

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.

Performance criteria

You must be able to:

1.
communicate with the client in a manner appropriate to their understanding and needs
 - 1.1 explain to clients the services that you can offer in line with their

Knowledge and understanding

You need to know and understand:

You need to know and 1. how to adapt communication styles in ways which are appropriate to

the needs of the client

1.
legislation, case law and guidance in your jurisdiction relating to statutory housing allocation
2.
types of tenancies in your jurisdiction and rights and responsibilities under each
3.
how to distinguish between a licence, a tenancy and excluded occupiers
4.
the definition of the terms contractual and statutory, periodic and fixed term in relation to licences and tenancies
5.
types of letting in your jurisdiction
6.
rights and responsibilities of landlords and occupiers under different types of lettings
7.
how to identify licences and tenancies
8.
the importance of dates when tenancies were created
9.
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

10.
housing standards which apply in your jurisdiction
11.
responsibilities around housing standards enforcement action
12.
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
13.
the grants available for improvement and repair of properties
14.
key rents and service charges for different types of tenancies
15.
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
16.
the procedural & substantive defences to threatened eviction for mortgage repossession and possession proceedings involving tenants or other occupiers
17.
possession cases involving mortgage possession, public sector rent possession, private sector assured shorthold, tenants of mortgaged landlords, licences and others
18.
how to recognise valid notices and possible consequences
19.
mandatory and discretionary grounds for possession
20.
how to negotiate settlement priority to court action
21.
how to recognise notice, possession, orders and warrants and their implications for clients

22.
possession procedures for owner occupiers
23.
how to recognise when there are grounds for defence
24.
how to prepare defence forms
25.
the powers of courts within hearings about possession
26.
how to represent clients in court
27.
the consequences to security of tenure of breaching a suspended possession order
28.
the powers of the court in relation to possession
29.
accelerated possession procedure and its use
30.
time limits for appeals in relation to possession
31.
how to prepare defence forms and draft applications to suspend warrant of possession
32.
rights and entitlements in relation to eviction in different circumstances
33.
the role and responsibility of Social Services in relation to housing young
34.
people leaving care and homeless 16 and 17-year olds
35.
housing rights and entitlements in the event of relationship breakdown
36.
types of housing options including community care available for older people

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Provide specialist housing 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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