

Resolution Specialist Accreditation

Children Law (Public) Portfolio Competence Unit - Lawyers

This unit focusses on the specialist knowledge, understanding and application in practice required to advise/represent adult clients, parents, carers or other family members who are involved in care proceedings. Please also see guidance note at end of unit.

Competency Code	Knowledge and Understanding Candidates must know and understand:
SAPUC1	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol, Law Society: Good Practice in Child Care Cases, The Remote Access Family Court and any associated protocols) and texts. The SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution's Guides to Good Practice and Precedents.
SAPUC2	Legislation and case law in relation to public law proceedings under the relevant sections of the Children Act 1989 including: <ul style="list-style-type: none"> • S.31 – 38 CA 1989 • S 41 • S.44 CA 1989 • S.47 CA 1989
SAPUC3	Legislation and procedures in relation to s.8 and s.13 – 16 Children and Families Act 2014.
SAPUC4	Practice and procedures in public law children's cases including emergency procedures, gatekeeping, allocation and timetabling.
SAPUC5	Practice and procedures prior to proceedings and following notification of early assessment or any pre-action warning to parents in relation to the prospect of care proceedings.
SAPUC6	The Adoption and Children Act 2002, Children and Adoption Act 2006, Children and Families Act 2014 and the Local Authority Social Services Act 1970. Guidelines and rules including the Family Procedure Rules 2010.
SAPUC7	The role of CAFCASS and of the Guardian.
SAPUC8	The statutory obligations and powers of local authority Children's Services/local Health Authorities in relation to children and young people: <ul style="list-style-type: none"> • Care Orders • Supervision Orders • Child Assessment orders • Emergency Protection Orders
SAPUC9	Working Together 2013 and the statutory guidelines including the role of Local Children's Safeguarding Boards.
SAPUC10	Procedures in relation to criminal proceedings in relation to child protection, including in relation to police interviews.
SAPUC11	The role of, and procedures relating to, experts and expert evidence.
SAPUC12	The law and procedures in relation to secure accommodation orders.
SAPUC13	The role of the Independent Reviewing Officer and procedures in relation to assessment and review meetings.
SAPUC14	Children Act 1989 s.14, law and procedures in relation to Special Guardianship including: <ul style="list-style-type: none"> • Differences between special guardianship and adoption

	<ul style="list-style-type: none"> • Special guardianship support regulations and • Assessment for such support • Other/alternative client funding sources (e.g. Local Authority funding)
SAPUC15	The law, practice and procedure for placement order applications - either within care proceedings or free standing - and for adoption order applications, including matters relating to contact within adoptive placements.
SAPUC16	Law and procedure in relation to separate representation of children who are competent to instruct their solicitor direct and when, why and how this arises.
SAPUC17	Legal Aid availability and eligibility criteria if/where applicable.
SAPUC18	The range of relevant services of support for parents and for their children where there are threatened or actual care proceedings.

Competency Code	Performance Candidates must be able to:
SAPUC19	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
SAPUC20	Identify any safeguarding concerns that have been raised and provide effective explanation.
SAPUC21	Identify and act appropriately upon any disability or vulnerability identified or raised by client parents.
SAPUC22	Identify and explain pre-proceedings actions, the purpose of any planned assessment or meetings.
SAPUC23	Identify and explain the law and procedures relating to care proceedings.
SAPUC24	Demonstrate adherence to timetable and procedures.
SAPUC25	Provide relevant information in relation to proceedings.
SAPUC26	Assess the need for expert reporting, the expert required, and the procedure for appointment.
SAPUC27	Identify and act appropriately in relation to any interface between private and public law proceedings.
SAPUC28	Identify and assess potential conflicts between the Public Law proceedings and any existing or potential criminal proceedings, including the issues surrounding the giving of evidence in each set of proceedings, disclosure between the proceedings (both ways) and the need for co-operation with criminal courts and lawyers including joined directions and awareness of local protocols as to the obtaining of PNC checks with the Police and obtaining full DBS disclosure
SAPUC29	Assess with the client the type and nature of available support and signpost to relevant services.
SAPUC30	Identify and explain law and procedure in relation Special Guardianship if/where appropriate.
SAPUC31	As/when appropriate, explain the separate representation of children and young people.
SAPUC32	Identify, assess and explain adoption agency regulations and the interface between them and any Human Rights Act considerations.
SAPUC33	Assess with clients and provide information, as appropriate, about Legal Aid eligibility criteria and how to apply.

Guidance Notes to Unit:

- Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed. Assessment is adjusted to match competencies tested.
- Candidates should approach meeting the competencies set out here with special reference to advice to and representation of adult clients, parents, carers and family members but should remain aware that they should also be able to meet competencies in relation to children and young people.