

# Scottish National Standards for Information and Advice Providers

A Quality Assurance Framework 2009

# **Scottish National Standards for Information and Advice Providers**

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# Scottish National Standards for Information and Advice Providers

## A Quality Assurance Framework for Agencies involved in

- **Debt Counselling**
- **Housing Information and Advice**
- **Income Maximisation**
- **Money Advice**
- **Welfare Benefits Advice Services**

## Incorporating Performance Indicators, Competences for Advisers and Good Practice Guidance

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The right(s) of Michael Bell, Sue Lukes and Stephanie Sexton to be identified as the author(s) of the May 2000 edition of this work has been asserted by them in accordance with the Copyright, Designs and Patents Act 1988.

## Acknowledgements

These Standards and Adviser Competences build on previous publications in 1995, 2000 and 2003 which were principally for housing advice services. The additional topic specific competences for money related and welfare benefits advice were compiled for the Scottish Government Social Inclusion Division by Michael Bell Associates in consultation with an extensive range of agencies in the advice sector. The Standards were piloted in money related and welfare rights services between 2004 and 2006. The composite manual which incorporated topic specific competences for money and welfare related rights was published in 2006. This version of the manual was published in December 2008 to reflect legislative changes to the housing, money and welfare rights related competences.

**We gratefully acknowledge the contribution of the working groups which supported the pilot processes and who piloted the implementation of the Standards in practice and over two hundred advisers and agencies who assisted in the compilation and competences for advisers.**

## Introduction to the Manual

This publication builds upon the National Standards produced by HomePoint in 1995 and revised and re-issued in 2000 and 2006. It is in three sections: Section 1 contains the National Standards; Section 2 contains the Competences for Advisers and agencies in which they work; Section 3 contains the Good Practice Guidance. Contact the Scottish Government for a self-assessment checklist.

Since the original Standards were published there have been considerable developments in the advice world and these are reflected in this new edition which covers housing money and welfare rights related advice. These Standards have been tested in practice with services providing debt counselling, as well as advice on money, housing, income maximisation and welfare rights/benefits.

This introductory section reflects the experience of services that have been actively implementing the Standards. This has allowed us to develop an awareness of the key issues that impact on the implementation process for the range of services that provide housing information and advice in Scotland.

### How the Standards relate to your own service delivery

One of the factors relates to the make-up of the advice sector in Scotland. The sector is diverse, with an identifiable four-way split in the structure of organisations providing an advice service. The differences are related more to the range of functions that an organisation has than to the sector it belongs to. These groups are identified below:

- ▶ organisations with a specific core function of provision of information and advice;
- ▶ organisations that have a central advice function, but provide advice on a range of issues, for example, CABx, law centres or money advice centres;
- ▶ organisations that have multiple functions, one of which is provision of advice or information and that have dedicated staff for this task, for example, housing associations that employ welfare rights advisers; and
- ▶ organisations that have multiple functions, and that have staff with generic roles, for example, local authority local housing offices or homelessness teams, or voluntary sector services that provide support to a particular client group across a range of issues.

The Standards are designed for providers and funders in the voluntary, private and statutory sectors with an interest in developing effective information and advice services. The Standards recognise that people access information and advice from a range of agencies. These agencies range from those that deliver a service specialising in specific topics of advice, for example, housing or money or welfare rights, income maximisation and generalist advice services offering their services to all members of the public to agencies where information and advice form only a small part of their work. Agencies include those whose main business is, for example, the provision of housing, such as housing associations, local authorities with their range of responsibilities but with a statutory duty relating to advice as well as a tradition of providing advice through consumer services, social work and welfare rights services. Some agencies may only serve a single disadvantaged community.

In each of these scenarios, while there are different issues for interpreting and demonstrating achievement of the Standards, the Standards themselves stay the same.

## **The Implications for Implementation**

The range of delivery methods for advice and information services means that there are some key implications for interpreting and implementing the Standards.

You need to decide what your advice and information service is. This is because you will be applying the Standards to the advice and information element of your work, rather than to the whole organisational activity.

You should also decide what Type of information and advice service you provide. The three Types of service are defined in this manual. You should seek advice regarding interpretation if you are unsure how they relate to your own service.

There has to be a degree of flexibility in interpretation of the Standards. You need to look at how they apply to the context you are operating in. Your first point of reference should be the Standard itself. You should consider how it relates to your organisation's way of working and how you would understand it.

You should always remember that the Good Practice is there to provide guidance and to give you ideas and examples from real services. If the practice in your own organisation does not match the examples in the good practice guidance this does not mean that you have failed to achieve the Standard. You should seek further advice on interpretation if you are unsure.

There is a degree of flexibility within the Standards to allow for the different settings in which advice and information are provided. The differences will lie in the sort of evidence that you will have available to demonstrate achievement of the Standards, not in the Standards you will be meeting.

A key factor in implementing the Standards is to realise that there is support there for you. There is a comprehensive programme of support, including direct consultancy and advice on interpretation, and a training programme linked to the housing competence requirements of the Standards. Contact the Scottish Government for further information.

## **Accreditation for Advice Services**

The Standards are backed up by a system of accreditation. The accreditation model was developed through consultation and active involvement of advice and information services across all sectors.

Accreditation is awarded to services rather than individual advisers. The process has been designed to provide independent recognition of achievement of the Standards.

For further information on the process you should contact the Scottish Government.

## About the Standards

The Standards are divided into six key areas:

1. General Management
2. Planning of Services
3. Accessibility and Customer Care
4. Providing the Service
5. Competences for Staff and Agencies
6. Resources

Each of the Standards is followed by a set of 'indicators' that highlight the evidence services will need to provide to demonstrate compliance with the Standards. Indicators for each Standard may differ depending upon the type of service offered by the provider. **Type I** indicators are relevant for information providers that wish to comply with the Standards, **Type II** for those offering a case service and **Type III** indicators for those offering representation and advocacy services. Our definitions of service by type of intervention are provided on page 6 ('Defining Information and Advice').

The Standards are designed to be applicable to agencies in all sectors and should assist them to provide a service that:

- Is client oriented
- Is private and confidential
- Diagnoses the problem
- Is accurate
- Provides options
- Provides for referral
- Provides for follow-up action
- Provides redress to service users and
- Is adequately publicised

This manual is written to be relevant to all agencies, large and small, urban and rural. Some agencies may see themselves as being too small or too under-resourced to meet the Standards or to use these guidelines. Resource limitation should not be seen as a reason for not striving for the highest possible standards. However, the level and quantity of service provided will be affected by the level of resources available to a service. The Good Practice Manual in Section 3 provides guidance on maximising existing resources whilst developing a quality service.

Similarly, we stress that the Standards are not solely the responsibility of individual agencies. By working together agencies can greatly enhance their capacity to meet the needs of their communities.

## Indicators

Each of the Standards is followed by a set of indicators that highlight the evidence services will need to provide demonstrate compliance with the Standards. Indicators for each Standard may differ depending upon the Type of service offered by the provider. **Type I** indicators are relevant for information providers that wish to comply with the Standards, **Type II** for those offering a casework service and **Type III** for services providing users with advocacy, representation and mediation at tribunal or court action level.



## Passporting

These Standards recognise that many services may already be operating to other recognised management Standards. Where the service complies with other appropriate standards which are subject to external inspection or validation we provide a 'passport' \* for that section in the 'Indicators' of these Standards. For example, '\* IIP' means that services with Investors in People can be confident they are complying with this Standard.

The Standards continue to provide a 'passport' for SQMS, which was previously promoted by Scottish Enterprise. The external accreditation of compliance with SQMS ceased in 2006. For organisations whose external accreditation against this scheme is more than four years old this passport no longer exists. Unless the external accreditation of this scheme is reinstated this passport will be removed from future editions of the Standards.

In earlier editions of the Standards compliance with the Scottish Accessible Information Forum's Advice and Information for Disabled People's standards was accepted as a passport. As these standards are not subject to external inspection or validation this passport no longer exists. However, it should be noted that any evidence gathered to support compliance with the SAIF standards will support accreditation against these standards.

It is anticipated that passporting for certain standards will be extended to other externally inspected or validated standards over time to reduce the burden of regulation upon agencies whilst still assuring a quality service.

## Defining Information and Advice

In considering advice it is important to stress that when people visit an advice centre the product they seek is not the service but the outcome. For example, if they go to an advice centre with a homelessness enquiry the product they want is not advice but a home. If they go for welfare benefits advice the product they want is the benefit. It is important to be able to manage these expectations and to be clear about the broader outcomes from receiving advice which are a better understanding of the options, rights and responsibilities and assistance taking action to resolve a problem.

Advice is likely to comprise some or all of the following components:

- Listening to clients
- Diagnosing the problem
- Giving information
- Advising on the options available
- Taking action on behalf of clients
- Negotiating on their behalf
- Representing clients' cases at tribunals and courts
- Referral where appropriate and
- Enabling or empowering the individual to take informed action on their own behalf

We have broken these activities down into three principal categories or types of intervention:

### **Type I – Active Information, Sign-posting and Explanation**

This work refers to activities such as providing information either orally or in writing, sign-posting or referring the user to other available resources or services, and, the explanation of technical terms or clarifying an official document, such as a tenancy agreement or a possession order.

We make a distinction between the passive provision of information through the availability of leaflets, for example, in public places, libraries and so on, and active provision of information through providing assistance to the individual seeking assistance. These Standards are aimed at 'active' providers.

## **Type II – Casework**

This includes:

- A diagnostic interview where the problem and all relevant issues are identified and
- Making a judgement as to whether the individual has a case that can be pursued

Once it has been established that the individual has a case that can be pursued, activities may include:

- Setting out an individual's options or courses of action
- Encouraging the user to take action on their own behalf
- Providing practical aid with letters or forms
- Negotiating with third parties on the user's behalf
- Introducing the enquirer by referral to another source of help and
- Support to users in making their own case

## **Type III – Advocacy, Representation and Mediation at Tribunal or Court Action Level**

This work includes a range of further actions arising from the casework undertaken above. This may have been undertaken by the adviser preparing the tertiary work or may have come to the adviser by referral from another organisation or adviser.

The principal activities may include:

- Advocacy and Representation – where the adviser may prepare a case for the user and represent or speak on their behalf at a tribunal or court.
- Mediation – where the adviser may act on behalf of the user by seeking to mediate between the user and a third party.

**Type III** work includes some activities that can only be undertaken by lawyers.

## **Other Work**

Advice and information providers often undertake a range of activities beyond one-to-one work with individuals in need. Often they may act for groups of individuals facing the same problems, such as a group of tenants on a particular estate facing similar problems of disrepair. They may also undertake other work, such as community development, where they may act a resource to other groups in their communities.

All information and advice providers are likely to undertake 'social policy' work at some level. We use a narrow definition of 'social policy work' commonly used in the advice sector. This definition suggests that advice agencies should collect information generated by individual casework activities and aggregate this in order to identify trends and emerging issues. It is likely that in many cases advice agencies will be able to gather considerable local intelligence through this route that would be of use to the providers or planners of other services. An example of this approach could include an increase in enquiries at an advice agency following recent changes in the administration of Housing Benefit. By making this information available to the managers of that service the advice agency may be able to secure changes and therefore prevent the problem affecting other individuals.

## Methods of Delivery

The traditional, and still most common, method of delivering information and advice is from office or shop based premises. Normally, such services are static and provided from a single site. However, to expand service provision a number of organisations have developed other methods of delivery.

Surgeries or outreach sessions, where advice is delivered using other organisations' premises, has proved an effective means of targeting services at particular parts of the community. For example, if young people are not using a service it may be appropriate to offer advice sessions at a youth club.

Other methods of delivering advice may include offering a home-visiting service to those who could not otherwise attend a traditional advice centre, such as the elderly or those with impaired mobility. Home-visiting services have sometimes been applied in sparsely populated rural areas.

Mobile advice centres, where the advice is taken into different localities in a caravan or adapted van, have also been used in rural areas or other places where local transport is problematic.

The principles represented in these Standards are common to all of these means of delivery, although the way in which the principles are interpreted may be different. For example, if providing a home-visiting service, providers need to respect the conventions of the person whose home they are in. Further examples are given in the Good Practice guidance in Section 3 under the specific standards.

In addition, electronic means of delivering information and advice have proliferated in recent years, most notably those delivered by telephone. More recently there has been a growth in the use of the Internet and other digital technology to deliver information and advice.

This development is in line with the Government's vision as set out in 'Modernising Government' to ensure that, by 2008, all government services should be deliverable electronically.

To date, most use of IT has concentrated upon automating processes, such as case records, for example; the challenge for the future is to see how IT may be used to innovate processes to achieve the 'product' that the service user requires.

Alongside 'Modernising Government', the wider context for change is driven by a number of other factors.

The rate of take-up of this new technology is much faster than preceding technologies, such as the telephone. With the introduction of digital TV, the internet and television will begin to converge, taking access to information into every home.

The introduction of Broadband has increased the speed and portability of information.

The consequences for information and advice providers are likely to include:

- ▶ Information, guidance and expertise all being available for current advice topics over the internet, expanding the reach of services to areas where needs are currently unmet
- ▶ The continued development of the Internet as the first port of call for information for many. This is likely to lead to 'disintermediation', a move away from information brokers, where one-to-one services will have to provide a more sophisticated service with value added to any information given. For example, people may use travel agents to book a holiday where they are seeking advice on a destination, but will use on-line services to book a flight
- ▶ Routine and repetitive advice being systematised
- ▶ Raised expectations of what advice centres can provide with more high value and complex work being required from advice centres and
- ▶ Advice becoming more pro-active, getting information across at the right time in a legal process, before problems become complex or insurmountable

However, even with these new methods of delivery, the principles represented in these Standards remain relevant, though the way in which the principles are interpreted may be different.



# The Standards in Summary

## 1 General Management Standards

*This section of the Standards is designed to ensure that there is effective management of the service and its resources.*

- Standard 1.1 All service providers must have clear management structures that identify the roles and responsibilities of all post holders involved in the planning, management and delivery of the service
- Standard 1.2 All standard office procedures must be documented
- Standard 1.3 All service providers must have robust systems for financial management
- Standard 1.4 There must be clear lines of internal communication
- Standard 1.5 Each service provider must be able to demonstrate that it is complying with all relevant general legislation

## 2 Standards for Planning

*These Standards aim to ensure that all members of the community have access to high quality information and advice. The planning of services is a key component of developing a quality service.*

- Standard 2.1 All service providers must be clear about the remit of their service and the boundaries of their service
- Standard 2.2 All services must undertake a regular exercise to determine the profile of their local community and any special needs that may exist
- Standard 2.3 All service providers must develop long-term plans that cover a period of three to five years
- Standard 2.4 All services must produce an annual service plan that seeks to ensure the best match between the needs of service users and the resources available to provide the service
- Standard 2.5 All services must regularly review their work against the aims and objectives for their service and make the results of these reviews available in a publicly accessible format at least once a year
- Standard 2.6 All services must be subject to regular independent review and evaluation

### 3 Standards of Accessibility and Customer Care

*Services operating to these Standards should be accessible to all members of the community and operate with the highest standards of customer care.*

- Standard 3.1 All service providers must be committed to providing equity of access to services for all
- Standard 3.2 All service providers must have a clear commitment to treat service users with respect and be clear about any expectations of behaviour they have of service users
- Standard 3.3 All service providers must have procedures to review their premises at least once every three years
- Standard 3.4 All service providers must regularly review the methods of delivery for their service to ensure both accessibility and the effective use of resources
- Standard 3.5 All service providers must regularly review their hours of service to ensure that these meet the needs of their current and potential service users
- Standard 3.6 All service providers must ensure that potential service users are aware of the service that is provided
- Standard 3.7 All service providers must be able to provide information in a range of formats and community languages that are appropriate to the needs of disabled people and the local community
- Standard 3.8 Services must not disadvantage users whose first language is not English. All **Type II** and **Type III** services must have access to interpreters in appropriate languages and clear procedures for the use of interpreters
- Standard 3.9 All service providers must have effective and appropriate policies on confidentiality and access to information
- Standard 3.10 Service providers must have procedures for the safe maintenance of files and for file destruction
- Standard 3.11 Service providers must have an effective complaints procedure and adequate insurance to provide rights of redress
- Standard 3.12 All service providers must have procedures that actively encourage feedback from service users

## 4 Standards for Providing the Service

*Services operating to these Standards must have processes that ensure an effective and efficient service for their users.*

- Standard 4.1 All service providers must provide an independent service that can represent the interests of its service users
- Standard 4.2 All services must have arrangements to ensure that their service has access to up to date reference materials and appropriate journals
- Standard 4.3 All service providers must maintain regular contact and liaison with other providers in their locality. Referral agreements must be established between agencies to ensure that service users receive a consistent and seamless service
- Standard 4.4 **Type II** and **Type III** services must have systems that ensure that service user information and case files are well organised
- Standard 4.5 **Type II** and **Type III** services must have a case-work procedure that can be applied consistently to all service users
- Standard 4.6 **Type II** and **Type III** services must ensure that the case work files of individual advisers are subject to suitably qualified, independent review
- Standard 4.7 All service providers must have robust means of recording service wide activity and service use

## 5 Standards around Competence

*Services using these Standards must ensure that all staff gain, maintain and develop the skills and knowledge necessary to meet the needs of their service users. The general competency requirements in this section are supplemented by those in Part II of this manual.*

- Standard 5.1 All service providers must have a clear commitment to equal opportunities in employment practice
- Standard 5.2 All service providers must ensure that they have systems to identify the skills and knowledge required to meet users' needs and the procedures to match these requirements with staff and volunteers delivering the service
- Standard 5.3 All service providers must ensure that those delivering the service are provided with adequate training and development
- Standard 5.4 All service providers must ensure that all staff involved in delivering the service have core competences before they advise the public
- Standard 5.5 All service providers must ensure that all cases are dealt with by an adviser competent in that area of law
- Standard 5.6 All service providers must ensure that all information and advice work is supervised by a suitably qualified individual, either from within or outwith the service
- Standard 5.7 All service providers must ensure that they understand the work of other relevant agencies in their localities

## 6 Resourcing Standards

*This section provides Standards for the resources necessary to underpin the delivery of the service.*

- Standard 6.1 All service providers must have premises that ensure that the service can be accessible to all members of the community and meets the needs of service users
- Standard 6.2 Service providers must pay sufficient attention to human resource planning to maintain service outputs and inform future planning
- Standard 6.3 All services must be able to demonstrate that their annual budget (Standard 1.3) is sufficient to resource the requirements of these Standards and sufficient to resource the commitments established in the Service Plan (Standard 2.4)



# The Standards

## 1. General Management Standards

*This section of the Standards is designed to ensure that there is effective management of the service and its resources.*

### Standard 1.1

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**All service providers must have clear management structures that identify the roles and responsibilities of all post holders involved in the planning, management and delivery of the service.**

All staff and volunteers should know the boundaries around their roles and the roles of other people in their service. These should include, where appropriate, management committee members, paid managers, all paid and unpaid staff.

#### **Indicators for Type I, Type II and Type III**

A document identifying all of those involved in the planning, management and delivery of the service

A document detailing special responsibilities, terms of reference and decision making authority

All staff and volunteers should be able to describe the scope of their role and, where appropriate, identify to whom, when and how they could refer matters for decision.

\* CAS Membership Conditions, SQMS

### Standard 1.2

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**All standard office procedures must be documented**

Procedures and practices vary greatly between agencies and are subject to constant modification and improvement. The smooth running of a service depends upon all of those involved in its delivery being fully conversant with the practices and procedures of the service.

#### **Indicators for Type I, Type II and Type III**

- All policies and procedures should be collated (normally compiled in an Office Manual).
- Responsibility for the maintenance of this manual should be clearly assigned in the management structure.
- All staff and volunteers should have access to this manual and it should form a distinct part of the induction of all individuals involved in the delivery of the service.

\* CAS Membership Conditions, SQMS, ISO 9001

## Standard 1.3

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### All service providers must have robust systems for financial management

In order that both funders of services and service users can be confident that a service can survive and meet its obligation they need to be assured that all monies are properly accounted for and that the service is financially viable.

#### Indicators for **Type I**, **Type II** and **Type III**

There should be clear documentation on how responsibility for financial management is exercised. In addition, voluntary organisations should be able to demonstrate that accounts are monitored at least quarterly by their management committee / board of trustees.

All organisations should ensure that they maintain the following information:

- ▶ an annual Budget;
  - ▶ quarterly variance of income and expenditure against budget;
  - ▶ an annual profit and loss account or Income and Expenditure account; and
  - ▶ an annual balance sheet.
- \* CAS Membership Conditions, SQMS

## Standard 1.4

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### There must be clear lines of internal communication.

Good lines of internal communication are important to ensure the efficient operation of the service and as a mechanism for updating all staff in policies, procedures or priorities.

#### Indicators for **Type I**, **Type II** and **Type III**

- ▶ Regular meetings for all individuals involved in the delivery of the service
- \* CAS Membership Conditions, SQMS

## Standard 1.5

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### Each service provider must be able to demonstrate that it is complying with all relevant general legislation

All agencies must stay within the law to protect those responsible for the planning, management and delivery of the service from the risk of prosecution and to maintain public confidence in the service delivered.

#### Indicators for **Type I**, **Type II** and **Type III**

- ▶ Knowledge of the legislation relevant to the agency (for example, Company Law, Charity law) and its role as a service provider (for example, Public Liability Act) and as an employer (example, Health and Safety)
- ▶ Evidence that current insurance provides the necessary protection – for example, Public Liability, employers' insurance, and so on
- \* CAS Membership Conditions, SQMS

## 2. Standards for Planning

*These Standards aim to ensure that all members of the community have access to high quality information and advice. The planning of services is a key component of developing a quality service.*

### Standard 2.1

---

**All service providers must be clear about the remit of their service and the boundaries of their service.**

The effective delivery of a service and the ability of that service to assess its work depends upon the service establishing clear strategic aims and operational objectives.

#### **Indicators for Type I**

A statement that identifies the strategic aims and operational objectives for the service that includes:

- why the service is provided;
- who the service is for; and
- the type of service to be provided.

All of those involved in the planning, management and delivery of the service should be able to summarise these aims and objectives.

#### **Indicators for Type II and Type III**

A statement that identifies the strategic aims and operational objectives for the service that includes:

- why the service is provided;
- who the service is for;
- the type of service to be provided, including any criteria for selecting different Types of intervention; and
- what each Type of intervention aims to achieve.

All of those involved in the planning, management and delivery of the service should be able to summarise these aims and objectives.

## Standard 2.2

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**All services must undertake a regular exercise to determine the profile of their local community and any special needs that may exist.**

Services should be relevant to the needs of the community that they serve.

### Indicators for Type I

A community profile should be maintained and updated at least once every two years. It should provide the service with indicators of:

- ▶ income deprivation;
- ▶ work deprivation; and
- ▶ housing deprivation.

The suggested, readily available measures are demographic data on:

- ▶ the number of people who are workless and claiming benefit within the service's catchment area;
- ▶ the number of households in receipt of Housing Benefit / Council Tax Benefit / Income Support;
- ▶ the number of people from minority ethnic communities; and
- ▶ the proportion of households in owner occupation, private rented accommodation and social housing.

These may be adjusted depending upon the community that the service aims to target.

### Indicators for Type II and Type III

A community profile should be maintained and updated at least once every two years. It should provide the service with indicators of:

- ▶ income deprivation;
- ▶ work deprivation; and
- ▶ housing deprivation.

The suggested, readily available measures are demographic data on:

- ▶ the number of people who are workless and claiming benefit within the service's catchment area;
- ▶ the number of households in receipt of Housing Benefit / Council Tax Benefit / Income Support;
- ▶ the number of people from minority ethnic communities;
- ▶ the proportion of households in owner occupation, private rented accommodation and social housing;
- ▶ the number of people over 60;
- ▶ the number of lone parent families;

- the number of people with long term limiting illnesses;
- the number of homeless persons;
- the number of single households;
- the number of households lacking two or more basic amenities;
- the number in rent arrears;
- the number in Council Tax arrears;
- the take up of Working Tax Credit;
- the take up of Child Tax Credit; and
- the take up of Pension Credit.

However, these may be adjusted depending upon the community that the service aims to target.

**In addition**, services should produce an annual statement identifying any specific advice needs anticipated for these communities. This should be incorporated into the Service Plan required in Standard 2.4 (opposite).

## Standard 2.3

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**All service providers must develop long-term plans that cover a period of three to five years.**

The maintenance of a quality service that is able to apply its resources in response to local needs is dependent upon that service planning for the future.

### Indicators for Type I

- An outline forward plan or strategy document that anticipates future resources and service patterns

This should be supported by evidence that those responsible for the planning and management of the service monitor the service against this plan at least annually. This might be evidenced, for example, by management committee minutes.

- \* CAS Membership Conditions and SQMS

### Indicators for Type II and Type III

An outline forward plan or strategy document that anticipates future resources and service patterns. This should include:

- estimates of future need; and
- consideration of the availability of other services in the locality.

This should be supported by evidence that those responsible for the planning and management of the service monitor the service against this plan at least annually. This might be evidenced, for example, by management committee minutes.

- \* CAS Membership Conditions and SQMS

## Standard 2.4

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**All services must produce an annual service plan that seeks to ensure the best match between the needs of service users and the resources available to provide the service.**

The effective delivery of services is greatly assisted by the careful planning of services.

### Indicators for **Type I**

An annual service plan should be produced which:

- identifies current resources;
- identifies the service that will be provided, including location, and hours of operation; and
- identifies the service's relationship with other service providers in their locality.

This should be supported by evidence that those responsible for the planning and management of the service monitor the service against this plan at least once every six months. This might be evidenced, for example, by management committee minutes.

The service plan should be summarised and available to service users and potential service users.

### Indicators for **Type II** and **Type III**

An annual service plan should be produced which:

- identifies current resources;
- identifies the service that will be provided, including location, and hours of operation;
- specifies methods of service delivery including office based, surgeries, home visits, telephone enquiries, and so on;
- identifies the estimated number of service users by **Type I**, **Type II** and **Type III**; and
- identifies the service's relationship with other service providers in their locality.

This should be supported by evidence that those responsible for the planning and management of the service monitor the service against this plan at least once every three months. This might be evidenced, for example, by management committee minutes.

The service plan should be summarised and available to service users and potential service users.

## Standard 2.5

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**All services must regularly review their work against the aims and objectives for their service and make the results of these reviews available in a publicly accessible format at least once a year.**

The maintenance of a quality service requires that those providing the service monitor and evaluate their work and integrate any findings into the future development of their service. All services complying with Standards 2.1 to 2.2 (pages 16 to 17) should have developed mechanisms for review. This standard seeks to ensure that services are accountable in their planning and review to their stakeholders.

### **Indicators for Type I, Type II and Type III**

- ▶ Documented evidence of collation of service statistics, analysis and consideration by those responsible for planning the service;
- ▶ Documentation available on public accessibility of this information (for example, inclusion in Annual Report, Service Review, and so on).

## Standard 2.6

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**All services must be subject to regular independent review and/or evaluation.**

Reviews or evaluations are tools for ensuring the relevance, efficiency and effectiveness of a service. They are an essential management tool to ensure the ongoing development of a quality service and provide means of demonstrating an agency's competence to the public and other stakeholders.

### **Indicators for Type I, Type II and Type III**

- ▶ An independently conducted review or evaluation, commissioned either internally or externally, should be undertaken at least once every three years.



## 3. Standards of Accessibility and Customer Care

*Services operating to these Standards should be accessible to all members of the community and operate with the highest standards of customer care.*

### Standard 3.1

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**All service providers must be committed to providing equity of access to services for all.**

A quality service is dependent upon services being available to those members of the community most in need without discrimination either at the point of delivery or in the planning of which services are to be delivered and how those services are to be delivered. This does not preclude providers from identifying particular client groups or ensuring their services are targeted at those in greatest need.

#### **Indicators for Type I, Type II and Type III**

All service providers should have a clear statement of intent with regard to meeting the needs of all parts of the community including disadvantaged groups and those experiencing discrimination. This should apply except where the aims and objectives clearly define them as a specialist service for a defined sector of the population.

The statement should explain how the service intends to implement this policy and how it intends to measure its effectiveness in meeting this policy.

All of those involved in the planning, management and delivery of the services should be able to explain the service's policy and how this impacts upon their role.

\* CAS Membership Conditions

### Standard 3.2

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**All service providers must have a clear commitment to treat service users with respect and be clear about any expectations of behaviour they have of service users.**

Ensuring access to the service and ensuring that the user of services may apply the information or advice given is greatly assisted by a service provider maintaining a level of courtesy to all. This is particularly true in cases where users of services may come to the service provider in considerable distress or may not be able to present themselves in the most favourable light. The courtesy commitment is a two way process and service providers should expect a level of courtesy in return which includes an absence of abusive behaviour which may threaten staff or restrict the access of other service users.

### Indicators for Type I, Type II and Type III

Services should be able to evidence their commitment to this standard by a written policy that requires all of those involved in the delivery of service, including non-technical staff, such as reception staff, to relate to the public in a courteous and respectful way. Compliance with the service's policy may be evidenced by:

- a statement of customer care displayed in public spaces (such as reception areas);
- customer care training for staff;
- telephone skills training for staff; and
- diversity training for staff.

Any expectation that the service has of its service users, in particular what may cause the service to be removed, including meeting appointment times, the use of verbal abuse and so on, should be documented and prominently displayed.

- \* CAS Membership Conditions

## Standard 3.3

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**All service providers must have procedures to review their premises at least once every three years.**

The quality and maintenance of premises play a crucial role in ensuring access to a service. Access in this context means not only physical access, but also people's willingness to use a service because of its location and its appearance. This Standard does not apply to Telephone Helplines.

### Indicators for Type I

All information providers should have procedures to review the premises from which the service is delivered (including own offices, outreach and surgery locations) at least once every three years. This should include:

- physical accessibility for those with physical and sensory impairments; and
- location to ensure that it is relevant to the service provider's catchment area.

This should be produced as an action plan or strategy paper.

- \* CAS Membership Conditions

### Indicators for Type II and Type III

All advice providers should have procedures to review the premises from which the service is delivered (including own offices, outreach and surgery locations) at least once every three years. This should include:

- physical accessibility for those with impaired mobility and/or sensory impairments such as hearing or sight impairments;
- adequacy of resources such as confidential interview rooms; and
- location to ensure that it is relevant to the agency's catchment area.

This should be produced as an action plan or strategy paper.

- \* CAS Membership Conditions

Further Standards relating to the minimum requirements for premises can be found in subsequent sections.

## Standard 3.4

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**All service providers must regularly review the methods of delivery for their service to ensure both accessibility and the effective use of resources.**

Access to services and the effective use of resources can be ensured by reviewing the methods of delivery against the aims and objectives of the service.

### Indicators for Type I

Service providers should be able to demonstrate that the service has a process for reviewing each method of delivering information at least once every two years.

- \* CAS Membership Conditions

### Indicators for Type II and Type III

Service providers should be able to demonstrate that the service has a process for reviewing each method of delivering advice at least once every two years. This should include consideration of:

- ▶ traditional office based information and advice;
- ▶ telephone help-lines and advice;
- ▶ e-mail enquiries;
- ▶ internet information;
- ▶ surgeries and outreach in other service providers' premises; and
- ▶ home visits.

Service providers should be able to demonstrate that this review includes consideration of the services provided by other agencies and the views of different groups of current and potential service users.

- \* CAS Membership Conditions

## Standard 3.5

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**All service providers should regularly review their hours of service to ensure that these meet the needs of their current and potential service users.**

Traditional office hours of opening may exclude many people most in need of services from accessing that service.

### Indicators for Type I, Type II and Type III

Service providers should be able to demonstrate that the service has a process for reviewing hours of service at least once every two years.

- \* CAS Membership Conditions

## Standard 3.6

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**All service providers must ensure that potential service users are aware of the service that is provided.**

Services should ensure that their target service users are aware of the services available. To ensure that this is the case, services should regularly publicise their services using appropriate media (such as leaflets, posters and referral networks).

### Indicators for Type I, Type II and Type III

A marketing plan or promotional summary should be produced that details how the service's target users will be informed of the existence of the service. This should be clearly linked to the community profile and needs assessment requirement in Standard 2.2.

A separate promotional budget should be identified.

- \* CAS Membership Conditions

## Standard 3.7

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**All service providers must be able to provide information in a range of formats and community languages that are appropriate to the needs of disabled people and the local community.**

Services should ensure that all written information can be produced in a way that is impact assessed to ensure it is accessible to disabled people and people whose first language is not English. This may include provision for the translation of leaflets or the development of all alternative means of ensuring accessibility. It should be noted that, with regard to disabled people only, this Standard is a statutory requirement.

### Indicators for Type I, Type II and Type III

Service providers should have plans for meeting the needs of people in their communities for information in accessible formats / appropriate languages. This may include self-production of the material or partnerships with other providers.

Where such formats/languages are not automatically available, the plan should include a means to ensure the provision of information in alternative formats/languages to be timely, with people being able to receive such information within a time agreed between the service user and the information provider. This may include provision of the information directly or sign-posting agreements to other services that agree to undertake this work on the service's behalf.

- \* CAS Membership Conditions

## Standard 3.8

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Services must not disadvantage users whose first language is not English. All **Type II** and **Type III** services must have access to interpreters in appropriate languages and clear procedures for the use of interpreters.

Services should be accessible to all members of their communities and individuals should not be excluded from service use, or receive a qualitatively different service, because of their mother tongue. The use of interpreters should be consistent with other policies, in particular those regarding confidentiality.

### Indicators for **Type I**

Service providers should demonstrate that they can provide an 'active' sign-posting service to all members of the community. Referral sources in appropriate languages should be maintained by service providers.

- \* CAS Membership Conditions

### Indicators for **Type II** and **Type III**

Service providers should have clear policies and procedures on the use of interpreters.

Service providers should maintain contracts or other arrangements with interpreters in community languages appropriate to their catchment area.

- \* CAS Membership Conditions

## Standard 3.9

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### All service providers must have effective and appropriate policies on confidentiality and access to information.

Every user of service has the right to expect that the service they receive is provided in confidence and that any records about them kept by the service provider are fair and accurate.

#### Indicators for Type I

Service providers should have policies that cover:

- the way in which information is provided by the service and any provision for carers, if appropriate;
- details of any information that may be held about the service user by the service provider;
- the circumstances in which this may be passed on; and
- how the service user may access any information held about them.

\* CAS Membership Conditions

#### Indicators Type II and Type III

Service providers should have policies that cover:

- the way in which the service will be provided (such as a private interviewing space) and any provision for carers, if appropriate;
- details of any information that may be held about the service user by the service provider;
- the extent of the policy and any limitations to it (such as statutory requirements on disclosure);
- what any exceptions are and why;
- breaches of confidentiality and how these will be dealt with;
- forms of authority enabling the agency to speak or act on behalf of the user of service; and
- how the service user may access any information held about them.

\* CAS Membership Conditions

## Standard 3.10

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### Service providers must have procedures for the safe maintenance of files and for file destruction.

Careful storage of information is essential both to maintain the confidentiality of users' case notes and to ensure the efficiency of the service provider. Users of service should feel confident that information on their enquiry or case will not be stored indefinitely, and that care will be taken in disposing of old case records. This includes both paper and electronic records.

#### Indicators for Type I, Type II and Type III

Any case notes must be kept safe and secure.

All services maintaining case notes must have a policy for the length of time case notes are stored and which details how and when these notes will be destroyed.

\* CAS Membership Conditions

## Standard 3.11

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### Service providers must have an effective complaints procedure and adequate insurance to provide rights of redress.

Complaints provide a valuable means of service user feedback on the service provided. Service users should feel confident that if mistakes are made by the service provider they can be dealt with promptly and that there is sufficient provision for redress.

#### Indicators for Type I

Agencies should have a complaints procedure that:

- explains to the service users who to complain to and how the complaint will be dealt with;
- is publicised; and
- is monitored by those responsible for managing and planning the service.

There should be adequate Professional Indemnity Insurance to ensure that service users are not disadvantaged by any mistakes the service may make in the delivery of its services.

- \* CAS Membership Conditions

#### Indicators for Type II and Type III

Agencies should have a complaints procedure that:

- explains to the service users who to complain to and how the complaint will be dealt with;
- is publicised;
- is monitored by those responsible for managing and planning the service;
- ensures information from complaints is incorporated into the Services Plan; and
- ensures changes that have been made to the Services Plan as a result of complaints are publicised.

There should be adequate Professional Indemnity Insurance to ensure that service users are not disadvantaged by any mistakes the service may make in the delivery of its services.

- \* CAS Membership Conditions

## Standard 3.12

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**All service providers must have procedures that actively encourage feedback from service users.**

Service providers must have documented procedures that will enable service users to provide feedback on the quality of service they have received.

### Indicators for Type I

The procedures should include a feedback mechanism that addresses the following issues:

- How easy was the service to access in terms of location, hours of service, and so on?
  - Was the service approachable and friendly?
  - Was the service delivered in a competent and timely manner?
  - Was the information and advice explained sufficiently?
  - How and when should service users provide feedback?
  - The frequency and way in which feedback is analysed
  - The way in which this will be used to influence the Services Plan
- \* CAS Membership Conditions, ISO 9001

### Indicators for Type II and Type III

The procedures should include a feedback mechanism that addresses the following issues:

- How easy was the service to access in terms of location, hours of service, and so on?
  - Was the service approachable and friendly?
  - Was the service delivered in a competent and timely manner?
  - Was the information and advice explained sufficiently?
  - Was the service user informed of progress in the case?
  - How and when should service users provide feedback?
  - The frequency and way in which feedback is analysed
  - The way in which this will be used to influence the Services Plan
- \* CAS Membership Conditions, ISO 9001



## 4. Standards for Providing the Service

*Services operating to these Standards must have processes that ensure an effective and efficient service for their users.*

### Standard 4.1

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**All service providers must provide an independent and impartial service that can represent the interests of its service users.**

Service users should have confidence that the service provider is acting in the interests of service users and not for the advantage of the agency itself or for some other third party. Where this is not possible, for example, where the service provider is a local authority and unable to advise the service user to take action against the local authority, the service user should be advised of alternative sources of help. All service providers must be able to identify conflicts of interest and have procedures in place for managing them.

Service providers have a duty to disclose any illegal activity.

#### Indicators for Type I, Type II and Type III

Service providers should be able to demonstrate that they are placing the interests of the service user before their own or a third party's interests; this includes a conflict of interest where different family members require advice.

Services should have a written policy and staff training. Where the service provider may be providing a service that places their own agency or other third parties' interests above the service user's interests, the service should be able to demonstrate that the service user is made aware of these constraints and that alternative, independent sources of help are sign-posted.

\* Member of the main advice networks (CAS, DIAL UK, AdviceUK, Shelter, SAIF)

### Standard 4.2

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**All services must have arrangements to ensure that their service has access to up to date reference materials and appropriate journals.**

Good information and advice is based upon the adviser's ability to readily access up to date and accurate information.

#### Indicators for Type I, Type II and Type III

All information and advice providers should have up to date reference materials and journals relevant to the service that they provide.

A separate and adequate budget should be maintained for this purpose.

All services should clearly designate responsibility for maintaining and updating information within their Services Plan.

\* CAS Membership Conditions

## Standard 4.3

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**All service providers must maintain regular contact and liaison with other providers in their locality. Referral agreements must be established between agencies to ensure that service users receive a consistent and seamless service.**

The provision of good quality information and advice is not the responsibility of any single service. In any given locality there will be a range of providers meeting different needs. Liaison and regular contact are essential to ensure that all people within the community have access to good quality services.

### Indicators for Type I

Service providers should be able to demonstrate a good knowledge of other relevant service providers in their locality.

A directory with contacts of relevant service providers should be maintained by the service and updated no less than once every twelve months.

\* CAS Membership Conditions

### Indicators for Type II and Type III

Service providers should be able to demonstrate a good knowledge of other relevant service providers in their locality.

A directory with contact of relevant service providers should be maintained by the service and updated no less than once every twelve months.

**Formal referral agreements** should be established between service providers and referral of service users between providers should be subject to the terms of these agreements. Formal referral agreements should include:

- how the referral will be made, including that it is to a named individual and the date of any appointment;
- grounds for acceptance or rejection;
- acceptable timescales for referral;
- the respective responsibilities of referrer and referee;
- any information the referring body can expect at the end of a particular case; and
- the right of the individual to return to the agency if they are not satisfied with the referral.

It should be noted that referral may be into or out of an agency.

\* CAS Membership Conditions

Agencies should have clear selection criteria for referrals to other agencies, where possible the agency should consult with the service user, and in complex cases provide written instructions to the referral body.

## Standard 4.4

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**Type II and Type III services must have systems that ensure that service user information and case files are well organised.**

In order to ensure that information can be accessed quickly and easily by all of those involved in delivering the service it is important that records are stored in an organised way.

### Indicators for Type I

This Standard does not apply to those services providing only **Type I** services.

