

## Competences for debt caseworkers

<b>To do this, you need to be able to:</b>	<b>Before doing this you need to:</b>
<ol style="list-style-type: none"> <li>1. Assist the client to respond to undefended money claims in the county and High Courts, and identify possible defences to money claims</li> <li>2. Assist the client to make an application for variation and suspension of a county court judgment</li> <li>3. Explain to the client the grounds for challenging and setting aside a county court judgment or order</li> <li>4. Assist the client to respond to the following county court enforcement proceedings in relation to unsecured credit debts: warrant of execution, attachment of earnings order, third party debt order and order to obtain information from a Judgment Debtor</li> <li>5. Advise on the procedure for obtaining a charging order in the county court and its effect on debtor's property</li> <li>6. Identify when an Administration Order may be appropriate, assist the client in making an application and explain the procedure following application</li> <li>7. Advise and assist the client regarding liability for and the enforcement of local taxes</li> <li>8. Advise the client of their rights and obligations under the relevant gas, electricity and water legislation</li> <li>9. Assist the client in selecting strategies for dealing with mortgage arrears and responding to undefended mortgage possession action in the county court</li> <li>10. Assist the client in selecting strategies for dealing with rent arrears and responding to undefended rent arrears possession proceedings</li> <li>11. Identify the rights and obligations of both the lender and the borrower under</li> </ol>	<ol style="list-style-type: none"> <li>a) Maintain an awareness of how clients can feel about their situation and understand the pitfalls of advisers taking away too much responsibility from clients.</li> <li>b) Know the civil court grounds and procedures for making applications for: <ul style="list-style-type: none"> <li>• Variation</li> <li>• Suspension</li> <li>• Setting aside</li> <li>• Challenging judgments</li> </ul> </li> <li>c) Know possible defences to money claims</li> <li>d) Know the civil court enforcement procedures for: <ul style="list-style-type: none"> <li>• Warrant of execution</li> <li>• Attachment of earnings</li> <li>• Third party debt order</li> <li>• Order to obtain info. from a Judgment debtor</li> <li>• Administration Orders</li> </ul> </li> <li>e) Know the criteria for deciding the appropriateness of an Administration Order</li> <li>f) Be able to complete a range of court forms</li> <li>g) Know the civil court procedures for: <ul style="list-style-type: none"> <li>• Rent and mortgage arrears</li> <li>• Applying for bankruptcy</li> <li>• Responding to a creditor's bankruptcy petition</li> <li>• HP arrears and repossession of goods</li> </ul> </li> </ol>

<p>the Consumer Credit Act legislation, in relation to money advice</p> <p>12. Assist the client to select strategies for dealing with Hire Purchase arrears and to respond to repossession of goods proceedings in the county court</p> <p>13. Differentiate between a bill of sale and a H.P / Conditional sale agreement and check that a bill of sale has been correctly registered. Refer to a specialist to identify possible challenges to the validity of the bill of sale.</p> <p>14. Identify when a Debt Relief Order is appropriate and explain the application process and consequences. Where the adviser is an approved intermediary ; assist the client in preparing an application for a DRO</p> <p>15. Identify when bankruptcy is appropriate and explain the consequences. Assist the client in preparing a debtor's petition.</p> <p>16. Explain the options available for responding to bankruptcy action by a creditor (Statutory Demand) and identify possible grounds for challenge.</p> <p>17. Identify when an individual voluntary arrangement is appropriate, explain the consequences and make appropriate referrals</p> <p>18. Advise and assist the client in responding to enforcement proceedings in the Magistrate's Court for financial penalties</p> <p>19. Advise and assist the client in responding to enforcement of debts under the child maintenance service</p> <p>20. Advise and assist the client regarding liability for the enforcement of debts from abroad including banking and other lender.</p> <p>21. Work with a client to develop implement and review a strategy which is in the best interest of the client</p> <p>22. In all cases, identify any need for</p>	<ul style="list-style-type: none"> <li>• Bills of sale and repossession of goods</li> <li>h) Understand the liability issues in Council Tax and business rates and procedures for enforcement</li> <li>i) Understand role of utility regulators and procedures for using them</li> <li>j) Understand the range of options to explore with clients who have mortgage and rent arrears</li> <li>k) Know what debts are covered by Consumer Credit Act 1974</li> <li>l) Know the criteria and procedures for deciding whether bankruptcy is an appropriate option</li> <li>m) Know the criteria for deciding whether a voluntary arrangement is an appropriate option</li> <li>n) Know the procedures for the enforcement of financial penalties and maintenance arrears in the Magistrates Court</li> <li>o) Know the range of agencies to refer to and their appropriateness for different kinds of case</li> <li>p) Be aware of the tendency to 'take over' the client's case, thus disempowering them</li> <li>q) Know which publications and other sources to subscribe to</li> <li>r) Know the limitations on the level of service agreed by the bureau. Be aware of, and when appropriate work within, LSC transaction criteria.</li> <li>s) Have a detailed understanding of the bureau casework management system</li> <li>t) Pay attention to detail</li> </ul>
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<p>referral to a specialist and know how to access specialist support</p> <p>23. Maintain client's involvement in the decision making at all stages of the case</p> <p>24. Keep up to date with case law, policy, practice and trends in enquiries</p> <p>25. Work within the bureau's agreed level and quality of service to clients</p> <p>26. Maintain and operate a casework management system in order to:</p> <ul style="list-style-type: none"><li>ensure all deadlines and time limits are met</li><li>keep track of cases</li><li>ensure that the number of live cases is manageable</li></ul> <p>27. Give feedback on the bureau systems for debt casework and casework management</p> <p>28. Generic competences on carrying a case load, accepting boundaries of authority, seeking guidance when needed and supporting Generalist Advisers where appropriate etc</p>	<p>u) Know the procedures for applying for a Debt Relief Order</p>
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