

Competences for housing casework

<p>To do this you need to be able to:</p> <p>maintain quality</p> <ol style="list-style-type: none"> 1. work within the bureau's agreed level and quality of service to clients 2. work within your own level of expertise 3. agree and work within a system of supervision 4. maintain and operate a casework management system in order to: <ul style="list-style-type: none"> • ensure all deadlines and time limits are met • keep track of cases • ensure that the number of live cases is manageable 5. monitor effectiveness of advice and casework management systems and propose improvements 6. keep up to date with case law, policy, practice and trends in enquiries 7. write reports for the bureau manager, the Trustee Board, funders and other agencies and represent the bureau at relevant meetings (e.g. homeless forum) 8. maintain up-to-date local information on housing providers, deposit schemes and local authority policies and procedures for own and others 	<p>Before doing this you need to:</p> <ol style="list-style-type: none"> a have a detailed understanding of the limitations on the level of service agreed by the bureau and be aware of (and when appropriate work within) LSC transaction criteria b be aware of the limits of your own expertise and know sources of consultancy including the National Homelessness Advice Service (NHAS) c have a detailed understanding of the bureau casework management system and pay attention to detail d know which publications and other sources are needed to keep up to date e know how to structure and present information for a variety of audiences
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use

For all cases:

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| <ul style="list-style-type: none">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 limits10. identify client's housing status and vulnerability to eviction11. identify and interpret common legal documents12. negotiate with public and private sector landlords13. identify possible implications for other enquiry areas14. where appropriate, explain how the client's immigration status can affect their situation15. have a pro-active approach to identifying possible cases of discrimination16. seek guidance when needed by making effective use of the National Homelessness Advice Service (NHAS) or other agencies17. make effective referrals to bureau specialists, NHAS fieldworkers, solicitors, rent officers, tenancy relations officers etc.18. advise on entitlement to free legal help19. identify relevant research and campaigns issues and initiate appropriate action | <ul style="list-style-type: none">f be able to apply knowledge and expertise to support client without taking overg be aware of the need to explain the proceedings and keep the client involvedh be able to identify and interpret common legal documents e.g. tenancy agreements, notices, county summonses, orders for possessioni be able to apply statute, case law and human rights law by having a detailed understanding of how to use the required information sourcesj be aware of the potential effects of immigration status on the advice given to the client and any action takenk have an overview of areas of likely discrimination in the provision of housingl have a detailed understanding of the role of the NHAS and what local housing agencies can provide
m have a detailed understanding of entitlement to free legal help |
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<p>Security of tenure</p> <p>20. advise on less common forms of tenure e.g. mobile homes, agricultural tenancies</p> <p>21. advise on security of tenure where the status is unclear or may be challenged</p> <p>22. advise on succession, assignment and exchanges</p> <p>23. advise on possible ways of challenging the amount of rent being charged</p>	<p>n have a comprehensive understanding of security of tenure legislation and case law</p> <p>o have an overview of which occupiers may challenge the amount of rent being charged</p>
<p>Eviction</p> <p>24. explain the stages for possession proceedings including notice, summons, hearing and warrant</p> <p>25. advise clients facing court proceedings</p> <p>26. represent clients at County Court in undefended cases</p>	<p>p have a detailed understanding of:</p> <ul style="list-style-type: none"> • grounds for possession • possible defences • counterclaims • court procedures • what orders the court can make • bailiffs' warrants <p><u>see competences for representing clients at County Court and benefit tribunal</u></p>
<p>Housing Benefit</p> <p>27. advise on local schemes for deciding maximum Housing Benefit</p> <p>28. present client's case in writing for Housing Benefit revisions to a Local Authority</p> <p>29. represent clients at appeal hearings</p>	<p>q have a detailed understanding of the scheme used locally for Housing Benefit determination</p> <p>r have an overview of Housing Benefit regulations</p> <p><u>see competences for representing clients at County Court and benefit tribunal</u></p>
<p>Neighbour disputes</p> <p>30. advise clients involved in neighbour disputes on housing issues</p>	<p>s have a detailed understanding of possible remedies including mediation schemes</p>

Homelessness and re-housing

31. advise on housing options, including the private rented sector, and likely outcome of applications to registered social landlords, council housing and hostels
32. advise on ways to challenges to Local Authority decisions on homelessness and allocations
33. represent clients in verbal and written contacts with local authority staff
34. assist clients with local authority homelessness and allocations reviews
35. refer to solicitors for County Court appeals and judicial review

Rent and mortgage arrears

36. check whether the amount owed is correct
37. identify client's vulnerability to eviction
38. identify any action taken by the landlord or lender and any stage of possession proceedings reached
39. explore the possibility of reducing the amount owed
40. negotiate with landlords, lenders and creditors
41. advise on legal action in the County Court and refer

