



TYPES OF CASES THAT WE'VE DEALT WITH:

- Secured a settlement of £4000 for a teaching assistant who was denied reasonable adjustments in work
- Secured a settlement of £8500 for a woman who lost a promotion because of her pregnancy
- Won a race discrimination claim for a Polish migrant worker who was paid less than his British counterparts
- Settled a case for discrimination on the basis of sexuality for a care worker who was dismissed, securing £12,500.



Information on the law and the casework service can be found at www.discriminationhelp.org.uk

You can also find out what else the Race & Equality Centre does by going to

www.chawrec.org.uk



Cheshire Halton & Warrington Race and Equality Centre

The Unity Centre
17 Cuppin Street
Chester CH1 2BN

Tel: 01244 400730

Fax: 01244 400722

E-mail: office@chawrec.org.uk

This leaflet is also available in large print and other formats and languages on request.

DISCRIMINATION CASEWORK SERVICE



Discrimination Casework Service



We offer an independent, completely confidential discrimination casework service, with no upfront fees which may include representation at tribunal or court. If you think you have been discriminated against because of your race, age, religion or belief, gender, disability, sexuality or transgender status then we can advise you on the best course of action and your chances of success.

Q What sort of cases do you deal with?

A We deal with cases that fall under the Equality Act 2010, so any case where discrimination is the complaint – whether that be because of gender, disability, race, age, religion or belief, transgender status, sexual orientation, marriage, civil partnership or pregnancy.

We generally don't take on non employment cases eg those in services, education or housing but we may be able to give you initial advice and assistance depending on our workload at the time. In some cases we may be able to refer you to someone else if we think the case has merit and potential to change the law or policy.

If you have a case that involves discrimination and something else related to it such as unfair dismissal or unlawful deduction from wages, then we would run both cases for you.

We only deal with applicant casework, not respondent casework – so only those who have experienced discrimination can utilise the service.

Q What do you mean by discrimination?

A We are talking about being treated unfairly because of something to do with the person's race, disability, gender, age, sexuality, religion or belief or transgender status. There are different types of discrimination which are legally defined and vary slightly according to the legislation. So for example if you are disabled your employer would be acting unlawfully if they discriminated against you because of the disability, but they are also under a positive duty to make reasonable adjustments to enable you to continue working.

People can also make a claim if they have been victimised because they made a claim (or threatened to make a claim) or supported someone else who did.

Q What is indirect discrimination?

A Lots of people think that this is another word for subtle or underhand discrimination, but it's not. This is a specific legal definition, which is when a rule or condition is in place that applies to everyone but acts as a barrier for people from particular groups, for example a rule that employees or pupils must not wear headgear could exclude Sikh men and boys who wear a turban, or Jewish men or boys who wear a yarmulka, in accordance with practice within their racial group.

Q Will my case go to tribunal or court?

A Employment cases are heard by an employment tribunal and non employment cases are heard by a county court. Both charge fees for bringing a claim through them – at the time of writing claims for tribunal cost £250 to lodge the initial claim. If you are on income support, or low income you may be able to claim fee remission, and we will advise you on this should your case get that far.

Before an employment case can go forward to tribunal, it must have gone first to 'early conciliation' through ACAS. Again this is something we can help with and act on your behalf in negotiations on a possible early settlement.

Please note that we do not offer representation in all cases, it is on a case by case, merits basis – but we will keep you informed at each stage.

Q What will the caseworker do for me?

A We employ a small specialist casework team, supported by trained volunteers to deliver this service. Generally the majority of the case can be dealt with by phone and e-mail, however we may need you to visit the office (or meet in a convenient place) to go through statements and other important documents, should the case get to tribunal.

Initial steps in discrimination cases involve either questionnaires, which are served on the person or company you are complaining about asking them pertinent questions about your claim to use in evidence later. On other occasions we may serve a letter warning

them of a pending case and setting out your claim. Whatever the next steps, they will be agreed with you as the client.

All of our cases are regularly reviewed by the Trustee Board who make all the final decisions about how far we will take a case. The reason for this, is that we are risking charity resources on a case being successful in the future, so we have to take this responsibility seriously. Again, we will make sure you are kept up to date on any decisions about your case.

Q Are there time limits?

A There are short time limits on discrimination cases which range between 3 and 6 months depending on the circumstances, so it is important that you come for advice as soon as possible.

Q Will I have to pay anything?

A We used to receive grant funding to allow us to offer the service free of charge, but this ended in April 2012. The only way we could keep this valuable service running was to start making charges. There are NO upfront fees – we only charge you if you are successful and receive a financial settlement or an award and then we will take 35% of the total amount. If we manage to settle the case through early conciliation we will take an agreed lower amount to reflect the fact less work has been needed. We are not about making profit – many of the cases we take cost more to run than we receive in fees, but where we have any surplus it is ploughed back into the service to help support other cases.

You will be given an agreement before we undertake any work which sets out in detail what you can expect from us. There may be other charges which you have to pay, unrelated to the REC's costs – such as the costs for a medical report or tribunal fees, but we will advise you of any possible costs at the beginning of your case.

Q When is the casework service available?

A If you live outside of the area, we can generally deal with the majority of the case by e-mail or telephone. We can also offer home visits (locally) if you struggle to get into the office. We are based at the Unity Centre, which is open Mondays and Thursdays 10am-4pm, Tuesdays 10-7pm and Wednesday and Fridays 10am-12.30pm. Appointments are also available outside these times.