members, many of whom may have been paying membership fees for some years and have not required individual advice or representation. Being a member of a union or a professional body is much more than individual representation and confers a range of other benefits. The consistent and fair application of eligibility criteria is vital to ensure that longer serving members, who have joined for collective or other reasons and not just when a problem has come up, are not disadvantaged.

Please note, eligibility decisions are a management decision, which is not subject to appeal. To ensure that the service we provide is consistent, fair and of value to all our members, we apply the above criteria fairly and consistently and are unable to make exceptions to those decisions.

Recognition by Employers

It is important to note that if you are a member of BASW but not SWU, some employers may not allow your BASW representative to accompany you, which they are legally allowed to do.

However, because Section 10 of the Employment Rights Act 1999 creates a statutory right for a worker to be accompanied by a fellow worker or trade union official of their choice during grievance and disciplinary procedures, your employer cannot deny representation by your SWU representative.

BASW / SWU

Whilst BASW and SWU are closely linked, they are separate organisations with different eligibility criteria and membership rules. Both require a one-month waiting period before offering advice and representation. To clarify:

1. **Joining BASW & SWU together** – If you join both BASW and SWU at the same time, the eligibility periods for each organisation start from your joining date and run concurrently.
2. **Joining BASW only** – If you join BASW without SWU, there is a one-month waiting period before you can receive advice or representation from BASW. Additionally, as noted above, your employer may refuse accompaniment from a BASW representative if you are not an SWU member.
3. **Joining SWU after BASW** – If you join BASW first and later decide to add SWU membership, a new one-month waiting period will apply from the date you join SWU before you can access union advice or support, regardless of your previous BASW membership duration.

It should be noted that known pre-existing claims or issues that arise in the first month of either BASW or SWU membership never become eligible for representation.

Exception to the SWU eligibility rules

If you have recently joined SWU and have been a BASW member continuously from or prior to September 2017 the additional one-month waiting period for union advice and representation does not apply.