

Higher National Unit specification

General information for centres

Unit title: Housing Law for Advisors: Representation at Hearings

Unit code: F1C9 35

Unit purpose: This Unit is designed for those who require to represent clients at Hearings. It provides candidates with the knowledge and skills to allow them to be competent in the processes of representation and mediation for a variety of types of Hearings. The Unit may be delivered in a range of contexts relating to Representation and Advocacy covering all types of legal hearings — eg In Court; Out of Court and other types of formal meetings. Candidates will normally undertake the Unit in the context of one specific sector or one specific organisation which offers housing advice. Candidates will be required to prepare and implement a case plan based on a case study.

On completion of the Unit the candidate should be able to:

- 1 Explain the principal categories of intervention and possible courses of action in representing a client at a Hearing.
- 2 Explain the legal requirements which underpin one type of Hearing.
- 3 Prepare and implement a case plan.
- 4 Review and evaluate the case plan.

Credit points and level: 1 HN credit at SCQF level 8: (8 SCQF credit points at SCQF level 8*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: This Unit can only be accessed by candidates who are working in a role that requires them to represent candidates at Hearings. Candidates in the Housing Advice sector will be working at Type 3 and should normally have completed the mandatory Units of the *PDA Certificate in Housing Law Advice* at level 7 and one of the following option Units:

- ◆ *Housing Law for Advisors: Homelessness*
- ◆ *Housing Law for Advisors: Finance*
- ◆ *Housing Law for Advisors: Repair and Disrepair*

Core Skills: There may be opportunities to gather evidence towards Core Skills in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

General information for centres (cont)

Context for delivery: This Unit is an optional Unit to the Group Award — *PDA Certificate in Housing Law Advice* at level 7, and as such, may be taken as part of that Group Award. However, it is a free standing Unit and may be taken as such for purposes of Continuing Professional Development by candidates with relevant experience.

Assessment: This Unit is assessed by two assessments. Outcomes 1 and 2 are assessed by written responses to questions covering the Evidence Requirements for each Outcome. Outcomes 3 and 4 are assessed by an assignment in two parts:

- ◆ the production of a case plan based on the case study
- ◆ an evaluative report on the implementation of the case plan

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the principal categories of intervention and the possible courses of action in representing a client at a Hearing

Knowledge and/or Skills

- ◆ Casework
- ◆ Advocacy
- ◆ Representation
- ◆ Mediation
- ◆ Boundaries and Parameters of Role

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify and explain the principal categories of Intervention: Casework; Advocacy; Representation and Mediation
- ◆ describe the boundaries of the role — the distinction between the aspects that can be progressed by housing advisers and the aspects that require to be undertaken by lawyers
- ◆ describe the aspects that can be progressed by housing advisers

Assessment Guidelines

This Outcome is assessed with Outcome 2 by written responses to questions which cover the Evidence Requirements for each Outcome.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Representation at Hearings

Outcome 2

Explain the legal requirements which underpin one type of Hearing

Knowledge and/or Skills

- ◆ Legal background for the context
- ◆ Sources of Law
- ◆ Statute
- ◆ Contract
- ◆ Common Law
- ◆ Activities that can only be undertaken by the legal profession

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify the legal background for context
- ◆ explain sources of law
- ◆ explain statute
- ◆ describe contract
- ◆ explain common law
- ◆ identify activities that can only be undertaken by lawyers

Assessment Guidelines

Outcome 2 is assessed with Outcome 1 by written responses to questions which cover the Evidence Requirements for each Outcome.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Representation at Hearings

Outcome 3

Prepare and Implement a Case Plan

Knowledge and/or Skills

- ◆ Review of all relevant information on the requirements of the client
- ◆ Relevant documentation and materials
- ◆ Preparation for the advocacy
- ◆ Standard procedures relating to a case plan
- ◆ Relevant legislation, codes of practice, guidelines and ethical requirements
- ◆ Negotiation skills
- ◆ Communication skills and interpersonal skills
- ◆ Recording of details of the advocacy in the appropriate system

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ review and prepare all information and documentation for the client
- ◆ produce a case plan
- ◆ prepare for the advocacy
- ◆ apply standards procedures relating to the case plan
- ◆ take cognisance of relevant legislation, codes of practice, guidelines and ethical requirements
- ◆ use negotiation skills
- ◆ demonstrate good communication skills and interpersonal skills
- ◆ record details of the advocacy using the correct documentation

Assessment Guidelines

This Outcome is assessed in conjunction with Outcome 4 by an assignment in two parts. Part 1 covers this Outcome and involves preparing a case plan and implementing this case plan, (which may be undertaken by simulation and/or role play). The case plan should contain all information relevant to representing the client. The assessment of the implementation will be supported by observation and an observation checklist. Part 2 covers Outcome 4 and involves reviewing and evaluating the implementation of the plan.

