

The Advice & Representation Service

How we work with you

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Advice and Representation Service

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1. The Advice & Representation (A&R) Service

[The British Association of Social Workers \(BASW\)](#) and the [Social Workers Union \(SWU\)](#) work together to provide the A&R service. All A&R officers are experienced and skilled officials with extensive knowledge of employment and regulatory processes.

Each officer in the team also has extensive experience as a social worker and therefore fully understands the business of social work. We understand casework demands, complex decision-making processes and the pressures on social workers that can lead to mistakes. We understand the importance of reflection, supervision and the support that needs to be in place from employers for you to do a good job.

This unique skill blend enables the team to use knowledge and experience to advocate, negotiate, advise, support, guide and represent you.

2. A&R remit

The remit of the SWU/BASW Advice & Representation (A&R) Service is to provide advice and representation to eligible members on:

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

3. Eligibility

To obtain advice and representation from A&R, you must meet our [eligibility criteria](#). This is outlined in detail in our eligibility criteria guidance.

In brief, if you are a new member there is a **one month** qualifying period before we can provide advice and representation for any new issues that arise. That means that if something comes up in the month after you join us we will not be able to support you.

We also cannot support you if you join us when there is an issue that you know about when you take out membership. This is considered to be a pre-existing issue. A pre-existing issue is defined as a matter that was known about, or in process at the time of joining. If the known issue subsequently results in a formal process, such as capability, grievance or disciplinary, that formal process is considered to have arisen from the known issue and remains **ineligible for representation**.

Please note that issues that arise in the first month of membership and known pre-existing issues never **become eligible** for either advice or representation.

If you've joined BASW/SWU, you can instantly access our guidance sheets, offering advice on a variety of workplace issues. Visit our [website](#) to explore these resources, which are exclusively available to members.

4. Provision of a caseworker

We can only provide representation to members who are in formal regulatory or employment processes. The processes for which we can represent are detailed [here](#).

It is also important to note that we can only represent meetings which are formal and where there is a [right to accompaniment](#).

If your case does not meet our allocation criteria or if it is an informal meeting, we cannot provide you with representation. We may, however, be able to provide you with advice.

If your query is not related to an employment or regulatory process will not be able to provide you with advice or representation but you may find that the issue is covered in one of our suite of [guidance sheets](#).

5. How to access the A&R service

A. Initial advice

If you have a workplace or regulatory body issue, 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 the nature of your issue.

Our Initial Response Team (IRT) will review your form, make an initial determination of your eligibility status, and decide the initial course of action.

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 our eligibility and allocation criteria as well as the complexity of your case and is made by the IRT and/or the management team.

Potential outcomes following referral:

1. An initial advice and guidance call, or request for further information. If you have recently joined and are not eligible for advice, you will be guided towards the guidance sheet relevant to your issue.
2. A call with the duty officer which is of 20 minutes duration. Before booking the call, we may ask you for additional documentation or information before to ensure that the advice we provide is as accurate as possible.

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3. Where your situation is complex and may require a greater length of time to understand we may provide you with a named officer for a short piece of work. This may be for a one-off longer call to better understand your situation or to undertake a longer piece of work that is likely to be concluded within a fortnight.
4. Where your case meets both our allocation criteria and eligibility criteria we may provide you with a named officer to support you with your case. Please note that allocation is a management decision which is not subject to appeal.

We aim to let you know the outcome of your referral within 48 hours. We will usually do so by phone, but if we are unable to get hold of you, we will contact you via email.

Please note that each referral is considered very carefully by our Initial Response Team which has management oversight and is not subject to appeal.

B. Working with a named officer

If either the duty officer or a member of the IRT has indicated that you may be provided with a named officer, your case will be referred to the management team to decide if your case meets the allocation and eligibility criteria.

We aim to let you know the outcome of the decision in writing and within 3 working days of your duty or IRT call.

At times of high demand, we reserve the right to change the way in which we deliver the service. In these circumstances, we may not be able to guarantee providing you with a named officer, and we will operate a waiting list which prioritises people whose jobs are at risk.

If we tell you that you may have to wait for a named officer, we will keep you regularly updated with time scales. If we are unable to provide you representation at all, we will let you know what support we can offer instead.

C. Attendance at meetings

1. Notice Period

As described we can only attend meetings with you if they are at the formal stage and when you have been allocated a representative.

Please be aware that we ask for a minimum of 10 days' notice for our attendance at formal meetings. Whilst we do our best to accommodate earlier requests, we cannot guarantee our attendance. The [ACAS statutory Code of Practice on discipline and grievance procedures](#) provides that employers must provide reasonable notice for attendance at disciplinary and grievance meetings.

It is worthy of note that the maximum legal delay permitted is 5 days from the date originally proposed by the employer but in practice, most employers are willing to accommodate a later date so that union representation to be secured.

2. Attendance in person

It is our policy to attend meetings **remotely** via digital platforms because this enables us to deliver a more far reaching, effective, and efficient service to all our members.

We have found that, providing all participants are online, that such meetings can re-adjust the power imbalance innate in formal processes. Large face to face meetings can be difficult, especially when you are in the minority but where everyone is in a box on a screen it can often be a great leveller.

