The Advice & Representation Service

How we work with you

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SECTION ONE

Accessing the service and first steps

The A&R service, jointly provided by The British Association of Social Workers (BASW) and the Social Workers Union (SWU), is delivered by officers qualified in Social Work who, with their social work knowledge and background are uniquely placed to advise and represent in:

- **Formal** workplace employment processes – such as disciplinary, grievance, absence, and capability procedures.
- Fitness to practice processes with each of the 4 UK social work regulators (NISSC, SCW, SSSC and SWE).

If your enquiry falls within this remit, please complete an A & R referral form online via the membership portal, providing us with a brief summary of your issue but with sufficient detail for us to understand its nature.

1. Advice

Our Initial Response Team (IRT) will review your form, make a determination of your eligibility status, and decide on the initial course of action. The following are potential outcomes:

a) An advice and guidance call, or request for further information.
b) A call with the duty officer of 20 minutes duration for more detailed advice and guidance on next steps.
c) For more complex cases, a named officer for a short piece of work.

Please note that the route your call takes is not choice or request based. The decision about the path your case will take is based on eligibility and our representation criteria. We apply our criteria fairly and consistently to ensure we deliver a fair service of value to all members.

2. Representation

Before confirming whether we can provide you with a representative at your meeting we consider the following factors:

a) Whether you are **eligible,** as detailed in our membership Eligibility Criteria.

b) Whether your case meets our representation criteria. That is, the meeting is **formal** and is part of an employment or regulatory process. To decide on representation, we will need to see and review the letter of invitation to any meetings and may ask for a chronology to enable us to accurately determine entitlement and eligibility.

c) **Meeting Notice**. We ask for a minimum of 10 working days' notice for our attendance at formal meetings. Whilst we do our best to accommodate earlier requests, we cannot guarantee our attendance. Please do not agree dates with an employer until you have spoken to your representative

The ACAS statutory Code of Practice on disciplinary and grievance procedures advises employers that if the Trade Union representative is not available for the initial scheduled meeting, then they need to re-arrange this to accommodate the availability of the Trade Union Representative.

d) It is our policy to attend meetings **remotely** because this enables us to deliver a more far reaching, effective, and value for money service to all our members. We have found that, providing all participants are online, such meetings can adjust the power imbalance innate in formal processes. The regulators (SWE, SSSC, SCW and NISC) conduct even the most complex hearings online.

***Please Note**. The provision of a representative is based on eligibility and representation criteria. is not choice based. We apply our criteria fairly and consistently to ensure we deliver a fair service of value to all members. Eligibility and entitlement decisions are excluded from our complaints policy, although we may review the decision once.*

SECTION TWO

Our Offer

For us to work effectively together it is important that you have a clear idea of our offer. Please read the following carefully because it sets out our approach and expectations.

1. The role of the officer is to:

- Provide advice and guidance on your employment rights and workplace concerns.
- Represent you at certain **formal** employment meetings or hearings.
- Provide advice and guidance at each stage of the regulatory process.
- Represent you at substantive and/or interim regulatory body hearings.
- Assess the merits of your case if we believe you may have a claim that could be taken to Employment Tribunal (ET) (see appendix A).

2. Our Approach:

- We offer advice and representation based upon the facts as known.
- We are unable to act on your behalf and do not offer support services.
- We cannot take formal instruction or act in your place. You remain responsible for the steps you take.
- We cannot speak on your behalf or answer questions for you, but we will prepare submissions to present at hearings, providing we have your input.
- We may not be able to read everything that comes to us, so we rely on you to point us in the right direction and to sift through the evidence.
- We will offer healthy and realistic assessment of your case, its prospects of success, and approaches to take with your employer.
- We will review your statements, provide feedback on the content and make suggestions for change. We will ask you to amend statements in your own words. We cannot write them for you, and we will review them twice in total.
- To provide a service that is fair and of value to all members - your membership fees provide a range of benefits, of which A&R is only one.
- We will comply with the BASW Code of Ethics and treat you with courtesy and respect.

