

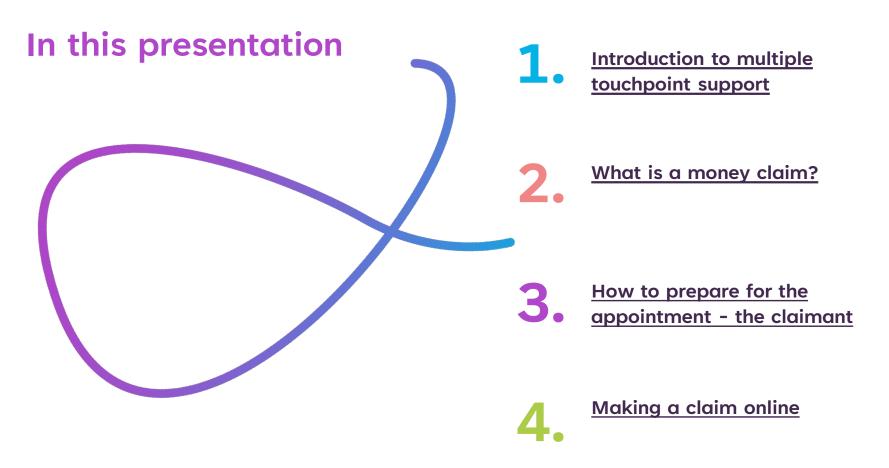
Partner Training - OCMC



HM Courts & Tribunals Service

Multiple Touchpoint Service – OCMC – Network Partner Training Guide

November 2023



Timeline of events

Help with fees

How to prepare for the appointment - the defendant

Supporting users through the new money claim touchpoints

Time limits for responding to a money claim

Potential service user vulnerabilities

<u>Hearing requirements</u>

Reviewing the defendant's response

If the defendant rejected the entire claim

If the defendant promised to pay immediately

If the defendant has partly agreed to the claim

1 Settling a money claim

If the defendant has admitted they owe money

Supporting the defendant to sign a settlement agreement

If the defendant is not paying the total immediately

12.

Introduction to multiple touchpoint services



Introduction to multiple touchpoint support



The HMCTS National Digital Support Service, run in partnership with We Are Group, is extending the support offered to HMCTS users, to cover more of the legal process. For example, for Online Civil Money Claims, we provided support for the initial claim and response only. This will now be extended to further touchpoints in the process, such as reviewing a defendant response or signing a settlement agreement.

Start a case







View the response and provide hearing requirements or settle the case

The two parts of the process in blue have been available since April 2022. The new parts of the process in orange will be available from 4 December 2023.

Similarly, as well as being able to enter a plea using the Single Justice Service, users can now also be supported to pay the fine online.

This means that you need to be ready to support those who need help to access the new online parts of these services.





What is a money claim?



What is a money claim?



A service user may arrive referring to needing help with a money claim, an online civil money claim (OCMC), or a small claim. They are all the same thing. They mean that the service user is taking someone to court over things like a broken contract or money owed.

Money claims are often used to get compensation or money back if something's gone wrong with a product or service. There <u>was</u> a limit for claims issued online by litigants in person of £25,000 but this was **removed** on the **08 of April 2025**.

Claims might be about:

- a faulty product or service (for example, badly built or unfinished building work)
- being owed a refund
- · being owed money for work completed

If you are completing a **remote** support session, the user needs to have their own device. Your role is to verbally walk them through the process step by step. You <u>cannot</u> fill the form in on behalf of the remote user. They must complete a statement of truth on their own device and submit the form themselves.





What is a money claim?



You cannot use the service to

- Bring a claim against a government department/agency
- Get your tenancy deposit back from your landlord
- Bring a personal injury claim
- Bring a claim against someone without mental capacity or under 18
- You cannot make a claim if you're told that someone is temporarily protected from creditors through the 'Breathing Space' scheme

(Always check he Main OCMC Service page on Gov.uk for the latest updates.



Fee Changes April 2025



Changes to fees which will come into force on 08 April 2025.

What does this mean for you?

- If a valid process is received before 08 April 2025 in a fit state to issue, then the old fee will apply
 even if it is actioned after the fee increase.
- A lot of payments are taken by the digital end to end processing. This reduces the occurrence of having collected the incorrect fee amount and thereby a need for refunds.
- Any process date stamped as received on or after 00:00 hours 08 April 2025 will be dealt with under the new fee order.
- Any process received prior to the new fee order but returned because there was an error and then subsequently resubmitted <u>after</u> 08 April 2025, will attract the new fee.



How to prepare for the appointment - the claimant



How to prepare for the appointment - the claimant



How to prepare for the appointment - the claimant

The claimant will need to pay a court fee to start a claim. The court fee is based on the amount they are claiming, including any interest. See <u>GOV.UK</u> for more details.

If the user is on a low income or on income related benefits (for example Universal Credit or Pension Credit) they may only have to pay a reduced court fee, or no fee at all. Support them to see if they are entitled to Help with fees and apply online (see separate training for details of what they will need to bring to the appointment). They can then continue to make a money claim, but the claim will not be issued until the Help with fees application has been decided and they have paid any remaining amount of the court fee.

They should bring with them

- details of their claim,
- · details of any evidence they have,
- details of any loss of earnings they wish to claim for,
- any receipts they have for additional expenses they wish to claim for.

They may find Advicenow's <u>How to take a claim in the civil court</u> series helpful to read. The series will help them understand if it will be worth their while to make the claim, help them to value their claim, explain what they need to do before starting a claim, and will help them ensure they start it correctly.