### Indicators for Type II and Type III

Service providers will be expected to have a case management system that:

- ▶ can identify and trace all documents and correspondence relating to a case;
- ▶ identifies any conflict of interest;
- ▶ records centrally any key dates in cases (for example, expiry of a time limit) to ensure that action is taken by the adviser or, in their absence, by the service in appropriate time;
- ▶ ensures that casework is kept in a way that the records are clear to another caseworker;
- ▶ records the advice that has been provided to ensure that the status of a file and any action taken can be easily verified;
- ▶ ensures that there is proper authorisation and monitoring of undertaking given on behalf of the service provider; and
- ▶ can generate data that allows for monitoring the number of cases, time spent and type of case undertaken by each adviser to ensure that they are within their capacity.

## Standard 4.5

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**Type II and Type III services must have a casework procedure that can be applied consistently to all service users.**

Systematic casework procedures ensure a consistent service to all users to ensure that the service user is kept involved and informed during the progress of their case.

### Indicators for Type I

This Standard does not apply to those services providing only **Type I** services.

### Indicators for Type II and Type III

The procedures should cover the three phases of the case: the outset, progressing the case and closing the case.

At the outset of a case procedures should identify:

- the requirements of the client;
- what action is to be taken;
- if someone is to be responsible for the case who this will be;
- key dates in the matter;
- any expectations of the service provider on the user of service (for example, any fees that may be charged including disbursements, commissions, and so on); and
- management information relevant to the service (such as clients' ethnic origin, housing tenure).

and will ensure, in progressing casework, that:

- if the case is complex a case plan will be prepared;
- information on progress is passed to the user of service at appropriate intervals; and
- information on any changes is communicated promptly to the user of service.

and at the end of a case will:

- report and confirm in writing to the service user on the outcome, explaining any action the user of service should now take; and
- return to the user of service any original documentation except where the user of service has agreed that the agency should maintain this information. In this case, the user of service should be informed of storage arrangements and how they can access this information.

## Standard 4.6

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**Type II and Type III services must ensure that the casework files of individual advisers are subject to suitably qualified, independent review.**

Independent review enables services to test the quality of advice and advice procedures to enable them to identify strengths, deficiencies and individual training needs. This Standard should be read in conjunction with Standard 5.6 that specifies the competency requirements of advice work supervisors.

### Indicators for Type I

This Standard does not apply to those services providing only **Type I** services.

### Indicators for Type II and Type III

Service providers should have arrangements for case files to be reviewed by a supervisor or other adviser under the control of the supervisor who has not been involved in the day to day conduct of the case.

These procedures should ensure that:

- ▶ samples of work are reviewed to ensure quality of advice and adherence to the service's procedures; and
- ▶ the number of cases, time spent and type of case undertaken by each adviser are within their capacity.

The file review policy should be written as a plan for undertaking internal reviews and should include:

- ▶ responsibility for undertaking file reviews;
- ▶ the frequency of such reviews;
- ▶ a record of the outcomes of reviews; and
- ▶ a record of any corrective action taken.

## Standard 4.7

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### All service providers must have robust means of recording service wide activity and service use.

The recording of service use and activity provides essential management information to inform the review of service and assist the planner of the service to assess how far the service objectives are being met.

### Indicators for Type I

As a minimum, service providers should gather the following data on service users:

- ▶ the location of the service user's home (e.g first part of post-code and/or ward of residence);
- ▶ gender;
- ▶ age; and
- ▶ ethnic origin.

In addition, whilst it is not a requirement of this Standard consideration should also be given by **Type I** agencies to routinely or systematically gathering data on service users against the other equality groups not included above for which there is legal protection against discrimination in the provision of services:

- ▶ Disability
- ▶ Faith
- ▶ Sexuality
- \* CAS Membership Conditions

## Indicators for **Type II** and **Type III**

As a minimum, service providers should gather the following data on service users:

- the location of the service user's home;
- gender;
- age;
- family composition;
- employment type;
- housing tenure;
- ethnic origin;
- disability;
- income

For agencies providing a money advice service, the amount of debt dealt with, split by type of debt

For agencies providing a money advice service, the debt strategy chosen by the client

In addition, whilst it is not a requirement of this Standard consideration should also be given by **Type II** and **Type III** agencies to routinely gathering data on service users against the other equality groups not included above for which there is legal protection against discrimination in the provision of services:

- Faith
- Sexuality

As a minimum service providers should gather activity data on the following:

- **Type I**, **Type II** and **Type III** (where appropriate) interventions by topic. This should include a breakdown by time spent in client contact to follow-up work.

This should specify the count by either the number of service users, the number of cases and/or the number of episodes of advice.

## 5. Standards Around Competence

*Services using these Standards must ensure that all staff gain, maintain and develop the skills and knowledge necessary to meet the needs of their service users. The general competency requirements in this section are supplemented by those in 'Section 2: Competences for Advisers'.*

### Standard 5.1

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**All service providers must have a clear commitment to equal opportunities in employment practice.**

The service provider should have policies and procedures that ensure that all of those individuals involved in the planning, management and delivery of the services are not discriminated against on the grounds of age, ethnicity, gender, religion, disability or sexual orientation.

#### Indicators for **Type I**, **Type II** and **Type III**

An equal opportunities policy, in effective operation, that precludes discrimination in the selection, recruitment, and treatment of staff and volunteers. This should include:

- ▶ open recruitment process (whether internal or external) that evaluates the skill, knowledge and experience of those applying for posts against the job description and person specification; and
  - ▶ a means of ensuring that all those involved in the planning, management and delivery of the service are aware of this policy and its procedures.
- \* CAS Membership Conditions

### Standard 5.2

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**All service providers must ensure that they have systems to identify the skills and knowledge required to meet users' needs and the procedures to match these requirements with staff and volunteers delivering the service.**

Service users and funders should be confident that the service has mechanisms to ensure that the skills and knowledge required are available and being properly applied.

#### Indicators for **Type I**

- ▶ Systems that document the skills, knowledge or experience required by those delivering the service and the tasks they are required to perform (usually in the form of job descriptions and person specifications);
  - ▶ Procedures which can ensure that the work undertaken by the post holder is within their capacity and competence; and
  - ▶ Processes for ensuring that those delivering the service are briefed in any relevant changes to legislation, regulation, and so on, relevant to their area of service.
- \* CAS Membership Conditions, IIP

### Indicators for **Type II** and **Type III**

- Systems that document the skills, knowledge or experience required by those delivering the service and the tasks they are required to perform (usually in the form of job descriptions and person specifications);
  - Procedures which can ensure that the work undertaken by the post holder is within their capacity and competence;
  - Procedures are in place for advisers to inform their supervisor if the case is beyond their competence; and
  - Processes for ensuring that those delivering the service are briefed in any relevant changes to legislation, regulation, and so on, relevant to their area of service.
- \* CAS Membership Conditions, IIP

## Standard 5.3

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**All service providers must ensure that those delivering the service are provided with adequate training and development.**

Attention needs to be given to staff and volunteers delivering the service to ensure that they gain, maintain and develop the appropriate mix of skills and knowledge to satisfy the needs of service users within the aims of the service. Those using volunteers need to demonstrate that their training programmes recognise special factors in their training plans including higher turnover and different support and supervision needs.

### Indicators for **Type I**

- Induction procedures;
  - Technical competence, customer care and service policies and procedures should be in place for all paid and unpaid staff joining the service;
  - Systems for review/appraisal on personal performance should be undertaken at least once a year;
  - Training and development plans to support the needs of the service to be produced and reviewed at least annually. These should also detail any special provision made by those services using volunteers;
  - A budget for training to be maintained; and
  - All training to be recorded on training records.
- \* IIP



### Indicators for **Type II** and **Type III**

- ▶ Induction procedures, covering technical competence, customer care and service policies and procedures, should be in place for all people joining the service;
- ▶ Systems for review/appraisal on personal performance should be undertaken at least once a year;
- ▶ All advisers with less than 5 years of experience undertake no less than 35 hours of training per year;
- ▶ All advisers with more than 5 years of experience undertake no less than 20 hours of training per year;
- ▶ Training and development plans to support the needs of the service to be produced and reviewed at least annually. These should also detail any special provision made by those services utilising volunteers;
- ▶ A budget for training to be maintained;
- ▶ All training to be recorded on training records; and
- ▶ Adequate contingency plans in the event of new legislation being instituted that affects the areas of advice undertaken by the service.

\* IIP

## Standard 5.4

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**All service providers must ensure that all staff involved in delivering the service have core competences before they advise the public.**

Service users should be confident that all of those delivering the service have the basic skills and knowledge to provide assistance or to identify where further assistance may be available.

### Indicators for **Type I**

Service providers should ensure that those delivering the service have the following core competences:

- ▶ understand the aims and values of the service in which they are operating;
- ▶ recognise that users of service facing discrimination by virtue of their ethnicity, sex, sexual orientation or other circumstances may give rise to special needs;
- ▶ be aware of and able to effectively use the service's information resources;
- ▶ meet the Generic Competences set out in 'Section 2: Competences for Advisers' of the Standards;
- ▶ have appropriate knowledge of the subject area as set out in 'Section 2: Competences for Advisers' of the Standards;
- ▶ recognise their own limitations in any particular case and be aware of the internal and external sources of assistance that may be available (referral); and
- ▶ be able to effectively operate within the service's case recording system.

## Indicators for Type II

Service providers should ensure that those delivering the service have the following core competences:

- understand the aims and values of the service in which they are operating;
- recognise that users of service facing discrimination by virtue of their ethnicity, sex, sexual orientation or other circumstances may give rise to special needs which should be recognised and addressed;
- be aware of and able to effectively use the service's information resources;
- meet the Generic Competences set out in 'Section 2: Competences for Advisers' of the Standards;
- have appropriate knowledge of the subject area as set out in 'Section 2: Competences for Advisers' of the Standards;
- acknowledge the feelings of users of service about their problem and respond appropriately;
- be able to explore and identify problems and key areas of enquiries;
- be able to apply this information to the specific problems encountered by the user of service;
- be able to explain options to users of service and explain the consequences of such choices;
- be aware of the distinction between what constitutes an individual's rights and what constitutes good advice;
- be able to take action – for example, drafting correspondence, preparing notes, and so on;
- recognise their own limitations in any particular case and be aware of the internal and external sources of assistance that may be available (referral); and
- have the ability to effectively operate within the agency's case recording system.

## Indicators for Type III

Service providers should ensure that those delivering the service have the following core competences:

- understand the aims and values of the service in which they are operating;
- recognise that users of service facing discrimination by virtue of their ethnicity, sex, sexual orientation or other circumstances may give rise to special needs which should be recognised and addressed;
- meet the Generic Competences set out in 'Section 2: Competences for Advisers' of the Standards;
- have appropriate knowledge of the subject area as set out in 'Section 2: Competences for Advisers' of the Standards;
- acknowledge the feelings of users of service about their problem and respond appropriately;
- be able to explore and identify problems and key areas of enquiries;
- be aware of and able to effectively use the agency's information resources;
- be able to apply this information to the specific problems encountered by the user of service;
- be able to explain options to users of service and explain the consequences of such choices;
- be aware of the distinction between what constitutes an individual's rights and what constitutes good advice;
- have the ability to take action – for example, drafting correspondence, preparing notes, and so on;
- have the necessary skills to undertake tribunal, court or other relevant representation, mediation or negotiation activities;
- recognise their own limitations in any particular case and be aware of the internal and external sources of assistance that may be available (referral); and
- have the ability to effectively operate within the agency's case recording system.

## Standard 5.5

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**All service providers must ensure that all cases are dealt with by an adviser competent in that area of law.**

It is essential that information and advice work is undertaken by someone with the relevant skills and knowledge. Those applying this Standard should make reference to 'Section 2: Competences for Advisers'.

### Indicators for Type I

The service must demonstrate that the adviser meets the requirements in Section 3 of these Standards for the relevant area of law.

The service must demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work **no less than three hours per week**.

Supervision arrangements should be in place to oversee the work of the adviser.

### Indicators for Type II

The service must demonstrate that the adviser meets the requirements in Section 3 of these Standards for the relevant area of law.

The service must demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work **no less than six hours per week**.

Supervision arrangements should be in place to oversee the work of the adviser in this area in line with the Standard 5.6.

### Indicators for Type III

The service must demonstrate that the adviser meets the requirements in Section 3 of these Standards for the relevant area of law.

The service should demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work or activities **no less than twelve hours per week**.

Supervision arrangements should be in place to oversee the work of the adviser in this area in line with the Standard 5.6.

## Standard 5.6

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**All service providers must ensure that all information and advice work is supervised by a suitably qualified individual, either from within or outwith the service.**

This Standard links to the standard for File Review (4.6) and aims to ensure that the service maintains overall control of its work. This requires service providers to ensure that advisers have access to another, suitably qualified adviser, not directly involved in the delivery of the service to a particular service user, who can oversee the service, provide guidance and manage the conduct of the case. Small organisations may have to seek supervisors outwith their service.

### **Indicators for Type I, Type II and Type III**

The service should demonstrate that the supervising adviser meets the requirements in Section 2 of these Standards for the relevant area of law.

The service should demonstrate that the supervising adviser, for **Type I** whether paid or unpaid, undertakes information and advice related work **no less than six hours per week** and for **Type II** and **Type III** **no less than twelve hours per week**.

## Standard 5.7

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**All service providers must ensure that they understand the work of other relevant agencies in their localities.**

The provision of quality information and advice is not the sole responsibility of a single service. The quality of service can be greatly enhanced by working with other providers.

### **Indicators for Type I, Type II and Type III**

Service providers should ensure that they have adequate mechanisms to share experiences and knowledge with other agencies operating in similar fields. This will be evidenced by attendance at conferences and seminars which should be recorded as part of the service's training record.

## 6. Resourcing Standards

*This section provides Standards for the resources necessary to underpin the delivery of the service.*

### Standard 6.1

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**All service providers must have premises that ensure that the service can be accessible to all members of the community and meets the needs of service users.**

#### Indicators for Type I

Service providers should be able to demonstrate that their premises:

- ▶ are located in an area that is appropriate to their current and potential service users;
- ▶ have private facilities where individuals may request information;
- ▶ are physically accessible to people with impaired mobility or that they have developed adequate alternative means of delivering their service outside the premises to people with impaired mobility;
- ▶ are safe and accessible for people with impaired vision; and
- ▶ have sufficient adaptations to ensure that they may be used by people with impaired hearing.

Service providers should consult with service users and potential service users, including disability groups, about the adequacy of their premises at least once every three years.

#### Indicators for Type II and Type III

Service providers should be able to demonstrate that their premises:

- ▶ are located in an area that is appropriate to their current and potential service users;
- ▶ have sufficient private interviewing facilities that are sound-proofed and not visible to other service users;
- ▶ are physically accessible to people with impaired mobility or that they have developed adequate alternative means of delivering their service outside the premises to people with impaired mobility;
- ▶ are safe and accessible for people with impaired vision;
- ▶ have sufficient adaptations to ensure that they may be used by people with impaired hearing;
- ▶ have a private office for follow-up work;
- ▶ provide adequate public reception and waiting room;
- ▶ have means of keeping children accompanying their parents occupied, such as crèche facilities or toys; and
- ▶ have toilet facilities to meet the needs of both the staff and the public.

Service providers should consult with service users and potential service users, including disability groups, about the adequacy of their premises at least once every three years.

## Standard 6.2

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### **Service providers must pay sufficient attention to human resource planning to maintain service outputs and inform future planning.**

The maintenance of service delivery is important if service users are to have confidence in the service's capacity to address their problem.

#### **Indicators for Type I**

Procedures should be in place to minimise disruption in the event of staff and volunteer sickness, including the provision of cover to maintain levels of service.

#### **Indicators for Type II and Type III**

Procedures should be in place to minimise disruption in the event of staff and volunteer sickness, including the provision of cover to maintain levels of service.

All service providers should be able to demonstrate that they monitor and analyse the time spent by staff on the different Types of activity undertaken and the topics as a tool for future planning.

## Standard 6.3

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### **All services must be able to demonstrate that their annual budget (Standard 1.3) is sufficient to resource the requirements of these Standards and sufficient to resource the commitments established in the Service Plan (Standard 2.4).**

Service users, funders, and those involved in planning and delivering the service need to be assured that the service and quality plans can be met and be sustained.

#### **Indicators for Type I, Type II and Type III**

Each element of the Services Plan and the plan to meet these Standards should be costed, identified as one-off or ongoing requirements and included within the service's annual budget.



## Section 2

# Competence for Advisers and Agencies



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## Introduction

The Scottish National Standards for Information and Advice Providers (the Standards) require services to consider the quality of processes that are in place to manage and deliver the service, but crucially to also give serious consideration to the support mechanisms that are in place to ensure the quality of advice delivered.

The competences detailed in this section give you the framework for supporting the development and maintenance of competence in your organisation. Section 2 of the Standards includes:

- the **generic competences** required by advisers and by agencies to ensure effective service delivery
- the **topic specific or knowledge competences** related to areas of law required by advisers and by agencies to provide quality of advice in these areas. This section is divided into those relating to housing issues and those related to the provision of money and welfare rights advice

You should be looking at how practice within your service matches up to the activities outlined in each of the competences. You should note that depending upon the sort of service and methods of service delivery that you provide, the range of activities to achieve the Standards may vary.

In all cases the competences are set against the Type of information or advice work that the adviser is undertaking and that your agency has elected to provide.

In addition to the competences in this part of the Standards, reference materials required to support the knowledge requirements are available on both the Scottish Government and Michael Bell Associates websites ([www.scotland.gov.uk](http://www.scotland.gov.uk) and [www.mba4consultancy.co.uk](http://www.mba4consultancy.co.uk)).

## A note on using this section of the Standards

The Scottish Government has developed a structured approach to looking at the meaning of competence in practice. This involves breaking competence down into its key components, which are:

- **Generic competence** which includes both skills and knowledge requirements for advisers and agencies to ensure effective service delivery
- **Knowledge competence** of relevant areas of law
- The application of **core skills and knowledge in practice**

You should already have decided the range of areas of law that are covered by your organisation. You should also have decided the Type of service that is provided. This has implications for the sets of competences that staff will need to achieve.

# 1 Generic Competences

The following competences are generic competences for all advisers, and the agencies they work for, and which provide advice about housing issues and/or money related advice.

## 1.1 Effective Interviewing

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### Adviser Competence

Interviews clients effectively as part of holistic advice-giving. This includes evidence of the following:

#### For Type I

- Behaves in a welcoming manner and gives the client full attention
- If interviewing by telephone, calls clients back immediately when telephoned
- Explains service and own role to clients
- Puts clients at ease, even when clients may be distressed or challenging
- Enables clients to explain the problem and its context
- Acknowledges clients' feelings and perception about the problem
- Does not judge clients or their attitudes and values
- Uses a rights-based perspective throughout the interview when exploring legal issues (e.g. acts on clients' instructions and wishes and seeks to widen boundaries of entitlement)
- Explores and explains options in debt cases
- Explores fully and clarifies the presenting problem, and any other problems, the context and clients' feelings
- Gathers relevant key information, such information being driven by the advice category
- Rephrases any questions within forms in order to enable clients to provide more easily accurate and concise information which supports their case or provides relevant information which has not been sought via the questions on the form
- Probes and follows communication cues to identify additional problems
- Helps clients to identify key issues, priorities, goals and information needs
- By use of appropriate language and non-verbal communication, demonstrates a sensitivity towards diversity, equality and discrimination issues, including cross-cultural and disability awareness
- Identifies relevant dates and action taken on any problems so far
- Explores clients' situation to identify any barriers to exercising rights or meeting commitments and liabilities
- Identifies when an interview via trained interpreter is appropriate and able to meet these competences when using interpreter
- Summarises actions to be taken, next steps and any follow up work. Explains boundaries and role of service. Agrees roles and responsibilities of adviser and client.
- Closes interview in appropriate manner, agreeing future contact arrangements. Issues any standard paperwork (e.g. consent to act for client)
- Abides by agency confidentiality policy

### For **Types II and III**

#### As for **Type I plus:**

- Asks specific questions and probes surrounding facts to gather sufficient information from clients to undertake legal research (i.e. a “diagnostic interview”) and where appropriate offers a benefit check, where this is declined, it should be recorded clearly in the case notes
- Identifies where information is insufficient for proper diagnosis and assists clients to gather further information or make appropriate referral
- Checks clients’ understanding of their responsibilities when using the service
- Checks clients’ understanding of advice given and action to be taken

### Agency Competence

Provides the infrastructure for effective interviewing. This includes evidence of the following:

#### For **Types I, II and III**

- Provides accessible interview facilities and adequate systems for responding to incoming telephone calls where premises allow
- Has proformas or computer software for carrying out a benefit check
- Has interview facilities which are adequately soundproofed, comfortable and pleasing
- Where space allows, has suitable facilities for any children (toys, reading materials) who may accompany clients
- Has arrangements for managing incoming enquiries/work
- Facilitates or provides training and supervision arrangements which enable advisers to meet and maintain their competence in interviewing
- Has arrangements for access to interpreters and facilities to enable interpreters to work effectively
- Encourages an organisational culture which is based on respect for clients, non-judgementalism and an appropriate rights perspective
- Has standard paperwork for initial interviews (e.g. a leaflet explaining the service, consent to act forms)
- Has a client confidentiality policy
- Complies with data protection and health and safety requirements

## 1.2 Recording and Managing Casework

---

### Adviser Competence

Records advice and advocacy effectively. This includes evidence of the following:

#### For Types I, II and III

- ▶ On paper based systems: makes legible, succinct notes which enable other advisers, supervisors, auditors and clients to understand all key information in the case. These notes should include advice given; actions taken; copy of the benefit check if appropriate; roles and responsibilities and the outcome of the case. Case recording should also clearly set out the context of the advice given and actions taken i.e. in relation to the information provided by the client. Case recording should also provide evidence of **1.1 Effective Interviewing**
- ▶ On computer based systems: makes appropriate use of any agency computerised record system to make succinct notes which enable other advisers, supervisors, auditors and clients to understand all key information in the case. These notes should include advice given; where appropriate a copy of benefit check; actions taken; roles and responsibilities and the outcome of the case. Case recording should also clearly set out the context of the advice given and actions taken i.e. in relation to the information provided by the client. Case recording should also provide evidence of **1.1 Effective Interviewing**
- ▶ Records key social policy issues which arise in casework and complies with any agency system for actioning or recording these
- ▶ Records/notes any agency statistics
- ▶ Records/notes any deadlines/key dates (including any dates for follow up action)
- ▶ Retains copies of any implementation plans given to clients
- ▶ Where appropriate copies correspondence to clients
- ▶ Makes copies of any relevant documents (including claim forms) and keeps with case records
- ▶ Records outcomes of case
- ▶ Communicate to client where no further action will be taken by the agency e.g. case closing procedure

### Agency Competence

Provides the infrastructure for effective recording. This includes evidence of the following:

#### For Types I, II and III

- ▶ Has adequate office facilities and user friendly guidelines and stationery
- ▶ Provides access to photocopying facilities
- ▶ Has sufficient access to computers for any computerised case recording system with suitable software
- ▶ Provides adequate support/administrative staff to enable systems to minimise impact on adviser
- ▶ Has a policy and training to enable adviser to record competently
- ▶ Monitors to enable adviser to maintain adequate records
- ▶ Has a procedure for case closure
- ▶ Has a policy about access to records e.g. client agreement to case being audited; mandate or opt out box option
- ▶ Uses systems for security and/or back-up of case records
- ▶ Complies with relevant legislation (e.g. data protection)

## 1.3 Time Management

---

### Adviser Competence

Manages time effectively. This includes evidence of the following:

#### For Types I, II and III

- Ensures deadlines are met
- Timeously informs service user of outcome
- Prioritises work in an appropriate manner
- Appropriately uses appointments with sufficient time to undertake the tasks associated with advice work
- Where contractually required (e.g. for Legal Aid), accurately records time spent on enquiries/cases

### Agency Competence

Provides the infrastructure for effective time management. This includes evidence of the following:

#### For Types I, II and III

- Facilitates or provides training and support where necessary to enable adviser to manage time effectively
- Has operational systems to make effective use of adviser time which has a balanced approach taking account of time for case recording, case work and research
- Has systems to manage incoming work including a balanced policy on appointments, drop-in and home visits, and which takes into consideration time required for case recording, casework and research
- Where contractually required (e.g. Legal Aid), has systems for recording time spent on enquiries/cases

## 1.4 Legal Research and Feedback

---

### Adviser Competence

Undertakes legal research effectively. This includes evidence of the following:

#### For Type I

- Locates and retrieves information relevant to clients' enquiries
- With support, locates and retrieves information relevant to clients' enquiries in a standard, current textbook and/or information system
- Uses second tier advice and/or specialist services to help research the law
- Diagnoses clients' legal position where possible and within the limitations of Type I advice
- With advice and support from a Type II or III adviser, discusses options with clients
- Identifies where urgent action is necessary including to meet time limits
- Recognises need for more skilled advice or when cannot advise, for practical, legal or ethical reasons
- Provides appropriate and sufficient information for clients and explains it clearly and accurately in a way they can understand
- Helps clients to re-assess their situation and goals in the light of the information
- Provides clients with sign-posting information

### For **Type II**

#### As for **Type I** plus:

Undertakes legal research effectively. This includes evidence of the following:

- ▶ Gathers and/or clarifies relevant facts by interview, telephone or e-mail with third parties
- ▶ Researches relevant legislation and case law, government, regulatory and industry guidance and Codes of Practice, policy statements, etc
- ▶ Assesses the chances of success of different options and provides feedback and advice about the possible options which arise
- ▶ the advisor has an understanding of the legislation, case law etc
- ▶ Discusses all options and their consequences with clients
- ▶ Helps clients to assess the appropriateness of the options and to make an informed choice
- ▶ Where clients are unable to make an informed choice advises, if possible, on gathering further information and further consideration of options
- ▶ Checks clients' understanding of the advice given and where necessary, provides a written summary

### For **Type III**

#### As for **Types I and II** plus:

- ▶ Researches relevant legislation and procedural protocols for litigation

### Agency Competence

Enables effective legal research. This includes evidence of the following:

#### For **Types I, II and III**

- ▶ Has adequate supplies of up-to-date handbooks and annotated legislation and other books or CD-ROM versions which are appropriate for the Type of advice work being undertaken
- ▶ Has adequate Internet access
- ▶ Provides access to any law reports, journals, articles, etc which are appropriate for the Type of advice work being undertaken
- ▶ Has access to second tier and/or specialist advice
- ▶ Has access to supervision which includes technical/legal advice and help (see Introduction to these competences)
- ▶ Has arrangements for checking the quality of advice given and recorded
- ▶ Promotes a working atmosphere which encourages careful legal research and provides good quality feedback



## 1.5 Form Completion

---

### Adviser Competence

Effectively completes forms for all areas of advice. This includes evidence of the following:

#### For Types I, II and III

- Understands the purpose of each form and when it should be used
- Uses a rights perspective when presenting evidence
- Includes concise, relevant statements of evidence/information
- Attaches additional relevant information/evidence where appropriate or required e.g. LILA
- Ensures clients agree the information and how it is presented
- Makes arrangements for follow-up of forms which are submitted
- Checks accuracy of information on forms completed by third parties

### Agency Competence

Provides the infrastructure for effective form completion. This includes evidence of the following:

#### For Types I, II and III

- Has Internet access
- Has information to enable correct forms to be obtained by advisers
- Has arrangements for checking the quality of form completion

## 1.6 Effective and Appropriate Referrals

---

### Adviser Competence

Recognises own and agency's limits and makes effective and appropriate referrals. This includes evidence of the following:

#### For Type I

- With advice and support from a Type II or III adviser, recognises limits of expertise and accurately identifies when an internal or external referral may be needed
- Gives clients all relevant information about possible referral to help them to decide whether it is appropriate
- Gives clients any help needed to minimise any barriers to pursuing a referral
- Makes referral to another agency which is better placed to deal with the matter after ascertaining availability of service, access times/arrangements, communicating with the other agency
- Informs clients of likely costs or eligibility for help with costs if agency being referred to makes charges for services

#### For Types II and III

#### As for Type I plus:

- Recognises cases which are either beyond the scope of the agency or which the adviser does not have sufficient knowledge and experience to advise about
- Liaises with other agency to ensure a smooth transfer of the work
- Supplies relevant factual details and documents

## Agency Competence

Provides the infrastructure for effective referrals. This includes evidence of the following:

### For Types I, II and III

- ▶ Fosters an organisational culture which enables advisers to acknowledge limitations openly
- ▶ Has information about other local and national agencies which may help
- ▶ Has an internal and external referral procedure which includes feedback on.
- ▶ Has regular contact and liaison with other advice agencies to improve knowledge of services they may offer
- ▶ Has information on Legal Aid eligibility and possible contributions to costs

## 1.7 Negotiation/Advocacy

---

### Adviser Competence

Negotiates when appropriate and effectively. This includes evidence of the following:

#### For Type I

- ▶ With access to advice and support, intervenes on behalf of clients in less complex situations and with the person who can make decisions in the client's case

#### Types II and III

##### As for Type I plus:

- ▶ Intervenes in more complex situations
- ▶ Distinguishes when negotiation/advocacy is and is not appropriate
- ▶ Distinguishes when negotiation/advocacy should be in writing or by phone and confirms verbal negotiations in writing
- ▶ Uses an appropriate negotiation/advocacy technique or has had training or development in negotiation skills to secure best outcome for clients
- ▶ Establishes effective communication channels through liaison with relevant bodies

### Agency Competence

Provides the infrastructure for effective negotiation/advocacy. This includes evidence of the following:

#### For Type I

- ▶ Has arrangements for advice and support to enable advisers to intervene in less complex situations

#### For Types II and III

##### As for Type I plus:

- ▶ Has guidance, support and supervision arrangements so that other advisers can determine when negotiation/advocacy is appropriate
- ▶ Provides support and help when negotiations/advocacy are unsatisfactory and to enable advisers to negotiate effectively
- ▶ Has access to negotiation/advocacy skills training

## 1.8 Representation and Litigation

---

### Adviser Competence

Represents and litigates effectively. This includes evidence of the following:

#### For Type I

- Not relevant

#### For Type II

- Understands when a conflict of interest may arise and follows agency policy
- Understands the role and ethics of advocacy in representation and litigation
- Accurately judges when representation and/or litigation is an option for clients
- Recognises when skilled legal help is required
- Meets all deadlines involved in litigation and understand and uses any rules which allow litigation after a normal deadline
- Understands the correct legal remedy(ies) for particular problems
- Understands and explains any risks associated with litigation to clients
- Uses the possibility of litigation to strengthen clients' position during negotiation

#### For Type III

##### As for Type II plus:

- Undertakes representation at Court according to rights of audience, subject area of expertise and any local practices about representation
- Undertakes representation at tribunals
- Understands relevant Court rules, protocols and procedures and basic principles of rules of evidence (e.g. hearsay)
- Has impact and credibility as a representative because:
  - has a good knowledge of subject area
  - can show links with other relevant areas of law
  - has a good understanding of relevant evidence
  - retains objectivity
  - and presents the above in a structured, coherent and persuasive manner both in writing and orally
  - demonstrates an ability to “think on their feet” in a Court/litigation environment
- Challenges negative decisions, actions or legal interpretation which may be adverse to clients
- Is prepared to pursue an appeal/case to a conclusion where resources allow and where competent to do so

**Note:** Some **Type III** activities may only be performed by lawyers

### Agency Competence

Provides the infrastructure for effective representation and litigation. This includes evidence of the following:

#### For Types II and III

- Has a policy on managing conflicts of interest
- Provides supervisory help and support when representation or litigation is complex
- Provides access to sufficient specialist reference books
- Uses second tier advice and advocacy where available and appropriate
- Has regular contact and liaison with other advice agencies to improve knowledge of services they may offer
- Provides access to training and development opportunities to enable advisers to develop and improve representational skills and to access sources of representation

- ▶ Has administrative systems to enable key deadlines to be met and written submissions to be made
- ▶ Has liaison arrangements with Courts, to resolve difficulties which may arise

## 1.9 Information Technology (in addition to where covered above)

---

### Adviser Competence

Makes effective use of information technology for advice and advocacy. This includes evidence of the following:

#### For Types I, II and III

- ▶ Provides more detailed and precise advice about future options e.g. better off calculation
- ▶ Uses any case recording, social policy or debt advice software required by agency

### Agency Competence

Enables advisers to make effective use of information technology. This includes evidence of the following:

- ▶ Has sufficient access to computers with up-to-date, relevant software, Internet access and CD-ROMS (if the latter are used)
- ▶ Provides access to relevant IT training and support
- ▶ Has a policy on IT use

## 1.10 General Benefits Checking, Income Maximisation & Information Gathering

---

### Adviser Competence

Undertakes a holistic assessment of benefits and tax credits and gathers relevant information in order to begin the process of income maximisation. This includes evidence of the following:

#### For Type I

- ▶ Asks questions to check which benefits and/or tax credits are being received
- ▶ Identifies common situations where people may be able to receive a benefit or a higher rate of benefit
- ▶ Identifies common changes of circumstances which can affect benefit entitlement
- ▶ Identifies situations where urgent action is needed and ensures that appropriate action is taken
- ▶ Identifies common situations where claiming may have adverse consequences (e.g. if client or a family member is subject to immigration control) and seeks advice
- ▶ In possible fraud cases, follows the agency's procedure
- ▶ Identifies possible claims for backdating
- ▶ Identifies need for other advice in other areas
- ▶ Identifies social policy issues e.g. local office practice, implications of changes to the law
- ▶ With advice, support and supervision, assists clients with claims for benefits and tax credits
- ▶ Progress chases benefit and tax credits applications and payments

### **For Type II**

#### **As for Type I plus:**

- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ With advice, support and supervision, writes straightforward letters of appeal, revision or supersession or completes appeal forms
- ▶ After seeking advice, identifies cases for referral to a more specialist adviser
- ▶ Collects information from client, social security/tax credit sources which enables an accurate, multiple benefit/tax credit check to be done manually or on computer and details kept on file. Assesses the strengths and weaknesses of the case, the potential outcomes and consequences of different strategies and reassesses these in the light of the facts, possible counter-arguments and time limits
- ▶ Researches entitlement to benefits and higher amounts
- ▶ Has a good working knowledge of changes of circumstances which affect benefit entitlement
- ▶ Contacts benefit and tax credit offices by phone and letter

### **For Type III**

#### **As for Types I and II plus:**

- ▶ Writes detailed letters of appeal, revision and supersession

### **Agency Competence**

Enables advisers to undertake holistic benefit/tax credit assessments. This includes evidence of the following:

#### **For Types I, II and III**

- ▶ Has pro-formas or computer software for carrying out a benefits/tax credits check
- ▶ Has a policy on advising in cases of actual or suspected fraud
- ▶ Participates in liaison arrangements between relevant agencies
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 2. Housing Specific Competences

### 2.1 Rent Arrears

---

#### Adviser Competence

Advises and assists people who have rent debts. This includes evidence of the following:

#### For **Type I**

- ▶ Has an understanding of the main types of housing tenure and an ability to explain these to clients
- ▶ Understands in outline, the legal and administrative procedures for rent arrears and evictions
- ▶ Has a basic understanding of local landlords' policies and procedures relating to rent arrears and evictions, in particular main social landlords
- ▶ Understands the consequences of rent arrears being included in bankruptcy and the effect after discharge
- ▶ Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003
- ▶ Knows the likely triggers for debt (e.g. illness, relationship breakdown, unemployment), checks on these sensitively and has knowledge of agencies which may help
- ▶ Is aware of the scope for possible defences against possession actions and existence of procedures for bringing a case back before a court (e.g. recall of decree)
- ▶ Has a basic knowledge of disrepair and procedures for filing counterclaims in order to refer to a specialist adviser. Has an understanding of the concept of rent lawfully due, withholding of rent and abatement procedures
- ▶ Recognises common documents such as a valid Notice to Quit or Notice of Proceedings and is able to identify emergency situations and with help from a Type II or III adviser, can give immediate "first aid" advice about options and refers to a Type II or III adviser
- ▶ Helps debtor to apply for deductions ("Third Party Payments") from means tested benefits
- ▶ Can identify if the client is vulnerable and able to get Local Housing Allowance paid directly to landlord to prevent arrears

#### For **Types II and III**

#### As for **Type I** plus:

- ▶ Has good understanding of the legal procedures for rent debt by type of residential tenancy (e.g. Summary Cause Rules)
- ▶ Has good knowledge of policies and procedures used by main local social landlords
- ▶ Understand the consequences of rent arrears being included in bankruptcy and the effect after discharge and can liaise with landlord if seeking repayment
- ▶ Has knowledge of historic debts and prescription and can respond to debtors
- ▶ Has good knowledge of all relevant matters for rent arrears in private rented sector and the significance of level owed
- ▶ Assists the client apply for Housing Benefit/Local Housing Allowance/Discretionary Housing Benefit. Assists client with "good cause" backdate
- ▶ Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003 (see also Housing Specific Competence 2.10 Homelessness in particular prevention)
- ▶ Takes relevant action following from client's receipt of common documents such as Notice to Quit or Notice of Proceedings
- ▶ Contacts landlord to seek emergency action or suspension of eviction (see also Housing Specific Competence 2.7, Eviction)

- Has good knowledge of the scope for possible defences against possession actions and existence of procedures for bringing a case back before a court (e.g. recall of decree) and is able to implement such procedures or to refer to a solicitor (or, where the option is permitted, to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area
- Negotiates verbally and in writing with landlord to protect clients' position and make repayment offers (and in accordance with Scottish National Competences for Money Related Advisers, 4.20, 4.21, 4.22, 4.23)
- Identifies common legal defences or counterclaims and refers to a solicitor (or where the option is permitted, to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area
- Identifies possible issues for counterclaim (e.g. disrepair, rent abatement)(see also Housing Specific Competence 2.4 Disrepair in Rented Housing) and refers to a solicitor (or where the option is permitted to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area
- Identifies appropriate strategies and actions to prevent homelessness and stabilise tenancies across sectors. Understands the potential of housing Support to achieve positive outcomes for clients

**Note:** Where possible, clients facing eviction should be referred to a solicitor (or where the option is permitted, to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area at as early a stage as possible

### Agency Competence

Enables advisers to provide advice and advocacy about rent debts. This includes evidence of the following:

- Has leaflets, reference books and/or access to electronic sources on security of tenure and Court procedures e.g Shelter Legal
- Has information about possession procedures, preferably in a format which can be copied or given to clients
- If agency does not provide debt advice, has contact details in order to make appropriate referrals
- Has database or contact information and referral forms for solicitors who will take on rent arrears cases, or appropriate Type 111 services
- Has contact details for Sheriff Officers, local registered social landlords and major local private landlords and copies of current Codes of Practice and rent arrears policies
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 2.2 Mortgages/Secured Loans

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**Note:** The correct term in Scotland is secured loan. However the term mortgage is widely used and has entered statute via the Mortgage Rights (Scotland ) Act 2001. The terms mortgage and secured loan are used interchangeably in this section.

