

Monitoring Tool

Date of Visit:

Date of the Previous Visit:

Monitoring Officer: Tshepa Vuso

Debt Counsellor:

DC Registration Number:

Town / City:

Province: Choose a Province

1. Infrastructure

Inspect the premises from where the Debt Counsellor is conducting the debt counselling practice and evaluate the adequacy of the Debt Counsellor's facilities to determine its suitability for provision of the debt counselling services:-

- 1.1. Does the Debt Counsellor have an office or a consulting room, internet connection, telephone and fax lines?

- Choose an item

Comments/Observations:

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- 1.2. Are the NCR window decal & the NCR certificate on display in the premises?

- Choose an item

Comments/Observations:

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- 1.3. What is the state of the Debt Counsellor's Office Administration (document filing, letters written, etc)?

Comments/Conditions/Observations:

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1.4. What is the Debt Counsellor's capacity/staff complement?

- Number of employees:

Comments/Observations:

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Additional Comments / Concerns regarding Debt Counsellor's Infrastructure:

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2. Fees for Services Rendered

2.1. Does the Debt Counsellor disclose the fees upfront and in writing?

- Choose an item

Comments/Observations:

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2.2. Obtain a copy of the document indicating the disclosure of fees and determine whether they have been signed by consumers as acceptance of the fees.

- Choose an item

Comments/Observations:

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2.3. Check if a receipt and/or acknowledgement letter is issued for the R50-00 application fee (Section 86(2)).

- Choose an item

Comments/Observations:

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2.4. Check and verify the manner in which the **debt counselling fees** are received by the Debt Counsellor; whether directly to the Debt Counsellor or through the PDA.

- Choose an item

Comments/Observations:

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2.5. Check and verify the manner in which the **restructuring fee** is paid to the creditors, whether directly or through the PDA.

- Choose an item

Comments/Observations:

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2.6. Check if the debt counselling fee is paid by the consumer as per NCR fee guidelines

- Choose an item

Comments/Observations:

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2.7. Check and determine if any other type of fee is paid to the Debt Counsellor and what the purpose of the fee is (e.g. credit report, travelling fees, etc)

Comments/Observations:

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2.8. If payment of legal fees is effected by the consumer, determine whether the legal fees have been incurred and whether the matter has been in court (how much, when are the legal fees paid and how are these fees paid).

Comments/Observations:

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2.9. Check what legal fees have been paid to the Debt Counsellor for a particular month and request proof that these fees were paid to an Attorney or incurred. Check the amounts paid to the Attorney vs. what was received from the consumer. Record these amounts.

Comments/Observations:

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Additional Comments / Concerns regarding the fees that the Debt Counsellor charges:

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3. Compliance with the Debt Review Process

3.1. Confirm whether the Debt Counsellor uses the prescribed Forms.

- Form 16: Choose an item
- Form 17.1: Choose an item
- Form 17.2: Choose an item

Comments / Observations:

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- 3.2. Confirm that the consumers' basic information is recorded by the Debt Counsellor on Form 16 (i.e. ID No, Full names, Contact details etc).

Comments/Observations:

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- 3.3. Check whether the filled in prescribed forms are regularly dated and signed.
 - Choose an item

Comments/Observations:

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- 3.4. Verify whether the Debt Counsellor Uploads Clients onto the NCRdebt help system within 5 days of receiving a completed and signed Form 16 documents.
 - Choose an item

Comments/Observations:

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- 3.5. Confirm whether the creditors were informed within 5 days (Form 17.1) Regulation 24(2)
 - Choose an item

Comments/Observations:

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- 3.6. How long does it take for the Debt Counsellor to issue proposals after receipt of COBs.

Comments/Observations:

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- 3.7. What is the response rate to proposals sent to credit providers.

Comments/Observations:

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- 3.8. How long does it take for the Debt Counsellor to respond to counter proposals.

Comments/Observations:

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3.9. What is the acceptance rate on the proposals responses received from Credit Providers.

Comments/Observations:

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3.10. Determine the reasonability of the Debt Counsellors proposals.

Comments/Observations:

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3.11. Ascertain if the Debt Counsellor places matters on the roll within 60 days.

Comments/Observations:

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3.12. What method does the Debt Counsellor apply when restructuring the debt agreements?