We do recognise, however, that this is not always the best approach and in certain circumstances (where your job is at risk or in certain complex hearings) we may be able to provide representation in person.

6. Providing representation

A. Our Role and approach

1. The role of your SWU/BASW representative is to:

- Provide advice and guidance on your employment rights and workplace concerns.
- Represent you at certain employment meetings or hearings.
- Negotiate settlements and employment conditions on your behalf.
- Assess the merits of your case if you believe you have a claim that could be taken to Employment Tribunal (ET).
- Provide advice and guidance at each stage of the regulatory process.
- Represent you at substantive and/or interim regulatory body hearings.
- By agreement, chase the employer or regulator where there is a delay in the process.

Please note that we do not hold face-to-face meetings with members; instead, we meet virtually to discuss their cases.

2. Our approach:

- Is not to do for you but to do with you.
- To guide, advise and advocate, as you navigate a particular process, but we cannot act for you.
- We will provide advice on strategies and approaches to take. However, you are the person who knows your case best and will be able to find any discrepancies in evidence.
- If you provide us with any written statements, we will review them once and provide you with comments and advice. It is your choice whether to accept or reject our input.

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- 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.
- You do not have to take our advice, but if you chose not to, we may be limited in the effectiveness of our representation.
- There may be ethical considerations we will have to address with you under certain circumstances. Should this arise, we will have open and honest conversations with you about this.
- Sometimes the information or advice we give may be at odds with what you expect. We are also here to offer healthy challenge where needed to assist you in preparing for your case.

3. We do not:

- Have conversations with your employer without your permission or presence.
- Write mitigation or reflective statements for you.
- Attend meetings without you.

4. We ask you to:

- Provide us with relevant information in a timely manner.
- Be open, honest and transparent, divulging all relevant facts to us.
- Redact information you send us to ensure it is UK GDPR compliant.
- Be mindful of and adhere to the BASW Code of Ethics.

Please note: When you submit a referral to the A & R Service, you will be asked to agree to the terms of our engagement, which sets out in more detail how we will work together with you, the limits of our involvement, and the expectations upon you.

B. Legal advice

We do not appoint solicitors or barristers to individual cases, other than if accepted by our solicitors for direct representations. We also have access to legal advice and will use this facility if appropriate to assist us to represent you. This does not prevent you from taking alternative advice, though without exception any such advice will be at your own expense. You should also be aware that if the alternative advice is at variance with our assessment, then we are not obligated to follow the alternative advice you have received.

C. Potential Tribunal claim*

If you believe you have a claim for the Employment Tribunal (ET) which requires legal advice, your representative will talk to you about whether they think you have a claim and its strength.

If your representative believes that you have a potential claim, they may refer your case to our solicitors.

Please note that a referral to our solicitors will be made only where your representative believes that there is a case that may have sufficient merits to be assessed.

Your officer may decide to have an early advice call with the solicitor around the direction of the case but please note the decision is entirely at the officers' discretion.

If your officer believes your case has sufficient strength to merit full assessment it will be passed to a service manager for review. The service manager will complete their own assessment and will decide whether your case will be passed to the solicitors to complete a full assessment. That is, if it is likely to have 51% or better chance of being successful.

The solicitor has the final say on the merit of your case and their decision is not subject to appeal.

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**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.*

D. Regulatory Body Work

The team provides advice and representation throughout fitness to practise proceedings with the nation's four social work regulators: Northern Ireland Social Care Council, Scottish Social Services Council, Social Care Wales, and Social Work England. If you are registered with more than one regulator, it is your responsibility to ensure that any issues that arise from one regulator is passed to any subsequent regulators.

If we are representing you, please inform the regulator of your representative's name.

We provide advice, guidance, and representation at every stage of the regulatory process, including:

1. Advice & guidance on [initial statements](#) –
 - We will read the statement and provide feedback, but are unable to write the statement for you.
 - We will only read and provide feedback once prior to you submitting your statement.
 - Where you have been working with an officer in an employment procedure, that officer may assist you with your initial statement to the regulator.
 - Please be mindful that you may have a tight turnaround. It is always worth asking the regulator if you do need more time.

2. Advice on submissions and further statements

- Please see above information which applies.
- You will need to be aware of submission dates.
- This statement will be read by your officer from the regulatory team.

3. Representation at interim order hearings and review

- We cannot answer questions on your behalf.
- We will attend if you are present with very little exception to this policy. If we do attend without you, it would be in an emergency situation and only to inform the panel of your circumstances and ask for an adjournment.
- Forward any correspondence to your officer immediately, especially if there are instructions for you to consider.

4. Representation at [full fitness to practice proceedings](#) -

- We will prepare your case alongside you.
- We will ask questions on your behalf as the panel will insist on this.
- We will write and give submissions at each stage of the hearing (facts, grounds, impairment and sanction).
- Please keep track of dates, times and deadlines regarding the process.
- We can contact your witnesses on your behalf, where it is deemed appropriate and / or preferable.

Please note that most regulators are now conducting hearings remotely. If you want your hearing to be in-person, that will need to be cleared with the specific regulator. Check your regulator's website for instructions on how to make this request and under what circumstances this can be granted.