Higher National Unit specification: statement of standards (cont)

Unit title: Housing Law for Advisors: Representation at Hearings

Outcome 4

Review and evaluate the case plan

Knowledge and/or Skills

- ◆ Evaluation skills
- ◆ Communication skills
- ◆ Objectives achieved and those not achieved
- ◆ Requirements for further action
- ◆ Recording of agreements

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ apply evaluation techniques
- ◆ identify objectives achieved and not achieved
- ◆ identify requirements for further action
- ◆ record agreements in correct format according to agency procedures/specific requirements

Assessment Guidelines

This Outcome is assessed in conjunction with Outcome 3 by an assignment in two parts:

- ◆ Part 1 covers Outcome 3 and involves preparing a case plan and implementing this case plan, (which may be undertaken by simulation and/or role play). The case plan should contain all information relevant to representing the client. The assessment of the implementation will be supported by observation and an observation checklist.
- ◆ Part 2 covers this Outcome and involves reviewing and evaluating the implementation of the plan. It should include a review of actions undertaken and an evaluation of how effectively the plan met the objectives as well as identifying any further action to be taken. The evaluative report relating to this Outcome should be about 500 words. Candidates should also produce records of agreements in the appropriate format.

Administrative Information

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Unit title:	Housing Law for Advisors: Representation at Hearings
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Higher National Unit specification: support notes

Unit title: Housing Law for Advisors: Representation at Hearings

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This specialist Unit is based on the Scottish National Standards for Housing Information and Advice Services (Communities Scotland/Homepoint) and designed specifically for staff whose job role requires them to represent service users/clients at a range of formal and informal Hearings. Most typically, this will be undertaken by Type 111 Housing Advisors or by a wider range of professionals involved in representing service users/clients in a range of formal and informal Hearings. It is important to emphasise the limits of the type of representation that can be carried out by staff and to identify clearly that which can only be undertaken by lawyers.

The learning and teaching should be made relevant to the needs of the candidates and the particular housing environment/organisation in which they will be offering housing advice.

Candidates should be aware of the purpose of advocacy and representation at hearings as follows:

- ◆ Advocacy and Representation — where the adviser may prepare a case for the service user/client and represent or speak on his/her behalf at a tribunal or court.
- ◆ Mediation — where the adviser may act on behalf of the service user/client by seeking to mediate between the service user/client and a third party.

This work is referred to as Type 111 service. Type 111 work may include some activities that can only be undertaken by lawyers.

The Unit should be delivered in the context of one of the following Housing areas: *Homelessness, Finance, Repair and Disrepair* and candidates should either have completed the relevant HN Unit or have relevant experience in one of these areas. The Unit cannot be undertaken in isolation.

Outcome 1

It is important that candidates recognise the distinctions between the work that can be progressed by housing advisers and the aspects that require an input from legal professionals. Thus they must understand their roles and responsibilities and the boundaries of these roles. Different types of scenarios could be presented to the candidate to help them appreciate these distinctions.

Outcome 2

Different types of Hearings should be presented to the candidate to broaden his/ her knowledge and these could be discussed through small case studies. However, the candidate will only require in-depth knowledge of one type of Hearing.

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Representation at Hearings

Outcome 3

This Outcome requires involves the preparation and implementation of a case plan. Types of case plans should be discussed in broad terms and a specific type of case plan relevant to the candidate's work should be selected. The required format of the case plan should be made clear to the candidate.