- t have a detailed understanding of homelessness law, case law and code of guidance
- u have a detailed understanding of allocations law and code of guidance for common cases
- v have a detailed understanding of local council lettings scheme
- w have a detailed understanding of the links between homelessness law and other legislation (e.g. community care, immigration)
- x have a detailed understanding of the legal and complaint options for challenging local authority decisions:
 - reviews
 - County Court
 - appeals
 - judicial review
 - internal complaints
 - ombudsman
- y have a detailed understanding of the possibility of using Housing benefit to reduce the amount owed and counterclaims e.g. for disrepair, harassment
- z be aware of the options for restructuring a mortgage and re-

<p>defended cases</p> <p>42. represent at County Court on non defended cases for possession orders and Bailiffs' warrants</p> <p>Relationship breakdown and domestic violence</p> <p>43. advise and assist on welfare benefits for housing costs in emergency situations</p> <p>44. identify and advise on situations which require actions to protect rights to the shared home</p> <p>45. advise on short term remedies and long term options that can be taken including:</p> <ul style="list-style-type: none"> • occupation orders • homelessness applications • refuge / emergency accommodation • transfers of property, including tenancies <p>46. make effective referrals to solicitors</p> <p>Harassment and illegal eviction</p> <p>47. Where harassment or illegal eviction has been identified, advise on possible remedies:</p>	<p>mortgaging</p> <p>aa have a detailed understanding of County Court powers for rent and mortgage arrears cases</p> <p>see competences for representing clients at County Court and benefit tribunal</p> <p>bb have a detailed understanding of the welfare benefits for emergency housing situations</p> <p>cc have a detailed understanding of matrimonial and family law rights and issues relating to housing including issues including:</p> <ul style="list-style-type: none"> • rights of occupation and payment • occupation orders • procedures to end rights of occupation <p>dd have an overview of relevant area of family law including</p> <ul style="list-style-type: none"> • non-molestation order • occupation order • ouster order • injunction • Beneficial interest • Transfer of property <p>ee have a comprehensive understanding of the Protection from Eviction Act 1977</p>
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<ul style="list-style-type: none"> • civil and criminal legal action • CAB to negotiate with landlord • tenancy relations officer to negotiate with landlord • self-help procedure for re-entry • re-housing <p>48. Refer to tenancy relations officer or solicitor</p> <p>Disrepair</p> <p>49. identify, advise and assist on urgent situations that affect the client’s health or safety e.g. faulty wiring</p> <p>50. explore what action has been taken so far</p> <p>51. identify and explain landlords’ responsibilities and advise and assist clients with gathering appropriate evidence</p> <p>52. identify client’s vulnerability to eviction</p> <p>53. advise on remedies including</p> <ul style="list-style-type: none"> • CAB to contact landlord • self help repair • referral to environmental health officer • legal action <p>54. refer to environmental health departments, independent EHOs or solicitors</p>	<p>ff be aware of the range of remedies available, and implications of each</p> <p>gg have a detailed understanding of the role and powers of the tenancy relations officer, and their location in the local authority</p> <p>hh have a detailed understanding legislation and case law for common repair problems</p> <p>ii have a detailed understanding of local authority powers and duties</p> <p>jj have an overview of court powers to grant injunctions and award damages</p> <p>kk have detailed understanding of the process and pitfalls of self - help remedies for disrepair</p>
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Represent client at County Court and Housing Benefit tribunal

Preparation:

- 55. Explain the court or tribunal procedures
- 56. Identify and collate evidence
- 57. Assist the client to prepare to take or defend action
- 58. From case papers, prepare written and verbal submissions
- 59. Brief client before attending court or tribunal

At the hearing:

- 60. Present client's case at the hearing using manner and tactics most likely to achieve client's desired outcome

- ll be able to explain stages of tribunal or court procedure, clarifying roles of all involved including client
- mm be able to research, understand and apply rules, legislation and case law , including European and international law where relevant, using reference books and a range of information sources
- nn be able to identify facts & issues in dispute
- oo be able to plan a logical presentation, with arguments clearly fitted into the law and selected case law
- pp be able to explain to the client the arguments to be presented
- qq be able to draw up a clear written or verbal presentation of arguments with supporting evidence within time limits
- rr be able to analyse, organise, appraise and summarise evidence
- ss be able to identify counter arguments and plan an effective response

- tt be able to present a case clearly and calmly and respond assertively to an adversarial approach
- uu be able to use appropriate

<p>Follow-up to the hearing:</p> <p>61. Advise the client on appealing/ reviewing the decision</p> <p>62. Refer within time limits for appeals, judicial review, ombudsman etc.</p>	<p>questions to draw out supporting evidence and expose weaknesses in the opposing case</p> <p>vv be able to use language, tone and manner appropriate to tribunal or court protocol</p> <p>ww be familiar with tribunal/court procedures and able to use them in the client's best interests.</p> <p>xx be able to assess issues as they develop and respond by adapting sequence and tactics to meet them</p> <p>yy be aware of the importance of keeping the client involved by explaining the proceedings and continuing to check the client's wishes</p> <p>zz be able to identify need to and make request for adjournment</p> <p>aaa have an overview of the grounds and procedures for review / appeal</p>
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