

ENFORCEMENT^{NEWS}

The quarterly magazine from CIVEA, the Civil Enforcement Association

WINTER 2021



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the government's
cash cow?

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Contents

05 **CEO's Welcome:** Russell Hamblin-Boone welcomes you to the Winter edition of Enforcement News.

06 **News in this Quarter:** The latest news updates in brief.

07 **President's Welcome:** Carole Kenney discusses the changing landscape of public debt collection.

08 **Cash Cow:** Kelvin Reynolds asks if the government sees the parking sector as a cash cow?

10 **Skeletons and Sensible Enforcement:** Paul Whyte discusses legacy debt; the skeletons in everyone's cupboard.

11 **Freedom of choice for court users:** Alan Smith discusses proposing changes to the County Court system.

13 **Political Scraps and Conference & Awards news:** From Russell Hamblin-Boone.

15 **Improving financial support:** Helen Addis on the importance of improving financial support in local communities.

16 **Strong mental health awareness:** Mike Garland discusses how training can support mental health awareness.

17 **Social value commitments:** Sarah Jarvis on how YPO and CIVEA recognise their increased importance.

18 **Open Banking Payments:** What are Open Banking Payments? Daniel Pearce tells all.

20 **EA call recording:** Closing the compliance gap with Adrian Bates.



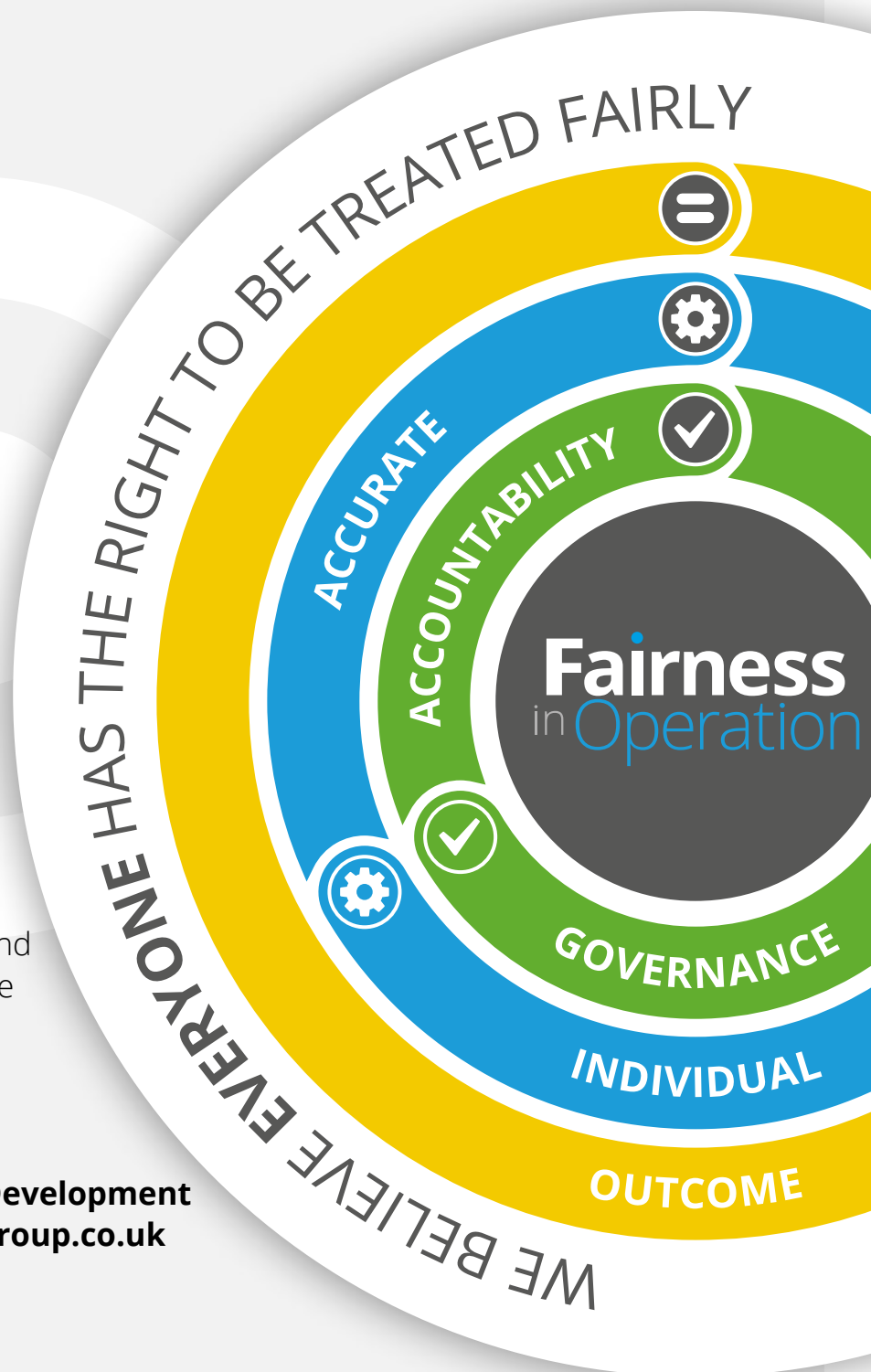
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Welcome to the Winter edition of Enforcement News

As CIVEA emerge from the restrictions imposed by the pandemic, councils are working through the challenges of reinstating enforcement activity.

It is indisputable that public debt recovery has been changed permanently as a consequence of the economic impact of COVID-19. Local authorities face the challenge of covering the shortfalls in their budgets while protecting people facing additional financial pressures of the rising cost of living.

