



## **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 deeper technical knowledge and application of it across the tasks. Relevant areas of consideration should be thoughtfully selected, justified and used to support the tasks themselves.

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.

Candidates should use the mark scheme as a check to ensure key requirements have been included in their assignment.

### **Feedback for each assignment question**

**Task1. Analyse the potential delays and issues that may occur at each stage of the court process prior to judgment. Consider the reasons for each potential obstacle and generate practical solutions to overcome them.**

T1 – One of the key requirements for this task is to focus on the court process prior to judgment. Several candidates started their explanations based on internal business processes prior to any commencement of the court process.

There was evidence of some textbook understanding of the stages of legal process in the answers given. Most focused on the earlier stages, particularly PAP, with 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.

Several candidates wrote everything they knew about each of the areas for consideration, which was not appropriate. Those who instead took a methodical approach through the Court processes and applied relevant areas for consideration to the task set, fared better. Some provided accurate analysis of the enforcement process which, however well written, was outside the scope of the task.

**Task 2 Demonstrate how to appropriately select and implement a range of actions to enforce a judgment, using all four examples in the attached case study sheet. Justify an enforcement decision in each situation by assessing its likely effectiveness in comparison to alternative options.**

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 wrote about each enforcement option within a research section held apart from their answer. This showed they had theoretical knowledge of the enforcement type but did not answer the question, which expected this knowledge to be used to assess viability against the case studies.

Not all candidates justified an enforcement decision in each situation instead keeping their options open. The key is to make an informed choice.

**Task 3- Using credible examples<sup>1</sup> to illustrate your response, explain how the credit and debt professional can manage the range of business and consumer insolvency processes they may encounter.**

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.

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.

Candidates should aim to balance their response between a range of business and consumer insolvency processes.

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