How to Make a money claim





To use this service they will need

- A debit or credit card to pay the court fees (unless they are entitled to <u>Help with fees</u> that pays their entire fee and they applied for Help with fees online), and
- An email address. If the user does not have an email address, explain the above and ask if they would like your help to set up an email address.

Resolving the issue before court

Legally, before you can start a legal case you have to have tried to resolve it informally first. Explain to the user that that they need to have tried talking to the individual or organisation to sort out the problem first. If they are making a claim against an organisation, they should also have tried using the complaints procedure. They also need to have considered using mediation to resolve the issue. For claims up to £10,000 users will automatically be referred for a mediation appointment when claims are disputed.

Make a money claim

1. Consider other options

Resolving this dispute INCOMPLETE

2. Prepare your claim

Completing your claim	INCOMPLETE
Your details	INCOMPLETE
<u>Their details</u>	INCOMPLETE
<u>Claim amount</u>	INCOMPLETE
<u>Claim details</u>	INCOMPLETE

3. Submit

Check and submit your claim



Making a claim online

The first few questions just check that the user can use the online service. If their claim can't be lodged online, they are signposted to the paper N1 form.

Next the user needs to create an account. Encourage them to pick a password that they will remember or help them record it somewhere.

Then they get to the overview screen – this shows all the different steps they need to complete before they can issue their claim and start proceedings.

Go to 'Resolving this dispute' and read it aloud to the user. They need to confirm that they have read this. Do the same with 'Completing your claim'.

Make a money claim

l. Consider other options

Resolving this dispute INCOMPLETE

2. Prepare your claim

Completing your claim	INCOMPLETE
Your details	INCOMPLETE
<u>Their details</u>	INCOMPLETE
<u>Claim amount</u>	INCOMPLETE
<u>Claim details</u>	INCOMPLETE

3. Submit

Check and submit your claim



Make a money claim overview

Next you enter the user's details. You have the opportunity to get the post about the case to be sent to a different address, for example, if you are working away from home.

After that you enter the details of the person or organisation they are claiming against. It is vital that they have the name and address exactly correct. See the Advicenow guide Who to sue? for more details and tips.

If you have an email address for them, it is useful to include it. They will then get emailed details of the case you have started immediately you submit your claim.

Be aware - The user can change and edit anything about the claim until they press 'submit and continue to payment' and pay, which officially starts the case. After that they will have to pay to make any significant changes. It is therefore really important to ensure these details are correct.

Make a money claim

1. Consider other options

E	Resolving this dispute		INCOMPLETE

2. Prepare your claim

Completing your claim	INCOMPLETE
Your details	INCOMPLETE
<u>Their details</u>	INCOMPLETE
<u>Claim amount</u>	INCOMPLETE
<u>Claim details</u>	INCOMPLETE

3. Submit

Check and submit your claim



Claim amount (Update 04/04/2025)

With the £25k limit removed, Users now see this Message during the eligibility checks, asking if they know the amount they are claiming – If they answer No to this question, they will be informed that they cannot use this service.





Claim amount

Next you explain the amount you are claiming. Break down your costs to make it easy to see how you arrived at the figure.

The service will automatically add on interest and the fee you will pay to start the case for you.

What you can claim for depends on the kind of case that you are taking:

- For debt cases you can only claim for the amount of the debt (plus the interest and court fee).
- For breach of contract cases you can only claim for the amount of money to put you in the financial position you would have been in if the contract had been carried out properly (plus the interest and court fee).

Claim amount

Your claim could be for a single amount or made up of multiple items.

Don't include:

- · interest we'll ask you about this next
- your claim fee we'll add this for you

What you're claiming for Briefly explain each item - for example, "broken tiles", "roof damage"	Amount
damage	£
	£
	£
	£
Add another row	
	£C



Claim amount cont'd

• For a case about something lost or damaged because of an action by the person you are claiming against, you can claim the amount to put you in the position you would have been in if the incident hadn't happened (plus the interest and court fee). Don't forget to include additional expenses caused by the loss or damage (for example, the bus fare each day they waited for the new bike to arrive) – they will need receipts.

For more help to value the claim see the Advicenow guide Should I sue someone?

Claim amount

Your claim could be for a single amount or made up of multiple items.

Don't include:

- · interest we'll ask you about this next
- your claim fee we'll add this for you

What you're claiming for Briefly explain each item - for example, "broken tiles", "roof damage"	Amount
damage	Amount
	£
	£
	£
	£
Add another row	
	£0



Interest

Next the user is asked if they would like to claim interest on the amount.

In most cases claimants are entitled to claim interest at a rate of 8% per year from the time the incident or problem began until the case is resolved.

However if the user had a contract that expressly said interest would be paid at another rate, either for a certain period or for the whole time, you can enter that. The user will need to explain why that rate applies. Alternatively the user can ask for interest from the date they start the claim.

You are also asked when you would like to stop claiming interest. This will usually be when the case is settled or a judgement is made – this helps encourage the other side not to purposefully go slow.

Do you want to claim interest:
You can claim interest on the money you say you're owed. The court will decide if you're entitled to it.
Yes No
Help with interest rates
How do you want to claim interest?
Same rate for the whole period
Break down interest for different time periods or items
What annual rate of interest do you want to claim?
You can claim 8% per year unless you know that a different rate applies.
8% A different rate Help with interest rates

Save and continue

Davanusant to alaim interest?



Total amount

Next you arrive at a screen that confirms the total amount you are claiming.

This screen also provides two important bits of information that it is important that you read to the user.

