

Moderator's Assignment Feedback – Writs of Execution

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

- a) any questions which were usually answered particularly well, including main points and qualities that characterised good answers.
- b) any questions which were usually answered badly and main weaknesses in candidates' answers.
- c) common errors or misconceptions made by candidates.

We hope that this will be of assistance when completing your Writs of Execution assignment.

General feedback to candidates

This assignment is at Level 4 and so candidates need to show the ability to evaluate and analyse as well as the recall of knowledge.

In general candidates show a clear understanding of the process and requirements for enforcing Writs of Control. To achieve a Pass on this unit, they need to show the ability to vary their approach and adapt it to the situation.

Candidates are reminded that the mark scheme and learning outcomes indicate what their answers need to show at each level. They should use these with careful reading of the question when drafting their answers. The Assignment Learner Guidance for this Level gives general advice on how to use Appendices to ensure they earn marks.

Feedback for each assignment question

Q1) Evaluate the role and responsibilities of a High Court Enforcement Officer in relation to a range of Writs of Execution and Compulsory Purchase Orders (CPOs) regarding any relevant legislation.

Q1 – Generally answered well, with candidates showing knowledge of the powers and responsibilities, referring to relevant legislation. However, candidates did not achieve a pass if they failed to **evaluate these powers and responsibilities in relation to Writs of Execution and Compulsory Purchase Orders (CPO's)**, as required in the question, or made no reference to legal requirements.

Q2) Explain the process for issuing a Writ of Possession where the claimant has a County Court Order for possession, in accordance with the relevant legislation.

Generally answered satisfactorily with clear knowledge of the process. However, candidates need to **analyse the process** to meet the pass grade criteria.

Prepare for Writs of Execution and Compulsory Purchase Orders (CPOs):

Q3a) Jake, an HCEO, has received instructions to take possession of a domestic property occupied by squatters, who have refused to vacate.

He anticipates resistance and requires appropriate support. He considers that arrest of one or more of the occupiers is a possibility.

Prepare a generic and pre-planned risk management plan which is in accordance with all legal regulations for Writ of Possession and Compulsory Purchase Orders (CPO's) and attach this as an appendix.

Referring to your risk management plan, explain how you would mitigate/control the risks in this case, with consideration to any due diligence and legal requirements.

Q3a - All candidates were able to provide the required risk management plan in an Appendix. Candidates achieving a Pass showed the ability to use their risk management plan to explain how they would **control the risks in this specific Writ of Possession and Compulsory Purchase Orders (CPO's) case**, with reference to any due diligence and legal requirements. Candidates would achieve a higher mark if explained how they would adapt their approach depending on the relative risks of the Writ of Possession and Compulsory Purchase Orders (CPO's) case and any potential emerging risks they identify.

Q3b) With reference to a range of cases (hypothetical or actual), evaluate the preparation for enforcement of a range of Writs of Execution and Compulsory Purchase Orders (CPO's) in accordance with relevant legislation.

Q3b – Generally answered well, with candidates showing knowledge of how to prepare for enforcement of a range of Writs of Execution and Compulsory Purchase Orders (CPO's), referring to relevant legislation. However, candidates did not achieve a pass if they failed to **evaluate preparation plans** as required in the question nor made reference to legal requirements.

Q4a) Compare and contrast the enforcement of a range of Writs of Execution and Compulsory Purchase Orders (CPOs), including complex situations and vulnerable persons, in accordance with relevant legislation.

Q4a – Generally answered well, with candidates showing knowledge of how enforce enforcement Writs of Execution and Compulsory Purchase Orders (CPO's), referring to relevant legislation. However, where candidates gave limited description of the situations for each Writ, they struggled to evidence how their ability to enforce these Writs effectively. Also, candidates did not achieve a pass if they failed to **compare and contrast** enforcement over a **range of situations**, including complex situations and vulnerable persons.

Q4b) Evaluate how to report effectively the outcome of enforcement of Writs of Execution and Compulsory Purchase Orders (CPOs).

4b - All candidates showed an awareness of how report outcomes. However, in order to achieve a pass, candidates must evidence their ability to **evaluate** the reporting of their enforcement actions. Also, they need to demonstrate their knowledge of stakeholders and communication skills to achieve an excellent pass.

Q4c) Discuss a range of cases (hypothetical or actual) to explain when a Writ of Restitution is needed and how it is used in accordance with relevant legislation.

4c – Most candidates were able to provide a correct explanation of situations where a Writ of Restitution is required with some reference to legislation to achieve a Level 4 Pass. For higher marks candidates need to provide real-world or hypothetical examples to evidence their application of relevant knowledge, skills and behaviours and therefore their good theoretical, technical and practical knowledge.

Q5) Jake, an HCEO, has arrived at the domestic property occupied by squatters and finds the doors barricaded, and some of the occupiers on the roof.

- **There is the sound of a dog barking inside of the property.**
- **He has a locksmith with him and support team of 6 Agents.**
- **He has notified the Police of the eviction, but there are no Police Officers in attendance.**
- **Neighbours have gathered to see what is going on.**

Prepare a risk assessment for the enforcement of a Writ of Possession or Compulsory Purchase Order (CPO) for the specific case above which highlights legal requirements and attach this as an appendix.

Referring to your risk management plan, evaluate ways to mitigate/control the risks and main problems associated with the enforcement of this Writ of Possession or Compulsory Purchase Order (CPO).

5 – Most candidates were able to provide evidence of valid approach in the situation described to achieve a Level 4 pass. However, some candidates used the same risk management plan as used in question 3 which related to the different situation and therefore there was limited evidence of the candidate's ability to evaluate the differences. The candidate needs to show that they can perform this evaluation and plan accordingly for the situation described so that the enforcement actions are effective.