The Local Government Association estimates that councils will need to absorb £1.1bn in 2020-21, which could increase to £2.2bn by the time the pandemic is under control. Councils will need to find the £8bn it costs to run local services. According to government figures, by the end of March 2021 councils had collected £31.7bn of Council Tax that related to 2020-21. The average in-year collection rate dropped to 95.7%, a decrease of 1.1% compared to the previous year.

Therefore, the government faces the dilemma of balancing its books to fund support services by depending on the recovery of outstanding debt. Council Tax remains the primary source of revenue to support local services. Enforcement is an effective and fair way to incentivise people to pay their dues when the usual levers of risk pricing and interest rates do not apply. But should councils be relying on debt payments to fund essential services?

The Cabinet Office is investigating debt management in the public sector. It is rightly concerned at the level of problem household debt generated by central and local government. Now that COVID-19 is in the mix, it will also have to consider what financial support mechanisms are legitimate and appropriate.

"The enforcement industry has evolved in response to social, economic and environmental conditions. It is comparable with any other business sector and is arguably leading reforms in local government debt management post-COVID-19."

The Cabinet Office is designing policy to reform public debt collection and the enforcement sector is introducing reforms through the establishment of the Enforcement Conduct Authority. Both of these initiatives acknowledge that responsible recovery of debts is imperative in a post-COVID-19 era. There are three features of reform in our sector.

The first feature is conduct. This refers to conduct of businesses, as well as the enforcement agents (EAs) they employ. There will be closer scrutiny of EAs behaviour and enforcement firms to ensure that people in debt are treated fairly and enforcement practices are sensitive to individuals' circumstances. This does not mean that central and local government should neglect its statutory responsibility to enforce debts through the courts system.

The second feature is operational. If we are confident that our industry is operating effectively, we should be open and transparent. This means providing more data about enforcement activity and complaint levels. The Enforcement Conduct Authority is the independent oversight that will enable analysis and identify systemic problems.

The third feature is strategic. The strategy for public debt collection is a matter for government, but CIVEA and its members have a critical role in keeping government ministers and officials informed about developments in the industry. We need to support reforms where they enhance best practice and challenge policy that has unintended detrimental impact on people in debt, as well as on the sector more generally.

The hiatus in business activity that was created by the pandemic was a unique opportunity to speed up the rate of reform, and this has been evidenced by the collaborative approach to the Lockdown Support Plan and Enforcement Conduct Authority, which have followed the review of the industry code of conduct and the independent monitoring process.

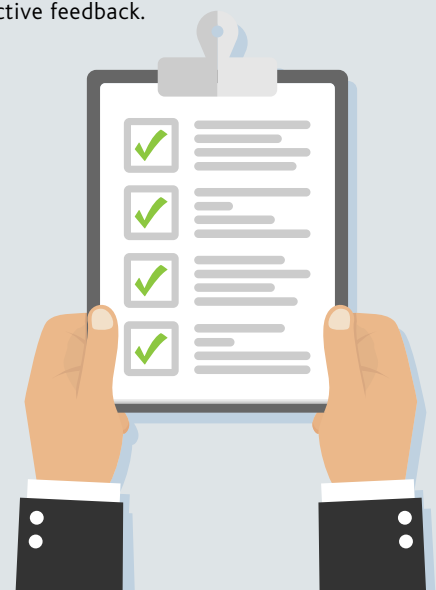
These reforms, coupled with the adjustments to comply with the Compliance Stage in the Taking Control of Goods Regulations 2013, make a strong argument for the government to review the enforcement fees. Enforcement firms have invested huge sums in advanced technology and in support of employees during the pandemic. In 2019, CIVEA members voluntarily committed to the use of body-worn video. They have invested in data science to assess propensity to pay and omni-channel communications to improve on the number of debts recovered at an early stage.

The enforcement industry has evolved in response to social, economic and environmental conditions. It is comparable with any other business sector and is arguably leading reforms in local government debt management post-COVID-19. We are making good progress with the establishment of the Enforcement Conduct Authority, which will help to drive up standards and drive out bad practices.

The government has recently approved an increase in fees for court costs, so it follows that enforcement fees should be brought in-line with current costs.

CIVEA will continue to press for a fair fees model, which takes account of the increased costs of enforcement work and the investment made by industry since the 2014 regulations were introduced.

Please remember that Enforcement News is *your* magazine and your input as writers, sponsors or critics is much appreciated, and I always welcome constructive feedback.



Russell Hamblin-Boone
is Chief Executive of the
Civil Enforcement Association



The Local Government Association (LGA) has advised that a Council tax support grant extension is needed to protect low-income households struggling to pay (11th October)

The LGA is urging the Chancellor to consider extending the current discounts to householders who are struggling to make Council Tax bills, for the next few years. They are worried that along with the end to Universal Credit uplift and Furlough, many more households will need support, beyond the current 2.5 million working individuals that already do. Meanwhile, councils in England, according to their internal research, could face an additional £8 billion in costs to keep local services running – resulting in an increase of Council Tax of nearly a quarter.

Council Tax debts rise after COVID-19

Over 7 million people in Britain (14%) are worried that they will not be able to afford their Council Tax bills over the next year, according to new research from the Money Advice Trust.

Findings from the charity's Council Tax After Covid report, highlight that some vulnerable groups are most at risk of falling behind on their Council Tax, with people with disabilities or long-term health conditions three times more likely to be in arrears.

