

# CIVEA Code of Practice for Enforcement

## 1a. TAKING CONTROL OF GOODS

### i) Use of Body Worn Video (BWV) Systems

**Mandatory Requirement** - BWV systems must be deployed by Members to provide supporting evidence in response to EA complaints and for compliance monitoring and training purposes. The use of such equipment needs to be monitored with appropriate policies, guidance and justification.

### ii) BWV and audio recording retention

**Mandatory Requirement** - Members should retain audio recordings and Body-Worn Video footage for a minimum of 28 days.

## 1b. ENFORCEMENT AGENTS

### i) Provision of ID and disclosure of documents

**Mandatory Requirement** - All EAs employed or engaged by Members must comply with the regulations and law including requirement to provide identification on request, provision of authority and disclosure of information ensuring that such information is not divulged or shared with 3rd parties without authority.

### ii) Monitoring

**Mandatory Requirement** - Members should have adequate audit procedures in place to monitor EA compliance with company procedures. An audit of individual EAs must be conducted at least annually.

**Mandatory Requirement** - This code will be independently assessed, and members will be regularly audited to ensure compliance.

### iii) Behaviour

**Mandatory Requirement** - Members must ensure that EAs carry out their duties professionally and not misrepresent their powers, qualifications, capacities or do anything to prejudice the representation or integrity of their client, employer or profession.

**Mandatory Requirement** - Members must always take responsibility for EAs to be respectful of the religion and cultures of others. Members should be aware of and sensitive to the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or festival.

### iv) Compliance Stage

**Mandatory Requirement** - Members will have adequate systems and processes in place to correctly 'link' cases for the same debtor to ensure, where reasonably possible, only one Enforcement Fee is added to the total debt where cases for the same debtor can be enforced at the same time.

**Recommended Requirement** - Members will accept payment and consider payment arrangements from debtors up to the point of the subsequent visit, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014.

**Recommended Requirement** - Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in consistent form.

## **v) Enforcement Stage**

**Mandatory Requirement** - Members will have adequate systems and processes in place to correctly 'link' cases for the same debtor to ensure, where reasonably possible, only one Enforcement Fee is added to the total debt where cases for the same debtor can be enforced at the same time.

**Mandatory Requirement** - Members will accept payment and consider payment arrangements from debtors without the Enforcement fee up to the point of the subsequent visit, when the Enforcement fee will be applied, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014.

**Mandatory Requirement** - A family member or other third party should not be pressured into paying on behalf of a debtor, although a voluntary payment can be accepted where this avoids goods being seized or removed.

**Mandatory Requirement** - The name of the EA attending the premises must be clear on any documents left with the debtor or at the premises. All relevant contacts and telephone numbers should be displayed clearly as should the relevant reference number(s).

**Mandatory Requirement** - Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in a consistent form.

## **vi) Sale or Disposal Stage**

**Mandatory Requirement** - Members will only accept the Sale or Disposal fee where the visit is not a standard Enforcement Stage visit and only where there has been a clear step change (which can be proven), demonstrating the EA is attending to remove goods. This will be indicated by a Notice after entry and/or taking control of goods on a highway in accordance with paragraph 30 of the TCOG Regulations 2013.

**Mandatory Requirement** - Members will accept payment and consider payment arrangements from debtors without the Sale/Removal fee up to the point of the subsequent visit when the Sale/Removal fee will be applied, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014.

**Mandatory Requirement** - Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in a consistent form.

## **vii) Debt Advice and Signposting**

**Mandatory Requirement** - In addition to existing mandatory requirements outlined in the Regulations all Members will signpost debtors to third party debt advice sector throughout the entire collection lifecycle.

## **viii) Safeguarding**

**Mandatory Requirement** - Members will ensure that a safeguarding policy is in place and all staff meet specified safeguarding standards.

## **2. QUALITY CONTROL**

### **i) Call Centre Monitoring**

**Recommended Requirement** - All Members should record incoming and outgoing telephone calls made to/from their Call Centre.

**Mandatory Requirement** - All enforcement agencies must maintain enough telephone lines, with enough trained and competent staff available to answer debtor calls. Telephone calls must be answered within a reasonable time limit.

### **ii) Quality Control**

**Recommended Requirement** - Members should implement a proactive audit process that reviews the quality of visits and calls handled to ensure staff meet the requirements of the statutory regulations, National Standards and Codes of Practice and act (re-training, disciplinary action) where failures are identified.

### iii) Whistleblowing

**Mandatory Requirement** - Members should refer any employee or contractor to the Courts and/or CIVEA where significant non-compliant behaviour is found as a result of the complaint.

## 3. COMPLAINTS HANDLING

### i) Complaints policy

**Mandatory Requirement** - All Members shall have a fully documented complaints process that should be available in print form and available via the Members website.

