



## Moderator's Assignment Feedback – Legal Proceedings and Insolvency

After each series, we ask our moderators to provide a report on each assignment-based unit to identify:

- Any questions which were usually answered particularly well, including main points and qualities that characterised good answers.
- Any questions which were usually answered badly and main weaknesses in candidates' answers.
- Common errors or misconceptions made by candidates.

We hope that this will be of assistance when completing your Collections Team Management assignment.

### General feedback to candidates

Responses in this series saw some understanding of the legal system and insolvency options. However, few secured a pass because they failed to use this knowledge to answer the questions in the assignment.

Candidates would benefit from paying attention to the wording of the assignment tasks, mark schemes and areas for consideration. The moderator's commentary in the tasks below will also prove helpful.

In general terms, there was a lack of evidence of wide technical knowledge and application of it across the tasks. There is no requirement to include all subjects outlined in the tasks' suggested areas for consideration, particularly if there is no relevance to the answer given. Candidates should use the task to show how they can blend theoretical knowledge of law and case precedents with practical application and analysis of findings to answer the specific question asked.

### Feedback for each assignment question

**Task1. Delays and issues may occur at each stage of the court process prior to judgment. Select the stages that you consider create the greatest risk to the credit or debt professional, justifying your choice. Analyse the reasons for potential obstacles and generate practical solutions to overcome them.**

T1 – There was evidence of some textbook understanding of the stages of legal process in the answers given. Selections focused more on the earlier stages prior to issue of a claim. In particular Pre-action Protocols and Alternative Dispute Resolution were chosen. There was minimal response to all the later stages prior to judgment. Very few had the depth of technical knowledge to explain case and track management effectively.

Choices made in the selection of stages were not in most cases clearly justified by identifying those containing the greatest risk. Practical solutions to the risks of delays and issues identified should then be analysed.

**Task 2 You have been tasked with managing four post-judgment debts. Analyse the four scenarios that follow and select the most effective enforcement action(s) in each case. Justify your choice by assessing its likely effectiveness in comparison to alternative options. Consider in your answer, how to effectively implement and manage your chosen action through to recovery of the debt.**

T2 – Most candidates were able to explain enforcement options at least in basic terms and could use these to either dismiss or consider them for use in each case. Several candidates failed to pick up on the detail within each case and missed opportunities to showcase their understanding as a result.

Others showed they had theoretical knowledge of the enforcement type but did not answer the question, which expected this knowledge to be applied to assess viability against the case studies.

Not all candidates chose an enforcement decision in each situation instead keeping their options open. Part of the task requirement is to consider how to effectively implement and manage the choice. Where no choice is made this restricts an effective response.

**Task 3- Assess how a credit and debt professional can effectively manage a range of formal and informal insolvency processes and what they can do to improve the opportunities for financial recovery. Use credible examples<sup>1</sup> from either a business or consumer insolvency context, to illustrate your response.**

T3 – Candidates were able to demonstrate some understanding of the different insolvency actions. Few showed credible examples to illustrate their response and less still put their answers into the context of insolvency management from the standpoint of the creditor.

Some candidates chose to provide examples from both a business and consumer context. Keeping the response to just one, business or consumer, would allow more depth of detail to be used.

Too many candidates wrote about insolvency options in general or from the standpoint of the debtor, which was not what the task required. It is important that candidates understand the requirements of the task and focus their attention on what is asked of them.

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<sup>1</sup> Examples can include personal or work experience, case studies, case law and legislation.