



Members' Guide to Employment Support and Representation from the AEP

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1. Support in work related issues from the AEP

As a member of the AEP you may be eligible for support, advice and assistance in relation to employment related matters. The type of support you receive will depend on the circumstances of your case and will be at the National Executive Committee's (NEC's) absolute discretion. Details of the Legal Advice and Assistance scheme are set out in Appendix 3 of the Members Handbook.

2. General Principles

- We shall not discriminate in the way we provide our services to you on the grounds of any protected characteristic under the Equality Act 2010 nor because of any complaint that you may have previously made about the AEP itself
- Any member's difficulties should be resolved at as low level as possible, without compromising legal deadlines.
- Consideration, with consent, of discussion to achieve resolution – either with the employer, the person causing concern, or their representative.
- The interests of an individual member are paramount, but not exclusive – the member may wish to continue working in their current context and the resolution of the difficulty may need to take this into account.
- All parties involved in member casework should be treated in a professional manner, with courtesy and respect at all times.
- The same standards of decision making must be applied to all members.
- Any possible referral to the HCPC should be considered very carefully and should be a matter for individual registrants.

3. Qualifying membership period

Members are normally subject to a 'waiting period' of 90 days following their admission (or re-admission) to membership of the AEP.

Advice, support or legal assistance will not be granted save in exceptional circumstances in relation to a claim, dispute or other matter which began or occurred before membership started, during the waiting period, or; or in the case of lapsed membership, during the period when membership was lapsed or within the period of 90 days after the day of restoration of membership.

4. Support and representation from the AEP

We will endeavour to ensure that we always act in your best interests when trying to resolve your problem. This will be subject to our duty to use AEP funds prudently, and to allocate our resources appropriately, and in line with AEP objects.

We will advise you of all appropriate deadlines and keep you informed at each stage of the process.

5. How to access support

If you wish to access support in an employment related matter you should, at the earliest opportunity, seek guidance from your AEP local representative. Where this is considered inappropriate, for example where there may be the possibility of some conflict of interest or there is no local representative, then you should contact your Regional NEC representative or the AEP Office. In cases which may require formal representation, or involvement in your employer's procedures, you will be provided with a Casework Referral Form, which should be completed and returned along with appropriate documents to support your case. You will be allocated a caseworker who will be able to advise, support and represent you.

If you are contemplating submitting a grievance or taking any other action including through a civil court or tribunal it is vitally important that you seek advice from the AEP before taking any formal or informal action. Otherwise, we may not be able to support you effectively, or at all.

This is to ensure that:

- Timescales are achievable,
- the content of your grievance has a reasonable prospect of succeeding,
- it consists of issues which are relevant and can be resolved.

6. Your Representative

The AEP will allocate a Representative to support you. They will have the appropriate skills, knowledge, and experience to assist you. The AEP may commission representation services from a panel of experienced representatives who are not employed by the AEP but do have extensive trade union and representational experience. You will be notified when you are allocated a representative.

7. What you can expect from us

- We shall not discriminate in the way we provide our services to you on the grounds of any protected characteristic under the Equality Act 2010 nor because of any complaint that you may have previously made about the AEP itself.
- Your Representative will treat you and your issue with respect. Communications will be polite, and factual. Any opinions will state that they are opinions and will differentiate between the representative's opinion, and a formal legal opinion obtained on your behalf.
- The rep should respond to your communications within a reasonable time frame. This would normally be 2-3 days for email and telephone enquiries and a week for post. If a full response cannot be provided within that timescale, then a holding response should be provided.
- Your representative cannot tell you what action you must take. They can simply advise you of actions that are possible, along with the potential outcomes of each course of action.
- If you require a legal opinion, the Representative will seek formal confirmation from the NEC before submitting a request to the Head of Legal and Operations or other legal advisor.

