

ENFORCEMENT NEWS

The quarterly magazine from CIVEA, the Civil Enforcement Association

SUMMER 2022

Introducing the new Enforcement Conduct Board



ENFORCEMENT
CONDUCT
BOARD





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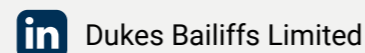
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Contents

- 05** **CEO's Welcome:** Russell Hamblin-Boone welcomes you to the Summer edition of Enforcement News.
- 06** **Political Scraps and other News:** The latest news updates in brief.
- 07** **President's Welcome:** New President Paul Whyte thanks his predecessors.
- 08** **CIVEA Annual Conference:** Russell Hamblin-Boone's conference report.
- 10** **Diffusing conflict:** Mike Garland on how to deal with aggressive debtors.
- 11** **Enforcement Conduct Board:** An introduction from Russell Hamblin-Boone.
- 12** **The cost-of-living crisis:** Gemma Cryan asks if collections departments are ready.
- 13** **Data is the key to ethical, efficient enforcement:** Says Greg Flewitt.
- 14** **Qualifications in the Enforcement Industry:** Are they fit for purpose asks Daren Shaw?
- 17** **Reflecting on the 2022 CIVEA conference.** With Emma Watson.
- 18** **VoiceBOTS:** Closer than you think to virtual staff for payments says Daniel Pearce.
- 20** **Persistent Evaders:** Alan Wood links multiple parking offences and criminal activity or anti-social behaviour.
- 21** **Is Male chauvinism alive and well?** Asks Julie Darvill.
- 22** **The Debt Resolution Services framework:** Crown Commercial Service.
- 23** **Second Placement Enforcement:** Has a role in tackling the debt mountain says Adrian Bates.
- 24** **How elastic is a piece of string?** Julie Smethurst on ethical Enforcement.
- 25** **Are you equipped to deal with a cyber attack?** Asks Darren Coldspring.

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June 2021



October 2021



November 2021



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Andy Cummins, IRRV Tech Director, Local Government Revenues



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Reflection and Collection



Welcome to the Summer edition of Enforcement News.

In April, we hosted a gathering of the enforcement industry, Local Authorities (LA), debt advisers and other stakeholders at our conference in Central London. It was a pleasure to see so many members and suppliers supporting the event.

The theme of our conference this year was reflection and collection. This refers to the now firmly embedded reforms of 2014 and the subsequent improvements, such as the independent audit and review of our code of practice, the implementation of the COVID-19 support plan and the establishment of the Enforcement Conduct Board.

The conference was the first opportunity for a detailed discussion of the impact of the pandemic on the enforcement sector and its LA clients. Expert panels shared insights on the long-term effects of the pandemic and the subsequent cost of living crisis.

CIVEA also published a seminal report to coincide with the event. The report called 'Reflection and Collection – the evolution of civil enforcement' features a foreword from Lord Lucas, Chairman of the Enforcement Law Review Group, and provides insight into the reforms that enforcement firms have introduced since the regulatory reforms of 2014.

Topics discussed in this new report include the value of enforcement to the public purse, the ongoing need for compassionate enforcement, the challenge of modern public debt collection and current public perceptions of the industry. The 35-page document includes key statistics and details notable changes in the lead up to, during and after the onset of the coronavirus pandemic.



The report is intended to fix a new point of reference for anyone who wants to know about civil enforcement in a modern context. I hope that it will be the definitive source of information and demonstrate that the industry has not stood still since the TCOG regulations introduced in 2014.

The report includes new research commissioned at the request of the CIVEA Executive Council. To understand whether civil enforcement continues to be relevant and necessary, CIVEA commissioned a leading economic research specialist, Europe Economics, to analyse the impact on the public services if debts were not enforced under the Taking Control of Goods procedure.

The data used for this research was drawn from a wide range of sources including the Office for National Statistics, the Institute of

Fiscal Studies, the Ministry of Justice (MoJ) and the industry's own exclusive data. The model was based on current compliance data, geography and demographics.

Europe Economics was able to develop a model that predicted the degree of debtor compliance if there was no or little enforcement of taxes and fines. The key findings make a clear case for the government to use enforcement agents in order to protect the public purse and ensure that people who pay are not subsidising those who do not.

The study showed that with only light touch enforcement an additional seven million households would default on Council Tax payments each year, resulting in a shortfall of £12 billion.

An additional 4.6 million people would not pay Penalty Charge Notices each year, leading to losses of £383 million.

An additional 860,000 more people would not pay their speeding fines each year, resulting in underpayment of £107 million.

The situation is predicted to be exacerbated if it was modelled this year because we know that collection was significantly disrupted by the coronavirus pandemic, with a suspension of enforcement activity.

The research indicates that there is a strong economic and fiscal case for enforcement. It is clear that without enforcement there would be a cost from recalcitrant non-payers.

With the case proven so conclusively, we have a platform on which to build communications that help the public to understand the importance and necessity for the court-based process. In turn, the industry could be more transparent about its operations and encourage engagement.

With the establishment of the Enforcement Conduct Board, we now have firm plans for an independent, industry oversight body with the powers to drive up standards and drive out bad practice. This is a welcome development with huge benefits for us all. The Enforcement Conduct Board will have exclusive access to data, which will allow it to scrutinise firms' activity and form highly evidence-based decisions and proposals.

We should embrace this development as the next stage of evolution of the enforcement industry.

I hope you enjoy reading this edition of Enforcement News. If you have any comments on the content or would like to contribute, please contact the editorial team.



Russell Hamblin-Boone
CEO, CIVEA



Baroness Meacher Crossbench:

My Lords, yesterday evening, believe it or not, I hosted a dinner for those in the bailiff industry, as I call it, and they are expecting a veritable explosion in debt because people on benefits simply cannot pay Council Tax and all the other things they have to pay. Does the DWP have an estimate of that huge explosion in debt? If not, will it please get that information, because it will need it. This can be resolved only by the Treasury and the DWP needs its ammunition.

Baroness Stedman-Scott, Parliamentary Under-Secretary of State for Work and Pensions:

"I am not aware that the information the noble Baroness suggests we should have is there. She makes a good point, and again, I shall go back, talk to my colleagues and try to get that information."

Navendu Mishra, Opposition Whip (Commons):

To ask the Secretary of State for Levelling Up, Housing and Communities, whether the Private Parking Code of Practice makes provision for freezing Penalty Charge Notices at the discounted rate throughout the duration of an appeal.

Neil O'Brien, Parliamentary Under-Secretary of State (Department for Levelling Up, Housing and Communities):

"Section 8.3 of the Code of Practice sets out the process for appealing private parking charges. Parking operators must provide a process to appeal against a notice of parking charge and, where the parking operator rejects an appeal, they must provide the option to either pay the parking charge or appeal the decision to the Appeals Service."

The Code was laid before Parliament on 7th February 2022 and is available online at: <https://www.gov.uk/government/publications/private-parking-code-of-practice>"

Steve Brine MP (Winchester) (Con):

I have a growing number of constituents who are struggling to go about their lives or even get to work because their driving licences are stuck at the Driver and Vehicle Licensing Agency (DVLA). Will the Prime Minister make it clear at the Dispatch Box that the service from the Agency falls significantly below what we expect and will he ask the Transport Secretary to meet me, and any other Members of this House – we may need a big room – to explain how we can help the agency out of the hole in which it has put itself?

The Prime Minister:

"Yes, like everybody in this House, I have read some surprising things about what has been going on at the DVLA. We need to make sure that it is given every possible encouragement and support to expedite the supply of driving licences to the people of this country."

Beth Winter Labour, Cynon Valley:

To ask the Secretary of State for Levelling Up, Housing and Communities, what assessment he has made of the potential merits of transferring responsibility for payment of Council Tax from tenants to owners.

Kemi Badenoch, Minister for Equalities, Minister of State (Housing, Communities and Local Government):

"Council Tax is a tax on the occupiers of homes to help fund local services. The Government has no plans to transfer liability from tenants to owners."

New seminal report on state of civil enforcement

CIVEA has published a new report detailing the significant changes to enforcement operations since the 2014 reforms. Reflection and Collection – the evolution of civil enforcement features a foreword from Lord Lucas, Chairman of the Enforcement Law Review Group, and provides insight into the positive strides enforcement firms have taken since the Taking Control of Goods regulations were implemented.

