

# C2 APPLICATION FOR LEGAL ASSISTANCE UNDER THE VOLUNTARY FUNDS



Form can be printed in Black & White

BB/BC Ref	PFEW HQ Ref
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## SECTION A – INCIDENT DETAILS

Incident date	Time
Location	
Linked Officers' Names	

## SECTION B – APPLICANT'S DETAILS

Suffix	D.O.B.
First Name	Surname
Date joined	Collar/Warrant Number
Rank	Annual Salary
Force	Station
Email	
Contact Number	
Home Address (please include postcode)	

## SECTION C – FEDERATION REPRESENTATIVE'S DETAILS

Full Name	Telephone
Rank/Number	Federation Email
Force	Station



## SECTION D – LEGAL ASSISTANCE REQUIRED

	Yes	No
<b>ADVICE</b> – Preliminary stage, no formal proceedings have commenced (Attach relevant documentation)		
<b>REPRESENTATION</b> – formal proceedings have commenced (Attach relevant charge sheet, summons, NIP, claim form, regulation notice, etc.)		
<b>APPEAL</b> – Police Appeals Tribunal, Criminal Appeal or Other (Attach relevant grounds and supporting evidence for the Appeal)		
	Yes	No
<b>Are there advisors or solicitors to whom this application should <u>NOT</u> be sent, e.g. because of conflict?</b>		
If YES, please provide details		

Claim type (criminal, discipline, employment, etc.)	Hearing date (if applicable)
Date notice served	Plea intentions

Please provide any relevant information to support this application (continue on a separate sheet as necessary)

## SECTION E – EMPLOYMENT MATTERS

Go straight to section 'F' if this section does not apply

This section should be completed where Representatives are assisting applicants with employment matters, such as internal grievances or Fairness at Work Procedures, or on potential Employment Tribunal (ET) proceedings where professional and/or legal advice or representation may be required.

Summary of issues (continue on a separate sheet as necessary)

Details of Force procedures (links to or copies of such procedures should be included where applicable)

Details of witnesses (clarify what information witness can provide evidence on)

Details of documents or other evidence (copies of relevant documents, or documents that have been referred to in the 'narrative', should be included with this application)

What do you want to achieve by pursuing this matter?



Where you think you have been discriminated against, or been treated unlawfully, indicate on what grounds you believe this has happened. Remember that, although the treatment may be unfair, it will only be unlawful if it is prohibited by the anti-discrimination legislation. Please select all categories that you believe apply.

	Applies		Applies
Age		Disability	
Gender reassignment		Marriage & civil partnership	
Pregnancy and maternity		Race	
Religion or belief		Sex	
Sexual orientation			

Please indicate what type of unlawful treatment you believe you have received. Please select all that apply.

	Applies		Applies
Direct discrimination		Victimisation	
Indirect discrimination		Failure to make reasonable adjustments	
Harassment		Discrimination arising from disability	

	Applies
Part-time workers (prevention of less-favourable treatment)	
Whistleblowing	

What detriment(s) do you believe you have suffered?

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Do you believe you have suffered any financial loss? (If yes, please give details)

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Additional information  
(Please include any special requirements you may have and any other professional and/or legal advice requested or proceedings being taken regarding these issues)



## Claimants only

	Yes	No
Have you contacted ACAS and started Early Conciliation?		
If YES, on what date did you first contact ACAS?		
	Yes	No
Have you received an Early Conciliation Certificate?		
If YES, what is the date on the certificate? (Please include a copy)		
	Yes	No
Has an ET1 claim form been submitted to the ET? If YES, please provide a copy.		
Are the issues ongoing?		
Has the Force submitted an ET3 defence form to the ET? If YES, please provide a copy		

## Respondents only

	Yes	No
Has an ET1 been submitted to the Tribunal in which you have been named as an individual Respondent? If YES, please provide a copy.		
What was/is the deadline date for submitting the ET3 defence to the Tribunal?		
	Yes	No
Has an ET3 defence been submitted to the Tribunal? If yes, please provide a copy.		