3. **We do not:**
   - Attend meetings without you
   - Write mitigation or reflective statements for you; they must be in your own words. Will review them and provide you with comments and advice. It is your choice whether to accept or reject our input.
   - Send emails on your behalf in employment cases, unless it has been agreed with your officer.
   - Send emails on your behalf in Fitness to Practise/regulatory cases, although we may liaise with the regulator on your behalf.
   - We do not appoint solicitors or barristers to individual cases, other than if accepted by our solicitors for direct representations (see employment tribunal appendix A below).

4. **We ask you to:**
   - Be open, honest and transparent, divulging all relevant facts to us. Even if this reflects badly on you. Without all the information we will not be able to adequately represent your interests, and we may not achieve the best outcome for you
   - Provide us with relevant information in a timely manner. This would usually be in the form of a written chronology and/or a concise summary of significant events. Please do not send us all emails and correspondence relating to your workplace experiences unless we have asked you to provide further details. We will delete any documents that we do not need.
   - Write statements in your own words – please do not use AI tools to generate them. This applies to all correspondence and statements but particularly to reflective statements where it is contingent upon you to show insight and reflection.
   - If a statement is clearly AI generated, we reserve the right not to read it and offer any further advice until it has been amended by you
   - We remind you not to send sensitive or unredacted information from your work email to a personal email as this would be a UK GDPR breach
   - Redact information you send us to ensure it is GDPR compliant. If in doubt, please discuss with your representative.
   - Adhere to the BASW Code of Ethics
   - Let us know whether you are seeking advice from an external source - whether that be from a solicitor, friend or another TU official. Should you wish to seek a second opinion, you are free to do so, however, we will not fund the cost of this, nor are we bound to follow any alternative assessment.

5. Withdrawal of Service

In most cases the professional relationship between the officer and the member is effective and works well. However, as described, we have a duty to provide value for all members, and we reserve the right to withdraw a service in certain circumstances. These may include:

- If you decide to proceed against our advice in situations where we believe your case is unlikely to be successful – including but not limited to an appeal against a grievance outcome or disciplinary sanction. This does not preclude you from continuing without A&R representation.
- Where there are repeat instances of the same matter – for example, similar disciplinary allegations from more than one employer.
- If you seek external advice - for example from a solicitor or an external HR source. You are entitled to do so, but the advice received may be in conflict with the advice provided by us and affect the overall case strategy.
- All BASW / SWU members and staff must adhere to the BASW Code of Ethics. If we believe you have breached that code in your approach to your case, we will discuss this with you.
- If we find that you have been either dishonest, evasive, unethical or have intentionally withheld information we will have to consider our approach to representation and whether it can continue. It is essential that you are honest with us and divulge all relevant facts relating to your case to your officer, even if the information may reflect badly upon you. Without all the information we will not be able to adequately represent your interests, and we may not achieve the best outcome for you.
- If you do not keep up to date with your membership payments your representation will be suspended until such time as you have brought your payments up to date. If your membership subsequently lapses your representation will cease entirely and you will no longer be eligible for representation and advice on that issue
- There may be occasions when our advice does not coincide with your own view/hopes/expectations. If this does occur it is important that this is discussed in a professional manner We do reserve the right to remind you of this need for respect if it becomes an issue and to seek other ways of resolving this if it becomes a more serious problem

SECTION THREE

Our Legal Offer

1. Referral for legal advice

- We have a very clear process for decision making on whether legal advice is sought or provided on your case. This is because taking a claim to Employment Tribunal is extremely costly and we have a duty and responsibility in how we spend member's money and must provide a service which is of value to all members.
- Whilst we do not appoint solicitors or barristers to individual cases, we do have access to legal advice via an External Legal Provider (ELP) for employment advice; we will use this facility if your named officer deems this to be necessary.
- If you choose to take your own legal advice, this would be at your own expense. Please let us know if you are doing so, as we will need to pause our representation because of the potential for conflicting advice.