### Adviser Competence

Advises and assists people who have mortgage/secured loan debts. This includes evidence of the following:

#### For Type I

- ▶ Has an understanding of the different types of mortgage/secured loan and an ability to explain these to clients
- ▶ Knows the likely triggers for debt (e.g. illness, relationship breakdown, unemployment), checks on these sensitively and has knowledge of agencies which may help
- ▶ Understands in outline, the procedures for mortgage/secured loan arrears and ejections
- ▶ Has an understanding of potential assistance that the Home Owner and Debtor Protection (Scotland) Act 2010 can give to Home Owners and Entitled Residents in the context of actions to recovery possession, sequestration and trust deeds
- ▶ Recognises common documents and identifies emergency situations and with help from a Type II or III adviser, can give immediate “first aid” advice about options and refers to a Type II or III adviser
- ▶ Helps debtor to apply for deductions (Third Party Payments) from means-tested benefits
- ▶ Basic understanding of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009) In addition have basic understanding of the Homeowners Mortgage Support a UK wide scheme

#### For Type II

##### As for Type I plus:

- ▶ Knows in outline the procedures and Codes of Practice for mortgage/secured loan arrears and ejections
- ▶ Knows in detail the appropriate use of Part 1 and Part 2 of the Home Owner and Debtor Protection (Scotland) Act 2010 in the interests of Home Owners and Entitled Residents
- ▶ Knows in detail the eligibility criteria in terms of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009). In addition have detailed understanding of the eligibility criteria Homeowners Mortgage Support a UK wide scheme
- ▶ Contacts lenders to seek emergency action or suspension of ejection understanding summary application procedure relating to recall of decree and conditions relevant to recall
- ▶ Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003) and recognise the extension of this duty to Trustees in Bankruptcy and Trust Deeds
- ▶ Knows in outline arrangements for regulating mortgages/secured loans. Negotiates verbally and in writing with lenders in order to protect client’s position and make repayment offers
- ▶ Identifies appropriate strategies for dealing with mortgage/secured loan possession
- ▶ Has a good understanding of the legal aid system and financial eligibility criteria

#### For Type III

##### As for Types I and II plus:

- ▶ Has a good understanding of the consumer credit legislation and unfair contract terms defences to secured loans and small mortgages including prescription/limitations and inhibition
- ▶ Identifies possible defences such as undue duress
- ▶ Has a good understanding of procedures used by main lenders



- Has detailed knowledge of the potential assistance that the Home Owner and Debtor Protection (Scotland) Act 2010 can give to Home Owners and Entitled Residents in the context of actions to recovery possession, sequestration and trust deeds
- Has detailed knowledge of the procedure for a creditor to seek remedies on default, understand the potential defences in such actions
- Has detailed knowledge of pre action requirements on creditors in terms of relevant actions
- Has detailed knowledge of the conditions and procedure for recall of decree
- Identifies possible legal defences and refers to a solicitor or where the option is permitted to a suitably qualified and experienced lay representative internally within their service or externally who is skilled and knowledgeable in this area (see agency competence below)
- Approved lay representative must comply with all the requirements of the Home Owners and Debtor Protection (Scotland) Act 2010, all subsequent regulations and codes of guidance.
- Knows in detail the eligibility criteria in terms of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009) In addition have detailed understanding of the eligibility criteria Homeowners Mortgage Support a UK wide scheme. If approved under the scheme where appropriate assist with application if not approved refer to an approved provider in the context of the scheme
- Has a good understanding of the legal aid system financial eligibility criteria

**Note:** Where possible, clients facing ejection should be referred to a solicitor ( or where the option is permitted to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area at as early a stage as possible

### Agency Competence

Enables advisers to provide advice and advocacy about mortgage/secured loan debts. This includes evidence of the following:

- Has information about mortgages/secured loans, preferably in a format that can be copied or given to clients
- Has information about possession procedures, preferably in a format which can be copied or given to clients
- Approving Agencies authorising lay representative must comply with all the requirements of the Home Owners and Debtor Protection (Scotland) Act 2010, all subsequent regulations and codes of guidance
- Approving Agencies must ensure that approved lay representatives are skilled and able to satisfy Sheriffs that the adviser is competent to represent the interests of the debtor or entitled person as an approved lay representative within the limitations of the Home Owner and Debtor Protection (Scotland) Act 2010
- Has information about priority creditors, their Codes of Practice and their legal responsibilities and a system for updating these
- Has contact details for Sheriff Officers, common lenders and copies of current Codes of Practice
- Agency has good professional relationship with the Sherriff Clerks office/offices
- Agency has access to all the relevant and up to date rules of the Court
- Has list of specialist legal advisers, knowledge of the legal aid system financial eligibility criteria
- Has good links with local money advice and welfare rights service providers
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 2.3 Housing Benefit and Council Tax Benefit

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### Adviser Competence

Advises and advocates effectively about Housing Benefit and Council Tax Benefit. This includes evidence of the following:

#### For Type I

- ▶ Has a basic understanding of means-tested benefits and the relationship with Housing Benefit and Council Tax Benefit and is able to explain these to clients
- ▶ Has basic understanding of eligibility rules for Housing Benefit and Council Tax Benefit and how to make a claim
- ▶ Has a basic understanding of rules relating to backdating, 'good cause' and overpayments
- ▶ Has basic understanding of entitlement for non UK nationals including EU nationals
- ▶ Has an understanding of what eligible housing costs are, the relationship to different types of tenure/tenancy, non-dependant deductions and the ability to explain them to clients
- ▶ Has an understanding the Local Housing Allowance and the local rent levels
- ▶ Can identify if a client is vulnerable and able to get Local Housing Allowance paid direct to landlord to prevent arrears
- ▶ Has a basic knowledge of Discretionary Housing Payments system
- ▶ Has a basic knowledge of the disputes and appeals system and appeals system, including timescales relating to Housing Benefit and Council Tax Benefit
- ▶ Has a basic knowledge of local authority duties, policies and appeal/decision making procedures
- ▶ Knows how to calculate Housing Benefit and Council Tax Benefit using a paper calculation sheet or computer software and can explain benefit entitlement to clients and keep a copy on file

#### For Type II

##### As for Type I plus:

- ▶ Is able to negotiate with relevant benefit officers to try to secure prompt and accurate payments of benefits due
- ▶ Has detailed knowledge of eligibility rules for Housing Benefit and Council Tax Benefit and how to make a claim, this includes information requirements and timescales to submit
- ▶ Has detailed knowledge of rules relating to backdating, 'good cause', maximum limits for backdating. Understands detailed rules on overpayments including recoverability and official error
- ▶ Is able to outline eligibility rules for Local Housing Allowance and calculate entitlement
- ▶ Has a knowledge of other benefits and passporting implications
- ▶ Has a knowledge of Scottish Public Services Ombudsman service and procedures
- ▶ Has the skills and knowledge to access information on this topic (e.g. DWP Housing Benefit Manual) and is able to respond to clients
- ▶ Has a detailed knowledge and understanding of local rent levels and who is eligible for local housing allowance
- ▶ Can identify vulnerability for Local Housing Allowance to be paid to landlord and can assist with form completion
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Has a detailed knowledge of the disputes and appeals system including timescales
- ▶ Drafts letters to relevant agencies which put across the above points succinctly and persuasively
- ▶ Has good understanding of exclusion to entitlement due to immigration status, rules applying to EU A8 and A2 nationals. Has a good understanding of habitual residence test and its impact on entitlement

- Is familiar with relevant legislation and case law

### For Type III

#### As for Types I and II plus:

- Has a good knowledge of local authority reconsideration appeals and complaints procedures including complaints to the Ombudsman
- Drafts submissions to Tribunals which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before Tribunals (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of legislation and case law
- Knows the key links with other areas of law

### Agency Competence

#### For Types I, II and III

Enables advisers to advise and advocate effectively about Housing Benefit and Council Tax Benefit. This includes evidence of the following:

- Has leaflets, reference books and/or access to electronic sources on Housing Benefit and Council Tax Benefit such as Shelter Legal and associated books
- Has database or contact information and referral forms for type III agencies
- Promotes an organisational culture which supports continuous learning and regular updates on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating as and when regulations change which is appropriate to the Type of advice being given

## 2.4 Disrepair in Rented Housing

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### Adviser Competence

Advises and advocates competently about disrepair issues affecting tenants. This includes evidence of the following:

#### For Type I

- Has an understanding of how disrepair contributes towards homelessness
- Has an understanding of different types of tenancy agreements and arrangements and the likely consequences of any tenant action for each type of tenancy and has the ability to explain these clearly
- Has an understanding of different types of disrepair and basic common and contractual law obligations of landlords, knows that legal remedies may be available and has the ability to explain these clearly
- Has an understanding of role of local authority environmental health departments and has the ability to explain these clearly
- Has an understanding of minor disrepair and the Right to Repair scheme, as appropriate to the particular tenancy types
- Has an understanding of the Repairing Standard, as appropriate to tenancy type, and the role of the Private Rented Housing Panel
- Has an understanding of role of Right to Repair Scheme and Regulations, Scottish Public Services Ombudsman, tenants associations, environmental health departments and local councillors, as appropriate to the particular tenancy types, and is able to explain these clearly
- Has an understanding of options for client to take legal action on disrepair, is able to explain these clearly and also explain how to get access to legal services
- Has had basic initial training covering tenancy types, security of tenure and disrepair options

and has regular updating or access to an information service which provides updating when major legislative change occurs

- ▶ Has a basic understanding of gas safety regulations and role of Health & Safety Executive
- ▶ Has basic understanding in terms of common repair obligations in terms of mixed tenure accommodation
- ▶ Has an understanding of rent abatement and can refer to type 111 agency for assistance

### For **Type II**

#### As for **Type I** plus:

- ▶ Is able to identify where disrepair may result in or have resulted in homelessness, and to identify strategies in order to prevent or to remedy that homelessness
- ▶ Knows when it is appropriate to refer the client to a solicitor (or where the option is permitted to a suitable qualified and experienced lay representative)
- ▶ Has an understanding of the initial steps that can be taken in order to secure evidence to support possible future claims for compensation (or counterclaims) (e.g. by ensuring that photographs are taken of the disrepair or damaged items that have to be thrown away)
- ▶ Has an understanding of rent abatement procedures and can refer to type III agency for assistance
- ▶ Is able to identify when a client can take action in terms of the Repairing Standard, and the Private Rented Housing Panel
- ▶ Has a good understanding of the procedure to take a case to Private Rented Housing Committee and understand the potential role of mediation in the process
- ▶ Can act on behalf of and assist with liaising with the Repair Scheme & Regulations, Scottish Public Services Ombudsman, tenants associations, environmental health departments and local councillors, as appropriate to the particular tenancy types
- ▶ Understands and is able to explain the different types of tenancy agreement, their implications for security of tenure and the options available for action on disrepair
- ▶ Can identify main common types of disrepair and their causes, identify any damage to possessions or health and write a report on them outlining options for action under relevant legislation (e.g. Housing (Scotland) Act 1987, the Regulations on Houses in Multiple Occupation)
- ▶ Negotiates further action with tenant, ensuring that s/he is aware of the likely housing and financial implications
- ▶ Negotiates with landlord, environmental health department, other council departments and lawyers as necessary (including, where appropriate, Scottish Public Services Ombudsman) to ensure that tenants' aspirations are put to them clearly and in the context of legal entitlements
- ▶ Has an understanding of the Environment Protection Act 1990 and matters relating to statutory nuisance
- ▶ Has had initial training on security of tenure in the private sector, security of tenure in the social rented sector and disrepair. Also has training to update on security and disrepair or access to an information service that covers legal developments and which provides updating when major legislative change occurs
- ▶ Has a good understanding of gas safety regulations and role of Health & Safety Executive
- ▶ Has good understanding in terms of common repair obligations in mixed tenure accommodation

### For **Type III**

#### As for **Types I and II** plus:

- ▶ Understands the potential role of other tenants and tenants' organisations in taking action
- ▶ Is able to contact them, advise and negotiate plans of action and liaise on client's behalf with a third party or agency and can assist in seeking compensation
- ▶ Where appropriate, and within the remit of the agency, is able to support the development of tenants' associations

- Has an understanding of the potential role of other occupants/ household members in taking action
- Has a detailed understanding of procedure in terms of withholding rent and seeking rent abatement in appropriate circumstances and can assist client
- Has a good understanding of the Environment Protection Act 1990 and matters relating to statutory nuisance and can take appropriate action for client
- Understands the roles and obligations of landlords and environmental health departments and the Health & Safety Executive
- Is able to negotiate alternatives to enforcement action with relevant people
- Has a good knowledge of Court procedures and practice is maintained by training and annual updating

**Note:** This is a complex area and advocacy will, in most cases, be best done by solicitors skilled and knowledgeable in the area of law. The competences presume the involvement of a skilled and knowledgeable solicitor (or where the option is permitted, a suitably qualified and experienced lay representative) available to give advice on the relevant area of law

### Agency Competence

Enables advisers to advise and advocate effectively about disrepair in rented housing. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Reference sources on tenancy types (such as CAS information system, Shelter Information System, Scottish Government booklets), where possible in a format that can be given to clients
- Reference source on repairing obligations (such as CAS information system, Shelter Information System, Scottish Government booklets), where possible in a format that can be given to clients
- Information about the Right to Repair scheme that can be given to clients
- Information about access to the Scottish Public Services Ombudsman, local councillors, tenants' associations and environmental health departments and leaflets to give to clients about the services
- Reference guides to action on private rented sector and social rented sector disrepair (such as CAS information system, Shelter Information System, Scottish Government booklets) and a list of local solicitors and other legal advice agencies able to take action, where possible in a format that can be given to clients
- Information about access to relevant environmental health departments and leaflets to give to clients about the service
- Information on gas safety regulations and Health & Safety Executive
- Information service that covers disrepair and tenure issues and mechanisms to ensure advisers are updated on major legislative changes
- Resources to support basic training on disrepair and tenure issues and mechanisms to update advisers on major legislative changes

#### For Type II

##### As for Type I plus:

- Access to a standard text on security of tenure and disrepair in Scotland
- Provides resources to support home visits where necessary (mobile phone, staff cover system to ensure staff safety) and an adequate budget for transport where relevant
- Information about Legal Aid, sources of free legal help and solicitors (or, where the option is permitted, suitably qualified and experienced lay representatives) experienced in this area and prepared to take cases on Legal Aid on "no win no fee" basis

- ▶ Photographic equipment so as to be able to collect immediate evidence of disrepair
- ▶ Provides adequate access to the necessary infrastructure (word processing, telephone, message taking, etc)
- ▶ Information service that covers disrepair and tenure issues (e.g. SCOLAG and Butterworth's updating service Green's Housing Law Reports) and a system for ensuring advisers are kept informed
- ▶ Resources to support adviser training on these areas with annual updates for advisers and also updating on major legislative changes

### For Type III

#### As for Types I and II plus:

- ▶ Resources to find others affected by disrepair in the same building/area (via casework records, visits, letters)
- ▶ Staff time for court appearances and preparation
- ▶ Information available on roles and obligations of landlords and environmental health departments, preferably in a form that can be copied/passed to clients and landlords
- ▶ Provides resources for training and annual updating

## 2.5 Housing Options

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### Adviser Competence

Advises competently about different housing options for clients. This includes evidence of the following:

#### For Type I

- ▶ Is able to conduct a basic diagnostic interview to identify aspirations and other potential housing issues such as disrepair, homelessness, harassment and housing debt (also see Generic Competence 1.1, Effective Interviewing)
- ▶ Has a basic understanding of benefits, rents and mortgages and is able to explain these to clients
- ▶ Has an understanding, within the remit of the service and needs of the clients, of tenure types (including, for example, those used in local authorities, registered social landlords and the private sector), and ability to explain them
- ▶ Has knowledge, within the remit of the service and needs of clients, of the applications and allocations/transfers policies and practices of local housing authorities and local registered social landlords
- ▶ Has an understanding of local housing mobility schemes and can explain these to clients
- ▶ Has a knowledge, within the remit of the service and the needs of the clients, about entitlement to Rural Home Ownership Grants
- ▶ Has a knowledge, within the remit of the service and the needs of the clients, about eligibility for schemes such as LIFT and explain different types of low cost of home ownership schemes including shared ownership
- ▶ Has a knowledge, within the remit of the service and needs of clients, of local rent and housing benefits levels and can explain the significance of these to clients
- ▶ Has a knowledge, within the remit of the service and needs of clients, about local rent deposit and/or guarantee schemes
- ▶ Is able, within the remit of the service and needs of clients, to explain different types of mortgages
- ▶ Is able, within the remit of the service and needs of the clients, to explain process of home purchase, the respective roles of solicitors, conveyancers, surveyors, lenders and the general financial implications of purchase

- Has knowledge of Home Owner's Support fund which includes the Mortgage to Rent and , Shared Equity Schemes. In addition has knowledge of the UK wide Home Owners Mortgage Support ( ) ) and can refer to agency who can assist with application and/or support
- Has understanding of exclusion to social housing and rights under homeless provision due to immigration status, rules applying to EU A8 and A2 nationals. Has a good understanding of habitual residence test and the impact this has on eligibility. Has knowledge on relationship breakdown relating to occupancy, for example Matrimonial Homes (Family Protection) (Scotland) Act 1981 and Civil Partnership Act 2004

**Note:** Only a qualified financial adviser can advise on mortgages/lending options. Debt and benefits advice is covered by the Money and Welfare Benefits Related Advice Competences

## For Type II

### As for Type I plus:

- Is able, within the remit of the service and needs of clients, to advise clients on consequences of acceptance, refusal and withdrawal of offers. Is able to give information on likely effects on benefits, further housing options and other rights
- Is able to explain the difference between number of offers of re-housing via homeless and waiting list applications and associated rights
- Is able to explain high and low demand areas and how to maximise their waiting list application. Can explain how allocations are made and how points are awarded
- Is able, within the remit of the service and needs of clients, to draw up and present appeals on offers and has adequate knowledge of the Scottish Public Services Ombudsman service and procedures
- Is able to assist clients in making new benefit claims or informing about changes in circumstances
- Has a good understanding of the Local Housing Allowance levels for their local area for private sector tenancies
- Is able, within the remit of the service and needs of clients, to advise about the implications of different types of tenancy agreement for security, repairs and other relevant issues
- Where appropriate, refers to rent deposit/guarantee schemes
- Is able to write referral or nomination report, liaising with other agencies as necessary, in order to maximise client's chances of acceptance
- Is able to write reports in support of application for transfer where appropriate and to assist tenant in appealing or challenging any decision
- Is able to explain tenure and related rights and implications of any move or exchange
- Has had training in report writing
- Has a good understanding of exclusion to social housing and rights under homeless provision due to immigration status, rules applying to EU A8 and A2 nationals. Has a good understanding of habitual residence test and the impact this has on eligibility
- Has knowledge of Home Owner's Support Fund which includes the Mortgage to Rent and, Shared Equity Schemes. In addition has knowledge of the UK wide Home Owners Mortgage Support ( ) ) and can refer to agency who can assist with application and/or support
- Is able to advise on relationship breakdown relating to occupancy, for example Matrimonial Homes (Family Protection) (Scotland) Act 1981 and Civil Partnership Act 2004

## For Type III

### As for Types I and II plus:

- Within the remit of the advice agency and subject to clients' wishes and needs is able to befriend and support clients new to tenancy arrangements (resettlement work) and has availability over first three months of tenancy
- Is able to mediate with local authorities, the Department for Works and Pensions and other relevant agencies to ensure tenancy arrangements are satisfactory for clients

## Agency Competence

Enables advisers to advise competently on housing options. This includes evidence of the following:

### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

### For Type I

- ▶ Has sufficient resources to support interviewing (including possible checklists) and information about other agencies which can deal with problems and issues identified
- ▶ Has written information to give to clients about benefits, rents and mortgages
- ▶ Has basic information about different types of tenure, preferably in a format that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of clients, about local housing authorities' and registered social landlords' housing application procedures and allocations/transfers policies, preferably in a format that can be copied or given to clients
- ▶ Has information about local mobility schemes preferably in a format that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of clients, about local maximum eligible rent levels for housing benefit and ways to challenge these preferably in a format that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of clients, about local rent deposit and/or guarantee schemes preferably in a format that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of the clients, about different types of mortgages, preferably in formats that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of clients, about low cost home ownership schemes in formats that can be copied or given to clients
- ▶ Has information, appropriate to the remit of the service and needs of clients, about relevant grant schemes e.g. crofters, home improvement, energy, etc
- ▶ Has information, appropriate to the remit of the service and needs of clients, about roles of solicitors, conveyancers, surveyors and lenders, and, where appropriate, lists of local practitioners and information about the relevant professional bodies, all in formats that can be copied or given to clients

### For Type II

#### As for Type I plus:

- ▶ Has information, appropriate to the remit of the service and needs of clients, about offers policies of local housing authorities' homelessness procedures, and local housing authorities' and registered social landlords' allocations procedures and policies in relevant areas
- ▶ Has sufficient resources, appropriate to the remit of the service and needs of clients, to support appeals activity, including possible out of hours work presenting cases to committees etc and has information about the Scottish Public Services Ombudsman service
- ▶ Has access, within the remit of the service and needs of clients, to information about benefits, local offices and procedures and access to copies of relevant forms
- ▶ Has access, within the remit of the service and needs of clients, to an up to date reference resources covering private rented sector security, disrepair and other relevant issues
- ▶ Has agreed referral arrangements, appropriate to the remit of the service and needs of clients, with rent deposit/guarantee schemes
- ▶ Is able, within the remit of the service and needs of clients, to secure nomination or referral rights from local registered social landlords or liaise effectively with other referral agencies



### For Type III

#### As for Types I and II plus:

- Within the remit of the service, has adequate resources to support resettlement work
- Has adequate resources to support mediation and information about roles and responsibilities of agencies concerned in formats that can be copied to them and to clients

## 2.6 Discrimination in Housing

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### Adviser Competence

To advise competently about discrimination in housing matters and possible remedies. This includes evidence of the following:

#### For Type I

- Has an understanding of the scope of current domestic and European Union legislation on discrimination; has the ability to identify discrimination (e.g. on grounds of, amongst others, age, disability, faith, gender, gender reassignment, pregnancy, race, sexuality)
- Has an understanding of the implications of various types of discrimination and also of the concepts of direct and indirect discrimination
- Is able to identify instances of possible discrimination and refer such instances on for advice by specialists
- Has an understanding of the role of statutory enforcement bodies with responsibility for dealing with discrimination issues, adequate knowledge of local offices and initiatives and is able to identify and explain their functions clearly to clients
- Has an understanding of the existence of legal remedies against discrimination and understands the importance of specialist legal advice in cases involving discrimination
- Directs clients towards solicitors skilled and experienced in this area of law
- Is sensitive to the equal opportunities issues raised by potential discrimination and to the way in which clients may perceive the limitations of the law in dealing with this
- Has adequate knowledge of the policies of the local authorities and main registered social landlords in the area, in relation to discrimination
- Has had initial training on discrimination issues and has access to information and additional training on changes in the law and practice as they occur
- Is aware of the Equalities Act and can refer to appropriate agency for assistance

#### For Type II

#### As for Type I plus:

- Can identify and explain the different types of discrimination, possible remedies and options for action, and explain them to the client
- Has a good understanding of the concept of reasonable adjustment
- Can identify the options for action, their security, financial and other relevant implications, and to negotiate with the client to determine how best to proceed
- Writes letters and negotiates on behalf of clients with landlords and other service providers as necessary, in order to challenge discrimination and promote the client's interests
- Has had initial training in discrimination legislation and also has access to information service or annual updating training, as well as access to additional updating if there are major legislative changes
- Is aware of the Equalities Act and can refer to appropriate agency for assistance

### For Type III

#### As for Types I and II plus:

- ▶ Understands the potential role of other agencies or organisations in taking action
- ▶ Contacts them, advises and agrees plans of action
- ▶ Has adequate knowledge of court procedures and practices maintained by training and an annual update
- ▶ Understands the appropriate actions to be taken to change discriminatory practices and compensate for discrimination
- ▶ Is able to negotiate alternatives to enforcement action with relevant parties.
- ▶ Can assist clients with issues regarding the Equalities Act

**Note:** This is a complex area and advocacy will, in most cases, be best done by a solicitor (or where the option is permitted by a suitably qualified and experienced lay representative) who is knowledgeable and experienced in this area of law

### Agency Competence

Enables advisers to advise and advocate effectively about discrimination in housing. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- ▶ Has written information about discrimination legislation, preferably in a form that can be copied or given to clients (e.g. leaflets from statutory enforcement bodies)
- ▶ Has access to up to date copies of all relevant codes of practice and guidance
- ▶ Has information about the role of statutory enforcement bodies, preferably in a form that can be copied or given to clients
- ▶ Has copies of, or access to, the policies relating to discrimination of the local authorities and main registered social landlords in the area covered by the advice service
- ▶ Provides equal opportunities training for all staff which covers discrimination and a supervision and support structure that encourages staff to continue learning in these areas
- ▶ Has access to an information service that provides information about any changes
- ▶ Has the resources to support initial training for all new advisers and provides annual updating, plus additional training if major changes occur

#### For Type II

##### As for Type I plus:

- ▶ Has access to up to date information and reference sources (and an updating service) covering security of tenure, discrimination in housing and relevant Acts
- ▶ Has information about available resources for challenging discrimination, including representation by statutory enforcement bodies or solicitors (or, where permitted, suitably qualified and experienced lay representatives) skilled and experienced in this area
- ▶ Has information about local community groups that may offer support to clients
- ▶ Has the resources to support initial training for all new advisers, with annual updating and additional training if major changes occur

### For Type III

#### As for Types I and II plus:

- Has resources to find other agencies or organisations which may take discrimination action
- Gives staff time for Court appearances
- Has information available on roles and obligations of landlords and other service providers in offering non-discriminatory services, preferably in a form that can be copied or passed to them
- Has resources for initial training for all new advisers and annual updating and additional training if major changes occur

## 2.7 Eviction

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### Adviser Competence

Advises competently about evictions. This includes evidence of the following:

#### For Type I

- Has an understanding of the of different types of tenancy in Scotland (Scottish Secure , Short Scottish Secure , Assured , Short Assured, Regulated (Protected), Mobile Homes and Common Law Tenancies)
- Is aware of the various different “grounds” for eviction actions across all tenancy types
- Understands security of tenure and awareness of “third party” rights (for example, the rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 and Civil Partnership Act 2004) and also understands the rights of qualifying occupiers in tenancies under the Housing (Scotland) Act 2001). Has the ability to explain these to clients
- Has adequate knowledge of possession procedures to explain to clients
- Understands the role of continuation and sisting in possession court proceedings
- Knows of the existence of post-possession remedies such as minute for recall of decree, reponing note, application for suspension and interdict, and an ability to refer to practitioners who are knowledgeable and experienced in such procedures
- Knows the likely “triggers” for debt (for example, illness, relationship breakdown, unemployment), checks on these sensitively, and knows and can refer to suitable sources of money advice or other appropriate agencies
- Knows the other “triggers” for eviction proceedings and understands the distinction between ‘mandatory’ and ‘discretionary’ grounds for possession
- Is aware of illegal eviction and harassment and associated legislation and referral of Local Authority Enforcement Officer, Police and Solicitor (see Standard 2.9)
- Understands the need for due process in eviction cases for most tenants and residential occupiers and can identify invalid notices
- Is able to identify rights to prevent eviction if right to remain and not tenant e.g.succession
- Identify if client is vulnerable and able to get Local Housing Allowance paid direct to landlord to prevent arrears
- Has had initial training, annual updates and additional training about any major legislative change

#### For Type II

#### As for Type I plus:

- Has an understanding of income maximisation through claiming benefit entitlements and assists clients in claiming
- Understands debt prioritisation, ability to explain to clients and to negotiate with creditors and negotiates with landlord where feasible
- Draws up financial statements and explanatory reports in consultation with clients, and makes suitable payment offers to priority creditors (and in accordance with Scottish National Competences for Money Related Advisers, numbers 4.20, 4.21, 4.22, 4.23)

- Knows about disrepair and procedures for filing counterclaims to possession proceedings. Has an understanding of the importance of collecting and preserving evidence in support of such counterclaims and understands abatement of rent when appropriate
- Understands the need for due process in eviction cases for most tenants and residential occupiers and can identify and act on invalid notice. Understands the various pre-court notices required in all types of tenancy and the effect of errors in those notices
- Understands possible defences and remedial strategies in arrears and possession actions (e.g. defences based on reasonableness in respect of rent arrears), explains these to clients and negotiates with the landlord where feasible
- Understands possible defences or remedial strategies in non-arrears possession actions (e.g. actions based upon conduct), explains these to clients and negotiates with landlord where feasible. Is aware of Anti-Social Behaviour Legislation and can explain this to client (see Standard 2.8)
- Can advise on Court costs and other charges payable and negotiate payment arrangements
- Understands importance of admitting or not admitting to debt in terms of completing or not completing and returning summons response to Court
- Is aware of Housing Support agencies and their role in terms of preventing eviction and prevention of homelessness and can refer when appropriate
- Is able to identify rights to prevent eviction such as succession and to negotiate with landlord and/or formulate written appeal
- Has had initial training on money advice and possession proceedings in rented accommodation, an annual update and additional training for any major legislative change

### For Type III

#### As for Types I and II plus:

- Understands Court possession procedures and represents or (subject to court rules) acts as friend in Sheriff Court (see Generic Competence 1.8, Representation and Litigation)
- Understands the role of officers of the court, for example sheriff officers
- Has had initial training on possession procedures and Sheriff Court procedures and updating as necessary
- Understands the need for due process in eviction cases for most tenants and residential occupiers and can identify and act on invalid notice. Understands the various pre-court notices required in all types of tenancy and the effect of errors in those notices and can advocate on client's behalf in detail
- Negotiates with creditors to secure acceptable repayment schedules to prevent Decree being granted

### Agency Competence

Enables advisers to advise and advocate effectively about eviction. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Has information about security of tenure (e.g. Scottish Government leaflets, CAS information system and Shelter Legal), where possible in a format that can be copied or given to clients
- Has information about possession procedures preferably in a format that can be copied or given to clients
- Has information about money advice and other agencies and adequate private space where clients can talk to advisers

### For **Type II**

#### As for **Type I** plus:

- Has up to date benefits handbooks, leaflets and access to claim forms
- Has information about priority creditors (landlords, utilities, Her Majesty's Revenue and Customs, Council Tax), their policies and legal responsibilities and a system for updating (e.g. through MAS newsletters or CAS information system)
- Has checklists or forms for financial statements and calculators or spreadsheets or suitable debt advice software
- Has an up to date textbook on disrepair in rented accommodation and Court procedures handbook

### For **Type III**

#### As for **Types I and II** plus:

- Provides sufficient resources to provide more intensive support where necessary
- Provides sufficient resources to support Court appearances and possible inclusion in local Sheriff Court scheme and has up to date textbooks on Court procedures and security
- Provides sufficient resources to support negotiation work

## 2.8 Anti-Social Behaviour

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### Adviser Competence

Advises competently about anti-social behaviour and the remedies available to deal with same. This includes evidence of the following:

#### For **Type I**

- Understands and is aware of the legal definition of anti-social behaviour contained in relevant statutes
- Understands and is able to differentiate between persons suffering from anti-social behaviour and those alleged to be perpetrating anti-social behaviour
- Is aware of agencies where those accused of anti-social behaviour can be referred to
- Understands and is aware of the range of resources provided by local authorities to deal with anti-social behaviour
- Understands and is aware of the various non-court remedies available to deal with anti-social behaviour (e.g. housing management involvement/acceptable behaviour contract/mediation)
- Is aware of the range of court based remedies available to deal with anti-social behaviour (anti-social behaviour orders/eviction)
- Understands and is aware of remedies contained within the Antisocial Behaviour Etc (Scotland) Act 2004 to deal with anti-social behaviour and aware that these remedies are only available to specific authorities (e.g. closure orders/dispersal of groups available to Police)
- Understands the impact of anti-social behaviour order on tenure in social housing sector
- Has had initial training, annual update and additional training about any legislative change, as required

#### For **Type II**

#### As for **Type I** plus:

- Is able to liaise with appropriate authorities to advise in detail of the consequences of an anti-social behaviour order served on existing public sector tenant or potential public sector tenant
- Is able to advise in detail the consequence of an anti-social behaviour notice being served on a landlord

- ▶ Understands and can explain legal remedies on behalf of persons suffering from the anti-social behaviour of others
- ▶ Understands and is aware of possible defences or remedial strategies in actions raised against alleged perpetrators (e.g. anti-social behaviour orders and eviction actions)
- ▶ Understands the relevant Court procedures involved in actions dealing with anti-social behaviour and standard of proof
- ▶ Can explain to client possible outcomes from Anti-Social Behaviour and give homeless advice where appropriate (see standard 2.10)

### For Type III

#### As for Types I and II plus:

- ▶ Understands Court procedures in connection with remedies under the Antisocial Behaviour Etc (Scotland) Act 2004 including procedures relating to closure orders, dispersal of groups, anti-social behaviour orders and anti-social behaviour notice and understands standard of proof e.g. civil or criminal tests
- ▶ Understands Court procedures in connection with eviction actions relating to anti-social behaviour and represents or acts as a friend in the Sheriff Court of the person facing eviction
- ▶ Has had initial training on possession procedures and Sheriff Court procedures and updating as necessary
- ▶ Negotiates with landlord to secure alternative resolution to action seeking eviction for anti-social behaviour
- ▶ Where homelessness has been caused by allegations of Anti-Social Behaviour explain and if necessary challenge intentional decision if appropriate
- ▶ Is able to make appropriate referral to assist persons complaining about anti-social behaviour to access potential court remedies to prevent anti-social behaviour

### Agency Competence

Enables advisors to advise and advocate effectively about anti-social behaviour. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- ▶ Has information about anti-social behaviour (e.g. copies of relevant acts and Scottish Government Guidance) where possible in a format that can be copied or given to clients
- ▶ Has information about Court procedures and Court based remedies preferably in a format that can be copied and given to clients
- ▶ Has information about local authority services dealing with anti-social behaviour which can be provided in a format that can be copied or given to clients

#### For Type II

##### As for Type I plus:

- ▶ Has up to date books, or electronic information, leaflets and access to appropriate Scottish Government guidance
- ▶ Provides resources required to support necessary training

### For Type III

#### As for Types I and II plus:

- Provides sufficient resources to provide more intensive support when necessary
- Provides sufficient resources to support court appearances and possible inclusion in local Sheriff Court scheme and has up-to-date textbooks or electronic equivalent on anti-social behaviour and relevant law and practice
- Provides sufficient resources to support required training
- Provides sufficient resources to support negotiation work

## 2.9 Harassment and Illegal Eviction (including Race Discrimination)

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### Adviser Competence

To advise competently in cases of possible or actual harassment of tenants. This includes evidence of the following:

#### For Type I

- Understands different types of tenancy and the likely consequences of any tenant action for each type of tenancy and can explain these clearly (see also Housing Specific Competency 2.13, Security of Tenure)
- Understands definitions of harassment and illegal eviction and can explain these
- Understands that harassment and illegal eviction issues may underlie or be a counter-issue in other housing legal problems (e.g. rent arrears, housing benefit, homelessness)
- Understands the role of officers in the local authority (e.g., Tenancy Rights Officers, or officers exercising a relevant function in relation to, amongst other things, landlord registration) and can explain these clearly
- Understands and can clearly explain the options for clients wishing to take legal action about harassment and illegal eviction, such as contacting the Police, Council and or solicitor
- Understands and can clearly explain to clients how to access legal services
- Has adequate knowledge of the statutory registration regimes for private sector landlords
- Knows about the provisions for those who are actually homeless or threatened with homelessness
- Is aware of the Equalities Act and can refer to appropriate agency for assistance

#### For Type II

##### As for Type I plus:

- Understands definitions of racially motivated crime and racial harassment, the legal provisions available and has the ability to explain them clearly to clients
- Has had basic initial training covering tenancy types, security of tenure and harassment and illegal eviction options and also regular updating (every two years at least) or access to an information service to provide updating and additional training when major legislative change occurs
- Understands and can explain different types of tenancy agreement and arrangements and their implications for security of tenure and the options available for action on harassment and illegal eviction, including that possible damages may be payable and interdicts sought
- Understands and can explain the definitions of racial harassment and racially motivated crimes and the remedies available to those affected by them
- Understands the role of the Local Authority Enforcement Officer, Police and Procurator Fiscal in relation to illegal eviction and harassment
- Identifies where harassment and illegal eviction issues underlie other housing problems (e.g. rent arrears, housing benefit, homelessness)

- Is able to identify the different forms of harassment/illegal eviction, explain the appropriate legal and other action and write a report outlining options for action under relevant legislation (e.g. Rent (Scotland) Act 1984)
- Negotiates alternative emergency accommodation for client via local authority or elsewhere, and has sufficient knowledge of relevant homelessness legislation and provision to do this (see also Housing Specific Competence 2.10, Homelessness)
- Negotiates further action with tenant, ensuring that s/he is aware of the likely housing and financial implications and refers on for specialist legal representation
- Understands the importance of gathering and protecting evidence
- Understands the statutory registration regimes for private sector landlords, the implications for landlords of failing to secure a licence and the opportunities for bad landlord practice to be brought to the attention of the licensing authority
- Where appropriate informs landlord of legislation and negotiates with Landlord where possible to prevent harassment or illegal eviction and homelessness
- Negotiates with landlord, local authority, Police and solicitors as necessary to ensure that tenant's aspirations are put to them clearly and in the context of legal entitlements
- Has had initial training on security of tenure in the private sector, harassment and illegal eviction, and racial harassment. Has annual updating on security of tenure and harassment, or access to an information service that covers legal developments in this area and additional training for any major legislative change
- Is aware of the Equalities Act and can refer to appropriate agency for assistance

### For Type III

#### As for Types I and II plus:

- Understands the potential role of other occupants/household members in taking action on harassment/illegal eviction
- Contacts them, advises and negotiates plans of action
- Has sufficient knowledge of Court procedures and practices maintained by training: initial training and annual update
- Understands the roles and obligations of landlords and tenancy relations officers
- Negotiates alternatives to enforcement action with relevant parties
- Can assist clients under the Equalities Act and can act on their behalf

**Note:** It is unlikely that mediation will be an appropriate action in cases of racial harassment

This is a complex area and advocacy will, in most cases, be best done by solicitors (or, where the option is permitted, by a suitably qualified and experienced lay representative).

