



# The Professional Trades Union for Prison, Correctional & Secure Psychiatric Workers

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## POA Circular 152/2017

21st December 2017

Action	Information
England/Wales	<input checked="" type="checkbox"/>
Scotland	<input checked="" type="checkbox"/>
Northern Ireland	<input checked="" type="checkbox"/>
Special Hospitals	<input checked="" type="checkbox"/>
Private Sector	<input checked="" type="checkbox"/>
IRC	<input checked="" type="checkbox"/>

Dear Colleagues

### **PENSIONS: YOUR OPPORTUNITY TO CHALLENGE**

Since POA Circular 150/17 was published, we have had a few queries from members, asking why we have asked members to supply information which they see as sensitive before we add them to the legal challenge we intend to initiate. The information in question are things like home addresses, telephone numbers and email addresses.

The need to protect confidential information is entirely understandable, and we respect that. There are three reasons for asking.

- The first is that, as a matter of law, it is simply not possible to commence an Employment Tribunal claim without a bare minimum of information. That bare minimum includes the Claimant's name and address.
- The second is that this is an age discrimination claim, and it is a claim against your employer as well as the government. Unless we have your date of birth, and unless we know where you work, our lawyers cannot establish if there is a claim to be made on your behalf.
- The third is that we would like to have a means of checking any discrepancies in the information that you supply. The easiest way to do that is by telephone or by email.

Our lawyers do not need to have your email address or telephone number, and that is why those questions on the survey form are not marked with an asterisk. If you do not want to supply them then you do not have to do so, but it may slow down the process of dealing with your case.

But our lawyers simply cannot make a claim for you without your full name and address and date of birth, and unless they know where you work.

The form also asks about members' gender and racial origins. That is because women and members from a black or ethnic minority background may have a race and/or sex discrimination claim to make as well as an age discrimination claim. There is no need to make such a claim for any member who does not want it to be put forward - just answer the question by saying 'prefer not to say'.

We realise that this is not going to answer all of the anxieties that members may have about completing the questionnaire. No prison officer wants to risk his or her name and address entering the public domain.

There are two answers to that.

The first relates to the process up to the point when claims are commenced. The information that is collected is gathered by the POA. Once collected it is password-protected, and it is only sent to our lawyers and the company that provides our IT services.

The second relates to the process once claims have been submitted. The Employment Tribunal Claim Form must include the Claimants' names and addresses. There is no way around that. The Claim Form is not a public document however. If requested to do so, once the Claim Form has been submitted the Employment Tribunal can make an Order so that the names and addresses are "redacted" (blacked out) in any copy that might enter the public domain.

POA Circular 150/17 mentioned that 210 judges have made similar claims. They had the same concerns about their names and addresses leaking out. The Employment Tribunal made an Order permitting their addresses to be redacted, and we have no doubt that a similar Order would be made in our cases.

The fields in the questionnaire that are marked with an asterisk do need to be completed, and I hope that the above explains why the questions have been asked and need to be answered.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Gillan', followed by a small dash.

**STEVE GILLAN**  
General Secretary