- If the user settles out of court (which is expected if
 it is possible) the user won't get their fee for
 starting the case back, but that they should ask
 the defendant to pay it back to them as part of
 the amount they agree to pay to settle the case.
- 2) If the case is not settled and has to go to a hearing, the user will have to pay the hearing fee. How much the hearing fee is, is based on the amount claimed in the case. It is possible that there may be other fees as well - for example, if the claimant needs to change anything about the case like the exact name of the defendant.

If the user is on a low income or income-related benefits, they can apply for Help with fees again. You have to apply for each fee you want help with.

Total amount you're claiming

Total claim amount	£811
Claim fee	£70
Interest to date	£11
Claim amount	£727

How interest to date is calculated

If you settle out of court

We won't refund your claim fee. You can ask the defendant to pay back your claim fee as part of the settlement.

Other fees

Hearing fee	£115

You don't have to pay a hearing fee unless the claim goes to a hearing.

There may be additional fees as your case progresses. Find out more about court fees (opens in a new tab)



Details of the claim

Here you need to write a concise statement of the facts of your claim - what happened, and what you want from the defendant.

Use short sentences and avoid any emotive language. You can see an example in <u>How to start a civil claim</u>.

Briefly explain your claim

Tell us why you believe Mary Richards owes you money.
Don't give us a detailed timeline - we'll ask for that separately.
You'll have to pay an extra fee if you want to change the details of the claim later.



Timeline of events

Here you need to explain what happened on what date.

If you don't know the exact date, you can just say the month and year.

Press 'Add new' to add further dates to the timeline. Include anything relevant like when quotes were given, when the work was agreed, when work started, and any payments made.

Timeline of events

If you do not know the exact date, tell us the month and year.

Example timeline

- 12 January 2021 John Smith gave me a quote to replace the roof.
- 14 February 2021 We agreed and signed a contract for the work.
- 21 March 2021 I noticed a leak on the landing and told Mr Smith about this.

Oate For example, March 2021	What happened For example, you might have signed a contract		
		h	

Add new



List any evidence

Next you are asked to confirm what evidence you have to support your claim. You don't submit the evidence at this stage, you just confirm what you have.

This might be

- copies of a quote and confirmation that you accepted it,
- a statement of account which shows when payment was requested and received,
- photos of the accident or damage,
- the damaged item itself,
- text messages or emails sent or received,
- a record of calls made from your phone,
- receipts for anything you are claiming for,
- · witness statements, or
- anything else that helps prove what you said happened, happened.

See <u>Evidence needed to sue someone for more guidance</u> on evidence you will need and what you should do with it.

List any evidence (optional)

Tell us about any evidence you wish to provide. You do not need to send us any evidence now. If your case goes to a court hearing, and is not settled, you will need to provide evidence.

List your evidence
Contracts and agreements \checkmark
Describe this evidence in more detail (optional). For example, a signed contract.
Please make a selection V
Please make a selection 🗸
Please make a selection V
Add more evidence



Check your answers before submitting the claim

The last section enables you to check all the information you have given. Do check it carefully. If the user thinks they may have anything wrong, do not submit it until they have been able to check that they have got it right.

If they do make a mistake they won't be able to change it after they submit and pay without paying another fee.

At the bottom of the page they also need to confirm that everything they have said is true to the best of their knowledge.

They then need to pay and the claim is started. After they have paid you will arrive at a confirmation screen which tells the user their claim number and the deadline by which the defendant needs to respond. Help them make a record of both of these. Read out all the information on this screen as it explains their next steps.

If they have supplied an email address for the defendant, the defendant will be told that a legal claim has been started against them and they will receive a copy of the claim form straight away. A copy is also sent to them in the post.

A copy will also have been emailed to the user.

Claim submitted

Your claim number: 352MC733

Download your claim form (123KB, PDF)

What happens next

Mary Richards has until 4pm on 26 March 2022 to respond to your claim. They can ask for an extra 14 days if they need it. We'll email you when they respond.

You can request a County Court Judgment (CCJ) against them if they don't respond.

If the defendant pays you

You need to sign in to your account to tell us you've been paid.

What did you think of this service? (opens in new tab).

Go to your account





How to prepare for the appointment - the defendant

They may find Advicenow's <u>How to take a claim in the civil court</u> series helpful to read. The series will help them understand how the law works, and what evidence will help them defend the claim (as well as what evidence the claimant will need to make their case).

Be aware - If the claim against them is for debt, they should seek debt advice before they fully respond (and should be supported to log in and ask for an additional 14 days to facilitate that). In particular they should check if the debt is recoverable through court action. Most debts older than 6 years are not recoverable.

They should also bring with them

- The email or letter they received telling them about the claim
- Details of any evidence they have of their side of the story
- Any details they have about the date on which things (to do with the case) happened

If they agree they owe some money and don't want to pay the full amount immediately, they also need to bring:

- the balances of any bank accounts or saving accounts,
- if they are self-employed, their annual turnover,
- if they are paying money as a result of any other court orders, details of those court orders,
- details of any debts they are behind on, or loans or credit card balances, and
- details of regular expenses like rent/mortgage, council tax, bills etc.



Time limits for responding to a money claim

Support the defendant to respond by the deadline. The deadline is clearly stated on the email or letter they received about the claim.

Be aware - They can ask for 14 more days to respond but they need to log in to the service to do that. If they do not respond they may get a County Court Judgement (CCJ) against them which will harm their credit rating for a long time. It is still possible to settle the claim out of court.

If they agree that they owe the money they should still respond. If they do so they can suggest a payment plan or another way of sorting out the situation (for example, if the claim is about unfinished building work, the defendant could offer to complete the building work). It is still possible to settle the claim out of court.

