



Higher National Unit specification: general information

Unit title: The Law in Relation to Domestic Abuse

Unit code: H2X5 34

Superclass: EC

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Version: 01

Unit purpose

This Unit has been developed to support candidates to develop knowledge and specialist skills on criminal and civil legislation and its practical application when supporting high risk domestic abuse clients. The Unit reflects the current legalisation that would guide candidates in supporting clients. The Unit also covers current housing options and how clients can access them as well as issues around child and adult protection. It is designed to enable candidates to develop their knowledge and skills and apply these to high risk domestic abuse caseloads.

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

- ◆ Identify best practice for domestic abuse in the criminal justice system.
- ◆ Understand civil law remedies available and how to access them.
- ◆ Identify safe housing options available to clients and how to access them.
- ◆ Understand public and private procedures for safeguarding children.
- ◆ Explain the process for the protection of adults.

Recommended prior knowledge and skills

Candidates should work in the domestic abuse sector in a capacity that allows them to demonstrate the Evidence Requirements for this Unit through work activities, and it is assumed that they will have prior knowledge of the dynamics of domestic abuse.

Candidates should have good communication skills, both written and oral and be able to use IT proficiently. We recommend these Core Skills to be at SCQF level 5.

This can be evidenced by the course application process/interview and/or by an employer's reference. Entry will be at the discretion of the delivering centre.

General information (cont)

Credit points and level

1.5 Higher National Unit credit(s) at SCQF level 7: (12 SCQF credit points at SCQF level 7*)

**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.*

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes of this Unit Specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Higher National Unit specification: statement of standards

Unit title: The Law in Relation to Domestic Abuse

Unit code: H2X5 34

Outcome 1

Identify best practice for domestic abuse in the criminal justice system.

Knowledge and/or Skills

- ◆ Role of criminal justice agencies in responding to domestic abuse.
- ◆ Criminal charges relevant to domestic abuse.
- ◆ Criminal court process.
- ◆ Pros, cons and safety implications of the criminal justice response.
- ◆ Role of the advocate in the criminal justice system.
- ◆ Support services/systems linked to the criminal justice system.

Evidence Requirements

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

- ◆ describe best practice of criminal justice agencies in responding to domestic abuse
- ◆ identify a range of criminal charges
- ◆ describe local court procedures and provisions available to their clients
- ◆ evaluate the criminal justice route as an option for clients
- ◆ evaluate the role of the advocate in supporting clients through the criminal justice process
- ◆ identify services/systems that can support clients through the criminal justice process

Outcome 2

Understand civil law procedures, the remedies available and how to access them.

Knowledge and/or Skills

- ◆ Legal aid funding.
- ◆ Civil law remedies and accessibility.
- ◆ Civil court process.
- ◆ Pros, cons and safety implications of the civil law route.
- ◆ Role of the advocate in the civil legal system.
- ◆ Support services/systems linked to the civil law system.

Higher National Unit specification: statement of standards (cont)

Unit title: The Law in Relation to Domestic Abuse

Evidence Requirements

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

- ◆ describe provision of legal aid funding
- ◆ identify civil law remedies available to clients and how to access them
- ◆ describe the civil court process
- ◆ evaluate the civil law route as an option for clients
- ◆ evaluate the role of the advocate in supporting clients through the civil legal system
- ◆ identify services/systems that can support clients through the civil law system

Outcome 3

Identify safe housing options available to clients and how to access them.

Knowledge and/or Skills

- ◆ Housing options for clients and the safety implications.
- ◆ Current housing and homelessness legislation.
- ◆ Occupancy rights.
- ◆ Role of advocate in relation to housing.
- ◆ Agencies and services linked to housing and homelessness.

Evidence Requirements

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

- ◆ evaluate safe housing options for clients
- ◆ describe housing and homelessness legislation
- ◆ describe occupancy rights and how they might relate to clients
- ◆ evaluate the role of the advocate in supporting clients to access safe housing
- ◆ identify agencies and services linked to housing and homelessness

Outcome 4

Understand public and private procedures for safeguarding children.

Knowledge and/or Skills

- Current legislation for the protection of children.
- Rights of children.
- Parental rights and responsibilities.
- Residence and contact procedures.
- Safety considerations for contact.
- Children's hearing system.
- Local child protection referral systems.
- Role of the advocate in relation to children.
- Agencies and services for safeguarding and supporting children.

