
Overview

This standard is about providing legal information and advice to older people on their rights and responsibilities under the law. You will establish their needs and expectations of services, research information which is relevant to their situation and provide them with appropriate and accurate legal advice.

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 aspects of welfare benefits legislation, case law and guidance relating to older people
- K2 eligibility conditions and benefit rules related to:
 - K2.1 means tested benefits
 - K2.2 non means tested benefits
 - K2.3 contributory benefits
- K3 benefit entitlement relating to different client circumstances
- K4 how benefits interact, and potential impact on others entitlement
- K5 how to calculate benefit entitlement
- K6 the rights of older people in relation to state pensions
- K7 the factors affecting protection of vulnerable older people, including:
 - K7.1 key aspects of legislation and guidance relating to the protection of vulnerable adults
 - K7.2 the role of the adviser in identifying potential signs of abuse of older people
 - K7.3 organisational and statutory protocols to follow when abuse is suspected
 - K7.4 how to advise individuals, their relatives and carers where individuals may be at risk
- K8 the rights of older people in relation to the provision of services for physical and mental health, including:
 - K8.1 rights and entitlements
 - K8.2 health related benefits
 - K8.3 rights of mental health detainees
- K9 complaints procedures relating to mental health issues
- K10 national legislation, case law and guidance that relate to the employment of older people, including:
 - K10.1 employment equality legislation relating to age in your jurisdiction
 - K10.2 income tax and national insurance regulations as they apply to older people
 - K10.3 contracts of employment and changes to contractual terms
 - K10.4 ending employment

- K10.5 how and where to access additional specialist employment legal advice
- K11 Legislation and policy in your jurisdiction relating to housing allocation and homelessness, including:
 - K11.1 how to gather information and argue that older clients fit priority groups for housing because of vulnerability
 - K11.2 eligibility of older people to home repairs, adaptations and improvements in different types of tenure
 - K11.3 access to sheltered supported housing and residential care
 - K11.4 complex needs assessment
 - K11.5 the role of housing support services
 - K11.6 ways that mental health problems can affect accommodation options
 - K11.7 energy efficiency schemes that older people may be entitled to
 - K11.8 statutory bodies' powers to deal with anti-social behaviour
 - K11.9 community safety and antisocial behaviour considerations
- K12 legislation, procedures and guidance relating to community care in your jurisdiction, including:
 - K12.1 provision of community care services for older people in your jurisdiction
 - K12.2 access and entitlements to community care services
 - K12.3 payments made directly to community care recipients and their carers
 - K12.4 entitlements relating to charging and paying for community care services
 - K12.5 charging and paying for residential and nursing care
 - K12.6 financial assessment
 - K12.7 capital limits
 - K12.8 challenging care assessments
 - K12.9 challenging a financial assessment
 - K12.10 rights and entitlements of carers
- K13 legislation, procedures and guidance relating to mental capacity and decision making, including:
 - K13.1 the principles of mental capacity legislation in your jurisdiction
 - K13.2 advance decisions
 - K13.3 the role of the courts in capacity and decision making

K14 processes and procedures for making complaints in relation to older people's rights

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Provide specialist legal advice to older people

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