The findings come as latest government figures show that Council Tax arrears in England have reached record levels, with over £4.4 billion owed. While the figure has grown significantly due to the impact of COVID-19, Council Tax arrears were already increasing at worrying levels even before the pandemic.

CIVEA calls for support of CRAR specialist firms

The Civil Enforcement Association (CIVEA) has opposed extensions to the Commercial Rent Arrears Recovery (CRAR) moratorium, and has called for more to be done in support of specialist enforcement firms that have remained unable to work since the first coronavirus lockdown.

Specialist enforcement firms undertake CRAR on behalf of local authority clients, enabling council landlords to collect rent owed to them by business tenants. CRAR only applies to landlords of commercial properties and rent must be in arrears for at least 554 days. This would not affect firms that remained closed due to the pandemic because it can only be used where a business is open and trading.

Russell Hamblin-Boone, CEO of the Civil Enforcement Association explained, *"It is wrong that some businesses are operating rent-free at a time when our councils are struggling to generate revenue for essential local services. Some CIVEA members have been unable to work since March 2020 and the impact on their business has been devastating. This has to change, or else when the ban lifts and the influx of CRAR cases are finally released, there will be few of the suppliers still operating to fulfil demand. This would put even further strain on local authorities, that remain desperate to claw back overdue rent and fill the huge gap in council budgets"*.

Scammers are posing as County Court bailiffs to demand payment

According to HM Courts and Tribunals Service, scammers posing as County Court bailiffs are sending emails trying to force companies and householders to make immediate payments.

The scammers claim that the person owes money, often using the name 'John Hutchinson' as well as others. They follow up the email with a telephone call appearing to come from an official phone line. They demand immediate payment to avoid having goods seized.

Best practice guidance for local authorities on council tax collection

The Ministry of Housing, Local Government and Communities published Council Tax best practice guidance for local authorities, which includes responsible use of enforcement agents. The Guidance advises that *"It is crucial that, where authorities use enforcement agents, they do so effectively and considerately, recognising that the use of enforcement agents will add further cost to the resident's bill"*. The Compliance stage is designed to engage with people at an early stage to avoid additional charges. Almost half of all enforcement cases are resolved at this early stage.

Debt Management Vulnerability Toolkit for public sector creditors

The Cabinet Office Fairness Group has published a Debt Management Vulnerability Toolkit, which is designed to help public sector creditors support their vulnerable customers. It provides frontline staff with best-practice tools to identify and assist people facing physical and mental challenges, so that recovery can focus on those who are deliberately trying to avoid repaying their debts.

The toolkit has been designed collaboratively through a partnership between central and local government, the debt advice sector and the debt collection industry. The best-practice tools ensure that government continues to provide the best possible support to individuals in vulnerable circumstances, and emulate the successes seen in other creditor sectors.

MaPS launches Moneyhelper

The Money and Pensions Service (MaPS) recently launched MoneyHelper as a single brand. moneyHelper.org.uk brings together the support and services of three government-backed financial guidance providers: the Money Advice Service, the Pensions Advisory Service and Pension Wise.

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

Understanding our changing landscape

The lifting of restrictions on enforcement visits has presented an opportunity for us to look afresh at our businesses, our clients and all the people with which we deal on a daily basis.

The landscape of public debt collection has altered and we are just beginning to understand how we should adapt to new demands. For example, in May the Debt Respite (Breathing Space) scheme came into force. As an industry we geared up for a new and more complex debt management process. Encouragingly, so far the volumes are nowhere near what we expected. The ending of furlough and other benefits may change this over time, although I hope the combined efforts of councils and CIVEA members to support people in arrears will keep down the numbers that need to enter an official breathing space. The debt advice sector has also acknowledged that creditors have increased their forbearance measures to those in financial difficulty and therefore Breathing Space is not as necessary as initially anticipated. It's worth remembering that for vulnerable people, although individuals were being supported by state schemes, the conditions causing their vulnerability are unlikely to have changed since before the pandemic.

Another factor that may be slowing down the pace of collections is the log jam in the courts system. We have had reports of courts limiting the number of Liability Orders and warrants that can be processed and restrictions placed on councils seeking hearing dates. Arrears for public debt is low priority for the courts facing a backlog of cases.

However, our industry has proven itself to be highly adaptable and the new landscape is just another challenge to overcome.

In our ongoing work to drive up standards in our sector, the CIVEA Executive Council approved plans for a conference next April. We look forward to working with WSA: The Communications Agency to run another successful CIVEA Conference. See Page 13 of this edition of Enforcement News for further information about the event. The timing will fit well with the expected launch of the Enforcement Conduct Authority and what we hope will be back to more normal operations. The appointment process for a chief executive, chairperson and board members to the new authority should be completed by the end of the year, with the proposed launch in Spring 2022.

Aside from discussing the Enforcement Conduct Authority, we will be hosting the inaugural civil enforcement awards at an evening event following the conference. Our sector has successfully implemented wide ranging reforms in conduct, complaints handling, compliance and welfare support, but we are traditionally a low-key sector. The industry awards will be an opportunity to showcase the best of our sector and benchmark against future developments. We have much to celebrate in terms of the support we provide to central

and local government. The pan-industry lockdown support plan received high praise across government.

This autumn we published guidance on social value in partnership with YPO, a procurement services provider to the public sector. The guidance is designed to help local authority procurement teams to understand how to define social value and apply it correctly when drafting invitations to tender. ESG (Environmental, Social, Governance) values are becoming an important part of business operations and carries appeal to investors. Therefore, we must ensure that ineffective tenders do not disrupt a level playing field for all members that bid for government contracts.