2. Potential Tribunal claim*

- If you believe you have a claim for the Employment Tribunal (ET), please discuss it with us at the earliest opportunity.
- We will need you to discuss your potential claim with us before you have commenced Early Conciliation. We are unlikely to be able to assess your claim if you have commenced EC without talking to us first.
- We will need you to discuss your potential claim with us before you have submitted your ET1 or claim form. We cannot assess your claim if you have already filed an ET1.
- You have 3 months, minus one day, to file a claim on most issues. NB. *From October 2026 the Employment Rights Act 2025 will increase most limitation times to 6 months less one day*
- In most circumstances you must have commenced a formal process with your employer prior to us considering the merits of your potential claim. The only exception to this will be if the 3 (or 6) month limitation date is less than two weeks away and you are clearly trying to resolve the issue with your employer.
- We will discuss the strength of your claim with you. If your named officer thinks that you have a potential claim, they will have an advice call with the solicitor. Please note the decision whether to take legal advice is entirely at the officers' discretion.

3. Merits Assessment

- If your officer and the ELP determines that your case requires a full legal assessment it will be passed to the Head of Service to decide whether it has sufficient strength to be sent to the ELP for a merits assessment.
- If your case is referred to the ELP for a full assessment, your officer will keep you informed of progress and summarise the outcome to you when it is received.
- If your case does not reach the threshold, the ELP will tell us, and we will tell you. We fully recognise that this is likely to be disappointing for you. However, the ELP has the final say on the merits of your case and their decision is not subject to appeal.
- As any correspondence between our solicitors and ourselves is subject to legal privilege, we cannot let you have their full evaluation, but we will summarise their assessment and pass that on to you.
- If you do wish to pursue a claim you may wish to seek your own legal representation, but this would be at your own expense.
- You may wish to check to see if your home insurance policy has legal cover that would support an Employment Tribunal claim
- If the ELP does take your case, you will liaise with them directly. Full guidance about the process is outlined in [Employment Tribunal – FAQS}
- If at any point in the proceedings, the ELP considers that a reasonable offer has been put forward by the other side, which they advise you should accept, then their decision will again be final. Should this scenario arise, our solicitors will explain to us in detail the reasons behind their decision. You are of course, free to reject such an offer. However, if you do so contrary to the advice of our solicitors, then we would stress that we would not continue funding your legal representation.

**Please note that neither BASW, nor SWU will accept liability or responsibility for any case that you do not file with the ET, whether we have discussed it or not, even if the issue is that you are out of time to file. It is your responsibility to understand your obligations for an ET and to act on them if you so choose.*

SECTION FOUR

Confidentiality and privacy information

- We operate a confidential service and will not share your information without your consent.

- In addition to the privacy notice you consented to at the point of membership, the A & R team processes your data on a case management system. This system is only accessible by members of the A & R team and is used to record essential case details including relevant documents and records of relevant conversations and meetings

- If your case has an element of discrimination, we may record this within the case record. We may collect this data to inform thematic reviews which will not be personally identifiable. This is to enable us to effectively represent members

- Should you disclose anything in conversation or writing that leads us to believe that you pose a risk to yourself or others, we will urge you to speak to the relevant authorities yourself and failing that we may pass this on to relevant authorities after, wherever possible, discussing the issue with you first. If we cannot talk to you for whatever reason, we will subsequently let you know what action we are taking.

- We are all bound by the BASW Code of Ethics. Should you reveal anything in discussion or in writing that leads us to believe that your actions are placing others at risk, we will initially encourage you to pass this on to the relevant authorities. If you refuse to do so, then we will have no alternative but to inform the relevant parties ourselves and we will inform you that we are doing so.