Topics discussed in this new report include the value of enforcement to the public purse, the ongoing need for compassionate enforcement, the challenge of modern public debt collection and current public perceptions of the industry. The 35-page document includes key statistics and details notable changes in the lead up to, during and after the onset of the coronavirus pandemic.

CIVEA's Chief Executive Officer, Russell Hamblin-Boone, said: "A lot has changed in the enforcement industry since the latest industry reforms of 2014, especially over the past couple of years, when the pandemic accelerated strategic thinking and forced society in general to adapt and change. We felt it was time to update the story of the enforcement sector and to provide a new reference point for anyone interested in discovering what modern-day enforcement looks like."

"Reflection and Collection – The Evolution of Civil Enforcement is designed to be a freely accessible, yet comprehensive overview of civil enforcement in 2022."

Trade body raises concerns over targets for free-to-client debt advice

The Credit Services Association (CSA), the UK trade body for debt collection and debt purchase, has released a new report exploring the provision of debt advice for those facing financial difficulties and in need of support.

The report entitled 'Wide of the Mark? Assessing the Delivery & Value of Free-To-Client Debt Advice' argues that consistent and high-quality debt advice serves a very important role in helping people navigate financial challenges, especially when the cost of living is rising, but also believes it is essential that the questions of value for money, efficiency and accountability are addressed.

The report found that although significantly increased funding had resulted in increased advice sessions, that was not reflected in the wider landscape. Free to client debt advice sessions barely increased from 1.4 million sessions in 2011, to 1.6 million sessions in February 2020. On the face of it, and in spite of the Money and Pension Service (MaPS) achievements, tens of millions of pounds in additional funding every year have resulted in virtually no progress in increasing debt advice provision in almost a decade.

StepChange publishes new client statistics

StepChange has published its annual Statistics Yearbook, which provides insight into the debt and demographic situations of its clients between January and December 2021.

The latest findings highlight the financial difficulties weighing on many households across the UK, even before recent increases in the cost of living.

In 2021, the charity was contacted by almost half a million people (483,247) in financial difficulty, and the data shows that renters and clients with children, including single parents, make up an increasing share, amidst rising arrears levels and energy price rises.

The report also finds among new clients in 2021:

- More clients are struggling with their energy bills, the proportion struggling with cooking and heating essentials remains substantially higher than before Coronavirus.
- Average gas arrears have risen to £781 and electricity arrears to £1,152, up 20% and 40% on pre-pandemic levels.
- People contacting the charity are most likely to be struggling with credit cards as the number one debt type (66% of clients), while Council Tax is the most common essential bill that clients are behind on.
- More than half (56%) of all new clients were in a vulnerable situation on top of their financial difficulty. This includes two in five new clients experiencing a mental health condition such as anxiety or depression.

I am delighted to write to you in my new capacity as CIVEA President. I realise that I have a tough task to follow in Carole Kenney's footsteps. Carole has diligently led our association members as an ambassador and advisor. I know that many members have sought her wise counsel during the course of her presidency, and I hope you will feel able to approach me in the same way.

I would also like to offer a word of thanks to Russell Hamblin-Boone, who as our CEO has proven a firm hand at the tiller and I will be grateful for his support over the coming 24 months.

I consider it an honour and a privilege to be nominated by my peers to chair our trade association. I am grateful to my predecessors for the momentum that has been generated through a culture of cooperation and sharing best practice. I intend to maintain the pace of reforms and look forward to working with all our members.

I recall the time when our associations were split. The CBA then ESA then the amalgamation of ESA and ACEA to create CIVEA, one association representing civil enforcement. I appreciate the diversity within our membership. I believe this to be one of our strengths. It is definitely considered helpful by Ministry of Justice officials because they know that when they speak to CIVEA they are communicating with the range of business across the industry. It also allows the CIVEA executive to understand the impact of regulation and policy on different size businesses. I have always been impressed by that fact that despite the vibrant competition within the industry, relationships work well between companies for the better good of what we do. No better reflected than in the work of CIVEA and exemplified by CDER Group's gesture to allow all CIVEA members to access free COVID-19 training as we emerged from the pandemic towards some normality.

My new presidency coincides with the establishment of the new Enforcement Conduct Board. I have been around long enough to know the history of the debate on regulation of enforcement agents. It is a huge achievement that the industry has embraced plans for self-regulation, and I am pleased that we have been able to work in collaboration with the charity debt advice sector to deliver independent oversight. A feat many would have thought impossible a few years ago, such is the positive change within our industry.

There is a lot of work to do before the Enforcement Conduct Board is fully operational and I am determined to build on the effort invested so far. To my mind, independent oversight of our industry is a natural evolution. As we heard from speakers at our conference last month, the path of reform is also an opportunity for reimagining how we operate in a post-pandemic economy.

We all know the challenges of working with vulnerable people – we encounter them every day. We realise that there will be more need for compassionate enforcement. The enforcement agents that we recruit in the future will require different skills to those recruited following the 2014 reforms. Our task is to demonstrate how we are essential to social justice and the public revenue process, while at the same time showing that we are responsive to changing circumstances whether social, economic or environmental – which impact on our work.

Fortunately, we have excellent leadership in our association executive and Council members. I know that we are all committed to the success of our sector as we emerge from these historic events. As an SME business owner, I fully appreciate the trials and challenges facing businesses big and small and in this respect I am committed to achieving a level-playing field on which we can all compete effectively.



Paul Whyte
President –
CIVEA



For more news go to the CIVEA website <https://www.civea.co.uk/news-and-media>

Reflection and Collection – the past, present and future of enforcement



In April, the industry gathered in London with representatives from local authorities (LAs), debt advice charities, government and other sectors to discuss the long-term impact of the pandemic and offer some thought leadership on public debt collection amidst a cost-of-living crisis.



The day was framed at the outset by two keynote presentations from CIVEA's Russell Hamblin-Boone and IRRV Chief Executive, David Magor.



CIVEA has published a seminal report detailing the evolution of civil enforcement. **REFLECTION AND COLLECTION – THE EVOLUTION OF CIVIL ENFORCEMENT** features a foreword from Lord Lucas, Chairman of the Enforcement Law Review Group, and provides insight into the reforms that enforcement firms have adopted since the regulatory reforms of 2014.

Topics discussed in this new report include the value of enforcement to the public purse, the ongoing need for compassionate enforcement, the challenge of modern public debt collection and current public perceptions of the industry. It includes key statistics

and details notable changes in the lead up to, during and after the onset of the coronavirus pandemic.

The report, which has received a positive response, is intended to set a new point of reference for anyone who wants to know about civil enforcement in a modern context and is the most up-to-date, factual commentary on the sector.

In his own entertaining style, **David Magor** set out a strong case for reform of the Council Tax System. Drawing on the IRRV's own evidence, he gave an accurate assessment of the current situation and highlighted the shortfalls of the rating process for setting Council Tax.



The keynote speeches paved the way for a panel discussion on reimagining a recovery process that takes people out of debt rather than debt out of people. **Carla-Maria Heath** – Senior Vice President of the Institute of Revenues, **Nick Rowe** – Assistant Director, Local Tax and Accounts Receivable at Ealing Borough Council and **Matthew Waite-Wright** – Head of NNDR Recovery & Enforcement Revenues & Benefits, Anglia Revenue Partnership shared their thoughts on the benefits system and the dilemma of recovering debt to support local budgets from a population that faces increasing financial pressures



The challenge of identifying vulnerable people was a theme of the next panel session on Data Driven Debt Resolution, which included expert views from **Lee Sharp** – Head of Private Sector Engagement, Cabinet Office, **Duncan Baxter** – Director Destin Solutions and **Dan Pearce** – Director of Business Development, Telsolutions. The panel discussed the opportunity presented by the Digital Economy Act to access public data to better segment individuals and achieve a single view of debt. There was a strong view from the tech providers that best practice from other business sectors could be adopted by government agencies that has yet to utilise the available technology, particularly regarding ability to pay and affordable repayment and smart communications.



After lunch, the panel session on Supporting Communities was asked "what does good social value look like?" **Edd Moore** – Head of Social Value and Customer Welfare for Equita and **Richard Dickins** – MD of Social Value Business supported a social value kitemark for the public, private and third sectors. The experts agreed that social value is a fair use of private investment because it is the morally correct thing to do, provided there are clear guidelines. The Social Value Model launched by the Cabinet Office ensures that social value is evaluated based on qualitative responses from bidders, and not on volumes. This means that larger suppliers are not able to win on scale alone and there are clear social, economic and environmental benefits.