The pandemic has presented significant challenges to our members, especially those who rely on commercial rent arrears (CRAR). It is deeply disappointing that the government's failure to provide adequate support and heed our warnings about the pressure on our members, has led some firms to leave the market. It remains to be seen what impact this will have next March if and when the moratorium on debt collection is lifted. In the meantime, errant small businesses will have enjoyed operating in arrears and rent free for two years.

Despite losing some of our long standing members, I am pleased to report that we have welcomed to CIVEA: Court Enforcement Services Limited, Trace Enforcement Services Limited and Empira Limited. CIVEA has close to full coverage of the civil enforcement market and this can only strengthen our influence with policy makers. I am also pleased to welcome another local authority team, Anglia Revenue Partnership, to our public bodies category of membership. All in-house local authority teams are welcome to apply for membership at a low membership cost, provided they can meet the requirements of our code of practice.

On the subject of which, we have resumed our independent compliance audits to ensure that CIVEA members are meeting the standards set out in our code. The programme of audit visits is in full swing, and all members are encouraged to arrange a date. Firms are reporting a positive experience and remarking that the auditor is knowledgeable and familiar with the enforcement sector.

As I said at the beginning, we have an opportunity to look afresh at our industry and we have a strong trade association to lead us. As we step out of the gloom of the past eighteen months, I am optimistic that the hiatus will allow to implement reforms faster and more effectively than at any time in our history.



Carole Kenney
President –
CIVEA



Collection rates and receipts of Council Tax and non-domestic rates in England, 2020-21 (October 2021)

The Department for Levelling Up, Housing and Communities has published updated collection figures for Council Tax and non-domestic rates. In 2020-21 local authorities collected a total of £32.2 billion in Council Tax, irrespective of the year to which it related. This was an increase of £0.6 billion, or 1.9%, over 2019-20. This is lower than in previous years due to a combination of more support given to taxpayers through discounts and use of local council tax support schemes because of the COVID-19 pandemic, which has reduced the amount due to be collected, and a lower rate of collection.

By the end of March 2021, they had collected £31.7 billion of Council Tax that related to 2020-21 and achieved an average in-year collection rate of 95.7%, a decrease of 1.1 percentage points over 2019-20.

In 2020-21 authorities collected a total of £14.3 billion in non-domestic rates, irrespective of the year to which it related. This was a decrease of £11.3 billion over the figure for 2019-20, which is largely due to the additional business rate relief provided in response to the COVID-19 pandemic. This has been estimated by

local authorities to cost around £11 billion.

By the end of March 2021, authorities had collected £14.9 billion in non-domestic rates that related to 2020-21 and achieved an average in-year collection rate of 93% in 2020-21, a decrease of 5.0 percentage points over 2019-20. Authorities report that this is because of the temporary reduction or pause of recovery action during 2020-21.

At 31 March 2021, the total amount of Council Tax still outstanding amounted to £4.4 billion. This is a cumulative figure and includes arrears that may stretch back a number of years. Collection rates and receipts of Council Tax and non-domestic rates in England, 2020-21. This is an increase of £847 million over the figure for 2019-20. This is higher than in previous years due to the COVID-19 pandemic temporarily reducing or delaying recovery action during 2020-21.

At 31 March 2021, local authorities reported the total amount of non-domestic rates still outstanding amounted to £2.5 billion. This is a cumulative figure and includes arrears that may stretch many years. This is an increase of £1.1 billion over the figure for 2019-20. This is higher than in previous years due to the COVID-19 pandemic temporarily reducing or delaying recovery action during 2020-21.



Parking – the government's cash cow?

The media and politicians regularly claim that the parking community uses motorists as a cash cow, racking up fees, penalty charges, private parking tickets and so on.

"War on the motorist", there's another turn of phrase... What if I were to suggest it was the other way round, where government sees the parking sector as a cash cow?

Let's consider that for a moment. A significant amount of money is paid to the Treasury by the parking sector by car park owners and operators. Did you know that because the way business rates are calculated this can amount to nearly 30% of revenue earned? In addition, whenever a motorist pays to park, 20% of the fee is VAT. This is true in public and private car parks, so 50% of parking fees are tax.



During the pandemic, government set out to protect the retail, hospitality and leisure sectors, who were granted 100% Business Rates holiday in 2020/21 and have been given a further 50% discount in 2021/22; as well as consumers from the economic impacts and reduced VAT to 5% on hospitality, for example. The expectation was that businesses would either pass this on to consumers or underpin their financial stability. VAT on parking fees remained at 20%.

Consequently, our sector has been severely impacted, with most car parking income all but disappearing. Most operators provided free parking, particularly those associated with or nearby to hospitals in direct support of the national emergency. Some car parks were commandeered as community testing and later vaccination hubs too. Consequently, a reduction of 95% to 99% in revenue was common, yet the parking community is the only service provider in the transport sector that has not been able to access business support or state aid during COVID-19.

Many of our older car parks are now being refurbished, introducing wider bays, especially for people with disabilities, parents with children and include way-marked pedestrian routes. The look and feel of our car parks is being transformed. In part this is driven by consumer expectations for better and safer facilities; in the main it is being driven by better design standards and improved customer service.

And yet government claims the parking charges are too high and that parking should be free! In fact, government still believes this is a cash rich sector, witness its proposals to cap and lower parking charges on private land and a refusal to review and revise the statutory penalty charge despite evidence that it doesn't work.

There's no such thing as a free parking place – somebody, somewhere is paying for it. Some car parks may be free at the point of use, but someone is paying for their upkeep and maintenance. If they are patrolled to keep them safe someone is paying for that too. So-called free parking is subsidised in some way, either by Council Tax payers or business ratepayers or a combination of both.