Logging in

The defendant will need to enter the claim number and security number from the email or letter they received telling them about the claim. They then arrive at a 'Claim details' screen that confirms who has made a claim against them and what the claimant has said about the case.

Next they are asked if they are already registered for civil or family court services. They will only have an account already if they have made or responded to a claim like this before, applied for or responded to an application for divorce online, or applied for probate online. Most people will therefore need to create an account now.

In order to set up an account they will need to have access to an email account.



Beginning your response

Once they have set up an account or logged in, you will arrive at a screen like this.

The deadline by which they have to respond is confirmed on the right.

First they need to confirm their details. If they would like letters about the case sent to another address instead they can. (Note this is instead, not as well). And next they need to confirm if they would like more time to respond. If they select that they would like more time to respond an extra 14 days is automatically added to the deadline. They do not need to have a reason.

Be aware – If the user is responding to a claim about debt they should get debt advice before continuing with their response. Free debt advice is available through Debt Advice Foundation, National Debtline, and Step-Change among others.

Respond to a money claim

1. Prepare your response

Confirm your details	INCOMPLETE
Decide if you need more time to respond	INCOMPLETE

2. Respond to claim

<u>Choose a response</u>

3. Submit

Check and submit your response

Response deadline:

26 March 2022 before 4pm (19 days remaining)

Claim reference: 352MC733

Total claim amount: £1.500

View claim



Choose a response

When they press 'Choose a response' you are given the choice of

- agreeing that you owe all the money claimed
- agreeing you owe some of the money claimed but not all of it, or
- saying you don't think you owe any of the money claimed.

How do you respond to the claim?

ind o	out what each response means
\bigcirc	I admit all of the claim You agree you owe the full amount claimed
\bigcup	I admit part of the claim You agree you owe some money but not the full amount claimed
\bigcirc	I reject all of the claim You've either paid what you believe you owe or you reject the claim



Agreeing you owe all of the money claimed

If the user accepts that they owe all the money claimed you move straight on to how they will pay.

If they don't pay the full amount within 5 days the claimant can ask for a County Court Judgement (CCJ) to be made against you. Having a CCJ hurts your credit rating and will make it harder to get loans, a mobile phone contract, or a mortgage. It is therefore best to pay immediately.

You can however ask if the claimant will accept payment by a set date or allow the user to pay in installments.

If they request either, they will have to supply details of their finances and explain why they are unable to pay immediately. These are sent to the claimant. If the claimant thinks the defendant could make the repayments sooner, they can reject the offer and a judge will make a decision about how fast the user should pay it back.

The claimant doesn't have to accept any offer, so it is worth reminding the user they should stick to any agreement made.

When do you want to pay?

\bigcirc	Immediately
\bigcirc	By a set date
	I'll suggest a repayment pla

Save and continue

Severely disabled

When providing their financial details the defendant is asked if they are severely disabled. They should answer yes if they are entitled to the <u>Severe Disability Premium</u>, or would be if someone didn't get Carer's Allowance for looking after them.



Agreeing you owe some of the money claimed but not all of it

If the user admits that they owe some of the money claimed but not all of it, they are asked how much they admit they owe and if they have paid it to the claimant yet.

Depending on that answer, you are then asked either

- how much you have paid (and are asked for details of when and how), or
- how much you admit you owe and, a little later, when you will pay it.

Just as on the slide before they are asked how they would like to pay it. They can ask if the claimant will accept payment by a set date or allow them to pay in installments, but the claimant does not have to accept it - and can ask for a CCJ if they haven't received the full amount the defendant agrees they owe within 5 days.

How much money do you admit you owe?

The total amount claimed is £1,500. This includes the claim fee and any interest.



Agreeing you owe some of the money claimed but not all of it – cont'd

Next you are asked why you disagree with the amount the claimant has asked for. Here you need to write a concise statement of the facts as the user sees them. What happened, what they disagree with in the defendant's statement, and why.

Use short sentences and avoid any emotive language. The user then has the opportunity to add their own timeline – what happened on what date. They are also offered the opportunity to comment on the timeline the claimant has provided.

On the next screen, they need to give details of any evidence they have that supports their version of events. Like the claimant, they don't submit the evidence at this stage, they just confirm what they have and how it helps.

Why do you disagree with the claim amount?

he total amount claimed is £1,500. This includes the clai	m fee.
	/



Saying you don't owe any of the money claimed

If the user rejects the idea that they owe any of the money claimed, they are given three options.

- I've paid what I believe I owe
- I dispute all of the claim which means I disagree that I owe them money, or
- I dispute all of the claim and want to make a counterclaim, which means I disagree that I owe them money and want to take them to court about money they owe me.

If the user makes a counterclaim they will have to pay a fee. The online service doesn't yet cover this so if they select this option they will then have to follow the guidance to complete a paper form and send it off.

Why do you believe you don't owe Jan Clark any money?

\bigcirc	I've paid what I believe I owe
\bigcirc	I dispute all of the claim
\bigcirc	I dispute the claim and want to make a counterclaim



Saying you don't owe any of the money claimed – cont'd If the user disagrees with the claim they are then asked why they disagree or which bits they disagree with and why. If there are parts they do not disagree with, they should say so. Just as on Agreeing you owe some of the money claimed but not all of it, be as clear and to the point as possible, and explain what the defendant thinks happened.

They will then add their own timeline and say what evidence they have, and anything they disagree with in the claimant's timeline and evidence.

Why do you disagree with the claim?

Their reasons for making the claim

Mary Richards and I signed a contract for building works on our roof. The work on the roof was completed but there was a problem with one section. I asked Mary Richards to get the problem fixed, but hadn't had a reply.

