
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

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



Performance criteria

You must be able to:

1.
communicate with the client in a manner appropriate to their understanding and needs
 - 1.1 explain to clients the services that you can offer in line with their

Knowledge and understanding

You need to know and understand:

You need to know and 1. how to adapt communication styles in ways which are appropriate to

the needs of the client

1.
legislation, case law and guidance relating to consumer credit and debt in your jurisdiction
2.
the key components of a statement of income and expenditure, and why it is important to prepare one with clients
3.
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
4.
how to establish the extent and nature of clients debt
5.
what should be contained within credit agreements
6.
ways of maximising income and reducing expenditure
7.
how to prioritise debts in terms of:
 - 8.1 severity of creditor sanction
 - 8.2 potential client detriment
8.
how to develop and select strategies for addressing debt situations
9.
payment methods that can be adopted by the client
10.
alternative methods for dealing with debt
- 11.

the importance of opening and continuing negotiations with creditors

12.

how to develop a strategy for dealing with creditors

13.

the use of clients financial statement as a tool for negotiating with their creditors

14.

procedures for debt recovery through the courts

15.

possible consequences of non-compliance with court proceedings

16.

possible defences in relation to debt

17.

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

18.

legislation and organisational procedures in your jurisdiction relating to fraudulent activity

19.

how to prepare and present defences in relation to client debt

20.

how to prepare and present applications in relation to client debt

21.

how to engage with insolvency proceedings

22.

factors which can make debts unenforceable

23.

how to challenge creditors when debts appear unenforceable

24.

how to identify appropriate defences and strategies for dealing with different types of repossession

25.

how to distinguish between personal debt and business debt, and

why this is important

26.

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

27.

the provisions of limitation legislation

28.

procedures for the recovery and enforcement of debts by foreign banks and lenders in your jurisdiction

29.

the grounds and procedures for judicial review in your jurisdiction

30.

strategies for dealing with creditor action to repossess goods

31.

ways that creditors can enforce judgements and other court orders

32.

procedures for clients to suspend enforcement action

33.

powers of enforcement agents

34.

grounds for challenging the actions of enforcement agents

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