

Unit Title

LA32 First Line Disability Legal Advice

Summary

This Unit is designed to equip you with a broad understanding of the knowledge required to provide clients with information and advice on disability discrimination at the point of initial contact with the service and to decide when to refer a client on to more specialist sources of advice.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Identify and explain the legislative framework relating to discrimination on the basis of disability and describe how to access more information when required
- b) Identify and describe appropriate disability discrimination actions
- c) Identify and describe appropriate action to take when a client has an emergency situation caused by discrimination on the grounds of disability
- d) Define what could constitute discrimination in employment or in the delivery of goods and services on the basis of disability
- e) Describe disciplinary and grievance procedures in relation to discrimination on the basis of disability
- f) Explain the concept of constructive dismissal in the context of discrimination on the basis of disability and identify the relevant documentation involved
- g) Explain employment contract law and the rights and responsibilities of employees in the context of discrimination on the basis of disability
- h) Describe the responsibilities of employers and service providers in relation to employees and service users with a disability
- i) Explain the reasons why it is important to ensure that employers have been formally informed of a disability and the formal notification required
- j) Identify and explain the legislation relating to community care for people with disability
- k) Describe the complaints procedures that can be taken against local authorities in relation to their responsibilities towards disabled people
- l) Explain how creditors can be challenged on the grounds of the disability of the borrower
- m) Explain the particular areas of welfare benefits that apply to disabled people and explain how they can be accessed

Knowledge and Understanding

You must show that you know and understand:

1. The legislative framework relating to discrimination on the basis of disability including the Disability Discrimination Act (DDA) (or relevant up-to-date legislation) relating to discrimination on the grounds of disability
2. What constitutes discrimination on the basis of disability, in employment or discrimination in the delivery of goods and services, including:
 - Direct discrimination
 - Victimisation
 - Harassment
3. Processes and procedures to take in relation to resolving employment discrimination problems or in the provision of goods and services
4. Disciplinary and grievance procedures in relation to discrimination on the basis of disability
5. The concept of constructive dismissal in the context of discrimination on the basis of disability
6. Employment contract law including the rights and responsibilities of employers and employees
7. The responsibilities of employers and service providers in relation to disabilities, including:
 - Reasonable adjustments
 - Health and safety
 - Vicarious responsibility
8. Requirements under law for establishing whether an employer or service provider has formally been informed of a disability and the formal notification required to show that they have been informed
9. The types of emergency action that can be taken in particular circumstances and how to take such action including the responsibility of the local authority Social Services Department in relation to:
 - Community care
 - Housing
 - Mobility
10. The legislation relating to community care for people with disability, including the responsibility of the local authority
11. Request for Care package from local authority and/or Health Service:
 - By disabled person
 - By carer of disabled person

12. Complaints and appeals procedures against local authorities
13. Relevant procedures relating to disability discrimination actions and what they are for, including:
 - Reasonable adjustments
 - Disabled access
14. How to challenge creditors on the basis of the 'competence' of the disabled person
15. Welfare benefits as they apply particularly to disabled people, including:
 - Means tested
 - Non-means tested
 - Contribution based
 - Non-contribution based
 - Non-contribution means tested