Show more

Briefly explain v	ubuwan diasa	roo with the	. alaim
Briefly explain v	vnv vou aisad	iree with the	: claim

If you fail to dispute any part of the claim the court may assume you admit it.

You should also say if you accept any parts of the claim.

Don't give us a detailed timeline - we'll ask for that separately.

1	

Your response will be sent to Jan Clark.



Free telephone mediation

If any part of the claim is disputed they are referred for free telephone mediation for claims up to £10,000 to see if an agreement can be reached

Read everything on this screen out.

Make sure the user understands what mediation is. In this kind of mediation, a trained mediator speaks to both sides separately over the phone and helps them to come to a legally binding agreement.

If it is successful it means the dispute is sorted out more quickly and nobody has to pay a hearing fee if the mediation appointment is conducted before the hearing fee is due and paid.

At the bottom of the page, when you click continue will be asked if the mediation team can make contact on the telephone number and email address displayed.

There will also be opportunity to note any non availability. If either party do not attend their mediation appointment the judge may apply a penalty. They will receive an update on their dashboard with an opportunity to explain why - The judge and the other party/ies will be able to see any explanatory details provided.

Money Claims

BETA This is a new service - your feedback (opens in a new window) will help us to improve it.

Telephone mediation

If the claimant disagrees with your response, you must take part in mediation.

A telephone mediation appointment will be scheduled at no additional cost.

An impartial mediator will speak with both parties to see if an agreement can be reached before the case goes to court. You will be able to explain your reasons for rejecting the claim in more detail.

Mediation will last no longer than one hour and will take place by telephone.

What happens at mediation?

We will arrange a phone call with a mediator from the Small Claims Mediation Service. The mediator will:

- · listen to each side separately you will not talk directly to the other side
- ask you to consider what the other side says
- help you reach an agreement, if possible

What happens if you do not attend your mediation appointment?

If you do not attend your mediation appointment, the judge may apply a penalty. This could include the judge automatically ruling in the other party's favour, or paying for some or all of the other party's costs.

After the phone call

If mediation is successful, you will not have to go to court. You will make an agreement over the phone, which we will email to you. You will not have to sign anything, but the agreement is binding.

If either party breaks the terms of the agreement, the other party can go back to the court to ask for a judgment or hearing.

If you do not reach an agreement at mediation, you may need to attend a court hearing. Any mediation discussions cannot be mentioned at the hearing.



Contact us for help

Respond to a money claim



Hearing requirements

If all or any part of the claim is disputed, the user will also need to answer questions about their requirements for the hearing.

This will be about

- · any accessibility needs they may have,
- which court they would like the case to be heard in, and
- if they believe the case requires the evidence of an expert.

Most small claims (except those for personal injury) don't need an expert. If you want to use an expert, you will have to explain why the case needs it and ask the court's permission. Having an expert is not always a good idea – see <u>Witness statements and expert reports</u> for more information (scroll down for free version).

They are also asked if they would like to give evidence or want anybody else to – and what dates in the next 12 months they know they could not do.

Check and submit

Lastly they need to check everything carefully and submit their response. If they need to change anything important, they will have to pay an additional fee so do check everything is correct.





Help with Fees



How to support users to apply for Help with fees

Please refer to the Help with Fees Training Pack at https://www.wearegroup.com/hmcts-network-training?topic=employment-tribunal

Supporting users through the new money claim touchpoints



Supporting users through money claim touchpoints



These slides show you how to support users who have **already started a money claim** to use the new digital services that enable the claimant to:

- View the defendant's response, decide whether to proceed, and confirm their requirements for the court hearing
- Settle the claim or tell the court they have settled the claim outside of the online service
- · Request a County Court Judgement if the defendant hasn't responded or if they have not paid by the agreed time

They also show you how to support the defendant to sign a settlement agreement.

The claimant is the person who started the claim. The defendant is the person or organisation that the claimant started the claim against (the person or organisation who is being taken to court).



Supporting users to manage the money claim touchpoints



We have broken this training up into small and larger tasks.

Support with smaller tasks in the process will mostly be provided over the phone by We Are Group staff. Small tasks include viewing updates, logging in, and resetting a password.

Larger tasks will require face-to-face appointments with partner centres. Larger tasks include choosing how to respond to the defendant's response (continue with the case or accept a lower amount) and providing details of their requirements for a court hearing.

This training will focus mainly on the longer tasks that you will be providing support for, but if you are asked to provide help with any of the small tasks there is <u>separate guidance</u> to help you.



Potential service user vulnerabilities



Potential service user vulnerabilities

Disputes

Users may have been through a difficult experience and be feeling unhappy and frustrated about being involved in a dispute.

Making it clear that you empathise with them (and recognise how frustrating it is) will help.

Stress

They may begin the process feeling upset and stressed. Equally, they may be feeling very combative, which may spill out at you.

Asking if they have found it stressful or upsettina. empathising, makina them feel supported will help.

Finances

If the user has existing money worries, then the claim may feel very important to them, and this could increase their sensitivity and stress.

Empathising with them and making them feel supported will help.

Confidence

The idea of being involved in a court process can be intimidating and could present as low confidence or mood.

It might also make them **worried** and dithery about each choice.

Being patient and reassuring will help. Remind them they might not need to actually go to a court.

Wait times

Users are likely to want to reach a resolution as quickly as possible, so are likely to show impatience or anxiety about the long wait for a hearing, particularly if they have money worries.

Recognise these issues as a problem and remind them that lots of people resolve their disputes before a hearing.





