

Resolution Specialist Accreditation

Domestic Abuse Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application in practice to provide advice, legal protection, and representation to clients where there is or has been domestic abuse.

Competency code	Knowledge and Understanding Candidates must know and understand:
SADAV1	The Resolution Code of Practice and of other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution's Guides to Good Practice, the Resolution Domestic Abuse Alert screening kit, and Resolution Precedents.
SADAV2	The definition of Domestic Abuse
SADAV3	The relevant law, including Part IV Family Law Act 1996 and Protection from Harassment, Children Act 1989, Children and Families Act 2014 and the court's inherent jurisdiction.
SADAV4	The range of remedies and injunctions that may be available.
SADAV5	Relevant criteria and tests applied by the Family Court.
SADAV6	Relevant procedures in the Family Court.
SADAV7	Enforcement and addressing breaches.
SADAV8	Sentencing options.
SADAV9	Undertakings - what and when they may be an appropriate alternative.
SADAV10	Supplemental Orders.
SADAV11	Housing Law and Local Authority Duties to rehouse.
SADAV12	Legal aid eligibility and required evidence.
SADAV13	Relevant Practice directions.
SADAV14	Duty of confidentiality and circumstances in which it can be breached or over-reached.
SADAV15	The effect of domestic abuse on children
SADAV16	The relationship between domestic abuse and fact finding hearings in children matters.
SADAV17	The available services of help and support for clients, particularly in their local area.

Competency code	Performance Candidates must be able to:
SADAV18	Demonstrate appropriate application of the Resolution Code of Practice and any/all other relevant practice protocols in all cases
SADAV19	Explain to and carry out initial screening with clients including legal aid eligibility criteria.
SADAV20	Explain to and consider with the client the range of family dispute resolution processes and in particular the requirements of s.10 Children and Families Act exemptions, and whether mediation is, or may be, appropriate in the given circumstances.
SADAV21	Identify, and plan, with the client a suitable and appropriate safety plan.

SADAV22	Explain the available services of help and support and make an appropriate referral.
SADAV23	Identify, discover and collate evidence.
SADAV24	Identify with, and explain to, the client the range of remedies under the Family Law Act 1996 that may be available and appropriate in their particular circumstances.
SADAV25	Identify with, and explain to the client what other remedies, civil or criminal, may be available and appropriate beyond those under the Family Law Act 1996 in their particular circumstances.
SADAV26	Explain how the family courts apply the relevant criteria.
SADAV27	Make an assessment between the requirements for, and effects of, the different injunctions that are available.
SADAV28	Make an assessment of when undertakings are appropriate, explain to the client their effect and address any issues arising from having an undertaking rather than an order.
SADAV29	Identify and explain the differing methods of addressing breaches.
SADAV30	Identify which procedure to be followed in the given circumstances.
SADAV31	Assess with and provide to the client appropriate practical advice, including signposting or referral to services of help and support.
SADAV32	Consideration as to when supplemental orders are appropriate and explain how they work in practice and the benefits or otherwise in each case.
SADAV33	Identify where a client's right of occupation needs to be protected.
SADAV34	Consider with, and explain to, the client how domestic abuse/violence impacts on children issues and explain how this can be addressed by the courts.
SADAV35	An assessment of when a fact finding hearing may be appropriate.
SADAV36	Demonstrate an appropriate approach when dealing with litigants in person.
SADAV37	Demonstrate an awareness of the role of McKenzie Friends and an appropriate approach when faced with them.

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 in the unit. Assessment is adjusted to match competencies tested.

Information for Legal Aid Supervisors:

Resolution appreciates that many supervisors in legal aid practices do not handle baseline casework (injunctive proceedings etc.) directly. Please note that for the purposes of re-accreditation, supervisor candidates may present cases from their own caseload and which demonstrate issues or areas that are related to abusive relationships even if and where there have been no proceedings taken in relation to, for example, injunctions etc.