



Australian Government

Department of Education, Employment and Workplace Relations

BSALPP501A Obtain information from a client

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers preparing for and collecting information from a client, recording this information and updating the client's file accordingly, under the instruction of a qualified legal practitioner.

Note: It may be illegal for a person without a current legal practice certificate to provide legal advice, to sign off on legal work and to receive trust monies. It may also be illegal for persons to misrepresent their qualifications (ie. claiming to be a lawyer/conveyancer or acting as a lawyer/conveyancer when they are not qualified to do so). Accordingly, persons without a current practice certificate must make their status clear to the other party and must act under the instructions of a qualified legal practitioner. The legal practitioner must be kept up to date with the file's progress. Further, problems of a legal nature must not be resolved without consulting the instructing legal practitioner and resolutions which emerge from such discussions must be complied with.

This unit can be assessed alone or in combination with other units making up a job role.

Element of Competency	Performance Criteria
Prepare relevant background material	• Nature of client needs and client matter is discussed and clarified with instructing legal practitioner • If client has had previous dealings with the firm, relevant information is reviewed and analysed • If first dealing with client, client file is opened according to a firm's policies and procedures • Meeting is arranged with instructing legal practitioner to discuss approach to matter and relevant interview questions if applicable
Arrange for exchange of information	• Self or other is organised to contact client according to a firm's policies and procedures • Additional assistance from support staff is arranged for contact
Obtain information from client	• Legal limits to own responsibility are outlined clearly to client • Purpose of contact is explained to client and mutual expectations are established • Relevant legislation and associated legal process is clearly explained to client • Planned questions are asked of client • Self or other is organised to record client information • Transcript of interview and synopsis of information gathered is presented to client for verification

Conduct meeting
follow-up

- Client authorisation is obtained, where appropriate
- Debriefing meeting is arranged with instructing legal practitioner to discuss meeting outcomes
- Additional activities agreed upon in debriefing meeting are planned and implemented

RANGE OF VARIABLES

Relevant background material and additional information may include:	• current file • relevant legislation and regulations • previous dealings with client or relevant third party
Contact may include:	• interview • telephone interview • interview through an interpreter or other support person • letter
A firm's policies and procedures may include:	• assigning the file matter number • determining the costing mechanism • performing conflict of interest check • verifying appointments • arranging meeting rooms • re-scheduling appointments
Method of obtaining information	• in writing • in person • verbal • via third party
Appropriate questioning technique may relate to:	• state of presentation of client • sensitivity of the matter • cultural background of the client
State of presentation of the client may include:	• cooperative • emotional • defensive • non-communicative • non-English speaking • communication issues • effected by disability, eg. hearing impaired, speech impaired
Risk management issues may include:	• conflict of interest • security and access to files • disclosable information

A firm's policies and procedures may include:

- information sources
- time recording procedures
- initiation of files
- updating files
- security/confidentiality/privacy procedures
- contingencies
- interviewing
- verifying and authorising information
- recording information
- accommodating special client needs, eg. case manager, social worker, parole officer
- protocol for contacting clients eg. translator, interpreter

The area of law may include*:

- commercial law
- corporate law
- criminal law
- family law
- industrial relations /employment law
- property law
- tax law
- litigation
- wills and probate

* These are nine common areas of law. The area of law is not restricted to this list; other areas of law may be applicable.

Legislative requirements may relate to:

- relevant State/Territory/Commonwealth legislation and regulations
- the client and the firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice)
- the area of law
- schedules of fees and duties payable
- client solicitor privilege

EVIDENCE GUIDE

- Critical aspects:
- where appropriate, suggested interview questions and activities are forwarded to instructing legal practitioner for review
 - interview questions are relevant and appropriate for the information requirements
 - arrangements and verification of client meeting is completed within agreed timelines
 - arrangements for interview are made taking into account any equipment needed prior, during and after the interview
 - evidence of knowledge of the relevant legal process and legislative requirements
 - explanations to client are made clearly and sensitively
 - the interview is conducted efficiently and courteously
 - legal terminology and process can be explained in clear, simple language
 - instructing legal practitioner is kept up to date regarding all activities, actions and outcomes
 - where instructing other, instructions are clear with adequate explanation to allow the task/s to be completed
 - where instructing other, supervision is provided throughout the task in relation to:
 - providing advice and assistance with resolving problems
 - ensuring that work is completed within timelines
 - ensuring that recording of interview is accurate
 - checking that interview documents are formatted and filed correctly
 - ensuring that confidentiality and security of information is maintained
 - appropriate questioning techniques are used, taking into account the client's characteristics
 - client's questions are answered within limits of own area of responsibility
 - questions outside own area of responsibility and knowledge are identified and assistance is promptly sought, where appropriate
 - client questions within range of responsibility are answered satisfactorily and questions outside own range of responsibility are referred to instructing legal practitioner for immediate resolution
 - client information is obtained within agreed timelines using appropriate method
 - interview is carried out sensitively and non-disclosable information not disclosed
 - all activities, actions and outcomes are documented and time is recorded

- file notes are kept up to date
- all work is conducted within accepted codes of conduct including those relating to: maintaining confidentiality and security of information, use of company property, duty of care, ethical behaviours, non-discriminatory practice, conflict of interests and compliance with reasonable direction

Resource implications: The assessor must have access to appropriate documentation and resources normally found in the work environment and required to allow the job or task to be properly performed. These may include:

- appropriate legislation and regulations relevant to assisting clients
- workplace manuals and reference materials such as company policy, procedural manuals and checklists

Consistency in performance: This unit of competency will require evidence to be collected across a range of events, dealing with different clients and conducting different types of interviews, and over a period of time to ensure that situational variables are consistently achieved.

Context of assessment: Evidence of competency can be met in different situations, including:

- on the job assessment
- off the job assessment
- placement in an enterprise
- participation in a New Apprenticeship (traineeship) arrangement
- use of a Practice Firm or simulated work environment
- Recognition of Prior Learning, Recognition of Current Competencies (in skill areas where there has been no significant change to work practice in recent times).

Evidence gathering methods may include:

- observation of performance
- questioning
- discussion

Underpinning Knowledge and Skills

Knowledge

- relevant legal process
- time recording procedures
- complexity of the matter at hand
- security, confidentiality and privacy
- legal terminology relevant to the matter
- appropriate questions and questioning technique

- range of responsibility in relation to the matter
- application of a firm's policies and procedures required in the full range of tasks covered
- a firm's invoicing procedures

Skills

- literacy: reads and interprets intricate legal procedures and texts; identifies and selects relevant information; prepares brief and debrief; makes notes from spoken and written texts, and revises to enhance meaning and effectiveness
- research and analysis: analyses a complex legal procedural text; assembles and critically evaluates evidence
- follows and provides clear written and oral sequenced instructions
- communication: participates in sustained and complex transactions; clarifies and elicits relevant information; adjusts questioning techniques to respond to client
- numeracy: keeps accurate records/files
- contingency planning
- interviewing skills

KEY COMPETENCIES

Utilisation of the Key Competencies required in the performance of this unit

Communicating ideas and information	Collecting, analysing and organising information	Planning and organising activities	Working with others in a team	Using mathematical ideas and techniques	Solving problems	Using technology
3	2	3	2	0	2	1

Performance levels:

Level 1	Level 2	Level 3
- carries out established processes - makes judgements of quality using given criteria	- manages processes - selects the criteria for the evaluation process	- establishes principles and processes - evaluates and reshapes processes - establishes criteria for evaluation of processes