

## Approved Intermediary Application Form – Debt Relief Orders

### Confidential

#### Organisation details

|                                  |  |           |                 |
|----------------------------------|--|-----------|-----------------|
| Name of organisation             |  |           |                 |
| AdviceUK membership no.          |  |           |                 |
| Address                          |  |           |                 |
|                                  |  |           |                 |
|                                  |  | Post Code |                 |
| Telephone                        |  | Email     |                 |
| Professional Indemnity Insurance | Insurer  |           | Policy Number   |
|                                  | Expiry Date                                      |           | Cover per claim |
| FCA authorisation                | Financial Conduct Authority authorisation number |           |                 |

#### Applicant – personal details

|  |  |            |  |
|--|--|------------|--|
| Surname  |  | Title      |  |
| Other names  |  |            |  |
| Home address   |  |            |  |
|  |  |            |  |
|  |  | Post code  |  |
| Work telephone                                       |  | Work email |  |
| Previous home addresses (if above less than 2 years) |  |            |  |
|  |  |            |  |
|  |  | Post code  |  |

|   |   |               |     |
|---|---|---------------|-----|
|   | Continue on a separate sheet if necessary |               |     |
| Gender                                    |   | Date of birth | / / |
| Job title                                 |   |               |     |
| Availability (i.e. days and hours worked) |   |               |     |

|   |           |  |            |
|---|-----------|--|------------|
| Please give a brief description of your current occupation and activities   |           |  |            |
| Please specify as appropriate   | Volunteer |  | Paid staff |
| Please describe why you think you are suitable to be approved as an intermediary  |           |  |            |
| Please give details of the source of your income and your current financial status  |           |  |            |
| Do you possess at least 12 months full time equivalent experience in debt advice & do you also meet or exceed the 'caseworker' competences as detailed in Appendix A and Appendix B? (IF 'NO', YOU ARE NOT ELIGIBLE TO APPLY) | Yes       |  |            |
|   | No        |  |            |
| Do any of the ineligibility conditions listed in Appendix C apply to you? (IF 'YES', YOU ARE NOT ELIGIBLE TO APPLY)   | Yes       |  |            |
|   | No        |  |            |
| Please list any relevant professional bodies or organisations which you or your employer belong to:   |           |  |            |
| Are you up to date with all of your liabilities, i.e. not considered insolvent? (IF 'NO', YOU ARE NOT ELIGIBLE TO APPLY)  | Yes       |  |            |
|   | No        |  |            |
| Please list your educational &/or professional qualifications, including any relevant to the provision of debt advice   |           |  |            |

## Privacy and data protection statement

AdviceUK is registered in accordance with and seeks to comply with the UK Data Protection Act 2018/GDPR. Information submitted in this form may be stored and processed electronically for the purposes of delivering services, supplying information and to enable statistical analysis. Data may be passed to other parts of the organisation, partner organisations (IAS, VCS, ACMS), companies or contractors operating on our behalf to enable this to take place. This may include transferring or holding your data outside the European Economic Area (EEA). We follow appropriate security procedures in the storage and disclosure of personal information so as to prevent unauthorised access by third parties. We also require those parties to whom we transfer personal information to comply with the same.

Please see our Privacy Policy (<https://www.adviceuk.org.uk/privacy-policy>) for more information on how we use your personal data. Please note that as part of AdviceUK membership and further to the legitimate interests of AdviceUK. Member newsletters and member services updates are included as a member benefit and you will automatically be subscribed. You can unsubscribe at any time by sending an email to the [dataprotection@adviceuk.org.uk](mailto:dataprotection@adviceuk.org.uk) mailbox stating 'OPT OUT' in the subject field or using the unsubscribe links on our member newsletter/update emails.

### Applicant's undertaking

I .....[print full name]

confirm that I have answered all questions in this application & relevant appendices truthfully & to the best of knowledge. Should there be any changes to either my core occupation, activities or contact details or any other changes that may require a review of my status as intermediary, I undertake to notify AdviceUK in writing within 7 days of knowledge of any relevant change of circumstances. I also confirm that I do not meet any of the criteria which would render me ineligible to be considered as an intermediary and will notify AdviceUK of any changes to this position as above.

I understand that should I be approved as an intermediary I may request that AdviceUK withdraws that approval at any time. Approval is subject to my continuing to work for this organisation, this organisation continuing to be a member of AdviceUK and continuing to maintain professional indemnity insurance. A change to any of these will result in immediate withdrawal of approval of any individual. Further, I acknowledge that AdviceUK may withdraw approval if: -

- It is later found that I was ineligible for approval
- I later become ineligible for approval
- I am subsequently not or no longer a fit and proper person to act as an intermediary
- I have failed to comply with any provision of Part 7A of the Insolvency Act 1986 or any rule, regulations or orders made under it, including The Debt Relief Orders (Designation of Competent Authorities) Regulations 2009
- I have supplied false, inaccurate or misleading information
- It seems reasonable for AdviceUK to withdraw its approval

I confirm that AdviceUK has my authority to collect payments from the Insolvency Service on behalf of my organisation.

