



What you can do if deductions were wrongly taken from your miners compensation

What is the Coal Health Compensation Scheme?

The Labour government set up a compensation scheme for ex-miners soon after we were elected in 1997. Since then, over £4 billion has been paid to more than 760,000 men suffering from vibration white finger and chest disease.

How much money went to miners who needed it in our area?

Nearly 10,000 miners and their families in the Wentworth constituency have shared £54 million in compensation.

Why was it wrong for solicitors to take deductions from payouts?

The government agreed to cover the legal fees solicitors would normally charge to pursue claims like this – so no deductions should have been taken from your compensation. But some solicitors failed to tell clients this and still charged fees. You may be aware of legal action that has been taken against them.

What can be done?

Ex-miners and their families have contacted me to let me know their solicitors wrongly took a cut and I have won thousands of pounds back, either by appealing to the solicitors directly or helped by the Legal Complaints Service.

I'm not sure whether a deduction was taken and I don't have all my original documents. What should I do?

If you have your original documents to hand it will help but the Legal Complaints Service will normally be able to find out from your solicitor's file on your case whether fees were deducted.

The person who received the compensation is a deceased relative. Can I still try to claim back the fees?

Yes – a family member can submit a claim for fees to be repaid. This will usually be made by the executor of the deceased person's estate or someone who was helping the claimant make their claim before they died. If the original documents relating to the claim have not been passed on it should be enough to provide the address your relative lived at when the claim was made. If in doubt, you should always raise a claim with me or the Legal Complaints Service – if we aren't able to progress it for you we will tell you why.

How much might I get back?

You will usually be paid back the amount that was wrongly deducted from your compensation in fees, but some people have received extra payments for distress and inconvenience experienced.

What will the Legal Complaints Service do?

They will write to your solicitor, setting out the issues they need to investigate. They will ask for the solicitor's response, together with supporting evidence from their file. If the Legal Complaints Service need more information from you they will contact you, or my office if you have asked me to make representations for you.

When the Legal Complaints Service have received a response from the solicitor, they will review the position and either:

- if they can't help you further, they will write and explain why
- let you know that further investigation is needed
- let you know that the solicitor has offered compensation, and whether it is reasonable
- let you know if they need to make a formal decision on your complaint and explain how they will do this.

What will happen if they cannot reach an agreement with a solicitor?

The Legal Complaints Service will not need to make a formal decision if the solicitor offers compensation in line with awards made in similar cases. If they do need to make a formal decision, this will usually be made by an adjudicator, a senior member of staff. Some formal decisions are made by an external panel, made up of solicitors and the public. You will be told if a panel is due to decide on your case.

What if Raleys processed my claim?

On 17 February 2009 the Solicitors Disciplinary Tribunal (SDT) decided that six of the partners at Raleys had breached some of the rules of the Solicitors' Codes of Conduct. The tribunal in part addressed allegations that Raleys entered an agreement with the National Union of Mineworkers, which led to 3% of the compensation awarded to clients being deducted in 'administration fees' paid to the union. Three of the partners were suspended from practising and three were fined.

On 6 August Raleys announced they would not appeal the SDT findings of misconduct, but would appeal the ruling that they should refund this money. In November I learned that—although they are still appealing—Raleys are to write to all clients inviting them to reply complaining about the NUM fee. Assuming fees were taken from your compensation, you will then receive an offer of payment equivalent to the deduction, which you can choose to accept.

What should I do next?

If you were a Raleys client you should receive a letter from them soon if you haven't already—but let me know if you don't. If you used another solicitor, you should provide me with relevant documents if you have them or if not let me know the claimant's name and address (where they lived when the claim was made). If you are not a constituent you can ask your own MP for help, or contact the Legal Complaints Service on 0845 608 6565—they are happy to take enquiries directly.

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