
Overview

This standard is about providing specialist legal advice for a broad range of employment issues. This includes your ability to advise clients on more complex areas of employment law. You will also know how and be able to prepare and present cases in formal or informal hearings.

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 services that you can offer in line with their requirements
3. check that clients' understanding of legal advice services is consistent with information you have provided
4. agree next steps with clients in line with their requirements including where any immediate action is required
5. analyse available client information to assign relevance to their case in line with your professional judgement
6. review sources of information to assess applicability to clients situations
7. check that information obtained enables you to advise clients
8. analyse information received from clients and the research process to formulate options in line with clients' needs
9. present clients with information and possible options for action in line with organisational requirements
10. advise clients on the implications of possible options in line with organisational requirements
11. check clients' understanding of the advice offered in line with organisational requirements
12. open client case files in line with organisational procedures
13. design an action plan with clients in line with organisational processes, and agree roles and responsibilities for progressing actions
14. progress actions on behalf of clients in line with agreed timescales
15. evaluate case progress against milestones and outcomes in line with organisational procedures
16. progress case outcomes to conclusion in line with organisational requirements
17. record client details and agreed actions in line with organisational requirements

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. relevant legislation, case law and guidance in your jurisdiction relating to employment status
3. specific statutory rights protecting different clients and client groups
4. key aspects of employment contracts
5. the purpose of employment contracts
6. the differences between statutory and contractual employment rights
7. how to apply legislation, case law and precedent from the legislative framework in your jurisdiction relating to:
 - 7.1 wrongful dismissal
 - 7.2 unfair dismissal
 - 7.3 constructive unfair dismissal
 - 7.4 automatic unfair dismissal
 - 7.5 Transfer of Undertakings (Protection of Employees) (TUPE)
 - 7.6 statutory rights in work
 - 7.7 redundancy
 - 7.8 direct and indirect discrimination
 - 7.9 harassment
 - 7.10 victimisation
 - 7.11 reasonable adjustments for disability
 - 7.12 discrimination arising from disability
 - 7.13 equal pay
8. working-time regulations and specific adjustments that can be applied
9. circumstances where discrimination may be a factor
10. relevant statutory bodies for enforcement and equality in employment
11. how to assess the merits of a claim
12. the types of tribunal and court procedures in your jurisdiction
13. the types of formal documents available to support employment casework
14. how to draft formal documents, and the key elements to include
15. issues relating to calculating compensation
16. compensation remedies available in relevant tribunals and courts
17. the role of arbitration bodies
18. how to calculate compensation within arbitration processes
19. methods, approaches and tactics for negotiation
20. grounds and procedures for appeals

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21. when it is appropriate to instruct expert witnesses, and the procedure for instructing them
 22. when it is appropriate to engage in alternative dispute resolution processes
 23. fees which apply to employment tribunals
 24. how to apply for remission of employment tribunal fees

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Provide specialist employment legal advice and progress cases with clients



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Relevant Occupations Legal Advisers; Legal Associate Professionals

Suite Legal Advice

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