Higher National Unit specification: statement of standards (cont)

Unit title: The Law in Relation to Domestic Abuse

Evidence Requirements

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

- ◆ describe legislation for protecting children
- ◆ describe the rights of children
- ◆ describe parental rights and responsibilities
- ◆ explain the process of residence and contact and implications for safety
- ◆ explain the children's hearing system
- ◆ explain the referral systems for child protection in their local authority area
- ◆ evaluate the role of the advocate in relation to children
- ◆ identify key agencies and services for safeguarding and supporting children

Outcome 5

Explain the processes for the protection of adults.

Knowledge and/or Skills

- ◆ Current legislation for the protection of adults.
- ◆ Framework for identifying and protecting adults at risk of harm.
- ◆ Reporting and recording.
- ◆ Role of advocate in relation to adult protection.
- ◆ Agencies and services for adults at risk of harm.

Evidence Requirements

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

- ◆ describe legislation for protecting adults
- ◆ explain the framework for identifying adults at risk of harm
- ◆ describe local reporting and recording procedures for adults at risk of harm
- ◆ evaluate the role of the advocate in relation to safeguarding adults
- ◆ identify agencies and services for adults at risk of harm

Higher National Unit specification: support notes

Unit title: The Law in Relation to Domestic Abuse

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 60 hours.

Guidance on the content and context for this Unit

The domestic abuse advocate has a specialised role working with clients who are at high risk of serious harm or homicide. The role is highly specialised, and entails the provision of intensive support to support clients in achieving long-term safety.

Advocates require a wide-range of skills and knowledge to enable them to identify and address immediate safety concerns, and to implement practical plans that will protect clients and their children. Advocates are independent, but work within a multi-agency context alongside both statutory and voluntary agencies, to offer the widest range of options and solutions.

Key elements of the advocacy role include the application of various skills, risk management knowledge and an understanding of the criminal justice and civil legal system. This Unit is part of a Professional Development Award that is designed to provide a formal and nationally recognised qualification for domestic abuse advocates that covers each of these elements.

By undertaking this Unit candidates will develop knowledge of the criminal and legal systems in Scotland and how that system can form part of their risk and case management of high risk clients. Candidates should apply their knowledge when providing support to individual clients and ensure that they are aware of the legal and housing options and services that are available to them. In addition candidates will gain an understanding of child and adult protection procedures and how this relates to their work with clients.

This Unit is suitable for those who are:

- ◆ currently working as an independent domestic abuse advocate or domestic abuse practitioner
- ◆ about to start work as an independent domestic abuse advocate or domestic abuse practitioner
- ◆ managers of a domestic abuse service with a caseload

Guidance on the delivery of this Unit

This Unit should be delivered as part of a Professional Development Award in domestic abuse advocacy. This would be part of a holistic course that covers the role, skills and knowledge required of a domestic abuse advocate. The course would be delivered primarily in-room using a variety of training methods, and supported by comprehensive materials for candidates. There is potential to offer a blended learning environment by offering some on-line learning opportunities.

Higher National Unit specification: support notes (cont)

Unit title: The Law in Relation to Domestic Abuse

Outcome 1

This Outcome covers the criminal justice process in relation to domestic abuse. Ideally this session would include delivery from a professional from the Police and/or Crown Office Procurator Fiscal. Candidates will benefit from an overview of best practice in responding to domestic abuse by the police Procurator Fiscal, Scottish Court System and Criminal Justice Social Work, this would include responding to a domestic incident, arrest, bail procedures right through to sentencing/acquittal and management of offenders. It is recommended that there is an overview of common charges and what they mean.

The court system should also be explained, with considerations of the support measures available throughout the criminal justice process, for example, bail conditions, special measures, etc. The pros and cons of criminal justices responses to abuse should be explored in terms of what it means for high risk clients, for example, implications for safety, likelihood of conviction, publicity, etc.

Local and national criminal justice support services should be introduced and ideally candidates would be given an opportunity to discuss what happens locally, and share best practice.

Consideration should be given to safety considerations and provisions available to support and protect clients, and the role of the advocate in navigating and accessing these systems. This would include how criminal justice impacts on the application of the RIC and ISSP, the MARAC and also partnership work, with links to Units 1 and 2.

Outcome 2

This Outcome covers civil law procedures and the remedies available to clients through civil legislation. Candidates will benefit from an overview of pertinent legislation, for example, the Protection From Abuse (Scotland) Act 2001. It is also recommended that legal aid funding is explained, particularly the criteria for accessing it and what it covers.

Other implications for accessing civil protection should be explored, for example, Evidence Requirements, and the pros and cons of civil remedies considered, for example, costs, outcomes, process, etc. Candidates should be given an opportunity to compare civil and criminal routes to safety, in terms of helping clients to make an informed choice.