### ii) Complaints process

**Mandatory Requirement** - Members should have at least a two-stage process that enables complainants to have their complaint escalated and reviewed by someone more senior if they are unhappy with the initial response.

**Mandatory Requirement** - Members shall include reference to CIVEA of the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales) complaint contact information when the internal stages have been exhausted.

**Mandatory Requirement** - Members should acknowledge receipt of a complaint within 5 working days.

**Mandatory Requirement** - Members should aim to respond fully to complaints within 10 working days and achieve this in 90% of cases. If the member is unable to do this, they must contact the debtor to explain why and let them know when they can reasonably expect to receive a full response.

**Mandatory Requirement** - Members must respond to requests from the Ombudsman in relation to complaints within 10 working days providing all the information requested.

**Mandatory Requirement** - Members must abide by the decision and direction made by CIVEA or the Local Government and Social Care Ombudsman (or Public Services Ombudsman for Wales) in relation to complaints unless there is a compelling reason that they are unable to do so; for example, if they are contractually or operationally unable to implement the decision.

## 4. TRAINING AND DEVELOPMENT

### i) Qualifications and Training

**Mandatory Requirement** - Members will ensure all EAs are qualified to at least a Level 2 Award on the Regulated Qualifications Framework (RFQ) or equivalent as determined by a nationally accredited awarding body. The CIVEA IRRV Level 2 Award is recommended.

**Advisory Requirement** - It is recommended that EAs that have completed basic training are progressed to achieve a level 3 award on the RFQ or equivalent as determined by a nationally accredited awarding body.

**Mandatory Requirement** - EAs should be trained to recognise and avoid potentially hazardous and aggressive situations and to withdraw when in doubt about the own or others' safety.

**Advisory Requirement** - It is recommended that CIVEA members' employees receive accredited training on vulnerability.

**Mandatory Requirement** - EAs should be trained to identify and respond appropriately to cases of vulnerability, with referral to the client/creditor where required.

## 5. POLICIES AND PROCEDURES

### i) Policies and Procedures

**Mandatory Requirement** - Members will put in place relevant policies and procedures and will ensure staff responsible for the delivery of the services have a thorough understanding of them.

A copy of the CIVEA Code of Practice and [National Standards](#) should be available on the member's website and be made available upon request.

## 6. STAFF AND SUBCONTRACTORS

### i) Responsibility

**Mandatory Requirement** - Members are responsible for the conduct of all staff, including enforcement agents and sub-contractors enforcing their instructions, whether those agents are employed staff or third-party contractors.

## 7. FINANCIAL INTEGRITY

### i) Client Accounts

**Mandatory Requirement** - Members must submit annual auditor's declaration in respect of adequate funds

### ii) PI Insurance

**Mandatory Requirement** - Members must provide CIVEA with proof of appropriate insurance policies.

### iii) GDPR

**Mandatory Requirement** - Members must have in place relevant, documented GDPR policy and compliance strategies.

## 8. WORKING WITH CLIENTS

### i) Debtor details

**Advisory Requirement** - Members will work with clients to ensure EAs have appropriate detail about the debt they are recovering.

### ii) Contact numbers

**Advisory Requirement** - Members will ensure EAs can provide debtors with contact numbers.

### iii) Breathing Space

**Advisory Requirement** - Members will implement breathing space in line with client requirements.

### iv) Debt recovery performance

**Advisory Requirement** - Members will work with clients to publish information on debt recovery performance.

## 9. PAYMENT PLANS

### i) Income and Expenditure assessment

**Advisory Requirement** - Members will work with clients to support use of income and expenditure assessment.

### ii) Negotiating payment plans

**Advisory Requirement** - Members to provide guidance to EAs and all staff on negotiating payment plans.

### iii) Extended payment plans

**Advisory Requirement** - Members will agree to longer payment plans, following an affordability assessment and evidence of circumstances, where appropriate.

## **10. SUPPORT FOR VULNERABLE PEOPLE**

### **i) Dealing with vulnerable people**

**Mandatory Requirement** - Members must ensure all public facing staff working with/for the Member, who engages with debtors, will undertake mandatory training in identifying and dealing with vulnerable persons, dealing with conflict, customer care skills and techniques.

**Mandatory Requirement** - Members will agree standard procedure with their clients for support vulnerable people.

### **ii) Data requests**

**Mandatory Requirement** - Members will provide a comprehensive response to data requests from the CIVEA executive.

## **12. PRIVACY AND CONFIDENTIALITY**

### **i) Data protection**

**Mandatory Requirement** - Enforcement agencies must comply with the relevant data protection regulations.

### **ii) Contact with debtors**

**Mandatory Requirement** - Enforcement agents and enforcement staff must take reasonable steps to ensure they are speaking to the debtor either in person or on the telephone. If the person is not the debtor, every effort should be made not to discuss the nature of the account or, if applicable, the reason for an agent's visit.