

CCR

Christmas Day, unless the court specifically orders otherwise or in situations where legislation permits it.

It is recommended that enforcement should only be carried out between the hours of 6.00am and 9.00pm or at any time during trading hours, existing legislation must be observed.

Enforcement agents should be respectful of the religion and culture of others at all times. They should be aware of the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or during any major religious or cultural festival.

Goods

Enforcement agents must only take goods in accordance with the appropriate regulations or statute. In addition, creditors may agree other restrictions with agents acting on their behalf.

Enforcement agents must ensure that goods are handled with reasonable care so that they do not suffer any damage whilst in their possession and should have insurance in place for goods in transit so that, if damage

occurs, this is covered by the policy.

They should not remove anything clearly identifiable as an item belonging to, or for the exclusive use of a child (person under the age of 16).

A receipt for the goods removed should be given to the debtor or left at the premises. Enforcement agents should take all reasonable steps to satisfy themselves that the value of the goods impounded in satisfaction of the judgment is proportional.

Vulnerable situations

Enforcement agents, agencies and creditors must recognise that they each have a role in ensuring that the vulnerable and socially excluded are protected and that the recovery process includes procedures agreed between the agent, agency and creditor about how such situations should be dealt with.

The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation, therefore the agent has a duty to contact the creditor and report the circumstances in situations where there is evidence of a potential cause for concern. If necessary, the enforcement

agent will advise the creditor if further action is appropriate.

The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent, who should avoid taking action which could lead to accusations of inappropriate behaviour.

Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18; they can ask when the debtor will be home – if appropriate.

They must withdraw without making enquiries if the only persons present are children who appear to be under the age of 12.

Wherever possible, enforcement agents should have arrangements in place for rapidly accessing translation services when needed, and provide, on request, information in large print or in Braille.

Those who might be potentially vulnerable include the elderly, people with a disability, the seriously ill, the recently bereaved, single-parent families, pregnant women, unemployed people, and those who have obvious difficulty in understanding, speaking or reading English. **CCR**

"Compliance and responsibility within the enforcement profession are of paramount importance, and Bristow & Sutor promote these as a key ethic within their service offering to clients. Unfortunately the different strands of enforcement law, which currently exist, complicate the enforcement process and the revised National Standards for Enforcement Agents do not address this issue.

"We still await government progress on the overdue publication of a consultation paper and the introduction of promised regulations under the Tribunal Courts and Enforcement Act to create a simple single piece of bailiff law. This will promote a better measurement of compliance and provide the basis for improved regulation of enforcement agents."

Andy Rose, managing director, Bristow & Sutor

"Our industry undertakes an important role within society, recovering more than £600m on behalf of the taxpayer each year. We have a duty to ourselves, to clients and to debtors to carry out our work in a responsible and professional manner. Openness and transparency builds public trust and confidence.

"This is why Marston has been trialing body-worn video cameras for our agents – something we intend to roll out nationally this year. It is also why we publish independent client account audit confirmations every single quarter, and why we offer referrals to independent, free debt advice."

Gareth Hughes, deputy chief executive, Marston Group

"At High Court Enforcement Group, we fully understand that compliance and abiding by all laws and regulations is the only way that a modern enforcement firm can run. It is not only a moral obligation, but also financially essential, with the clear obligation to protect our clients' brand reputations.

"Therefore, we are very pleased to see the steps that have been made to update the National Standards for Enforcement Agents and hope that this will only be a part of development of regulation for the whole industry.

"After all, it is certainly not in the interest of responsible companies that the rogues should be allowed to continue."

Martin Leyshon, director, High Court Enforcement Group