- Your representative is only able to act on advice provided by a solicitor or legal advisor who is employed or commissioned by the AEP. If you choose to seek legal advice outside the AEP, then the AEP will consider whether it is appropriate to continue representing you. This is because there is likely to be a conflict of interest, and a lack of independency. In addition, the AEP will not be liable, under any circumstances, for legal advice provided to you without our express agreement. (see section 3 iii) Other Advisors)
- Provision of casework support (particularly legal support) will be kept under regular review by the designated sub-committee of the AEP.
- We reserve the right to decide:
 - The nature and extent of the support we provide in every case
 - Who will be your representative
 - When and if we need to appoint an individual or organisation external to the AEP to support you

8. Your responsibilities

- You must keep your AEP subscription payments up to date during any period of casework support. If you cancel your membership of the AEP, we will no longer be able to support you.
- You are responsible for informing your employer that the AEP is providing support as your trade union representative. This is particularly important if your representative is not an AEP employee.
- Do not agree to any meeting dates without referring to your representative – they may have diary commitments.
- You should provide relevant information to your representative promptly.
- You should advise your representative of any communications from your employer straight away.
- The AEP expects you to be open, honest and truthful in your discussions with your representative. They cannot represent you effectively if you have not told them everything that is relevant.
- You are expected to give due regard to information provided by your representative, particularly in relation to reasonable offers of settlement from your employer.

9. If we are unable to provide support

If, after careful consideration, we find that we are unable to support your request for support or representation, we will give you an explanation as to why we have taken this decision.

Continued support of your case will be kept under regular review and we will inform you of any issues that could affect the success of your case. Where, in our opinion, your case has less than reasonable prospects of success, we may limit and/or decline support for you.

These decisions are at the NEC's absolute discretion.

10. Circumstances in which assistance may be refused or withdrawn

In certain situations, we may decline to provide support or legal assistance, or we may withdraw support or legal assistance, including but not limited to the following circumstances:

- You do not meet the 'waiting period' requirements (see section 1 above)
- You seek legal advice from a source not authorised by the AEP (see iii below)
- You ask us to act improperly or unreasonably
- You engage in threatening or abusive behaviour towards others
- You harass your representative or any member of AEP staff
- Your AEP representative has a reasonable belief that your claims are based on untrue and/or unfounded statements
- You persistently disregard our advice or fail to co-operate with requests for information
- Your behaviour towards your AEP representative is unreasonable
- There has been a loss of trust and confidence between you and your AEP representative.
- You refuse to accept a reasonable settlement or resolution
- You do not keep your membership subscriptions up to date or cease to be a member of the AEP

11. Other advisers

It is important that as your official representative during the course of your case, the AEP has your confidence in our ability to provide you with expert, impartial advice about the best way to resolve your problem. Although you are at liberty to seek additional legal or other advice about your case, at your own expense, the AEP will decline to continue representation where it is apparent that you are taking advice. **If you choose to seek additional legal advice you will be responsible for any costs you incur.** It is clearly important that there is no confusion about who is representing you, and should a conflict arise the AEP will formally withdraw from your case, but only after notifying you first.

If prior to seeking support from the AEP you engage a lawyer independently or receive support or representation through an insurance company or another trade union in relation to the same matter, the AEP may not agree to provide assistance. Under no circumstances will the AEP be liable for or reimburse any costs incurred by you or representatives engaged by you.

Conflicts

Should a dispute or conflict of interest arise between members we may deem it necessary to arrange for separate advice and representation for each member.

In rare circumstances a conflict may arise between your individual interests and the collective interests of the wider AEP membership. Should this occur, we may be unable to provide support to you in respect of your individual case. We would expect reasonable consideration to be given to alternative, informal, dispute resolution procedures.

12. Complaints

You are entitled to raise a complaint about the service you receive from the AEP in accordance with our Complaints Procedure. A copy of the Complaints Procedure can be sent to you on request.

13. Confidentiality and data protection

The AEP Privacy Statement can be found here:

<https://www.aep.org.uk/privacy-and-cookie-policy>

14. Legal claims

You should refer to the Members' Handbook for full details of the legal advice and assistance scheme.

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