

447

REPRESENT THE AGENCY IN COURTS AND FORMAL HEARINGS

Unit overview

Elements of competence

- 447a Exchange information at courts and formal hearings
- 447b Present reports at courts and formal hearings

About this unit

For this unit you need to represent your agency in courts and at formal hearings through exchanging information and presenting reports.

Scope

The scope is here to give you guidance on possible areas to be covered in this unit. The terms in this section give you a list of options linked with items in the performance criteria. You need to provide evidence for any option related to your work area.

Appropriate person: line manager; court officer/duty office.

Communication methods and language: the individual's preferred spoken language and the use of signs; symbols, pictures, writing, objects of reference, communication passports, other non verbal forms of communication, and human and technological aids to communication.

Court conventions relating to: style of presentation; use of language.

Information on: the outcomes of the court or hearing; requirements for further work; implications for other work; requirements and timing of progress reports; critical comment and positive feedback; factors relating to the management of risk.

Present yourself in: dress; speech and body language.

Problems: factual errors; omissions; discriminatory language and content; doubts about the authenticity of information.

Relevant people: individuals who are subject to the court or formal hearing; people who are significant to the individual (eg carers); people within your agency; partner agencies in the mental health sector; staff in the legal and judicial system; staff in other relevant services.

The courts and formal hearings will include: mental health tribunals, other tribunals, criminal courts, civil courts, prison establishments, parole boards. However, you would only be expected to apply your knowledge to those courts and formal hearings in which you work, and know about those others to which your work is related.

You will be expected to be able to provide evidence for and justify any views/recommendations you offer.

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Key words and concepts

This section provides explanations and definitions of the key words and concepts used in this unit. In occupational standards it is quite common to find words or phrases used which you will be familiar with, but which, in the detail of the standards, may be used in a very particular way. **Therefore, we would encourage you to read this section carefully before you begin working with the standards and to refer back to this section as required.**

Others

Are other people within and outside your organisation that are necessary for you to fulfil your job role

People who are authorised

People authorised to receive information would include court officials, social workers, consultant psychiatrists, ASWs, CPN and others as relevant to the context in which the formal hearing has been called

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447a Exchange information at courts and formal hearings

Performance criteria

You need to show that:

- 1 You clarify the reports which the courts and formal hearings require, by when and for what purpose
- 2 You plan how to obtain the necessary information
- 3 You work effectively with staff from your own and other agencies to obtain the necessary information
- 4 You gather relevant, accurate and current information from relevant people in a supportive manner which is sensitive to their needs
- 5 You summarise the information received from people and reflect it back to them to confirm that the worker has interpreted the information correctly
- 6 You analyse the collected information, identify correctly any problems with it and address them promptly
- 7 You provide accurate, legible and complete written information in the required format at the appropriate time
- 8 You provide information which is consistent with requests, your work role, agency policy and statutory requirements
- 9 You explain clearly and accurately the nature of, and rationale for, your agency's policies and practices when these are questioned
- 10 You identify any tensions and areas of conflict with **others** and seek to address them constructively
- 11 You complete records accurately and clearly and store them according to agency requirements
- 12 You communicate information to **people who are authorised** to have it

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447b Present reports at courts and formal hearings

Performance criteria

You need to show that:

- 1 You identify and discuss the issues which may be raised at courts and formal hearings with your line manager prior to the hearing
- 2 You present the information which the court requires clearly, accurately and succinctly and in a manner which is consistent with court conventions
- 3 You present yourself and interact with others in a manner which promotes the work of the agency and is consistent with the promotion of individuals' rights
- 4 You make timely and appropriate interventions which challenge others when they misinterpret information or are discriminating unfairly
- 5 You seek advice and support from an appropriate person if difficulties arise
- 6 You clarify details of court requests for further information
- 7 You take action to gain further information about the report promptly
- 8 You complete records accurately and clearly and store them according to agency requirements
- 9 You communicate information to people who are authorised to have it

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Knowledge specification for the whole of this unit

Competent practice is a combination of the application of skills and knowledge informed by values and ethics. This specification details the knowledge and understanding required to carry out competent practice in the performance described in this unit. When using this specification **it is important to read the knowledge requirements in relation to expectations and requirements of your job role.**

Values

- 1 How you have applied the principles of equality, diversity and anti-discriminatory practice to your work

Legislation and organisational policy and procedures

- 2 The specific legislation (national and European) which relates to the work being undertaken - both The context and the individual - and the impact of this on the work
- 3 The functions, associated statutory requirements, procedures (eg administration and etiquette) and resources of the different courts and formal hearings in which you work or to which your work is related
- 4 Possible hearing outcomes and associated statutory requirements of the different courts and formal hearings in which you work or to which your work is related
- 5 The nature of the sector, and the nature, roles and functions of the principal agencies and workers within it
- 6 Agency structures, functions, methods of communication and decision making processes
- 7 Any particular factors relating to the agency's policies and practices which have affected the work undertaken

Theory and practice

- 8 The different forms of report which are required for the different courts and formal hearings in which you work or to which your work is related and the reasons for these
- 9 The ways in which it is necessary to alter communication when working with different individuals and representatives of different agencies
- 10 Ways of identifying and addressing problems with the information and examples of how you have done this in their work
- 11 Methods of evaluating your own competence, determining when further support and expertise are needed and the measures taken to improve your own competence in this area of work

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Evidence requirements for this unit

- Direct observation by assessor and/or an expert witness is required for some of the performance criteria for every element in this unit.
- Prior to commencing the unit you should agree a plan with your assessor regarding the types of evidence to be used.
- You must provide your assessor with evidence for ALL the performance criteria and ALL the knowledge requirements and the relevant parts of the SCOPE as applicable to your workplace.
- The evidence must, at all times, reflect the policies and procedures of the workplace as linked to current legislation and the values and principles for best practice within the Health and Social Care Sector. This will include the National Service Standards for your area of work or client group.
- All evidence should relate to real work activities for ALL elements of this unit.
- Simulation is NOT permitted for this unit.

Competences can be demonstrated using a variety of types of evidence from the following:

- **Work products:** these can be any record that you would normally use within your normal role eg: reports and records, communication records, policies and procedures, minutes of meetings, etc.
- **Assignment/project:** you may have already completed a project or assignment (for example from HNC, NC, VRQ, BTec courses, D32, 33, 34, A1 and V1). You could also use evidence of previous in-house training course/programmes you have completed showing professional development.
- **Reflective accounts:** you describe your actions in (a) particular situation(s) and reflect on the reason(s) for you practicing in that way, in relation to representing the agency in courts and formal hearings.
- **Questioning/professional discussion:** you and your assessor may agree on questions or discussion to demonstrate your knowledge, to supplement the knowledge demonstrated through observations, products and reflective accounts. These can be oral or written but evidence of this must be recorded.

NB Confidential records are not required in your portfolio, they can remain where they are normally stored and be checked by your assessor and internal verifier. If they are included they must be anonymised.