Comments/Observations:

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3.13. What after-care service does the Debt Counsellor provides.

- Terminations from credit providers.
- Change in circumstances.
- Communication on progress of debt review.
- Monthly PDA statements/ reports, proof on old files.
- Checking of regular payments and doing annual reviews.

Comments/Observations:

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3.14. Enquire and verify if the Debt Counsellor has issued any clearance certificates to consumers.

Choose an item

Comments/Observations:

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3.15. Has the Debt Counsellor informed the Credit Providers and Credit Bureaux.

Choose an item

Comments/Observations:

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- 3.16. Has the Debt Counsellor updated Debt Help System (DHS).
Choose an item
Comments/Observations:

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4. Use of Payment Distribution Agency (PDA) and the “NCRdebthelp” system

- 4.1. What type of restructuring system and PDA does the Debt Counsellor use?

Comments/Observations:

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- 4.2. Determine the level of satisfaction on the restructuring system and the potential areas of improvements.

Comments/Observations:

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- 4.3. Determine the level of satisfaction with Payment Distribution Agency, and the potential areas of improvement.

Comments/Observations:

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- 4.4. Does the Debt Counsellor has personal access to and is able to upload clients on the Debt Help System /DHS (i.e. passwords, login details etc).

- Choose an item

Comments/Observations:

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- 4.5. How many staff members have access to Debt Help System /DHS

Comments/Observations:

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- 4.6. What is the Debt Counsellor’s Level of satisfaction with the NCRdebthelp system?

Comments/Observations:

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4.7. Do the number of Debt Counsellor's clients on the NCRdebthelp system and actual number that the DC has on their records match?

- Choose an item

Comments/Observations:

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4.8. Check the total number of clients captured on PDA system and compare with the number on the NCRDebtHelp system, if there are discrepancies, enquire why there are differences?

Comments/Observations:

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4.9. Does the Debt Counsellor update the customers' status codes on regular basis –verify by checking the reasonability of the period that the client is kept on a particular status code.

- Choose an item

Comments/Observations:

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4.10. Compare the number of debt review applications withdrawn by the Debt Counsellor and the reasons as per the NCRdebthelp system report with the total number that the DC has on records.

Comments/Observations:

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4.11. Compare the number of debt review applications which were voluntarily withdrawn by customers on the NCRdebthelp system report and reasons for withdrawals.

Comments/Observations:

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5. Case Management

5.1. Has the Debt Counsellor identified cases of reckless credit agreements by the Credit Providers? – If so provide the necessary proof and confirm the steps taken by the Debt Counsellor against Credit Providers who provide reckless credit agreements.

- Comments/Observations:

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5.2. Has the Debt Counsellor made any proposal to the Magistrates court in terms of section 86(7)(c) of the NCA.

- Choose an item

Comments/Observations:

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- 5.3. What method does the Debt Counsellor use to inform Credit Providers of the Notice of Motion.

Comments/Observations:

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- 5.4. Have any cases been postponed? If so ask the Debt Counsellor to provide reasons.

- Choose an item

Comments/Observations:

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- 5.5. Check if feedback is communicated to the consumer regarding any case referred to the court and note the manner of such communication.

Comments/Observations:

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- 5.6. Have any matters been referred to the National Consumer Tribunal.

- Choose an item

Comments/Observations:

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6. Compliance with registration requirements

- 6.1. Has the Debt Counsellor paid the Annual Renewal Fee.

Comments/Observations:

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- 6.2. Has the Debt Counsellor submitted the Statistical Returns.

Comments/Observations:

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7. Additional Information on the Debt Counsellor

- 7.1. Enquire if the Debt Counsellor has referred any consumers to relevant bodies (where appropriate, e.g. to independent financial advisors for rationalization of insurance policy.

Comments/Observations:

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- 7.2. Has the Debt Counsellor attended any NCR workshop/ training.

Comments/Observations:

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- 7.3. What are the Contributory factors/causes of over-indebtedness among the Debt Counsellor's clients?

Comments/Observations:

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- 7.4. What are the main challenges the Debt Counsellor is facing currently? (e.g. problematic credit providers).

Comments/Observations:

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8. Suggestions Given by the Debt Counsellor

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9. Overall Comments (by the Monitoring Officer)

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