



STEP Advanced Certificate in Advising Vulnerable Clients

Syllabus



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www.step.org/qualifications

Advising Vulnerable Clients

Introduction

This document contains the detailed syllabus for the STEP Advanced Certificate in Advising Vulnerable Clients .

For more information about the course and how to apply, please visit the programme website: www.cltint.com/courses/step-advanced-certificate-in-advising-vulnerable-clients



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Making Plans in Anticipation of Vulnerability

Module 1

WORKING FOR VULNERABLE CLIENTS

This module covers:

- 1.1. Descriptions of vulnerability
- 1.2. Ageism, ableism and unconscious bias
- 1.3. Understanding and handling the client's needs, strengths and weaknesses because of their condition or situation
- 1.4. Managing expectations and emotions
- 1.5. How different faiths approach end-of-life decisions
- 1.6. Key personnel involved in dealing with vulnerable clients

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Module 2

PROFESSIONAL CONDUCT

This module covers:

- 2.1. Professional and statutory obligations
- 2.2. Capacity to instruct
- 2.3. Identify the client
- 2.4. Confidentiality
- 2.5. Disclosure
- 2.6. Conflict of interest
- 2.7. Undue influence
- 2.8. Undue pressure
- 2.9. Third party support
- 2.10. The right to cancel a contract made out of the office
- 2.11. Working with other professionals
- 2.12. Limit your retainer
- 2.13. Third party access to and disclosure of personal information

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Module 3

THE MENTAL CAPACITY ACT 2005

This module covers:

- 3.1. The premise of decision-making under the Mental Capacity Act 2005
- 3.2. The core principles
- 3.3. The code of practice
- 3.4. The functions and powers of the public guardian
- 3.5. The jurisdiction of the Court of Protection
- 3.6. The court's powers in relation to lasting powers of attorney
- 3.7. The court's powers in relation to an enduring power of attorney
- 3.8. Applications on behalf of minors
- 3.9. The court's powers after the death of a person who lacks capacity
- 3.10. Independent Mental Capacity Advocates
- 3.11. Excluded decisions
- 3.12. The UN Convention on the Rights of Persons with Disabilities

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Module 4

THE MENTAL HEALTH ACT 1983

This module covers:

- 4.1. The role of the Mental Health Act 1983
- 4.2. Admission for assessment
- 4.3. Admission for treatment
- 4.4. Applications for emergency admissions
- 4.5. Other powers
- 4.6. Guardianship
- 4.7. Community treatment orders
- 4.8. Section 63 – treatment without consent
- 4.9. Deprivation of liberty under the Mental Capacity Act 2005 or detention under the Mental Health Act 1983

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Module 5

THE INHERENT JURISDICTION

This module covers:

- 5.1. The role of the inherent jurisdiction to protect vulnerable people
- 5.2. The role of the local authority
- 5.3. Case examples where the court has exercised inherent jurisdiction
- 5.4. Guidance from the court

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Module 6

ASSESSMENT OF MENTAL CAPACITY

This module covers:

- 6.1. Maximising the client's capacity potential
- 6.2. When to seek an opinion on the client's capacity
- 6.3. The time-specific approach to capacity
- 6.4. The functional test of mental capacity
- 6.5. The conflict between unwise decisions and capacity
- 6.6. Identifying the appropriate expert to assess capacity
- 6.7. How to instruct an expert
- 6.8. What does a good expert's report look like?
- 6.9. Common tools for assessing mental capacity
- 6.10. Refusal to be assessed
- 6.11. Confidentiality of assessments
- 6.12. Informing the client they lack capacity

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Module 7

BEST INTERESTS DECISION-MAKING

This module covers:

- 7.1. Making decisions on behalf of someone who lacks mental capacity
- 7.2. The process for making a best interests decision
- 7.3. The weight to be attached to consultees' views
- 7.4. The balance sheet approach, the checklist approach and factors of magnetic importance
- 7.5. Tension between the best interests and least restrictive principles
- 7.6. Best interests and human rights
- 7.7. Recording a best interests decision
- 7.8. Challenges

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Module 8

PLANNING FOR DEATH

This module covers:

- 8.1. The legal requirements for making a Will
- 8.2. Testamentary capacity to make a Will
- 8.3. The Golden Rule
- 8.4. Letter of instructions to assess testamentary capacity
- 8.5. Knowledge and approval of the Will
- 8.6. Inheritance (Provision for Family & Dependents) Act 1975
- 8.7. Providing for disabled beneficiaries
- 8.8. Deathbed tax planning
- 8.9. Avoiding negligence claims with deathbed Wills
- 8.10. Executing the Will
- 8.11. Gifts in contemplation of death
- 8.12. Advance decisions

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Module 9

LASTING POWERS OF ATTORNEY (LPA)

This module covers:

- 9.1. The legal framework of LPAs
- 9.2. The prescribed forms
- 9.3. Scope and limits of a property and affairs LPA
- 9.4. Limited gifts under a property and affairs LPA
- 9.5. The de minimis exception
- 9.6. Maintenance
- 9.7. Family care payments
- 9.8. Scope and limits of a personal welfare LPA
- 9.9. Advising and drafting the LPA
- 9.10. Drafting for clients who have business interests
- 9.11. People to be notified
- 9.12. The role of the certificate provider
- 9.13. Conduct issues for a skills-based certificate provider
- 9.14. Forming an opinion as a certificate provider
- 9.15. Instructing a medical professional to act as a certificate provider
- 9.16. Execution
- 9.17. Witness to the LPA

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Module 9

LASTING POWERS OF ATTORNEY (LPA) Continued...