There is a significant difference between car parks which are 'owned and operated' or 'leased and operated' where income is derived from customers who pay to park, as opposed to those which are managed and where customers are generally subject to time limits with income derived either via a management contract with the landowner (typically a supermarket or retail park), or from enforcement activity.

Our focus for business rates relief is on car parks where customers pay to park since in these locations the significant operating costs remain, and income all but disappeared because of the nationwide lockdown measures.

Whilst several government schemes are available, many commercial parking operators have not been able to access them, primarily because they do not meet the eligibility criteria, or the



schemes only provide limited support. Those that offer loans or credit are unhelpful since parking is lost business and not deferred business; goods and services, such as those bought from a conventional retailer (like John Lewis or M&S) may be purchased on-line or on another day therefore making these schemes more viable for this type of business.



We believe car parking spaces should be treated like a hotel room. It is either sold today or it remains empty. It has a sell-by date at midnight. If commercial parking operators cannot sell their parking spaces, they must give them away, or close them, which is counter-productive to ensuring access to hospitals, healthcare, and food services. Yet hotel operators quite rightly received full business rate relief in 2020/21 and will only pay 50% in 2021/22. Retail and leisure operators received similar reliefs. Parking operators have had no relief whatsoever. Is that fair? Isn't the fundamental principle of taxation fairness?

The major costs for owner or leaseholder operators is rents and business rates. That is why the British Parking Association (BPA) continues to urgently seek assurances that business rate relief can apply to car park operators who are playing their part during these unprecedented circumstances.

The parking sector actively engaged with the Valuation Office during COVID-19 to secure relief under the Material Change of Circumstance (MCC) principle which underlines the Business Rates system for exactly this type of situation. Some of the leading parking operators secured in principle reductions which would have seen 38% of business rates refunded in London and 53% outside of London for 2020/21. It transpires that, seemingly concerned by the cost, government has introduced new legislation to change the MCC system and any discussions that might have been had with the Valuation Office have now been superseded; the new legislation will rule out material changes of circumstances due to COVID-19. Such retrospective changes in law are unprecedented.

In February 2021, a fund of c£1.5bn was announced 'for those businesses not able to benefit' from the original Business Rate Relief schemes, but 10 months on there is still no clarity on how these funds can be accessed, who would qualify and whether parking is included, despite asking HM Treasury directly. In the meantime, business rates must be paid in full. While this unfairness compromises the taxation system on which government is based, it is not the type of issue that makes the front page.

New business rates valuations will be released in the next 12 months to apply from April 2023. Operators are actively engaging with the Valuation Office to seek to agree their valuations in advance so they can save time and money fighting the Check Challenge Appeal process. The BPA continues to support such proactive work and we continue to back the call for valuations which are fair.

"Whilst several government schemes are available, many commercial parking operators have not been able to access them, primarily because they do not meet the eligibility criteria, or the schemes only provide limited support."



Kelvin Reynolds I.Eng, FIHE, FBPA, DipHTE (Middx)
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Adam Bidder, Managing Director of Q Park UK and Ireland

Skeletons and Sensible Enforcement

I spoke recently at the LACEF conference in November about Sensible Enforcement during these difficult times.

With Local Authorities (LAs) eager to regain income following the last two years there are two areas to be considered. The reinstatement of current collections before the debts become unmanageable, and legacy debt. Legacy debt being the old cases that everyone has in their cupboard. Cases that have been through earlier enforcement, perhaps on numerous occasions and are now awaiting further consideration prior to a possible write off. These are the skeletons in everyone's cupboard.

However, such skeletons should not be so easily dismissed as write-off. Income can be derived from this portfolio as is currently being proved in two London Borough trials that we are operating. With the implementation of enhanced data cleansing, we are now capable of appreciating an individual's circumstances before the notice of enforcement is issued and to follow this up with a bespoke compliance process and debt recovery process flow to maximise recovery and protect the vulnerable.

Enhanced data allows for a much greater understanding of an individual's financial position and allows us to appreciate who can pay, who may struggle and who simply cannot. The later scenario also potentially hiding various vulnerabilities which need to be appreciated.

By having such understanding, we can approach customers with messaging on an individual basis and encourage engagement at the earliest stage without the need for further enforcement and additional cost.

Since the reforms of 2014, enforcement firms have spent much time and investment improving their compliance processes to maximise engagement. Utilising external partners to embrace

modern technologies by way of chat bots, web forms and auto dials direct to customers phones all help to heighten engagement possibilities.

Particularly over time, legacy debt can become collectable as people's circumstances change. Those that had no job may now have one and find themselves in a position where old Council Tax debt may now be affordable.

Likewise, those that have ducked the system are also highlighted in their financials as being capable of paying. After all, an enforcement agents' biggest source of success is No Contact. If, as an enforcement agent, we can highlight those capable of paying and apply additional resource to realise that and return less as No Contact, then that can only be for the better.

Current liability should also be addressed sooner rather than later, to prevent increasing to levels that become daunting to the individual and a challenge in terms of cost to the enforcement agent, particularly at compliance where an enforcement agent will be looking to collect at the earliest stage with a legislative fee that, in reality, is having to cover multiple years following the pandemic.

If the same enhanced knowledge is utilised in cleansing from the start, all Council Tax debts can be processed in a sensible way that causes no negative complaint back to the LA but offers an opportunity to maximise current revenues, as well as recouping locked-up funds from those skeletons.



