

# Competences for benefits casework

To do this you need to be able to:	Before doing this you need to:
<p><b>Maintain quality:</b></p> <ol style="list-style-type: none"> <li>1. work within the bureau's agreed level and quality of service to clients</li> <li>2. work within your own level of expertise</li> <li>3. agree and work within a system of supervision</li> <li>4. maintain and operate a casework management system in order to:               <ul style="list-style-type: none"> <li>• ensure all deadlines and time limits are met</li> <li>• keep track of cases</li> <li>• ensure that the number of live cases is manageable</li> </ul> </li> <li>5. monitor effectiveness of advice and casework management systems and propose improvements where necessary</li> <li>6. keep up to date with case law, policy, practice and trends in enquiries</li> <li>7. write reports for the bureau manager, the Trustee Board, funders and other agencies, and represent the bureau at relevant meetings e.g. local benefit forums, national conferences</li> <li>8. maintain up-to-date local information on area of specialism for own and others use</li> </ol>	<ol style="list-style-type: none"> <li>a. have a detailed understanding of the limitations on the level of service agreed by the bureau (and when appropriate LSC transaction criteria)</li> <li>b. be aware of the limits of your own expertise and know how to access specialist consultancy (e.g. SSU, CPAG Advice Line).</li> <li>c. have a detailed understanding of the bureau casework management system and pay attention to detail</li> <li>d. have a detailed understanding of time limits for claims and challenging decisions</li> <li>e. know which publications and other sources are needed to keep up to date with legislation and current trends</li> <li>f. know how to structure and present information for a variety of audiences</li> <li>g. be able to apply knowledge and expertise to support client without taking over</li> <li>h. be aware of the need to explain the proceedings and keep the client involved</li> <li>i. have a detailed understanding of:               <ul style="list-style-type: none"> <li>• Legislation</li> <li>• Documentation</li> <li>• Rules and regulations</li> <li>• National and local practice and processes</li> </ul> </li> <li>j. be able to apply statute and case law by having a detailed understanding of how to use the required information sources</li> <li>k. adopt a questioning attitude to decisions made by benefit authorities</li> </ol>
<p><b>For all cases:</b></p> <ol style="list-style-type: none"> <li>9. maintain client's involvement in decision making at all stages of the case including confirming advice given, agreeing strategy and action, progress, next steps and time limits</li> </ol>	

<p>10. identify and record all relevant facts and gather sufficient information to make a full diagnosis</p> <p>11. identify alternative routes to achieving client's goals e.g.</p> <ul style="list-style-type: none"> <li>• by looking for alternative interpretations of legislation</li> <li>• using case law</li> <li>• problem solving using lateral thinking</li> </ul> <p>12. have a pro-active approach to identifying possible cases of discrimination in policies and procedures</p> <p>13. identify possible implications for other enquiry areas</p> <p>14. assess the strengths and weaknesses of the case, the potential outcomes and consequences of different strategies and reassess these in the light of the facts, possible arguments in opposition and time limits</p> <p>15. identify and refer clients because of the complexity of the case and/or where the action needed falls outside the service you or the bureau are able to offer</p> <p><b>Advise and assist on benefits issues</b></p> <p>16. advise and assist clients on the range of benefits, social fund payments and tax credits including:</p> <ul style="list-style-type: none"> <li>• rules of entitlement</li> <li>• calculations</li> <li>• how to claim</li> <li>• interaction with other benefits</li> <li>• payments</li> </ul>	<p>l. have an overview of areas of likely discrimination in the provision of benefits</p> <p>m. have an overview of the potential effects of immigration status on advice given and action taken</p> <p>n. have a detailed understanding of possible options and their limitations, risks, costs and possible impact on other problem areas</p> <p>o. know the procedures and limitations of local, regional and national sources of consultancy and referral</p> <p>p. have a detailed understanding of the available benefits and tax credits and the interconnections between them.</p> <p>q. have a detailed understanding of the procedures involved in decision making</p> <p>r. have a detailed understanding of the circumstances in which benefits may be refused or stopped, and the client's options including local authority support</p> <p>s. be aware of the rules and the limits on advising clients who may be committing fraud.</p> <p>t. have a detailed understanding of the rules on overpayments, late claims and backdating</p> <p>u. be able to question and challenge the client to highlight and clarify any discrepancies and evidence weakening the case</p> <p>v. have a detailed understanding of options for challenging decisions including tribunal and other procedures, and the roles of all those involved</p> <p>w. have a detailed understanding of how to prepare and present a written case</p> <p>x. have a detailed understanding of a range of negotiation strategies and tactics</p> <p>y. be able to analyse, organise, appraise and summarise evidence</p>
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17. identify where the client is in the decision making process
18. advise and assist clients who have been refused benefit or whose benefit has been stopped
19. advise and assist clients on overpayments, late claims and backdating
20. advise on better-off options

### **Taking action on behalf of the client**

21. take appropriate initial action e.g.:
  - contact benefit office by phone or letter to establish facts
  - explain options for challenging decisions including tribunal or other procedures
  - complete appeal form or send letter challenging decision
22. where appropriate, use firm negotiating tactics based on strengths of the client's case
23. manage the preparation of a case, including:
  - identify, obtain and collate evidence to support and corroborate the client's case
  - prepare clear written and verbal submissions
24. monitor and review progress to ensure time limits are met, strategies are still appropriate, and CAB still supports and will represent
25. consult relevant specialist advisers and support services as necessary for help in advising clients and preparing cases
26. where the bureau is unable to represent, prepare written submissions or provide client with a written summary of the main points to pursue

- z. be able to plan a logical presentation, with arguments clearly fitted into the law, and selected case law
- aa. be able to identify possible counter arguments and plan an effective response
- bb. have an overview of the possibilities for claiming ex gratia payments or compensation
- cc. be able to analyse DWP/IR submissions and structure a submission on behalf of a client
- dd. be able to present a case clearly and calmly using appropriate language, tone and manner and respond appropriately to the conduct of the hearing.
- ee. be able to use appropriate questions, to draw out supporting evidence and expose weaknesses in the decision makers submission
- ff. be able to assess issues as they develop, respond by adapting sequence and tactics to meet them and to request an adjournment if needed
- gg. be able to make accurate notes of evidence and decision
- hh. Be aware that the client may be feeling anxious, angry or confused
- ii. have an overview of the grounds and procedures for challenging tribunal decisions
- jj. know bureau policy on taking cases further
- kk. where bureau policy requires it, have a detailed understanding of grounds and procedures for challenging tribunal decisions

27. take appropriate action where decisions cannot be appealed
28. advise on making complaints e.g. to local office and under ombudsman schemes and requests for compensation where there has been official error

### **Represent client at formal hearing**

29. complete final case preparation, including where necessary /appropriate:
  - obtaining copies of relevant case law
  - planning questions to highlight weaknesses in the decision maker's submission
  - planning a clear and systematic presentation covering facts, law and submission
30. represent clients at tribunals and other review or appeal proceedings using manner and tactics most likely to achieve best possible outcome
31. acknowledge and respond sensitively to client's feelings about the proceedings and the decision

### **Follow-up to the hearing**

32. where within bureau policy, assist with challenging the tribunal decision by advising on applying:
  - for a full statement of reasons for tribunal decision
  - for the decision to be set aside
  - to the Social Security Commissioners
  - for Judicial Review
  - to an Ombudsman

<ul style="list-style-type: none"><li>• for supersession.</li></ul> <p>33. where case falls outside bureau policy or your competence, make referrals to solicitors or other specialists where appropriate</p>	
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