

Aim:

To provide candidates with knowledge and understanding of consumers rights with particular focus on the practical approach to securing redress.

The module will provide candidates with a working practical knowledge of the range of statutory and non-statutory organisations, legal and self-regulatory frameworks by which consumers can seek dispute resolution and/or redress.

Learning outcomes

The competence for this module is the demonstration of knowledge and understanding of:

1. Key concepts of civil litigation; applying to business and consumer disputes.
2. The range of mechanisms and their applications available to consumers as a means of securing redress.
3. Key principles of negotiation as they apply to consumer disputes;.
4. The role of lay advocates / McKenzie friends in Small Claims / Sheriff Courts.
5. Relevant consumer legislation, enforceable by regulatory services – sufficient to enable the screening of a complaint for appropriate action.

Indicative Areas of Knowledge

- The legislation, procedures and structures of organisations available for use by the parties in a consumer dispute to achieve appropriate redress;
 - Alternative dispute resolution mechanisms;
 - Taking and defending a small claim; and
 - Government policy, guidance, reports, practice and papers relevant to this subject.
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The following terms have been used to indicate the level of knowledge required in each element;

Detailed: To an in-depth level, and with a fine degree of distinction between concepts

Working: With the ability to apply the learning to situations so as to resolve problems

Basic: Have an awareness of the subject matter

Assessments will reflect the requisite level of knowledge in each given area of the syllabus.

SYLLABUS	EVIDENCE REFERENCE	ASSESSOR COMMENT/AGREEMENT	MODERATOR COMMENT/AGREEMENT
General - Alternatives to Court - Working knowledge			
<ul style="list-style-type: none"> • Negotiation with particular reference to intervention in consumer disputes with a view to facilitating mutually acceptable resolutions 			
<ul style="list-style-type: none"> • Alternative Dispute Resolution – including European Directive on Consumer Alternative Dispute Resolution (Directive 2013/11/EU) and the European Regulation on Online Dispute Resolution (Regulation 524/2013) 			
<ul style="list-style-type: none"> • The basic functions of, and the consumer complaint resolution procedures of: <ul style="list-style-type: none"> ○ Trade Associations ○ The Regulators ○ Ombudsmen ○ Approved trader schemes ○ Other relevant organisations and schemes 			
<ul style="list-style-type: none"> • The role of ADR mechanisms generally in relation to consumer disputes 			
<ul style="list-style-type: none"> • Dispute resolution mechanisms in relation to cross-border disputes 			
Court procedures - Detailed knowledge of			
<ul style="list-style-type: none"> • Recommended pre-action procedures in relation to small claims 			
<ul style="list-style-type: none"> • The small claims procedure and the relevant civil procedure rules. 			
<ul style="list-style-type: none"> • The rules relating to expert evidence 			
<ul style="list-style-type: none"> • The methods of enforcing judgements in the County Court / Sheriff Court and when use of the various methods is appropriate 			
General: Working knowledge of:			
<ul style="list-style-type: none"> • How to prepare a case for presentation at a small claims hearing 			
<ul style="list-style-type: none"> • The role of a MacKenzie friend at a small claims hearing 			
<ul style="list-style-type: none"> • Insolvency laws and the procedures for bankruptcy and liquidation with particular reference to the consumer as creditor 			
<ul style="list-style-type: none"> • The procedure for claiming compensation in the criminal courts 			

Legislation - Detailed Knowledge			
• The law of Contract and Tort / delict of negligence			
• Consumer Rights Act 2015			
Working knowledge of the civil provisions and the practical application of:			
• The Misrepresentation Act 1967 / Common Law Misrepresentation			
• The Package Travel, Package Holidays and Package Tour Regulations 1992			
• Consumer Protection Act 1987 Part I			
• Consumer Contracts (Information, Cancellation and Addition Charges) Regulations 2013			
• Section 27 of the Hire Purchase Act 1964			
• Part 8 of the Enterprise Act 2002 sufficient to identify potential cases.			
• Torts (Interference of Goods) Act 1977			
• The Consumer Credit Act 1974 – civil provisions, in particular, form and content of agreement, cancellation rights, section 19, 56 and 75, protected goods and default notices, information sheets.			
Basic knowledge of:			
• Consumer Protection from Unfair Trading Regulations 2008 (Part 4A)			
• Relevant consumer protection legislation enforced by regulatory services			
• Policy and developments in the law and proposals for change			

Evidence Reference: Give all your evidence a reference number and allocate the correct reference, which demonstrate the particular aspect of the syllabus. Please use the following for the reflective statement.

RS = Reflective Statement