Paul Whyte
Partner at Whyte & Co

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Freedom of choice for court users

After almost 40 years in collections and enforcement, I have seen first-hand the excellent work of enforcement agents and CIVEA members across the UK as we continually improve and develop our responsible and modern enforcement practices.

Most recently this can be seen in the introduction of the Breathing Space moratorium and the development of a new Enforcement Conduct Authority, which are both great steps forward in protecting debtors.

However, this progress also highlights where some areas of enforcement have been left behind. In particular, the 30-year-old law that prevents High Court enforcement of regulated debt and judgments under £600.

It is no secret that the County Court system is under tremendous pressure, with additional delays due to the pandemic leading to an increased level of dissatisfaction amongst court users.

These delays have added to the strain on UK businesses which have already had a tough two years financially. Without the ability to quickly recover money owed to them, it puts them at risk of becoming the debtors of tomorrow. The last thing business owners need right now are more sleepless nights and further financial pressures.

A simple change to the High Court and County Court Jurisdiction Order 1991 would allow creditors, who are currently unable to reclaim the millions of pounds that they are owed due to these delays, the freedom to choose for themselves how their judgments are enforced.

Not only would a reform benefit the thousands of businesses, individuals and organisations currently trying to reclaim the money owed to them via the County Court, through giving freedom of choice, it would create more opportunities for the County Court Bailiffs to focus on the cases they have and improve their overall service to court users.

"An overwhelming 97% of court users also expressed concern over the negative impact of the backlog of cases in the County Courts."

This isn't a new issue.

Six years ago, we surveyed court users to find out if they would support a change in these regulations – to remove the prohibition on enforcing money judgments arising from Consumer Credit Act regulated agreements. 88% said yes.

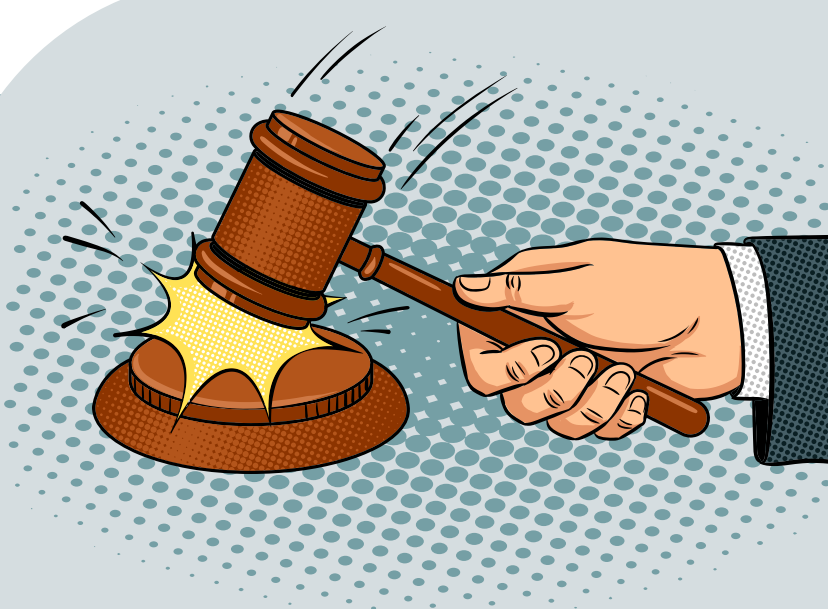
Since presenting these findings to the Ministry of Justice in 2015, there has been no movement. No amendments. And most importantly, no freedom of choice for court users.

After speaking to our members and their clients it has been clear for some time that the current system is less than ideal for anyone seeking to recover smaller amounts in an efficient way.

So, we chose to revisit this earlier this year and asked court users again how they felt about the County Court system and whether they would be open to using the High Court enforcement route for regulated judgments and smaller debts.

The results were overwhelming, with 99% of respondents supporting a greater freedom of choice, and just 5% thinking the current system was effective in meeting their needs.

This increase of 11% in support of a change only demonstrates



that the historic dissatisfaction of County Court users is increasing.

An overwhelming 97% of court users also expressed concern over the negative impact of the backlog of cases in the County Courts. Worryingly, some of these have simply given up. They told us that they have stopped chasing debts under £600 altogether, or have advised their clients to do the same, as they have been unable to recover judgments using the County Court Bailiffs.

That just can't be right. It's certainly not fair on them, or the firms of solicitors, debt collection agencies and other organisations who must explain to their clients why they are unable to deliver results and recover judgments, through no fault of their own.

A change in the regulations is easy and can be delivered quickly and simply by government.

Do I think this would have everyone rushing to use High Court enforcement? No, I don't. A High Court route won't be right for everyone. But it will allow court users to choose whether this is the right option for them.

This also won't be a quick fix for the court system. Instead, what I would expect to see is breathing space for the County Courts, allowing County Court Bailiffs to clear the backlog of cases and focus on those who choose them as their preferred enforcement option.

For the enforcement profession as a whole, it will create new opportunities for High Court enforcement businesses to provide additional services to court users who choose them. It will also allow for more judgment debtors to be able to access the easy-to-use services for making contact and arranging payments, as well as managing these for clients, and all at no cost to the taxpayer.

These simple measures will help to restore some of the confidence that has been lost in the court enforcement system over recent years by court users and will give judgment debtors the better system that they deserve.

Throughout this campaign we have been clear in our preferred outcomes. Change the regulations and give businesses and individuals their freedom of choice.

The enforcement profession is ready, willing and able to support this change. It just needs government action.