In the final session, the panel speculated on the Changing Role of Enforcement. **Kevin Shaw** – Senior Creditor Strategy Manager, Money and Pensions Service, **Tessa Wearing** – Policy Manager, Civil Enforcement, Ministry of Justice and **Paul Whyte** – Partner, Whyte & Co and President-elect discussed how to change debtor behaviour. There were some insights into the advantages of sharing public debt payment history with credit reference agencies and the need for the use of the term debtor. The panel supported the use of additional means of electronic communication beyond the letter notifications. The panel considered that the existing compliance would be more effective with a pre-enforcement action protocol for LAs.



A successful event was closed with a speech by **Catherine Brown**, the chair of the newly-formed **Enforcement Conduct Board**. Catherine congratulated the industry on its progress to establish an independent oversight body. She pledged to be a fiercely independent regulator with a clear mandate to ensure fair treatment for everyone subject to enforcement action, particularly, but not exclusively, those experiencing additional vulnerabilities.

ENFORCEMENT EXCELLENCE AWARDS 2022

The CIVEA Enforcement Excellence Awards took place directly after the conference and saw a range of businesses and staff recognised for ongoing commitment, contributions and success within the sector.

The winners from each category are as follows:

Outstanding Enforcement Agent
Mark Bytheway, Dukes Bailiffs Limited

Local Authority Partnership – Revenues
Rundle & Co. Ltd

Innovation In Enforcement – Tier 1 & 2 Members
Bristow & Sutor

Innovation In Enforcement – Tier 3 Members
Whyte & Co

Best Vulnerable Support Initiative
CDER Group

Training & Development
Bristow & Sutor

Other businesses that were successfully shortlisted on the night included Equita and Ross & Roberts, Marston Holdings, ARP Enforcement Agency, JTR Collections Limited, Reventus Limited and High Court Enforcement Group.



Diffusing conflict – tactical communications

In enforcement, every agent will have dealt, at some time or another, with an aggressive debtor. Sometimes, fortunately relatively rarely, this can escalate into violence.

A key part of an enforcement agent's (EA) role is to be able to recognise signs of escalating anger and being able to avoid triggers and defuse the situation before it gets to aggression or violence.

These are key signs that the debtor's anger is escalating:

- Angry non-verbal signals, such as their face getting red, angry facial expressions, finger pointing, excessive direct eye contact
- Personal abuse directed at the EA
- Increasingly vulgar, abusive or threatening language
- Invasion of personal space

Communication is made up of three elements: your words, tone of voice and non-verbal body language. Non-verbal body language accounts for 55%, tone of voice is 38% and the actual words are only 7%.

In order to calm a situation, the EA needs to focus on the non-verbal signals they are sending out and their tone of voice, which is all an angry debtor will take note of in the emotional state they are in. They need to be calmed down into a rational state before

they can take note of the actual words the EA is saying.

In terms of non-verbal language, the EA can turn their body slightly, so they are not squaring up to the debtor, they might show open palms (an ancient way of showing you are unarmed), make normal eye contact and keep out of the debtor's personal space. This will demonstrate the EA is paying attention but remains in control.

Their tone of voice should demonstrate that they are listening, being calm and helpful, showing concern, but not showing any criticism or talking down to the person. Their voice needs to be clear and in control, never raised and definitely no swearing or retaliating to personal verbal attacks.

The EA needs to address and manage the debtor's behaviour, not the debtor personally, treat the debtor with courtesy, stick with the facts and not let the debtor's behaviour affect theirs.

Alcohol, drugs and mental illness can exacerbate the situation. Drugs in particular can make a person's behaviour unpredictable and dangerous. At all times, even when there is no danger of escalation, the EA should refer to policies and support for vulnerable debtors.

Ultimately, the EA needs to manage their personal safety and, in a high-risk situation, may have to withdraw and then return another time with a colleague and/or police support.

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Introducing the new Enforcement Conduct Board



In March, the Centre for Social Justice hosted a launch event that heralded the first steps towards the establishment of the **Enforcement Conduct Board (ECB)**.

The ECB is the culmination of a ground-breaking partnership between the industry and the debt advice sector, which began at a roundtable meeting to review a report from the Centre for Social Justice called **Collecting Dust: a path forward for government debt collection**. The report provided the catalyst for detailed engagement with the Centre for Social Justice. Accepting the need for balance, the Centre for Social Justice identified an opportunity to lead a fresh debate. Consequently, its roundtable discussion with senior stakeholders, including Baroness Morgan of Cotes, Lord Lucas, debt advisers and senior government officials, led to a call for evidence and plans for future reforms.

Although the report was critical of the government and its use of enforcement to recover public debt, suggesting it lagged behind private debt collection practices, CIVEA responded with a comprehensive briefing. We were able to correct many of the inaccuracies and crucially share plans we were developing for an independent oversight organisation with the working title Enforcement Commission.

CIVEA was a founding member and driving force behind the **Enforcement Oversight Working Group**, which brought together representatives of the industry and debt advice sector in a unique partnership that sought to build on the common ground and shared objectives for people with problem debt.

In May 2021, a report informed by the working group called **Taking Control for Good**, included a framework document for an industry-funded, independent supervisory body for enforcement agents. The document was the result of five months of intensive debate and negotiation, which demonstrated the collaborative and progressive approach taken by industry players to address the concerns of stakeholders and increase the transparency of the industry.

Having established what is required to monitor the industry, the Enforcement Oversight Working Group handed responsibility for establishment of the new body to an independent consultant. With funding from CIVEA members, social enterprise specialists Bates Wells were engaged to complete the governance and registration of the newly-formed Enforcement Conduct Board.

"We were able to correct many of the inaccuracies and crucially share plans we were developing for an independent oversight organisation with the working title Enforcement Commission."



At the same time, a national recruitment campaign was launched to identify a chairperson to lead the rollout programme. After an excellent response and detailed selection process, Catherine Brown was appointed to the position. Catherine took up her post at the beginning of March and will be conducting a programme of introductory meetings. As a former CEO of the Food Standards Agency, chair of two charities and

member of the Legal Services, Catherine has both executive and non-executive roles and her understanding of oversight and regulation is strong, along with her understanding of government. The process for appointing board members is already underway and will be followed by the recruitment of a chief executive. The ECB will formally launch in the autumn.

The government is dealing with delayed policy decisions on civil enforcement caused by the pandemic. The Justice Select Committee inquiry into bailiff regulation reported in April 2019 and a response from the Ministry of Justice has yet to be published. However, the recommendations by the committee have already been implemented, with the exception of a review of the fee structure that we hope to be concluded shortly.

The ECB is a proactive response that addresses the concerns raised by MPs and debt advisers. It is hoped that the government will acknowledge how the industry has collaborated to resolve these issues and help to establish the credibility of the ECB by seeking statutory underpinning at the earliest opportunity.

FUNCTIONS OF THE ENFORCEMENT CONDUCT BOARD

Raising standards

The ECB will drive up standards in the enforcement sector by building on the National Standards, monitoring performance and conduct in the enforcement industry and issuing firm and proportionate sanctions for non-compliance.

Improving accountability

The ECB will increase accountability across the enforcement sector by holding enforcement firms and agents to account. This will be achieved primarily through supervisory activities and through the publication of an annual review of the ECB's activities, to be submitted to the Secretary of State for Justice.

Adjudication of complaints

The ECB will review and monitor the complaints processes across the enforcement sector. This will include issuing guidance to enforcement agencies to ensure consistency in complaints handling and redress.

Recognising vulnerability and achieving fairness

The ECB will commit to driving improvements in the treatment of vulnerable individuals, building on work already undertaken in this area. This will be primarily delivered through the provision of new affordability and vulnerability guidance drawing on best practice from other organisations and business sectors, as appropriate.

With the establishment of the **Enforcement Conduct Board**, we now have firm plans for an independent, industry oversight body with the powers to drive up standards and drive out bad practice.

This is a landmark moment in the long history of the enforcement sector. The ECB will have exclusive access to data, which will allow it to scrutinise firms' activity and form highly evidence-based decisions and proposals.



