

## **Moderator's Assignment Feedback - Court Procedures & Enforcement Advice**

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 County Court Procedures & enforcement assignment.

### **General feedback to candidates**

Generally well answered with good technical detail given.

Candidates tended to score lower on the practical section particularly on the final question where they are asked to evaluate themselves and provide a development plan.

Candidates who relied heavily on sourced text, such as internal training documents, gained few marks for this because they failed to demonstrate their own knowledge of the subject. Candidates are encouraged to reference external sources but to use these to answer the question in their own words.

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

#### **Section A Principles**

##### **Q1 Explain the key features of a County Court claim form and response pack**

Q1 – Generally answered to a very high standard. The highest marks were awarded where the learner gave an introduction as to the purpose of the claim form along with a clear description of how the form looks and its key features. Strongest answers included the format and the use of each form contained in the claim pack.

##### **Q2 Explain the advice that you would give to a client who is in receipt of a County Court claim form when they:**

###### **a) admit the debt**

Q2a - Generally well answered. Strongest responses covered timeframes and methods of response.

###### **b) dispute the debt**

Q2b – Again, generally well answered. The best responses displayed a strong wider awareness around establishing a valid reason for a dispute. Many candidates were able to put this question into context and give examples of when a dispute is unlikely to be successful.

### **Q3 Explain the meaning of the following terms:**

#### **a) judgment in acceptance**

Q3a – Usually answered well. Stronger answers reflected upon the wider context and what this result means to the client.

#### **b) judgment by determination**

Q3b – Usually well answered. Higher marks were awarded where candidates were able to consider the wider context.

#### **c) judgment by default**

Q3c – Again, generally well answered with a good awareness of how the judgment in default arises as well as typical requests for payment under this type of judgment.

### **Q4 Explain how, and under what circumstances, you would advise a client to:**

#### **a) apply for a re-determination**

Q4a - Most candidates evidenced that they understood the re-determination process, the timeframes for doing so and the correct process to follow. Those candidates able to explain when this is an option for the client, and when it isn't gained the highest marks.

Strong responses gave a balanced explanation considering both parts of the question; how and under what circumstances.

#### **b) apply to vary a County Court judgment**

Q4b - Generally well answered with technical details given regarding the court paperwork and process involved. Stronger responses mentioned the process for a fee remittance.

The best answers gave a balanced answer considering both parts to the question; how and under what circumstances.

### **Q5 For each of the following types of enforcement action:**

**Include in your answer the key features of this type of enforcement action, including the court process involved. Briefly explain the advice you would give to a client who is subject to that action**

#### **a) explain enforcement agents**

Q5a - Answers were generally very detailed and gave lots of good technical information. Candidates who were able to include the wider context in their answer scored more highly.

Some candidates struggled to select the most relevant information so answers were not always clear and concise.

Stronger answers covered advice that should be given to a client when they had been contacted by enforcement agents and made a distinction between the different types of EA's.

#### **b) explain charging orders**

Q5b - Generally well answered and the majority of candidates were able to explain changes to the process in detail. Stronger answers reflected on why creditors may take this action and the Potential wider impact upon the client. Stronger responses covered orders for sale and gave some good context around this aspect of the enforcement.

**c) explain attachment of earnings**

Q5c - Stronger answers considered how the court will work out the amount to be deducted from a wage, how and when to request a suspended order and the potential impact on the client.

**d) explain order to obtain information from a judgment debtor**

Q5d - Answers were able to cover accurate technical detail and managed to convey the serious nature of responding to such a request. There was a tendency to miss the opportunity to demonstrate a wider awareness around the number of these orders and the reasoning behind taking this step from the creditor's perspective.

**e) explain third-party debt order.**

Q5e - Many candidates were able to explain that this is usually used in relation to bank accounts and were able to thoroughly explain the process.

More answers would have benefited from providing the wider context to show that this is a rare method of enforcement.

**Section B Practice**

This section of your assignment aims to demonstrate that you can deliver effective advice on County Court procedures and enforcement action, based on reflective practice.

**Q1 Discuss at least 7 cases where you have delivered advice on court procedures and enforcement action. In each case, explain your general approach, outline the content of various communications and contact on behalf of the client and summarise the outcomes.**

**Include evidence of your dealings with different clients but please protect your clients and delete names and other personal details when supplying evidence.**

Q1 - Some variety in level of detail provided in cases.

Stronger answers were those with more varied cases, and focused on the detail of the advice provided. Candidates should take note of the large number of marks available in this question and reflect this in the level of detail covered around their explanations of advice offered.

**Q2 Evaluate your performance in relation to the calls that you have evidenced in the previous question. Work with your line manager, if appropriate, but answer in your own words.**

Q2 - This was answered adequately in most cases. The stronger answers were where the candidate showed evaluation of their performance in direct relation to the calls evidenced in Q6 and also considered the specific strategies they used. Several candidates missed the opportunity to explain how their approach helped the client to act on their own.

**Q3 In response to your performance evaluation in the previous question, produce an action plan to address any areas for development. Refer, where relevant, to any organisational or legal requirements.**

Q3 - Best answers evidenced a plan with specific ways in which the candidate planned to further their development. Those with stronger answers were able to relate this to areas covered within the assignment. Candidates missed marks by not including an action plan with SMART goals