I have checked and enclosed the following documents: -

- Proof of my identity and home address
- A Money Advice Trust certificate confirming completion of the wiseradviser Debt Relief Orders training programme
- Proof of relevant training and qualifications, e.g. certificates of attendance at training courses or a copy of my training record
- A copy of this organisation’s complaints procedure

Signed .....

Date .....

**Please now pass this application and supporting documents to your line manager who will complete the next section. If you are a centre manager the next section should be completed by the Chair of your trustee board.**

|                |  |
|----------------|--|
| Manager’s name |  |
| Job title      |  |
| Telephone      |  |
| Email          |  |

| <b>CHECKLIST</b> (as per appendices, please tick boxes below)   |  |
|---|--|
| Personal identification, home address, date of birth checked & copies enclosed                              |  |
| Professional training & qualifications checked & copies enclosed  |  |
| Minimum 12 months experience confirmed  |  |
| Money advice standards for competence at 'generalist' and 'caseworker' level confirmed (Appendices A and B) |  |
| Application completed in full to specified guidelines, file copy kept                                       |  |
| Eligibility conditions in Appendix C completed & all replies are NO   |  |

**Privacy and data protection statement** Information submitted in this form may be stored and processed electronically for the purposes of delivering services, marketing, supplying information and to enable statistical analysis. Data may be passed to other parts of the organisation, partner organisations, companies or contractors operating on our behalf to enable this to take place. This may include transferring or holding your data outside the European Economic Area (EEA). However, we will ensure that your data is still stored and handled securely.

I confirm that I have read and checked the application form for accuracy and have completed the checklist (above) ensuring original documents have been checked, that copies are held on our files and that the applicant has suitable experience and eligibility to become an approved intermediary.

Signed .....

Date.....

**Please now email this completed application and supporting documentation to David Hawkes, AdviceUK's Policy and Campaigns Co-ordinator, at [david.hawkes@adviceuk.org.uk](mailto:david.hawkes@adviceuk.org.uk).**

|  |   |
|--|---|
|  <p><b>THE<br/>INSOLVENCY<br/>SERVICE</b></p> | <p>Application to act as an intermediary in accordance with section 251U of The Insolvency Act 1986 and The Debt Relief Orders (Designation of Competent Authorities) Regulations 2009.</p> |
|--|---|

## **Appendix A – Money advice standards for competence at generalist level**

### **1.1 Attitudes**

Demonstrate the application to debt advice of the aims, principles and policies (including equal opportunities policies) of the agency to which the adviser belongs

### **1.2 Skills and knowledge**

- 1.2.1 Look behind the presenting problem to identify a potential debt problem
- 1.2.2 Identify the nature and extent of the debt problem
- 1.2.3 Consult with a caseworker to check the client's liability for the debt
- 1.2.4 Identify what the client wants and discuss its feasibility
- 1.2.5 Explain to the client the help available from the adviser's agency and/or other agencies
- 1.2.6 Identify urgent situations and ensure any necessary immediate action is taken
- 1.2.7 Identify priority debts according to creditor sanction and client need.
- 1.2.8 Assist a client to maximise his or her income checking on and identifying options e.g. tax allowances, tax credits, benefits and grants
- 1.2.9 Assist a client to draw up an initial statement of income and expenditure
- 1.2.10 Assist a client to draw up an agreed financial statement using either the Common Financial Statement or other similar format
- 1.2.11 Recognise the limits of own knowledge and skills and know how to access help and support
- 1.2.12 Consult with a caseworker and, if appropriate, explain the consequences and limitations of relevant options with the client and agree the action each will take
- 1.2.13 Calculate and make suitable offers to priority and non-priority creditors where appropriate and agree when and how payments will be made
- 1.2.14 Undertake preliminary negotiations with creditors to gain acceptance of offers
- 1.2.15 Recognise the common court procedures and forms found in debt advice and explain their use
- 1.2.16 Be able to use the casework management system of the adviser's agency
- 1.2.17 Understand, recognise and report possible social policy issues arising from client or creditor contact
- 1.2.18 Where there is disposable income, explain the options available to assist clients in making non-priority debt repayments, explain how they work and make referrals as appropriate
- 1.2.19 Demonstrate an understanding of basic banking terminology and procedures

## **Appendix B – Money advice standards for competence at caseworker level**

### **2.1 Attitudes**

As at Generalist plus demonstrate an and ability to carry a debt caseload and to act as a support to Generalist advisers

