

# Professional Values and Standards of Practice for Enforcement Agents

# Professional Values

---

The *ECB* expects *enforcement agents* and *enforcement firms* to uphold the following Professional Values:

You must:

- AV1. act with honesty and integrity and in a way that upholds public trust and confidence in the *enforcement process* and in the role of *enforcement agents* and *enforcement firms*.
- AV2. be accountable and responsible for your actions and the actions of those who work on your behalf.
- AV3. carry out the *enforcement process* in a way that is fair and free from discrimination, treating people in all circumstances and of all backgrounds with respect.
- AV4. behave professionally, working constructively with other organisations involved in the *enforcement process* including creditors and debt advice organisations.

# Standards of Practice for *Enforcement Agents*

## The *Enforcement Process*

---

### **Objective:**

AS1. An *enforcement agent* carries out the *enforcement process* in a manner which is lawful and appropriate.

### **An *enforcement agent* must:**

#### *Entry*

- AS1.1 follow the processes and requirements set out in the [Tribunals, Courts and Enforcement Act 2007](#) and [The Taking Control of Goods Regulations 2013](#).
- AS1.2 only carry out an *enforcement visit* when they hold a valid and current certificate to act as an *enforcement agent* under section 64 of [The Tribunals, Courts and Enforcement Act 2007](#), or they are acting in the presence of and under the direction of an *enforcement agent* who holds such a certificate. An *enforcement agent* must update the relevant County Court when there is a change in their employer or address.
- AS1.3 only seek to enter a residential property if they have a reasonable belief that the *person subject to enforcement* lives there, and the agent is authorised to enter the property to enforce a debt.
- AS1.4 where the *person subject to enforcement* is a business, only seek to enter a property if they have a reasonable belief that the property is the premises of that business, and the agent is authorised to enter the property to enforce a debt.
- AS1.5 not use force to enter a property, which includes using their body or an object to stop the door from being closed on them, unless:
- AS1.5.1 entry is authorised to execute a warrant of control issued under section 76 of the Magistrates' Courts Act 1980;
  - AS1.5.2 entry is authorised to execute a High Court writ of control and there is a reasonable belief that the *person subject to enforcement* carries on a trade or business on the premises;

- AS1.5.3 they have a warrant authorising them to use reasonable force to enter the property (such warrant is only available in limited circumstances as specified in regulation 28 of [The Taking Control of Goods Regulations 2013](#)); or
- AS1.5.4 they are re-entering a property to inspect or remove goods subject to a controlled goods agreement and have complied with appropriate notice requirements.
- AS1.6 if they are permitted to use reasonable force to enter a property for one of the reasons at AS1.5.1 to AS1.5.4 above:
- AS1.6.1 inform the *person subject to enforcement* or, if appropriate, a *third party*, that they are authorised to use reasonable force to enter the property;
- AS1.6.2 only use the minimum amount of force necessary to enter the property;
- AS1.6.3 provide any court warrant authorising them to use reasonable force to enter the property, to the *person subject to enforcement* or, if appropriate, to a *third party*.
- AS1.7 only enter through a door or usual means of entry to the property.
- AS1.8 not enter a property if the door is opened by a child, or an adult who lacks the capacity to engage with the *enforcement agent* until an adult with capacity to engage with the *enforcement agent* is present, unless:
- AS1.8.1 this is necessary to assist with an immediate threat to a person's safety; or
- AS1.8.2 the door referred to in paragraph AS1.8 is a door to a communal building or business premises.
- AS1.9 when seeking to enter the *dwelling place* of a *person subject to enforcement* through an unlocked door, provided it is safe and reasonable to do so:
- AS1.9.1 knock or use a doorbell before attempting to enter the property to provide an opportunity for someone to answer the door;
- AS1.9.2 clearly and loudly announce their presence when entering the property;
- AS1.9.3 knock before entering any further closed doors within the property.
- AS1.9.4 allow any person they encounter in the property reasonable time to adequately clothe themselves before proceeding further if they are in a state of undress.

## ID and authorisation

AS1.10 when they first encounter the *person subject to enforcement* or, if appropriate, a *third party*, within a property they are seeking to enter or have entered as part of an *enforcement visit*:

AS1.10.1 explain the reason for their visit and the steps they will be taking;

AS1.10.2 produce relevant identification, such as a badge or ID card, to the *person subject to enforcement* or, where appropriate, to a *third party*;

AS1.10.3 produce, if asked, identification and details of the writ, warrant or order that authorises the use of the powers in Schedule 12 to [The Tribunals, Courts and Enforcement Act 2007](#) (this may be in paper or electronic format).