The importance of the following aspects should be covered:

- ◆ Following standard procedures.
- ◆ Ensuring all documentation and associated materials are available for the case.
- ◆ Presenting the case clearly and effectively — for both oral and written presentations.
- ◆ Identifying any errors relating client information.
- ◆ Knowing how to deal with arguments presented by opposing parties.
- ◆ Complying with all relevant legislation, codes of practice, guidelines, and ethical requirements.
- ◆ Producing the agreement in the required format with appropriate documentation.
- ◆ Understanding the relevant national, local, professional and organisational requirements that relate to equal opportunities, discrimination, health and safety, security, confidentiality, and data protection.
- ◆ Understanding why it is important to comply with different requirements.
- ◆ Understanding what the consequences are of not complying with different requirements.
- ◆ Negotiating on behalf of client.

The communication skills required are:

- ◆ Verbal communication — presenting information.
- ◆ Ways of communication with clients.
- ◆ Summarising arguments.
- ◆ Report writing skills.

Outcome 4

This Outcome requires the candidate to review and evaluate the implementation of the Case Plan. In preparation for the review and evaluation the following aspects could be discussed:

- ◆ How to follow review procedures and how to communicate these to clients.
- ◆ Potential options for continuing the advocacy process.
- ◆ How to clarify outcomes of proceedings.
- ◆ How to record details of the formal proceeding in the appropriate documentation.

Guidance on the delivery and assessment of this Unit

As stated in Content/context above, the delivery should be in the context of the specific organisation/ agency dealing with specific aspects of housing law and specific types of clients. Candidates ideally should have completed the mandatory Units of the *PDA Certificate in Housing Law Advice* at level 7 (*Housing Law for Advisors: Housing Issues*, *Housing Law for Advisors: Security of Tenure*) and one of the following optional Units to provide the context for the Representation:

Higher National Unit specification: support notes (cont)

Unit title: Housing Law for Advisors: Representation at Hearings

- ◆ *Housing Law for Advisors: Homelessness*
- ◆ *Housing Law for Advisors: Finance*
- ◆ *Housing Law for Advisors: Repair and Disrepair*

For **Outcomes 1 and 2**, opportunities should be given to relate the knowledge and skills to the needs of the candidates, and while not all types of housing scenarios require to be covered, a broad understanding of different situations should be encouraged. Where possible, candidates should be given opportunities to draw on their own experiences and to share them with other. It would also be helpful to have input from a range of practitioners.

Outcomes 3 and 4 deal with the practical application of aspects relating to representation at hearings. For Outcome 3, where possible, real situations could be used, but it is acceptable for candidates to be assessed for Outcomes 3 by using simulation and role play. For Outcome 4, candidates could be provided with model case plans for early discussion. The case plan should be written up in the format used by the specific agency/organisation.

In Outcomes 3 and 4 the importance of good interpersonal skills and negotiating skills, and the importance of good communication skills (to include listening, talking and writing) should be stressed.

Opportunities for developing Core Skills

There is no automatic certification of Core Skills within this Unit. However, there may be opportunities to develop aspects of the Core Skills in Communication both written (all Outcomes) and oral (particularly Outcome 3 where candidates are required to demonstrate good communication and interpersonal skills through liaison with clients and negotiation with other agencies/legal bodies). There may also be opportunities for developing aspects of the Core Skills of Working with Others (particularly in Outcomes 3 and 4) and Problem Solving (all Outcomes but particularly Outcomes 3 and 4).

Open learning

This Unit is suitable for open/blended learning delivery.

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

Unit title: Housing Law for Advisors: Representation at Hearings

This specialist Unit at SCQF level 8 is designed to provide knowledge and skills required to represent service users/clients and will be useful to you if your job role entails representing service users/clients at formal and/or informal Hearings relating to Housing Law Advice. You may take this Unit as part of the Group Award *PDA Certificate in Housing Law Advice* at level 7 or as a free-standing Unit for purposes of Continuing Professional Development providing you have the relevant experience.

The Unit deals with the processes of representation and mediation for a variety of types of Hearings. It explores the processes, the legal implications, roles and boundaries and highlights the importance of understanding the limits of your role in providing advice in a Housing context.

For assessment purposes, there are two assessments:

- ◆ **Outcomes 1 and 2** are assessed jointly by a series of questions designed to test your knowledge of the categories of intervention; the boundaries of the adviser's role in representing the client and what can only be done by a lawyer; the legal background — sources of law, statute and common law. You will be required to produce written/oral responses to a series of questions covering these areas.
- ◆ **Outcomes 3 and 4** are jointly assessed by a two-part assignment with part 1 covering the preparation and implementation of a case plan and part 2 reviewing and evaluating this.