

# Advice & Representation Service including Indemnity Insurance

This insurance package is provided by Hiscox and arranged by Gallagher London.

## **British Association of Social Workers The Advice and Representation Service (A&R) (including indemnity insurance)**

### **1. WHO ARE WE?**

The A&R Service is provided by the Association for members, whomever their employer or whatever their position in the social work hierarchy, when they need assistance on employment issues relating to their professional practice.

The Service is situated at the Association's headquarters in Birmingham. The A&R Officers are qualified social workers who have developed skills in the field of employment law and complaints, disciplinary and grievance procedures. In addition, there are a number of experienced sessional workers who operate from their home addresses around the UK.

The Service is only operated in accordance with its ***Terms of Reference***

### **TERMS OF REFERENCE**

#### *a) Matters concerning the Service*

1. Issues relating to disability, race and culture in terms of employment and the provision of services and training.
2. Issues considered to involve a fundamental principle of social work practice which might set a precedent and might reasonably be disputed by a professional association.
3. Matters in which the competence of a social worker to practise is called into question because of alleged failure to observe professional standards.
4. Issues of dismissal or attempted dismissal for alleged professional negligence or incompetence.
5. Matters of disputed disciplinary action brought by an employer for alleged negligence of professional standards.
6. Issues raised by performance in, or consequences of, professional social work training.
7. Proceedings at Employment Tribunal and/or the Regulatory Councils brought against a member for alleged professional incompetence or misconduct
8. Proceedings in investigations or enquiries into professional social work practice.

9. Actions initiated against members by organisations or individuals for alleged professional misconduct.
10. Matters dealt with incompletely or inappropriately by trade unions.
11. Issues raised by members in dispute with trade union instructions, provided that a professional practice issue is involved.
12. Particular cases accepted for consideration at the discretion of the UK Standards & Ethics Board.

*b) Matters not primarily concerning the Service*

1. Service conditions. Local Authority trade unions are recognised for the purpose of negotiating terms and conditions of service and other employers of the Association members often have a similar arrangement.
2. Support from the A&R Service in service conditions matters can only be approved by the Head of A&R where he/she considers trade union intervention has been ineffective.
3. Association members not belonging to a trade union do not qualify for support in service conditions matters simply because of this fact.
4. Criminal Matters.

*c) Qualifying Time and Conditions*

1. The A&R Service is available to Association members who have been in membership for at least three months.
2. Issues cannot be considered retrospectively. Members cannot, therefore, call on the Service to represent them on any issue originating prior to their eligibility for the Service.
3. The A&R Service is not available to retired or overseas members.

## **2. WHAT CAN YOU EXPECT FROM US?**

When you contact the A&R service (0121-622 8413, Fax 0121-622 4860, 16 Kent Street, Birmingham B5 6RD) you can be sure of a concerned and caring response and sound advice about the problem you have. If you do not want to be contacted at work we can usually arrange to speak to you at home outside office hours. Please contact us as soon as possible after the problem arises because support and advice at an early stage can sometimes lead to a solution before the issue becomes too complex or entrenched.

Many members who contact the A&R Service are able, following advice, to resolve their difficulty without further help. When this is not the case, you may be asked to send a written version of events to us together with relevant correspondence, documentation and procedures, so that we can form a view of your situation and advise you accordingly. The Service has an obligation to look thoroughly into each case and advise on the basis of the information given to us. This may require that any evidence is tested with you and you may be invited to come to Birmingham to discuss your case with one of the A&R Officers. In some cases our analysis may be at odds

with your own view. If this happens and we are unable to agree after discussion, you are at liberty to seek another opinion, but the Association will not fund this.

Over 600 members are seeking the advice of the Service each year.

### **3. LEGAL SERVICES**

The A&R Service in line with the intention of the Association, is a service provided for social workers by their peers. Legal advice is available if considered necessary by the Head of A&R. This advice is given to the Service in connection with your case and not directly to you the member (ie The A&R Service is the client; not you). The lawyers used by the service on your behalf, are approved by us and are expert in the employment law field. In all cases where representation is required this will be provided by A&R staff. If a case arises where the Head of A&R (in conjunction with the UK Standards & Ethics Board – see 4) believes legal representation is essential, this will be sought by the Service, on behalf of the member concerned. (i.e. The A&R Service instructs a lawyer; not you).

### **4. UK STANDARDS & ETHICS BOARD**

The UK Standards & Ethics Board comprises nominated members of the association who meet at least three times a year. In addition to its existing functions the Board will now:-

a) Ensure that the A&R Services is running appropriately b) Give guidance to the Head of A&R on matters where this is appropriate/necessary

All cases discussed by the UK Standards & Ethics Board are anonymous to them. A member whose case is discussed by the Board does not attend.

### **5. THE INSURANCE PACKAGE (Professional Indemnity)**

As a member of the Association, unless you are in membership categories 5 (Retired) 7 (Affiliates) or 8 (Overseas), you have automatic insurance cover specifically designed to protect you in your practice.

You are entitled to advice and representation in accordance with the terms of reference of the Service.

You are entitled to be indemnified against the costs of defending any claim brought against you in your capacity as an approved member of the British Association of Social Workers for negligence, error or omission, libel, slander or breach of confidentiality and you are entitled to recover any damages or costs awarded against you. Your personal cover is for any sum up to £2,000,000.

Indemnity cover is provided in respect of any matter in which the claim arises **whilst you are a member within the appropriate membership category**. As cover is not available within the 'retired' membership category we do recommend that members continue in an appropriate membership category for six years following retirement so that full indemnity cover can be available throughout the period for which it is necessary.

The whole package of cover applies to you in your capacity as an approved member of the British Association of Social Workers throughout the European Community.

If you believe yourself to be at risk of legal action, for which you wish to claim the protection of the indemnity policy, you must notify the Association in writing as soon as you are aware that a claim is being made or is likely to be made against you. **Failure to do so may negate your cover**. You must not admit liability if a claim is made against you, and you must not take no action yourself other than to contact the A&R Service.

This insurance package is arranged by Gallagher London in conjunction with Lloyds Underwriters.

**Gallagher London**

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