

Unit Title

LA33 Disability Legal Advice and Casework

Summary

This Unit is designed for you if you specialise in the provision of legal advice in relation to a broad range of disability issues. This includes advising clients on more complex areas of disability discrimination law. You will also know how to prepare and present cases in formal or informal hearings.

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) Interpret and explain relevant legislation, case law and guidance in relation to discrimination on the basis of disability
- b) Define the primary categories of disability and explain their implications for combating discrimination on the basis of disability
- c) Explain how to establish and apply legislative timescales relating to discrimination tribunals and their implications for combating discrimination on the grounds of disability
- d) Describe how to identify and when to make use of relevant documentation relating to actions on the grounds of discrimination on the basis of disability
- e) Describe the importance of negotiating with employers in combating discrimination on the basis of disability
- f) Explain when it may be appropriate to advise a client to take their case to a tribunal and the procedures to follow in such cases
- g) Explain how and when to access mediation services in employment disputes
- h) Explain the consequences of relevant legislation relating to community care and the rights of disabled persons and their carers
- i) Define the statutory responsibilities of local authority departments and other service providers in relation to the provision of services and explain their implications
- j) Define welfare benefits with particular relevance to disability and explain the procedures for challenges and appeals
- k) Explain how different legislation can work together to support those with disabilities

Knowledge and Understanding

You must show that you know and understand:

1. The relevant legislation, case law and guidance relating to discrimination on the basis of disability, including:
 - The Disability Discrimination Act (DDA) or any relevant and up-to-date legislation relating to discrimination on the grounds of disability
 - Transfer of Undertakings (Protection of Employees) (TUPE) and/or relevant employment contract law
 - Legislation relating to equal pay
 - Employment status
2. The categories of disability:
 - Mental health problems
 - Physical disabilities
 - Learning disabilities
 - Sensory impairment
3. The importance of legislative timescales relating to discrimination tribunals and the procedures that must be followed when taking cases to tribunal
4. Relevant documentation including that relating to actions on the grounds of discrimination on the basis of disability, including:
 - Questionnaires
 - Grievance letters
 - Schedules of loss
 - Case plans/schedules of issues
5. Compromise agreements and when to use them
6. How to recognise and respond to emergency or urgent situations in relation to disability discrimination
7. When and how to make use of mediation services in relation to employment disputes relating to disability discrimination
8. The relevant legislation relating to community care and the rights of disabled persons and their carers
9. The statutory responsibilities of local authority departments and other service providers in relation to the provision of services
10. Welfare benefits with particular relevance to disability and the procedures for challenges and appeals

11. How the different legislation works together to support those with disabilities, including:
 - Health and safety
 - Employments rights
 - Working time regulations and any specific adjustments required, including:
 - monotonous working
 - people 'at risk'

12. The importance of legislation timescales relating to discrimination tribunals and the procedures that must be followed when taking cases to tribunal