

Unit Title

LA38 Mental Health Legal Advice and Casework

Summary

This Unit is designed for you if you specialise in the provision of legal advice on mental health in a broad range of contexts. This includes advising clients on more complex areas of mental health 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 relating to mental health services in the community and why this is important
- b) Describe ways of contributing to and influencing local policy and plans relating to mental health service users in the community
- c) Describe how to identify and make use of local systems and structures for the treatment and care of patients with mental health problems
- d) Explain how to identify and operate local policies relating to dual diagnosis
- e) Describe relevant employment and discrimination law relating to clients with a mental health problem and explain how it can be applied to enhance access for those with mental health problems
- f) Explain the role of independent mental health advocates
- g) Describe the legislation and case law relating to protection from abuse for people with a mental health problem and why it is important to work within this
- h) Describe how to prepare for and present cases to relevant mental health tribunals
- i) Describe the legislation relating to sectioning patients, secure detention and treatment and how to advise on this
- j) Describe the legislation and policy relating to mentally disordered offenders and how to apply this
- k) Explain housing entitlements for clients with a mental health problem

Knowledge and Understanding

You must show that you know and understand:

1. Relevant legislation, case law and guidance relating to mental health service users in the community
2. How to contribute to and influence local policy and plans relating to mental health service users in the community
3. Local systems and structures that relate to the treatment and care of patients experiencing mental health problems
4. The legislation and local policy relating to dual diagnosis, including:
 - Mental health and substance misuse
 - Mental health and learning disability
 - Mental health and physical disability/sensory impairment
5. The role of independent mental health advocates and how they can support clients
6. The legislation, case law and guidance relating to clients with a mental health problem who are experiencing discrimination and what to do about it including:
 - Access to employment
 - Access to services
7. Legislation policy and case law relating to protection from abuse for people with a mental health problem:
 - Children
 - Vulnerable adults
 - Self-harm
 - Malpractice including use of excessive/inappropriate restraint
8. How to prepare for and present cases in relevant mental health tribunals and benefits tribunals
9. The legislation relating to sectioning patients, secure detention and treatment
10. The legislation and policy relating to mentally disordered offenders
11. Housing entitlements relating to clients with a mental health problem, including:
 - Supported housing
 - Housing status (priority need)