### Agency Competence

Enables advisers to advise and advocate effectively about harassment. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Provides reference sources on tenancy types (such as CAS information system, Shelter Information System, Scottish Government booklets), where possible in a format that can be given to clients
- Has reference source on harassment and illegal eviction (such as CAS information system, Shelter Information System, Scottish Government booklets), where possible in a format that can be given to clients



- Has information about how to access to Tenancy Relations Officers/Sections (or officers exercising a relevant function in relation to, among other things, landlord registration and enforcement) and leaflets to give to clients
- Has an up to date reference guide to action on harassment and illegal eviction (such as CAS information system, Shelter Information System, Scottish Government booklets), where possible in a format that can be given to clients
- Holds an up to date list and referral procedures for local solicitors and other legal advice agencies able to take action
- Has information about emergency/direct access hostels and local homelessness provision
- Has an up to date reference guide to racial harassment and options and a list of local agencies able to take action, preferably in a format that can be given to clients

### **For Type II**

#### **As for Type I plus:**

- Has an information service that covers harassment, illegal eviction and tenure issues, plus a mechanism to ensure advisers are updated on changes
- Has adequate resources to support basic training on these areas and regular updating (at least every two years) or access to an information service which provides updates, plus additional training when major legislative change occurs
- Has access to an up to date reference source on security of tenure and harassment and illegal eviction in Scotland
- Has access to reference sources that cover racial harassment and related issues and information about local agencies working in this area
- Provides sufficient resources to support home visits, (mobile phone, staff cover available , system to ensure staff safety), and has an adequate budget for transport where relevant
- Provides resources to support emergency action if necessary (e.g. staff cover) and has information about emergency provision in the area and referral agreements to direct access provision
- Has information about Legal Aid, sources of free legal help, and solicitors (or, where the option is permitted, by suitably qualified and experienced lay representatives) experienced in this area prepared to take cases on Legal Aid and at short notice if necessary.
- Provides the necessary infrastructure (word processing, telephone, message taking, etc)
- Has an information service which covers harassment and tenure issues, a system for ensuring advisers are kept informed, resources to support adviser training on these areas, i.e. initial training for each adviser, an annual update and additional update for major legislative change

### **For Type III**

#### **As for Types I and II plus:**

- Provides resources to find other people affected by harassment in the same building/area (via casework records, visits, letters)
- Provides sufficient resources to identify community and other organisations that may offer support to victims of racial harassment and deal with its causes
- Provides sufficient staff time for Court appearances and or support throughout the process
- Has information available on roles obligations and responsibilities of landlords and tenancy relations officers, preferably in a form that can be copied/ passed to clients and landlords

## 2.10 Homelessness

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### Adviser Competence

Advises competently about homelessness. This includes evidence of the following:

#### For Type I

- ▶ Is able to identify when early intervention can prevent homelessness and can refer to an appropriate type II or III agency quickly
- ▶ Has a basic understanding of the meaning and significance of the legislative definitions of homelessness, priority need, intentionality and local connection and the ability to explain these to clients
- ▶ Understands “hidden” homelessness and identifies, through interviewing, where a client may qualify as homeless although presenting in respect of another problem
- ▶ Understands local authority policy and facilities for homeless applicants, has an awareness of where these may fall short of what is required of them and understands procedures for accessing local authority homelessness services
- ▶ Understands the importance of independent advice and the early availability of specialist help in cases involving negative homeless decisions and has knowledge of timescales for review
- ▶ Understands the legal duties of local authorities and registered social landlords, the sources of those duties (e.g. legislation, regulations, Code of Guidance) and when those duties are triggered
- ▶ Understands the options for those threatened with homelessness (see other relevant Housing Specific Competences e.g. 2.1 Rent Arrears, 2.9 Harassment and Illegal Eviction)
- ▶ Has sufficient knowledge of voluntary sector provision for non-priority homeless people, including local registered social landlord allocation policies and services for the street homeless
- ▶ Knows what emergency provision is available in the area including social services
- ▶ Has a basic understanding of eligibility criteria for homelessness services (i.e. the overall eligibility criteria that apply in order to determine whether an application may be made, as distinct from the four hurdles: homelessness; priority need; intentionality and local connection). Knows which documentation an applicant may need to prove eligibility
- ▶ Knows sources of specialist advice and referral for those deemed not eligible, or whose eligibility may be subject to query (e.g. Scottish Refugee Council, National Asylum Support Service)
- ▶ Has had basic training on homelessness law and provision and has access to updating information or training

#### For Type II

##### As for Type I plus:

- ▶ Understands and explains relevant homelessness legislation, practice and provision
- ▶ Identifies relevant preventative action where appropriate if client is threatened with homelessness and can either initiate such action or refer to an appropriate agency to do so
- ▶ Refers clients to local authority homelessness services as appropriate
- ▶ Negotiates with local authority to secure appropriate emergency, interim and long-term accommodation for the client and is aware of new Regulations for exceptions and transitional accommodation
- ▶ Understands possible challenges to local authority decisions on homelessness cases, is aware of timescales and explains these and refers appropriately if client wishes to challenge
- ▶ Understands and explains allocations policies to clients, in order to assist them in obtaining accommodation and is able to explain process, aspirations, availability, timescales and differences between homelessness and waiting list applications
- ▶ Knows how to refer or nominate clients to alternative schemes or provision not forming part of the homelessness legislation (e.g. rent guarantee schemes)
- ▶ Negotiate with landlords, benefits officers and others as relevant to secure accommodation and rent payments

- Understands relevant community care and child protection legislation (e.g. the Children (Scotland) Act 1995), explains this to clients and negotiates provision with relevant departments
- Has had training on basic and advanced homelessness law and access to updating information service or training
- Has had training on means tested benefits/housing benefit, social services provision and allocations and updating
- Has a good understanding of rights under homeless provision due to immigration status, rules applying to EU nationals. Has a good understanding of habitual residence test and the impact this has on eligibility
- Has a good understanding of the agenda for change in terms of homelessness rights and provisions for example the phasing out of priority need

### For Type III

#### As for Types I and II plus:

- Understands the likely effects of homelessness on all aspects of clients' lives, and is able to offer referral to agencies who may provide appropriate support
- Is aware of local agencies able to support clients, advise and negotiate plans of action
- Knows local authority review and complaints process for homeless applicants
- Drafts and presents reviews. Knows Court procedures and practices and this is maintained by training and updating
- Knows options for judicial review and refers appropriately when necessary
- Is aware of legislation to prevent street homelessness such as interim orders and can where appropriate refer to a solicitor
- Understands the roles and obligations of local authorities to homeless people
- Mediates, where appropriate, between the clients and landlords across all sectors
- Negotiates alternatives to enforcement action with relevant people

### Agency Competence

Enables advisers to advise and advocate effectively about eviction. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Has a reference source on making an application as homeless (e.g. local authority leaflet, Shelter Information System or CAS information system, Scottish Government Code of Guidance)
- Has copies of local authority practice manuals on homelessness and contact details of relevant offices
- Has reference sources on relevant areas, preferably in formats that can be copied or given to clients
- Has information about access to emergency provision including out of hours services
- Has information about eligibility criteria (e.g. from Scottish Government Code of Guidance), and about access to services for those not eligible (e.g. Scottish Refugee Council)
- Has information about allocations policies, rent deposits, benefits, other provision, preferably in formats that can be copied or given to clients
- Provides sufficient resources to support initial training and a system for updating

## For **Type II**

### As for **Type I plus:**

- ▶ Has access to up to date textbooks or electronic equivalent covering homelessness law, the Code of Guidance and an updating service on case law and the Children (Scotland) Act 1995
- ▶ Has information about agencies in area dealing with money advice, harassment, domestic violence, etc
- ▶ Has information about local allocations policies
- ▶ Has developed referral or nomination rights to relevant schemes
- ▶ Has a set of up to date benefits textbooks or electronic equivalent
- ▶ Has access to up to date and reliable reference materials on the law on community care and information about local social services policies and provision
- ▶ Has information about provision for homeless people in the area, including out of hours and emergency provision, and sufficient resources to deal with emergencies as necessary (e.g. staff cover and transport)
- ▶ Provides adequate resources to support this (e.g. telephones, word processing, message taking)
- ▶ Has information about agencies that can provide advocacy services for homeless applicants, solicitors (or, where the option is permitted, suitably qualified and experienced lay representatives) with experience in this area and Legal Aid eligibility and can refer to them quickly

## For **Type III**

### As for **Types I and II plus:**

- ▶ Provides resources to provide more intensive support to homeless clients
- ▶ Has information about agencies dealing with health, debt, employment, education, etc in area
- ▶ Has information on local authority review/appeals process
- ▶ Provides sufficient staff time to draw up and present reviews/appeals (including after hours for council committees)
- ▶ Provides sufficient staff time for appeals hearings or court appearances or both
- ▶ Has information about agencies or solicitors (or, where the option is permitted, suitably qualified and experienced lay representatives) who can take cases such as judicial review interim orders
- ▶ Has information available on roles and obligations of local authorities
- ▶ Has information on roles and obligations of landlords in formats that can be copied or passed to them

## 2.11 Relationship Breakdown

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### Adviser Competence

Advises competently about relationship breakdown and housing matters. This includes evidence of the following:

#### For Type I

- Has a basic understanding of security of tenure for rights of spouses, registered civil partners, cohabiting partners in both same-sex and heterosexual relationships and explains this to clients
- Has a basic understanding of the law affecting relationships: for example marriage, civil partnerships, cohabiting partners, separation, domestic abuse, divorce, dissolution of civil partnership, children's rights, and explains these to clients
- Understands homelessness options (see also Housing Specific Competence 2.10, Homelessness)
- Understands local authority and social landlord policies on relationship breakdown and explain these to clients
- Understands the importance of specialist legal advice in cases involving relationship breakdown (e.g. in relation to rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981, Civil Partnership Act 2004, Family Law (Scotland) Act 2006)
- Has an awareness of the emergency remedies that are available under the Matrimonial Homes and Civil Partnership and related legislation and other statutory provisions concerning protection from harassment (e.g. interim interdict, exclusion order etc)
- Can refer clients to solicitors (or, where the option is permitted, suitably qualified and experienced lay representatives) skilled and experienced in this area of law
- Has knowledge of local support services such as Women's Aid and can refer when appropriate
- Where domestic abuse is linked to addiction can provide information and contact details for local support services
- Has had initial training on relationships and legal rights, security of tenure, homelessness and annual updating

#### For Type II

##### As for Type I plus:

- Understands the range of medium to long-term options available to people leaving relationships, e.g. transfer of tenancy and explains this to clients
- Is aware of local landlord policies on relationship breakdown and if appropriate rent arrears
- Has sufficient knowledge of emergency procedures and options available to those in danger of domestic abuse or homeless as a result of relationship breakdown. This includes homelessness legislation and emergency remedies under the Matrimonial Homes Act and Civil Partnership Act and related legislation plus other statutory provisions concerning protection from harassment (for example, interdict, exclusion order). Can explain these to clients and offer referral to specialist legal advice
- Negotiates with landlords to secure accommodation where appropriate
- Has had initial training in family law, security of tenure, relationship breakdown and housing rights, homelessness and has an annual updating

**Note:** Advocacy in this area would normally be undertaken by a solicitor (or, where the option is permitted, by a suitably qualified and experienced lay representative) who is skilled and experienced in this area

Mediation in this area would normally take place within the mediation process that is now part of divorce/dissolution or separation proceedings or via relationship counselling.

## Agency Competence

Enables advisers to advise and advocate effectively about housing and relationship breakdown. This includes evidence of the following:

### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

### For Type I

- ▶ Has information on security of tenure and relationship breakdown, preferably in a format that can be copied or given to clients
- ▶ Has information on marriage, civil partnerships, cohabiting partners, separation, domestic abuse, divorce/dissolution, children's rights, preferably in a format that can be copied or given to clients
- ▶ Has information on homelessness procedures, policies and provision in the area, preferably in a format that can be copied or given to clients
- ▶ Has information on local authority and registered social landlord policies on relationship breakdown, preferably in a format that can be copied or given to clients
- ▶ Provides sufficient resources to support initial and update training

### For Type II

#### As for Type I plus:

- ▶ Has access to up to date reference sources on family law and security of tenure
- ▶ Has access to up to date reference sources on emergency procedures, especially injunctions and information about local policies and procedures on homelessness
- ▶ Has information about lawyers in the area with experience in this type of work
- ▶ Has information about local registered social landlord policies on relationship breakdown

### For Type III

**Note:** Advocacy in this area would normally be undertaken by a solicitor (or, where the option is permitted, by a suitably qualified and experienced lay representative) who is skilled and experienced in this area

Mediation in this area would normally take place within the mediation process that is now part of divorce or separation proceedings or via relationship counselling

## 2.12 Rent: Private Sector

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### Adviser Competence

Advises competently about legal issues affecting rent in the private sector. This includes evidence of the following:

#### For Type I

- ▶ Has a basic understanding of security of tenure in private rented sector, and an appreciation that particular tenancy-related issues may impact upon the practical options available to tenants (e.g. a short assured tenant may need to take into account certain practical considerations when faced with a proposed rent increase compared to, for example, an assured tenant)
- ▶ Has a basic understanding of role, responsibilities and procedures of Rent Officer and Private Rented Housing Committee. Has an understanding of landlord registration scheme
- ▶ Uses comparable and market rents in the area to argue for tenants' desired rent when possible in context of Local Housing Allowance
- ▶ Is aware of the main provisions of Local Housing Allowance and rent levels (Housing Benefit) including vulnerability criteria to have it paid direct to landlord
- ▶ Is aware of the various AT forms and when they should be used, e.g. AT2 for rent increase
- ▶ Has had initial training on security of tenure in private rented sector and annual updating
- ▶ Is aware of Rent Relief Orders made by Private Rented Housing Committee

#### For Type II

##### As for Type I plus:

- ▶ Advises and supports clients in Rent Officer or Private Rented Housing Committee proceedings
- ▶ Has a good understanding of the landlord registration scheme
- ▶ Understands and can explain the Local Housing Allowance scheme
- ▶ Has had training on advanced private sector security rent setting and annual updating
- ▶ Can explain to clients significance of Rent Relief Orders made by Private Rented Housing Committee

#### For Type III

##### As for Types I and II plus:

- ▶ Represents clients in dealings with Rent Officer or Private Rented Housing Committees
- ▶ Mediates with landlord as necessary to negotiate rent levels acceptable to clients

### Agency Competence

Enables advisers to advise and advocate effectively about rent for private sector tenants. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- ▶ Has information about security of tenure in the private rented sector (e.g. Scottish Government leaflets, CAS information system) where possible in format that can be copied or given to clients
- ▶ Has information about Rent Officer and Private rented Housing Committee (e.g. Scottish Government leaflets, CAS information system) where possible in format that can be copied or given to clients

- ▶ Has access to information about comparable and market rents (or provides sufficient time to visit Rent Officer and/or local library to examine)
- ▶ Has access to regulations, guidance and information relating to Local Housing Allowance
- ▶ Provides sufficient resources to support training

#### For **Type II**

##### As for **Type I plus:**

- ▶ Has access to up to date and reliable reference sources on private sector security of tenure that cover rent setting mechanisms and updating information

#### For **Type III**

##### As for **Types I and II plus:**

- ▶ Has procedure manuals for Rent Officer and Private Rented Housing Committee services and sufficient resources to support attendance
- ▶ Has sufficient resources to support and provide information about landlords' legal responsibilities, preferably in a format that can be copied or given to landlords

## 2.13 Security of Tenure

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### Adviser Competence

Advises competently about security of tenure. This includes evidence of the following:

#### For **Type I**

- ▶ Identifies main types of tenure across all sectors and explains these to clients
- ▶ Identifies role of notices, court procedures and implications for clients
- ▶ Identifies other options for those threatened with homelessness or links to appropriate agency
- ▶ To prevent homelessness
- ▶ Has had initial training on security of tenure and annual updating

#### For **Type II**

##### As for **Type I plus:**

- ▶ Can identify rights where client is not the tenant and negotiate with landlord, e.g. succession
- ▶ Understands and explains different types of tenancy agreement and arrangements and the implications for security of tenure and the options available for action
- ▶ Understands correct use of notices and can explain them to clients
- ▶ Understands possession proceedings and explains to clients
- ▶ Negotiates further action with tenant (including offers of alternative accommodation), ensuring that s/he is aware of the likely housing and financial implications
- ▶ Negotiates with landlord, council officers and lawyers as necessary to ensure that tenant's aspirations are put to them clearly and in the context of legal entitlements
- ▶ Has had initial training on security of tenure across all sectors and annual updating



### For Type III

#### As for Types I and II plus:

- Understands of the potential role of other occupants/household members in taking action
- Understands role of Landlord Registration and significance of landlord's failure to register and liaises with the local authority office
- Contacts them, advises and negotiates plans of action
- Knows court procedures and practices maintained by training: initial training and an annual updating
- Understands roles and obligations of landlords and local authorities
- Negotiates alternatives in line with clients' aspirations and relevant parties

**Note:** This is a complex area and advocacy will, in most cases, be best done by a solicitor (or, where the option is permitted, by a suitably qualified and experienced lay representative)

### Agency Competence

Enables advisers to advise and advocate effectively about security of tenure. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Has information about security of tenure, Scottish Government leaflets, CAS information system, where possible in a format that can be copied or given to clients
- Has information about court procedures, preferably in a format that can be copied or given to clients
- Has information about homelessness, preferably in a format that can be copied or given to clients

#### For Type II

##### As for Type I plus:

- Has access to a reference source and updating service on security of tenure
- Has access to an up to date and reliable reference source on court procedures and any written information about how the court services work that can be given to clients
- Has information about Legal Aid, sources of free legal help and solicitors (or, where the option is permitted, suitably qualified and experienced lay representatives) skilled and experienced in this area
- Provides the necessary infrastructure (e.g. word processing, telephone, message taking, etc)
- Has an information service that covers tenure and a system for ensuring adviser keeps informed, resources to support required adviser training on these areas

#### For Type III

##### As for Types I and II plus:

- Provides resources to find others in the same building/area (via casework records, visits, letters)
- Provides sufficient staff time for Court appearances
- Provides sufficient resources to support required adviser training on these areas
- Has information available on roles and obligations of landlords and local authorities, preferably in a form that can be copied/passed to clients and landlords

## 2.14 Statutory Tenancy Rights

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### Adviser Competence

Advises competently about tenants' rights contained within relevant statutes including Rent (Scotland) Act 1984, Housing (Scotland) Act 1988 and the Housing (Scotland) Act 2001. This includes evidence of the following:

#### For **Type I**

- Understands and is aware of the existence of the different types of statutory tenure in Scotland (Scottish Secure, Short Scottish Secure, Assured, Short Assured, and Regulated (Protected) Tenancy)
- Understands and is aware that relevant statutes can give specific rights to certain tenants
- Understands and is aware that these rights cannot be excluded by contract
- Understands and is aware of the extent of these rights and in particular rights relating to rent setting, assignation of tenancy, succession to tenancy and rights to carry out improvements and alterations, standard of repair in the property
- Understands and is aware that tenancy contracts can give additional rights to those provided by statute
- Understands and is aware that some residential occupiers have no or limited rights in terms of these statutes (e.g. adults who reside in another person's home and who are not in a relationship with that other) and is able to offer a referral to a specialist adviser in such cases
- Is aware of the role of the Private Rented Housing Panel
- Has had initial training and annual updating, plus additional training about any major legislative change

#### For **Type II**

##### As for **Type I** plus:

- Has an understanding of the specific rights granted to tenants in terms of statute
- Has an understanding of the differences in the rights granted in the statute to the different types of tenant
- Understands and is aware of the potential impact of the tenancy agreement in creating tenancy rights
- Has an understanding of the different types of tenancy and their implications with regard to rights to succession, assignation, rent setting, rights to carry out alterations and improvement and the right to have the tenancy maintained in an adequate state of repair
- Understands and is able to explain the different types and the different rights available
- Is able to negotiate with landlords relating to these matters
- Is aware of the relevant legal provisions regarding court challenges where decisions on these matters are adverse to tenants
- Understands the importance of gathering and protecting evidence with regard to these rights
- Understands and is aware of the statutory schemes involved in rent setting in the assured tenancy sector and the existence of fair rent provisions for regulated tenants
- Able to negotiate with landlord, local authority and lawyers as necessary to ensure that the tenant's rights are expressed clearly and in the context of the tenant's relevant legal entitlements
- Has had initial training on the various types of tenure and various types of statutory tenants' rights and rights available to other residential occupiers. Has annual updating on them plus access to appropriate additional training in respect of any major legislative change

### For Type III

#### As for Types I and II plus:

- Understands and is aware of the existence of Court and tribunal based remedies including summary applications to the Sheriff Court and the existence of the Private Rented Housing Committee and the Private Rented Housing Panel
- Able to advise and negotiate plan of action
- Has sufficient knowledge of relevant Court and tribunal procedures and practises and maintains them by initial training and annual updating
- Understands the roles and obligations of landlords in connection with the statutory rights
- Understands and is able to negotiate with landlords to ensure tenants' rights are maintained

### Agency Competence

Enables advisers to advise and advocate effectively on statutory tenants' rights. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- Provides reference sources on tenancy types (such as CAS information systems, Shelter information system, Scottish Government booklet) where possible in a format that can be copied or given to clients
- Has reference source on statutory tenants' rights where possible in a format that can be copied or given to clients
- Has an up to date reference guide to statutory tenants' rights where possible in a system that can be given to clients
- Holds an up to date list of local solicitors and other legal advice agencies able to assist in taking action to enforce tenants' rights

#### For Type II

##### As for Type I plus:

- Has access to an up to date reference source on relevant tenures in Scotland
- Able to provide sufficient resources to support, if necessary, home visits to tenants and an adequate budget for transport as required
- Provides resources to support emergency action if necessary and has information about emergency provision in the area and referral agreements to appropriate agency
- Has information about Legal Aid, sources that are free with your help, and solicitors experienced in this area prepared to take on Legal Aid cases at short notice if necessary
- Provides the necessary infrastructure for supporting tenant
- Has an information system which ensures advisers are kept informed
- Provides resources to support adviser training and additional updates in respect of any major legislative change

#### For Type III

##### As for Types I and II plus:

- Provides sufficient staff time to enable Court appearances
- Provides sufficient resources to enable staff training
- Has sufficient information available on the rules and obligations of landlords in respect of these matters, preferably in a form that can be copied or given to clients

## 2.15 Housing Repair Improvement and Adaptations

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### Adviser Competence

Advises and advocates competently about grants and other means available to owners and tenants for housing improvements, adaptations and dealing with disrepair. This includes evidence of the following:

#### For Type I

- ▶ Knowledge of improvement, adaptation and repair grant entitlements, procedures and policies and ability to explain to clients
- ▶ Knowledge of local renewal areas, any special schemes and specialist (eg Care and Repair)
- ▶ Ability to identify cases involving energy awareness issues e.g. heating and insulation and to make appropriate referrals
- ▶ Has had training on available funding sources plus updating as necessary

#### For Type II

##### As for Type I plus:

- ▶ Has an understanding of security of tenure and disrepair legislation in relation to responsibility for repairs
- ▶ Is able to assist users with forms for means test, calculate eligibility and make applications for grants
- ▶ Is able to advise users on alternative means to secure repairs, improvement or adaptations (eg Community Care, benefits, commercial loans)
- ▶ Has had training on available funding sources plus updating as necessary

#### For Type III

##### As for Types I and II plus:

- ▶ Is able to advise users throughout repairs process, including dealing with builders and other professionals
- ▶ Ability to make further representations on behalf of clients against refusals of improvement, adaptation and repair grants
- ▶ Assist client to source and access alternative means to secure repairs, improvement or adaptations
- ▶ Ability to mediate with builders and other professionals in support of clients' interests throughout the contract period

### Agency Competence

Enables advisers to advise and advocate competently about grants available to owners and tenants for housing improvements and dealing with disrepair. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Type I

- ▶ Has information about improvement and repair grants, preferably in a format that can be copied or given to clients
- ▶ Has information about local renewal areas, special schemes and specialist agencies, Care and Repair leaflets, where possible in a format that can be copied or given to clients
- ▶ Has information about local agencies and other initiatives dealing with heating and insulation issues, including the Central Heating Programme, Warm Deal and Energy Efficiency Advice Centres, where possible in a format that can be copied or given to clients, and knowledge of referral arrangements covering such agencies and initiatives

## For **Type II**

### As for **Type I and II plus:**

- Has access to a standard text on security of tenure and disrepair in Scotland
- Holds relevant forms, calculation sheets, calculators, procedure manuals for local authority grants departments
- Has textbook on community care and benefits handbooks
- Provides necessary infrastructure for supporting clients

## For **Type III**

### As for **Types I and II plus:**

- Provides resources to support greater involvement and copies of relevant Code of Practice and information about professional bodies
- Provides resources to support representations on behalf of clients against refusals of improvement, adaptations and repair grants, including up to date and adequate reference material covering the law on improvement etc grants, copies of local authority appeals and complaints procedures
- Provides resources to support mediation

# 3. Money and Welfare Benefits Related Advice Competences – Foundation Knowledge

## 3.1 Administrative Structure of the Benefits and Tax Credits Systems

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### Adviser Competence

Knows the administrative structures of the benefits and tax credits systems. This includes evidence of the following:

#### For Type I

- ▶ Knows the relevant decision making responsibilities of DWP, HMRC, and LAs
- ▶ Knows which agencies and offices administer each benefit and how to contact them

#### For Types II and III

##### As for Type I plus:

- ▶ Knows how to contact customer services/complaints managers, Scottish Public Services Ombudsman services
- ▶ Knows the structure of the appeal process and which services/offices administer these

### Agency Competence

Enables advisers to know the structure of the benefits and tax credits systems. This includes evidence of the following:

#### For Types I, II and III

- ▶ Holds local and national contact names, addresses, opening hours, etc
- ▶ Provides or facilitates supervision training and updating on this topic which is appropriate to the Type of advice being given

## 3.2 National Insurance Scheme

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### Adviser Competence

Knows the rules about National Insurance payments and the effect on benefits

#### For Type I

- ▶ Knows which benefits are based on National Insurance payments

#### For Types II and III

##### As for Type I plus:

- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Knows the different classes of National Insurance contributions
- ▶ Knows the effect on benefit entitlement of class of contribution
- ▶ Identifies benefit years

- Knows upper and lower earnings limits
- Knows the first and second contributions conditions for benefits
- Knows which groups qualify for National Insurance Credits and Home Responsibilities Protection
- Advises about voluntary contributions

## 3.3 Claims and Backdating

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### Adviser Competence

Knows how to make effective claims, backdating requests and resolving issues which arise during the claims process. This includes evidence of the following:

#### For Type I

- Knows which forms, tele-claims/e-claims and other claims triggers apply to all benefits and tax credits
- Knows the National Insurance number requirement and resolves delays and cases where clients have insufficient evidence to obtain a National Insurance number
- Knows the common forms of evidence and information required for claims, in particular: capital income, earnings, family/household banking details
- Knows time limits for claiming all benefits and tax credits and evidence/information and exceptions
- With access to advice, support and supervision, completes claim forms
- Registers claims
- Knows couple claim rules for Jobseeker's Allowance and common exceptions
- Knows which benefits/tax credits can be backdated, how to do this and the criteria
- Ascertains why a claim has been delayed or rejected on evidence/information grounds and, with advice, effectively challenges this
- With advice, support and supervision knows the qualifying benefit rules for backdating benefit claims
- Knows time limits for processing claims, interim payments and related matters

#### For Type II

##### As for Type I plus:

- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Researches legislation and case law on claims, evidence and information and backdating
- Drafts correspondence about backdating evidence and information, including challenges when matter is refused, borderline or contentious
- Knows how to challenge undue delay in processing claims
- Knows what legal remedies are available for resolving problems with claims, evidence and information and backdating
- Intervenes effectively with creditors when debtors experience delays with benefit claims

#### For Type III

##### As for Types I and II plus:

- Knows relevant aspects of law governing data protection, human rights and European Community, discrimination
- Is familiar with legislation and case law on claims, evidence and information and backdating
- Writes effective letters to MSPs, MPs, councillors, Scottish Public Services Ombudsman, etc
- Makes informed and appropriate referrals to lawyers on possible judicial review matters
- Knows the key links with other areas of law

## Agency Competence

Enables advisers to deal with claims, information and evidence and backdating. This includes evidence of the following:

### For Types I, II and III

- ▶ Provides or facilitates supervision training and updating on this topic which is appropriate to the Type of advice being given
- ▶ Has supervision and quality assurance arrangements which cover these topics
- ▶ Has accessible information on local and national contacts for customer services/complaints manager, Ombudsman services

## 3.4 Decision-Making, Revisions, Supersessions and Appeals

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### Adviser Competence

Advises and advocates effectively on decision-making, revisions, supersessions and appeals. This includes evidence of the following:

#### For Type I

- ▶ Knows the legal significance of decision-making on benefit/tax credit matters
- ▶ Knows the time limits (and common exceptions) for explanations, revisions, supersessions and appeals to the First-tier Tribunal and Upper Tribunal. Knows how clients can appeal and seek a revision and/or supersession
- ▶ With advice, submits basic letters of appeal, supersession and revision

#### For Type II

##### As for Type I plus:

- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Knows the difference between supersession, revision and appeal
- ▶ Drafts and submits appeal applications, including late applications
- ▶ Use revision requests in order to generate a new right of appeal
- ▶ Undertakes representation and advocacy by letter, telephone, or a meeting outside any litigation environment (see Generic Competence 1.8, Representation and Litigation)

#### For Type III

##### As for Types I and II plus:

- ▶ Drafts submissions to the First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before the First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Identifies errors of law in decisions of the First-tier Tribunal in order to find grounds for appeal
- ▶ Drafts requests for Leave to Appeal and Notices of Appeal to Upper Tribunal
- ▶ Identifies outline points of law in decisions of Upper Tribunal which might be grounds for appeal to Court of Session. Refers such cases to a lawyer skilled in social security law
- ▶ Deploys arguments based on Human Rights, European and discrimination law as they apply to social security/tax credits
- ▶ Knows the key links with other areas of law



## Agency Competence

Enables advisers to provide a high quality service by making effective use of decision making, revisions, supersessions and appeals. This includes evidence of the following:

### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective welfare rights advice and advocacy
- Provides or facilitates supervision training and updating on this topic which is appropriate to the Type of advice being given
- Has standard letters
- Advisers have access to in-house or external consultancy

## 3.5 Benefit and Tax Credit Overpayments

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### Adviser Competence

Advises and advocates effectively about benefit overpayments. This includes evidence of the following:

#### For Type I

- Knows that overpayments can be challenged
- After taking advice submits basic letters of appeal, supersession and revision

#### For Type II

##### As for Type I plus:

- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to DWP/HMRC/LAs which put the above points succinctly and persuasively
- Seeks exercise of discretion to waive recovery using DWP/HMRC guidance and administrative law principles
- Understands possible defences to extra-statutory recovery, including an outline understanding of personal bar and prescription rules
- Drafts letters of complaint to MSPs, MPs and Scottish Public Services Ombudsman

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to the First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before the First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law about overpayments
- Knows the key links with other areas of law
- Identifies when Judicial Review may be an option in cases where discretion to waive has not been exercised and makes an informed referral to a lawyer who is skilled and knowledgeable in this area of law

## Agency Competence

Enables advisers to advise competently about overpayments. This includes evidence of the following:

### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision training and updating on this topic which is appropriate to the Type of advice being given

## 3.6 Assessment, Initial Decision-Making and Holding Activity in Debt Cases

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### Adviser Competence

Carries out an assessment which includes an initial decision about any holding action which should be taken. This includes evidence of the following:

#### For Type I

- ▶ Identifies debt problems
- ▶ With advice, support and supervision, issues agency standard holding letters, letters seeking details of debts, replies to court documents or refers all debt issues to a specialist debt adviser or for emergency legal help in more serious situation (e.g. a forthcoming eviction/ejection)
- ▶ If not referred, demonstrates that sufficient creditor information is available for the debtor to be offered a full range of options. This may include any of the following which are readily available including:
  - Name of creditor
  - Name of debt collector
  - Account number(s)
  - Address and telephone numbers
  - Principal debt
  - Debt outstanding
  - Interest rate
  - Default interest
  - Amount of interest being applied
  - Term
  - Contractual payments
  - Any arrears
  - Any charges that may be incurred
  - Any payment protection
  - Stage of any recovery action by creditor or debt collection agency or where debt has been bought by a third party
- ▶ Identifies priority debts
- ▶ Identifies clients' wishes and assesses how realistic and/or safe these are. Provides feedback
- ▶ Assesses whether any emergency action is required to protect debtors (for a Type I adviser, by consulting a Type II or III adviser)
- ▶ Confirms advice with clients and makes appointments for further work, explaining the service's aims, boundaries, principles and policies and that the service is appropriate

### For **Types II and III**

#### As for **Type I plus:**

- Accurately identifies cases which may be suitable for referral to a Debt Arrangement Scheme Approved Adviser and use of a Debt Payment Plan or insolvency practitioner
- Knows when to consult a lawyer to protect debtor's position

### Agency Competence

Enables advisers to assess and take initial holding action competently. This includes evidence of the following:

#### For **Types I, II and III**

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to debt advice
- Provides or facilitates supervision training and updating on this topic which is appropriate to the Type of advice being given
- Has standard letters for holding action and seeking further information, appropriate court forms, common creditor contact details, etc
- Ensures that all advisers have access to internal or external second tier advice in emergency situations

# 4. Money and Welfare Benefit Related Advice Competences – Specialist Areas

The following competences cover the particular areas of law governing welfare rights, income maximisation and debts in Scotland.

## 4.1 Means-Tested Benefits

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### Adviser Competence

Advises and advocates effectively about means-tested benefits (Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credit). (For Housing and Council Tax Benefit, see Housing Specific Competence 3.3.) This includes evidence of the following:

#### For Type I

- Provides information based on the following knowledge, recognises key principles and knows when and where to seek further help
- Knows common eligibility criteria for these benefits
- Knows main principles about assessment of capital, income, earnings, notional capital and income and disregards
- Knows basic rules about housing costs for Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, and Pension Credit
- Knows concepts such as membership of household, couples, Civil Partnership, temporary absence, Applicable/Appropriate Amount and the effect of changes of circumstances
- Knows how to calculate Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, and Pension Credit using a paper calculation sheet or computer software
- Knows which debts can be repaid by deductions (Third Party Payments and Social Fund loans)
- Knows the interaction with other benefits

#### For Type II

##### As for Type I plus:

- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law
- Drafts letters to DWP which put the above arguments succinctly and persuasively

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Knows the key links with other areas of law

## Agency Competence

Enables advisers to advise and advocate effectively about means-tested benefits. This includes evidence of the following:

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.2 Housing Benefit and Council Tax Benefit<sup>1</sup>

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### Adviser Competence

Advises and advocates effectively about Housing Benefit and Council Tax Benefit. This includes evidence of the following:

#### For Type I

- Has a basic understanding of means-tested benefits and the relationship with Housing Benefit and Council Tax Benefit and is able to explain these to clients
- Has a basic understanding of eligibility rules and how to make a claim
- Has a basic understanding of rules relating to backdating “good cause” and overpayments
- Has an understanding of what eligible housing costs are, the relationship to different types of tenure/tenancy, non-dependant deductions and the ability to explain them to users
- Has a basic knowledge of Discretionary Housing Payments
- Has a basic knowledge of local authority duties, policies and appeal/decision-making procedures
- Has a basic knowledge and understanding of local rent levels and who is eligible for local housing allowance
- Can identify if the client is vulnerable and able to get Local Housing Allowance to be paid to landlord
- Has a basic knowledge of the disputes and appeals system including timescales relating to Housing Benefit and Council Tax Benefit
- Knows how to calculate Housing Benefit and Council Tax Benefit using a paper calculation sheet or computer software, can explain entitlement to clients and keep a copy on file

#### For Type II

##### As for Type I plus:

- Is able to negotiate with relevant benefit officers to try to secure prompt and accurate payments of benefits due
- Has a detailed understanding of eligibility rules for Housing Benefit and Council Tax Benefit and how to make a claim, this includes information requirements and timescales to submit
- Has a detailed understanding of rules relating to backdating “good cause “ and overpayments including recovery and official error
- Is able to outline eligibility rules for Local Housing Allowance and calculate entitlement
- Has knowledge of other benefits and passporting implications
- Has knowledge of Scottish Public Services Ombudsman service and procedures
- Has the skills and knowledge to access information on this topic (e.g. DWP Housing Benefit Manual) and is able to respond to clients
- Has a detailed knowledge and understanding of local rent levels and who is eligible for local housing allowance
- Can identify vulnerability for Local Housing Allowance to be paid to landlord and can assist with form completion

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<sup>1</sup> This updated competence aligns with the Housing Specific Competences 2.3 on Housing Benefit

- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to LAs which put across the above points succinctly and persuasively
- Has good understanding of exclusion of entitlement due to immigration status, rules applying to EU, A8 and A2 nationals. Has a good understanding of habitual residence test and impact on entitlement
- Is familiar with relevant legislation and case law
- Has a detailed knowledge of the disputes and appeals system including timescales

### For Type III

#### As for Types I and II plus:

- Has a good knowledge of local authority reconsideration appeals and complaints procedures, including complaints of the Ombudsman
- Drafts submissions to Tribunals which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before Tribunals (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Knows the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate effectively about Housing Benefit and Council Tax Benefit. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.3 Tax Credits

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### Adviser Competence

Advises and advocates effectively about Tax Credits. This includes evidence of the following:

#### For Type I

- Knows the basic eligibility criteria and basic income assessment rules for Child Tax Credit and Working Tax Credit
- Has basic knowledge about the effect of changes of circumstances and childcare costs
- Has basic knowledge of overpayments, how they arise and how to respond
- Provides advice about when penalties may arise
- Knows how to calculate tax credits using a paper calculation sheet or computer software

#### For Type II

#### As for Type I plus:

- Negotiates about penalties and appeals
- Seeks exercise of discretion in overpayment cases

- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Has an understanding of the code of practice
- Drafts letters to HMRC which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

### For Type III

#### As for Types I and II plus:

- Has a good knowledge of appeals and complaints procedures
- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Knows the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate about Tax Credits. This includes evidence of the following:

#### For Type I

- Has details of HMRC adviser help lines
- Has arrangements for liaising and negotiating with HMRC
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

#### For Types II and III

##### As for Type I plus:

- Provides access to accountants and lawyers who are skilled and knowledgeable about tax credits

## 4.4 The Social Fund

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### Adviser Competence

Provides competent advice and advocacy about Social Fund payments. This includes evidence of the following:

#### For Type I

- Knows the main differences between regulated and discretionary Social Fund payments
- Knows the broad eligibility criteria for payments from the Social Fund
- Knows items excluded from Social Fund Payments
- Explains the advantages and disadvantages of Social Fund loans and grants
- Helps clients to apply for Social Fund payments
- Helps clients to apply for rescheduling of loans or waiver of recovery
- With advice, support and supervision helps clients seek reviews of decisions on the discretionary Social Fund

### For **Type II**

#### As for **Type I** plus:

- ▶ Helps clients to seek second stage reviews of discretionary payments
- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Drafts letters to DWP and Independent Review Service which put across the above points succinctly and persuasively
- ▶ Is familiar with relevant legislation and case law

### For **Type III**

#### As for **Types I and II** plus:

- ▶ Has a good knowledge of appeals and complaints procedures
- ▶ Drafts submissions to Independent Review Service, The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Knows the key links with other areas of law
- ▶ Identifies when Judicial Review may be an option and makes an informed referral to a lawyer who is skilled and knowledgeable in this area of law

### Agency Competence

Enables advisers to advise and advocate competently about Social Fund payments. This includes evidence of the following:

#### For **Types I, II and III**

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.5 The Impact of Work on Benefits

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### Adviser Competence

Provides competent advice and advocacy about the impact of work on benefits and tax credits. This includes evidence of the following:

#### For **Type I**

- ▶ Knows that work and changes in work can affect benefits and tax credits
- ▶ Is aware of the rules about working while in receipt of benefits
- ▶ Knows the broad eligibility criteria for the Jobcentre Plus Advisers Discretionary Fund, Access to Work Scheme, Job Grant and other DWP welfare to work funds and helps clients to access these
- ▶ Knows the broad eligibility criteria for Return to Work initiatives such as extended benefit, linking periods and Employment on Trial
- ▶ Is aware of the Permitted Work rules for incapacity benefits



### For **Type II**

#### As for **Type I** plus:

- Does better off calculations for clients wishing to take-up or change work/earnings using either suitable computer based calculation packages or paper systems and is able to explain/advise person accordingly
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Understands the impact of sanctions where there is failure to comply with agreed arrangements
- Drafts letters to DWP/LAs which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

### Agency Competence

Enables advisers to advise accurately about “better off” issues. This includes evidence of the following:

#### For **Types I, II and III**

- Provides or facilitates training and support to undertake better off calculations
- Provides adequate access to either computer benefits calculation packages or paper calculation sheets
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.6 Child Benefit and Guardian’s Allowance

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### Adviser Competence

Provides competent advice and advocacy about Child Benefit and Guardian’s Allowance. This includes evidence of the following:

#### For **Type I**

- Identifies most situations when someone is entitled to Child Benefit and Guardian’s Allowance
- Identifies special cases (e.g. shared care, school leavers and children in public care) and refers to a Type II or III adviser
- Helps people to claim successfully

#### For **Type II**

##### As for **Type I** plus:

- Has a good knowledge of the rules of entitlement, including shared care/changes in care/absence of parent, school leavers, and the position of children in public care
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to HMRC which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

### For Type III

#### As for Types I and II plus:

- ▶ Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Knows the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about Child Benefit and Guardian's Allowance. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.7 State Retirement Pension

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### Adviser Competence

Provide competent advice and advocacy about Retirement Pension (RP). This includes evidence of the following:

#### For Type I

- ▶ Knows how to obtain a Retirement Pension forecast
- ▶ Knows broad eligibility criteria for Retirement Pension
- ▶ Helps people to obtain forecasts and claim successfully

#### For Type II

##### As for Type I plus:

- ▶ Knows the effect of deferring RP and can research the advantages and disadvantages for individual clients
- ▶ Has a broad knowledge about entitlement to Additional State Pension
- ▶ Has a good knowledge of the rules of entitlement (including entitlement of carers, spouses, divorced people, people with incomplete National Insurance Contribution records and the different categories of Retirement Pension)
- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Drafts letters to DWP which put across the above points succinctly and persuasively
- ▶ Is familiar with relevant legislation and case law

### For Type III

#### As for Types I and II plus:

- ▶ Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for older people. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.8 Disability Living Allowance and Attendance Allowance

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### Adviser Competence

Provides competent advice and advocacy about Disability Living Allowance and Attendance Allowance (DLA/AA). This includes evidence of the following:

#### For Type I

- ▶ Has a general knowledge of the main rules of entitlement to DLA/AA and has a basic understanding of special rules, age rules and qualifying periods
- ▶ Knows the effect of DLA/AA on other benefits
- ▶ Helps people to claim successfully and with advice, support and supervision, include relevant helpful evidence and helps clients to obtain evidence
- ▶ Helps clients make complaints about inappropriate medical examinations
- ▶ Knows when to seek advice or refer to a Type II or III adviser

#### For Type II

##### As for Type I plus:

- ▶ Knows how to seek a revision or supersession to vary rate of DLA/AA and advises clients about risks
- ▶ Knows how to gather and present detailed, relevant evidence and helps clients to obtain evidence
- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Understands the impact entering residential care or hospital will have on Disability Living Allowance/Attendance Allowance
- ▶ Drafts letters to DWP which put across the above points succinctly and persuasively
- ▶ Is familiar with relevant legislation and case law

### For Type III

#### As for Type II plus:

- ▶ Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people with a disability. This includes evidence of the following:

#### For Types I, II and III

- ▶ Provides access to medical reference materials (e.g. by Internet, medical dictionary)
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.9 Benefits for People who are Incapable of Work or have Limited Capacity for Work

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### Adviser Competence

Provides competent advice and advocacy about benefits for people who are incapable of work or have limited capacity for work. This includes evidence of the following:

#### For Type I

- ▶ Has a general knowledge of the main rules of entitlement to benefits for people who are incapable of work or have limited capacity for work
- ▶ Has a general knowledge of Statutory Sick Pay
- ▶ Knows the common exceptions to the Personal Capability Assessment, and Work Capability Assessment
- ▶ Knows the broad outline of incapacity for work assessment
- ▶ Can identify the Personal Capability Assessment descriptors in a textbook
- ▶ Knows the broad outline of the Work Capability Assessment
- ▶ Knows the broad outline of the Support Group
- ▶ Can identify descriptors in a textbook for the Limited Capacity for Work Test, and Limited Capacity for Work Related Activity Test
- ▶ Helps clients to complete medical questionnaires
- ▶ Helps people to claim successfully and with advice, support and supervision, include relevant helpful evidence and helps clients to obtain evidence
- ▶ Helps brief clients who are to attend a medical examination
- ▶ Helps clients make complaints about inappropriate medical examinations
- ▶ Submits standard letters of appeal

### For **Type II**

#### As for **Type I** plus:

- Has a good understanding of the rules of entitlement including the personal capability assessment/work capability assessment/work focused health related assessment and exemptions/deeming, linking rules, SSP payment problems, SDA entitlement and IB in Youth
- Knows how to gather and present detailed, relevant evidence and helps clients to obtain evidence
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

### For **Type III**

#### As for **Types I and II** plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people who are incapable of work or have limited capacity for work. This includes evidence of the following:

- Provides access to medical reference materials (e.g. by Internet, medical dictionary)
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.10 Benefits for Work Related Illnesses and Disabilities

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### Adviser Competence

Provides competent advice and advocacy about benefits for people whose illness or disability is related to employment. This includes evidence of the following:

#### For **Type I**

- Has a general knowledge of the main rules of entitlement to Disablement Benefit and associated benefits
- Establishes origins of disability/illness with clients in order to check possible entitlement
- Knows the broad outline of disability assessment
- Can identify the prescribed degrees of disablement and prescribed industrial diseases in a textbook
- Helps clients to complete medical questionnaires
- Helps people to claim successfully and with advice, support and supervision, include relevant helpful evidence and helps clients to obtain evidence
- Helps brief clients who are to attend a medical examination
- Helps clients make complaints about inappropriate medical examinations
- Submits standard letters of appeal

