

Competences for consumer casework

To do this you need to be able to:	Before doing this you need to:
<p>Maintain quality:</p> <ol style="list-style-type: none"> 1. work within the bureau’s agreed level and quality of service to clients 2. work within your own level of expertise 3. agree and work within a system of supervision 4. maintain and operate a casework management system in order to: <ul style="list-style-type: none"> • ensure all deadlines and time limits are met • keep track of cases • ensure that the number of live cases is manageable 5. monitor effectiveness of advice and casework management systems and propose improvements where necessary 6. keep up to date with case law, policy, practice and trends in enquiries 7. write reports for the bureau manager, the Trustee Board, funders and other agencies, and represent the bureau at relevant meetings e.g. CSN, CLSP 8. maintain up-to-date local information on area of specialism for own and others use 	<ol style="list-style-type: none"> a have a detailed understanding of the limitations on the level of service agreed by the bureau (and when appropriate LSC transaction criteria) b be aware of the limits of your own expertise and know sources of consultancy and referral c have a detailed understanding of the bureau casework management system and pay attention to detail <ol style="list-style-type: none"> d know which publications and other sources are needed to keep up to date with legislation and current trends e know how to structure and present information for a variety of audiences
<p>For all cases:</p> <ol style="list-style-type: none"> 9. maintain client’s involvement in decision making at all stages of the case including confirming 	<ol style="list-style-type: none"> f be able to apply knowledge and expertise to support client

<p>advice given, agreeing strategy and action, progress, next steps and time limits</p> <p>10. diagnose problems that require an interpretation to establish legal position</p> <p>11. diagnose problems where the history and components are complex and layered</p> <p>12. advise on remedies including the strength of case, likely damages and evidence needed</p> <p>13. have a pro-active approach to identifying possible cases of discrimination</p> <p>14. identify and refer clients because of the complexity of the case and/or where the action needed falls outside the service you or the bureau are able to offer</p> <p>Unfair contract terms:</p> <p>15. identify unfair contract terms</p> <p>16. challenge the use of unfair contract terms</p> <p>17. report cases to OFT or Trading Standards</p> <p>Problems with goods and services:</p> <p>18. advise on delivery and prices</p> <p>19. identify and pursue any possible breaches of the Disability</p>	<p>without taking over</p> <p>g have a detailed understanding of the criteria for judging the strength of a case, the risks involved and the likelihood of being worth pursuing</p> <p>h have an overview of statutory, contractual and common law rights and obligations including:</p> <ul style="list-style-type: none"> • Sale of Goods Act • Supply and Goods and Services Act • Consumer Credit Act • Distant selling regulations • Unfair terms regulations • Cash cooling-off regulations • Doorstep selling regulations <p>i be aware of the need to use of OFT bulletins and reports to identify unfair contract terms, precedents and tactics</p> <p>j have a detailed understanding of the tactics and arguments that can be used to challenge unfair contract terms</p> <p>k be aware of issues (including delivery and prices) and trade practices for common enquiries such as:</p> <ul style="list-style-type: none"> • cars • brown and white goods • building & double glazing • furniture & computers • dry cleaning • insurance • cross border transactions <p>l have an overview of the Disability Discrimination Act and</p>
--	--

<p>Discrimination Act</p> <p>Credit:</p> <p>20. identify when credit agreements are improperly executed by analysing documentation and evidence comparing with licensing regulations and requirements</p> <p>21. advise on bringing credit and hire agreements to an end</p> <p>Taking action on behalf of the client:</p> <p>Negotiation (including alternate dispute resolution)</p> <p>22. contact the trader, present case and negotiate</p> <p>23. draw up an agreement with the trader</p> <p>24. where no agreement is possible, identify the next step and any relevant agency or ADR forum</p> <p>25. explain the ADR process and help client to prepare their case</p> <p>26. refer to an appropriate regulator or enforcement agency</p> <p>Help with Small Claims in the County Court</p> <p>27. identify when the claim may be outside the Small Claims track, explain the financial risk and refer to a solicitor or specialist agency</p> <p>28. assist in completing Small Claims</p>	<p>its applicability to consumer advice</p> <p>m have a detailed understanding of the prescribed execution of credit agreements and the consequences for enforceability of improper execution</p> <p>n have an overview of early settlement, breach and termination rights</p> <p>o be aware of likely responses from the trader and be able to respond</p> <p>p have a detailed understanding of the pre-action procedure of Civil Procedure Rules</p> <p>q have a comprehensive understanding of the criteria for judging the appropriateness of ADR, the risks and costs involved and the likelihood of being worth doing</p> <p>r have detailed understanding of common ADR forums</p> <p>s have a detailed understanding of when a case may not be</p>
---	---

<p>Procedure forms e.g. claim form, defence and counter claim</p> <p>29. manage the preparation of a case including:</p> <ul style="list-style-type: none"> • identify and obtain evidence to support and corroborate the client's case • calculate compensation and negotiate settlements <p>30. where the bureau is unable to represent, prepare written submissions or advise client in writing of main points to pursue</p> <p>31. monitor and review progress to ensure time limits are met, strategies are still appropriate, and CAB is still able to support</p> <p>32. consult relevant specialist advisers and support services as necessary for help in preparing cases</p> <p>33. keep the client involved and informed throughout</p>	<p>allocated to the Small Claims track</p> <p>t have a detailed understanding of Civil Procedure Rules</p> <p>u be able to analyse, organise, appraise and summarise evidence</p> <p>v be able to plan a presentation, with logical arguments clearly supported by case law</p>
<p>Represent client at Small Claims hearing</p> <p>34. represent clients in the Small Claims track of the County Court using manner and tactics most likely to achieve client's desired outcome</p>	<p>w be able to present a case clearly and calmly using appropriate language, tone and manner and respond assertively to an adversarial approach.</p> <p>x be able to use appropriate questions, to draw out supporting evidence and explain the weaknesses in the client's and trader's case</p> <p>y be able to assess issues as they develop, respond by adapting</p>

<p>Follow-up to the hearing</p> <p>35. advise on, and assist in, the enforcement of judgements</p>	<p>sequence and tactics and to request an adjournment if needed</p> <p>z be able to make accurate notes of evidence and decision, and request a full written decision if necessary</p> <p>aa have a detailed understanding of the grounds and procedures for enforcement</p>
---	--