Russell Hamblin-Boone
CEO, CIVEA



Are collections departments ready for the impacts of the cost-of-living crisis?

The cost-of-living crisis has been ramping up and doesn't show signs of slowing down anytime soon. The impact of rising energy costs, increased inflation and benefits cuts is hitting millions of residents across the UK. With more individuals likely to fall behind on their bills, collections operations will need to ramp up activity in order to provide better outcomes.

Why are prices rising so quickly?

As pandemic restrictions come to an end, many companies are experiencing higher costs for wages, shipping and energy. This has had a negative effect on consumers as companies have had to increase their prices in line with the operational costs. In 2021, inflation was at the highest it has been in 30 years and it is set to continue to break records throughout 2022. Around 18 million households are currently on standard energy tariffs and will see an average increase of £694 – from £1,277 to £1,971 per year. And around 4.5 million prepayment customers will see an average increase of £708 – from £1,309 to £2,017.

The average price of petrol has shot up to an all-time high, with an increase of more than 55% in the last two years. Diesel has also risen by a similar proportion to 177.47p per litre, according to figures compiled by the government. The poorest households in the UK could see their cost of living jump by as much as 10% by this autumn if Russia's invasion of Ukraine leads to a prolonged conflict, a thinktank has warned.

As customer affordability is stretched, organisations are experiencing more complicated debt problems than ever before.

There's added pressure on collections

Consumer expenditure is projected to increase throughout 2022

compared to previous years, with many individuals likely to fall behind on their payment arrangements. Furthermore, the FCA are introducing updated regulations for the financial sector regarding how we protect the wellbeing of customers – known as Consumer Duty. With the current effect that increased living costs have had and the general lack of confidence that many face from the financial services industry, it is more important than ever that companies demonstrate good practice.

A smoother collections process

IE Hub can help customers to budget in the here and now, to avoid missing payments. They provide organisations with better quality customer affordability data, whilst improving the mental wellbeing of customers. Their clients are now experiencing a much smoother collections process! Households on the lower end of the income scale are likely to be hit the hardest by energy costs and inflation rises, which is why they are a proud partner of Vulnerability Registration Service.

So, by using IE Hub in your business, not only will you provide better outcomes for your customers and organisation, you will also demonstrate to the FCA that your customers are at the forefront of what you do, especially your vulnerable customers.

For more information visit www.iehub.co.uk or click [HERE](#) to book a no-obligation demo.



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Data is the key to ethical, efficient enforcement

"I just wanted to say thank you to you for your support... [you] restored my faith in people".

It is remarkable that some civil enforcement agencies are getting this kind of feedback from those they're seeking to recover debts from.

At Experian, we're seeing a clear trend in civil enforcement towards this kind of ethical, fair and responsible collection.

Leading agencies are winning awards for excellence in social inclusion and in helping vulnerable customers. More and more have welfare teams to advise people in financial trouble.

The new Enforcement Conduct Board embodies this ethical approach. For the first time, the sector will be overseen by a wholly independent body, born out of partnership between enforcement agencies and debt advice charities.

This ethical approach is also leading more and more agencies to use data in new ways. Why? Well, to do the right thing, agencies need up-to-date information about those with debts. Can consumers repay? Do they repay when possible? Do they face serious financial stress and need more support? Are they vulnerable?

Agencies are making use of this kind of data to support the fair and responsible collection of debt.

This data use can take three forms.

- Firstly, for those who can repay but won't, data companies can cleanse agency information and match it to third-party sources, leading to some agencies seeing an 80% success rate in tracing customers.
- Secondly, bureau data is used to give a clear picture of how someone is performing against their commitments, and what someone is using credit for. So, agencies can draw a clear line, for instance, between those who can afford to pay back their commitments but need advice, and those who are struggling. The first might be pointed towards debt advice charities. The second might need a different approach. Good data allows good decisions.
- Finally, we see increasing use of Open Banking and more customers proactively sharing bank-transaction data. This gives agencies a verified and granular view of expenditure – and of sources of income. It can also reveal more about vulnerabilities, such as long-term spending on health care, reliance on benefits to make ends meet, or disproportionate spending on basic essentials simply to live.

This transaction data allows agencies to segment their portfolios into those who don't have enough income to repay; those who are not managing their debts optimally; and those who can pay but won't.

Of course, Open Banking access is by consent; some consumers may refuse that; others may have a bank account but live a cash-based life, withdrawing their money from an ATM when needed. Open Banking provides little insight on these customers. But for those who do engage, consent suggests a genuine willingness to resolve their debt and reach a good outcome.

The current cost-of-living crisis makes data-informed decision-making more of an imperative. It is more vital than ever to be able to see the full picture of a borrower's financial life. For example, while rising inflation is affecting everyone, the impact is not equal and some face more challenges than others. Overall, the Bank of England expects real levels of disposable income to fall by 2% this year – a hit unprecedented since the Second World War. But this average masks great underlying complexity.



No two individuals will be affected by the crisis in the same way. For some, we expect the real rate of inflation to touch 15%; others will experience a rate lower than the current official figure of 7%. It all depends on what people are spending on, with prices of basic goods rising fastest.

Different sectors are also bouncing back from COVID-19 at different speeds, as are different regions. Consumers' starting points as the crisis hit also varied widely. Almost half of the most affluent 20% grew their savings over the pandemic. A third of the poorest 20% had to draw down on reserves.

So, every individual will be in a sector of one. If agencies are going to reach the best outcomes – balancing the rights of creditors and debtors – they need to have a rich and accessible picture of each consumer's financial life.

Efficiency too is driving the data-informed approach.

- It slashes the manual input needed in tracking.
- It allows agencies to focus their efforts where they will be most effective.
- It maximises the chances of identifying those who will try to pay, and of coming up with arrangements that work.

And when managing those who won't pay, it boosts your chances of tracking them down. With a restricted number of experienced officers in the sector, these efficiencies are key.

As we recover from the pandemic, local councils and other government organisations will undoubtedly be making strenuous efforts to recover the £4.4bn of arrears they're owed. And the agencies doing this most fairly and responsibly will be those using good data to make good decisions.



Greg Flewitt
Senior Account Manager,
Public Sector & Communities,
Experian

Qualifications in the Enforcement Industry, are they fit for purpose?

Investment in Agent training would not only boost productivity but would also reduce complaints, as Enforcement Agents and back-office staff are better equipped to deal with situations as they arise.

In the current financial climate with the upsurge in the cost of living, Enforcement Agents should be able to adapt. The last two years have shown the industry that it has to adapt and overcome the obstacles that are thrown at it.

We, as an Industry, are constantly looking at how training packages need to be robustly adapted to ensure that changes do not leave the industry behind. This can only be done by constantly adapting the training and material to reflect the current trend or requirement from the Ministry of Justice.

In the last 12 months, we have seen major changes in the requirements of our stakeholders. The Government required local authorities to implement the recommendations of the Fairness Groups in dealing with vulnerable customers using the 'Debt Management Vulnerability Toolkit', the introduction of the 'Debt Respite Scheme' and the increase of vulnerable debtors due to the COVID-19 pandemic who are being impacted by the current cost-of-living increase.

This will bring challenges to all those involved in the need to identify and signpost vulnerable debtors in a timely manner to the client, so that swift decisions can be made on how to handle the vulnerability, and allow the Enforcement Agent to comply with their requirements under the 'Taking Control of Goods National Standards' ensuring that the vulnerable and socially excluded are protected.

The **Taking Control of Goods Level 2** gives Enforcement Agents an understanding of the basic requirements to carry out a task with some guidance or supervision, but allowing an Enforcement Agent to progress to a **Level 3 Taking Control of Goods** shows that their understanding has progressed to a level where they can prove that they have a true understanding of the Taking Control process to a detailed level.

This progression is seen in all areas of the industry and many are required to enter with the basic qualification, but they are also required to show a progression by obtaining further learning and understanding with milestones set by the industry bodies. This is a lot stricter in regulated industries with qualifications being the only acceptable proof of achievement.

Anyone interested in learning more can see more information on the different levels of qualifications and the assessment criteria set down by OFQUAL by going to: <https://iestraining.org.uk/wp-content/uploads/Policies/Qualifications-Level-Guide-1.pdf>

Investing in people allows businesses to improve performance, lowers Agent turnover, improves inclusion and self-worth, encourages autonomy and the ability to be proactive.