- 9.18. Recording instructions
- 9.19. The attorney's role
- 9.20. Registration of the LPA
- 9.21. Common problems when registering an LPA
- 9.22. Deputy already appointed
- 9.23. Applications to the court to determine validity and effect of an LPA
- 9.24. Certified copies
- 9.25. Revocation of an LPA
- 9.26. Disclaimer of an LPA
- 9.27. Objections to the registration of an LPA

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Module 10

ENDURING POWERS OF ATTORNEY (EPA)

This module covers:

- 10.1. Statutory basis for EPAs
- 10.2. Key differences between EPAs and LPAs
- 10.3. Registration of an EPA
- 10.4. Refusal of registration
- 10.5. The court's powers prior to registration of EPAs
- 10.6. Problems at registration of an EPA
- 10.7. Disclaimer of an EPA
- 10.8. Revocation of an EPA – before registration
- 10.9. Revocation of an EPA – post-registration
- 10.10. Effect of registration on EPA donor's decision-making
- 10.11. Objection to the registration of an EPA

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Module 11

THE INCAPACITATED INTERNATIONAL CLIENT

This module covers:

- 11.1. The Hague Convention on the International Protection of Adults
- 11.2. Schedule 3 to the Mental Capacity Act 2005
- 11.3. Using a foreign power of attorney or protective measure in England and Wales
- 11.4. The applicable law
- 11.5. The court procedure
- 11.6. Using a domestic power in a foreign jurisdiction

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Module 12

MAKING GIFTS

This module covers:

- 12.1. Capacity to make a gift
- 12.2. Nature, effect, benefits and risks of making a gift
- 12.3. Third party interests
- 12.4. The deliberate deprivation concern
- 12.5. Trusts and care fees
- 12.6. The asset protection Will trust
- 12.7. The lifetime asset protection trust
- 12.8. Drafting an asset protection Will trust
- 12.9. Drafting an asset protection trust during the settlor's lifetime
- 12.10. Drafting a disabled person's trust

Module 13

MANAGING MONEY

This module covers:

- 13.1. Planning tools used by independent financial advisers aimed at vulnerable clients
- 13.2. Investment considerations when managing other people's money, including Sharia-compliant investments

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In Action

Module 1

FINANCIAL DEPUTYSHIP

This module covers:

- 1.1. The Court of Protection, its rules, practice direction and forms
- 1.2. When to apply for financial and affairs deputyship
- 1.3. Who can be a deputy?
- 1.4. Identifying potential conflict in the application
- 1.5. The duties of a deputy and the restrictions on their authority
- 1.6. P's mental incapacity to manage their property and affairs
- 1.7. Making an application for a financial and affairs deputy
- 1.8. Interim orders and getting an order for sale of P's home
- 1.9. Getting paid
- 1.10. Managing complex family dynamics when acting as a professional deputy

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Module 2

COURT APPLICATIONS FOR A STATUTORY WILL, GIFT, SETTLEMENT AND DEEDS OF VARIATION

This module covers:

- 2.1. The court's jurisdiction to make a statutory Will
- 2.2. The court's approach to P's best interests
- 2.3. Evidence in support
- 2.4. The application process
- 2.5. Execution of the Will
- 2.6. Applications for gifts, settlements and deeds of variation
- 2.7. The court's approach to gifts, settlements and deeds of variation
- 2.8. The application process
- 2.9. Application to create a personal injury trust
- 2.10. Drafting a personal injury trust

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Module 3

TRUSTEE APPLICATIONS TO THE COURT OF PROTECTION

This module covers:

- 3.1. When to make an application to replace an incapable trustee
- 3.2. Delegation of trustee powers
- 3.3. Attorneys exercising trustee functions under the Trustee Delegation Act 1999
- 3.4. The concurrent jurisdiction of the Court of Protection and the High Court
- 3.5. High Court powers under section 41 of the Trustee Act 1925
- 3.6. P has a beneficial interest in the trust and there is another trustee with capacity
- 3.7. P has a beneficial interest in the trust and there is no trustee with capacity
- 3.8. P has an express power of appointment
- 3.9. P has no beneficial interest in the trust
- 3.10. Vesting of the trust assets
- 3.11. The application process

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Module 4

HEALTH AND WELFARE DECISION-MAKING

This module covers:

- 4.1. Key principles for medical practitioners
- 4.2. The right to self-determine
- 4.3. Informed consent
- 4.4. Care and treatment of people who lack capacity to consent
- 4.5. The legal framework for advance decisions
- 4.6. Considering the validity and applicability of an advance decision
- 4.7. Making decisions under a personal welfare LPA
- 4.8. Welfare applications to the Court of Protection
- 4.9. The right for carers and family to be consulted

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Module 5

DEPRIVATION OF LIBERTY

This module covers:

- 5.1. The right to liberty
- 5.2. Overview of the deprivation of liberty framework
- 5.3. Identify what is deprivation of liberty
- 5.4. Deprivation of liberty of children aged 16–17 years
- 5.5. The process for authorisation in care homes or hospitals
- 5.6. The process for authorisation in own home
- 5.7. The role of the Court of Protection
- 5.8. Reform – the Liberty Protection Safeguards

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Module 6

KEY STATE BENEFITS

This module covers:

- 6.1. Attendance Allowance
- 6.2. Personal Independence Payments
- 6.3. Disability Living Allowance
- 6.4. Carer's Allowance
- 6.5. Carer's Credit
- 6.6. Industrial Injury Disability Benefit
- 6.7. The Motability Scheme
- 6.8. Council tax exemptions
- 6.9. Blue Badge

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Module 7

SECTION 117 OF THE MENTAL HEALTH ACT 1983 – AFTERCARE SERVICES

This module covers:

- 7.1. Who qualifies for aftercare services?
- 7.2. What are aftercare services?
- 7.3. No right to charge for aftercare services
- 7.4. The ending of aftercare services
- 7.5. Aftercare planning
- 7.6. Choice of accommodation and paying a fee top-up
- 7.7. Which public body is financially responsible?
- 7.8. Disputes about responsibility

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Module 8

NHS CONTINUING HEALTH CARE (CHC)

This module covers:

- 8.1. The statutory basis for NHS CHC
- 8.2. The National Framework for Children
- 8.3. The National Framework for Adults
- 8.4. Assessments for CHC
- 8.5. Fast-tracking for terminally ill people
- 8.6. Screening for CHC – the checklist tool
- 8.7. Eligibility using the Decision Support Tool
- 8.8. Timescale for completing the decision-making process
- 8.9. Meeting CHC needs
- 8.10. Reviews
- 8.11. Reimbursement for delays in funding
- 8.12. Retrospective assessments for unassessed periods
- 8.13. Which NHS body is responsible if care is out of area?
- 8.14. Challenging an adverse decision

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Module 9

SUPPORT FROM THE LOCAL AUTHORITY SOCIAL SERVICES DEPARTMENT

This module covers:

- 9.1. Free services
- 9.2. The Care Act and the Social Services & Well-being (Wales) Act 2014
- 9.3. Children's services
- 9.4. Adult support and signposting
- 9.5. Assessments for care and support
- 9.6. Meeting the eligibility criteria
- 9.7. Duty to meet eligible needs
- 9.8. Meeting eligible needs
- 9.9. Personal budgets and direct payments
- 9.10. Care plans

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Module 10

KEEPING A CLIENT IN THEIR OWN HOME

This module covers:

- 10.1. General considerations
- 10.2. Care and repair schemes
- 10.3. Community equipment services
- 10.4. Minor adaptations
- 10.5. Disabled Facilities Grants
- 10.6. Home-sharing options

Module 11

CARE HOMES

This module covers:

- 11.1. Identify problems and pitfalls in care home contracts
- 11.2. Funded nursing care in a nursing home
- 11.3. Choice of accommodation and top-ups
- 11.4. Care home moves

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Module 12

FINANCIAL ASSESSMENT AND CONTRIBUTION TOWARDS CARE

This module covers:

- 12.1. Statutory basis for charging for care
- 12.2. Income
- 12.3. Capital
- 12.4. Personal injury awards
- 12.5. Challenging an adverse valuation of jointly owned property
- 12.6. Notional income/capital
- 12.7. Deliberate deprivation
- 12.8. Challenging an adverse decision in England
- 12.9. Challenging an adverse decision in Wales
- 12.10. Must care be provided?
- 12.11. Recovering care fees – deferred payment agreements
- 12.12. Recovery of care fees – litigious routes

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Module 13

SAFEGUARDING YOUR CLIENT

This module covers:

- 13.1. What is safeguarding?
- 13.2. Public bodies and their safeguarding duties
- 13.3. The principles of safeguarding
- 13.4. Professional conduct considerations
- 13.5. Abuse of unregistered enduring or lasting powers of attorney
- 13.6. Predatory and forced marriages

Module 14

END-OF-LIFE CARE

This module covers:

- 14.1. Euthanasia and assisted suicide
- 14.2. The forfeiture rule
- 14.3. End-of-life care policies
- 14.4. Cardiopulmonary resuscitation
- 14.5. Supporting families through bereavement



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Contact us

For full details of the programme visit:

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