Reviewing the defendant's response



Reviewing the defendant's response

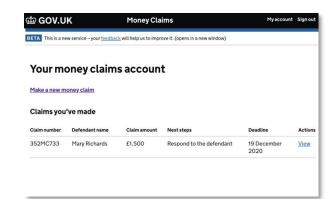


After the defendant has responded to the claim, the claimant needs to view the response and confirm whether to agree to the amount the defendant accepts they owe, continue with the case, or withdraw the claim/end the case.

They will receive a notification when the defendant has responded so that they know they need to do these next steps.

They have 33 days from the day they received the notification to respond. If they don't, the claim is paused (they use the legal term 'stayed') and they can only continue with the claim if they complete form N244 and pay the appropriate fee to request the stay is lifted.

The notification will have told them whether the defendant agrees they owe them money or not.





Reviewing the defendant's response



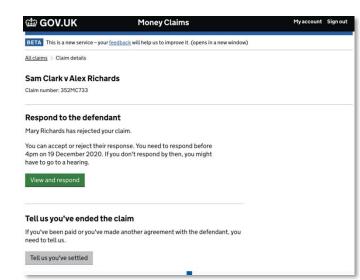
The respondent may have

- disagreed with the entire claim, or
- agreed that they owed some but not all of the money claimed (and be offering to pay that part), or
- they may have agreed they owed all the money.

If they have agreed that they owe any money they need to have made a suggestion for how they will pay that amount. The claimant needs to view the response and decide what to do.

Settling the claim

Sometimes the defendant will have made an agreement outside the court system to end the dispute. If this has happened, and the claimant has accepted, the claimant must end the court claim by pressing the button at the bottom to inform the court. This button appears at the bottom of lots of the screens. Jump to settling the claim for more detail.







of
If the
defendant
rejected the
entire claim



If the defendant rejected the entire claim

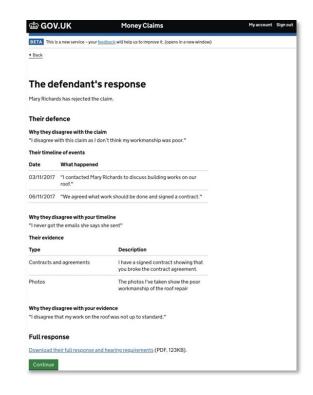


The claimant can view the defendant's response, and their list of evidence.

For most people it will be helpful for you to download and print this for them so that they can take it away with them.

After reading the response (or having it read out to them) they are asked if they want to continue with the case.

This is just a yes/no choice. If they decide not to continue, the case is closed.





Defendant rejected entire claim – free telephone mediation



If they do continue, they are referred for free telephone mediation for claims up to £10,000. Parties are automatically referred if any part of the claim is disputed. The judge may apply a penalty if the appointment is not attended.

Read everything on these screens out to the claimant.

Make sure the claimant understands what mediation is. In this kind of mediation, a trained mediator speaks to both sides separately over the phone and helps them to come to a legally binding agreement.

If they come to an agreement, it means the dispute is sorted out much more quickly and nobody has to pay a hearing fee (the waiting time for a hearing is several months).

Free telephone mediation

We have automatically registered you for free telephone mediation from HM Courts and Tribunals Service.

How free mediation works

A trained, neutral mediator from HM Courts and Tribunals Service will listen to your views and help you to negotiate a settlement of your dispute.

Mediation can be quicker, cheaper and less stressful than going to

Mediation is confidential, and nothing said in the mediation can be used in court proceedings if the dispute cannot be settled. The mediator speaks to each party separately, this is not a conference call.

The claimant must agree to mediation. We'll contact you within 28 days after the claimant's confirmation, to arrange a free appointment.

Your mediation appointment will last for no more than an hour.

Find out more about free telephone mediation (opens in new tab).

Reaching a settlement

If mediation is successful, you'll make a verbal agreement over the phone. This is legally binding which means that you must comply with it. You will be given the terms of the agreement in a document – this is called a settlement agreement.

If either party breaks the terms the other party can go to court to ask for a judgment or hearing.

If mediation fails and a court hearing is needed, what happened during the mediation appointment cannot be mentioned in court.

You will not have to wait longer for a court hearing if you choose mediation.

Continue

I do not agree to free mediation





Defendant rejected entire claim – free telephone mediation



For claims up to £10,000 parties will be automatically referred for a mediation appointment. The Small Claims Mediation Service operates between 8am and 5pm except bank holidays. Parties will be given opportunity to confirm contact details for the appointment and advise of any non availability.

If a party does not attend the mediation appointment they will receive an update on their dashboard with an opportunity to explain why - the judge and the other party/ies will be able to see any explanatory details provided.





Defendant rejected entire claim – hearing requirements



If mediation isn't successful, the claimant must next provide detail of the things they will need if there is a hearing.

This is about

- any accessibility or support needs they may have (hearing loop, interpreter, disabled access)
- which court they would like the case to be heard in, and
- if they believe the case requires the evidence of an expert

Ask them questions so that you can support them to explain what their access needs are.

You can see what facilities the suggested court has and check that it will meet their needs. If it doesn't, suggest that you search for another.

Ask them how they will get there. It might be that the nearest court is less easy for them to get to, but that one further away is on a bus route so that they can get there more easily.



Defendant rejected entire claim – hearing requirements



Experts

Most money claims don't need an expert. If the claimant wants to use an expert, they will have to explain why they believe the case needs it and ask the court's permission. If the judge allows one party to use an expert, they usually have to share that expert with the other side and share the fee as well.

The expert will provide a written report – they won't come to the hearing. Having an expert is not always a good idea – for example, their evidence might actually support the other side's case. See <u>Witness statements and expert reports</u> for more information (scroll down for free version).