Daren Shaw
Head of Training & Development and
Head of Internal Quality Assessment Manager,
IES Training

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Reflecting on the 2022 CIVEA conference

At Bristow & Sutor, we are long-term advocates of industry collaboration and regularly communicate the ongoing benefits of industry networking opportunities. One of the main benefits of these events is gaining the chance to understand how approaches differ, seeing the achievements of others first-hand and consolidating successes by sharing outcomes and findings for the good of the industry.

Reflection & Collection, the past, present and future of enforcement, held by CIVEA in Covent Garden, London, was the latest opportunity to recognise and reward the progress that has been made throughout the sector in recent times. Enforcement personnel from across England and Wales gathered physically for the event for the first time since the coronavirus pandemic lockdowns and had plenty to discuss, with speakers and guests highlighting the significant changes that have taken place.

The annual enforcement networking event expanded this year to include an awards ceremony for the first time. Firms entering each awards category were tasked with providing evidence of dynamic and proactive support provided to central and local government clients. Bristow & Sutor entered two categories, one highlighting Training and Development and the other for Innovation.

We decided to enter the training category due to our efforts last year, when over 100 different examples of directly employed Enforcement Agent (EA) bodycam footage were reviewed and analysed to identify successful methods. Directly observing conduct rather than theory resulted in every member of staff developing fresh approaches and techniques. We also decided to enter the innovation award after the success of our partnerships with experts such as Webio, who aided us in implementing WhatsApp Business API as an inbound channel for debtors.

There has been great change across the industry, reflecting the great changes we have seen in society, so it was reassuring to hear of the progress, successes and initiatives that other CIVEA members are achieving in continuing to advance the enforcement industry. It was inspirational to learn more about the incredible outcomes' businesses have achieved in areas as diverse as technology, social value and communication. We would like to congratulate all the other nominees and winners from the awards night, as we are very proud to have received accolades amongst such an esteemed group of peers.

We must all recognise that there are more great challenges ahead, that will require the same flexibility, dedication and adaptable thinking that was highlighted and on display at this event. We must continue with the same collaborative mindset so that by the time the next annual conference arrives, we have even more success stories to share. At Bristow & Sutor, we commit to continue learning from the best practice examples that others showcase and we hope that our recognition and achievements will also act as a catalyst for others to follow our successful approaches.

"Enforcement personnel gathered physically for the event for the first time since the coronavirus pandemic lockdowns and had plenty to discuss."

We are thrilled to say that we left the inaugural awards ceremony as winners of both categories. Everyone connected with Bristow & Sutor is delighted to have played a part in this victory and, on the back of our recent 100% CIVEA audit score, this represents the next step in our ongoing journey of success.

In addition to the two fantastic victories by Bristow & Sutor, a third special award capped off the evening in style when our Executive Director, Andy Rose, was announced as the recipient of a lifetime achievement honour. CIVEA awarded the prestigious Fellowship Award to Andy in recognition of his 40 years of service to the industry, including his roles as Managing Director and CEO of Bristow & Sutor.

Everyone at the Bristow & Sutor Group would like to congratulate Andy on this very well-deserved achievement and accolade. In addition to Bristow & Sutor, other winners from the CIVEA awards night included CDER Group, Whyte & Co, Rundle & Co LTD and Dukes Bailiffs Limited. The annual conference was a fantastic chance to network and understand how other leading peers have succeeded in the wake of the coronavirus pandemic and facing new obstacles such as the cost-of-living crisis.



Emma Watson
Head of Client Solutions,
The Bristow & Sutor Group

VoiceBOTS closer than you think to virtual staff for payments

I recently had a conversation with someone within the enforcement industry who claimed that 80% of all their firms' cases are settled and pay via the telephone payment gateway, whilst the remaining 20% all pay via other means. With a 100% recovery rate on all cases, I was then asked what my business could do for them? Offer congratulations, as those results would be unique.

Whilst all those involved in enforcement have unique business strategies for customer engagement and obtaining payments from their clients, the bottom line is that where telephone payment gateways are concerned, it's a level playing field as the tools we all use are the same, outdated, and overlooked in terms of performance enhancements. This is because telephone payment gateways are just software that runs hidden, managed by IT, which breaks only occasionally, works around the clock and cleverly takes money for a modest monthly charge.

Whilst this is all true, can anyone claim to have always had a perfect experience when paying for something using a telephone payment gateway? I would argue no, as too many complain of experiencing slow, frustrating processes to navigate and those systems using voice recognition are prone to levels of misunderstanding and abandoned payment transactions.

There are tens of thousands of consumer payment gateways used daily and many of these are outdated and have issues. I would argue someone reading this article has recently used one of these bad gateways, so how sure are you that your customers are having a good experience using your gateway? No one is sure, because no one is checking!

Telephone payment gateways are rarely checked to see if all the process tree options work correctly and unless there is a complaint, the view from IT is likely to be don't touch!

"In summary, and for the most part, telephone gateways are basic, dumb, and not helpful, as customers prefer to make requests by speaking to someone and to be understood."

The second issue with payment gateways is that they only fill a basic function to just take payments. If you examine other industry data, then the use of telephone payment gateways has also waned in recent years as customers opt for alternatives, such as online and chat payments. Look at your own volumes of transactions and you may well see a decline in its use. Suddenly those modest management and transaction fees look far less attractive.

The last and most important point is that these payment gateway engines just don't help customers in any way, and often businesses take the comment from IT 'not to touch' as a cue not to examine the abandoned transaction reports and the reasons why, or alternatives to increase performance.

Bye, Bye dreadful telephone payment gateways!

There is clear evidence however, that whilst a customer's preference to use a telephone payment gateway is declining as a desired option, the volume of customer calls is on the increase.

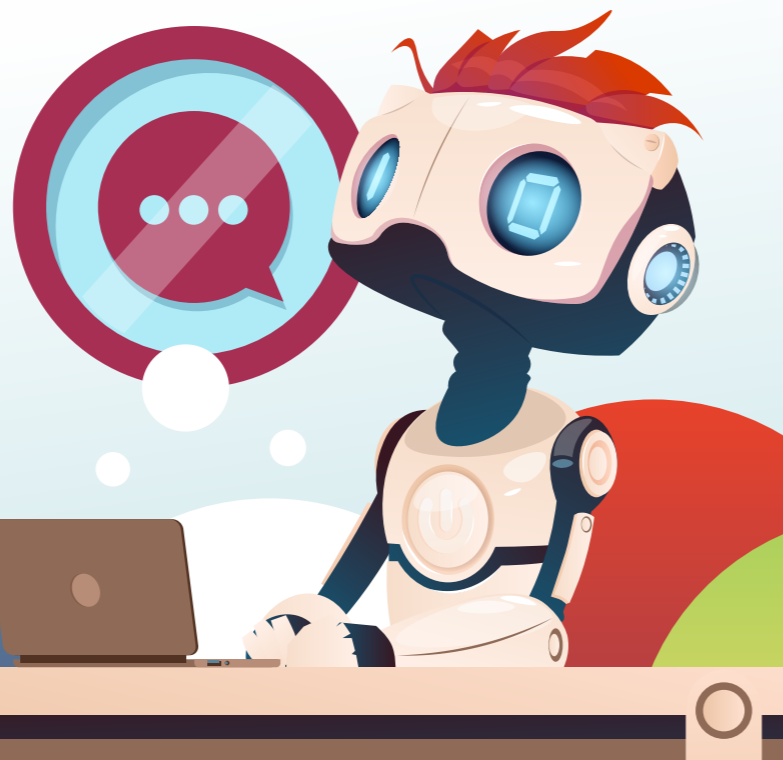
In summary, and for the most part, telephone gateways are basic, dumb, and not helpful, as customers prefer to make requests by speaking to someone and to be understood. This was certainly understood by the likes of Amazon and Google who have invested billions of dollars in very effective synthetic voice & recognition software that is available to everyone.

I started selling and delivering payment gateways 20 years ago, with some excellent voice recognition payment gateways in 2013. Improving performance and keeping software up to date was impossible because of my clients 'don't touch' IT policy. A key issue is that many gateways are all using different software designs, and their providers investment in its capabilities and further development was insignificant compared to the likes of Amazon.