You can show your support by writing to Lord Chancellor, Rt Hon Dominic Raab MP, who is also the Secretary of State for Justice, at dominic.raab.mp@parliament.uk, copying in freedom@hceoa.org.uk

The High Court Enforcement Officers Association's full report, Supporting Court Users – A Right to Freedom of Choice, is available online at <https://www.hceoa.org.uk/campaigns/supporting-court-users>



Alan J. Smith

Chair,
High Court Enforcement Officers Association

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Lord Campbell-Savours, Labour:

To ask Her Majesty's Government what plans they have to reform Council Tax.

Viscount Younger of Leckie, Lord-in-Waiting (HM Household) (Whip):

"My Lords, Council Tax is collected and retained by local authorities, which set it within the national framework. Local authorities best understand the needs of their local area, though any increases above the referendum principles require the support of voters. Council Tax is well understood by ratepayers. The government have no plans for council tax reform, which would be complex and time-consuming to undertake and would create confusion for ratepayers."

Yvonne Fovargue, Labour, Makerfield:

"The last year saw a record rise in Council Tax arrears of £1.5 billion, as families struggled under the weight of the pandemic. With tens of thousands more people likely to receive a call or a knock on the door from a bailiff in the months and years ahead, will the Secretary of State look at proposals from the Centre for Social Justice for an enforcement conduct authority, developed through a historic coming-together of bailiffs and the debt advice sector?"

Robert Jenrick, The Secretary of State for Housing, Communities and Local Government:

"I would be happy to look at those proposals. I have already seen them, but perhaps the Hon. Lady and I can meet to discuss them in further detail."

Alex Cunningham, Shadow Minister (Justice):

To ask the Secretary of State for Housing, Communities and Local Government: What steps he is taking to help ensure that homelessness levels do not increase as a result of the end of the COVID-19 evictions moratorium.

Eddie Hughes, The Parliamentary Under-Secretary (Housing, Communities and Local Government):

"The government has put in place an unprecedented package of support for renters during the pandemic. As national restrictions continue to ease, it is appropriate that these emergency measures also lift but we are doing so gradually. The pause on bailiff enforcement has ended; however, measures to protect renters and prevent homelessness are still in place. Significant financial support remains, and the vast majority of renters are up-to-date with their rent. We are also providing local authorities with £310 million through the Homelessness Prevention Grant, an uplift of £47 million on the previous years' funding, which can be used to prevent homelessness or to provide temporary accommodation to ensure families have a roof over their head."

Barry Sheerman, Labour/Co-operative, Huddersfield:

"To ask the Secretary of State for Justice whether his Department holds annual data on the rates of committal proceedings, committal orders and days spent in prison with regard to unpaid Council Tax for the period of 2018-2021."

James Cartledge, The Parliamentary Under Secretary of State (Ministry of Justice):

"The department does not hold information on how many proceedings have been started. Data on the number of committals to prison for Council Tax non-payment since 2018 can be found in the attached table. [2018 = 16; 2019 = 12; 2020 = 0]. On average (mean) civil prisoners received into custody for non-payment of Council Tax from 2018-2020 spent 25 days in custody."

CIVEA to host conference and inaugural awards

Back by popular demand, the CIVEA conference will take place at the De Vere Grand Connaught Rooms in Central London on Thursday 21st April 2022. We are excited to announce that the conference will be followed by a Gala Dinner incorporating the first ever enforcement industry awards.

The conference and awards dinner will showcase the huge strides that have been taken in enforcement operations, which have built upon the regulatory reforms of 2014. It will demonstrate how CIVEA members have been dynamic and proactive and will be supporting central and local government clients in response to the pandemic.

The conference will involve experts and influencers from a range of backgrounds to discuss how to ensure responsible enforcement against the backdrop of rising financial pressures. There will be a unique early opportunity to hear from the newly-formed Enforcement Conduct Authority. The Gala Dinner will



highlight the best of the industry and its supply chain. We are anticipating high demand for places, so book early. Details will be circulated to all members.



Russell Hamblin-Boone
is Chief Executive of the
Civil Enforcement Association





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The importance of improving financial support in local communities

Economic, social and environmental wellbeing is a key aspect of collections and enforcement but this is not always communicated clearly. Enforcement firms are on the frontline of identifying vulnerable people and are uniquely positioned to positively impact these cases, but engagement should go beyond making referrals after contact is made. Supporting worthy causes in this space, for example, is a pro-active way to tackle these issues and is inspiring and morale-boosting for all involved, allowing firms to give back to the communities they engage with.

At Bristow & Sutor we have donated to worthy causes including the Trussell Trust, Stop Domestic Abuse and AdviceUK, but we recognise that support from enforcement businesses like ours must go beyond financial donations in order to facilitate long-term and meaningful change. This was a key reason why we recently announced The Money Charity as our new charity partner, who we will be supporting for the next three years.

The Money Charity provide education, information, advice and guidance to people of all ages, helping them to manage their money well and increase their financial wellbeing. The charity has been in operation for over 25 years and focuses less on how much money a person has access to and more on smartly harnessing what they do have, to ensure money is used as a force for good within their lives. They strive to ensure every person is well-informed on all the tools at their disposal, helping them to make better financial decisions in the future. This includes providing guidance, workshops, webinars, resources and consultancy services. All of these tools help people engage with making good financial plans, achieving their monetary goals, creating financial buffers and building resilience against unexpected life events.

“ Utilising existing partnerships to raise the profile of partners and help spark further conversations is highly beneficial, for example, as this may result in additional revenue streams as well as help other institutions connect with and contribute to the cause.”

