

## Overview

This standard is about providing clients with information and advice at the point of initial contact with the service. The information and advice you provide will relate to employment legal advice. As part of this standard you will need to know how to decide when to refer clients on to alternative or more specialist sources of advice.

## Performance criteria

### *You must be able to:*

1. communicate with the client in a manner appropriate to their understanding and needs
2. explain to clients the legal advice services you can offer in line with organisational requirements
3. check that clients' understanding of legal advice services is consistent with information you have provided
4. agree with clients their legal advice requirements in line with relevant legislation, policies and procedures
5. agree with clients any situations which require immediate action and take steps to implement in line with their requirements
6. explain the organisation's systems and procedures for working with clients
7. analyse available client information to assign relevance to their case in line with your professional judgement
8. record client details and agreed actions in line with organisational requirements
9. review sources of information to assess applicability to clients' situations
10. check that information obtained enables you to advise clients
11. analyse information received from clients and the research process to formulate options in line with clients' needs
12. present clients with information and possible options for action in line with organisational requirements
13. advise clients on the implications of possible options in line with organisational requirements
14. check clients' understanding of the advice offered in line with organisational requirements
15. agree actions required by you and clients in line with organisational requirements

Provide first line employment legal advice

## Knowledge and understanding

*You need to know and understand:*

1. how to adapt communication styles in ways which are appropriate to the needs of the client
2. legislative frameworks in your jurisdiction relating to employment categories of employment status
3. tests available for employment status, and:
  - 3.1 their purpose
  - 3.2 where to source employment tests
  - 3.3 how to use and apply employment tests
4. specific statutory rights protecting different clients and client groups
5. how statutory rights in work are affected by status
6. differences between statutory and contractual rights in employment
7. available sources of evidence for contractual terms
8. the key contractual issues that arise at work
9. legislation frameworks relating to discrimination in employment
10. scope and eligibility of discrimination described in legal frameworks
11. key types of discrimination at work
12. tests available for discrimination, their purpose, and where to source these
13. key responsibilities of employers in relation to disabilities
14. eligibility criteria for different forms of dismissal, including:
  - 14.1 wrongful dismissal
  - 14.2 unfair dismissal
  - 14.3 constructive dismissal
  - 14.4 automatic unfair dismissal
15. main statutory rights on termination of work, including:
  - 15.1 redundancy
  - 15.2 notice
  - 15.3 dismissal
  - 15.4 retirement
  - 15.5 transfer of business
  - 15.6 insolvency
  - 15.7 lay off and short term working
16. how to draft relevant documentation in simple cases, including:
  - 16.1 grievances
  - 16.2 appeal letters
  - 16.3 tribunal claims
17. types of employment procedures which employers apply
18. the types of tribunals and courts in your jurisdiction relevant to employment disputes

19. how time limits for tribunals and courts may be affected by statutory dispute resolution procedures
20. potential outcomes from the range of options available for redress
21. sources of available funding
22. external resources available for consultancy and referral

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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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