
Overview

This standard is about working directly with clients who have been accused or convicted of a criminal offence to advise them on their rights and responsibilities under the law. You will need to establish their needs and expectations of services, research information which is relevant to their situations and provide them with appropriate and accurate legal advice. It includes advice provision within police custody as well as advice and representation in the courts.

**Performance
criteria**

You must be able to:

- P1 explain to clients the services that you can offer in line with their requirements
- P2 check that clients' understanding of legal advice services is consistent with information you have provided
- P3 agree with clients where situations require immediate action in line with their requirements, and:
 - P3.1 take steps to implement this
- P4 agree next steps with clients in line with their requirements
- P5 agree further actions with clients in line with their requirements, including:
 - P5.1 procedures
 - P5.2 responsibilities
 - P5.3 time limits
- P6 analyse available client information to assign relevance to their case in line with your professional judgement
- P7 review sources of information to assess applicability to clients' situations
- P8 check that information obtained enables you to advise clients
- P9 analyse information received from clients and the research process to formulate options in line with clients' needs
- P10 present clients with information and possible options for action in line with organisational requirements
- P11 advise clients on the implications of possible options in line with organisational requirements
- P12 check clients' understanding of the advice offered in line with organisational requirements
- P13 open client case files in line with organisational procedures
- P14 design an action plan with clients in line with organisational processes, and:
 - P14.1 agree roles and responsibilities for progressing actions
- P15 progress actions on behalf of clients in line with agreed timescales
- P16 evaluate case progress against milestones and outcomes in line with organisational procedures

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- P17 progress case outcomes to conclusion in line with organisational requirements
- P18 record client details and agreed actions in line with organisational requirements

Knowledge and understanding

You need to know and understand:

- K1 what *actus reus* and *mens rea* are in the context of criminal law
- K2 the types of offences that individuals may be accused of
- K3 the relevant legislation and case law that applies in relation to criminal law, including:
 - K3.1 powers of arrest
 - K3.2 definition of an offence
 - K3.3 definition of a serious arrestable offence
 - K3.4 summary only, either way and indictable offence
- K4 funding regimes for criminal cases, and:
 - K4.1 how to access public funding to support cases
- K5 legislation in relation to police and criminal evidence
- K6 legislation relating to the arrest, interviewing and charging of accused and sentencing
- K7 legislation in relation to the provision of evidence and disclosure
- K8 the ethical protocols and procedures that pertain when representing clients
- K9 relevant human rights legislation and case law as it impacts on criminal practice and procedure
- K10 the role of accredited police station representatives and probationary representatives in the police station
- K11 the processes and procedures that must be followed by accredited police station representatives and probationary representatives in police stations
- K12 how the differences in 'seriousness' of offences may affect the sentence
- K13 police powers in relation to:
 - K13.1 entry, search and seizure
 - K13.2 fingerprints
 - K13.3 photographs
 - K13.4 DNA
 - K13.5 intimate and non-intimate samples
 - K13.6 search
 - K13.7 warrants of further detention

- K13.8 line-up
 - K13.9 video and group confrontation
 - K13.10 sanctions for refusal
- K14 prosecution charging procedures as specified in legislation
- K15 legislation relating to bail applications and bail provision
- K16 the processes and procedures that pertain within all levels of court
- K17 how to assess evidence disclosed and advise on pleas
- K18 current available sentences, and:
 - K18.1 the legislation and case law that underpin them
- K19 the use of expert witnesses including:
 - K19.1 how to source appropriate expert witnesses
 - K19.2 how to brief expert witnesses
 - K19.3 funding for expert witnesses
- K20 key sources of case law and precedent relating to criminal practice, criminal evidence and pleading
- K21 the differences in powers and procedures when dealing with young and vulnerable offenders
- K22 the appeals processes that apply to criminal proceedings

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Originating organisation	Skills for Justice
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Relevant occupations	Legal Advisers; Legal Associate Professionals
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Suite	Legal Advice
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