

Professional Values and Standards of Practice for Enforcement Firms



ENFORCEMENT
CONDUCT
BOARD

Professional Values

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

You must:

- FV1. 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*.
- FV2. be accountable and responsible for your actions and the actions of those who work on your behalf.
- FV3. 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.
- FV4. behave professionally, working constructively with other organisations involved in the *enforcement process* including creditors and debt advice organisations.

Standards of Practice for *Enforcement Firms*

The *Enforcement Process*

Objective:

FS1. An *enforcement firm* ensures that it and the *frontline staff* and *enforcement agents* who work for it carry out the *enforcement process* in a manner which is lawful and appropriate.

An *enforcement firm* must:

Notice of Enforcement

FS1.1 send the *person subject to enforcement* a *Notice of Enforcement* which complies with the requirements of [The Taking Control of Goods Regulations 2013](#).

FS1.2 ensure that the telephone number provided on the *Notice of Enforcement* conforms with paragraph FS2.5.

Policies and procedures

FS1.3 ensure that it, and *enforcement agents* who work for it, comply with all relevant legislation, including data protection legislation ([Data Protection Act 2018](#)), the [Freedom of Information Act 2000](#), [Human Rights Act 1998](#), [Equality Act 2010](#), [Welsh Language Act 1993](#) and the [Health and Safety at Work Act 1974](#), as applicable.

FS1.4 ensure that *enforcement visits* are only carried out by *enforcement agents* who are covered by a policy of insurance to cover any damage which may occur to goods while they are in their possession, or by those who are acting in the presence of and under the direction of an *enforcement agent*.

FS1.5 ensure the *enforcement process* is paused if it is notified that the debt is exempt from the *enforcement process*, for example because it is part of a Breathing Space scheme or has been consolidated into a Debt Relief Order, and that the *enforcement process* is stopped altogether once the firm has evidence of the exemption.

FS1.6 have a system which links multiple debts owed by the same person so that, after charging the compliance fee, only one set of fees are charged where the activity that generates the fee can reasonably be carried out at the same time.

FS1.7 keep a record of all payments taken from *people subject to enforcement*.

- FS1.8 if it becomes aware that one of the *enforcement agents* who *works for* it has taken control of goods belonging to a *third party*, make those goods available for collection by the *third party* at no cost and in a timely way, and comply with the legal process in relation to any claim made by a *third party* under [CPR85](#).
- FS1.9 have in place adequate and appropriate insurance to cover any claims made against it.
- FS1.10 unless the person consents, keep information about a *person subject to enforcement* confidential, other than to the extent it is necessary to share information:
- FS1.10.1 with a creditor, an *enforcement agent* who *works for* it 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;
 - FS1.10.2 with a *third party*, in order to conduct an *enforcement visit*. The *enforcement firm* should only disclose the amount of information which is necessary to allow an *enforcement agent* who works for it to conduct the visit;
 - FS1.10.3 in order to comply with a legal duty, such as a court order;
 - FS1.10.4 in order to safeguard the *person subject to enforcement* or a *third party*.
- FS1.11 regularly monitor and keep under review its systems and processes, and make changes where appropriate, such as in light of any conduct concerns or appropriate recommendations from other relevant service providers and/or the ECB.

Conduct of enforcement agents and frontline staff

- FS1.12 have in place an appropriate policy on the conduct expected of all *enforcement agents* and *frontline staff* who *work for* it, which must include:
- FS1.12.1 mechanisms for ensuring that an *enforcement agent* complies with the ECB's Professional Values and Standards of Practice for Enforcement Agents;
 - FS1.12.2 mechanisms for ensuring that an *enforcement agent* complies with the processes and requirements set out in The [Tribunals, Courts and Enforcement Act 2007](#) and [The Taking Control of Goods Regulations 2013](#);
 - FS1.12.3 procedures to identify and appropriately address conduct issues;
 - FS1.12.4 a whistleblowing policy; and
 - FS1.12.5 a clear monitoring and feedback process.

