



Institute of Money Advisers Annual Conference & AGM 2018



Money advice: credit where credit's due

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Debt pre-action protocol: where are we now?

By the end you'll be able to identify:

- the aims of the protocol and how it impacts your work
- the areas where the Protocol is proving successful and share examples within a group scenario
- which features of the Protocol are areas of concern for advisers and creditors and how we might overcome them
- any unintended consequences of the Protocol

Debt pre-action protocol: where are we now?

- Lots of chance to discuss and share
- Creditors? Advisers?
- Mix-up groups



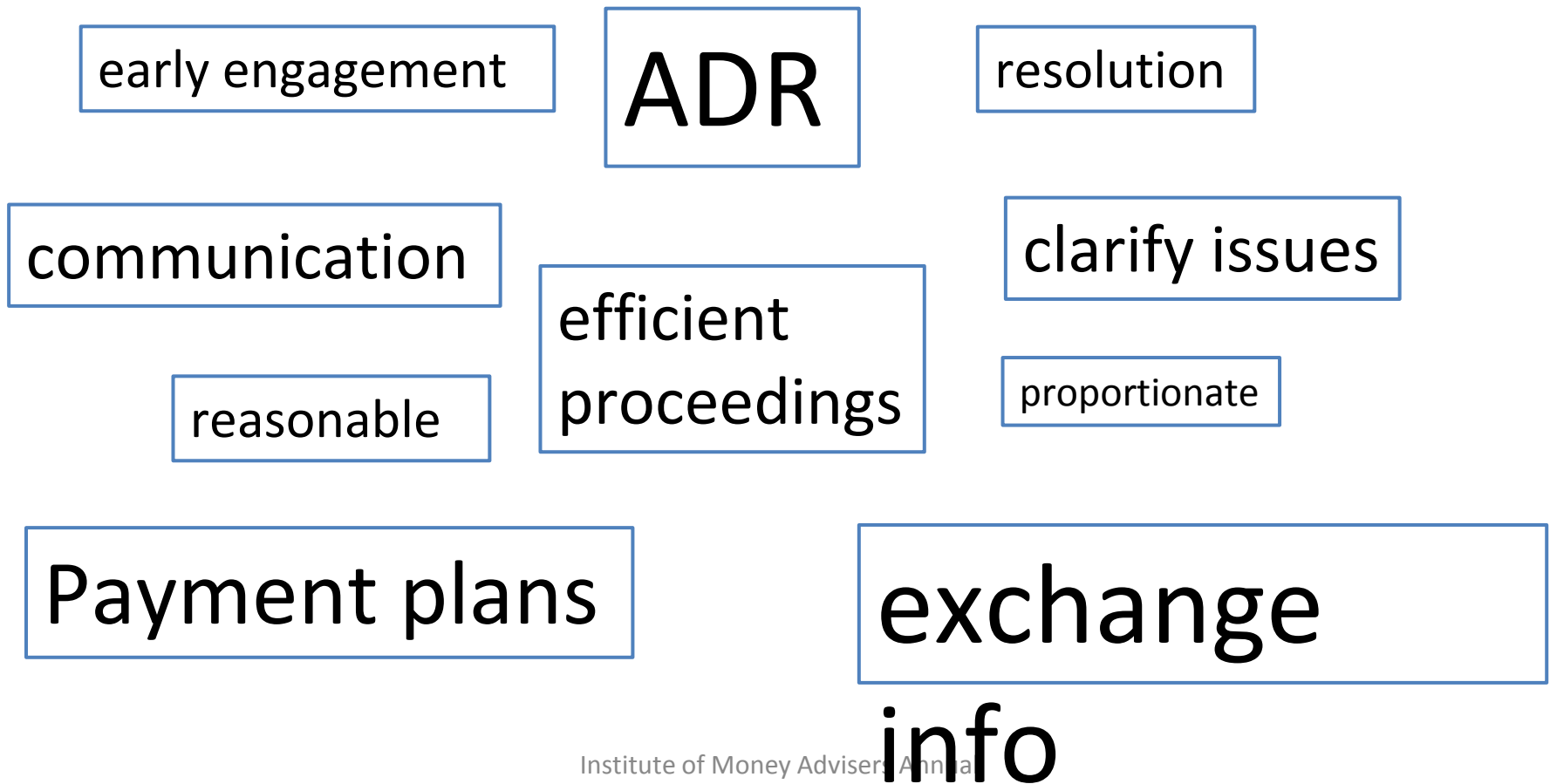
Debt pre-action protocol: where are we now?

- What, where and why??
- Aims
- Letter of claim
- Possible responses
- Timescales
- Compliance



Debt pre-action protocol: where are we now?

- Word/phrase bingo – what are the aims?

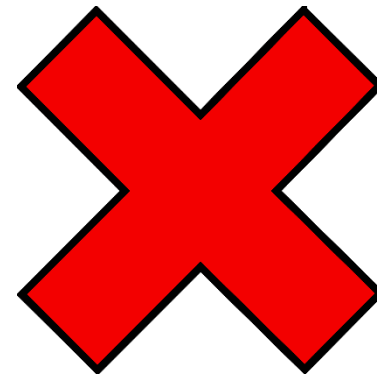


Debt pre-action protocol: where are we now?

- Letter of claim (LOC)
- 30 days to reply using reply form
 - No reply / partial reply
 - Admit or dispute (or don't know)
 - Make an offer (SFS)
 - Seeking advice (reasonable time)
 - Ask for info (or give info)
- Take stock and 14 days notice before claim

Debt pre-action protocol: where are we now?

- Standard appendix include:
 - Standard Financial Statement
 - Reply form
 - Information sheet
- Non-compliance
 - ‘In substance’
 - ‘Minor and technical’
 - Refers to practice direction



Debt pre-action protocol: where are we now?

- In groups consider:
 - What impact it has had on your service?
 - Is compliance high?
 - Examples of non-compliance?
 - Court reaction?



Debt pre-action protocol: where are we now?

- Feedback:
 - 30 mins
 - Elect a spokesperson
 - Main points on flip

Debt pre-action protocol: where are we now?

- Case study themes:
 - Completely ignored Protocol
 - Court has helped in one case
 - Amount of offer will be an issue
 - Find an underlying defence if you can
 - Limitations and which box?
 - It will always be a gamble to defend costs
 - CONSULT CONSULT CONSULT

Debt pre-action protocol: where are we now?

a) Things are better



a) Jury's out / no difference



a) Things are worse



Debt pre-action protocol: where are we now?



Debt pre-action protocol: where are we now?

- Thank you and safe journey
- Subscribe to the Citizens Advice monthly debt update on Cablink or email eatdebt@citizensadvice.org.uk

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Goodbye