### For **Type II**

#### As for **Type I** plus:

- ▶ Has a good understanding of the rules of entitlement including the employed earner definitions and the connection with work
- ▶ Knows the impact of aggregated assessments on benefit entitlement
- ▶ Knows how to gather and present detailed, relevant evidence and helps clients to obtain evidence
- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Drafts letters to DWP which put across the above points succinctly and persuasively
- ▶ Is familiar with relevant legislation and case law

### For **Type III**

#### As for **Types I and II** plus:

- ▶ Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people whose illness or disability is related to employment. This includes evidence of the following:

#### For **Types I, II and III**

- ▶ Provides access to medical reference materials (e.g. by Internet, medical dictionary)
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.11 Benefits for Veterans

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### Adviser Competence

Provides competent advice and advocacy about benefits for people whose illness or disability is related to service in the armed forces. This includes evidence of the following:

#### For Type I

- Knows the main differences between the Armed Forces Compensation Scheme and War Pensions
- Has a general knowledge of the main rules of entitlement to disablement benefits for veterans
- Knows about local rules on treatment of income for Housing and Council Tax Benefits
- Establishes origins of disability/illness with clients in order to check possible entitlement
- Knows the broad outline of disability assessment
- Helps clients to complete medical questionnaires
- Helps people to claim successfully and with advice, support and supervision, include relevant helpful evidence and helps clients to obtain evidence
- Helps brief clients who are to attend a medical examination
- Helps clients make complaints about inappropriate medical examinations
- Submits standard letters of appeal

#### For Type II

##### As for Type I plus:

- Has a good understanding of the rules of entitlement to disablement benefits including the rules about connections with service and time limits
- Knows how to gather and present detailed, relevant evidence and helps clients to obtain evidence
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the Veterans Agency which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people whose illness or disability is related to service in the armed forces. This includes evidence of the following:

#### For Types I, II and III

- Provides access to medical reference materials (e.g. by Internet, medical dictionary)
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.12 Carers Allowance

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### Adviser Competence

Provides competent advice and advocacy about Carers Allowance. This includes evidence of the following:

#### For Type I

- ▶ Knows the broad eligibility criteria of Carers Allowance, including hours spent caring and qualifying benefits
- ▶ Understands the rules of “underlying entitlement” to Carers Allowance
- ▶ Knows the impact of earnings on Carers Allowance
- ▶ Knows the most common exclusions from entitlement
- ▶ Identifies common situations where claiming Carers Allowance may negatively affect other people
- ▶ Helps people to claim with advice, support and supervision

#### For Type II

##### As for Type I plus:

- ▶ Has a good understanding of the rules of entitlement to Carers Allowance
- ▶ Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- ▶ Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- ▶ Drafts letters to the DWP which put across the above points succinctly and persuasively
- ▶ Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- ▶ Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- ▶ Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8)
- ▶ Has a working knowledge of the legislation and case law
- ▶ Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about Carers Allowance. This includes evidence of the following:

#### For Types I, II and III

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given



## 4.13 Jobseeker's Allowance

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### Adviser Competence

Provides competent advice and advocacy about benefits for people who are unemployed. This includes evidence of the following:

#### For Type I

- Understands the broad eligibility criteria of benefits for people who are unemployed. In particular
- Identifies special cases (for example, sanctions, young people aged 16 or 17)
- Aware of alternative benefit options and Better Off in Work Calculations
- Understands the Jobseekers Agreement and is aware of sanctions should there be failure to comply with this
- Is aware of return to work initiatives such as Travel to Interview Scheme, New Deal, Extended Benefits, Job Grant, Mortgage Interest Run On, and Advisers Discretionary Fund
- Helps people to claim successfully and advises how to present personal circumstances effectively to the DWP

#### For Type II

##### As for Type I plus:

- Has a good understanding of the rules of entitlement to Jobseeker's Allowance, including sanctions and refusals
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the DWP which put across the above points succinctly and persuasively
- Submits standard letters of appeal in cases involving sanctions or refusal of benefit
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about Jobseeker's Allowance. This includes evidence of the following:

#### For Types I, II and III

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given
- Has access to information about welfare to work schemes aimed at people who are unemployed (including any relevant local schemes or pilots)

## 4.14 Benefits for Maternity, Paternity and Adoption

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### Adviser Competence

Provides competent advice and advocacy about benefits for maternity, paternity and adoption. This includes evidence of the following:

#### For Type I

- Knows the broad eligibility criteria of benefits for maternity, paternity and adoption
- Has broad knowledge to identify clients who are eligible for Statutory Maternity Pay, Maternity Allowance, Statutory Paternity Pay and Statutory Adoption Pay
- Can identify problems or non-payment by employers and make referrals to a Type II or III adviser
- Has broad knowledge of the relationships between different maternity benefits
- Helps people to claim successfully and to notify their employer

#### For Type II

##### As for Type I plus:

- Has a good understanding of the rules of entitlement to benefits for maternity, paternity and adoption including qualifying dates and excluded groups
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law
- Knows the relationship with employment, discrimination, human rights and European law and makes informed referrals to Type III advisers

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people who are unemployed. This includes evidence of the following:

- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.15 Bereavement Benefits

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### Adviser Competence

Provides competent advice and advocacy about benefits for people who have been bereaved. This includes evidence of the following:

#### For Type I

- Knows the broad eligibility criteria of bereavement benefits including marriage and civil partnership requirements
- Knows that there may be implications because of Scots law about common law marriage, invalid, disputed and uncertain marriages and refers to a Type III adviser
- Helps people to claim successfully

#### For Type II

##### As for Type I plus:

- Has a good understanding of the rules of entitlement to bereavement benefits including the implications of the living together rules, special cases such as work related deaths
- Refers to lawyers who are skilled and experienced in family law in cases involving void, disputed or uncertain marriages
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about bereavement benefits. This includes evidence of the following:

- Has details of death registration services
- Contact details for relevant local law practitioners
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.16 Benefits for People in Public Care

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### Adviser Competence

Provides competent advice and advocacy about the implications of public care on benefits and tax credits. This includes evidence of the following:

#### For Type I

- Knows that public care may have implications for benefit entitlement
- Helps people to claim and present their circumstances accurately
- Knows how capital will be treated by Local Authorities and DWP when a person enters residential care

#### For Type II

##### As for Type I plus:

- Advises about the key benefit issues which arise when people are in public care including the effect of hospital admissions, the effect of accommodation provided by a local authority using The Children (Scotland) Act 1995 local authority residential care provision/funding on benefits and
- the effect of benefits for prisoner - has a knowledge of the impact on benefits on remand, when sentenced and on release
- Advises about the key benefit issues which arise when people are in public care including the effect of hospital admissions and/or residential accommodation provided by a local authority using The Community Care (Residential Accommodation) Act 1998, National Assistance (Assessment and Resources) Regulations 1992 and The National Health Service and Community Care Act 1990
- Has a good understanding of the effect of public care on benefits, including Disability Living Allowance, Attendance Allowance and Child Benefit
- Has a good understanding of Kinship Carers Payments and their potential impact on benefit entitlement
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people who are in public care. This includes evidence of the following:

#### For Types I, II and III

- Provides access to relevant textbooks
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.17 Benefits for Students

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### Adviser Competence

Provides competent advice and advocacy about benefits and tax credits for students. This includes evidence of the following:

#### For Type I

- Knows the broad eligibility of students who are eligible for benefits
- Identifies special groups (for example, people on Jobseeker's Allowance studying part-time, young people estranged or living away from parents/carers, students with a disability) and seeks advice or refers to a Type II or III adviser
- Knows that there are other sources of funding, for example, Education Maintenance Allowance, Discretionary Support Funds, and Access to Learning Funds
- Helps people to claim and present their circumstances effectively

#### For Type II

##### As for Type I plus:

- Has a good understanding of the benefit entitlement of students
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to the DWP and educational institutions which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8, Representation and Litigation)
- Has a working knowledge of the legislation and case law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for students. This includes evidence of the following:

#### For Types I, II and III

- Provides access to relevant textbooks
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.18 Benefits for People from Abroad and/or who are Subject to Immigration Control

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### Adviser Competence

Provides competent advice and advocacy about benefit and tax credit entitlement for people from abroad and/or who are subject to immigration control. This includes evidence of the following:

**Note:** this competence does not include advice about immigration law or immigration status. To advise in these areas, advice agencies will normally have to be registered with the Office of the Immigration Services Commissioner

#### For Type I

- Knows that clients' immigration status or recent arrival from abroad may have implications for benefit and tax credit entitlement and refers to a Type II or III adviser

#### For Type II

##### As for Type I plus:

- Has a good understanding of the benefit entitlement of people from abroad (for example, the effect of a claim on immigration status, people excluded from benefits and the right to reside and habitual residence tests)
- Has a good understanding of the status to access public funds
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Understands key legal concepts, researches relevant legislation and case law on the above, applies an interpretation which assists clients and advises on options
- Drafts letters to DWP which put across the above points succinctly and persuasively
- Is familiar with relevant legislation and case law

#### For Type III

##### As for Types I and II plus:

- Drafts submissions to The First-tier Tribunal and Upper Tribunal which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Undertakes representation before The First-tier Tribunal and Upper Tribunal (see Generic Competence 1.8)
- Has a working knowledge of the legislation and case law
- Knows how to research Reciprocal Agreements and EU law
- Understands the key links with other areas of law

### Agency Competence

Enables advisers to advise and advocate competently about benefits for people from abroad and/or who are subject to immigration control. This includes evidence of the following:

- Has details of immigration advisers
- Provides access to relevant textbooks
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.19 Ancillary Benefits

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### Adviser Competence

Provides advice and advocacy about ancillary benefits such as those available to help with education, health costs, child support and concessions. This includes evidence of the following:

#### For Type I

- Knows general entitlement to Education Maintenance Allowances, free school meals, grants for school clothing, help with other education related costs for children and young people and help towards health costs. Knows relevant local variations, concessions and the groups which are passported to entitlement
- Helps clients to apply
- Knows that Social Work Departments have duties and powers to make financial payments to certain people
- Refers to specialist advisers in cases such as non payment of earnings, non-payment of National Minimum Wage, problems with Income Tax

#### For Types II and III

##### As for Type I plus:

- Has a good understanding of the eligibility for ancillary benefits
- Has the skills and knowledge to access information on this topic in order to be able to respond to clients
- Drafts letters to other agencies which put across the above points succinctly and persuasively

### Agency Competence

Enables advisers to advise and advocate competently about ancillary benefits. This includes evidence of the following:

- If a local advice service, has details of local arrangements, concessions, etc
- Provides access to relevant textbooks
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.20 Financial Statements

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### Adviser Competence

Prepares accurate Financial Statements with clients. This includes evidence of the following:

#### For Type I

- ▶ Lists income and expenditure (based on information from clients) and explains purpose for doing so
- ▶ Where proof of income or expenditure has been verified, records verification in forms supplied by agency

#### For Type II

##### As for Type I plus:

- ▶ Accurately identifies and verifies current income, equity (where possible and noting source), assets, expenditure and liability for debts. Identifies and records information regarding secured lending. Records verification of client's details in accordance with agency policy
- ▶ Uses standard agency forms to prepare a financial statement commensurate with agency policy or, for example, using the British Bankers Association and Money Advice Trust partner agencies income and expenditure form (Common Financial Statement). Ensures copy of statement is retained by agency
- ▶ Makes realistic allowances for exceptional or variable expenditure ("unbudgeted" expenditure)
- ▶ Satisfactorily and credibly explains any controversial or exceptional expenditure
- ▶ Averages variable income in a realistic and reasonable way with an accompanying explanation
- ▶ Does not include current credit repayments in expenditure, unless these are of an essential nature, e.g. hire purchase payments for a car needed to travel for employment or payment to a catalogue for clothing where a client lives in a remote, rural area. Provides explanation of inclusion of these items when compiling expenditure figures

### Agency Competence

Enables advisers to complete accurate financial statements. This includes evidence of the following:

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given
- ▶ Has paper and/or computerised standard Financial Statements
- ▶ Has access to data on reasonable expenditure by different households
- ▶ Has operational guidance and/or policy on completing Financial Statements and recording of verification of documentation provided by the client
- ▶ Holds appropriate licence under Consumer Credit legislation



## 4.21 Liability for Debts, Extortionate Credit, Unfair Contract Terms, Unenforceable Debts, Creditor Malpractice, Codes of Practice, etc

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### Adviser Competence

Able to advise and advocate about enforceability of debts, creditor malpractice and relevant Codes of Practice/Guidance to protect debtor. Where necessary, make appropriate referrals in relation to these issues. This includes evidence of the following:

#### For Type I

- Understands that a debt may not be enforceable because of various points of law
- Refers any such cases to a Type II or III adviser

#### For Type II

##### As for Type I plus:

- Has a good general knowledge of the legal principles about enforceability issues including jurisdiction being outside Scotland, unfair, unclear or fraudulent/misrepresented contract terms, third party liability, unfair relationships, prescription and limitation, unlicensed lending, failure to comply with requirements of consumer credit legislation or codes of practice/guidance
- Recognises possible cases of malpractice by debt collectors and/or creditors including possible criminal offences and refers to appropriate Ombudsman/enforcement/investigatory bodies (including DTI Loansharks pilot)
- Ensures that these points are checked at initial interview before further action is taken to assist debtor
- With advice and support, accurately identifies cases where a defence to court action or diligence might arise using the above points of law
- Accurately explains the legal position about unlicensed lending and refers suspected cases to the relevant Trading Standards service. Accurately advises clients about the legal and practical consequences of unlicensed lending
- With advice and support accurately identifies cases where government and creditors' Codes of Practice/Guidance (e.g. OFT Guidance on Debt Collection) may have been breached and assists clients to use these in any complaint or litigation
- With advice and support, accurately identifies credit agreements which are unenforceable (or which are only enforceable with leave of a Court) because they do not comply with the requirements of consumer credit legislation
- With advice and support, accurately identifies cases where possible prescription limitation, jurisdiction, misrepresentation, unclear or unfair terms may apply and knows when to refer to a lawyer who is skilled and knowledgeable about such matters

#### For Type III

##### As for Types I and II plus:

- Drafts submissions for litigation which contain both a statement/summary of key evidence and legal submissions citing legislation and case law which supports clients' cases
- Has a working knowledge of the relevant legislation and case law
- Understands the key links with other areas of law
- Knows when to refer to lawyers who are knowledgeable and experienced in the relevant area of law

### Agency Competence

Enables advisers to advise and advocate competently on liability, etc, issues. This includes evidence of the following:

- Has effective links with Trading Standards, police, regulatory and trade bodies, etc in order to seek specialist advice and to make effective referrals

- ▶ Has up to date lists of specialist and legal advisers
- ▶ Has copies of current Codes of Practice/Guidance/legislation
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.22 Identifying and Agreeing Options in Debt Cases

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### Adviser Competence

Uses all relevant information provided by the client to identify viable options. Ensures that options are given to the client in a manner that enables the client to make an informed choice. Records all factors impacting on the client's choice of option and any barriers to the client's successful implementation of their chosen option.

#### For Type I

- ▶ Has knowledge of various debt management options available to clients and refers any such cases to a Type II adviser

#### For Type II

#### As for Type I plus:

- ▶ Has the skills and knowledge to access information so that options can be identified and explained fully, clearly and objectively to clients
- ▶ Can accurately identify the implications for clients of options and explains these to the client in a manner that enables the client to understand these. Makes clear notes of these discussions
- ▶ Accurately identifies cases where repayment plans (token or pro-rata), write-offs, payment moratoria, Third Party Payments from benefits, Debt Payment Programmes (DPP2), bankruptcy (including the Low Income Low Assets route), sale of property and other options, may be of assistance to clients. Is able to identify where the client should be advised to seek independent financial advice in relation to e.g. re-mortgage of property
- ▶ Refers any possible DPP cases to an Approved Money Adviser (Note: Applications for a DPP must be made by an adviser who is approved to do so and who meets the relevant statutory requirements as set out in the MATRICS Code of Practice)
- ▶ Records the outcome of the discussion regarding options open to the client and the rationale for the choice of option by the client. Agrees the actions needed to implement the choice of option

### Agency Competence

Enables advisers to identify and discuss options with clients. Ensures that clear records are kept detailing the discussions between adviser and client and the outcome of these discussions. This includes evidence of the following:

#### For Types I and II

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the type of advice being given
- ▶ Has access to written information for clients about options
- ▶ Provides template to enable advisers to record options discussed and the rationale for the choice of option
- ▶ Has contact details of Debt Arrangement Scheme Administrator and MATRICS

## 4.23 Negotiating and Making Offers to Creditors

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### Adviser Competence

Accurately prioritises debts and undertakes effective negotiations with creditors making offers to repay. This includes evidence of the following:

#### For Type I

- Refers to a Type II or III adviser (some Type I advisers may be able to undertake Type II activities with advice, support and supervision while being competent to do Type I work elsewhere)

#### For Type II

##### As for Type I plus:

- Uses financial statement to make payment offers to priority creditors based on available income and/or minimum payments terms
- Accurately assesses any available income for paying non-priority debts
- Uses financial statement to make payment offers (including write off requests, payment moratoria and token payments) to non-priority creditors based on available income and the option chosen by the client
- Has a good understanding of which debts can be repaid by deductions from benefits
- During negotiations, demonstrates an understanding of legal options in order to reinforce negotiating stance
- Has working knowledge of payments distribution systems
- Refers to a more skilled adviser if creditors do not accept initial offers

#### For Type III

##### As for Types I and II plus:

- Applies these competences for and during Court proceedings (e.g. presents repayment offers in undefended claims in Sheriff Court if permitted to represent)

Note: Some Type III activities may only be done by lawyers

### Agency Competence

Enables advisers to prioritise and make offers. This includes evidence of the following:

- Has liaison arrangements with Sheriff Court
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice, advocacy and representation
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.24 Diligence, Diligence Stoppers and Court Proceedings

### Adviser Competence

Understands the options for diligence and remedies to protect clients. This includes evidence of the following:

#### For Type I

- Accurately identifies any court procedures and diligence which is currently being used by a creditor
- Accurately identifies the common court forms used in debt cases
- Assists client to respond to admitted claims in Court
- With advice, support and supervision helps clients to apply for sisting of action

#### For Type II

##### As for Type I plus:

- Identifies the various forms of diligence which are available to creditors
- Helps clients to apply for sisting of Court action
- Assists clients to prepare a defence in cases of creditors' action in courts that do not have jurisdiction to hear the case
- Has good working knowledge of the Civil Jurisdiction and Judgements Act 1982
- Helps clients complete and register an Intimation of Intent to Apply for a Debt Payment Programme to present to the court, to allow the client and adviser time to formulate a suitable course of action to deal with client's situation

#### For Type III

##### As for Types I and II plus:

- Assists clients to make applications including recall of attachment, restriction of arrestment, release or redemption of attached goods, recall or review of an earnings arrestment, responding to a possible or actual conjoined arrestment order, application for Time to Pay Direction or Orders or Time Orders as appropriate, redeem of attached articles, applications in respect of jointly owned goods, buy-back of attached goods at appraised value
- Assists clients to deal with applications under The Arrestment Jurisdiction (Scotland) Order 2009
- Assists clients to respond to Exceptional Attachment Orders including ensuring that Sheriff Officers have followed correct steps and accurately identified protected goods
- Advises clients how to respond to a creditor's application for an Inhibition
- Applies the above remedies in Court, where this is permitted
- Knows rules and practices about representation in Court
- Knows when to refer to lawyers who are knowledgeable and experienced in the relevant area of law

**Note:** Some Type III activities may only be done by lawyers

### Agency Competence

Enables advisers to understand diligences and respond to diligence to protect debtor. This includes evidence of the following:

- Has liaison arrangements with Sheriff Court
- Has lists of specialist legal advisers
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.25 Bankruptcy and Trust Deeds

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### Adviser Competence

Accurately identifies cases which are suitable for bankruptcy action, to advise and advocate in cases where there is a creditor's petition/warrant to cite in bankruptcy and to assist with Trust Deeds. This includes evidence of the following:

#### For Type I

- ▶ Demonstrates a basic knowledge of bankruptcy and when it may apply to debtors and refers to a Type II or III adviser

#### For Type II

##### As for Type I plus:

- ▶ Understands the consequences of rent arrears being included in bankruptcy and the effect after discharge.
- ▶ Identifies when bankruptcy and Trust Deeds may be appropriate and fully explains the advantages and disadvantages of each
- ▶ Explores alternatives to bankruptcy
- ▶ Knows the financial implications of particular courses of action and explains these to clients
- ▶ With client's informed agreement and with advice, support and supervision, prepares a Debtor's Petition for Bankruptcy if appropriate and takes account of requirements of The Bankruptcy (Certificate for Sequestration)(Scotland)Regulation 2010 when implemented
- ▶ Identifies where the client may be able to petition for bankruptcy using the Low Income, Low Assets route

#### For Type III

##### As for Types I and II plus:

- ▶ Identifies the grounds for and assists a client to respond to a creditor's petition/Warrant to Cite in bankruptcy and a Statutory Demand
- ▶ Provides second tier advice to other advisers on this subject
- ▶ Provides advice and guidance on the consequences of failed Trust Deeds
- ▶ Knows rules and practices about representation in Court
- ▶ Knows when to refer to lawyers who are knowledgeable and experienced in the relevant area of law

### Agency Competence

Enables advisers to understand sequestration and related matters and to provide accurate and well-informed advice and help. This includes evidence of the following:

- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given
- ▶ Has stocks of relevant forms and commonly used standard paperwork
- ▶ Has contact details for Accountant in Bankruptcy and insolvency practitioners

## 4.26 Recalls and Appeals against Court Decrees and Orders

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### Adviser Competence

Assists clients with appeals, minutes of recall and other applications in Court. This includes evidence of the following:

#### Type I

- ▶ Understands that there may be ways of responding to Court Orders and refers to a Type II or III adviser
- ▶ Can recognise commonly used Court forms

#### Type II

##### As for Type I plus:

- ▶ Advises clients on the options and possible outcomes in respect of the following applications to Court: recall of decree, dismissal, continuation, sisting
- ▶ Advises clients about the implications of different Court orders
- ▶ Identifies possible grounds for appeal and refers to a Type III adviser or lawyer who is skilled and knowledgeable in this area of law

#### Type III

##### As for Types I and II plus:

- ▶ Where granted rights of audience, and according to local practice, demonstrates an ability to act on behalf of a client, either by personal or written representation in Court
- ▶ Seeks a second opinion in cases of possible appeal
- ▶ Refers cases to a lawyer who is skilled and knowledgeable in this area if the adviser is unable to do this work or lacks expertise

### Agency Competence

Enables advisers to understand grounds for appeal and applications in Courts and to provide accurate and well-informed advice and help. This includes evidence of the following:

- ▶ Has contact details for relevant Courts
- ▶ Has current, relevant textbooks
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given
- ▶ Has lists of specialist legal advisers

## 4.27 Utility Debts

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### Adviser Competence

Advises and assists people who have utility debts: gas, electricity, fixed line telephone. Is aware of issues relating to fuel poverty and of the assistance available from various suppliers and schemes to assist individuals to make their homes more energy efficient. This includes evidence of the following:

#### For Type I

- Knows what actions may be taken by utility creditors against debtors
- Identifies emergency situations and refers to a Type II adviser
- Helps debtor to apply for deductions (Third Party Payments) from means-tested benefits and informs the utility, seeking suspension of action
- Understands fuel poverty and the impact this can have on a household

#### For Type II

##### As for Type I plus:

- Advises clients about their obligations and the protection available under utility supply legislation and industry Codes of Practice
- Identifies fuel poverty in households and works with the client to try and alleviate this e.g. by accessing suppliers' and government schemes
- Understands industry regulator complaints and enforcement procedures and makes effective use of these to protect clients
- Drafts and sends initial letters before legal action and refers to a lawyer who is skilled and knowledgeable in this area of the law

### Agency Competence

Enables advisers to provide advice and advocacy about utility debts. This includes evidence of the following:

- Has contact details of the utility industry and regulatory bodies and up to date copies of Codes of Practice
- Has current, relevant textbooks
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given
- Has lists of specialist legal advisers

## 4.28 Local and National Tax Debts

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### Adviser Competence

Provides advice and advocacy to clients about recovery of national and local tax debts (Council Tax, Income Tax). This includes evidence of the following:

#### For Type I

- ▶ Understands in outline the summary warrant procedure and the diligence options for national and local tax debts
- ▶ Knows that local authority procedures and powers vary according to the type of debt
- ▶ Recognises common documents and identifies emergency situations and with advice support and supervision, can give immediate “first aid” advice about options and refer to a Type II or III adviser
- ▶ Refers to a tax adviser or accountant or other specialist adviser to check assessment of Income Tax
- ▶ Knows about Council Tax benefit, discounts, reductions and exemptions and helps clients to apply
- ▶ Helps debtor to apply for deductions (Third Party Payments) from means-tested benefits

#### For Type II

##### As for Type I plus:

- ▶ Knows the legal relationship between local authorities and their collecting agents
- ▶ Has a good knowledge of the procedures for summary warrants and diligence options, including the conditions to be met for granting Attachment Orders and Exceptional Attachment Orders
- ▶ Negotiates verbally and in writing with Sheriff Officers and/or local or national taxation officials in order to protect debtor’s position, including suspension of action in order to assess the situation
- ▶ Identifies possible legal action and refers to a Type III adviser or lawyer
- ▶ Drafts letters to MSPs, MPs and Scottish Public Services Ombudsman

#### For Type III

##### As for Types I and II plus:

- ▶ Researches grounds for possible legal action drafts and sends any required letters before legal action and refers clients to a lawyer who is skilled and knowledgeable in this area of the law

### Agency Competence

Enables advisers to provide advice and advocacy about local and national tax debts. This includes evidence of the following:

- ▶ Has contact details for Sheriff Officers, debt collection agencies, local authority and national tax collection liaison staff and copies of current Codes of Practice
- ▶ Has good links with local Welfare Rights service providers
- ▶ Has lists of specialist advisers
- ▶ Has current, relevant textbooks
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given



## 4.29 Rent Arrears

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### Adviser Competence

Advises and assists people who have rent debts. This includes evidence of the following:

#### For Type I

- Has an understanding of the main types of housing tenure and an ability to explain these to clients
- Understands in outline the legal and administrative procedures for rent arrears and evictions
- Is aware of where Housing Benefit/Local Housing Allowance and Discretionary Housing Benefit claims may be made and also of backdating rules. Refers case to Type II adviser
- Has a basic understanding of local landlords' policies and procedures relating to rent arrears and evictions, in particular main social landlords (In particular has an understanding of the consequences of rent arrears being included in bankruptcy and the effect after discharge)
- Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003
- Knows the likely triggers for debt (e.g. illness, relationship breakdown, unemployment), checks on these sensitively and has knowledge of agencies which may help
- Is aware of the scope for possible defences against possession actions and existence of procedures for bringing a case back before a court (e.g. recall of decree)
- Has a basic knowledge of disrepair and procedures for filing counterclaims in order to refer to a specialist adviser. Has an understanding of rent lawfully due, withholding of rent and abatement procedures
- Recognises common documents such as a valid Notice to Quit and is able to identify emergency situations and with help from a Type II or III adviser, can give immediate "first aid" advice about options and refers to a Type II or III adviser
- Helps debtor to apply for deductions ("Third Party Payments") from means tested benefits
- Identify if client is vulnerable and able to get Local Housing Allowance paid direct to Landlord to prevent arrears

#### For Type II

##### As for Type I plus:

- Has a good understanding of the legal procedures for rent debts by type of residential tenancy e.g. Summary Cause Rules
- Has a good knowledge of policies and procedures used by main local social landlords
- Understands the consequences of rent arrears being included in bankruptcy and the effect after discharge and can liaise with landlord if seeking repayment
- Has knowledge of historic debt or prescription
- Has a good knowledge of relevant matters for rent arrears in the private rented sector and significance of amount owed
- Assists the client apply for Housing Benefit/Local Housing Allowance/Discretionary Housing Benefit. Assists client with "good cause" backdate
- Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003 see also Housing Specific Competence 2.10 Homelessness in particular prevention)
- Contacts landlord to seek emergency action or suspension of eviction (see also Housing Specific Competence 2.7, Eviction).
- Has good knowledge of, the scope for possible defences against possession actions and existence of procedures for bringing a case back before a court (e.g. recall of decree), and when to refer to a Type 111 adviser

## Type III

### As for Type I and II plus

- ▶ Is able to implement prevention procedures.
- ▶ Negotiates verbally and in writing with landlord to protect clients' position and make repayment offers
- ▶ Identifies common legal defences or counterclaims and briefs a solicitor (or where the option is permitted, a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area
- ▶ Identifies possible issues for counterclaim (e.g. disrepair) (see also Housing Specific Competence 2.4, Disrepair in Rented Housing) and refers to a solicitor (or where the option is permitted, to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area
- ▶ Identifies appropriate strategies and actions to prevent homelessness and stabilise tenancies across sectors. Understands the potential of housing Support to achieve positive outcomes for clients

**Note:** Where possible, clients facing eviction should be referred to a solicitor (or where the option is permitted, to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area at as early a stage as possible

## Agency Competence

Enables advisers to provide advice and advocacy about rent debts. This includes evidence of the following:

- ▶ Has leaflets and reference books or electronic resources on security of tenure and Court procedures
- ▶ Has information about possession procedures, preferably in a format which can be copied or given to clients
- ▶ If agency does not provide housing or benefits advice and assistance, has contact details in order to make appropriate referrals (e.g. solicitors, law centres and incourt advisers)
- ▶ Has contact details for Sheriff Officers, local registered social landlords and major local private landlords and copies of current Codes of Practice and rent arrears policies
- ▶ Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- ▶ Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.30 Mortgages and Secured Loans

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**Note:** The correct term in Scotland is secured loan. However the term mortgage is widely used and has entered statute via the Mortgage Rights (Scotland) Act 2001. The terms mortgage and secured loan are used interchangeably in this section

### Adviser Competence

Advises and assists people who have mortgage/secured loan debts. This includes evidence of the following:

#### For Type I

- Has an understanding of the different types of mortgage/secured loan and an ability to explain these to clients
- Identifies where the client may be eligible to apply for benefits to help with their housing costs and assists the client to apply for this
- Knows the likely triggers for debt (e.g. illness, relationship breakdown, unemployment), checks on these sensitively and has knowledge of agencies which may help
- Understands in outline the procedures for mortgage/secured loan arrears and ejections
- Has an understanding of potential assistance that the Home Owner and Debtor Protection (Scotland) Act 2010 can give to Home Owners and Entitled Residents in the context of actions to recovery possession, sequestration and trust deeds.
- Recognises common documents and identifies emergency situations and with help from a Type II or III adviser, can give immediate “first aid” advice about options and refers to a Type II or III adviser
- Helps debtor to apply for deductions (Third Party Payments) from means-tested benefits
- Basic understanding of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009) In addition have basic understanding of the Homeowners Mortgage Support a UK wide scheme

#### For Type II

##### As for Type I plus:

- Knows in outline the procedures and Codes of Practice for mortgage/secured loan arrears and ejections
- Knows in detail the appropriate use of Part 1 and Part 2 of the Home Owner and Debtor Protection (Scotland) Act 2010.
- Knows in detail the eligibility criteria in terms of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009) In addition have detailed understanding of the eligibility criteria Homeowners Mortgage Support a UK wide scheme
- Contacts lenders to seek emergency action or suspension of ejection understanding summary application procedure relating to recall of decree and conditions relevant to recall
- Understands the need to respond in terms of section 11 notices under Homelessness etc (Scotland) Act 2003 and recognise the extension of this duty to Trustees in Bankruptcy and Trust Deeds)
- Knows in outline arrangements for regulating mortgages/secured loans. Negotiates verbally and in writing with lenders in order to protect client’s position and make repayment offers (and in accordance with Money/Welfare Related Advice Competences, 4.20, 4.21, 4.22, 4.23)
- Identifies appropriate strategies for dealing with mortgage/secured loan possession
- Has a good understanding of the legal aid system financial eligibility criteria

#### For Type III

##### As for Types I and II plus:

- Has a good understanding of the consumer credit legislation and unfair contract terms defences to secured loans and small mortgages including prescription/limitations and inhibition

- Identifies possible defences such as undue duress
- Has a good understanding of procedures used by main lenders
- Has detailed knowledge of the potential assistance that the Home Owner and Debtor Protection (Scotland) Act 2010 can give to Home Owners and Entitled Residents in the context of actions to recovery possession, sequestration and trust deeds
- Has detailed knowledge of the procedure for a creditor to seek remedies on default, understand the potential defences in such actions
- Has detailed knowledge of pre action requirements on creditors in terms of relevant actions
- Has detailed knowledge of the conditions and procedure for recall of decree
- Identifies possible legal defences and refers to a solicitor or where the option is permitted to a suitably qualified and experienced lay representative internally within their service or externally who is skilled and knowledgeable in this area
- Identifies possible legal defences and refers to a solicitor or where the option is permitted to a suitably qualified and experienced lay representative internally within their service or externally who is skilled and knowledgeable in this area (see agency competence below)
- Approved lay representative must comply with all the requirements of the Home Owners and Debtor Protection (Scotland) Act 2010, all subsequent regulations and codes of guidance.
- Knows in detail the eligibility criteria in terms of Home Owners Support Fund (Mortgage to Rent Scheme and Mortgage to Shared Equity Scheme implemented in March 2009) In addition have detailed understanding of the eligibility criteria Homeowners Mortgage Support a UK wide scheme. If approved under the scheme where appropriate assist with application if not approved refer to an approved provider in the context of the scheme
- Has a good understanding of the legal aid system financial eligibility criteria

**Note:** Where possible, clients facing ejection should be referred to a solicitor (or where the option is permitted to a suitably qualified and experienced lay representative) who is skilled and knowledgeable in this area at as early a stage as possible

### Agency Competence

Enables advisers to provide advice and advocacy about mortgage/secured loan debts. This includes evidence of the following:

- Has information about mortgages/secured loans, preferably in a format that can be copied or given to clients
- Has information about possession procedures, preferably in a format which can be copied or given to clients
- Approving Agencies authorising lay representative must comply with all the requirements of the Home Owners and Debtor Protection (Scotland) Act 2010, all subsequent regulations and codes of guidance
- Approving Agencies must ensure that approved lay representatives are skilled and able to satisfy Sheriffs that the adviser is competent to represent the interests of the debtor or entitled person as an approved lay representative within the limitations of the Home Owner and Debtor Protection (Scotland) Act 2010
- Has information about priority creditors, their Codes of Practice and their legal responsibilities and a system for updating these
- Has contact details for Sheriff Officers, common lenders and copies of current Codes of Practice
- Agency has good professional relationship with the Sherriff Clerks office/offices
- Agency has access to all the relevant and up to date rules of the Court
- Has list of specialist legal advisers and knowledge of the legal aid system
- Has good links with housing and welfare rights advice providers
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.31 Civil and Criminal Fines and other Financial Penalties

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### Adviser Competence

Advises and assists people who are in arrears with payment towards fines and other financial penalties. This includes evidence of the following:

#### For Type I

- Recognises such debts as priority debts
- Knows what action may be taken against clients for non-payment
- Identifies emergency situations and refers to a Type II or III adviser

#### For Type II

##### As for Type I plus:

- Has a broad understanding of which fines or financial penalties may be appealed and refers to lawyers who are skilled and knowledgeable in this area
- Helps clients to apply for variation of payment terms
- Helps clients to apply for criminal fines to be remitted
- Negotiates verbally and in writing with Sheriff Officers and/or Court officials in order to protect debtor's position where appropriate
- Identifies possible legal action and refers to a Type III adviser
- Drafts letters to MSPs, MPs and Scottish Public Services Ombudsman where appropriate

#### For Type III

##### As for Types I and II plus:

- Researches grounds for possible legal action and refers to a lawyer who is skilled and knowledgeable in this area of the law
- Assists clients to apply for variation of payment terms or remission of criminal fines

### Agency Competence

Enables advisers to provide advice and advocacy about fines and financial penalty debts. This includes evidence of the following:

- Has contact details for Court officials
- Has list of specialist legal advisers
- Promotes an organisational culture which supports continuous learning on this topic and its importance as an aid to effective advice and advocacy
- Provides or facilitates supervision, training and updating on this topic which is appropriate to the Type of advice being given

## 4.32 Business Debts

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### Adviser Competence

To identify cases involving business debt and make effective and appropriate referrals. This includes evidence of the following:

#### For **Type I**

- ▶ Accurately identifies when debts include a business or trading debt
- ▶ With advice, support and supervision, contacts creditors in emergency to seek suspension of action
- ▶ Refers to an adviser or other specialist who deals with business debts

#### For **Types II and III**

#### As for **Type I** plus:

- ▶ Informs debtor of the possible options for debt enforcement
- ▶ Contacts creditors in emergency to seek suspension of action
- ▶ Assists business with Non Domestic Rates debts and advises on Government schemes that can provide relief

### Agency Competence

Enables advisers to accurately identify business or trading debts and make appropriate and effective referrals. This includes evidence of:

- ▶ Has a list of specialist business advisers
- ▶ Has contact details for Business Debtline



# Section 3

## Good Practice Guidance

### Introduction

This section of the Standards Manual is designed to give guidance to those providers of services who are seeking to develop their service and comply with the Standards.

This section of the Manual reproduces each of the Standards, and provides good practice guidance on how services may comply with the Standards. The advice in this section of the Manual is not designed to be prescriptive and service providers may wish to develop alternative means of developing their services to comply with the Standards.



# 1. General Management Standards

*This section of the Standards is designed to ensure that there is effective management of the service and its resources.*

## Standard 1.1

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**All service providers must have clear management structures that identify the roles and responsibilities of all post holders involved in the planning, management and delivery of the service.**

Whilst some of the language and particulars of this section have highlighted issues for voluntary organisations, the principles of clarity of role, system and decision-making apply in all types of organisation.

All staff and volunteers should know the boundaries around their own roles and the roles of others in their service. These should include, where appropriate, management committee members, paid managers, all paid and unpaid staff.

To comply with this Standard, service providers will need:

- To have a document identifying all of those involved in the planning, management and delivery of the service
- To have a document detailing special responsibilities, terms of reference and decision making authority (delegation procedures) and
- All staff and volunteers to be able to describe the scope of their role and, where appropriate, identify to whom, when and how they could refer matters for decision

It is important that management structures recognise the often stressful and potentially isolating environment within which advice staff may be working and that they provide for adequate support mechanisms to address these factors. For example, by ensuring that advice staff have the requisite time and resources to manage time-sensitive work without undue or prolonged stress.

Whilst many small services operate on the goodwill and enthusiasm of individuals, the long term viability of a service as individuals move on is dependent upon the clear definition of roles and the assignment of responsibilities and expectations. The structure and the delegation of responsibility need to be clearly understood by everyone, so that there can be no confusion as to how policy and strategic decisions are made, who is responsible for their execution and for the day to day management of the service.

In developing management structures, the service provider will need to address a range of questions.

- Who is responsible for making policy and strategic decisions within the service?
- What are their responsibilities?
- Are there limits to their powers and responsibilities?
- How can powers be delegated?
- What are appropriate divisions of responsibility between committee members and paid staff?
- Whilst there are certain legal requirements in respect of who is ultimately responsible for certain decisions within a service, there is not necessarily any 'right' structure

The Charities and Trustee Investment (Scotland) Act 2005 reforms and modernises charity law in Scotland. A key provision of the Act is the establishment of the Office of the Scottish Charity Regulator (OSCAR) which is responsible for the regulation of charities in Scotland. A Scottish charity or a charity regulated in Scotland is an organisation entered on the Scottish Charity Register. Any organisation wanting to be entered on to the Register and become a charity will need to apply to OSCAR at [www.oscar.org.uk](http://www.oscar.org.uk).

Organisations registered or recognised as charities in ‘foreign’ jurisdictions (for example, in England and Wales) will have to register with OSCAR if they:

- Occupy any land or premises in Scotland
- Carry out activities in any office, shop or similar premises in Scotland or
- Wish to represent themselves as being charities in Scotland

Further guidance can be sought in the document *Guidance on Registration with OSCAR for Charities in England and Wales* available at [www.oscar.org.uk](http://www.oscar.org.uk).

All voluntary organisations are controlled by a governing body. These can have a variety of names, including management committee, Board, Council, and so on. Whatever the name, they all carry broadly the same range of responsibilities. These are discussed below.

All governing bodies are made up of individuals. We refer to them as ‘Trustees’. A Trustee is a person responsible under the governing document of a service for controlling the management of that service, regardless of whether they are called committee members, governing body members, non-executive directors, council members, and so on. These are the people who carry the ultimate legal responsibility for the stewardship of the assets and resources of the service. Even where a voluntary service is incorporated (that is, a company limited by guarantee), members of the governing body can still be personally liable if it can be shown that they have not acted reasonably and prudently in all matters relating to the service.

