



Criminal Law Advice & Representation Scheme

Standards of Service Protocol

1.) During office hours, members access the criminal law scheme through UNISON Direct who then forward the enquiry by e-mail to UNISON Membership Legal Services Unit. UNISON then instruct Thompsons to act. Outside office hours, members access the criminal law scheme through the 24 hour emergency helpline number 0800 587 7530. In every request for advice and representation however, a UNISON CR form must be completed (this can be retrospective). UNISON will send the form to Thompsons.

2.) If instructions are received direct by Thompsons from any other source (eg : a regional office or the member has contacted the Thompsons Trades Union Call Handling Centre [TUCH]), details are to be faxed to UNISON Membership Legal Services Unit for membership verification and UNISON will then instruct Thompsons.

3.) This applies to work related criminal allegations.

4.) If UNISON Direct receive a non work related enquiry from a member, they are referred to Thompsons' TUCH in order for the member to receive 30 minutes of free legal advice. If the member wants a solicitor on a private basis, Thompsons can represent privately or, TUCH will refer the member on to other solicitors.

5.) The criminal law advice and representation scheme specifically excludes:-

- Drink driving offences
- Road traffic offences unless the member's job is at risk
- Assistance and representation for criminal proceedings where the member's role is solely as a witness
- The NEC can also decide to refuse representation where a member is pleading guilty.

6.) Thompsons will both acknowledge receipt of instructions to UNISON Membership Legal Services Unit and make telephone contact with the member within 24 hours. If the member cannot be successfully reached by telephone within that timescale, a letter confirming instructions to represent will be sent out the following day.

7.) Following a member being charged with a criminal offence, an application for a Legal Aid Representation Order will be submitted.

8.) Where instructions are received to provide representation and a Legal Aid Representation Order is not available, for example:-

- Health & Safety Executive investigations/counter fraud investigations
- minor road traffic offences

then if the offence for which Legal Aid is not available, occurred during the course of the member's employment, Thompsons will notify UNISON Membership Legal Services Unit in writing and seek authority to continue to act on behalf of the member under the fixed fee scheme.

9.) Thompsons will update UNISON Membership Legal Services Unit at key stages in the case:-

- Upon charge
- Upon a plea being entered
- Within 28 days of the conclusion of the case.

If matters do not progress to any of the key stages referred to above within 6 months of receipt of initial instructions, then a report will be submitted and thereafter at 6 monthly intervals in the absence of further progress to a key stage.

10.) Where instructions are received by Thompsons to provide UNISON members with advice/representation at Inquests, the need for representation will be determined on a case by case basis. Thompsons will consider the case and advise UNISON Membership Legal Services Unit whether representation is necessary. If representation is necessary, specific authority to represent will be sought. An Inquest with an estimated length of hearing of 10 days or less, which involves no important issues of law, will fall within the fixed fee scheme. Where a case falls outside the fixed fee scheme, Thompsons will again seek authority to represent from UNISON Membership Legal Services Unit.

11.) Where instructions are received by Thompsons and a conflict of interest is identified, the matter will be immediately referred back to UNISON Membership Legal Services Unit for the member to be separately represented.