## Goods and fees

AS1.11 not take control of or threaten to take control of goods which are exempt goods under [The Taking Control of Goods Regulations 2013](#).

AS1.12 not take control of or threaten to take control of goods if it is clear that the value of the goods when sold will be less than the fees which will be incurred to sell the goods.

AS1.13 only take control or threaten to take control of goods (including taking control of, threatening to take control of or clamping vehicles) if they have a reasonable belief that they belong to the *person subject to enforcement*. This can include goods which are co-owned by the *person subject to enforcement*.

AS1.14 only take control of or threaten to take control of goods which are on premises which the *enforcement agent* has the power to enter under Schedule 12 to [The Tribunals, Courts and Enforcement Act 2007](#), or on a public highway.

AS1.15 handle goods with proper care in order to avoid damage.

AS1.16 have in place adequate and appropriate insurance to cover any damage which may occur to goods while they are in their possession.

## Behaving appropriately

AS1.17 comply with all relevant legislation, including data protection legislation ([Data Protection Act 2018](#)) and [Equality Act 2010](#).

AS1.18 at all times, be respectful and mindful of any religious and cultural considerations.

AS1.19 not discriminate unfairly against a *person subject to enforcement* on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other grounds.

- AS1.20 not act in a way that intentionally embarrasses the *person subject to enforcement*.
- AS1.21 not abuse or misrepresent their powers in any way, for example by:
- AS1.21.1 acting in a manner that could be reasonably considered to be threatening or intimidating;
  - AS1.21.2 implying or stating that action can or will be taken when legally it cannot;
  - AS1.21.3 implying or stating that a particular course of action will be taken before they know whether this is actually the case;
  - AS1.21.4 implying or stating that action has been taken when it has not;
  - AS1.21.5 misrepresenting the stated timescales over which a course of action may be taken;
  - AS1.21.6 falsely implying or stating that refusing entry to a property is classed as an offence.
- AS1.22 only seek payment from the *person subject to enforcement*, and only accept a payment from another person where:
- AS1.22.1 this has been agreed between the *person subject to enforcement* and the other person without the *enforcement agent* coercing the other person; or
  - AS1.22.2 the *person subject to enforcement* has agreed to the *enforcement agent* discussing the debt with the other person, and the *enforcement agent* has not coerced that person to pay the debt.
- AS1.23 unless the person consents, keep information about a *person subject to enforcement* confidential, other than to the extent it is necessary to share information:
- AS1.23.1 with a creditor, within the *enforcement firm they work for* or the *ECB*, for the purposes of seeking legal advice, dealing with complaints, conducting investigations, engaging in litigation or otherwise complying with regulatory or legal obligations;
  - AS1.23.2 with a third party, in order to conduct an *enforcement visit*. The *enforcement agent* should only disclose the amount of information which is necessary to allow them to conduct the visit;
  - AS1.23.3 in order to comply with a legal duty, such as a court order;
  - AS1.23.4 in order to safeguard the person subject to *enforcement* or a *third party*.
- AS1.24 not disclose the nature of their visit to a *third party* without the permission of the *person subject to enforcement*, unless this is necessary to reassure the *third party* or to prevent a situation from escalating into verbal or physical abuse.

# Communication

## **Objective:**

AS2 An *enforcement agent* communicates with a *person subject to enforcement* in a way that is accurate, appropriate and easy to understand.

## **An enforcement agent must:**

AS2.1 ensure that any information given to a *person subject to enforcement* is clear, taking into account their needs.

AS2.2 make use of the interpretation services offered by the *enforcement firm* they *work for* (such as British Sign Language or a translation service) when this is needed to communicate with people when undertaking an *enforcement visit*.

AS2.3 not contact the *person subject to enforcement* before 6am or after 9pm on any day unless the *person subject to enforcement* contacts them or the *enforcement firm* they *work for* outside of these hours, or the debt relates to a business whose usual operating hours are outside of these times.

