

Level 2 Taking Control of Goods

Indicative content

NOTE : Whilst not exhaustive this document provides an illustration of topics and themes in this unit.

1.	<ul style="list-style-type: none"> • Key developments of enforcement profession. • Structure of enforcement sector. • Purpose of enforcement profession. • How enforcement agent's role fits into legal process. • Key functions of enforcement agents. • Meaning of current terminology commonly used in enforcement profession e.g. <ul style="list-style-type: none"> - creditor/claimant - debtor/defendant - enforcement - enforcement agent business - enforcement agent - Warrant and Writs of Control - taking control of goods - possession - committal and arrest - Liability Order. • Role of police when called by enforcement agent or debtor. • How fees and charges are applied at various stages. • Importance of correct handling of payments.
2	<ul style="list-style-type: none"> • Powers and obligations conferred by the Tribunals, Courts and Enforcement Act 2007 and associated regulations, including Commercial Rent Arrears Recoveries (CRAR). • Relevant aspects of Human Rights legislation. • Enforcement Agents' data protection obligations. • Consequences of enforcement agent not complying with current legislation.

3	<ul style="list-style-type: none"> • Categories of legally exempt goods. • Enforcement agents' rights of entry and re-entry. • Common types of ownership and exemption disputes. • How to deal with common types of ownership and exemption disputes. • Process for taking control of goods, including: <ul style="list-style-type: none"> - Different ways of taking control of goods - Obligations of Enforcement agent - Obligations of debtor. • Documentation that must be completed when taking control of goods. • Importance of accurate and legible completion of documentation. • Importance of providing information about payment opportunities and consequences of non-payment.
4	<ul style="list-style-type: none"> • Process for removal of controlled goods. • Process for the sale of controlled goods. • Duty of care when removing and selling controlled goods. • Documentation that must be completed when removing and selling controlled goods. • Enforcement Agent's responsibilities for making or obtaining a valuation of controlled goods. • Methods of selling removed controlled goods under current legislation. • Responsibilities for selling removed controlled goods under current legislation. • Implications of sale of controlled goods on those involved, including: <ul style="list-style-type: none"> - Debtor - Purchaser - Enforcement agent - Auctioneer.

5	<ul style="list-style-type: none"> • Identification of an enforcement agent’s customers. • How an enforcement agent can deliver good customer care. • Requirements of National Standards for Enforcement Agents relating to: <ul style="list-style-type: none"> - Professionalism and conduct - Complaints/discipline - Information and confidentiality - Time and hours - Vulnerable situations. • People who might be vulnerable during the enforcement process. • Actions to take in situations where vulnerable people are involved. • Enforcement agent’s obligations for dealing with real and potential complaints. • Complaint handling – where complaints can be escalated.
6	<ul style="list-style-type: none"> • How to recognise and assess conflict situations. • How to defuse and resolve conflict situations. • How to reduce risks associated with potential conflict situations.

Assessment

One-hour online examination involving 60 multiple choice questions.