- FS1.13 where it has a concern about the fitness of an *enforcement agent* to hold a certificate to act as an *enforcement agent*, either report those concerns to the relevant County Court using a [Form EAC2](#) or, where it would be prohibitive for it to do so, work with the *ECB* to provide the necessary information for the *ECB* to complete and submit a Form EAC2.
- FS1.14 ensure that the way in which it remunerates and engages *enforcement agents* does not act as a disincentive for *enforcement agents* to comply with the Professional Values and Standards of Practice for Enforcement Agents.

Communication

Objective:

FS2 An *enforcement firm* communicates with a *person subject to enforcement* in a way that is accurate, appropriate and easy to understand.

An enforcement firm must:

FS2.1 take reasonable steps to accommodate any accessibility needs disclosed to them by a *person subject to enforcement*.

FS2.2 ensure that, as far as possible, any information given to a *person subject to enforcement* is clear and accessible.

FS2.3 ensure *enforcement agents* who work for it have access to the interpretation services they need (such as British Sign Language or a translation service) to enable them to communicate with people when undertaking an *enforcement visit*.

FS2.4 ensure that the initial/early communications it sends to a *person subject to enforcement* provides the following information:

FS2.4.1 the fact that the recipient has the right to seek free debt advice;

FS2.4.2 details of debt advice organisations;

FS2.4.3 an explanation of where to find further information on the *enforcement process*, for example the Government or *ECB* websites;

FS2.4.4 the fact that the recipient has the right to complain to the *enforcement firm*;

FS2.4.5 a contact number that conforms with paragraph FS2.5.

FS2.5 have a contact number which is staffed during office hours on normal working days (as a minimum Monday-Friday) so a *person subject to enforcement* can speak to someone within the *enforcement firm* about their debt, as well as an alternative method of communication (such as an email) for out of office queries. This should be publicised on the *Notice of Enforcement* and any other letters to the *person subject to enforcement*.

FS2.6 ensure that the *person subject to enforcement* is not contacted before 6am or after 9pm on any day unless the *person subject to enforcement* contacts the *enforcement firm* or an *enforcement agent* who works for it outside of these hours, or the debt relates to a business whose usual operating hours are outside of these times.

- FS2.7 ensure that any written contact by whatever means by the *enforcement firm* or an *enforcement agent* with the *person subject to enforcement* is:
- FS2.7.1 only in relation to the debt being pursued;
 - FS2.7.2 clearly identified as being from the *enforcement firm* or *enforcement agent* in relation to the debt being pursued;
 - FS2.7.3 directly and confidentially sent to the *person subject to enforcement* and such contact cannot reasonably be accessed or viewed by anyone else without the permission of the *person subject to enforcement*;
 - FS2.7.4 not sent from an *enforcement agent's* personal social media account; and
 - FS2.7.5 confidentially and securely retained for at least three months.
Where the communication is a *notice of attendance*, a video record of this being delivered to the property where *the person subject to enforcement* lives or carries on a business or trade from is sufficient.
- FS2.8 ensure that communications (including text messages) sent to a *person subject to enforcement* are appropriate and could not reasonably be considered to:
- FS2.8.1 be threatening or intimidating;
 - FS2.8.2 amount to harassment of any form (including sexual harassment);
 - FS2.8.3 be misleading or untrue in terms of the powers of an *enforcement agent* or an *enforcement firm* or in terms of the stated timescales within which action may be taken.

Training

Objective:

FS3 *An enforcement firm ensures that the enforcement agents and frontline staff who work for it keep their knowledge and skills up to date.*

An enforcement firm must:

FS3.1 *ensure all enforcement agents and frontline staff who work for it undertake regular training to ensure they have the appropriate knowledge and skills for their role.*

Monitoring

Objective:

FS4 An *enforcement firm* monitors the *enforcement agents* and *frontline staff* who *work for* it to ensure compliance with *enforcement firm* policies, legal requirements and these Professional Values and Standards of Practice.

