
Overview

This standard is about the provision of specialist legal advice for a broad range of health and community care issues. This includes advising clients on more complex areas of law. You will also know how to prepare and present cases in formal or informal hearings.

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

- 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 the legislation, case law and national guidelines in your jurisdiction relating to:
 - K1.1 mental health
 - K1.2 children
 - K1.3 carers' rights to assessment and services
 - K1.4 disability and discrimination
 - K1.5 freedom of information
 - K1.6 data protection
 - K1.7 medical records
 - K1.8 patient confidentiality
 - K1.9 local authority records
 - K1.10 social services files
 - K1.11 clinical negligence, including relevant time limits
 - K1.12 self-funding residents and unfair contracts
 - K1.13 entitlement to health and social services provision
- K2 the relationship between human rights legislation in your jurisdiction and European human rights treaties
- K3 criteria for entitlement to and eligibility for provision within:
 - K3.1 public health services
 - K3.2 local authority
 - K3.3 health and social services boards
 - K3.4 social services
- K4 relevant public law and case law in your jurisdiction relating to human rights arguments
- K5 how to analyse and evaluate public and case law in the preparation of cases
- K6 legislation, regulations, directions, guidance, case law and relevant ombudsman's decisions in your jurisdiction relating to provision of health and social care
- K7 how legislation, regulations, guidance, case law and relevant ombudsman's decisions in your jurisdiction affect local policies for different client groups

- K8 relevant aspects of local policies and procedures relating to:
 - K8.1 local mental health provision
 - K8.2 local provision for clients with disabilities
 - K8.3 local authorities' accommodation choices
 - K8.4 assessment rights relating to hospital discharge
 - K8.5 carers' rights to assessment and services
- K9 rules and procedures relating to different courts in your jurisdiction
- K10 options available for pursuing complaints and seeking redress, and how to access these
- K11 the role of relevant professional and regulatory bodies in dealing with misconduct
- K12 differences in process and application between the ombudsman and judicial review
- K13 grounds, procedures for complaints and redress through:
 - K13.1 the relevant ombudsman
 - K13.2 judicial review in your jurisdiction
- K14 funding related to the provision of health and social care in your jurisdiction
- K15 the eligibility criteria for the welfare benefits system in your jurisdiction, and how to access relevant benefits
- K16 how choice of accommodation affects funding
- K17 rules relating to self-funding and the transition to publicly funded provision from:
 - K17.1 public health services
 - K17.2 local authority
 - K17.3 health and social services boards

SFJIB22

Provide specialist health and community care legal advice

Developed by Skills for Justice

Version number 2

Date approved November 2013

Indicative review date November 2018

Validity Current

Status Original

Originating organisation Skills for Justice

Original URN SFJ IB22

Relevant occupations Legal Advisers; Legal Associate Professionals

Suite Legal Advice

Key words health; social; community; care; issues; complex areas of law; present cases in court; prepare; judicial; legal; advice; casework