It is recommended that the civil court procedure is broken down, along with provisions available, for example, special measures, and how to access these.

Candidates would benefit from an opportunity to reflect on their role within the civil legal system, with particular emphasis on their safety focus, and how they can ensure this is taken into account in the civil court arena. There would be links to Units 1 and 2, namely risk and case management and the skills advocates can apply to get the best outcomes for clients.

Higher National Unit specification: support notes (cont)

Unit title: The Law in Relation to Domestic Abuse

Outcome 3

This Outcome addresses housing options for clients, and this would include clients who need to flee from abuse and those who want to remain safely in their own home. Options would take into account clients who privately own their homes and tenants of private and social housing.

Ideally this session would be delivered by a Housing practitioner, with practical knowledge about domestic abuse and the wide range of options available. Candidates will benefit from an overview of housing and homelessness legislation and consideration should be given to how this relates to client's rights and safety.

Emphasis should be placed on safety considerations, and ideally candidates would have an opportunity to reflect on the role of the advocate in addressing housing issues and challenging decisions on behalf of clients. There would be links to Units 1 and 2, namely partnership skills and risk management.

Candidates would also benefit from an opportunity to discuss and compare local service provision, share best practice, and consider support services that can offer independent advice around Housing.

Outcome 4

This Outcome covers the protection of children in high risk domestic abuse cases. A key focus is the role of the advocate in supporting clients with children and the safety implications for non-abusive parent and the child, taking into account the duty to report any children protection concerns. This session will not replace local child protection training and this should be made clear to candidates.

Ideally this session would be best delivered by a professional with child protection expertise, such as a social worker or family law solicitor. Candidates will benefit from an overview of key legislation, such as the Children (Scotland) Act 1995 and Children's Hearings (Scotland) Act 2011. In particular the difference between public and private law should be explained. Candidates need to understand the procedures for addressing private residence/contact proceedings as well as the statutory response where there are child protection concerns. Legal aid funding in relation to children would also be covered.

Consideration should be given to what the private and public systems mean for clients and their children, with emphasis on safety implications and the role of the advocate in addressing issues and challenges for clients in relation to safeguarding and protecting children.

Ideally candidates would benefit from an opportunity to discuss and reflect on local processes, good practice, and how to apply the skills from Unit 1 here.

Higher National Unit specification: support notes (cont)

Unit title: The Law in Relation to Domestic Abuse

Outcome 5

Candidates need an understanding of adult protection legislation and what to do when they are working with, or suspect, a client falls within the remit of safeguarding services. They will benefit from an overview of the key adult protection legislation, for example, the Adult Support and Protection (Scotland) Act 1997. Particular emphasis should be given to the processes, terminology and systems for referring and reporting adult protection. Input from an expert on adult protection would be useful here.

Opportunity should be given to reflect on what this means in practice for advocates, in particular, within a domestic abuse context the vulnerability of clients may not necessarily initiate adult support and protection concerns. It would be useful to explore how to recognise when a client did fall under the definition and consideration should also be given to what their organisations need to have in place, and how they might build their links to local adult protection services, for example, local referral procedures, joint working, links to risk management, etc.

Guidance on the assessment of this Unit

Assessment of this Unit should be carried out by the candidates submitting assignments that include reflective accounts, ranging from a maximum of 200 to 1,000 words each, based on real work activities (where possible) and in-room exercises. They would also have to answer a number of short response questions.

Assignments could be assessed electronically using a web-based system where tutors can provide feedback electronically to the candidate, or it could be assessed via a paper-based system where candidates submit written assignments.

Assessment Guidelines

Outcome 1

In order to meet the Evidence Requirements of this Outcome it is recommended that candidates demonstrate their knowledge and understanding of the criminal justice system in addressing domestic abuse by answering short response questions to describe the role of key agencies, for example the police. They would describe processes in place, for example, the court process following arrest. Candidates should also provide an account (of no more than 500 words) to describe their role in supporting a client where there are criminal proceedings, the safety measures that can be accessed, and reflect on the issues and challenges for a client accessing the criminal justice system.

Higher National Unit specification: support notes (cont)

Unit title: The Law in Relation to Domestic Abuse

Outcome 2

It is recommended that candidates demonstrate their knowledge and understanding of the civil system by naming some civil remedies available, for example, Interdicts and how they can be accessed. They would also describe the process for accessing legal funding and what this means to clients. Candidates should be able to provide an account (of no more than 500 words) that reflects and evaluates their role in supporting a client where civil proceedings are taking place. Candidates should be able to explain the issues and challenges of accessing the civil system and compare this with provisions available under the criminal justice system.