The claimant is asked if they already have an expert's report and if so to provide details of it. They are given a bit more detail about how an expert is usually chosen – read all this detail out. Then the task is to confirm if the claimant wants to ask the court's permission to use an expert.





Defendant rejected entire claim – hearing requirements



Giving evidence

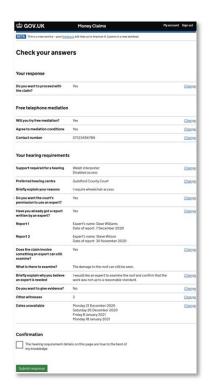
Next, they have to decide if they want to give evidence (this could be in writing or in person) and if they want anybody else to give evidence.

Dates they are not available

And then if there are any dates in the next 12 months, they know that either they or their witness can't attend. Most people find this quite a hard question to answer – it can be helpful to narrow it down for them by asking if they know the dates of any holidays they have already booked, or any hospital appointments.

Once the hearing is scheduled the user will be given the date. They will be given at least 2 weeks notice.

It is important that they understand that once a court date has been set the court doesn't like to change it – so anything else should be moved, rather than try to move the court date. Obviously, if they have a witness they want to give evidence they will need to check with them before submitting. You can proceed for now though, as there is a check and change or submit page coming up.







Defendant rejected entire claim – what happens next

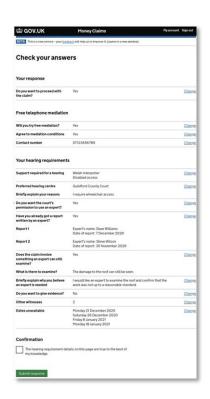


Read the answers on the check your answers page out to the claimant.

Don't press submit until they are certain everything is correct.

Remember: For claims up to £10,000 users will automatically be referred to the Small Claims Mediation Service for an appointment.

The Small Claims Mediation team will contact about the appointment. If an agreement is reached at the appointment the case ends, if no agreement is reached the claim proceeds to hearing for a decision and users will be advised of anything they need to do. If a mediation appointment is not attended a judge may apply a penalty.





At the end of the appointment



- 1. Remind them again of what you have supported them to do today (reviewed the defendant's response, chosen to continue with the case, and supplied your hearing requirements).
- 2. Tell them what will happen next.
- 3. Give them a copy of the next steps that they can take away with them if possible. Write the date that you saw them and the task you have completed on the sheet to help them to remember where they are or were in the process.
- 4. They cannot get any more help from you with this process but signpost them to CTSC if they want to find out if the hearing has been scheduled.
- 5. Tell them that they will be texted a survey about today's appointment and encourage them to respond to it. Explain that it is all free.



of

If the defendant
has partly agreed
to the claim



If the defendant has partly agreed to the claim



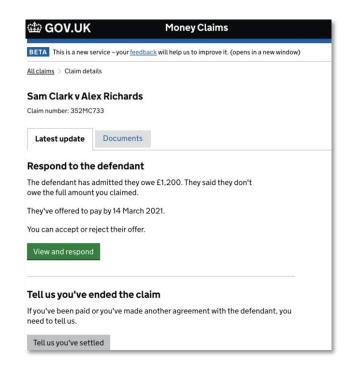
If the defendant agreed they owed some of the money, the claimant must view the defendant's response and decide whether they are happy to accept the amount they are offering and end the case. Or whether they want to continue with the case for a decision on the remainder of the claim.

If the user chooses to accept the amount offered and end the case, move to the next slide.

If they choose to continue with the case, you will drop back into the process we have already looked at for defendants who disputed the entire claim.

If not, you will be asked to provide details of <u>the user's needs for the hearing</u>.

Follow the links above to arrive at the correct part of the process.





If the defendant has admitted they owe money



If the defendant has admitted they owe money

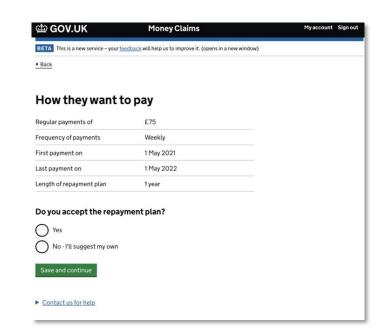


If the defendant has (partly or fully) agreed that they do owe the claimant money then you will see the amount that they have agreed they owe, and whether they have suggested that they pay all the money immediately, in installments, or by a set date.

If the defendant has suggested paying in installments or at a future date, they will have supplied a reason to explain why they cannot pay immediately, and the claimant can see their income and outgoings.

The claimant can agree to their repayment plan or refuse it. Do not let the claimant agree to it thinking that they can argue about the rest of the money later.

Accepting the offer means that the case will not go to a hearing so this is all they will receive.





If the defendant has admitted they owe money



If the user refuses the defendant's payment plan, they can ask that the defendant either:

- pay the full amount immediately
- by a set date, or
- the claimant can suggest an alternative repayment plan.

The Court will make a decision about whether your suggested payment plan is fair or if the defendant can afford it.

If they don't think it's fair, they will reject it and order a repayment plan they say the defendant can afford.

∰ GOV.UK	Money Claims	My account Sign out
BETA This is a new service – your <u>feedback</u> will help us to improve it. (opens in a new window)		
◀ Back		
How do you want the defendant to pay?		
Immediately		
By a set date		
By instalments		
Save and continue		
► Contact us for help		



If the defendant is not paying the total immediately



If the defendant is not paying the total immediately



If the person you are supporting has agreed to a repayment plan or payment by a set date, you are then asked to choose between a settlement agreement or asking the court for a County Court Judgement (CCJ).

