

## Unit Title

**LA46                      Employment Legal Advice and Casework**

## Summary

This Unit is designed for you if you specialise in the provision of employment advice in a broad range of contexts. This includes advising clients on more complex areas of employment 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 employment status
- b) Describe the detail of employment contracts and explain how to identify the difference between statutory and contractual rights
- c) Explain how to apply legislation, case law and precedent relating to the range of employment issues
- d) Describe working-time regulations and the specific adjustments required
- e) Describe the types of circumstances where discrimination may be a factor and the relevant statutory bodies for enforcement and equality
- f) Explain how to assess the merits of claims and evaluate the evidence to support or defend them
- g) Explain how to conduct relevant legal proceedings in appropriate courts and tribunals, having regard for time limits
- h) Explain how to draft relevant formal documentation in support of legal proceedings or procedures
- i) Explain how to negotiate claims for clients and how to calculate appropriate compensation levels and describe the remedies available in relevant courts and tribunals
- j) Describe the grounds and procedures for appeals, including the relevant time limits
- k) Explain when it is appropriate to instruct experts and describe the relevant procedures for doing this

## Knowledge and Understanding

You must show that you know and understand:

1. Relevant legislation, case law and guidance relating to employment status, including the specific statutory rights protecting different clients or client groups
2. What an employment contract is, including the difference between statutory and contractual rights
3. How to apply legislation, case law and precedent relating to:
  - Wrongful dismissal
  - Unfair dismissal
  - Constructive unfair dismissal
  - Automatic unfair dismissal
  - Transfer of Undertakings (Protection of Employees) (TUPE)
  - Statutory rights in work
  - Redundancy
  - Direct and indirect discrimination
  - Harassment
  - Victimisation
  - Equal pay
4. Working-time regulations and any specific adjustments required
5. The types of circumstances where discrimination may be a factor
6. The relevant statutory bodies for enforcement and equality
7. How to assess the merits of a claim and assess evidence to support or defend it
8. Tribunal and court procedures, including enforcement procedures, relevant time limits and the limited grounds for extending time limits
9. How to draft formal documents, including:
  - Grievance letters or appeals
  - Disciplinary and dismissal procedure (DDP) appeals
  - A tribunal or court claim form, response or defence counterclaim
  - Questionnaire and reply to questionnaire
  - Witness statement
  - Request for additional information
  - Request for written answers
  - COT 3
  - Compromise agreements
10. Issues relating to calculating compensation and the remedies available in relevant tribunals and courts
11. The role of relevant arbitration bodies, negotiating tactics and how to calculate compensation within relevant arbitration processes

12. The grounds and procedure for appeals, including relevant time limits
13. When it is appropriate to instruct expert witnesses and the procedure for using them