Outcome 3

In order to meet the Evidence Requirements of this Outcome it is recommended that candidates describe the legislation that covers housing and homelessness, including local authority duties and client's rights. Candidates should be able to demonstrate how they assess the housing options for their clients and how they support the client through the process of re-housing and/or remaining in their own home, by reflecting and evaluating the safety considerations of these options (no more than 500 words).

Outcome 4

In order to meet the Evidence Requirements of this Outcome it is recommended that candidates demonstrate their knowledge and understanding of the legislation, its context and the application in practice. In short response answers candidates should be able to describe the rights of children, parental responsibility and the safety implications of residence and contact procedures. Candidates would reflect and evaluate the role of the advocate in relation to the children of clients in an account of no more than 200 words, and be able to identify and explain the agencies and services that can be accessed for safeguarding children.

Outcome 5

In order to meet the Evidence Requirements for this Outcome it is recommended that candidates describe the current legislation that supports and protects adults at risk of harm, the key terms of this legislation and the framework behind it. Candidates should be able to demonstrate the steps they would take to support an adult at risk of harm and how they would do this locally. Ideally candidates would reflect on their role in supporting an adult at risk of harm, including the multi-agency engagement and how this impacts in risk and case management (no more than 200 words).

Online and Distance Learning

Whilst the majority of this course would be delivered through in-room learning, an emphasis should be placed on blended learning as the assignments and supporting materials could be delivered through a web-based learning package.

Higher National Unit specification: support notes (cont)

Unit title: The Law in Relation to Domestic Abuse

Opportunities for developing Core Skills

You will be given opportunities to develop your Core Skills in the following areas although these will not be certificated:

Communication: written communication skills could be developed through the production of assignments. Oral communication skills may be demonstrated and developed within in-room exercises and through reflective consideration on how this relates to practice. Communication skills will be practiced and developed through in-room discussion and assignment writing.

Working with Others: could be developed through working as part of a team, within the training and work context, such as participating in group exercises, and interactions with other staff involved in the delivery of the course. It can also be developed by working with clients and colleagues.

Problem Solving: could be developed through reflective evaluations of how you applied skills to practice. Problem solving methods used in assessing risk and applying safety planning could also develop Problem Solving skills.

Information and Communication Technology (ICT): could be developed through using information technology to participate in the course and submit assignments.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

History of changes to Unit

Version	Description of change	Date

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General information for candidates

Unit title: The Law in Relation to Domestic Abuse

This Unit has been designed as part of the Professional Development Award for Domestic Abuse Advocacy. It will be useful to you if you are:

- ◆ currently working as an independent domestic abuse advocate or domestic abuse practitioner
- ◆ about to start work as an independent domestic abuse advocate or domestic abuse practitioner
- ◆ a manager of a domestic abuse service with a caseload

This particular Unit will help you to learn about the criminal and civil legal system, housing options and the protection of children and adults when working with high risk domestic abuse clients. This Unit gives a knowledge overview and has a very practical focus on safety implications and your role in navigating complex legal systems.

There are five Outcomes in this Unit. The first Outcome is about the criminal law and how you can effectively use the law to support high risk domestic abuse clients. It will help you to learn about the law, criminal charges, the role of the crown office and the police, courts, relevant agencies and services.

The second Outcome will cover civil law and how you can effectively use the law to support high risk domestic abuse clients. It will help you to learn about the law, protection orders, and the role of relevant agencies and services. The Outcome will also cover how to gain access to legal aid funding for your clients.

The third Outcome gives you the opportunity to explore housing and homelessness legislation for example exclusion orders. The Outcome will help you to learn about the housing options available to your clients and explore the choices available.

The fourth Outcome will cover the law relating to children. It will help you to learn about the principles underpinning the legislation, the rights of child in cases that go to court, court procedures, rights of the parents, residence and contact orders and the children's hearing system.

The fifth Outcome will cover adult support and protection legislation, and the frameworks your organisation should have in place to ensure that you are confident to report and record cases where there are adults at risk of harm.

On completion of the Unit you will be able to:

- ◆ identify best practice for domestic abuse in the criminal justice system
- ◆ understand civil law remedies available and how to access them
- ◆ identify safe housing options available to clients and how to access them
- ◆ understand public and private procedures for safeguarding children
- ◆ explain the process for the protection of adults

You will be assessed on these Outcomes by submitting assignments that will include a number of written reflective accounts about your work practice (ranging from a maximum of 200–1,000 words) as well as answering short response questions.