There is far more pressure and emphasis from clients to provide the highest quality of customer service, understand every customer, their needs and possible vulnerability and do this around the clock! Easier said than done!

This is where VoiceBOTS can come in. They use the most advanced synthetic voice & recognition software engines that are available from Amazon or Google, to offer a far wider range of services and options to customers that engage with them. The best part is that with natural language processing, they can understand and learn from every customer journey around the clock.

Think Amazon Alexa or Google dot for enforcement recoveries! When those services first came out, the most you could expect your speaker device to do was to play your favourite music list or read out a bread making recipe. With the advancement of this technology and some serious research and development by those companies, understanding customers better and taking payments is now possible for enforcement applications.



It is an excellent opportunity to engage with customers in high volumes, reduce inbound call peaks to staff and reach better outcomes that is the most attractive feature. Staff can then focus on handling the more complex cases that most claim are more rewarding to handle, than mundane repetitive queries and answering questions already listed on the website. VoiceBOTS don't get bored either but will record valuable data on each call journey. Like ChatBOTS, they can be tuned and improved over time to handle more queries and questions. As it currently stands, the technology can only handle basic queries, so the dream of Terminator style Cyberdyne Systems Model 101 voice robots running your client engagements and negotiating cases on your behalf in a dodgy Austrian accent is not likely for many, many years. But possibly more likely than 100% case recovery rates!

How possible is it to start developing VoiceBOTS? The basic technology is there and requires licenses to access the advanced voice engines. But besides trying to build software from scratch which would be brave, there are providers and platforms that enable staff to develop VoiceBOTS, just like they can develop ChatBOTS now. All this requires a little imagination and to move past the 'Don't Touch' policy for alternatives to tackle cases and create better customer experience.



Daniel Pearce
Director of Business Development,
Telsolutions Ltd



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More Persistent Evaders are on the way – are we ready?



The number of persistent evader vehicles on the UK's roads is going to continue to rise as Clean Air Zones and Road User charging are rolled out and drivers 'take the risky decision to try and avoid charges and fines'.

For many years I have been drilling in to 'what is a persistent evader' and 'what do they mean to a community'. It comes as no surprise that I felt that the motorists using these vehicles could potentially be linked to other unsavoury activities or criminal acts. We can now statistically prove this correlation!

Recent research took the worst offending vehicles from a quiet rural low crime county council, and with the kind support of the local constabulary, was able to scrutinise each vehicle registration to establish whether there was a link between those with multiple parking offences and criminal activity or anti-social behaviour.

I was concerned we had gone to an area which was too quiet. The worst offender only had 57 unpaid Penalty Charge Notices (PCNs) that based on my research makes them mere trainee, how wrong could I have been.

- The results were as follows:
- 60% had no Vehicle Excise Duty, higher than any other area previously interrogated
 - 33% had no MOT, this is in line with research across the country
 - 33% had no insurance, again this is not a shock, our research shows a similar pattern across all areas when examining persistent evaders.

This was the result we weren't expecting, 53% had no keeper details with the DVLA, some of those vehicles had been scrapped and should not have been on the road. The other shocking figure was that 43% had 'local force intelligence' linking these vehicles to potential criminal activity, which proves persistent evaders are of high interest to police forces.

Clean Air Zones (CAZ) have so far been introduced in Birmingham, Bath and Portsmouth, with schemes due to start in Bradford, Bristol, Newcastle and Sheffield later this year. In February, London's Ultra Low Emission Zone (ULEZ) was extended as far as, but not including, the north and south circular roads.

This illustrates the value in looking at the totality of the way a vehicle is being used, rather than just in isolation about its parking history. These multiple checks are important because without them, there is chance that we deal with a less serious offence and miss something more serious.

It is clear that the increase in camera enforcement will inevitably increase camera evasion and we need to have the tools to tackle this, or we will lose control of our vehicle community. We must start working together!

A significant information advantage can be created by blending vehicle use data from multiple sources and we are seeing huge potential for this approach in tackling the problem.

This criminal activity can be effectively tackled through police forces, local authorities and enforcement agents working more collaboratively to share data intelligence.

By stopping persistent evaders and removing their vehicles from the road we can disrupt criminal activity.



Alan Wood
Strategic Account Director,
Just

Is Male chauvinism alive and well?

Male chauvinism is alive and well in the Bailiff Industry. Or so was the observation of the Comedian Dominic Holland as he surveyed the room of guests at the first CIVEA awards dinner in April. I would take a moment here to say that his performance was incredibly entertaining with an audience that was, shall we say, boisterous. While making us laugh he touched on a moment that hit a nerve with me, as I guess all good comedy does.

His comments made me think but left me not altogether sure, how he came to such a shocking conclusion, for amongst the throng of local authority colleagues, friends and rivals of the different Civil Enforcement Agencies there that night, a very healthy proportion were women. In fact, perhaps even as much as half of us, taking a full and active part in the proceedings alongside our male colleagues. Women who are full of enthusiasm and ideas, well respected individuals, who play crucial roles within their organisations.

Equality in the workplace has been a steadily fought battle and although for women the 1975 Sex Discrimination Act protected our sex in particular against discrimination, harassment or victimisation in employment, it was not until 2010 when a new law amalgamated all discriminatory legislation that protected 'people' from the same.

Making certain behaviours and actions illegal, however, is one thing but changing fundamental and deep-rooted discriminations is a far more complex battle.

Despite the new and some may have thought at the time, totally unnecessary 1975 Act, it was widely accepted (by both sexes) that women should take inferior roles to men, not expect advancement and be grateful for any recognition of their contributions. In fact, the Act only protected us from the most obvious forms of discrimination and allowed for women to take legal action if they had been physically or verbally abused at work because of their gender. As most male chauvinistic behaviour was subtle, socially acceptable and even

encouraged back then, bringing action, proving the case and risking your career was risky to say the least. Perseverance and dogged determination have however prevailed, and whilst not perfect, I heartily believe that our societies have turned a corner when it comes to our collective intolerance to any form of discrimination but in particular that of gender. We are quicker to recognise it and more confident to call it out. We are changing our view of things and are rapidly approaching a period in which new legislation may be necessary to keep up with public perceptions rather than being used to try to drive change forward. True equality, for example, will be difficult to achieve in the workplace without sufficient social care provisions to help back families up, but then this is an argument for another platform.

For our industry, whilst it may be true that female door knocking Enforcement Agents are still in the minority, changes to the way we collect and set about enforcing payment have shifted immeasurably so there is less door knocking required anyway these days. The targeted and effective enforcement work is being tackled in different ways by clever, analytical and sensitive staff of every gender to match the challenges facing our communities. Our young organisation's first female President has just completed her term of office, our next Sarah Naylor is waiting in the wings.

Perhaps the stage lights were too bright in Domonic Holland's eyes that night and he couldn't see us, or maybe he, like so many others have preconceived ideas about who we are. Chauvinists? I don't think so! A dedicated bunch of individuals working together to improve our industry? Yes, I'll go with that description, thanks.



Julie Darvill MHA
Recovery Supervisor/Vulnerability Team,
Whyte & Co

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Enforcement Services

Crown Commercial Service: The Debt Resolution Services Framework

Debt and enforcement markets have seen significant change in recent years, and at Crown Commercial Service we have taken learnings from this change to create the **Debt Resolution Services (DRS) framework** which provides access for public sector entities to best-in-class debt solutions. To drive continued improvement, we have worked with over 100 stakeholders across trade bodies, suppliers, customers, policy teams and debt advice charities to ensure the ongoing delivery of best practice solutions with innovation and fair outcomes at its forefront.

Why is DRS better?

Ultimately, we have achieved a better solution through a number of methods, including recognising the benefits of aggregating vs disaggregating services (effectively pooling solutions through a single supplier where this adds value and removing unnecessary tiers of the supply chain where this doesn't), using robust specifications to ensure a strong baseline of minimum quality and having a high baseline threshold for suppliers to get onto the framework. This means our customers can have absolute confidence in our suppliers and suppliers can use the framework as a kite mark of quality themselves.

One innovative outcome from this approach resulted in offering two different enforcement solutions in our framework.

The first is a traditional enforcement panel, where customers and suppliers will work directly together in partnership to deliver exceptional service.

