
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

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Provide specialist welfare rights legal advice and progress cases with clients



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.
relevant legislation and guidance in your jurisdiction that form the basis of entitlement to welfare benefits
2.
how current human rights legislation affects welfare rights
3.
how to distinguish between law and guidance
4.
how to use acts, statutes, regulations and guidance to inform, advise and act for clients
5.
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
6.
key issues relating to welfare rights arising from current human rights legislation and precedent
7.
decision making processes relating to welfare benefits entitlement
8.
how to challenge rulings or decisions
9.
procedures for review, revision and supercession including mandatory reconsideration
10.
how tribunals work in practice
- 11.

how to prepare and present cases for:

12.1 tribunals

12.2 commissioners' appeals

12.3 judicial review

12.

criteria for appeals to:

13.1 the Upper Tribunal

13.2 judicial review

13.

remedies available in your jurisdiction other than appeals

14.

different classes of contributions and their conditions

15.

how different types of income and capital affect means tested benefits

16.

benefits criteria and their implications for special client groups

17.

options available to clients whose benefit has been:

18.1 suspended

18.2 stopped

18.

options available to clients who are under investigation

19.

rules and time limits for late claims and backdating

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