An *enforcement firm* must:

- FS4.1 ensure that all *enforcement agents* who *work for* it have an operational *body worn video* with functioning audio recording ability and use this to record all interactions between an *enforcement agent* and anyone present during an *enforcement visit* insofar as it is necessary and proportionate to do so.
- FS4.2 have a policy on the use of *body worn video* by an *enforcement agent* which:
- FS4.2.1 is clear and appropriate;
 - FS4.2.2 ensures that anyone who will be recorded on *body worn video* footage is aware of the *body worn video* in operation;
 - FS4.2.3 covers when the *body worn video* should be switched on;
 - FS4.2.4 covers how data should be transferred to a central database for monitoring and review purposes;
 - FS4.2.5 requires *enforcement agents* to delete the footage once it is transferred to the database; and
 - FS4.2.6 provides guidance with respect to how *enforcement agents* should respond to requests by anyone present to turn off *body worn video*. 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.
- FS4.3 ensure that all footage is retained centrally by the *enforcement firm* and that the *enforcement agent* does not have access to the footage after it has been provided to the *enforcement firm*, other than to the extent necessary and in accordance with the *enforcement firm's* policy.
- FS4.4 regularly review *body worn video* footage from all *enforcement agents* who *work for* it.

- FS4.5 retain *body worn video* footage for an appropriate period of time to allow for the submission of complaints or, where the footage is relevant to a complaint, until it is no longer required for the resolution of that complaint, and for a minimum of 12 months from the date of the complaint.
- FS4.6 ensure that their system enables footage from *body worn video* to be permanently deleted:
- FS4.6.1 from an *enforcement agent's body worn video* upon transfer to the database;
 - FS4.6.2 from the *enforcement firm's* database after the period referred to in paragraph FS4.5 above.
- FS4.7 have in place a risk-based and proportionate process for internally auditing the channels of communication between *enforcement agents who work for it, people subject to enforcement and third parties*, to ensure compliance with *enforcement firm* policies, legal requirements and these Professional Values and Standards of Practice. This should include recording telephone calls and text messages where feasible.
- FS4.8 act upon the findings of any compliance work including, where breaches are found, taking appropriate action to avoid a reoccurrence.

Health and Safety

Objective:

FS5 *An enforcement firm takes reasonable steps to ensure, as far as reasonably practicable, the safety of frontline staff, enforcement agents, people subject to enforcement and third parties during the enforcement process.*

An enforcement firm must:

FS5.1 have in place an appropriate policy to ensure, as far as reasonably practicable, the safety of *frontline staff* when engaging with *people subject to enforcement*.

FS5.2 have in place an appropriate policy to ensure, as far as reasonably practicable, the safety of *enforcement agents* when undertaking *enforcement visits*, which complies with relevant health and safety legislation. This should include:

FS5.2.1 a lone worker safety system, which puts appropriate measures in place to ensure, as far as reasonably practicable, the safety of *enforcement agents* who *work for* it when undertaking *enforcement visits alone*;

FS5.2.2 a process for recording and learning from incidents where an *enforcement agent* has been involved in an interaction during an *enforcement visit* that has escalated, either physically or verbally;

FS5.2.3 support for an *enforcement agent* who has been involved in an escalated interaction during an *enforcement visit*;

FS5.2.4 a risk management policy that includes taking appropriate action to protect an *enforcement agent*, as far as reasonably practicable, where there is a known history of violence or threatening behaviour at an address where an *enforcement visit* is taking place.

FS5.3 provide training to an *enforcement agent* on how to conduct themselves in a way which ensures their safety and the safety of everyone present during an *enforcement visit*.

Cooperation and Accountability

Objective:

FS6 *An enforcement firm cooperates fully with the ECB.*

An enforcement firm must:

FS6.1 cooperate with all reasonable requests made by the *ECB*.

FS6.2 allow the *ECB* reasonable access to carry out compliance visits.

FS6.3 provide data and information in a timely manner following a request from the *ECB*, in line with data protection legislation.

FS6.4 comply with any sanction imposed on it by the *ECB* following a *compliance issue*.

FS6.5 comply with any redress the *ECB* provides to a *complainant* under the *ECB's complaints-handling process*.

FS6.6 Retain the necessary information to enable them to comply with any request from the *ECB* for information to assist in the consideration of a complaint. As a minimum, firms must retain information for an appropriate period of time to allow for the submission of a complaint which would be eligible to be considered by the *ECB*. Where a complaint has been made to the firm, information must be retained until it is no longer required for the resolution of that complaint, and for a minimum of 12 months from the date of the complaint.

FS6.7 report promptly to the *ECB* any serious misconduct or breach of the *ECB's* Professional Values and Standards of Practice by the *enforcement firm* or any *enforcement agent*.