SECTION FIVE

Advice & Representation Service		
	Our Offer	
Please see below our offer which sets out the type of advice and repreentation that we provide. Please note this is subject to our eligibility critieria and should be read in conjunction with		
ASYE		
ASYE Review Meetings & final hearing	**Advice**	We will provide you with advice guidance on how to prepare for ASYE meetings, approaches to take with the employer .
Capability		
Capability Informal Meeting	**Advice & Preparation**	We will provide you with guidance on to prepare for the meeting and approaches to take with the employer.
Capability 1st Formal Meeting	**Advice & Preparation**	
Capability 2nd Formal Meeting	**Advice & Representation**	We will provide advice on an approach with the employer, how to prepare, and will attend the meeting with you. We will agree how the evidence is presented and by whom
Capability Final Hearing	**Advice & Representation**	
Capability Appeal Hearing	**Advice & Representation**	
Complaints		
Complaints Investigation Meeting	**Advice**	Because complaints meeting are not formal there is no right to representation. We can, however, advise you on how to prepare
Complaints Investigation Outcome Meeting	**Advice**	
Disciplinary		
Disciplinary Investigation	**Advice & Representation**	We will provide advice on how to approach the meeting and will attend the meeting with you.
Disciplinary Hearing	**Advice & Representation**	We will provide advice on how to approach the meeting and will attend with you. We will agree how the evidence is presented and by whom.
Disciplinary Appeal Hearing	**Advice & Representation**	We will discuss whether you have grounds for appeal, review your draft appeal application, and provide representation if it has been agreed that there are merits to an appeal
Flexible Working		
Flexible Working Initial Meeting	**Advice & Preparation**	We will review your draft application, and provide advice on how to approach the meeting
Flexible Working Appeal Hearing	**Advice & Representation**	We will review your draft appeal application, advise on how to approach the meeting and attend the meeting with you

Advice and representation criteria

Grievance / Bullying or Harassment/Dignity at work (raised BY the member)		
Grievance - Informal Process	**Advice**	We will provide advice on strategy,how to approach the employer, and advice on next
Review Formal Grievance Statement	**Review of statement**	We will review your draft statement, and provide advice on how to approach the meeting
Grievance Formal Meeting	**Advice & Representation**	We will provide advice on how to approach the meeting and attend with you. We will agree how the evidence is presented and by whom.
Grievance Appeal Hearing	**Advice & Representation**	We will discuss whether you have grounds for appeal, review your draft appeal application, and provide representation if it has been agreed that there are merits to an appeal
Grievance / Bullying or Harassment/ Dignity at Work (raised AGAINST the member)		
Investigation meeting	**Advice & Preparation**	As this is not a formal meeting, we do not routinely attend. There is no right of appeal. We can provide advice and representation if it moves to a formal employment process (e.g
Probation		
Probation Review	**Advice & Preparation**	We will provide you with guidance on to prepare for the meeting and approaches to take with the employer.
Probation final hearing	**Advice & Representation**	We will provide guidance on how to prepare for the meeting and approaches to take with the employer, and will attend the meeting with you
Probation Appeal	**Advice & Representation**	We will discuss whether you have grounds for appeal, review your draft appeal application, and provide representation if it has been agreed that there are merits to an appeal
Redundancy / Restructure		
Consultation 1-2-1 (job **not** at risk)	**Advice & Preparation**	We will provide you with guidance on how to prepare for the meeting and questions to ask your employer.
Consultation 1-2-1 (Job **is at** risk)	**Advice & Representation**	We will provide you with advice on the consultation, questions to ask your employer and representation at the meeting.
TUPE Transfer	**Advice**	We will review the documentation, provide advice on the process and questions to ask your employer.
Sickness		
Level 1 Sickness Absence Meeting	**Advice**	We will provide you with advice on how to approach and prepare for the meeting.
Level 2 Sickness Absence Meeting	**Advice & Representation**	We will provide advice on approach with the employer, how to prepare, and representation at the meeting
Sickness Final Hearing	**Advice & Representation**	We will provide advice on how to approach the meeting and attend with you. We will agree how the evidence is presented and by whom.

Fitness to Practise		
Investigation and Case Examiners stages	**Advice**	We will provide advice throughout including guidance on draft statements and liaison with the regulator where applicable
Final Hearing	**Advice & Representation**	We will advise you on how to prepare for the hearing and represent you at the hearing
Conditions of Practice Review	**Advice & Representation**	We will provide advice on how to adhere to the Conditions of practise, and representation at the hearing
Interim Order Reviews	**Advice & Representation**	We will advise you on how to prepare for the hearing and represent you at the hearing
Substantive Order Reviews	**Advice & Representation**	We will advise you on how to prepare for the hearing and represent you at the hearing
Discontinuance Order Hearings	**Advice & Representation**	We will advise you on how to prepare for the hearing and represent you at the hearing
Adjudicator Consensual Disposal	**Advice & Representation**	We will advise you on how to prepare for the hearing and represent you at the hearing