

Unit Title

LA35 Discrimination Legal Advice and Casework

Summary

This Unit is for you if you specialise in the provision of legal advice to clients who may have a problem related to discrimination in employment or in the provision of goods and services. You will also know how to prepare and present client cases to employment tribunals and take other court actions.

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 relating to discrimination in employment and/or the provision of services and goods, including education
- b) Explain how different legislation works together and how that can impact on individual client cases
- c) Explain how and why to apply legislative timescales relating to discriminatory grievance procedures
- d) Explain relevant procedures for preparing and presenting cases at tribunals and why it is important to follow them
- e) Explain what compromise agreements are and when to use them
- f) Define relevant employment appeals procedures and explain how to follow them when challenging court/tribunal decisions
- g) Explain the complexity of 'multiple head' cases and how to progress them, including protocols for working with other professionals

Knowledge and Understanding

You must show that you know and understand:

1. Relevant and up-to-date legislation, case law and guidance relating to discrimination in employment and/or the provision of goods and services:
 - Sex
 - Race
 - Sexual orientation
 - Disability
 - Religion
 - Age

2. Detailed aspects of relevant legislation and case law, including:
 - Hypothetical comparators
 - Transfer of Undertakings (Protection of Employees)(TUPE) and/or relevant employment contract law
 - Maternity and parental rights and benefits and the rights and responsibilities of carers
 - Equal pay legislation
 - Employment status and how that can affect employment rights:
 - full time
 - part time
 - volunteer
 - Right to training and/or education in employment
 - Discrimination by membership organisations

3. How the different legislation can work together and how this can impact on individual clients' cases, including:
 - Discrimination legislation
 - Health and safety information
 - Employment law relating to discriminatory practices in employment, including:
 - employment of young people
 - employment of immigrants, foreign nationals and asylum seekers
 - Legislation relating to discrimination in education:
 - admissions
 - exclusions
 - Special Education Needs assessment/provision
 - Working-time regulations:
 - specific to the employment of young people
 - rest periods including religious entitlement
 - monotonous working
 - Consumer legislation

4. Employment tribunal procedures, including discrimination grievance procedures

5. Documentation required for tribunals including:
 - Questionnaires
 - Grievance letters and appeals
 - Schedules of loss
 - Case plans/schedules of issues

6. Compromise agreements and when to use them

7. Employment appeals procedures and the importance in following these in the preparation and presentation of challenges and appeals

8. The kinds of 'multiple head' cases that clients may have, how these should be progressed and which other agencies should be involved

9. The importance of working co-operatively and constructively with other agencies in the best interests of the client