The governing body’s duty is to act in the interests of the beneficiaries of the service. In general terms, its role can be defined as:

- Legal – to safeguard the assets, use them effectively and ensure that the organisation operates within the law
- Strategic – to set clear objectives and to establish priorities
- Operational – to support and oversee the day to day activities of the organisation (the degree of involvement in day to day activities varies substantially among different organisations dependent upon size, culture, and so on)

**TIP** In developing a management structure, voluntary services should consider the golden rule: *‘Trustees can delegate authority but they cannot delegate responsibility.’*



The main activities of the governing body are likely to include the following tasks:

- To ensure that the activities of the service are both within the law and within its charitable aims and objectives
- To determine the mission and purpose of the service
- To develop and agree policies
- To develop and agree strategic plans
- To agree the budget and monitor financial performance, including accountability to funders
- To ensure the service has adequate resources and that these are effectively managed
- To monitor service provision and delivery, ensuring accountability to other stakeholders such as funders
- To ensure legal accountability
- To act as employer – reviewing staff performance as required, reviewing the performance of the most senior member of staff, setting salary levels, acting as the appeal body in personnel matters, and so on
- To regularly review the service’s performance through monitoring and evaluation
- To manage the service’s public relations and represent the views of the service and
- To review its own performance as a governing body

It is important that all staff and volunteers understand the role of the governing body and its individual members. Its members also need to be clear about their roles and boundaries of authority. Increasingly, good practice suggests that job descriptions should be provided for honorary officers.

The central role of the governing body within a voluntary service is a key component in defining the management structure and responsibilities for the service. It may decide to delegate some of its work to sub-committees, and these should also be clearly shown within the service's organisational chart. Any sub-committees should have clear written terms of reference and reporting back procedures, as the delegation of responsibilities to a sub-committee still leaves ultimate responsibility in the hands of the governing body.

In most services, day to day management is delegated to staff. However, as the governing body remains ultimately responsible for all decisions taken within the service, the manner in which delegation occurs and processes for decision-making should be set out clearly. The governing body is the ultimate employer of all staff, and has to ensure that the service is well managed and operates within agreed policies, its budgets and the law.

**TIP** In determining the areas where different people have authority it is also worth considering who should speak for the agency in public (for example, to the press), and so on.



It is important that all stakeholders in the service know how the service is structured, both in terms of the governing body and staff, and who has what responsibilities. People can be enabled to operate more effectively if they know who does what. Every service should be able to demonstrate clearly:

- The structure of the service, its committees and sub-committees and how they interrelate and
- Its staffing structure and how this relates to the governing structure

This structure will also indicate accountabilities:

- Who reports to whom
- Who has what delegated responsibilities and
- How decisions can be made and implemented

Services should review their structure regularly. Are there sub-committees that were established for a specific purpose, but which are now moribund? Does the service need a new sub-committee? Review can ensure that the governing and managing structure of the service meets the challenges facing the service. Any new committees and sub-committees established should have clearly defined, written terms of reference.

## Standard 1.2

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### All standard office procedures must be documented.

Procedures and practices vary greatly between services and are subject to constant modification and improvement. The smooth running of a service depends upon all of those involved in its delivery being fully conversant with the practices and procedures of the service.

To comply with this Standard, the service provider will need to demonstrate that:

- All policies and procedures are collated (normally compiled in an Office Manual)
- Responsibility for the maintenance of this manual is clearly assigned in the management structure and
- All staff and volunteers have access to this manual and it forms a distinct part of the induction of all individuals involved in the delivery of the service

Staff and volunteers need to know what is expected of them in relation to overall service standards. The Office Manual should ensure that policies and these standards are readily available to all, so that poor performance cannot be attributed by staff to not knowing what is expected. The Office Manual is a key resource in the induction of new staff, volunteers and committee members.

The Office Manual will detail terms and conditions, all relevant policies and procedures and show how such policies are made or amended. It should contain the performance standards required within the service and details of office practice. It is often forgotten that good office practice and administration is one of the key elements in ensuring that a good service is delivered to service users. The nature and detail of all the documentation to be included in an Office Manual will depend on the service. However, there are basic guidelines that should be followed by all services.

### Policies

This section covers some of the detail of the policies and procedures required in an Office Manual.

**TIP** The manual should be clearly divided into sections on what the service will do (policy) and how it will do it (procedure).



Policies relate to the regulation of the service's relationships with the external environment, such as its responsibilities to its service users; and to how it regulates its internal environment, for example, how it ensures staff meet the required standards in all aspects of their work. At a minimum, it should include:

- Equal Opportunities policy
- Confidentiality policy
- Health and Safety policy
- Grievance and disciplinary policy
- Training policy
- Case selection strategies and referral arrangements
- Policies on service user complaints and rights of redress
- Delegations of authority and
- New technology (introduction of and health issues) policy

## Procedures and Practices

It is very helpful to the efficient running of even a small office with one or two staff, to draw up lists of all office practices. This area will be subject to regular revision. Office administration practices may include:

- Incoming and outgoing post. Are there any special procedures that need to be followed, for instance, in dealing with confidential items or with letters including money or cheques?
- Telephone answering – where there is a non-casework/advice line, who answers the phone, including lunchtime cover arrangements
- Office supplies – detailing ordering and distribution practices
- Equipment maintenance – what is done in the event of equipment breakdown, who should be called out and who is responsible for calling out engineers
- Office security – who is responsible for overall security and ensuring that the office is locked when unattended, and so on? Who are the key holders in emergencies?
- First Aid assistance and accident reporting – who is responsible for maintaining adequate first aid supplies, and how accidents are recorded and reported
- Fire and other emergencies – evacuation procedures

**TIP** Presenting the procedures guides as a process map rather than pages of instruction can help some people visualise them better.



Some services issue manuals to each member of staff, which can include their personnel records (leave cards, and so on), arrangements for supervision and appraisal, access to training and training records. This may be a costly option for some services.

**TIP** The Office Manual should form a keystone in the induction of all new members of staff, volunteers and management committee members. Where individual manuals are not issued to members of staff, the main manual must be available at all times in an easily accessible point in the office.



It is essential that responsibility for the review maintenance and updating of this manual should be clearly assigned in the management structure.

## Standard 1.3

**All service providers must have robust systems for financial management.**

In order that both funders of services and service users can be confident that a service can survive and meet its obligations they need to be assured that all monies are properly accounted for and that the service is financially viable.

To comply with this Standard, there should be clear documentation on how responsibility for financial management is exercised. In addition, voluntary organisations should be able to demonstrate that accounts are monitored, at least quarterly, by their management committee / board of trustees.

All organisations should ensure that they maintain the following information:

- An annual budget
- Quarterly variance of income and expenditure against budget
- An annual profit and loss account or income and expenditure account and
- An annual balance sheet

**TIP** In organisations where the budget for information and advice is subsumed within a more general budget cost centre it is important to be able to identify the cost to the organisation of providing this element of the service. This can be done through calculating from workplans the percentage of each worker's time that is devoted to provision of information and advice, the percentage cost of office supplies for this area of work, stationery, photocopier, postage, telephone charges, and so on.



To meet this Standard, services will need to ensure that there is a clear division between day to day management and administration of the service's finances and arrangements for the careful stewardship of the service's resources. Services need to develop appropriate means of reporting financial and management information to the designated decision-making bodies. Stewardship should include both internal and external checks on the accuracy and honesty of bookkeeping and on the preparation of accurate and appropriate financial projections.

In preparing a financial management policy the service should ensure that the following areas are agreed and clearly documented:

- Delegations of responsibility – these should define who has day to day management of finances in the service and the details of responsibility for maintaining financial records and preparing reports
- Systems and procedures for effective reporting
- Procedures for preparing and approving financial plans and budgets
- Banking arrangements, cheque signatories, and so on
- Arrangements for the payment of staff and other agents of the service
- Policies and procedures for purchasing goods and services
- Procedures for authorising expenditure
- Procedures for controlling, opening, listing and distributing any incoming mail that may contain money, cheques, and so on
- Procedures for ensuring the security of any cash held on the premises, including access to a petty cash box or safe, key holders, and procedures to be adopted in the case of loss, for example, notifying appropriate board or committee member and/or when the police should be called
- Fund-raising procedures and
- Contracting signing procedures, including authorisation of contracts placed for services purchased by the service and for contracts placed with the service by outside purchasers

Budgets need to be constructed realistically and carefully monitored, to ensure that good management can be practised. Careful costing of priority areas and any new projects is essential and reviews of overall financial performance should not only be regular, but regularly reported to the governing body of the service.

Two areas often overlooked in preparing budgets in voluntary services are the real costs of administration, and the fact that good personnel practice has a cost. Further details of preparing budgets in line with Full Cost Recovery guidance can be obtained from the Scottish Council for Voluntary Organisations [SCVO].

## Standard 1.4

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### **There must be clear lines of internal communication.**

Good lines of internal communication are important to ensure the efficient operation of the service and as a mechanism for updating all staff in policies, procedures or priorities.

To comply with this Standard, there should be regular meetings for all individuals involved in the delivery of the service.

There are two reasons for this Standard. The first is to ensure the efficient operation of the service and familiarity of all with its key policies and procedures and any changes to these. The second is to ensure a good flow of information about changes in case law and practice and other issues that may arise in advice work among the different advisers in a service.

There are a wide variety of ways in which internal communication can be facilitated. Whatever means are chosen, services need to consider some fundamental principles. Prior to deciding the most appropriate means of communication, services need to define:

- What needs to be communicated and
- Why this needs to be communicated

The means for internal communication may include:

- Team meetings
- Office intranet
- Memos
- Notice boards and
- Supervision sessions

For any of these or other means that the service identifies as helpful, clear guidelines will ensure their effective use. These guidelines should include:

- Agendas for meetings
- When meetings will be held to ensure all appropriate staff and volunteers can attend
- Length of meetings
- The input expected from participants and any limits to their input
- Whether meetings are intended to make decisions or are for information only
- Any requirements upon staff and volunteers to attend meetings
- Circulation lists of publications and updating materials
- Procedures for ensuring notice is properly given and
- Responsibility for taking and distributing meeting notes

Internal communication is only effective if people feel that it is focused and useful. For this reason, good practice suggests that:

- Meetings should have clear agendas which are circulated in advance wherever possible. Open-ended, unstructured meetings can confuse as much as they can enlighten
- Meetings which are overlong are not a good use of resources. Meetings often overrun where there is no clear agenda and where the facilitation of a meeting is not well controlled. Well chaired meetings achieve more than meetings which are undisciplined
- Setting the times for meetings is also important. Bear in mind the needs of staff and volunteers who have caring commitments or work part-time or only at some times during the week
- Where regular team meetings form an important part of internal communication mechanisms, staff and relevant volunteers should be expected to attend, unless they have very good reason for absence. Staff and volunteers will make excuses not to attend meetings if they think they are not worthwhile, because they will normally prioritise their advice specific work, with such meetings receiving a low priority
- Where internal notice boards are used, the service should ensure that these are regularly updated

**TIP** Formal minutes are not always required for team meetings but an agenda and a note of the main points discussed and any decisions made is a useful record. Notes should be filed for future reference and shared with anyone not able to attend the meeting to make them aware of decisions affecting them or their area of work.



## Standard 1.5

**Each service provider must be able to demonstrate that it is complying with all relevant general legislation.**

All services must stay within the law to protect those responsible for the planning, management and delivery of the service from the risk of prosecution and to maintain public confidence in the service delivered.

To comply with this Standard, service providers will need to demonstrate:

- Knowledge of the legislation relevant to the service (for example, Company Law, Charity law) and its role as a service provider (for example, Public Liability Act) and as an employer (for example, Health and Safety) and
- Evidence that current insurance provides the necessary protection, for example, Public Liability, employer's insurance, and so on

The need to stay within the law and to protect all of those responsible for the planning, management and delivery of the service from the risk of prosecution is self-evident. In addition, as a service that is concerned with protecting the legal rights of service users, service providers should place a special emphasis on ensuring that they are above reproach.

This Manual does not provide an exhaustive list of the legal requirements placed upon service providers. These are many and various, dependent in part upon the size of a service, the number of staff employed and the type of work undertaken. In addition, services that are branch offices of organisations that are based in England may be subject to English Law as well as Scots Law. All UK law affecting services, whether passed at Westminster or Holyrood, is now subject to laws approved by the European Commission.



Other general areas of law that are likely to affect most service providers include:

- Offices Shops and Railway Premises Act 1963
- Health and Safety at Work Act 1974
- Management of Health & Safety at Work Regulations
- Health & Safety (Display Screen Equipment) Regulations
- Health & Safety (First Aid) Regulations
- Employers' Liability (Compulsory Insurance) Act 1969
- Wages Act 1986
- Freedom of information Act 2001
- Transfer of Undertakings (Protection of Employment) Regulations 1981
- Trade Unions & Labour Relations Acts
- Employment Protection (Consolidation) Act 1978 (as amended by subsequent Trade Union and Labour Relations Acts)
- Employment Rights Act 1996
- Chronically Sick and Disabled Person Act 1970
- Disability Discrimination Act 1995 & 2005
- Disabled Persons (Employment) Acts 1944 & 1958
- Sex Discrimination Act 1975 & 1986 and 1999 Regulations
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Equal Pay Act 1970
- Equal Pay (Amendment) Regulations 1983
- Human Rights Act 1998
- The Scotland Act 1998
- Special Educational Needs and Disability Act 2001
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Charities Acts (for those whose head office is in England or Wales)
- Companies Acts (for incorporated bodies)
- Law Reform (Miscellaneous Provisions) (Scotland) Act 1990
- Local Government Acts
- OSCAR – charities regulator
- Local fire and planning regulations and bye-laws

Areas of law that are likely to impact upon Information & Advice Services providers include:

- The Consumer Credit Act 1974

If providing any advice on financial matters, particularly debt, services are required to register with the Office of Fair Trading and secure a licence to undertake this work. More detailed financial planning advice may bring services within the scope of the Financial Service Acts and will require registration with the appropriate regulatory body:

- The Debt Arrangement and Attachment (Scotland) Act 2002 and related secondary legislation
- Data Protection Acts
- Covering any information held about service users
- Freedom of information

This is not an exhaustive list and services should seek guidance about any statutory requirements that may affect the service. Appropriate sources of further assistance include:

- Other advice networks – such as Citizens Advice Scotland, AdviceUK, Money Advice Scotland, Rights Advice Scotland and Shelter
- Local Councils of Voluntary Service
- Scottish Council for Voluntary Organisations and
- Confederation of Scottish Local Authorities

**TIP** Individual agencies who are members of for example CAS or AdviceUK may be covered by group licences – check with your member organisation.



## 2. Standards for Planning

*These Standards aim to ensure that all members of the community have access to high quality information and advice. The planning of services is a key component of developing a quality service.*

### Standard 2.1

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**All service providers must be clear about the remit of their service and the boundaries of their service.**

The effective delivery of a service and the ability of that service to assess its work depends upon the service establishing clear strategic aims and operational objectives.

To comply with this Standard, **Type I** providers will be required to produce a statement that identifies the strategic aims and operational objectives for the service that includes:

- Why the service is provided
- Who the service is for and
- The type of service to be provided

All of those involved in the planning, management and delivery of the service should be able to summarise these aims and objectives.

In addition, **Type II** and **Type III** providers will be required to evidence:

- The type of service to be provided, including any criteria for selecting different types of intervention and
- What each type of intervention aims to achieve, for example, why you have opted for a telephone service, or why you provide outreach as well as office based services

**TIP** One local authority serving a large geographical area where many people living in rural communities have difficulties accessing services worked in partnership to devise and deliver a homelessness advice phoneline. Using a variety of funding resources the partnership of the Council, the local advice network and Citizens Advice Direct provide a free and impartial telephone advice and information service. The service uses a combination of paid staff and volunteers. One important lesson they learned was the need to be very effective in promoting the service. They found that ongoing promotion of the service to council staff encouraging them to pass on details of the resource to clients who approached their offices was a useful way of raising awareness in the client group they were aiming to help.



The effective delivery of a service and the ability of that service to assess its work depends on establishing clear objectives. What it does and why it does it, who it is for and what it hopes to achieve are the fundamental questions that any service needs to answer.

Service providers should also regularly review the remit of their service and the boundaries of their service. The objectives of services may change over time. In some cases, this can be over quite a short time period, for instance where a specific need has been identified, action taken and the specific need has diminished. For other objectives, the time frame may be much longer. Regular review can:

- Refocus the service on what its primary and secondary objectives are
- Be used as an opportunity to examine the relationship of the service to the external environment, for instance on new and changed levels of need to which the service may wish to respond and
- Ensure that its vision is understood, by clarifying its objectives, restating its aims and communicating the outcomes of this review to all stakeholders and partners

The statement does not need to be long but it should incorporate the service's aims and objectives. It should be underpinned by the values of the service and should be informed by the service's understanding of local needs.

### **Developing the Statement**

If a service does not have a statement defining the service and establishing clear objectives, this should be undertaken as a priority. There are a number of publications that can guide services in this process. Services will need to decide who is going to be involved in this process – is it a task for the management committee or board alone; will staff play a full part in the process; how will other stakeholders be included in the process and what are their views? It may be appropriate to involve different interests at different stages.

## **Standard 2.2**

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**All services must undertake a regular exercise to determine the profile of their local community and any special needs that may exist.**

Services should be relevant to the needs of the community that they serve.

All service providers seeking to comply with this Standard will need to demonstrate that a community profile is maintained and updated at least once every two years.

**TIP** Where different agencies are serving the same community it may make sense to share community profiling information or to pool resources to create a community profile.



A community profile should provide the service with indicators of:

- Income deprivation
- Work deprivation and
- Housing deprivation

The degree of depth required in the community profile is dependent upon the Type of service provided.

**Type I** providers will be expected to gather demographic data on:

- The number of people who are workless and claiming benefit within the service's catchment area
- The number of households in receipt of Housing Benefit / Council Tax Benefit / Income Support
- The number of people from minority ethnic communities and
- The proportion of households in owner occupation, private rented accommodation and social housing

**Type II** and **Type III** providers will be expected to gather additional demographic information on:

- The number of people over 60
- The number of lone parent families
- The number of single households
- The number of people with long term limiting illnesses
- The proportion of households in owner occupation, private rented accommodation and social housing
- The number of homeless persons
- The number of households lacking two or more basic amenities
- The number of people in rent arrears / Council Tax arrears
- The take up of Working Tax Credit
- The take up of Child Tax Credit and
- The take up of Pension Credit

These categories may be adjusted depending upon the community that the service aims to target. For example, a Young Persons project would not be expected to gather data on the number of people over 60, but may be expected to gather more detailed information on the profile of young people in its area.

**Type II** and **Type III** services will also be expected to produce an annual statement identifying any specific advice needs anticipated for these communities. This should be incorporated into the Service Plan required in Standard 2.4 (page 19).

Services should be informed by the needs of the community or communities that they wish to serve. In planning a wholly new service, an extension of existing services, or any change in provision that relates to the overall objectives of a service, providers should conduct research into the profile of the community it serves, levels of need, existing service provision and likely future demand.

**TIP** There are other factors which impact on advice needs. For example, research indicates that high levels of crime in an area increase demands for housing and money advice.



It is worth noting that these demographic categories have been selected as they are seen as reliable indicators of advice need, and that information is readily accessible and held by local authorities. When gathering this information services should be aware that it is likely to be held by other people and huge resources should not be needed to access other people's information.

## Standard 2.3

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**All service providers must develop long-term plans that cover a period of three to five years.**

The maintenance of a quality service that is able to apply its resources in response to local needs is dependent upon that service planning for the future.

To comply with this Standard, **Type I** providers will be required to evidence:

- An outline forward plan or strategy document that anticipates future resources and service patterns

This should be supported by evidence in the form of, for example, management committee minutes, that those responsible for the planning and management of the service monitor the service against this plan at least annually.

In addition, **Type II** and **Type III** providers' forward plan should include:

- Estimates of future need
- Consideration of the availability of other services in the locality

The maintenance of a quality service that is able to apply its resources in response to local needs is dependent upon that service planning for the future. Planning helps to:

- Set a sense of purpose and direction
- Establish priorities
- Establish how resources should be allocated
- Provide a framework for evaluating proposals and opportunities and
- Provide a framework for more detailed operational or work plans

The following 'hierarchy' of planning may help clarify some of these issues.

The Strategic Plan focuses on longer-term questions, set in the framework of the service's aims and objectives. It seeks to answer questions such as 'Where do we want the service to be in five years' time?' and 'How does our vision of where we want to be reflect on our mission (our aims and objectives)?' Preparation of a Strategic Plan provides an opportunity to establish the context within which the service operates. Strategic Plans are prepared at less frequent intervals, and are reviewed at stages during the life of the plan.

The Business Plan focuses on the activities, systems, skills and resources required to achieve the objectives set out in the Strategic Plan. They are often prepared for a shorter period, usually around three years, but with considerably more detail in the first year. They are subject to continuous review through regular monitoring activity.

The Service Plan (see Standard 2.4, page 19) is prepared for each year, along with the annual budget, and will include the items noted in Section 1.5 (see page 135). As discussed in that section, individual work plans are developed on the basis of the overall Service Plan for the year's activity.

The Standard does not aim to be prescriptive in respect of forward planning by stating that all services must have both a strategic and a business plan.

There are useful publications that can guide services through the strategic and business planning processes. We include a summary process below.

Forward planning will start from the basis of defining or reviewing the mission statement and reviewing the achievements of the service over the last defined period, which may be the period of the last forward plan, if the service has one, or another period, specifically chosen.

It can be helpful to start the process by involving those responsible for planning, managing and delivering the service in an environmental review which undertakes a SWOT analysis of the service (Strengths, Weaknesses, Opportunities and Threats). This can help clarify a wide range of issues that face the service.

The next stages will involve defining where the service wants to go, for instance new service development, extending existing services, changing services, ending services and so on. It is important to look at the balance of activities in the service matched against its aims and objectives. For instance, it may be a good idea to develop an education project on advice, but how will this type of development impinge on the main activities of the service in delivering advice and information? Will it extend the work that can be done, or will resource constraints mean that some existing work will no longer be carried out? How will this impact on the level of need that exists in the community?

This process should then lead to setting priorities for the future.

**TIP** Developing an education project using a housing situation and covering issues of money management, debt and welfare benefits is an opportunity to work with other advice providers to understand and agree your respective areas of expertise. Developing this kind of working relationship will help you to meet Standards 4.3 and 5.7.



Once the service has defined where it wants to go, it will need to define what it needs to get there – the overall resource needs of the service projected into the future. It will need to look at finance, skills needs and the costs of achieving the skills required to develop and maintain services into the future. Investment decisions, such as new computer systems or a move to new premises, also form part of the plan.

**TIP** Good practice suggests that whilst planning may seem to be a resource demanding activity, particularly for smaller services, the investment in planning does pay off enabling the service to avoid the stresses of crisis management and enabling it to meet its defined aims and objectives in the most efficient and effective way.

Both strategic and business planning require time. It is important at the start of the process to set out a clear timetable and build in a realistic amount of time for each stage of the process. This is particularly important if the service wants to ensure that the process can include all relevant contributions, from staff and from committee members. Despite the time demands the planning process is an empowering process within a service and can increase the effectiveness with which services pursue their objectives.



## Standard 2.4

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**All services must produce an annual service plan that seeks to ensure the best match between the needs of service users and the resources available to provide the service.**

The effective delivery of services is greatly assisted by the careful planning of services. The service plan is part of the forward planning process, but specifically focuses on the current strategy for the service.

**Type I** providers seeking to comply with the Standards will need to produce an annual service plan which:

- Identifies current resources
- Identifies the service that will be provided, including location and hours of operation and
- Identifies the service's relationship with other service providers in their locality

**Type II** and **Type III** providers will need to ensure that their annual service plan also:

- Specifies methods of service delivery including office based, surgeries, home visits, telephone enquiries, and so on
- Identifies the estimated number of service users by **Type I**, **Type II** and **Type III** and
- Identifies the service's relationship with other service providers in their locality

This should be supported by evidence in the form of, for example, management committee minutes, that those responsible for the planning and management of the service monitor the service against at least once every three months.

**TIP** The service plan should be summarised and available to service users and potential service users.



The service plan should follow and be consistent with the service's Mission Statement or Statement of Aims (see Standard 2.1, page 138). As with the earlier section, the service plan is needed in order that the service knows what it is doing, why it is doing it and how it is going to do it.

Careful planning means looking at the skills and the resources that are available and employing them as effectively as possible to meet the needs of the service users, to ensure that the best quality of service can be provided within the given resources to the greatest number of people. It is a recognition of the priorities of a service in the deployment of all its resources, financial, physical, and human, including the best use of the skills of individual staff members.

Effective planning also helps to identify gaps in resources. These gaps can be filled in a number of ways. The extension of a service through effective planning does not necessarily mean that new financial resources are needed. It should mean that a service is using its existing resources more efficiently and effectively, possibly through changes in working practices, through partnership working with other services or in a number of other innovative ways.

Planning may show that shifting resources from one area of the service to another can achieve more effective delivery to particular need areas. It can also identify areas where a pooling of skills and resources, for instance between services or by eliminating duplication of services, can ensure a more focused or wider service. Planning helps to set the objectives and targets which are essential in monitoring and evaluating that service.



Home-visiting services or mobile advice services may be part of a service plan. It should be noted that whilst these methods of delivery can improve access they are resource intensive. Such services therefore need clear guidelines on who the service is for. For example, is it for the housebound or for all those who cannot easily reach the centre because of lack of transport?

The Standard sets clear guidelines for what needs to be included in the service plan. The service plan enables services to set individual work plans for staff and volunteers as appropriate. It is an opportunity to establish targets and where these are being set for individual staff, they should be developed as part of the service plan. Increasing the level of skills available to the service through the recruitment of new staff and volunteers should be included, as should training plans.

The plan should be developed and published on a regular basis. In many services, staff members will develop the service plan. This may be a process undertaken by senior staff in a larger service (for instance by the management team); it may include specifically requested inputs from staff with specific responsibilities. In smaller services, it may be a designated task for one member of staff, or undertaken by the staff team together or in partnership with the management committee.

It is the responsibility of the Board or management committee to receive and approve the service plan, because it involves the strategic direction of the service and carries resource implications. Management information should be provided regularly to the Board on the progress of the plan, for example, in meeting any targets set or any adjustments required to respond to emerging needs or pressures.

## Standard 2.5

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**All services must regularly review their work against the aims and objectives for their service and make the results of these reviews available in a publicly accessible format at least once a year.**

The maintenance of a quality service requires that those providing the service monitor and evaluate their work and integrate any findings into the future development of their service. All services complying with Standards 2.1 to 2.2 (see pages 138 to 139) should have developed mechanisms for review. This Standard seeks to ensure that services are accountable in their planning and review to their stakeholders.

All providers seeking to comply with this Standard will require:

- ▶ Documented evidence of collation of service statistics, analysis and consideration by those responsible for planning the service and
- ▶ Documentation available on public accessibility of this information (for example, inclusion in Annual Report, Service Review, and so on)

**TIP** Many services are confused about the difference between monitoring and evaluation. For the purposes of this guidance:

- ▶ Monitoring is both a tool for evaluation and a way of providing essential management information. It is defined as the collection and recording of information relevant to the operation of the service. It enables regular feedback to be provided on the outputs of a service, but cannot assess the quality of outputs or outcomes of a service's work.
- ▶ Evaluation is an overall assessment of the performance of the service in meeting its aims and furthering its values. It can vary from the evaluation of specific activities or parts of a service through to the review of the service as whole.



An annual review should look at the work of the past year and evaluate it, to enable the work for the following year to be planned, building on the successes and remedying the failures of the past year. As noted above under service planning, each service should set priorities for the year ahead and identify the key targets which will indicate whether the service is continuing to meet the needs of its service users. The review is then built into this process as an integral part of the planning cycle.

The annual review will also inform the review process of the strategic/long-term plan. Aspects of the strategic plan can be assessed against the outcomes for the year, and longer-term assumptions can be adjusted as a result of this process. At the micro level, the annual review can also be used to adjust individual work plans and priorities and identify where any gaps in meeting the current needs of the service are occurring.

**TIP** Services need to accept that it may not be possible to review every element of the service at one time. It is important to identify those areas which are key to the service and those areas on which a special focus should be held in a particular year, for example education and outreach work, networking, research and publications. A rolling programme of review can then be developed which will aim to focus in depth on other areas of the service in subsequent years.



The review should look, however, at both service delivery and the administrative systems which facilitate and record interventions.

Areas that should be examined in the review process include:

- The annual plan and how far it was achieved; what the shortfall areas were; how any specific targets were met or not
- The functioning of administrative systems, including data collection methods
- Individual work/caseloads
- Customer feedback, including action taken as a result of complaints
- Staffing records, including leave, sickness, training, and so on
- Publicity and public relations
- Policy and procedure compliance, particularly in respect of equal opportunities and courtesy, and so on and
- Any special focus areas (as noted above)

Where staff alone are involved in the annual review process, a regular report should be written for those with overall responsibility for the planning of the service, such as management committees.

The review process should be part of a wider commitment of a service to ensure that it is providing value for money and that it is meeting need. It is important, therefore, that service providers find ways of ensuring that the outcomes of reviews are published and distributed. This may be through an Annual Report or through specific reports.

**TIP** It is important to remember that services are being provided for the benefit of users. The review cycle should also include an impact assessment of this aspect of your service.



## Standard 2.6

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### All services must be subject to regular independent review and/or evaluation.

Reviews or evaluations are tools for ensuring the relevance, efficiency and effectiveness of a service. They are an essential management tool to ensure the ongoing development of a quality service and provide means of demonstrating an agency's competence to the public and other stakeholders.

For local authority provided services this could include best value reviews and equality impact assessments undertaken by another part of that local authority or by an independent contractor.

For local authority or registered social landlord services this could include The Housing Regulator inspection reports where these have looked in detail at the advice component – however, this would only be relevant for those agencies offering only homelessness related advice.

For Citizens Advice Bureaux this may include the membership review.

Other evidence may include where advice provision has been reviewed in a locality (for example, as part of a local authority review of advice provision). An individual agency should be able to demonstrate that the conclusion in such a review covers their agency and that any recommendations emerging have been reviewed by their governing body.

If an external review has not been possible, an internal review must involve, as a minimum, consultation with service users and other stakeholders.

A review should cover:

- Service remit (see Standard 2.1)
- Efficiency – the functioning of administrative systems, data collection methods, staffing records, case loads and value for money
- Effectiveness – the extent to which the targets in the annual or business plans have been achieved and future plans for meeting any shortfalls
- Impact – the outcomes of the advice on individual service users and the wider community and
- Relevance – the views of service users and other stakeholders on the future priorities for the service

All reviews and evaluations (and summaries of reviews and evaluations) should be made publicly available.

Agencies that are audited through the National Standards accreditation scheme will be able to use the audit to demonstrate that they have reviewed the quality of outputs and the efficiency of their service. The audit will also seek to establish that they have systems for ensuring the continued relevance of their service. However, it does not make a judgement on how relevant the service is – prior to securing accreditation agencies will need to demonstrate that they have sought the views of service users and other stakeholders and that this evidence has been used in reviewing the remit of the service.

**TIP** One advice provider which has achieved accreditation has two Council link officers on the Board of Directors. The link officers have a role in monitoring the performance of the project against the service agreement and undertake an annual review of the service agreement acting as a first point of contact between the advice provider and its funders and working with them to resolve any difficulties.



## 3. Standards of Accessibility and Customer Care

*Services operating to these Standards should be accessible to all members of the community and operate with the highest standards of customer care.*

### Standard 3.1

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**All service providers must be committed to providing equity of access to services for all.**

A quality service is dependent upon services being available to those members of the community most in need without discrimination either at the point of service delivery or in the planning of which services are to be delivered and how those services are to be delivered. This does not preclude providers from identifying particular client groups or ensuring their services are targeted at those in greatest need.

All service providers seeking to comply with this Standard are required to have a clear statement of intent with regard to meeting the needs of all. This applies except where the aims and objectives clearly define them as a specialist service for a defined sector of the population. The statement should explain how the service intends to implement this policy and how it intends to measure its effectiveness in meeting this policy.

All of those involved in the planning, management and delivery of the services should be able to explain the service's policy and how this impacts upon their role.

The overall effectiveness of any strategy for information and advice depends upon a range of providers' ability to serve the whole community and upon recognising the special needs some individuals and minority communities may have in accessing and benefiting from the service provided. Considerations of both equity and equality of opportunity must be an essential part of each service's work.

There are legal requirements about equal opportunities in relation to both employment practices (see Standard 5.1) and service delivery. Legal requirements are focused on six equality groups:

- ▶ Age
- ▶ Disability
- ▶ Faith
- ▶ Gender
- ▶ Race
- ▶ Sexuality

In addition, good practice emphasises the importance of equal opportunities in underlining all of the policies, procedures and practices that are a fundamental part of ensuring access – both to the service and to employment within it.

Training is an essential part of this process, in developing awareness in staff, volunteers and management committee members about the barriers that can affect people from disadvantaged, oppressed and marginalised groups. This includes the development of a sensitive approach which can benefit all service users.

Where a service offers a clearly designed service for a defined sector of the population, this needs to be indicated in the mission statement. However, any Equal Opportunities Policy needs to show that practices and procedures within the service are not discriminatory, but reflect the operational objectives of the service in a public and open way.

Equal Opportunities awareness includes addressing the issue that some groups within the community may not see themselves as oppressed or disadvantaged. Services need to look sensitively at these issues – they need to aim for a comprehensive approach, which ensures that specific groups are mentioned where, in the opinion of the service, there may be indirect or hidden discrimination as a result of the service’s practice or where perceived discrimination may deter members of these communities from seeking their rights or access to services or employment.

In drawing up an effective and meaningful equal opportunities policy, services must take account of the fact that discrimination can take many forms, some of which may not be obvious. This is very different from just acknowledging direct and indirect discrimination. For instance, in the field of disability awareness, it is important to understand that disability can take many forms, some of which are not obvious. People with visual and hearing impairments are not obviously disabled in the way that wheelchair users are, but can be significantly affected by the ways in which services are delivered.

Standards 3.3 and 6.1 provide additional information on ensuring accessible premises. This may be supplemented by reference to the Standards produced by the Scottish Accessible Information Forum: [www.saifscotland.org.uk/publications/publicat.htm](http://www.saifscotland.org.uk/publications/publicat.htm).

**TIP** Equal Opportunities Policies need to incorporate the following elements:

- A clear statement of policy which should include employment practice, governing structures and service strategy
- Definitions of direct and indirect discrimination (see below under Legal Requirements)
- What responsibility the service takes in respect of equal opportunities – this section needs to address the action that the service will take in ensuring compliance with its statement, and may indicate key activity areas where the policy will be implemented
- What the responsibility of the individual is within the service – clearly, implementing the policy not only requires the service to commit itself, but also requires the active commitment of all its staff and volunteers
- Monitoring and review and measuring effectiveness in equal opportunities – the policy should include reference to the ways in which progress on equal opportunities will be reviewed and monitored by the service (this may be included in the section above on the service’s responsibilities)
- Training and awareness development – this area needs to be covered in the policy, including a commitment to provide appropriate training
- Grievance and disciplinary procedure in respect of breaches of equal opportunities – many equal opportunities policies contain specific clauses which relate to the grievance and disciplinary procedures of the service



## Standard 3.2

**All service providers must have a clear commitment to treat service users with respect and be clear about any expectations of behaviour they have of service users.**

Ensuring access to the service and ensuring that the service users may apply the information or advice given is greatly assisted by a service maintaining a level of courtesy to all. This is particularly true in any cases where service users may come to a service in considerable distress or may not be able to present

themselves in the most favourable light. The courtesy commitment is a two way process and services should expect a level of courtesy in return which includes an absence of abusive behaviour which may threaten staff or restrict the access of other service users.

All service providers should be able to evidence their commitment to this Standard by a written policy that requires all of those involved in the delivery of service, including non-technical staff, such as reception staff, to relate to the public in a courteous and respectful way. Compliance with the service's policy may be evidenced by:

- A statement of customer care displayed in public spaces (such as reception areas)
- Customer care training for staff
- Telephone skills training for staff and
- Anti-discrimination training for staff

**TIP** Any expectation that the service has of its service users – including what may cause the service to be removed, for example, meeting appointment times, the use of verbal abuse, and so on – should be documented and prominently displayed.



Standard 3.1 stresses a need for service providers to ensure that there are no barriers which exclude people from access to the highest standards of service provision. In emphasising the need for a courtesy commitment, good practice suggests that users of a service be treated with the courtesy and respect that will enable them to feel enough trust to support them through what may be a distressing period in their lives.

In addition, people wishing to use a service may have their access restricted by the behaviour of other users. For this reason, it is important to provide explicit information on the behaviour expected from service users generally and have procedures for dealing with unacceptable behaviour.

The policy should include the explicit standard of behaviour expected from paid and unpaid staff in dealing with the public, either in person, on the telephone or in any written communications. This will include the use of appropriate language and behaviour; how the service will deal with offensive remarks that may be aimed at specific types of users; appropriate conduct in public areas of a centre such as inappropriate consumption of alcohol whilst at work, or other activities which may diminish the user's confidence in the professionalism of the service; things which could cause affront to service users, for instance inappropriate posters or pictures in public areas; expected standards of dress and cleanliness.

Services should ensure that any expectations stated in this policy should also be included in other appropriate policies and procedures, for instance in the complaints procedure and in employment procedures. Disciplinary procedures should be reviewed to ensure that they clearly specify how breaches of this policy will be handled. Training for staff to support the implementation of this policy should be undertaken.

Services may wish to develop policies that specify the type of behaviour that they will not accept from service users, for example, behaviour that may endanger their staff or that may restrict access to other users. This may include physical or verbal violence or aggression, racist or sexist behaviour, remarks or comments or other threatening behaviour directed at staff or other users. It may also include a prohibition on the consumption of alcohol by users in waiting room areas or smoking in non-smoking areas.

Policies aimed at service users should be written in clear language and displayed in a prominent position in public areas, for instance the reception area, waiting areas, interview rooms, and so on. It should be presented in a format that will clearly communicate the expectations of the service provider to its users. Where appropriate, it should be translated into other languages. Sanctions for any breach of the code for service users should also be displayed. These may include asking people to leave, for instance if they are abusive or threatening as a result of substance misuse, to the circumstances in which the police would be summoned.

Services providing advice through home visits should pay particular attention to ensuring that staff respect the conventions within the homes of the people that they are visiting. Similarly, identification should be considered for staff and volunteers for individuals attending home visits; some public services have introduced code words that can be used with the elderly and with visually impaired users of service to assure them of the visitor's bona fides. Wherever possible appointments should be made in advance. The safety and security of the user of service should be considered in all cases.

Services must also consider the safety of staff and volunteers. If there are any doubts about safety, services should always err on the side of caution. Records should be kept of when and who staff are visiting. Where staff or volunteers feel that their safety may be jeopardised or their professionalism compromised, agencies should accept that accompanied visits are appropriate. Some staff carry mobile phones and use a buddy system with colleagues to keep each other in touch. Where a member of staff has encountered a difficult situation time should be allocated for debriefing.

**TIP** Home visits

You must also consider cultural factors in going into people's homes. For example, it would be inappropriate for a man to undertake a home visit to an unaccompanied Muslim woman.



## Standard 3.3

**All service providers must have procedures to review their premises at least once every three years.**

The quality and maintenance of premises play a crucial role in ensuring access to a service. Access in this context means not only physical access, but also people's willingness to use a service because of its location and its appearance. *This standard does not apply to Telephone Helplines.*

**Type I** providers seeking to comply with this Standard will be expected to have procedures to review the premises from which the service is delivered (including own offices, outreach and surgery locations) at least once every three years. This should include:

- Physical accessibility for those with physical and sensory impairments and
- Location to ensure that it is relevant to the service's catchment area

This should be produced as an action plan or strategy paper.

In addition, for **Type II** and **Type III** providers this review should include:

- The adequacy of resources such as confidential interview rooms

Further requirements regarding premises can be found in Standard 6.1 and regarding confidential interviewing space in Standard 3.9. These Standards should be referred to in planning a premises review.

There are four main areas that a review of premises should cover:

- Location
- Accessibility and adaptations
- Services and resources and
- Health and safety

The primary consideration for an advice service in terms of premises is its location. The location should be tested against the catchment area established for the service. Many services will not have any choice if they already have established premises, but this does not mean that the premises position should not be regularly reviewed as part of the planning process. Even where there are many constraints within existing premises, imaginative thought can make them more attractive for current and potential service users.

Even where the location is appropriate, the premises themselves may not be adequate. The decision services have to consider in these circumstances are do we move, or do we stay put and make improvements to the existing premises? It is important to consider whether a move would improve the whole range of factors that need to be considered in relation to premises – services should prepare their own checklist of what is important and weigh each consideration. Where standards are not met at present, services should draw up timetables and costings to achieve the standards within a realistic time frame.

**TIP** Where the cost of travel to the service premises is an issue, some providers' procedures allow them to pay fares to assist clients to come to the service.



### Accessibility and Adaptations

Improving access is a core aim of these Standards. Physical barriers to access can be one of the most difficult factors in reducing overall access to information and advice. It is important that services develop disability awareness in all aspects of their work, and this is particularly critical in relation to premises.

As well as wheelchair access, there are other things that should be considered. For example, directional notices in Braille, paint applications or raised services can help visually impaired people find their own way about premises. Induction loop systems and minitel in interview rooms can help those with hearing impairment who wear hearing aids. Loop systems in particular need not be expensive to install. Toilets should be available in all premises. At least one of these should be adapted for people with mobility problems, not only to provide wheelchair access with sufficient space for a wheelchair, but also with a raised seat, handrails, wheelchair level washbasin and call system in case of emergencies. Doors with hinges that assist entry and ramps are also important for people with mobility problems.