FS6.8 inform the *ECB* of any complaint they are aware of which has been submitted (either by the firm or by someone else) to the relevant County Court under Form EAC2 about an *enforcement agent* who *works for* the firm, and keep the *ECB* updated on the progress and outcome of this complaint.

Complaints

Objective:

FS7 *An enforcement firm* openly welcomes complaints.

An enforcement firm must:

FS7.1 publish its complaint handling policy, which must:

FS7.1.1 set out its complaint handling process;

FS7.1.2 promote the use of it;

FS7.1.3 reassure complainants about how they will be treated;

FS7.1.4 set out the support that is available to make a complaint;

FS7.1.5 explain which types of complaints it can and cannot consider;

FS7.1.6 set out how it uses complaints to make improvements to its service.

FS7.2 provide clear and accessible information on how a person can make a complaint in any correspondence with a *person subject to enforcement*.

FS7.3 have appropriate resources in place to enable it to investigate the number of complaints it anticipates it could receive.

Objective:

FS8 *An enforcement firm* has a clear and accessible complaints process.

An enforcement firm must:

FS8.1 put in place a complaints process which is clear and simple, with no more than two stages. The complaints process will comprise:

FS8.1.1 where appropriate, an informal stage, in which the *enforcement firm* attempts to resolve the complaint informally with the *complainant* within 5 working days;

FS8.1.2 if the *enforcement firm* cannot resolve the complaint informally, a formal stage, which should be concluded within 20 working days (unless, due to exceptional circumstances, a longer period is required to investigate it appropriately).

- FS8.2 ensure the *complainant* is updated when it is clear that the relevant timeframes at FS8.1 cannot be met, and arrangements are put in place for the *complainant* to be provided with regular and meaningful updates.
- FS8.3 accept complaints over the telephone, in writing or via any other communication channel actively used by the *enforcement firm*.
- FS8.4 where appropriate, signpost the *complainant* to the support that is available to assist them in making a complaint.
- FS8.5 provide reasonable adjustments to the complaints process to ensure it is accessible to the *complainant*, taking into account any particular needs or circumstances.
- FS8.6 provide responses to complaints which are clear and accessible.

Objective:

FS9 *An enforcement firm deals with complaints properly.*

An enforcement firm must:

- FS9.1 promptly acknowledge a complaint and provide information about how it will be handled.
- FS9.2 inform the *complainant*, as soon as possible, if it cannot investigate their complaint, or any aspects of it.
- FS9.3 where informal resolution has not been successful, ensure that the formal investigation of the complaint is undertaken by a member of staff who is suitably independent.
- FS9.4 conduct a fair and proportionate investigation into a complaint, reviewing all the relevant evidence to find out what happened.
- FS9.5 consider honestly and fairly whether something has gone wrong and inform the *complainant* of the outcome.
- FS9.6 notify the *complainant* that they can escalate a complaint to the *ECB*.

Objective:

FS10 *An enforcement firm has a culture of continuous improvement.*

An enforcement firm must:

- FS10.1 maintain a record of complaints and complaint outcomes which can, on request, be analysed and audited.

- FS10.2 ensure that a suitably experienced person within the *enforcement firm* is responsible for reviewing complaints and ensuring that improvements are made as a result.
- FS10.3 provide support to the *enforcement agent* or anyone who works for the firm who is the subject of a complaint.

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 firms* 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"> • 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.
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
Body worn video	A video camera worn by an <i>enforcement agent</i> during the <i>enforcement process</i> .
Complainant	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.
Complaints-handling process	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].
Compliance issue	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.
Dwelling place	The self-contained living accommodation of a <i>person subject to enforcement</i> .
Enforcement visit	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.
Enforcement agent	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.
ECB	Enforcement Conduct Board.
Enforcement firm	A business or organisation that employs or engages <i>enforcement agents</i> .
Enforcement process	The process of seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
Frontline staff	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> .
Notice of Attendance	A notice which an <i>enforcement agent</i> leaves at a property when they have attended in person but have not been able to speak to the <i>person subject to enforcement</i> , to notify the <i>person subject to enforcement</i> that they have attended the property.
Notice of Enforcement	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.
People/person subject to enforcement	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.
Third party/parties	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.
Work for	Work for either as an employee or as a contractor.