### **2.2 Skills and Knowledge**

- 2.2.1 Assist the client to respond to undefended money claims in the County and High Courts, and identify possible defences to money claims
- 2.2.2 Identify when an administration order is appropriate, assist the client in making an application and explain the procedure following application including reviews
- 2.2.3 Advise and assist the client regarding liability for and the enforcement of local taxes
- 2.2.4 Advise the client of their rights and obligations under the relevant gas, electricity, water and telecommunications legislation and codes of practice
- 2.2.5 Assist the client in selecting strategies for dealing with mortgage arrears and responding to undefended mortgage possession action in the County Court and identify possible defences
- 2.2.6 Undertake ongoing negotiations with creditors where preliminary negotiations have failed and/or liability is in dispute
- 2.2.7 Assist the client in selecting strategies for dealing with rent arrears and responding to undefended rent arrears possession proceedings and identify possible defences
- 2.2.8 Identify the rights and obligations of both the lender and the borrower under the Consumer Credit Act legislation, in relation to money advice
- 2.2.9 Identify when bankruptcy is appropriate and explain the consequences. Assist the client in preparing a debtor's petition
- 2.2.10 Prepare clients for attendance at formal hearings. Advocate on a client's behalf at proceedings where rate of payment is the only issue
- 2.2.11 Assist the client in applying for variation or suspension of a county court judgment or order
- 2.2.12 Outline the grounds for challenging and setting aside a county court judgment or order
- 2.2.13 Assist the client in responding 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
- 2.2.14 Describe the charging order procedure in the county court and the effect of a charging order on the debtor's property. List the possible responses to a charging order application and refer to a specialist adviser to identify those which may be appropriate
- 2.2.15 Assist the client to select strategies for dealing with Hire Purchase arrears and to respond to repossession of goods proceedings in the County Court

- 2.2.16 Identify when an individual voluntary arrangement may be appropriate, explain the consequences and make appropriate referrals
- 2.2.17 Advise and assist the client in responding to enforcement proceedings in the Magistrates' Court for financial penalties
- 2.2.18 Work with the client to develop and implement an agreed strategy which is in the best interest of the client
- 2.2.19 Recognise the limits of own knowledge and skills, identify the need for referral to a specialist and know how to access specialist support
- 2.2.20 Demonstrate an awareness of codes of practice, policy statements and statutory guidance relating to all areas of money advice
- 2.2.21 Carry out social policy work in accordance with agency's policies and procedures
- 2.2.22 Identify when a debt is secured by a bill of sale, differentiate between a bill of sale and hire purchase/conditional sale and describe the effect of a bill of sale. 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.

**Appendix C-** Individuals of any of the following descriptions will be deemed not to be fit and proper persons to act as intermediaries and, accordingly, may not be approved by a competent authority to act as intermediaries: -

| <b>All of these questions must be answered</b>  | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| Have you been convicted of any offence involving fraud or other dishonesty or violence where the convictions are not spent?   |            |           |
| Have you committed any offence in any enactment contained in insolvency legislation?  |            |           |
| Have you, in the course of carrying on any trade, profession or vocation or in the course of the discharge of any functions relating to any office or employment, engaged in any deceitful or oppressive or otherwise unfair or improper practices, whether unlawful or not, or which otherwise cast doubt upon your probity? |            |           |
| Have you been found not to have acted with the independence, integrity and skills appropriate to the proper performance of the duties of a provider of debt management or debt counselling services or of an approved intermediary?   |            |           |
| Are you an undischarged bankrupt?   |            |           |
| Are you now or have you been subject to a bankruptcy restrictions order or undertaking or an interim bankruptcy restrictions order or undertaking or any bankruptcy restrictions order or undertaking made under the Insolvency (Northern Ireland) Order 1989 or the Bankruptcy (Scotland) Act 1985?                          |            |           |
| Are you currently subject to a moratorium period, or a debt relief order or have you made an application for a debt relief order that is pending?   |            |           |
| Are you currently or have you previously been subject to a debt relief restrictions order or undertaking or an interim debt relief restrictions order or undertaking?   |            |           |
| Are you or have you been subject to a disqualification order or have you accepted a disqualification undertaking under the Company Directors Disqualification Act 1986 or under Part II of the Companies (Northern Ireland) Order 1989 or under the Company Directors Disqualification (Northern Ireland) Order 2002?         |            |           |
| Are you a patient within the meaning of section 329(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 or have had a guardian appointed to you under the Adults with Incapacity (Scotland) Act 2000 (asp 4)?  |            |           |
| Do you lack capacity within the meaning of the Mental Health Capacity Act 2005?   |            |           |