AS2.4 ensure that any contact by whatever means with the *person subject to enforcement* is:

AS2.4.1 only in relation to the debt being pursued;

AS2.4.2 clearly identified as being from the *enforcement firm* or *enforcement agent* in relation to the debt being pursued;

AS2.4.3 directly and confidentially sent to the *person subject to enforcement* and such contact cannot be accessed or viewed by anyone else without the permission of the *person subject to enforcement*; and

AS2.4.4 not sent from an *enforcement agent's* personal social media account.

AS2.5 ensure that communications (including text messages) sent to a *person subject to enforcement* are appropriate and could not reasonably be considered to:

AS2.5.1 be threatening or intimidating;

AS2.5.2 amount to harassment of any form (including sexual harassment);

AS2.5.3 be misleading or untrue in terms of the powers of an *enforcement agent* or an *enforcement firm*.

# Training

---

## **Objective:**

AS3. An *enforcement agent* keeps their knowledge and skills up to date.

## ***An enforcement agent must:***

AS3.1 undertake regular training as required by the *enforcement firm(s)* they work for, including training on these Professional Values and Standards of Practice, to ensure they have the appropriate knowledge and skills for their role.



# Monitoring

---

## **Objective:**

AS4. An *enforcement agent* ensures that the *enforcement firm* they work for is able to monitor their compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.

## **An *enforcement agent* must:**

- AS4.1 wear a fully-functioning *body worn video* when undertaking an *enforcement visit*.
- AS4.2 subject to AS4.3 below, record on their *body worn video* all their interactions with anyone present during an *enforcement visit* insofar as it is necessary and proportionate to do so.
- AS4.3 where a request is made by anyone present to turn off *body worn video*, comply with guidance provided by the *enforcement firm* they work for. Where necessary, this may include relying on audio recording only in order to minimise the impact upon the privacy of others present, such as children.
- AS4.4 comply with the policy on the use of a *body worn video* of the *enforcement firm* they work for including requirements to upload and delete footage.
- AS4.5 comply with the compliance policy of the *enforcement firm* they work for to ensure the firm is able to adequately monitor their performance.
- AS4.6 comply with any changes made by their *enforcement firm* as a result of the findings of compliance work.

# Health and Safety

---

## **Objective:**

AS5 An *enforcement agent* undertakes an *enforcement visit* in a way which ensures, as far as reasonably practicable, their own safety and the safety of everyone who is present during the *enforcement visit*.

## **An *enforcement agent* must:**

- AS5.1 undertake the health and safety training provided by the *enforcement firm* they *work for* or other appropriate health and safety training.
- AS5.2 comply with the health and safety policy of the *enforcement firm* they *work for*.
- AS5.3 prioritise their own safety and the safety of those present during an *enforcement visit*, including by ending the *enforcement visit* and leaving if they consider that there is a risk to their own safety or the safety of anyone present.
- AS5.4 report any interactions that have escalated into verbal or physical abuse to the *enforcement firm* they *work for*.

# Cooperation and Accountability

---

## **Objective:**

AS6 An *enforcement agent* cooperates fully with the *ECB*.

## **An *enforcement agent* must:**

- AS6.1 cooperate with any reasonable requests made by the enforcement firm they work for in order to allow the firm to comply with the *ECB*, in particular providing to the *enforcement firm* they *work for* any records of their communication with *people subject to enforcement*.
- AS6.2 report promptly to the *ECB* any serious breaches of the *ECB's* Professional Values and Standards of Practice by the *enforcement firm* they *work for* or by another *enforcement agent*.
- AS6.3 inform the *enforcement firm* they work for if they believe they (the *enforcement agent*) may have seriously breached the *ECB's* Professional Values and Standards of Practice.

# Complaints

---

## **Objective:**

AS7      An *enforcement agent* cooperates with the *enforcement firm* they *work for* in relation to a complaint about them or the firm.

## **An *enforcement agent* must:**

AS7.1      comply with the complaints policy of the *enforcement firm* they *work for*, and signpost *people subject to enforcement* to this where appropriate.

AS7.2      cooperate with any investigation into a complaint by the *enforcement firm* they *work for*.

# Vulnerability, Ability to Pay and Creditors

Please note that the ECB will be introducing standards in relation to vulnerability, the ability to pay of people subject to enforcement, and creditors. In the meantime, enforcement agents should comply with the relevant requirements of the [Taking Control of Goods: National Standards](#).