Whilst the above approach works really well for the majority of customers, current budgetary and resource challenges require new solutions. It has been well documented how much pressure public sector organisations are under in the current climate. One local authority colleague recently told CCS that a couple of years ago they used to spend 100% of their time on debt resolution. Today, that figure is closer to 20% as they are required to deliver above and beyond their core remit which means colleagues in the public sector are continually expected to deliver more.

We therefore created a second enforcement solution that supports organisations struggling for resources, requiring subject matter experts, or are just looking for a more flexible approach in managing their panels. This option provides access to managed service providers (MSPs) managing panels of enforcement agencies. The MSPs will drive best outcomes by distributing work to the highest performing agencies based on quality and performance aligned to customers' requirements and strategies, whilst reducing the supplier management administrative burden on the public sector required by enabling the management of a single supplier but benefits of a multi-supplier panel. This solution also enables smaller enforcement agencies to access contracts that they might not previously have been able to, by being part of an MSP panel.

Through giving choice across these two solutions DRS will offer options that work for the entire public sector.

So, what about Social Value?

The DRS's purpose is to robustly recover money and drive value for money for taxpayers. However, we take our responsibility to ensure that debts are recovered fairly and sustainably seriously and Social Value plays a key part in ensuring that. We should note that we have recognised controversies in this space and therefore ensured that what DRS creates is real Social Value, to achieve this we created a three-tiered approach.

In Tier One, we embedded requirements into the contract that suppliers must adhere to. These ensure support of suppliers, protect citizens in debt and deliver strong collections to ensure value for money for the taxpayer. Examples include using the government vulnerability toolkit, the standard financial statement, signing up to MaPs Money Advisor Network, the Mental Health at Work Commitment Standards, the Money and Mental Health accessibility standard and having qualified Mental Health First Aiders and the Social Mobility Pledge.

In Tier Two, suppliers provided a social value roadmap during the procurement process. We looked at the quality of what was proposed rather than measuring financial contributions, ensuring a level playing field between all organisations regardless of size. Suppliers were asked to deliver benefits in the form of financial well-being and we stated that suppliers must:

- increase their current social values delivery, regardless of the sophistication of this
- include an 'annual ratchet' to uplift social value deliverables year-on-year
- deliver an annual social values report including social values KPIs.

This means that the DRS framework will facilitate Social Value uplifts in each organisation and with each year, and as more organisations utilise the framework, the Social Value delivered through it will increase. In practice this means more support for vulnerable individuals, training for public sector organisations and insight into financial hardship.

In Tier Three, customers using the framework are able to set their own Social Value requirements, either magnifying and increasing those at framework level or setting local or departmental strategic aims.

As a result of DRS, we have already seen suppliers embrace our Social Value mandatory deliverables as part of their new normal and are actively promoting these obligations across social media platforms and with customers.

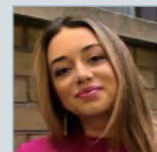
If you would like to know more, please email info@crowcommercial.gov.uk

"It is vitally important that public sector debt recovery process achieve fair and sustainable outcomes for those struggling with problem debts. At MaPS we have been delighted to work with CCS, from the outset, to help embed Social Value within their DRS framework."

Money and Pension Service

"Good practice in public sector debt management is enormously important, both because of the number of people who may need help and the important role of government in setting standards. We know that problem debt can cause terrible harm that creates large social costs. So, the CCS Social Value approach is absolutely vital to embedding investment in good practice and support for people facing financial difficulty."

Stepchange Debt Charity



Valentina Ruggiero
Category Manager,
Financial Services Group/
Crown Commercial Service

The Role of Second Placement Enforcement in Tackling The Debt Mountain

According to figures issued last October by the DLUHC, the total amount of Council Tax still outstanding in England on 31st March 2021 amounted to £4.4 billion cumulatively, an increase of £847 million over the 2019/20 figure. Similarly cumulative NDR arrears were £2.5 billion, an increase of £1.1 billion over 2019-20. These increases reflect the impact of COVID-19 on people's and business's ability to pay their Council Tax and Business Rates. They have also been impacted by steps taken by local authorities (LAs) to ease the financial burden by pausing collection and enforcement activity during this period. However, these increases come at a time when LAs are struggling to maintain vital public services as well as paying for social care reforms. Whilst Government have provided some additional assistance, councils will come under increasing pressure to recover their outstanding debts as the country comes out of the pandemic.

As recovery action slowly returns to normal, the enforcement sector is ready and able to assist the challenge of tackling this debt mountain. However, following the pause in normal recovery processes, individual debts have grown making them more difficult to collect. Some Liability Orders may also have been issued previously to enforcement companies who have been unsuccessful due to the disruptions caused by the pandemic.

Under The Taking Control of Goods Regulations 2013, Enforcement Agents have 12-months to clear the arrears or put a payment arrangement in place and it is likely the number of unsuccessful cases being returned will increase given the difficulty collecting these larger and older debts, especially given the current cost-of-living crisis. This is where second placement enforcement can have a

significant impact, as by instructing a different enforcement firm it gives a further 12-month window to try to engage with the customer to clear the arrears.

It could be argued "what is the point in sending a case to a second agent if the first firm has been unable to collect it", but it can be surprising how much can be collected from supposedly 'uncollectable' cases. JTR Collections, for example, regularly collect over 10% of liability orders returned by other agents. Some collections may be due to timing, as customers financial situations improve. However, the success rate will primarily be due to the ability of the new company to try to engage with the customer on these 'uncollectable' debts in a different way, as there is little point in mirroring the recovery processes previously adopted. Specialist enforcement companies that have gained experience collecting second placement debts know what works and will focus their resources accordingly.

"It could be argued "what is the point in sending a case to a second agent if the first firm has been unable to collect it", but it can be surprising how much can be collected from supposedly 'uncollectable' cases."

There may be a perception where enforcement agents are enforcing debts previously returned by another firm, that they may resort to aggressive collection tactics. However, with the greater oversight and controls in place in today's enforcement industry, fair and transparent enforcement processes can be evidenced using compliance tools such as video badges and call recording, and aggressive enforcement has largely been eradicated. The industry has also placed much focus on protecting vulnerable customers, who are increasingly being identified and flagged for appropriate handling before the case even reaches the visit stage.

Today's successful second placement enforcement uses skills developed during the pandemic, namely better use of data to trace gone-aways, digital engagement, and targeted resources, rather than heavy handed enforcement agent visits, and these collections can make a small but significant impact in tackling the post pandemic debt mountain, providing much needed additional funds to assist LA budgets during this crucial period.



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Adrian Bates
Senior Business Consultant
JTR Collections

How elastic is a piece of string?

One of the advantages of ageing is the many memories and life experiences you accumulate along the way. Not all memories are good though; we each experience times when life can be challenging and difficult for us, not just emotionally, but financially too.

As a child of the sixties, I have lived through many economic crises. The oil crisis, three-day week and the IMF crisis of the 1970's; Thatcher's recession from 1979-1982; the boom-and-bust years from 1983-1989; Black Wednesday in 1992; the banking crisis and subsequent financial crash 2007-2009; the austerity years 2010 – 2016 and now the repercussions of Brexit, COVID-19, the war in Ukraine and the cost-of-living crisis.

Unless you are lucky enough to have been born into wealth and privilege, we are told that if we find a good job and apply ourselves properly, we can achieve a decent standard of living. Whilst this is essentially true for some, it is simplistic in that it ignores the impact of external pressures on our income streams. I have very clear memories of how each of these previous economic events impacted on mine and my family's financial position.

Current reality

Over the past two years I've lost count of how many times I've heard the word "unprecedented". I'll admit, Brexit has been a new one for us all to get our heads around, but a global pandemic and sadly, war, is not unprecedented. What is, however, is these events coming so closely together, creating the conditions for a perfect financial storm.

The pandemic has had a disproportionate financial impact across the country, the cost-of-living increases perhaps less so. Rent levels and house prices have increased; inflation is at a 30-year high; the Universal Credit uplift was cut, reducing incomes by £1,040 a year; food bank use is at an all-time high and continues to increase; fuel prices are continuing to rise; energy costs are set to increase for a second time in the autumn; food prices are on an upward spiral; and National Insurance contributions increased in April by 1.25%.

The saying goes that we should all "live within our means". The definition of this saying is that 'you have enough money to cover all expenses'. Worryingly, in today's economic climate, for more and more people this definition could not be further away from their reality. All of the well-meaning money tips and free advice available will not change the fundamental truth that their income cannot cover the basic expenses, let alone all of them.