Advice on improving access for disabled people is readily available from local and national groups of disabled people. Many of these groups already undertake premises audits for a range of service providers and provide advice on relevant adaptations. It should be noted that there is now a legal requirement upon all service providers to provide access, or make reasonable alternative provision, for disabled people. In undertaking premises reviews consideration should be given to these legal requirements and to alternative ways of delivering service – elsewhere by arrangement or by home visits. Further guidance on developing physical accessibility for disabled people to information and advice services is available from the Scottish Accessible Information Forum: [www.saifscotland.org.uk](http://www.saifscotland.org.uk).

The costs of adaptations can appear daunting. However, without such adaptations a service may, in effect, deny its service to those most in need. The adaptations made to improve access for service users can also be beneficial in terms of staff and volunteers. Improving disabled access to premises means that a service can recruit both staff and volunteers with disabilities.

### Services and Resources

The availability of confidential interview space is a requirement under Standard 3.9 for **Type II** and **Type III** providers, to ensure that current service users receive a confidential and private service. Services may wish to note that office based advice sessions are not the only way of delivering services. Services with inadequate office premises may wish to consider other means of confidential service delivery, such as home visits or telephone advice.

Reception space provides many service users with their first impression of a service. If people are to wait for longer than 20 minutes it is important to provide distractions, such as books, magazines, board games.



For service providers operating in areas with people from some minority ethnic communities it may be important to have a space where women can wait separately from men who are not of their immediate family. If there is not enough space for this in reception, a service may consider an arrangement whereby women or men are ushered into an interview cubicle upon arrival.

Many people accessing information and advice services will need to bring their children with them. It can be very distressing for a parent if they have to wait for some time to be seen and there is no distraction for their children. Whilst not all services will be able to provide either a dedicated child's play space or crèche facility, even a small area with some cushions and a box of toys and books for various ages can be a great help. Parents with prams and pushchairs are also assisted by the adaptations made for people with mobility problems. The installation of a nappy changing table (where space is limited this can be a foldaway table) in a lavatory can be very helpful.

**TIP** For service providers operating in areas with people from minority ethnic communities a quiet and appropriate space for staff and service users to carry out religious requirements should be considered. This can be a cubicle or other room with a different use set aside for religious purposes at specified times. It should not be next to the toilets or the kitchen (although people should be able to wash as necessary) and it should be free of distractions and not include inappropriate imagery (including any representations of people). It should be clearly indicated in reception, staff information and meeting spaces.



A key question that many services fail to address is whether they are making the best use of available space. It can sometimes be helpful to ask an architect to look at premises and to give advice as to whether more efficient use could be made of the space. For example, is the meeting or training room currently under-used? Is there a room somewhere nearby that could be used for training or meetings thus freeing up this space? Would budgeting for the occasional use of other premises free up space that could be converted for interview rooms or as an improvement on current reception space? Would it be cheaper to do this than to move and lose a good location? Analysing all the options is important in ensuring that premises are suitable for the service that is offered.

The general aspect of premises is important. Keeping premises clean and brightening premises up can make the service a more welcoming place. Painting and decorating, using pictures and plants, the arrangement of the furniture can all make a difference between a depressing environment and one that feels friendly.

## Health and Safety

Under the Workplace Regulations (Management of Health and Safety at Work Regulations 1992), employers are responsible for ensuring that the service adheres to the following requirements:

- Working environment – temperature, ventilation, lighting, room dimensions, and the suitability of workstations and seating
- Safety – safe passage of pedestrians and vehicles, windows and skylights, doors, gates, floors and falling objects
- Facilities – toilets, washing, eating and changing facilities, clothes storage, drinking water, rest areas and rest facilities for pregnant and nursing mothers, and
- Housekeeping – maintenance of workplace, equipment and facilities, cleanliness and removal of waste materials

Staff safety is a key responsibility for all services. Health and Safety issues are covered by legislation, and form part of an employer's statutory responsibilities. Other issues, which are not covered by the law, should be seen as important for services. With regard to premises, services should consider the good practice points below.

- Interview rooms should be fitted with panic alarms
- Interview rooms should be clearly visible from space that is in constant use by others – for example, facing the reception area if this is staffed
- Interview rooms should have windows facing onto an area in constant use by others – for example, doors should be fitted with glass panels
- Seating arrangements in interview rooms should ensure that service user is never seated between the adviser and the door

Every service should draw up a health and safety policy which goes beyond the statutory minimum, and addresses issues of safety in the service and for service staff in working with service users. Identifying good practice procedures which are service specific and deal with situations likely to be encountered by the service and its staff and volunteers is recommended. Where necessary, resources should be identified that can be applied to improving safety in a service. Other areas of staff safety that service providers should consider include:

- Advising staff never to interview when alone in the premises
- Developing a policy on dealing with violent users – this will relate to the requirements in Standard 3.2
- Considering training for staff in coping with difficult or potentially aggressive service users – training in conflict avoidance and assertiveness can help staff develop strategies for dealing with potentially difficult situations
- Setting up a reporting system for incidents and ensure that they are documented; and
- Developing a safety conscious attitude in staff, particularly if they are involved in evening or out of hours work and home visits

### **Implementation Guidelines**

Clearly, many of the good practice notes above are resource demanding. There are possible sources of help available to carry out some types of improvements, for instance grants for adaptations to improve disabled access. Local authorities and councils of voluntary service should have local information on these. Before undertaking any such improvements, however, service providers should speak to local disability groups about their views as to the best way to improve access.

In general, it is helpful to ask service users for feedback on how they feel about the premises and ask for suggestions. Services have often found that doing this results in donations of chairs, curtains, toys for children, and so on.

In reviewing premises needs and finding ways of meeting the standards, networking with other services can help in identifying premises for outreach work or to fill a need for additional space, for example, for meetings and training sessions.

## Standard 3.4

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**All service providers must regularly review the methods of delivery for their service to ensure both accessibility and the effective use of resources.**

Access to services and reviewing the methods of delivery against the aims and objectives of the service can ensure the effective use of resources.

**Type I** providers should be able to demonstrate that the service has a process for reviewing each method of delivering information at least once every two years.

In addition, **Type II** and **Type III** providers should be able to demonstrate that this review includes consideration of:

- Traditional office based information and advice
- Telephone helplines and advice
- E-mail enquiries
- Internet information
- Surgeries and outreach in other services' premises
- Home visits and
- Impact assessment

All service providers should be able to demonstrate that this review includes consideration of the services provided by other services and the views of different groups of current and potential service users.

Home-visiting services can greatly improve accessibility. However, this is a resource intensive method of delivery and services should be clear about who can and cannot access the service.

The rapid development of information and communications technology is likely to have a dramatic impact upon the way in which information and advice services are delivered. Changing methods of delivery will also change the profile of service users. It is therefore important to review the methods of delivery regularly to ensure that the service is meeting the needs of its local community.

For example, e-mail enquiries have been identified by a number of people with sensory impairments and impaired mobility as a preferred means of accessing services. The rapid introduction of this technology is likely to increase demands for services delivered in this way. Similarly, if a service discovers that it is failing to attract young people in its area it may decide to make its own premises more attractive to this group or operate a surgery at a youth group.

Alternatively, an information provider may have a large printing budget for its leaflets. However, if people in the area have ready access to the Internet – for example, in public libraries or through digital TV – the information may be better placed on the Internet.

Reviewing the methods of delivery is a key element in ensuring that the service is both accessible and efficiently run.

**TIP** The review will need to consider whether current methods of delivery are the most effective means of meeting the aims of the service and reaching its target service users and must take into account client feedback on accessibility and effectiveness. The resources applied to current methods of delivery and resources required to provide services with alternative methods should be part of the review. This should be accompanied by an analysis of service use against the community profile and under-represented groups should be asked what might make the service more attractive to them. This should be informed by knowledge of what other services are provided in the area.



## Standard 3.5

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**All service providers must regularly review their hours of service to ensure that these meet the needs of their current and potential service users.**

Traditional office hours of opening may exclude many people most in need of services from accessing that service.

All service providers are required to demonstrate that their service has a process for reviewing hours of service at least once every two years.

Community needs change over time. Many existing advice and information services were established in the 1970s, 1980s and early 1990s at times of very high unemployment. For many service providers their target service users could easily attend advice services during normal office hours, but this is not always the case. Whilst most services are likely to continue to experience high levels of demand, for many the profile of service users is changing. To ensure that the service can continue to meet the needs of its community regular reviews of hours of service are required.

The review of opening hours should consider who is using the service and at which times. This should be tracked over a period of time to identify any changes. This information should be compared with the community profile and any variance noted. If any groups or communities are under-represented in service use the service should consider the impact of changing the hours of service. This may be undertaken by consulting with those potential service users about the impact of operating with different hours of service or by running experimental sessions and monitoring use. It is important to factor in consideration of the hours of service of any other service providers in the locality. In running any experimental new hours of service these changes should be publicised.

## Standard 3.6

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**All service providers must ensure that potential service users are aware of the service that is provided.**

Services should ensure that their target service users are aware of the services available. To ensure that this is the case, services should regularly publicise their services using appropriate media (such as leaflets, posters, and referral networks).

To comply with this Standard, all providers are required to:

- Produce a marketing plan or promotional summary that details how the service's target users will be informed of the existence of the service. This should be clearly linked to the community profile and needs assessment requirement in Standard 2.2
- Identify a separate promotional budget.

It is important that information and advice is available to all. Services can play a key role in this by ensuring that their target service users are aware of the service available. Regular publicity is essential. Communicating what a service does ensures that it continues to reach those people who have a need for the service. Even when a service is over-stretched, it is possible that some groups are excluded from the service because they do not know about it, rather than because they do not need it. Services should never assume that just because they are well known in their local area everyone who needs the service can find and access it.

For some services, the promotional strategy may need to describe how the service will limit demand to an acceptable level in line with service resources, rather than seeking to encourage additional use. Services that experience heavy demand at certain times may wish to consider explaining that, for example, Mondays are very busy and that callers may receive a quicker response on Wednesday afternoons.

Contingencies and emergencies may also arise which need to have a procedure – for instance how will the service inform its users if the service has to be curtailed because of staff holidays coinciding with a flu epidemic? In addition, emergencies can arise in which the service is asked to assist, for instance in a local catastrophe. Changes in legislation that may impact quickly on some service users and the service will decide to set up special sessions to provide an effective service in these instances.

The service needs to publicise what it does, when it is available and how it can be accessed. Specific parts of a service that may be relevant to particular groups should be publicised in different ways. For instance, if a service is open on one evening a week for people who are in work and cannot reach it in normal office hours, it should ensure its publicity reaches relevant places and is worded in such a way as to show that this is what this session intends to do.

If a home-visiting service is offered, it needs to be clearly publicised. Remember that if the only place people can pick up leaflets or information about a home-visiting service is from the advice centre, people who can't get to the centre will not know about this part of the service. Networking with other agencies whose staff or volunteers regularly visit people in their homes and asking them to give out information leaflets out can extend the range of information about the service. Using the local media – newspapers and local radio – can also help with this type of publicity.

If a home-visiting service covers anyone living in an outlying area, because access to transport is difficult, or if it is designed to serve only the elderly and house bound, it should ensure that its publicity indicates this to avoid inappropriate demands for this part of the service. Publicity can also explain why callers may receive a quicker response on some days rather than others, and how long they may have to wait for an interview.

In addition, publicity is a means to ensure accountability of the service to the wider community, through, for example, publicising annual reports. Services should also publicise any changes that are made to the service as a result of user feedback, for instance as a result of a user satisfaction exercise or as a result of complaints that have been received.

Publicity should be budgeted for as a regular activity. Services cannot assume that advertisements in the local paper, which may be free, are as much promotion as is needed. A budget heading is needed for publicity, and a programme should be developed and costed.

Publicity needs effective distribution.

Which is the best local paper for advertisements?

Which are the important notice boards in community centres (for example, health centres, churches, and so on)?

Are there shop windows which are used by other services for posters?

Is it best to leave bundles of leaflets in the local health centre, or could the service ask staff there who visit outlying areas or home visit to take the leaflets with them?

Is a door-to-door delivery of leaflets in a particular area helpful?

**TIP** The promotional strategy will need to decide who the service needs to reach and research how it can best reach them. For example, if monitoring shows that a service is reaching very few young people, but they have a need for advice and information, research the best means of reaching them. This may include talking to community education and youth workers, putting posters up in local youth services and other places where young people gather.



The scope of promotional material may include:

- ▶ Leaflets – which specify: the service available; when it is available; how it can be accessed (through drop in, appointments only, telephone, home-visiting, and so on); what to expect when the service is contacted, plus any other facilities that are offered (for example, a crèche); leaflets should be available in relevant community languages
- ▶ Posters – which publicise the service and its opening hours, placed on public notice boards, in shop windows, and so on; these do not need to be expensive, but must be clear and unambiguous
- ▶ Using the local media – local newspapers and radio always want local news and often carry specific slots for service information; local radio is a particularly effective way of getting immediate messages across, for instance, if a service is likely to be closed or limited for a short period, or if it is targeting a particular group because of a change in legislation
- ▶ Using other services – through, for example, newsletters sent out by other services, which could carry an advertisement for the service or an article about its work. This can be helpful if a service wishes to reach a specific target group
- ▶ Websites – increasing numbers of information and advice providers are setting up their own web pages; these can be a useful means of providing information, both about the service and about advice topics and
- ▶ Corporate publicity – which is service specific; for example, in Council newsletters

## Standard 3.7

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**All service providers must be able to provide information in a range of formats and community languages that are appropriate to the needs of disabled people and the local community.**

Services should ensure that all written information can be produced in a way that is impact assessed to ensure it is accessible to disabled people and people whose first language is not English. This may include provision for the translation of leaflets or the development of all alternative means of ensuring accessibility. It should be noted that, with regard to disabled people only, this Standard is a statutory requirement.

To comply with this Standard, all service providers should have plans for meeting the needs of people in their communities for information in accessible formats/appropriate languages. This may include self-production of the material or partnerships with other providers.

Where such formats/languages are not automatically available, the plan should include a means to ensure the provision of information in alternative formats/languages to be timely, with people being able to receive such information within a time agreed between the service user and the information provider. This may include provision of the information directly or sign-posting agreements to other services that agree to undertake this work on the service's behalf.

Increasing access to a service includes being aware of the needs of people who may have difficulty with spoken and written English. This need applies not only to people whose first language is not English, but also to people who are hearing and speech impaired or who have literacy difficulties.

Services should also be aware of the barriers to advice and information if they do not use clear language in all communications. Much written material can be impenetrable, and a barrier to effective communication. Effective information and advice work is part of the empowerment process – services must ensure that they help people to know the questions they should ask, as well as providing them with answers to those questions. In some cases leaflets which are over reliant on the written word may be a barrier to people with learning disabilities or literacy needs. Visual images, used in a non-patronising way, can convey information effectively.

Local authorities and community relations councils should be able to provide services with a profile of the languages appropriate to their area. They also may have resources available to facilitate the translation of materials.

Local disability groups and the Scottish Accessible Information Forum (SAIF) [www.saifscotland.org.uk/index.htm](http://www.saifscotland.org.uk/index.htm) can provide further details of the range of alternative formats that may be required. Information held digitally (for example, on computer disk) is often relatively easy to translate into different formats such as large type, Braille and so on, and new technology is becoming available to turn written text into synthesised voice texts. SAIF produces a directory of services providing alternative format services.

For other languages and alternative formats, service users should not be unduly disadvantaged by having to wait long periods for translated materials. The translation resources available in different parts of the country vary considerably. However, service providers should develop a policy, and inform service users, on how long people should wait for such materials.

**TIP** It should be noted that the translation of materials can be costly. Services should work with other services in their areas to ensure that, between them, no one is excluded from access to information.



## Standard 3.8

**Services must not disadvantage users whose first language is not English. All Type II and Type III services must have access to interpreters in appropriate languages and clear procedures for the use of interpreters.**

Services should be accessible to all members of their communities and individuals should not be excluded from service use, or receive a qualitatively different service, because of their mother tongue. The use of interpreters should be consistent with other policies, in particular those regarding confidentiality.

To comply with this Standard, **Type I** services must demonstrate that they can provide an 'active' sign-posting service to all members of the community. Service providers should also maintain referral sources in appropriate languages.

To comply with this Standard, **Type II** and **Type III** services must have clear policies and procedures on the use of interpreters. They must also maintain contracts or other arrangements with interpreters in community languages appropriate to their catchment.

As in Standard 3.7 increasing access to a service includes being aware of the needs of people who may have difficulty with spoken and written English. This need applies not only to people whose first language is not English, but also to people who are hearing and speech impaired. Interpretation should include all languages, including sign language systems used by hearing and speech impaired people. In considering this Standard, it should be noted that there are legal requirements relating to ensuring accessibility to services for disabled people.

Many services say that there are relatively few, if any, people in their area who need this type of service. However, even though the numbers may be small, the risks of excluding people from access to services by failing to discuss the issue and working out a clear policy of what to do when such a service is needed, are considerable. Each service needs to look at how it could provide such a service.

Work undertaken to comply with Standard 3.7 should identify current and potential levels of need in the community for this type of service. Even where planning has not indicated an existing need, services should consider how they could provide such a service if it is required. A good policy will include Guidelines on the use of interpreters. You can get help with this from Happy to Translate [www.happytotranslate.com](http://www.happytotranslate.com).

In this respect, leaders of an ethnic or language community who may be in a position of power over the individual needing support from the service should not normally be used as interpreters. For instance, local business leaders may be employers of individuals or members of their families, or may have cultural or religious authority that would disadvantage the individual. In the case of women from minority ethnic communities who may have experienced domestic violence, or may be seeking to leave their partners for other reasons, the use of interpreters from within their specific local community may jeopardise their safety. The young children of individuals approaching the service should also not be used. It is in general inappropriate to ask a young child to interpret for a family member, given that the subject matter may be distressing both for the child and for the service user. Where older children or other relatives need to be deployed as interpreters, the service user's approval must be sought in advance and where there is any reluctance, an alternative interpreter should be sought.

**TIP** Other advice services can be a great source of assistance in this area and in addition, local authorities and Councils of Voluntary Service often maintain lists of translating services. Developing links with other services can provide not only sources of information about interpreting services, but may give access to individuals with language proficiency.



Local and national disability groups maintain lists of interpreters for the hearing impaired. It may also be worth considering sending a member of staff on a signers course. Courses are run by specialist services, are not normally expensive and a basic level of knowledge can be acquired quite rapidly.

For larger (and some smaller services) it is worth conducting a language audit within the service of paid and unpaid staff and committee members. It is interesting how often services do not know that their staff or volunteers have language skills. A question about language skills can be included on volunteer application forms. Where research and the planning process has identified that a particular language could be needed regularly in a service, it is worth considering whether it would be appropriate to advertise a particular staff vacancy with an emphasis on proficiency in that language. Specific recruitment of volunteers from particular communities can also be considered.

It is also worth investigating access to remote interpretation services, through telephone links to specialist services.

Whatever arrangements are made to assist service users who have difficulty in written, spoken or heard English, notices should give service users information about the arrangements. These posters should not be written solely in English, even in areas where translation needs appear to be rarely needed. A wide range of leaflets are available in ethnic community languages from the Benefits service and other similar statutory bodies, as well as a number of voluntary services. Stocks of appropriate leaflets should be kept, but services should ensure that out of date stocks are regularly removed and updated versions ordered.

**TIP** Many local authorities subscribe to translation services such as Languageline which offers over the phone translation where your client can speak to an interpreter in any of 150 languages. The interpreter participates in a three way information exchange with you and your client helping both sides to communicate with the other.





## Standard 3.9

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### All service providers must have effective and appropriate policies on confidentiality and access to information.

Every service user has the right to expect that the service they receive is provided in confidence and that any records about them kept by the service are fair and accurate.

To comply with this Standard, **Type I** service providers should have policies that cover:

- The way in which information is provided by the service and any provision for carers if appropriate
- Details of any information that may be held about the service user by the service provider
- The circumstances in which this may be passed on and
- How the service user may access any information held about them

To comply with this Standard, **Type II** and **Type III** service providers' policies should also cover:

- The way in which the service will be provided (for example, private interviewing space) and any provision for carers if appropriate
- The extent of the policy and any limitations to it
- What any exceptions are and why
- Breaches of confidentiality and how these will be dealt with and
- Forms of authority enabling the service to speak or act on behalf of the service user

The right to be advised confidentially and privately should be seen as central. Services that do not currently have access to confidential interview space should consider how safe it is for the service user to disclose confidential information in a space to which other service users and staff have access. In relation to access to information, the business of the advice session is the service user's and therefore they should have access to any records kept about their case.

Confidentiality policies should include what detail a service user may be asked to give in a public reception area, as well as interviewing procedures, case files and enquiry records. Many advice networks and services will have policies on confidentiality and service user access to information held about them. However, there is often confusion about confidentiality in services and it is possible for a service to conceal bad practice behind this issue.

The need for confidentiality can be inappropriately used to preclude discussion of a case with anyone, even within the service, and to prevent the implementation of casework audits. This view of confidentiality means that no assessment can be made as to whether standards of advice are being met. Services need to examine their policies and procedures in this respect and set clear boundaries which enable quality checking of casework and information to be undertaken and ensure that bad practice does not hide behind the mask of confidentiality. Services should be aware that there is a distinction between confidentiality and anonymity – client profiles can be prepared which protect a service user's anonymity but which allow the service to develop its social policy role.

Confidentiality can also be used as a barrier to effective referral, where a service may decide that formal referrals cannot be made to another service because this would breach confidentiality safeguards. Whilst the reasons for this can be understood, to offer a truly client centred service, there is a need to balance respect for the personal details that clients give with mechanisms to ensure that the client's needs are met effectively. Good practice would suggest that information is given in confidence to a service to enable that service to pursue the service user's needs in the most effective manner. Provided service users are informed of the way in which information is being used, and give their consent, confidentiality should not be used to obstruct the advice process.

**TIP** One agency has devised a procedure that allows the service user to be in control of the information they provide. Each service user whose information may be shared between agencies is given a personal log, very much like a personal organiser. It allows the service users to note relevant information about their case to share with each of the agencies involved. The personal log allows them to share as much or as little as they choose with services with whom they come into contact.



There may also be a need to separate out issues of confidentiality from issues of impartiality. For instance, where a service is working with one party in a dispute, and the second party approaches it for assistance, does it breach confidentiality to inform the second party of the reason why they cannot be assisted, or should they merely be told that they cannot be helped? In the latter case, this could give rise to a complaint if the service publicly declares that it will assist anyone. Some services lay down clear guidelines which state that in this type of case, the second party must be informed that they cannot be assisted and the reasons for not advising them clearly stated. Wherever possible individuals should be referred either to another adviser in the service or to another appropriate service.

Confidentiality may not be an absolute, even without the client's permission. If there is a clear danger to the client or to someone else, some services will breach confidentiality. Fraud is an issue that concerns many services in respect of confidences passed to them by service users, and in some cases staff and volunteers are trained to stop a service user from disclosing information if this could lead to a potential legal conflict in respect of the volunteer or staff member being privy to information about a criminal offence.

The use of volunteers in areas where clients and volunteers are likely to be known to each other can also raise issues of confidentiality. Many services have developed policies that ensure that where a service user and volunteer or staff member are known to each other, the client must be asked if they would prefer to be seen by someone else, if possible. However, a barrier to access to advice and information services may be that people will not use a service if they know that someone they know is a volunteer or member of staff there. Each service will need to judge this issue as it arises.

Ensuring confidentiality in many areas, particularly rural areas, also raises broader issues in relation to access. Some services have found that if they establish a specialist service, which will identify the problems of people visiting the service, the take-up will be low. In some areas, the preservation of confidentiality may need to be accomplished through non-specified sessions or through specialist support and help being made available through other services and means.

**TIP** Confidentiality is important in relation to home-visiting. For example, the agency minibus with the logo on the side should not be parked outside an individual's house, unless they have been asked if it is all right to do this. If a service user asks for discretion that wish should be respected.

You must also consider confidentiality within the home. For example, can an interview be conducted in line with your confidentiality policy if other family members are present?



Services should regularly review their policies in respect of confidentiality and ensure that they have clear procedures for dealing with breaches of confidentiality. At the same time, they should ensure that these policies enable good practice to be developed in other aspects of their service. Other professional bodies, often backed by legislation, have developed good practice models. For example, medical general practices have a policy whereby patients may see any notes written by their doctor, but they do not have a right to examine information, such as letters, from a third party.

Consent forms are important in gaining permission from a service user to pass on information about their enquiry or case to a third party, wholly in pursuit of the advancement of their case or for the purpose of quality assurance audit processes (including audit for adviser competence under the statutory debt arrangement scheme). Agencies need to ensure that service users are fully aware of what they are signing when asked to sign a consent form.

**TIP** In one accredited agency the client consent form has been adapted to allow individual service users to opt in or out of any audit process being undertaken by an external agency. This is explained to service users at the outset. Advisers in the agency report that in virtually every case service users are happy to give consent to their file being used for audit purposes.



The issue of criminal activity being disclosed to a member of staff or volunteer needs to be addressed. Staff and volunteers need to be trained in stopping service users from disclosing anything of an illegal nature but a policy must be in place which outlines the procedure where information supplied by the client suggests that the client is involved in or about to be involved in criminal activity such as illegal money tendering.

Similarly, a policy should be in existence which outlines the procedure used if the adviser discovers a fraudulent claim for benefit.

It is recommended that all services consider the conditions under which such a policy should be applied and consider the adoption of such a policy. In respect of some criminal activities, there is a clear legal duty of disclosure on the advice service. A prime example of this is that it is an offence under terrorism legislation to withhold information from the relevant authorities about acts of terrorism.

Services should also be aware of their responsibilities in relation to data protection and access to information legislation. In particular, if case records with names and addresses are computerised, services will be required to register as a holder of such information with the Data Protection Registrar. This must include certain procedures for individuals to access information held about them. The Registrar has produced a useful series of free booklets about the Data Protection Act and its requirements. Statutory services are also subject to the requirements of the Freedom of Information Act – guidance will be available.

## Standard 3.10

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### Service providers must have procedures for the safe maintenance of files and for file destruction.

Careful storage of information is essential both to maintain the confidentiality of users' case notes and to ensure the efficiency of the service. Users of service should feel confident that information on their enquiry or case will not be stored indefinitely and that care will be taken in disposing of old case records. This includes both paper and electronic records.

All service providers are required to:

- Keep case notes stored in a safe and secure place and
- Have a policy for the length of time case notes are stored which details how and when these notes will be destroyed (for services maintaining case notes)

As a minimum, service users should expect that their case notes will be kept in a locked and fireproof filing cabinet. For particularly sensitive case notes, the service may wish to consider storing files in a safe.

Where data and case notes are kept on computer, services must ensure that their systems are secure. This will include keeping discs in a secure and fireproof place, ensuring that any casework or confidential files kept on hard discs can only be accessed through pass words and that these passwords are known only to those who need to have access to the information.

A written policy on the length of time case notes are stored should be included in the case management manual and this policy should be explained to the service user. For most advice providers this will be for a minimum period of seven years (after which time a service user cannot sue for incorrect advice).

Special arrangements should be made for the careful destruction of case notes, through, for example, shredding. Where the service does not have its own paper shredding facilities, careful arrangements should be made to ensure the safe transportation of files to their place of destruction.

**TIP** Local authorities may be willing to offer a shredding facility for services.



## Standard 3.11

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### Service providers must have an effective complaints procedure and adequate insurance to provide rights of redress.

Complaints provide a valuable means of service user feedback on the service provided. Service users should feel confident that if the service provider makes mistakes they can be dealt with promptly and that there is sufficient provision for redress.

To comply with this Standard, **Type I** service providers should have a complaints procedure that:

- Explains to the service users who to complain to and how the complaint will be dealt with
- Is publicised and
- Is monitored by those responsible for managing and planning the service

To comply with this Standard, **Type II** and **Type III** service providers should have a complaints procedure that also:

- Ensures information from complaints is incorporated into the Services Plan and
- Ensures changes that have been made to the Services Plan as a result of complaints information are publicised

Services exist to provide appropriate information and advice to people in need. For this reason, when things go wrong, they must make every effort to ensure that service users do not pay for the service's mistakes. All service providers are required to have adequate Professional Indemnity Insurance to ensure that service users are not disadvantaged by any mistakes the service may make in the delivery of its services.

Service users should feel confident that if mistakes are made by a service they can be dealt with promptly and that there is adequate provision for redress.

Complaints can also provide a valuable means of user feedback which can assist in planning and developing services so that they are responsive to need and accessible to all. Having a clear and effective complaints procedure that is easy to access, safe and responsive ensures this process.

A procedure of ensuring redress or complaints procedure should contain a number of elements:

- What a service user can complain about – for example, general level of service; the behaviour of a member of staff or volunteer; wrong advice
- How they can complain – who to; if there are forms; how these can be obtained
- How their complaint will be dealt with – how quickly; by whom; how they will be involved
- What they can expect as a result of their complaint – apologies, compensation and
- What general action to change the service is taken as a result of complaints

In addition, the service should have a strategy on how it will publicise changes made as a result of complaints, including information about how and why they have occurred.

**TIP** Information for service users which tells them about the complaints procedure should be clear about how to complain about the attitude or behaviour of particular staff/volunteers. This can be a very difficult area for service users, and users must feel safe in making a complaint directed at a specific individual rather than at the overall quality of a service, without feeling at risk of intimidation or loss of service. Clear guidelines should also be drawn up as to how complaints against specific individuals will be dealt with, to ensure that staff or volunteers are not victimised through an aggrieved user attempting to use this procedure just because their needs have not been satisfied through the service.



Information on how to access the complaints procedure should be well advertised in public areas of the service. This may be on a poster and/or through leaflets. In some services, forms are made available at reception areas. Services may wish to consider making forms available generally and not only on request. Having to request a complaints form may act as a barrier to potential complainants, who may feel that the act of asking for a form could prejudice their continued use of the service. It is helpful if complaints could be made in the first instance on a form, as many service users might experience difficulty in composing a letter of complaint. Forms can be coupled with detailed information about the procedure and can be designed to give spaces which can lead the complainant through their complaint, for instance asking for the day and time relevant to the complaint, the nature of the complaint, and so on.

In many instances, complaints are made anonymously. It is inappropriate for the service to act upon an anonymous complaint if the complaint concerns a member of staff. If the service has any reason to believe that the complaint has a foundation, it must find ways of asking the anonymous complainant to identify themselves confidentially, possibly through a contact with a member of the management committee who can be seen to be a trusted individual. This can be very relevant in smaller communities, where complainants may be reluctant to identify themselves. Where an anonymous complaint is received on general aspects of the service, it can be assessed alongside any attributable complaints.

Procedures for handling complaints differ. In some services, complaints are dealt with by the most senior member of staff, who will take action under the procedure and ensure that all complaints are regularly reported to the Board. In other services, complaints are only dealt with by the Board as a whole or by designated members of the Board. Any complaints against the Director or most senior member of staff of a service can only be dealt with by the Board.

In many cases adequate redress may be a simple verbal or written apology. However, where a service user has been financially disadvantaged by the action or inaction of the service, the service may need to provide some financial compensation. This raises the question of professional indemnity insurance cover. Services should ensure that they are properly covered by professional indemnity insurance to meet any resultant claims. The main advice service networks will provide this service as part of their membership fee or at additional cost. It should be noted, however, that many insurance policies of this type specifically exclude the service advertising the fact that they have this insurance and the service would risk not being covered if they do so. This point should be borne in mind when services are publicising their complaints procedures and the type of redress that service users can expect.

Some services will be covered by industry-wide schemes where their membership of a professional body will be designed to provide additional protection to service users. Other services will be covered by various Ombudsman schemes. These should be included in the complaints procedures if relevant.

**TIP** The confidence of service users will be greatly enhanced by the publication of information on complaints received and remedial action taken. This can take the form of notices in public areas, items in the Annual Report which are advice service specific and such other means as may be appropriate for the service.



## Standard 3.12

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### All service providers must have procedures that actively encourage feedback from service users.

Service providers must have documented procedures that will enable service users to provide feedback on the quality of service they have received.

To comply with this Standard, **Type I** service providers must have procedures that include a feedback mechanism to address the issues below:

- How easy was the service to access in terms of location, hours of service, and so on?
- Was the service approachable and friendly?
- Was the service delivered in a competent and timely manner?
- Was the information and advice explained sufficiently?
- How and when should service users provide feedback?
- The frequency and way in which feedback is analysed
- The way in which this will be used to influence the planning process

To comply with this Standard, **Type II** and **Type III** must also have procedures to address the issue below:

- Was the service user informed of progress in the case?

There are many ways of listening to service users. Most services should consider using a variety of different methods, depending on the objectives they have set. Methods include:

- Customer feedback and survey forms which are given to each service user – they are usually anonymous
- Small surveys of users conducted face to face (for example, exit interviews) – if this method is used, people must feel safe in answering questions honestly and feel that any information given will not prejudice them as service users
- Involving service users in Users' Forums, which may be organised on a regular basis
- Inviting service users to sit on committees or working groups, including possible membership of the Management Committee
- Involving service users in review and evaluation processes
- Use of 'citizens panels' and
- Annual General Meetings and other forums open to the public – AGMs can be opened out to include discussion time, with views and questions being invited from the floor.

**TIP** Some services have found additional ways of involving service users in the delivery of services, through volunteering opportunities and through ensuring that they are not unfairly discriminated against if they apply for employment vacancies. It is recognised that for some services, this last method of involving service users could cause difficulties, particularly in smaller communities. However, if the service is clear about its objectives and in operating its Equal Opportunities policies, there should be no reason for excluding service users either as volunteers or as members of the paid staff team.



## 4. Standards for Providing the Service

*Services operating to these Standards must have processes that ensure an effective and efficient service for their users.*

### Standard 4.1

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**All service providers must provide an independent and impartial service that can represent the interests of its service users.**

Service users should have confidence that the service is acting in the interests of service users and not for the advantage of the service itself or for some other third party. Where this is not possible, for example, where the service provider is a local authority and unable to advise the service user to take action against the local authority, the service user should be advised of alternative sources of help.

All service providers should be able to demonstrate that they are placing the interests of the service user before their own service's, or third parties', interests. This includes a conflict of interest where different family members require advice.

Where the service provider may be providing a service that places their own service or other third parties' interests above the service user's interests, the service must be able to demonstrate that the service user is made aware of these constraints and that alternative, independent sources of help are sign-posted.

In addition to ensuring the service's independence and freedom to act on behalf of the individual service user, services should ensure that their advice is not compromised by any conflict of interest. All service providers seeking to meet this Standard must also have a procedure which actively encourages identification of possible conflicts of interest to take place as early as possible, regardless of when they arise in the case. In all circumstances staff should be alert to the potential for a conflict of interest to arise throughout the case (including conflict between duty to disclose and duty of confidentiality), as should supervisors conducting file reviews. Services are required to identify specific circumstances where a conflict of interest is likely to occur in the organisation, and to set out in procedures how such instances will be managed.

**TIP** One accredited agency has devised a simple word based system to check potential conflicts of interest. The system is set up to allow the adviser to speedily cross reference names and addresses.



In addition to adhering to the broad Standard, which also recognises that where no appropriate national body exists, a service must demonstrate that it operates to at least the standard of independent advice set out by one of the designated national bodies, services may wish to draw up their own specific codes of practice. This code could identify, for instance, inappropriate funding sources for that service or specific local examples of potential conflict of interest. It is now accepted that for some services, certain types of funding could compromise the perceived independence of the service. This is an issue that needs to be discussed at the most senior level within a service and should be clear and transparent.

Services need to ensure that both staff and volunteers work in an impartial manner in accordance with the practices of the service. Areas of conflict can include cases where staff or volunteers may be elected representatives of an authority with which the service may be in conflict, or where they give advice which does not refer a service user on to the appropriate department for their own reasons. Similarly, cases have arisen where staff or volunteers who have allied business interests have inappropriately referred service users to their own businesses or to those of their relatives.

Any codes drawn up by the service should be included in the Office Manual. Clear procedures for dealing with breaches of instructions on conflicts of interest by individual staff, volunteers or committee members must also be drawn up.



Breaches by staff and volunteers can be dealt with through disciplinary procedures and these procedures should be reviewed once the policy on conflicts of interest and breaches of the independent advice code have been drawn up. Practices and breaches of the code which involve committee members should be dealt with through the committee standing orders. It is accepted practice that where a decision needs to be taken in committee which may involve a conflict of interest for a member of the committee, the member should offer to withdraw, and should ensure that they have registered the interest and that it is recorded in the minutes. Whilst in many cases, committees allow their members registering an interest to remain in the committee whilst discussions take place, they should not be a party to any decision in this respect. This would be construed as a breach of trust.

Any committee decisions on non-acceptance of donations, grants, or other offers of support that could jeopardise the independence of the service should be minuted and open for public inspection.

## Standard 4.2

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**All services must have arrangements to ensure that their service has access to up to date reference materials and appropriate journals.**

Good information and advice is based upon the adviser's ability to readily access up to date and accurate information.

All information and advice providers should have up to date reference materials and journals relevant to the service that they provide.

A separate and adequate budget should be maintained for this purpose.

All services should clearly designate responsibility for maintaining and updating information within their Services Plan.

Without adequate information resources, the quality of the information and advice that can be given to the service user is going to be reduced. The interrelationship of a service's access to information and the service user's consequent access to information needs to be recognised by all services.

Services must decide on the areas on which they need to have reference materials to support their work and the depth of information that should be contained in them. This forms the reference material policy. This policy should be kept under review as the service's understanding of its needs develops and as its Service Plan is amended.

**TIP** It is better to have no reference materials on a particular subject than using out of date information resources.



There are obviously resource implications for services in providing a comprehensive and readily accessible information library for its staff and volunteers.

Limitations on financial resources in services are often used as an excuse for not maintaining adequate information materials. This may be a constraint but the areas below should assist in the implementation of a Reference Material Policy.

Information material purchases should be properly costed and included as a separate item in annual budgets.

Where resources are very limited, services could consider networking with other services who require access to similar materials, particularly where these materials may be back-up reference materials for which there may be occasional use.

Current reference material purchases should be reviewed at least annually to ensure that they are still meeting needs. One way of making decisions about which journals to continue purchasing is to undertake a small survey of their actual use within the service. Many services continue to purchase publications and specialist journals which never get read.

Consider centralising publications purchase. In a number of services, unnecessary duplicate copies are ordered by different individuals.

Publications need to be assessed for their usefulness. Rights guides are a part of the standard reference resource that services need. However, more discursive works, such as textbooks on general social and welfare policy, may be less useful. Reading reviews of new books and publications is time well spent, as is getting on the mailing lists of networks and services who publish relevant materials to receive their lists of publications and their publicity materials for new books, and so on.

Networks, pressure groups, local authorities and other service providers will often produce free or discounted reference materials which can be of use in the service.

Public libraries can also provide a useful service in confirming the usefulness of publications (particularly more expensive ones) and accessing titles for occasional use.

The internet is an increasingly useful and cost-effective source for materials, particularly Government publications.

For large advice services, a designated post of information officer is desirable and this post could include the responsibility for the maintenance and updating of information, in addition to other tasks such as answering general advice questions from the public which do not relate to specific service information and advice.

For small services it will not be possible to appoint a full-time information officer. However, one person should be given key responsibility for this vital area of work and sufficient time should be given to them to maintain this task. This is an area where volunteer assistance is often deployed. It can be a valuable extension to the opportunities a service provides to volunteers. For those services that do not deploy volunteers in advice or casework as a matter of policy, opening up an opportunity for volunteering in this crucial area could be an important way of ensuring that the task is met.

## Standard 4.3

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**All service providers must maintain regular contact and liaison with other providers in their locality. Referral agreements must be established between services to ensure that service users receive a consistent and seamless service.**

The provision of good quality information and advice is not the responsibility of any single service. In any given locality there will be a range of providers meeting different needs. Liaison and regular contact are essential to ensure that all people within the community have access to good quality services.

To comply with this Standard, **Type I**, **Type II** and **Type III** service providers should be able to demonstrate a good knowledge of other relevant service providers in their locality. A directory with contact of relevant service providers should be maintained by the service and updated no less than once every twelve months. The Scottish Government Directory of Information and Advice Providers gives descriptions and contact details of housing advice providers in Scotland.

[www.scotland.gov.uk/topics/built-environment/housing/access/national-standards](http://www.scotland.gov.uk/topics/built-environment/housing/access/national-standards)

For **Type II** and **Type III** service providers formal referral arrangements or protocols should be established between services and referral of service users between services should be subject to the terms of these agreements. Formal referral arrangements should include:

- How the referral will be made, including that it is to a named individual and the date of any appointment
- Grounds for acceptance or rejection
- Acceptable timescales for referral
- The respective responsibilities of referrer and referee
- Any information the referring body can expect at the end of a particular case and
- The right of the individual to return to the service if they are not satisfied with the referral

In considering formal agreements it is important to draw a distinction between sign-posting an individual to another service and referral. Even for **Type II** and **Type III** services, sign-posting, or letting the service user know about other services, is an appropriate response to an enquiry.

