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## Overview

This standard is about the provision of legal advice in relation to a broad range of money management and debt advice. You will establish clients' needs and expectations of services, research information which is relevant to their situation and provide them with appropriate and accurate legal advice. This includes advising clients on more complex areas of law. You will also know how and be able to prepare and present cases in formal or informal hearings.

## Performance criteria

- You must be able to:*
1. communicate with the client in a manner appropriate to their understanding and needs
  2. explain to clients the services that you can offer in line with their requirements
  3. check that clients' understanding of legal advice services is consistent with information you have provided
  4. agree further actions and any immediate action with clients in line with requirements, including:
    - 4.1 procedures
    - 4.2 responsibilities
    - 4.3 time limits
  5. analyse available client information to assign relevance to their case in line with your professional judgement
  6. review and check sources of information to assess applicability to clients' situations
  7. analyse information received from clients and the research process to formulate options in line with clients' needs
  8. present clients with information and possible options for action in line with organisational requirements
  9. advise clients on the implications of possible options in line with organisational requirements
  10. check clients' understanding of the advice offered in line with organisational requirements
  11. open client case files in line with organisational procedures
  12. design an action plan with clients in line with organisational processes, and agree roles and responsibilities for progressing actions
  13. progress actions on behalf of clients in line with agreed timescales
  14. evaluate case progress against milestones and outcomes in line with organisational procedures
  15. progress case outcomes to conclusion in line with organisational requirements
  16. record client details and agreed actions in line with organisational requirements

## Knowledge and understanding

*You need to know and understand:*

1. how to adapt communication styles in ways which are appropriate to the needs of the client
2. legislation, case law and guidance relating to consumer credit and debt in your jurisdiction
3. the key components of a statement of income and expenditure, and why it is important to prepare one with clients
4. banking options for clients, including:
  - 4.1 information on payment methods and how to alter or cancel payments
  - 4.2 when it is appropriate to set up a new account
  - 4.3 procedures for first right of appeal
5. how to establish the extent and nature of clients' debt
6. what should be contained within credit agreements
7. ways of maximising income and reducing expenditure
8. how to prioritise debts in terms of:
  - 8.1 severity of creditor sanction
  - 8.2 potential client detriment
9. how to develop and select strategies for addressing debt situations
10. payment methods that can be adopted by the client
11. alternative methods for dealing with debt
12. the importance of opening and continuing negotiations with creditors
13. how to develop a strategy for dealing with creditors
14. the use of clients' financial statement as a tool for negotiating with their creditors
15. procedures for debt recovery through the courts
16. possible consequences of non-compliance with court proceedings
17. possible defences in relation to debt
18. official guidelines and codes of practice relating to:
  - 18.1 credit arrears management
  - 18.2 debt recovery, repossession
  - 18.3 fair treatment of customers
  - 18.4 debt management
19. legislation and organisational procedures in your jurisdiction relating to fraudulent activity
20. how to prepare and present defences in relation to client debt
21. how to prepare and present applications in relation to client debt
22. how to engage with insolvency proceedings
23. factors which can make debts unenforceable

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24. how to challenge creditors when debts appear unenforceable
  25. how to identify appropriate defences and strategies for dealing with different types of repossession
  26. how to distinguish between personal debt and business debt, and why this is important
  27. how to deal with sole trader/ business debts when clients have ceased trading, and appropriate referrals for those still trading and/or limited company debt
  28. the provisions of limitation legislation
  29. procedures for the recovery and enforcement of debts by foreign banks and lenders in your jurisdiction
  30. the grounds and procedures for judicial review in your jurisdiction
  31. strategies for dealing with creditor action to repossess goods
  32. ways that creditors can enforce judgements and other court orders
  33. procedures for clients to suspend enforcement action
  34. powers of enforcement agents
  35. grounds for challenging the actions of enforcement agents

SFJIB12

Provide specialist money and debt legal advice and progress cases with clients



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**Developed by** Skills for Justice

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**Originating Organisation** Skills for Justice

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**Relevant Occupations** Legal Advisers; Legal Associate Professionals

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**Suite** Legal Advice

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**Keywords** complex areas of the law; present cases in court; money issues; owed; finances;

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