Anyone in the debt advice sector will tell you that they are seeing increasing cases of negative budgets, even when all but essential spending has been cut. Indebtedness is not always the fault of the debtor – I know from personal experience that those with meagre funds are usually experts in making a little stretch a long way.

Whilst taxes are an essential levy, far too often the greatest burden falls upon those least able to pay. The real problem is that people are expected to pay, what in many circumstances, they simply cannot afford. We are setting them up to fail and burdening them with unmanageable debt. The current systems allow too many to escape their fair share of the responsibility and we need to see more progressive taxation systems moving forward.

I have spent all my working career within financial services, both in the public and private sector. Many times, I have been asked how I sleep at night doing the job I do and the answer is really quite simple; I'm passionate about ensuring debts are collected in a fair and ethical way. At Dukes our focus is to ensure individual circumstances are considered and measures are in place to protect and assist the most vulnerable.

The challenges ahead

Balancing the need to collect outstanding monies in a fair but efficient way has always been the challenge, but the enforcement industry has demonstrated that this can be achieved, even in the most difficult of times. Dukes and other CIVEA members are committed to continuous improvement within the industry and the implementation of the Enforcement Conduct Board is testament to that commitment. We do employ empathy and understanding. It's embedded within our ethos and runs right through our whole organisation, from the top down.

The enforcement industry invests a great deal of time and money into thorough training for all staff on how to deal with vulnerability. Most cases we deal with don't go beyond compliance – but that requires affordable and appropriate arrangements to be made – many of which will undoubtedly fall outside of a client's 'guidelines'. The challenges we face moving forward will require an increasingly flexible and dynamic approach to collections.

As a company, we have already taken steps to implement more outcome-based reporting of vulnerable cases. With plans for the future, we will seek to continue to predict who will be most adversely affected by the economic conditions and seamlessly implement preventative measures to help and support those who are. For those who may 'slip through the net', we will ensure that appropriate protections are in place and that we help them to get out and stay out of debt.

Our Sales Director, Sarah Naylor IRRV (Tech), was recently elected as the youngest serving, and only the second female, CIVEA Vice-President. Following her election, Sarah commented "I'm dedicated to ensuring that enforcement is achieved ethically and that as an industry we continue to build a long and sustainable future. I'm really grateful and excited that Dukes will now be the company leading that change."

Everyone within the Dukes family embraces this doctrine and is fully behind Sarah on this journey, however rocky the path may prove to be.



Julie Smethurst (Hons) IRRV
Client Partnership Manager

It's not 'if' but 'when' – Are you equipped to deal with a cyber attack?

"No business can ever be completely safe" is the warning from all leading law enforcement agencies around the World. Cyber attacks continue to be the fastest increasing crime against businesses and the cost of the professional help you'll need to sort it is eye-watering, with the average value of insured cyber claims in the UK being well over £100,000.

As a Director or senior official within a business, the Companies Act places a legal duty on you to fully assess the cyber threat in your business and take appropriate action, and we have seen a sharp increase in the number of claims successfully brought against Directors and Officers in their own personal capacity for failure to do this.

So, what can you do?

This really falls into two categories, risks assessment and mitigation, followed by risk transfer to an appropriate cyber policy.

The first category requires you to formally assess the cyber threat to your business and decide if the mitigations and controls, such as patching, staff training, penetration testing etc., are adequate.

The second category is the natural step for those risks you've identified that are just too big for your business to take the financial burden of and you'd typically buy a cyber insurance policy to provide protection.

"As a Director or senior official within a business, the Companies Act places a legal duty on you to fully assess the cyber threat in your business."

What does a cyber insurance policy provide?

- The first element is a 'response service' from legal, accountancy and IT experts. They will guide you through the steps required to correct the issue, fulfil your regulatory duties, support your customers and protect your brand.
- The second element is to cover the costs of all that work and any compensation you may need to provide your customers.

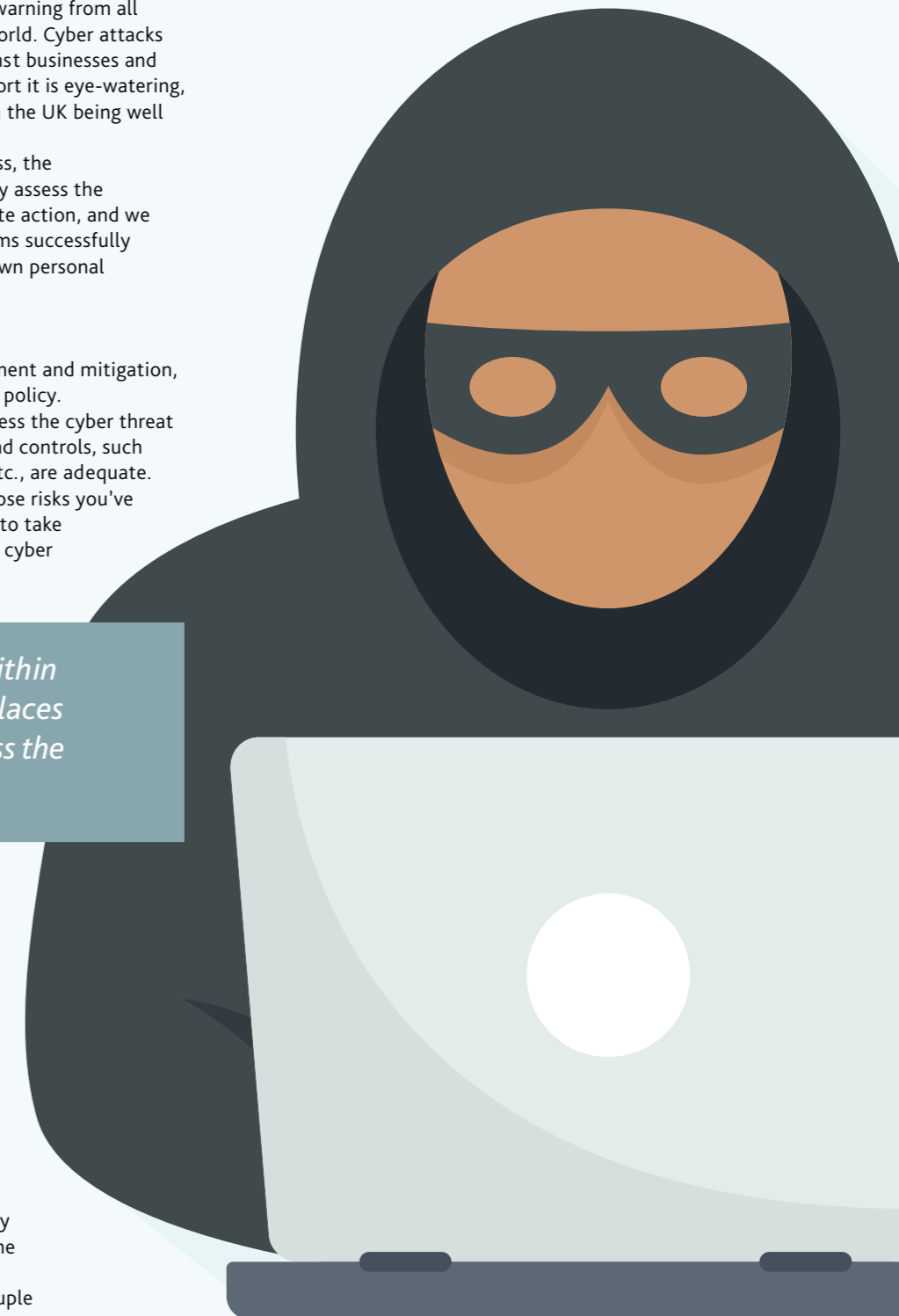
How are enforcement businesses exposed?

Like most businesses, enforcement businesses are heavily reliant on IT and can hold some pretty sensitive financial and bank account data. Imagine how your business would be affected if you were unable to access any of your IT systems for a couple of weeks, or the damage to your reputation if sensitive financial data was stolen or leaked – most businesses would be in real trouble.

For more information on how to protect your business please contact: Darren Coldspring, Verlingue Client Director
Email: darren.coldspring@verlingue.co.uk
Mobile: 07523 504 164



Darren Coldspring Cert CII
Client Director, Corporate Division,
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