## SECTION F – APPLICANT’S DATA

*In considering this application and providing the Applicant with professional advice and/or legal assistance (“Legal Assistance”), the PFEW (which includes the officers, staff and representatives of its offices in Leatherhead, and the officers, staff and representatives in the Branch Board and Branch Council from which the Applicant has sought assistance) will process the Applicant’s personal data and (where applicable) special category data. The PFEW considers that such processing is necessary for the purposes of:*

- This agreement, including obtaining professional and/or legal advice in connection with legal proceedings, (including prospective legal proceedings) and establishing, exercising and defending legal rights;*

*And/or*

- The legitimate interests of the PFEW.*

*Such processing could include the PFEW sharing the Applicant’s personal data and special category data with professional advisors or solicitors (“Advisors”) instructed by the Applicant and with any third party authorised by the PFEW (including, but not limited to, other professional advisors or solicitors, experts, insurers and costs assessors) (“Authorised Third Parties”) and the Advisors and Authorised Third Party sharing the Applicant’s personal data and special category data with the PFEW.*

*The PFEW’s legitimate interests include ensuring that the PFEW and Applicants are receiving appropriate, good quality and value for money Legal Assistance.*

*The Applicant’s personal data and special category data will be held by the PFEW in the UK. It will be held electronically and may also be held in paper form and, in whatever form the data is held, will be destroyed six years after the last meaningful action arising out of this application.*

## SECTION G – APPLICANT’S DECLARATION – TERMS & CONDITIONS

I certify that the incident or issue arose:

	Yes	No
Whilst I was engaged on police duty		
Is related to the performance of my police duty		
Whilst I was travelling to or from police duty		

### LEGAL ASSISTANCE CONDITIONS

*The Police Federation of England and Wales (“PFEW”) is considering providing professional advice and/or legal assistance (“Legal Assistance”) to you as one of its Qualifying Members (“You or Your”). Decisions to provide Legal Assistance will be made in accordance with Part 4 (as amended) of the Police Federation (England and Wales) Regulations 2017 and The Police Federation Fund Rules, as approved from time to time by the Secretary of State for Home Affairs (together “the Rules”) and the PFEW’s “Legal Assistance – Funding Criteria”.*

*Before making this application for Legal Assistance, You must have made all reasonable enquiries of whether You have alternative sources of funding, including but not limited to Legal Aid, if you are eligible for the same, the Police Force and/or PCC for the area in which you work.*

*The PFEW will not provide Legal Assistance where Legal Aid is available to You and You are not required to make any financial contribution (“Contribution”) towards that Legal Aid. Where You are offered Legal Aid which requires You to make a Contribution the PFEW may:*

- a) Refuse to provide You with Legal Assistance if You unreasonably refuse that offer of Legal Aid, or where the PFEW does not agree that You should refuse that offer;*
- b) Agree to indemnify You against, or provide financial support, for the amount of the Contribution.*

*The PFEW will consider Your application for Legal Assistance based on the information You provide in this application together with any supporting documents or information (“Information”) it receives about Your application. You warrant that all Information provided by You is accurate and truthful to the best of Your knowledge and belief. Notwithstanding the PFEW considering your application for Legal Assistance, it remains Your responsibility to ensure that any claim, investigation or proceedings for which Legal Assistance is sought (“Proceedings”) are commenced in accordance with the time limits of those Proceedings.*

*Legal Assistance will be subject to ongoing monitoring and review and the PFEW reserves the right to withdraw Legal Assistance at any time, and for whatever reason, in its absolute discretion, relating to any Proceedings for which Legal Assistance has been provided.*

*Legal Assistance may include payment of, or contribution to, costs or payments (including fees) that You are required to pay to other parties to Proceedings, and/or third parties, and/or Your own legal fees and costs (together referred to as “Costs”) and/or the difference between the premium payable for After the Event Legal Expenses Insurance (“ATE”) that You obtain in relation to Proceedings and the amount You recover in Proceedings for that ATE premium.*



*In the event that the PFEW agrees to provide You with Legal Assistance, You must instruct advisors or solicitors (“Advisors”) who are approved by the PFEW and who have agreed to act in accordance with the PFEW’s Service Level Agreement (“SLA”)/Terms of Business Agreement (“TOBA”). The PFEW shall not be liable for any Costs You incur, or become liable to pay, prior to the PFEW agreeing to provide you with Legal Assistance, or prior to the Advisors agreeing to act in accordance with the SLA/TOBA, nor where You have instructed Advisors who are not approved by the PFEW or where that liability has arisen or been incurred other than in accordance with the terms of the SLA/TOBA.*

