

## Competences for employment casework

<b>To do this you need to be able to:</b>	<b>Before doing this you need to:</b>
<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. CLSP</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 sources of consultancy and referral</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</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> </ol>

**For all cases:**

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| 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   | g be able to apply knowledge and expertise to support client without taking over   |
| 10. have a pro-active approach to identifying possible cases of discrimination  | h be aware of the need to explain the proceedings and continually to check the client's wishes   |
| 11. identify possible implications for other enquiry areas  | i be aware of problems where discrimination may be a factor  |
| 12. gather sufficient information to make an accurate diagnosis, including significant details of:  | j be aware of how problems in one enquiry area may impact on another, particularly immigration   |
| <ul style="list-style-type: none"><li>• the contract of employment</li><li>• the events and the context</li><li>• the matter under dispute</li><li>• any action already taken</li><li>• the client's personal situation</li></ul> | k have a detailed understanding of the legislation and legal documentation relating to: <ul style="list-style-type: none"><li>• wrongful dismissal</li><li>• unfair dismissal</li><li>• constructive unfair dismissal</li><li>• redundancy</li><li>• discrimination</li><li>• transfer of undertakings</li><li>• contractual rights in work</li><li>• statutory rights in work</li></ul> |
| 13. identify relevant issues and gaps in information needed to be able to make a full diagnosis   |  |
| 14. advise the client of their rights in Employment Law and options for enforcing them, including   | l be able to apply statute and case law (including European law) using reference books and a range of information sources  |
| <ul style="list-style-type: none"><li>• time limits and costs</li><li>• the chances of success and amount of possible awards</li><li>• potential consequences, both</li></ul>   |  |

<p>practical and legal</p> <p>15. question and challenge the client to highlight and clarify any discrepancies and evidence that weakens the case</p> <p>16. assess the strength of a case, the chances of success of different strategies and reassess these in the light of the facts and possible arguments in opposition</p> <p>17. 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>Taking action on behalf of the client:</b></p> <p>18. take appropriate initial action e.g.:</p> <ul style="list-style-type: none"> <li>• take full statement from client</li> <li>• obtain written reasons for dismissal</li> <li>• explain the court or tribunal procedures</li> <li>• fill in Employment Tribunal or County Court claim form</li> <li>• complete and serve a discrimination questionnaire</li> </ul> <p>19. discuss the employer's responses with the client</p> <p>20. advise on the need to show mitigation of loss and how to do this</p> <p>21. where appropriate, use firm negotiating tactics based on</p>	<p>m have a detailed understanding of possible options and their limitations, risks, costs and possible impact on other problem areas</p> <p>n know the procedures and limitations of local, regional and national sources of consultancy and referral</p> <p>o have a detailed understanding of Employment Tribunal and County Court procedures and the roles of all those involved</p> <p>p be aware of common employment practices, current employment issues and specific local employment issues</p> <p>q have a detailed understanding of how to present the case on Employment Tribunal and County Court forms.</p> <p>r be able to question and challenge the client to highlight and clarify any discrepancies and evidence weakening the case</p> <p>s have a detailed understanding of the compensation formula to work out a settlement figure</p> <p>t have a detailed understanding of a range of negotiation strategies and tactics</p>
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strengths of the client's case

22. manage the preparation of a case for an Employment Tribunal, including:

- identify and obtain evidence to support and corroborate the client's case
- request further particulars, discovery of documents, Orders for Discovery and Witness orders
- respond to employer's requests for further and better particulars
- calculate compensation and negotiate settlements through ACAS or a certified specialist
- interview witnesses, explain how tribunal works, importance of their evidence, help them feel comfortable about what they are prepared to say and take statement of their evidence

23. monitor and review progress to ensure procedural time limits are met, strategies are still appropriate, and CAB still supports and will represent

24. consult relevant specialist advisers and support services as necessary for help in advising clients and preparing cases

25. keep the client involved and informed throughout

**Represent client at formal**

**hearing:**

26. complete final case preparation, including where necessary / appropriate;  
final briefing of client and witnesses  
assembly of bundles and statements  
obtaining copies of relevant case law  
planning a clear and smooth presentation  
planning cross-examination to expose weaknesses in the employer's case  
drafting an outline of evidence-in-chief, cross examination and closing statement

27. negotiate settlements, including drafting of binding compromise agreement

28. where you are unable to represent, prepare written submissions or provide client with written summary of main points to pursue

29. represent clients at the Employment Tribunal / County Court using manner and tactics most likely to achieve client's desired outcome

- u be able to analyse, organise, appraise and summarise evidence and prepare bundles
- v be able to plan a logical presentation, with arguments clearly fitted into the law, and selected case law
- w be able to identify areas where the employer is likely to attack, and know how to brief witnesses accordingly

- x be able to present a case clearly and calmly using appropriate language, tone and manner and respond assertively to an adversarial approach
- y be able to use appropriate questions, to draw out supporting evidence and expose weaknesses in employer's case
- z be able to assess issues as they develop, respond by adapting sequence and tactics and to request an adjournment if needed
- aa be able to make accurate notes of evidence and decision, and request a

<p><b>Follow-up to the hearing:</b></p> <p>30. advise on, and assist in, the enforcement of awards, consulting money advice specialists where appropriate</p> <p>31. advise on the rights of review and appeal making referrals to solicitors where appropriate</p>	<p>full written decision if necessary</p> <p>bb have a detailed understanding of the grounds and procedures for enforcement</p> <p>cc have a detailed understanding of rights of review and appeal</p>
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