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## Overview

This standard is about the provision of legal advice in relation to a broad range of housing issues. You will establish clients' needs and expectations of services, research information which is relevant to their situations and provide them with appropriate and accurate legal advice. This includes advising clients on complex areas of law. You will also know how and be able to prepare and present cases in formal or informal hearings.

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## 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 further actions and any immediate action with clients in line with their requirements, including:
    - 4.1 procedures
    - 4.2 responsibilities
    - 4.3 time limits
  5. analyse available client information to assign relevance to their case in line with your professional judgement
  6. review and check sources of information to assess applicability to clients' situations
  7. analyse information received from clients and the research process to formulate options in line with clients' needs
  8. present clients with information and possible options for action in line with organisational requirements
  9. advise clients on the implications of possible options in line with organisational requirements
  10. check clients' understanding of the advice offered in line with organisational requirements
  11. open client case files in line with organisational procedures
  12. design an action plan with clients in line with organisational processes, and agree roles and responsibilities for progressing actions
  13. progress actions on behalf of clients in line with agreed timescales
  14. evaluate case progress against milestones and outcomes in line with organisational procedures
  15. progress case outcomes to conclusion in line with organisational requirements
  16. 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. legislation, case law and guidance in your jurisdiction relating to statutory housing allocation
3. types of tenancies in your jurisdiction and rights and responsibilities under each
4. how to distinguish between a licence, a tenancy and excluded occupiers
5. the definition of the terms contractual and statutory, periodic and fixed term in relation to licences and tenancies
6. types of letting in your jurisdiction
7. rights and responsibilities of landlords and occupiers under different types of lettings
8. how to identify licences and tenancies
9. the importance of dates when tenancies were created
10. considerations around:
  - 10.1 protected and regulated tenancies
  - 10.2 tied and agricultural tenancies
  - 10.3 housing co-operative tenancies
  - 10.4 service occupation
  - 10.5 around long lease holders
  - 10.6 ending tenancies
11. housing standards which apply in your jurisdiction
12. responsibilities around housing standards enforcement action
13. how to take enforcement action in relation to:
  - 13.1 housing disrepair protocol and its application
  - 13.2 environmental protection
  - 13.3 health and safety regulation
  - 13.4 local authority regulatory framework
14. the grants available for improvement and repair of properties
15. key rents and service charges for different types of tenancies
16. considerations in relation to statutory housing allocation, including:
  - 16.1 how to challenge decisions to exclude or suspend priority
  - 16.2 how to interpret relevant legislation and case law
  - 16.3 how to recognise where there are grounds for judicial review
  - 16.4 the use of ombudsman
17. the procedural & substantive defences to threatened eviction for mortgage repossession and possession proceedings involving tenants or other occupiers

18. possession cases involving mortgage possession, public sector rent possession, private sector assured shorthold, tenants of mortgaged landlords, licences and others
19. how to recognise valid notices and possible consequences
20. mandatory and discretionary grounds for possession
21. how to negotiate settlement priority to court action
22. how to recognise notice, possession, orders and warrants and their implications for clients
23. possession procedures for owner occupiers
24. how to recognise when there are grounds for defence
25. how to prepare defence forms
26. the powers of courts within hearings about possession
27. how to represent clients in court
28. the consequences to security of tenure of breaching a suspended possession order
29. the powers of the court in relation to possession
30. accelerated possession procedure and its use
31. time limits for appeals in relation to possession
32. how to prepare defence forms and draft applications to suspend warrant of possession
33. rights and entitlements in relation to eviction in different circumstances
34. the role and responsibility of Social Services in relation to housing young
35. people leaving care and homeless 16 and 17-year olds
36. housing rights and entitlements in the event of relationship breakdown
37. types of housing options including community care available for older people

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<b>Developed by</b>	Skills for Justice
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<b>Version Number</b>	3
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<b>Date Approved</b>	February 2019
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<b>Indicative Review Date</b>	February 2024
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<b>Validity</b>	Current
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<b>Status</b>	Original
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<b>Originating Organisation</b>	Skills for Justice
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<b>Original URN</b>	SFJ IB10
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<b>Relevant Occupations</b>	Legal Advisers; Legal Associate Professionals
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<b>Suite</b>	Legal Advice
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<b>Keywords</b>	Housing issues; complex areas of the law; present cases in court; accommodation;
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