*Where the PFEW reasonably considers, or is advised (whether by the Advisors, a third party, or as a consequence of a decision, determination or judgement in the Proceedings) that You have made or committed any dishonest or misleading declaration, act or omission when submitting this application or during the Proceedings, or where You behave or have behaved unreasonably, Legal Assistance will be withdrawn. The PFEW will not pay any Costs or Adverse Costs consequently upon the aforesaid matters and the PFEW will be entitled to recover from You any payment it has made, or is liable to pay, in relation to those Proceedings.*

*You agree that, in the event that the PFEW recovers any Costs it has paid in respect of the Proceedings, it will be entitled to retain those Costs*

*You further agree that, in the event of You receiving or being entitled to payment for Costs, including where an application is made pursuant to s16(2) and s16(5A) of the Prosecution of Offences Act 1985 (as amended) for Your Costs when You are acquitted of an offence in criminal Proceedings, or accepting an offer for, or being awarded any damages or compensation in Proceedings (“Award”), You will repay to the PFEW, from any payment made to You for Your Costs and/or Award that amount of Your Costs as the PFEW has paid, or will be liable to pay, on Your behalf, and/or where payment is made to Your Advisors, to instruct them to pay that sum to the PFEW.*

*You further agree that You shall:*

- a) Tell the PFEW and the Advisors immediately of anything that may materially affect the Proceedings, or alter the Advisors assessment of the Proceedings, or the PFEW’s decision to continue providing you with Legal Assistance;*
- b) Co-operate fully with the PFEW and the Advisors and with any Court or Tribunal;*
- c) Give the Advisors any instructions required and not act unreasonably in the conduct of the Proceedings;*
- d) Take reasonable steps to recover any Costs that are recoverable and that the PFEW has paid;*
- e) Instruct the Advisors to have Your Costs assessed or audited if requested by the PFEW or recommended by the Advisors;*
- f) Minimize any Costs that the PFEW has to pay;*
- g) Not terminate your retainer with the Advisors without the consent of the PFEW;*
- h) Pay such sums or subscriptions You are required to pay in accordance with the Rules.*

**In signing, I confirm that I am agreeing to the above Conditions.**

<b>Member’s signature</b>	<b>Date</b>
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## SECTION H – FOR COMPLETION BY BRANCH SECRETARY OR DECISION MAKER

### Applicant's eligibility for legal assistance

	Yes	No
The Applicant is a contributor to the PFEW's Voluntary Fund		
The Applicant was a contributor to PFEW's Voluntary Fund on the date of the incident		
The Applicant is entitled to seek the assistance of the PFEW		

### Legal Aid/MOPAC/Chief Constable/Police & Crime Commissioner funding

	Yes	No
An application has been made:		
• For Legal Aid		
• To MOPAC/The Office of the PCC		
• To the Chief Constable		
The application was refused (if YES, please provide details)		
The application was successful but is not acceptable to the applicant (if YES, please provide details below)		
<p><i>Where the PFEW considers that the Applicant's costs should be met by MOPAC, the Chief Constable or Police and Crime Commissioner in the area where the Applicant works, the PFEW may wish to discuss this with those bodies. The Applicant will be consulted in advance of such discussions but where they object, this may affect the decision to provide Legal Assistance.</i></p>		
	Yes	No
This case is suitable for the Licensed/Direct Access (Bar Direct) Schemes		

### I wish to recommend the following advisor (e.g. solicitor/barrister/expert)

Name of advisor	Name of firm/chambers
Telephone contact number	Contact email
Address (including postcode)	



Please state why you have recommended this advisor

	Yes	No
Are there advisors or solicitors to whom this application should <u>NOT</u> be sent, e.g. because of conflict?		
If YES, please provide details		

## Further review by Branch Board decision maker

**This section MUST be completed in ALL cases**

Please detail what steps have been taken at a local level to seek to resolve this matter prior to this application for Legal Assistance AND provide an explanation as to why advice / representation is required over and above any assistance that may be provided by a suitably qualified 'police friend' (continue on a separate sheet as necessary).

I CONFIRM THIS CASE ARISES FROM AN INCIDENT WHICH IS COVERED BY THE PFEW FUND RULES. ALL RELEVANT CIRCULARS AND ENTRIES IN THE PFEW LEGAL SERVICE FUNDING CRITERIA, PROCEDURES AND MEMBERSHIP SERVICES HANDBOOK HAVE BEEN COMPLIED WITH.

Authorised Signature	Date
Full Name	Position