Services should have clear selection criteria for referrals to other services, where possible the service should consult with the service user, and, in complex cases provide written instructions to the referral body. The same is true in reverse, services accepting referrals from other services should also be clear about the case they will accept and what they expect the referrer to provide.

Similarly, in making or accepting referrals there should be clear guidelines about time limits, and so on. Notwithstanding emergencies, it is generally unacceptable for a referral of, for example, a tribunal case, to be made with less than a month's notice.

The service user should be kept fully informed about the process of referral and the reasons for any referral. If possible, they should be involved in the decision to refer, for example, to Jobcentre Plus or to a debt advice partnership.

## Standard 4.4

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**Type II and Type III services must have systems that ensure that service user information and case files are well organised.**

In order to ensure that information can be accessed quickly and easily by all of those involved in delivering the service it is important that records are stored in an organised way.

This Standard does not apply to those services providing only **Type I** services.

To comply with this Standard, **Type II** and **Type III** service providers will be expected to have a case management system that:

- Can identify and trace all documents, correspondence, and so on, relating to a case
- Identifies any conflict of interest
- Records centrally any key dates in cases (for example, expiry of a time limit) to ensure that action is taken by the adviser or, in their absence, the service in appropriate time
- Ensures that casework is kept in a way that the records are clear to another caseworker
- Records the advice that has been provided to ensure that the status of a file and any action taken can be easily verified
- Ensures that there is proper authorisation and monitoring of undertaking given on behalf of the service and
- Can generate data that allows for monitoring the number of cases, time spent and type of case undertaken by each adviser to ensure that they are within their capacity

Good case management systems underpin the provision of high quality casework. The paramount interests of individual service users can be protected through good case management.

Within this Standard, the Indicators are prescriptive, detailing all the practices that should be covered.

A large number of computer software packages have been developed to facilitate good case management. Advice on appropriate systems should be available from most national advice networks.

**TIP** MACS (Money Advice Casework System) is an electronic case management tool. The software is primarily used by money advisers; however, the software can also be used by those working in financial inclusion projects, for example, where **Type I** Money Advice is provided.

MACS enables advisers to:

- Record notes, agreed actions and key dates
- Produce financial statements and client, creditor and agency letters
- Map and evaluate referrals to and from the agency
- Access stored electronic documentation – these can be linked to the client’s MACS record and easily retrieved
- Transfer cases from the agency’s main system to another computer, for example, where an adviser has to travel to clinics; transfer cases from one agency to another or to submit cases for DAS accreditation (utilising MACS transfer software) and
- Submit DAS applications, variations, and so on, direct from MACS into the DAS Administrator’s case management system and, using the same technology, software to enable the transfer of data from MACS to a payment disbursement module is also being developed in conjunction with a credit union

Agencies can tailor MACS to their own needs, for example, to collect information relevant to their own area. However MACS is also able to provide information needed by the Accountant in Bankruptcy or Scottish Government, for example. MACS also assists the adviser to produce robust evidence for DAS accreditation and spot checks, using the verification fields to establish an audit trail, thus reducing the time needed for case recording. A users’ group and electronic discussion forum has been set up to provide support for users and to help drive MACS developments.

MACS is used in several council advice services in Scotland including Fife and Highland.



## Standard 4.5

**Type II** and **Type III** services must have a casework procedure that can be applied consistently to all service users.

Systematic casework procedures ensure a consistent service to all users and ensure that the service user is kept involved and informed during the progress of their case.

This Standard does not apply to those services providing only **Type I** services.

**Type II** and **Type III** service providers should have procedures that cover the three phases of the case: the outset, progressing the case and closing the case.

At the outset of a case, procedures should identify:

- The requirements of the client
- What action is to be taken
- If someone is to be responsible for the case who this will be
- Key dates in the matter
- Any expectations of the service on the service user (for example, any fees that may be charged including disbursements, commissions, and so on) and
- Management information relevant to the service (for example, clients' ethnic origin, housing tenure)

and will ensure that in progressing casework that

- If the case is complex a case plan will be prepared
- Information on progress is passed to the service user at appropriate intervals and
- Information on any changes is communicated promptly to the service user

and at the end of a case will

- Report and confirm in writing to the service user on the outcome explaining any action the service user should now take and
- Return to the service user any original documentation except where the service user has agreed that the service should maintain this information. In this case, the service user should be informed of storage arrangements and how they can access this information

**TIP** In one accredited agency a simple computerised diary system is used to highlight key dates, for example dates for case updates and dates for file review. A print is run off by the administrator at the start of each week giving details of the case number, caseworker and the date and action to be taken. This is particularly useful if a member of staff is on annual leave or off sick.



Good casework procedures underpin the provision of a high quality service. The paramount interests of all service users can be protected through good procedures, consistently applied. An effective system ensures that each service user will receive a service that is in line with all other stated policies. Consistency in service delivery is also ensured, so that no user will receive a lesser service than any other and the possibility of discrimination is minimised.

The Indicators for this Standard are prescriptive, for example meeting certification requirements for DAS.

**TIP** Services should write up current practice into a case management manual to test their procedures. Services may wish to consider a section of the Office Manual which sets out the procedures for handling files, for referrals and for file review and casework audit.



## Standard 4.6

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**Type II and Type III services must ensure that the casework files of individual staff are subject to suitably qualified, independent review.**

Independent review enables services to test the quality of advice and advice procedures to enable them to identify strengths, deficiencies and individual training needs.

This Standard does not apply to those services providing only **Type I** services.

**Type II and Type III** service providers should have arrangements for case files to be reviewed by a supervisor or other adviser under the control of the supervisor who has not been involved in the day to day conduct of the case. These procedures should ensure that:

- ▶ Samples of work are reviewed to ensure quality of advice and adherence to the service's procedures and
- ▶ The number of cases, time spent and type of case undertaken by each adviser are within their capacity

The file review policy should be written as a plan for undertaking internal reviews and must include:

- ▶ Responsibility for undertaking file reviews
- ▶ The frequency of such reviews
- ▶ A record of the outcomes of reviews and
- ▶ A record of any corrective action taken

All advisers make mistakes from time to time and services should have procedures to ensure that mistakes are spotted at the earliest opportunity and corrected. Systematic file reviews also enable services to satisfy themselves, their funders and other stakeholders that the service is making effective and appropriate interventions.

The Indicators for this Standard are prescriptive. Some services may have extended file review practices that include good casework practice models being written up for training purposes within the service. Other services have well-developed casework audit systems, which take regular samples of casework files, at random, to sample techniques and outcomes.

The need to conduct effective file reviews should be considered when preparing a confidentiality policy (Standard 3.9). As noted in that Standard, the need for a rigorous approach to client confidentiality should not be allowed to conflict with the need to ensure good casework practice and procedures. Where there is a potential conflict between file review and other service policies, the policies should be reviewed to ensure that good case management can be achieved through regular reviews and audits.

File review procedures should be included in the case management manual. These procedures detail the frequency of these reviews, the areas for examination, who will undertake them and how corrective action will be authorised and undertaken. Many services have established file review systems where a casework supervisor or a service's Director will examine one in five of all cases undertaken. Other services have also developed procedures which make use of external casework auditors.

### Using External Resources

Some advice services may not feel adequately resourced to undertake file reviews internally and may want to explore the use of other agencies to help in this task. This may be particularly so for smaller services, those which provide advice as a part of their service, or those which are new to the field. In such cases the technical (advice specific) supervision of advisers is also likely to require external assistance. The good practice notes in Standard 5.6 on advice work supervision provides guidance on the use of external support and should be referred to in establishing external file review.

In drawing up a policy for file review it should recognise that the frequency of internal reviews may depend on the experience of the advisers and the type and frequency of the advice service offered.

**TIP** One Citizens Advice Bureau which has been accredited has a procedure whereby supervision in the bureau is undertaken by the manager and the deputy manager. Both also check the daily advice sheets which are kept in a daybook and get transferred into the main filing system on a weekly basis. This means that all new case sheets are available for inspection by a senior manager on a day to day basis. All of the advice workers who were interviewed during the audit for accreditation spoke very positively about the case review system.



## Standard 4.7

**All service providers must have robust means of recording service wide activity and service use.**

The recording of service use and activity provides essential management information to inform the review of service and assist the planner of the service to assess how far the service objectives are being met.

**TIP** Many agencies record the financial gain to services users as a result of the agency's intervention. This figure can be useful to demonstrate value for money to funders. It can also be used in publicity to highlight the role advice services play in the asset building of the wider community.



To comply with this Standard, **Type I** service providers should gather data, as a minimum, on the number of people using their service, location of the service user's home, their gender, age and ethnic origin.

In addition, whilst it is not a requirement of this Standard consideration should also be given by **Type I** agencies to routinely or systematically gathering data on service users against the other equality groups not included above for which there is legal protection against discrimination in the provision of services. These are:

- Disability
- Faith
- Sexuality

To comply with this Standard, **Type II** and **Type III** service providers should gather data, as a minimum, on service users by:

- Location of the service user's home
- Gender
- Age
- Family composition
- Employment type
- Housing tenure
- Ethnic origin
- Disability
- Income
- For agencies providing a money advice service, the amount of debt dealt with, split by type of debt and
- For agencies providing a money advice service, the debt strategy chosen by the client

In addition, whilst it is not a requirement of this Standard consideration should also be given by **Type II** and **Type III** agencies to routinely or systematically gathering data on service users against the other equality groups not included above for which there is legal protection against discrimination in the provision of services. These are:

- Faith
- Sexuality

As a minimum service providers should gather data on the following activity:

**Type I, Type II** and **Type III** (where appropriate) interventions by topics. This should include a breakdown by time spent in client contact to follow-up work.

This should specify the count by either the number of service users, the number of cases (and, where appropriate, the number of enquiries which do not become cases) and/or the number of episodes of advice.

To provide an effective information and advice service, staff and volunteers will require sufficient time to conduct follow-up work, discuss cases with colleagues, and update their knowledge. In addition, a service with a clear understanding of the relationship between client contact time and follow-up work will be able to plan the deployment of its human resources more effectively.

**TIP** The amount of time allocated to client contact and to follow-up work will vary between **Type I, Type II** and **Type III** activities. This ratio will increase substantially in more specialist services and those offering more detailed follow-up work.

In establishing the appropriate ratio for a particular service, it is necessary to analyse the service objectives and current working practices. This ratio should be included as part of the performance appraisal for individual staff and as part of the service review.

This issue will directly impact upon resource requirements and the service's ability to meet any quantitative outputs expected (such as number of cases per month, and so on).





## 5. Standards Around Competence

*Services using these Standards must ensure that all staff gain, maintain and develop the skills and knowledge necessary to meet the needs of their service users. The general competency requirements in this section are supplemented by those in 'Section 2: Competences for Advisers'.*

### Standard 5.1

**All service providers must have a clear commitment to equal opportunities in employment practice.**

The service provider must have policies and procedures that ensure that all of those individuals involved in the planning, management and delivery of the services are not discriminated against on the grounds of age, ethnicity, gender, religion, disability or sexual orientation.

To comply with this Standard, all service providers must have an equal opportunities policy, in effective operation, that precludes discrimination in the selection, recruitment, and treatment of staff and volunteers. This should include:

- ▶ Open recruitment process (whether internal or external) that evaluates the skill, knowledge and experience of those applying for posts against the job description and person specification and
- ▶ A means of ensuring that all those involved in the planning, management and delivery of the service are aware of this policy and its procedures.

Developing an implementation strategy is also important; a policy on its own is not enough. A starting point is to review current records and achievements. Services should look at the current profile of staff, volunteers and committee members – how this profile relates to the geographical areas in which the service is based and to its specific user groups.

#### **TIP** Questions services should ask themselves

- ▶ Does the absence of disabled people or people from minority ethnic communities from the service's staff group or management committee mean that the way in which recruitment occurs needs some thought?
- ▶ If offices are not accessible to people with impaired mobility, are there any ways in which this could be changed, or are there adjustments to working practices that could enable the service to offer opportunities to disabled people, for instance through job sharing, tele-working and home working?
- ▶ How can premises be adapted to increase access not only for service users but also for paid staff and volunteers?
- ▶ How are the needs of people from minority ethnic communities or disabled people being considered and met in service planning?
- ▶ How far does the service understand the needs of people who may be experiencing discrimination or oppression? Is there awareness training to ensure that equal opportunities issues are fully understood by all those involved in the service?



Reviewing all policies and procedures as part of the commitment to implementing the equal opportunities policy is essential. These need to be examined for both direct and indirect discrimination and to ensure that they are revised to take account of the policy. Increasingly, services are developing a statement of specific anti-discriminatory practice. This reflects the review of all relevant policies and clearly shows how anti-discrimination issues are being taken seriously by the service. Specific disability strategies should also be prepared, which can be reflected in the service and forward plans of the service.

### Legal Requirements

There are now stringent legal requirements that employers must meet in the six defined equality areas of age; sexuality; gender; disability; race; and religion. Services need to be aware of the way in which legislation defines direct and indirect discrimination.

## Standard 5.2

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**All service providers must ensure that they have systems to identify the skills and knowledge required to meet users' needs and the procedures to match these requirements with staff and volunteers delivering the service.**

Service users and funders should be confident that the service has mechanisms to ensure that the skills and knowledge required are available and being properly applied.

To comply with this Standard, **Type I** service providers must have:

- ▶ Systems that document the skills, knowledge and experience required by those delivering the service and the tasks they are required to perform (usually in the form of job descriptions and person specifications)
- ▶ Procedures which can ensure that the work undertaken by the post holder is within their capacity and competence and
- ▶ Processes for ensuring that those delivering the service are briefed in any relevant changes to legislation, regulation, and so on, relevant to their area of service

In addition to these requirements, **Type II** and **Type III** service providers must also have:

- ▶ Procedures in place for advisers to inform their supervisor if the case is beyond their competence

Whilst services may be able to provide a high quality of service at present, this may be due to the particular skills of individual staff. All services need to have clearly prepared policies and procedures which relate to the recruitment of staff, given that all services experience turnover in both paid and unpaid staff.

Most services have some kind of personnel policy, even if it is undefined and informally applied. Documenting the skills, knowledge and experience required and introducing methods of evaluating applicants for paid and unpaid posts will help make better and more equitable decisions about people.

Knowing the skills and experience that are needed in a service is a function of good planning. The sections above on strategic and service planning have indicated ways in which services should identify what it is expected a service will undertake and achieve. Identifying the human resource needs is part of this process.

Job descriptions and person specifications should be prepared for each post. The job description sets out what tasks a person will be expected to perform in their role; the person specification sets out the necessary and desirable skills, qualifications and experience that the service is seeking from applicants. Services should ensure that in drawing up job descriptions the tasks to be carried out are identified and the applicant (and subsequently the post holder) will be clear about what they are expected to do, who will manage or supervise their work, and who they are responsible for managing or supervising. Job descriptions do not need to include line by line dissections of the job. Provided it is made clear what the boundaries of a particular job are, a broader description of the key areas of work will be sufficient. However, it is not enough to just say that an adviser's work is 'To advise clients on their rights.'

**TIP** Person specifications identify the range of skills and experience the service expects the person to bring to a particular post. If there are key elements that are essential for a particular post, such as previous experience in the information and advice field, or specific knowledge of welfare rights, money advice work or housing law, this should be stated in the person specification. Good person specifications are normally divided into a number of sections:

- **Qualifications** required – where relevant, but do not set qualification levels if they are not required
- **Experience** required
- **Knowledge** of particular areas of work – it is good practice to divide this into Essential and Desirable categories
- **Attributes** – the ability to work in a team, skills and awareness in working with specific groups

If a service will only consider employing someone with previous experience, it should say so. It should, however, count unpaid work experience as well as paid work experience.



## Standard 5.3

**All service providers must ensure that those delivering the service are provided with adequate training and development.**

Attention needs to be given to staff and volunteers delivering the service to ensure that they gain, maintain and develop the appropriate mix of skills and knowledge to satisfy the needs of service users within the aims of the service. Those using volunteers need to demonstrate that their training programmes recognise special factors in their training plans including higher turnover and different support and supervision needs.

To comply with this Standard, **Type I** service providers should have:

- Induction procedures, covering technical competence, customer care and service policies and procedures in place for all people joining the service
- Systems for review/appraisal on personal performance should be undertaken at least once a year
- Training and development plans to support the needs of the service to be produced and reviewed at least annually – these should detail any special provision made by those services using volunteers
- A budget for training to be maintained and
- All training to be recorded on training records

**TIP** Section 2 of this manual lists the competences required to advise on specific topics. Your service remit should make it clear which of these topics you cover. You should list these then match your advisers' skills against the relevant competence requirements. This will give you the start of a training needs analysis. This should then be supplemented using updates from appraisal and supervision sessions.



In addition to the above, to comply with this Standard **Type II** and **Type III** service providers must ensure that:

- All advisers with less than 5 years of experience undertake no less than 35 hours of training per year
- All advisers with more than 5 years of experience undertake no less than 20 hours of training per year and
- Adequate contingency plans are made in the event of new legislation being instituted that affects the areas of advice undertaken by the service

### **Induction**

Induction of new staff, paid and unpaid, is important. Induction is a welcoming process, which enables new recruits to fit into the service and its practices as quickly as possible, to become an 'insider' rather than remain an 'outsider'. The Office Manual should form the core of the induction programme. Learning about a service's policies and practices, as well as the specific tasks required in the particular post, is a critical part of the induction process.

### **Staff Appraisal**

Because staff are the key point where the service meets with its service users, the quality of an individual's work and aptitude should be regularly assessed. Many services are reluctant to consider the introduction of performance appraisal, seeing it as a technique that is linked to issues such as performance related pay awards. Appraisal, linked to regular supervision, can be a positive tool that gives not only a regular overview of how someone is performing, but also helps to assess future training needs and areas of personal development.

Appraisal systems should be applied to all staff, paid and unpaid. Supervision and appraisal can assist in identifying burnout in both staff and volunteers and provide an opportunity for counselling out volunteers who are ready to move on or are failing to meet performance standards.

In relation to volunteers in particular, it is recognised that in areas where volunteers are limited, there may be a reluctance to counsel out volunteers. However, if high standards are to be maintained by the service, this will need to be considered. In introducing formal systems, with volunteers, a balance should be struck between an over formalised approach and the need to apply consistent procedures and criteria to volunteer supervision and appraisal.

### **Supervision**

Staff supervision is clearly an important component of appraisal. Supervision is considered in more detail in Standard 5.6.

### **Training**

Throughout this good practice guide, it has been stressed that staff and volunteers are the most important resource that services have. They provide the key to delivering a high quality service. To enable this to happen, the updating of the skills and knowledge of new and existing staff is a key responsibility of all services, to ensure an effective, quality service.

Services need to consider their training policies and training needs as part of their planning processes. Annual staff appraisal enables the training needs of each individual to be reviewed and provides an opportunity to examine how training already undertaken has been applied in the work of the member of staff or volunteer. The outcomes from the appraisals can be built into an overall plan for staff training, which should include areas that the service thinks are important, over and above the training wishes of any individuals. Overall training areas should be identified for planning purposes under a number of headings:

- Induction training
- Core skills training
- On-the-job training
- Specialist skills training and
- Personal development training

In developing training plans for each individual, different areas of training may be included in different categories. For instance, basic counselling skills training could be considered as a specialist skill for an advice worker, but as personal development training for a member of the administrative team, which may have been identified at appraisal as enabling the individual to cope better with some areas of their work or to extend their skills and enable them to move on to a more demanding role.

Finding the resources to undertake the training required may be critical for many services; working within networks should be examined in this respect.

Training should be monitored within the service, and individuals should be encouraged to report back on training courses. Where resources are limited for training, consideration should be given to the ways in which one member of staff or volunteer can undertake training in a specific area, and then cascade their knowledge within the service through internal training sessions. This can be a very cost-effective means of using more expensive external training courses.

Staff should never be sent on training courses or to conferences just because it is 'their turn' to have some training.

Services should consider planning their training needs to take account of staff turnover and the impact of new legislation or changes in procedures.

Technical competence areas which need to be enhanced in the service can be identified using the competences identified in Section 2 of this publication. Clearly, the development of levels of technical competence will impact on the service's service plan in terms of the range of work that the service is able to carry out.

Training records should be kept as part of an employee's personnel record. In addition, where staff and volunteers are given their own office manual or personal manual, a training record form should be included and updated after each internal or external training course.

**TIP** Training some staff in training techniques and using them as a service resource for training volunteers and other staff can be very cost-effective. Cascade training works most effectively if the cascader has received some training in presentation and training techniques.



Services should consider how networking and partnership work with other services can increase their access to training resources. Partnership with other local services could enable training to be brought to the group of services, rather than individual members of staff being sent on external training courses. Services could explore with their local authorities whether places could be made available on appropriate courses for members of their staff.

Services should also consider special training for paid and volunteer staff and managers with supervisory, planning or financial responsibilities. Skills that could be developed in these areas include:

- Financial management for non-finance specialist staff
- Marketing training
- Quality management
- Recruitment, interview, staff support and appraisal training
- Strategic planning
- Communications and presentation skills
- Working with committees and
- Disciplinary procedures

## Standard 5.4

**All service providers must ensure that all staff involved in delivering the service have core competences before they advise the public.**

Service users should be confident that all of those delivering the service have the basic skills and knowledge to provide assistance or to identify where further assistance may be available.

Core competence as defined in the Standards relates to generic skills. These skills may be applicable to other areas of work undertaken by an organisation, as well as directly related to the advice and information element of activity.

Detailed below is a guide as to the sorts of activities and evidence that will lead to achievement of these core competences.

CORE COMPETENCE FOR <b>Type I</b>	EVIDENCED BY:
Understanding of the aims and values of the service in which they are operating and the boundaries of that service	<ul style="list-style-type: none"> <li>➤ An agency commissioned basic training programme</li> <li>➤ A planned induction programme covering aims, values and boundaries</li> <li>➤ A dialogue between staff member and the agency to ensure appropriate learning</li> </ul>
Recognition that users of service facing discrimination on grounds of their race, sex, sexual orientation or other circumstances may have special needs  If the service targets particular sections of the community there should be particular recognition of the issues faced by that group of people	<ul style="list-style-type: none"> <li>➤ General awareness training of diversity</li> <li>➤ Cultural awareness training</li> <li>➤ Equal opportunities training</li> </ul>
Awareness of and ability to use the service's information resources effectively	<ul style="list-style-type: none"> <li>➤ A planned appraisal induction programme</li> <li>➤ Agency directory of information resources and guidance/training on how to use this</li> </ul>
Recognition of their own limitations in any particular case and awareness of the internal and external sources of assistance that may be available (referral)	<ul style="list-style-type: none"> <li>➤ Training in making a referral</li> <li>➤ An agency referral directory</li> </ul>
Ability to operate effectively within the service's recording system	<ul style="list-style-type: none"> <li>➤ Training to ensure compliance with any recording system operated by the agency</li> </ul>

## CORE COMPETENCE FOR **Type II**

### EVIDENCED BY:

Understanding of the aims and values of the service in which they are operating and the boundaries of that service	<ul style="list-style-type: none"> <li>▶ An internally commissioned basic training programme that involves the most senior members of that organisation</li> <li>▶ A planned induction programme covering aims, values and boundaries</li> <li>▶ A dialogue between staff member and the agency to ensure appropriate learning</li> </ul>
<p>Recognition that users of service facing discrimination on grounds of their race, sex, sexual orientation or other circumstances may have special needs</p> <p>If the service targets particular sections of the community there should be particular recognition of the issues faced by that group of people</p>	<ul style="list-style-type: none"> <li>▶ General awareness training of diversity</li> <li>▶ Cultural awareness training</li> <li>▶ Equal opportunities training</li> </ul> <p><i>These need to address legislative, cultural and attitudinal issues.</i></p>
Awareness of and ability to use the service's information resources effectively	<ul style="list-style-type: none"> <li>▶ A planned appraisal programme</li> <li>▶ Agency directory of information resources</li> </ul>
Recognition of their own limitations in any particular case and awareness of the internal and external sources of assistance that may be available (referral)	<ul style="list-style-type: none"> <li>▶ An agency referral directory</li> <li>▶ Training in making a referral</li> </ul>
Ability to operate effectively within the service's case recording system	<ul style="list-style-type: none"> <li>▶ Training to ensure compliance with any case recording system operated by the agency</li> </ul>
Ability to acknowledge the users' own feelings about their problems and respond appropriately within the boundaries of the agency	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>
Ability to explore and identify problems and key areas of enquiries	<ul style="list-style-type: none"> <li>▶ Diagnostic skills covered in basic training</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>
Ability to apply this information to the specific problems encountered by the user of service	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ An appraisal programme that ensures that this remains up to date</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>
Ability to explain options to users of service and explain the consequences of such choices	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>
Awareness of the distinction between what constitutes an individual's rights and what constitutes good advice	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>
Ability to take action: e.g. drafting correspondence, preparing notes, etc	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 1 year's full-time (or equivalent) number of years of practice</li> </ul>

## CORE COMPETENCE FOR **Type III**

## EVIDENCED BY:

Understanding of the aims and values of the service in which they are operating and the boundaries of that service	<ul style="list-style-type: none"> <li>▶ An internally commissioned basic training programme that involves the most senior people in that agency</li> <li>▶ A planned induction programme covering aims, values and boundaries</li> </ul>
Recognition that users of service facing discrimination on grounds of their race, sex, sexual orientation or other circumstances may have special needs  If the service targets particular sections of the community there should be particular recognition of the issues faced by that group of people	<ul style="list-style-type: none"> <li>▶ General awareness training of diversity</li> <li>▶ Cultural awareness training</li> <li>▶ Equal opportunities training</li> </ul> <p><i>These need to address legislative, cultural and attitudinal issues.</i></p>
Awareness of and ability to use the service's information resources effectively	<ul style="list-style-type: none"> <li>▶ A planned induction programme</li> <li>▶ Agency directory of information resources</li> </ul>
Recognition of their own limitations in any particular case and awareness of the internal and external sources of assistance that may be available (referral)	<ul style="list-style-type: none"> <li>▶ Training in making a referral</li> <li>▶ An agency referral directory</li> </ul>
Ability to operate effectively within the service's case recording system	<ul style="list-style-type: none"> <li>▶ Training to ensure compliance with any case recording system operated by the agency</li> </ul>
Ability to acknowledge the users' own feelings about their problems and respond appropriately within the boundaries of the agency	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Ability to explore and identify problems and key areas of enquiries	<ul style="list-style-type: none"> <li>▶ Diagnostic skills covered in basic training</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Ability to apply this information to the specific problems encountered by the user of service	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ An appraisal programme that ensures that this remains up to date</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Ability to explain options to users of service and explain the consequences of such choices	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Awareness of the distinction between what constitutes an individual's rights and what constitutes good advice	<ul style="list-style-type: none"> <li>▶ Training programme covering this area</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Ability to decide upon the strategy for a case and draw up a case plan	<ul style="list-style-type: none"> <li>▶ Training programme covering this area</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Ability to take action: e.g. drafting concise and appropriate (e.g. legal) correspondence, preparing notes and reports, letter writing, etc	<ul style="list-style-type: none"> <li>▶ Basic training programme covering this area</li> <li>▶ or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Have the necessary skills to undertake tribunal, court or other relevant representation, mediation or negotiation activities, and the confidence to deal with adversarial situations	<ul style="list-style-type: none"> <li>▶ Representation/mediation training that includes coaching, mentoring and shadowing linked to an appraisal and supervision system</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>
Have the necessary skills and confidence to prepare, and present an argument, including public speaking	<ul style="list-style-type: none"> <li>▶ Appropriate training that includes coaching, mentoring and shadowing linked to an appraisal and supervision system</li> <li>▶ Or at least 2 years' full-time (or equivalent) number of years of practice</li> </ul>



Paid staff and volunteers are the key resource in providing information and advice to service users. It is therefore essential that they can demonstrate certain key qualities, attributes and skills.

The list of attributes contained in the Standard is prescriptive. However, in drafting person specifications for the information and advice workers of a particular service attention should be paid to any specific additional skills or attributes that the service may require.

**TIP** Basic training courses that are undertaken by all paid and unpaid staff are an effective means of addressing this requirement. In selecting courses and trainers, services should assure themselves that the course or the trainer will be appropriate within the values of the service.



Information and advice workers need diversity training to be able to provide sensitively for people from groups with special needs and to be able to act as mediators and advisers on specific areas affecting disadvantaged and oppressed groups.

## Standard 5.5

**All service providers must ensure that all cases are dealt with by an adviser competent in that area of law.**

Where the service undertake **Type II** or **Type III** work it is essential that it is undertaken by someone with the relevant skills and knowledge. Those applying this Standard should make reference to 'Section 2: Competences for Advisers'.

To comply with this Standard, **Type I** service providers must:

- ▶ Demonstrate that the adviser meets the requirements in Section 2 of these Standards for the relevant topics
- ▶ Demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work no less than three hours per week and
- ▶ Ensure that supervision arrangements are in place to oversee the work of the adviser in this area in line with Standard 5.6

**Type II** service providers must also meet these requirements with the exception that:

- ▶ The service must demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work no less than six hours per week

**Type III** service providers must also meet these requirements with the exception that:

- ▶ The service must demonstrate that the adviser, whether paid or unpaid, undertakes information and advice related work no less than twelve hours per week

**TIP** It should be noted that in the case of supervisors the information and advice related work referred to has a broad definition and would, for example, include time spent on relevant social policy work. It is also important to stress that these minimum hours are provided as indicators of detailed experience. It would be expected that, for example, in a **Type III** service the supervisor should have at least one year's minimum recent experience of advice work.



The ability of an information and advice worker to provide effective interventions depends upon them constantly updating their knowledge and experience. This can only be achieved if the adviser sees a minimum number of service users each week. The number of hours will vary from service to service, depending on the area of advice provided and the level to which the adviser is working.

Some services deploying volunteers, who are, for example, practising solicitors, may consider more flexible arrangements around minimum hours.

## Standard 5.6

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**All service providers must ensure that all information and advice work is supervised by a suitably qualified individual, either from within or outwith the service.**

This Standard links to the standard for 'File Review' (4.6) and aims to ensure that the service maintains overall control of its work. This requires services to ensure that advisers have access to another, suitably qualified adviser, not directly involved in the delivery of the service to a particular service user, who can provide guidance and manage the conduct of the case. Small organisations may seek supervisors outwith their service.

Service providers should consider the agency and adviser competences required in Section 2 of these Standards. They should be able to demonstrate that those with responsibility for overseeing this work have the knowledge to support other staff.

To comply with this Standard, **Type I**, **Type II** and **Type III** service must:

- ▶ Demonstrate that the supervising adviser meets the requirements in Section 2 of these Standards for the relevant topics and
- ▶ Demonstrate that the supervising adviser, whether paid or unpaid, for **Type I** undertakes advice related work no less than six hours and **Type II** and **Type III** no less than twelve hours, per week

**TIP** Supervision is a management tool and one which should be used to assure a worker and all those who need to know that the work is competent and effective. It should not be oppressive, or purely technical.



### Using External Resources

Some advice providing organisations may feel that they do not have the technical know-how or resources to provide casework supervision internally. This may be particularly so for smaller services, those which provide advice as a part of their service, or those which are new to the field.

In such cases, services may want to consider using external expertise. For example, technical expertise could be found from existing advice providers where the contract is between the two services and not between the relevant workers.

Where this happens, the specialist advice provider would undertake an audit to identify areas of strengths, weaknesses and gaps in all aspects of the advice providing process, using the standards set out in Section 1. The audit will enable the focus of supervision of casework to be agreed between the two services, and will help the receiving service to identify what management systems it needs to develop.

In those areas which have used this model, agreement is made about the frequency of contact between the workers, and whether or not the specialist service/worker can be available on a 'needs' basis, perhaps by telephone. Arrangements have also been made for the technical supervisor to feed back to the organisation, through the manager or co-ordinator, management and organisational issues.

An area of concern about using this model could be that the receiving service never develops its own capacity to undertake casework supervision. Those areas which have used this approach have found that a way to address this problem is through live supervision; a process in which the specialist supervisor supervises the service supervisor during their own supervision of the advice worker.

This approach has many benefits. However, it is time consuming and needs to be managed carefully, perhaps by undertaking live supervision every three or four visits rather than each time.

**TIP** Some local authorities in England have broadened this approach, to engage a specialist advice service to provide casework supervision to a range of services operating in a locality. Such instances bring improvement in referrals between services, and a developing consistency in quality assurance for those services which participate in the scheme. The approach has also provided the local authority with strategic information as well as a coherent approach to monitoring those projects providing advice which the local authority funds.



## Standard 5.7

**All service providers must ensure that they understand the work of other services in their localities.**

**TIP** The provision of quality information and advice is not the sole responsibility of a single service. The quality of service can be greatly enhanced by working with other providers.

To comply with this Standard, all service providers should ensure that they have adequate mechanisms to share experiences and knowledge with other services operating in similar fields. This will be evidenced by attendance at conferences, seminars, and so on, which should be recorded as part of the service's training record.

Practices and procedures within individual services and the knowledge base of individual staff can be greatly enhanced by meeting with advisers from other parts of the country. Networking with other services can be a way of extending resources, through the development of joint working arrangements, for instance on training or publications.

Networking will enable a service to share its experiences and learn practically from others. Services should look at the ways in which extending their networks can assist with:

- The development of opportunities for joint working, including project development, training, information sharing, and so on
- Building relationships that can lead to better referral practice and opportunities and
- The development of local or special interest forums – these can play a role in clarifying issues in the advice and information field or identifying new issues that need to be considered by services. This may include lobbying for change

This Standard recognises that increased networking is resource-demanding for services; for instance, the demands upon a service and its limited human and financial resources may restrict attendance at conferences and forums. However, where a staff member is able to attend, services should ensure that good reporting mechanisms exist for participants to feed back information from conferences, local, regional and national networks to the service.

## 6. Resourcing Standards

*This section provides Standards for the resources necessary to underpin the delivery of the service.*

### Standard 6.1

**All service providers must have premises that ensure that the service can be accessible to all members of the community and is adequate to the needs of service users.**

The quality and maintenance of premises play a crucial role in ensuring access to a service. Access in this context means not only physical access, but also people's willingness to use a service because of its location and its appearance. This Standard relates to the premises planning Standard 3.3.

**TIP** Consider the needs of people with a visual impairment, ensure that premises are barrier free and have good signage and lighting. Be prepared for a visually impaired person being accompanied by a carer and arrange facilities for guide dogs.



To comply with this Standard, **Type I** service providers should be able to demonstrate that:

- ▶ Their premises are located in an area that is appropriate to their current and potential service users
- ▶ Their premises have private facilities where individuals may request information
- ▶ Their premises are physically accessible to people with impaired mobility or that they have developed adequate alternative means of delivering their service outside the premises to people with impaired mobility
- ▶ Their premises are safe and accessible for people with impaired vision
- ▶ Their premises have sufficient adaptations to ensure that they may be used by people with impaired hearing and
- ▶ They consult with service users and potential service users, including disability groups, about the adequacy of their premises at least once every three years

In addition to these requirements **Type II** and **Type III** service providers should be able to demonstrate that their premises have:

- ▶ Sufficient private interviewing facilities that are sound-proofed and not visible to other service users
- ▶ A private office for follow-up work
- ▶ Adequate public reception and waiting room
- ▶ Means of keeping children accompanying their parents occupied, such as crèche facilities or toys and
- ▶ Toilet facilities to meet the needs of both the staff and the public

The good practice guidance is provided here to allow services to assess the quality of their current premises. This does not apply to Telephone Helplines.

Reception areas should:

- Have level access to street or level access to lift
- Be sufficiently large to accommodate those waiting for service
- Be warm, safe and away from public gaze (for example, using screens)
- Have access to a WC and
- Have some natural light.

If there is a receptionist then the area should include the necessary space for them plus an alarm.

It should include facilities for children, ideally a play area with toys and a low table where they can sit.

Space should be provided where women can wait separately from men who are not from their immediate families, where this is appropriate (for example, if serving certain Muslim communities).

### Interview Space

The number of interview cubicles required depends upon the number of advisers employed and the nature of the work of the agency. For example, how much time is spent with the client and how much on follow-up work? As a rule of thumb, three advisers can usually share two cubicles.

Cubicles vary in size but, for comfort, experience suggests a minimum size of seven square metres. At least one cubicle should be large enough to accommodate a family of five, plus the adviser and a table and be comfortable for the length of the advice session (about 10 square metres).

All cubicles should have at least one large window onto an area in constant use by colleagues but should also be soundproof. A panic alarm should be fitted.

### Storage

Client records will need to be kept for substantial periods of time. There should be sufficient, safe and secure space for this purpose.

### Meeting Space

Services should have access to space for regular staff meetings, training events and networking meetings.

## Standard 6.2

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### Service providers must pay sufficient attention to human resource planning to maintain service outputs and inform future planning.

The maintenance of service delivery is important if service users are to have confidence in the service's capacity to address their problem.

To comply with this Standard, **Type I** service providers should have procedures in place to minimise disruption in the event of staff and volunteer sickness, including the provision of cover to maintain levels of service.

In addition, **Type II** and **Type III** providers should be able to demonstrate that they monitor and analyse the time spent by staff on the different Types of activity undertaken and the topics as tools for future planning.

Human resource planning is needed to take account not only of the numbers, types and quality of staff needed to deliver services, but to enable a service to plan to ensure that minimum legal standards are met in respect of employment.

Human resource planning should be incorporated into service and forward planning, and in the development of good practice policies in relation to employment.

The planning process enables a service to look at the numbers of paid and unpaid staff that are needed to offer an effective service, and the deployment of staff resources in meeting the needs of that service. In working out the number of volunteers needed, it will look at demands that can be made realistically on volunteers' time. This will include:

- ▶ Time spent on the tasks for which they have volunteered
- ▶ Supervision and support time
- ▶ Training time
- ▶ Time spent in meetings, including team meetings, updating meetings, general meetings of volunteers and
- ▶ Time spent on holiday

If a volunteer can offer ten hours per week to the service, the service will have to assess how much time over a month will be spent in non-service delivery tasks. The service can then assess the number of volunteers needed to cover planned tasks by looking at the total number of hours of tasks it would wish volunteers to cover, and then setting a realistic assessment of the actual number of hours a volunteer can work.

Analysing staffing requirements is more complex, in that a larger number of tasks need to be analysed for each member of staff. Staffing levels are also determined by other variants, such as the actual and expected financial resources of the service. Planning staffing levels will include the following considerations:

- ▶ The number of staff required to undertake the tasks – each job needs to be broken down into tasks, and the time required for these task areas needs to be analysed
- ▶ If offering an advice service, the balance between casework and follow-up – determining the optimum casework load per adviser
- ▶ Impact of statutory duties – for example, DAS
- ▶ Training required to meet the needs of the service – do existing staff need additional training? How much general training time will be needed over the next year?

How will annual leave and sickness impact on the service?

What happens if key staff leave over the period of the plan? How will the recruitment of new staff impact on service delivery? How will the need to fill a post quickly impact on the skills and experience levels in the service?

If service providers have a DAS caseload, how will the service be affected if the DAS Approved Adviser ceases to act as such or leaves employment with the service provider?

Human resource planning should also look at the ratios of front-line and office staff, volunteers to management and supervisory staff. It can help to identify where additional management support may be needed if a manager is supervising too many staff or volunteers.

**TIP** There are no hard and fast rules but common practice is to have one administrative support post for four to five full time advisers



Areas that should be examined in the process of an annual review will include all the major policy areas that impact directly on staff and volunteers. These policy areas will include those issues where there is a legal obligation on the service. The main headings of these policy areas are:

- Terms and Conditions: which will include holidays; pensions and sick pay entitlements; notice periods; grievance and disciplinary procedures; statutory maternity pay and leave; discretionary parental leave provisions; hours of work; and redundancy agreements
- Salaries: which will include grading; pay reviews; job evaluation procedures
- Training and Development: which can include supervision and appraisal procedures
- Employee Relations: which will include relationships with trades unions and internal communication
- Recruitment and
- Health, Safety and Security

All services should use monitoring to identify where problems may be arising and establish contingency plans to cover for unexpected emergencies, such as staff sickness. Regular review of personnel policies and procedures should form part of the annual review programme, and human resource planning should be included in both service and forward plans.

Services should look closely at how staff are expected to use their time at work, and should encourage the development of individual work plans which allocate time for follow-up work on cases, necessary administrative time, training, networking and meetings.

Developing general good practice in the management of volunteers is also an important area in human resource planning. Volunteers' handbooks should be developed, which set out clear guidelines in working with volunteers, what are the service's policies in relation to areas where volunteers may be deployed and the responsibilities of both the service and the volunteer. Clear boundaries may need to be set on the management of volunteers by paid staff, particularly where a volunteer may have some external association with a member of staff with a management or supervisory responsibility for their work.

## Standard 6.3

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**All services must be able to demonstrate that their annual budget is sufficient to resource the requirements of these Standards and sufficient to resource the commitments established in the Service Plan.**

Service users, funders, and those involved in planning and delivering the service need to be assured that the service and quality plans can be met and be sustained.

For all service providers each element of the Service Plan and the plan to meet these Standards must be costed and included within the service's annual budget.

The cost of meeting these Standards needs to be considered. For many services, costing this work will inform whether there is a need for additional resources to develop their service or to maintain compliance.