



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

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 development plan.

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

#### **Section A Principles**

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

Q1 - The majority of candidates answered this question to a very high standard. The highest marks were awarded where the learner gave an introduction as to what a claim form is along with a clear description of how the form actually looks and a description of key aspects of the format.

##### **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 - A generally well answered question though candidates sometimes missed out on marks where they didn't consider the wider context within their answer.

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

Q2b - Some variation in the level of knowledge displayed in answering this question. Stronger answers were where candidates showed that they could demonstrate the advice that should be given even when it went beyond their own job role.

Many candidates were able to put this question into context and give examples of when it would and would not be suitable to dispute the debt.

### **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, although some candidates were unclear on who makes the judgment; creditor or court. Higher marks were awarded where candidates were able to consider the wider context.

#### **c) Judgment by default**

Q3c - Some confusion about a Judgment in Default. Some candidates confused this with a judgment which the client had defaulted on, rather than being clear that this is a type of judgment and discussing its characteristics. Candidates need to be clearer in their explanation that the client will still have to miss a payment/ or be unable to fulfil a request for judgment forthwith, to default on their 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 redetermination process, although some were confused as to which type of court decisions could be re-determined. Those who were best able to explain the potential circumstances clearly and concisely gained higher marks.

Stronger answers explained what clients should do regarding their payment whilst waiting for a re-determination to be processed. Higher marks were also awarded where they were able to reflect on the different methods to request a re-determination.

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

Q4b - Generally well answered with technical details given regarding the court paperwork and process involved. Many candidates mentioned the new process for a fee remittance which can be used where a client cannot afford the court fee to vary a judgment. Higher marks were awarded when candidates were able to explain in detail which clients are eligible to have their fee remitted.

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

- **Explain its key features**
- **Explain the court process involved**
- **Briefly explain the advice you would give to a client who is subject to that action**

#### **a) 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 be contacted by enforcement agents.

## **b) charging orders**

Q5b - Generally well answered and the majority of candidates were able to explain recent changes to the process in detail. Stronger answers reflected on why creditors may take this action and the potential impact upon the client.

## **c) attachment of earnings**

Q5c - Some variation in how well this was answered. Some answers didn't consider the circumstances under which an AoE could be applied for.

Stronger answers also 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. Weaker answers tended to be where the process was over-simplified or where errors were made explaining how payment amount is worked out.

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

Q5d - Answers tended to be quite technical with little reflection on context, perhaps due to the comparative rarity of this type of order.

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

Q5e - Many candidates were able to explain that this is usually used in relation to bank accounts, however some candidates seemed to think that this is the only way a third-party debt order can be used.

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.

**Q6 Demonstrate how you have given different clients effective and appropriate advice on court procedures or enforcement action. Include evidence of your dealings with 7 past clients and in each case:**

- **explain your general approach to the client's court or enforcement action problems**
- **outline the content of various communications and contact on behalf of the client**
- **summarise the outcome.**

Q6 - 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.

**Q7a 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.**

**Include in your answer an assessment of how well you have helped the clients to act on their own.**

Q7a - This was answered adequately well in most cases. The stronger answers were where the candidate showed evaluation of their performance in direct relation to the calls evidenced in Q6.

**b) Produce an action plan to address any areas for development. Refer where relevant to any organisational or legal requirements.**

Q7b - This was answered better than in some previous series with the best answers giving 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.