
Overview

This standard is about providing specialist legal advice about a broad range of welfare rights issues. This includes your ability to advise clients on more complex areas of welfare rights law. You will also know how and be able to prepare and present cases in formal or informal hearings. In this standard the term 'welfare benefits' includes social security benefits, tax credits, the social fund and war pensions.

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 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. relevant legislation and guidance in your jurisdiction that form the basis of entitlement to welfare benefits
3. how current human rights legislation affects welfare rights
4. how to distinguish between law and guidance
5. how to use acts, statutes, regulations and guidance to inform, advise and act for clients
6. how to access, research and apply welfare benefits case law and precedent in your jurisdiction, including:
 - 6.1 where the burden of proof lies in cases
 - 6.2 types of evidence that support cases
 - 6.3 how to obtain evidence that supports cases
7. key issues relating to welfare rights arising from current human rights legislation and precedent
8. decision making processes relating to welfare benefits entitlement
9. how to challenge rulings or decisions
10. procedures for review, revision and supercession including mandatory reconsideration
11. how tribunals work in practice
12. how to prepare and present cases for:
 - 12.1 tribunals
 - 12.2 commissioners' appeals
 - 12.3 judicial review
13. criteria for appeals to:
 - 13.1 the Upper Tribunal
 - 13.2 judicial review
14. remedies available in your jurisdiction other than appeals
15. different classes of contributions and their conditions
16. how different types of income and capital affect means tested benefits
17. benefits criteria and their implications for special client groups
18. options available to clients whose benefit has been:
 - 18.1 suspended
 - 18.2 stopped
19. options available to clients who are under investigation
20. rules and time limits for late claims and backdating

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Provide specialist welfare rights legal advice and progress cases with clients



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Suite Legal Advice

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