The following paragraphs of the National Standards are of particular relevance to these topics:

Topic	Paragraph number	Wording
Vulnerability	30	Where enforcement agents have identified vulnerable debtors or situations, they should alert the creditor and ensure they act in accordance with all relevant legislation.
Vulnerability	42	Enforcement agents should be trained to recognise vulnerable debtors, to alert creditors where they have identified such debtors and when to withdraw from such a situation.
Vulnerability	70	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.
Vulnerability	74	A debtor may be considered vulnerable if, for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.
Vulnerability	76	Enforcement agents should be aware that vulnerability may not be immediately obvious.
Vulnerability	77	Some groups who might be vulnerable are listed below. However, this list is not exhaustive. Care should be taken to assess each situation on a case by case basis. <ul style="list-style-type: none"> <li>• the elderly;</li> <li>• people with a disability;</li> <li>• the seriously ill;</li> <li>• the recently bereaved;</li> <li>• single parent families;</li> <li>• pregnant women;</li> <li>• unemployed people; and,</li> <li>• those who have obvious difficulty in understanding, speaking or reading English.</li> </ul>
Ability to pay	24	Debtors must not be pressed to make unrealistic offers and should be asked to consider carefully any offer they voluntarily make and where possible refer to free debt advice.
Ability to pay	25	Where a creditor has indicated they will accept a reasonable repayment offer, enforcement agents must refer such offers onto the creditor.
Ability to pay	49	On returning any un-executed warrants, the enforcement agent should report the outcome to the creditor and provide further appropriate information, where this is requested and, where appropriate, paid for by the creditor.
Ability to pay	68	Enforcement agents should be aware of circumstances where a “no goods” valuation may be appropriate – for example where no goods of sufficient value have been identified; or where the removal of goods would lead to severe hardship for the debtor. In such instances the enforcement agent should make the creditor aware of this situation.
Creditors	51	Enforcement agents should provide clear and prompt information to debtors and where appropriate, creditors.
Creditors	62	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.

# Definitions

Term	Definition
<b>Body worn video</b>	A video camera worn by an <i>enforcement agent</i> during the <i>enforcement process</i> .
<b>Complainant</b>	A person who is considering making a complaint or raising a concern, or whom has made a complaint or raised a concern, in relation to the actions of an <i>enforcement agent</i> or <i>enforcement firm</i> . This includes a representative of the person who is the subject of the complaint.
<b>Complaints-handling process</b>	The process by which the <i>ECB</i> accepts, considers and determines complaints made to it about <i>enforcement firms</i> , including, where appropriate, the provision of redress to a <i>complainant</i> [to follow].
<b>Compliance issue</b>	Apparent non-compliance with the <i>ECB's</i> Standards of Practice for <i>Enforcement Firms</i> which the <i>ECB</i> becomes aware of, or which the <i>ECB</i> identifies from its monitoring or supervision visits.
<b>Dwelling place</b>	The self-contained living accommodation of a <i>person subject to enforcement</i> .
<b>Enforcement visit</b>	The attendance of an <i>enforcement agent</i> to a property in an attempt to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
<b>Enforcement agent</b>	An individual who is responsible for seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods, and is certified to act as an enforcement agent under section 64 of the Tribunals, Courts and Enforcement Act 2007.
<b>ECB</b>	Enforcement Conduct Board.
<b>Enforcement firm</b>	A business or organisation that employs or engages <i>enforcement agents</i> .
<b>Enforcement process</b>	The process of seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
<b>Frontline staff</b>	An individual (other than an <i>enforcement agent</i> ) who works for or on behalf of an <i>enforcement firm</i> , and whom engages with <i>people subject to enforcement</i> .
<b>Notice of Enforcement</b>	A written notice sent by an <i>enforcement firm</i> to a person who owes a sum of money, informing them that that they will be visited by an <i>enforcement agent</i> for the purpose of seeking to recover money owed in order to satisfy a writ, warrant or liability order.
<b>People/person subject to enforcement</b>	A person or business who owes a sum of money and in respect of whom steps are being taken by an <i>enforcement agent</i> or <i>enforcement firm</i> , to recover that sum of money.
<b>Third party/parties</b>	Where the <i>person subject to enforcement</i> is an individual, anyone other than this individual. Where the <i>person subject to enforcement</i> is a business, anyone who does not work for or have a connection to the business.
<b>Work for</b>	Work for either as an employee or as a contractor.