Both are legally binding. If the defendant signs a settlement agreement and they don't pay when they are supposed to, the claimant you are supporting just needs to log back in and ask for a CCJ. After they have requested a CCJ they can ask the court to enforce payment (this is not something that can be done online yet).

The online system will create the settlement agreement.

There is no need to do this extra step if the user requests a County Court Judgement, but a CCJ will show up on the defendant's credit history and will make it harder for them to borrow money to repay the user.

∰ GOV.UK **Money Claims** BETA This is a new service - your feedback will help us to improve it. (opens in a new window) ◆ Back Choose how to formalise repayment Sign a settlement agreement This is a legal agreement between you and the defendant agreeing to the repayment plan. If they break it you can request a County Court Judgment (CCJ). We'll show you a suggested format for the agreement. Request a CCJ You can ask the court to make a formal order binding the defendant to the repayment plan. This adds the defendant to the CCJ register, which may make it more difficult for them to borrow money to repay you.

Save and continue



If the defendant is not paying the total Immediately – settlement agreement



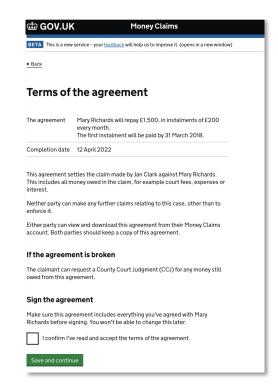


If the claimant has chosen a settlement agreement, then the system creates an agreement for them that both claimant and defendant confirm they agree to (see <u>Supporting the defendant to sign a settlement</u> agreement).

The claimant needs to understand that this agreement will end the case. They should not tick the box at the bottom if they have agreed something with the defendant that is not included in this settlement agreement.

It is important to make sure the user fully understands and agrees to everything in the settlement agreement, as otherwise they will need to complete form N244 and pay the appropriate fee to change anything later.

Once the agreement has been confirmed, please print out a copy of this agreement to give to the claimant to take home with them.





If the defendant is not paying the total Immediately – request a CCJ



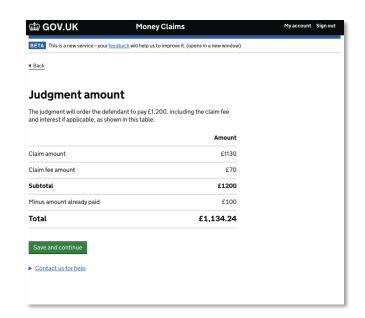
Request a County Court Judgement

If the defendant has

- not responded to the claim at all, or
- admitted they owe some, or all, of the money, and have not paid the full amount by the set date,

then the person you are supporting can now request a County Court Judgement.

First the user is asked if the defendant has paid them any of the amount already. Do not say here that the defendant has paid a sum already if the claimant hasn't actually received it yet. If they say they have put a cheque in the post, wait until it has been received to go any further.





If the defendant is not paying the total Immediately – request a CCJ

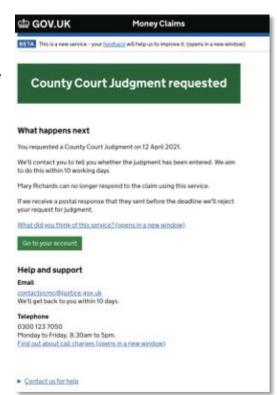


The judgement will order the defendant to pay the amount they agree that they owe (or that the claimant submitted if the defendant never responded), plus the fee paid to start the case, minus any amount the defendant has already paid. The user can suggest to the court whether the defendant pay that amount immediately or in installments.

Next steps

The claimant will get a letter within 10 working days to confirm whether a CCJ has been issued.

The last part of the online process is requesting a CCJ. Once that has happened, anything else happens offline.





If the defendant promised to pay immediately

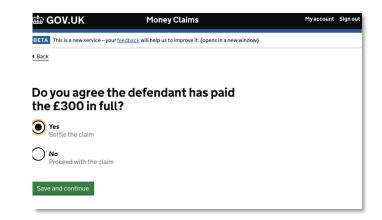


If the defendant has promised to pay immediately, after the claimant has reviewed the response, the claimant is asked to wait until they have received all the money in their bank account or cheque in the post.

When that has happened, when the user logs in, they should be able to view a screen which confirms the amount the defendant says they have paid, and on what date and how (cheque, cash etc).

If this is what has happened, they just need to confirm that. The case is now settled.

If the defendant has not paid all the money owed, the claimant can now request a County Court Judgement. See previous slide for details.





Settling a money claim



Settling a money claim



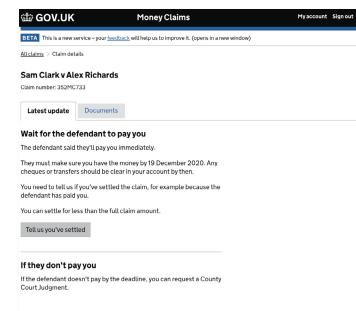
The claimant should not confirm that the case has been settled until they have received the money in full in their bank account or cash in their hand.

The two sides may have come to an agreement outside the online court system, or using it, and the user may have received all of the money they were asking for, or just some of it.

Next, the claimant is asked when they 'settled with the defendant'. This means the date the claimant received the money, not the date that they came to the agreement that the defendant would pay.

When the claimant confirms that the defendant has paid up, the case is closed, and it is recorded for the court that both parties reached an agreement.

If the defendant does not pay the user, the claimant can <u>request a County</u> Court Judgement.







Any questions?





Thank you!