

UnionLine NEWS

Nov 2016

The Legal Services Newsletter for GMB and CWU Members and their Families



MoJ will press on with changes to small claims limit

The Ministry of Justice has announced that it intends to raise the small claims limit for personal injury claims from £1,000 to £5,000.



The change was originally proposed in last year's Autumn Statement, by then-Chancellor of the Exchequer, George Osborne, along with a ban on general damages for whiplash injuries.

The consultation released by the Ministry of Justice on Thursday 17 November proposes either scrapping damages entirely or placing a cap on 'minor' whiplash injuries, which would see the average payout cut from £1,850 to a maximum of £425.

The change to the small claims limit means that people with claims worth less than £5,000 would have to pursue them in the small claims court. As legal costs in the small claims court cannot be recovered, this effectively leaves claimants with the choice between bringing a claim as a litigant in person with no legal advice, paying for legal representation out of their damages, or not pursuing the claim at all.

When the proposals were first announced in 2015, many in the legal industry feared that people whose injuries were considered to be minor, and fall within the new limit, would have their access to justice undermined, as those defending a claim may still be able to afford legal advice.

The proposals have been heavily criticised by the Law Society of England and Wales. President Robert Bourns said: "These proposals will completely undermine the right of ordinary people to receive full and proper compensation from those that have injured them – often seriously – through negligence.

"This five-fold increase will stop people from getting the legal advice they need in order to bring claims for the compensation they are entitled to in law.

"This undermines ordinary people's access to justice – especially if defendants refuse to accept liability, forcing people to fight through the courts without legal help."

Other proposals in the consultation include introducing a transparent tariff system of compensation payments for claims with more significant injuries. The government also proposes banning offers to settle claims without medical evidence.

The government has opened the consultation until 6th January 2017.
Please sign the petition to get the government to reconsider the proposals.
<https://petition.parliament.uk/petitions/173099>

November 2016 settled cases



During November UnionLine settled 276 personal injury claims, winning a total of more than £1 million for union members.

The settlements for the month included four clinical negligence claims and 123 accident at work claims. There were a further 13 settled cases for members who had been diagnosed with an industrial disease, and 42 public liability claims, including nine for injuries caused by dog attacks.

Other settled claims included 93 road traffic accidents and one for an accident which occurred abroad.

One member received £45,000 in general damages after suffering an accident at an office party and breaking her collarbone. Another member was awarded £40,000 after he lost sight in one eye following clinical negligence.

The largest settlement of the month was for £290,225 for a member who was diagnosed with mesothelioma following exposure to asbestos at work, but sadly died from the disease.

If you or a family member have suffered an injury at work give UnionLine a call to see if we can help **call us now on 0300 333 0303**

To register a new claim or for any legal advice call UnionLine on:

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Legal service in Scotland

Following the Scottish independence referendum in 2014, the Smith Commission was set up to look at what extra devolved powers could be given to Scotland. As part of this process, the Commission decided to provide for the devolution of "all powers over the management and operation of all reserved tribunals". As such, the Employment Tribunal service will now be devolved to Scotland as it relates to Scottish matters via the Scotland Act 2016.

This means that all employment law, qualifying periods, the role of ACAS and Tribunal remedies will remain reserved to Westminster, but Holyrood will have powers over the management of the Tribunals which will include the power to remove ET fees and to reshape the priorities and values of the ET through the Fair Work Agenda.

At the moment, the Scottish Government consultation on the devolution process has focused almost exclusively on the composition, administrative location and the judicial status of the new body. Other issues of priorities, values and outcomes have been referred to a stakeholder group that includes the STUC. This group has yet to meet, but an initial information gathering session took place on Thursday 24th November at the STUC, of which UnionLine Scotland attended.

The Scottish Government plans for devolution of the ET service are advancing and, whilst discussions are constructive and ongoing, there is a risk attached to further delay. UK tribunals are currently under serious threat with proposals from Westminster to downgrade the status of judges, remove lay people from most hearings, shift to online or digital justice and close some tribunal offices in the process. As such, the longer the devolution process takes then the lower the quality of the resource that transfers.

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Mary Biggam UnionLine Scotland said:

"We welcome the Scottish Government's commitment to consult with the STUC and other union stakeholders as part of the ongoing devolution process. Trade Unions recognise the importance of having an Employment Tribunal Service that provides a free, speedy and effective remedy for Trade Union members if, as a last resort they require to make a complaint to an Employment Tribunal. We look forward to working with the STUC and other stakeholders on these priorities in the future."

We shall keep you informed of further developments in future edition of UnionLine Scotland news.



Steep court fee rises are tax on justice, say MPs



Number of workers taking claims to tribunals has dropped by 73% since charges of up to £1,200 came into force

The number of workers taking claims of unfair dismissal or discrimination to employment tribunals has slumped since charges came into force, a study has revealed. Unfair dismissal claims have fallen by 73% and there have been huge reductions in discrimination cases on grounds of sex (71%), race (58%) and disability (54%), since charges of up to £1,200 were introduced.

The number of workers taking claims to a tribunal averaged 16,000 a month in 2012-13, but that figure fell to 7,000 in the past year.

CWU Head of Legal services, Tony Rupa, said: *"The study has revealed some worrying trends as figures show a considerable fall in workers seeking judicial recourse. Businesses and bosses know this and feel they can get away with it, discrimination at work will continue to go unchecked and workers can be sacked without proper access to the law."*

"The findings are proof that tribunal fees of up to £1,200, are a massive financial hurdle for thousands of workers seeking justice and parity."

"The Tory Party has repeatedly said they want to be a Government for ordinary working people. They should reverse employment tribunal fees, and make sure working people can challenge bad employers in court."

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