Empowerment is a key message for the charity and removing taboos around money is present in all of the different support provisions provided to young people in schools and colleges, adults at work and people of all ages engaging with local community groups. The charity consistently advocates for better outcomes in the commercial and business world too, often through consultancy materials and policy research contributions. Support is often offered by organisations who share the same passion and aspirations, looking to give back and re-invest generated revenues into making a difference.

The support and guidance of The Money Charity is offered commercially to workplaces but is provided free to young and disadvantaged people. This is made possible thanks to the ongoing generation of funds from companies in different sectors and industries, including enforcement. Aligning values around social responsibility with a charitable cause is beneficial for enforcement firms as it reinforces the commitments the industry makes to best practice and better outcomes for clients and customers.

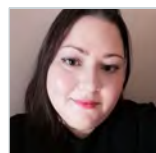
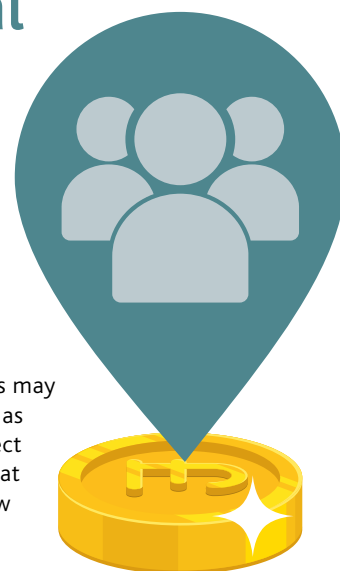
I mentioned before that financial donation is not enough on its own and that enforcement firms can show support in other meaningful ways. Utilising existing partnerships to raise the profile of partners and help spark further conversations is highly beneficial, for example, as this may result in additional revenue streams as well as help other institutions connect with and contribute to the cause. That was the driving factor behind Bristow & Sutor inviting The Money Charity to share our stand at the recent IRRV Annual Conference in Telford.

Despite being a national charity, not every person fully understands the integral work every charity does, so access to highly relevant audiences and assistance in generating discussions related to measures, actions and approaches is invaluable. We provided goody bags, printed notes, redesigned brochures and directed conversations towards charity representatives on the day and as a result, obtained 53 nominations from individuals to help support local community projects, ranging from education and children's settings to adult settings and large housing associations.

We aim to maintain these types of activities as time progresses and become an invaluable resource for all types of support, whether that be guidance on bidding for grants, HR needs, marketing materials or anything else that our staff can donate their time and expertise towards. Our hope is to see more enforcement firms taking up similar partnerships and using their position to aid others in a similar way.

Many people involved in the enforcement industry already see the need for better education, in order to prevent problem debt. But as well as the impact financial wellbeing has on customers we communicate with, we realise that this is important for our own people too. Mental health and wellbeing became prominent topics for all businesses in 2021, but employers must recognise these are highly linked to financial capability. Poor financial management will affect someone's ability to cope with everyday life including performing their job. Recent research conducted by Close Brothers and CIPD shows 94% of UK employees admitting to worrying about money and 77% say that money worries impact them at work, showing there are clearly not only welfare, but sound business reasons for engaging with charities that specialise in Financial Wellbeing training. Investing in the knowledge and advice of experts like The Money Charity could make all the difference for the ongoing productivity and happiness of some members of staff.

Respecting the important part we all play in the process of directing people to the support they need is essential and we are delighted to continue supporting The Money Charity. We implore other businesses to consider how they may also contribute to improving financial circumstances for communities they engage with if not already doing so. This undoubtedly will benefit the recipients, the companies involved and the enforcement industry in general.



Helen Addis

Social Responsibility and
Customer Welfare Manager,
Bristow & Sutor

How can training support strong mental health awareness?



It has long been proven that there is a strong link between indebtedness and mental health issues.

For many, including those with no previous mental health challenges, the pandemic has put so much strain on them that they are now struggling to cope, financially and emotionally.

So, what can the enforcement industry and local authorities do to support the mental health crisis that we currently find ourselves in?

We believe that training sits right at the heart of the solution.

Regardless of how many policies and procedures may be in place, the people on the front-line, dealing with struggling debtors, need to know in detail and in practice how to identify and then support those in need.

Mental health and vulnerability training

We offer a number of ways to develop team skills, through workshops and qualifications, developed specifically for enforcement and local authority organisations.

The course designer is David Grimes, a member of [MIND](#) and a highly qualified researcher, trainer and developer. He is on the Open University student curriculum design panel and has worked in enforcement for over 28 years. David is a qualified mental health first aider and, this year, was awarded a level 5 qualification for the Dip HE (Psychology) in 'Exploring mental health and counselling' by the Open University, accredited by the [British Psychological Society](#).

In addition to our level 2 and 3 'Taking control of goods' qualifications, we provide mental health training, updated to include the Government's '[Public sector vulnerability toolkit](#)', via our:

- 'Vulnerability and mental health' workshop
- Level 2 award in 'Understanding mental health'

- Level 3 certificate in 'Vulnerability and mental health'
- Level 2 award in 'The use of body worn video devices'
- 'Modern slavery and human trafficking' workshop

Our qualifications are endorsed by CILEx (Chartered Institute of Legal Executives) and our workshops are quality marked by Agored Cymru.

Excel is part of High Court Enforcement Group, which is one of three approved CIVEA training partners for the delivery of the Level 2 'Taking control of goods' award. Excel is also a National Member of the [Money Advice Liaison Group](#) (MALG).

What does training look like post-pandemic?

The training and development landscape has changed. Over the last 18 months, the importance of technology and remote training has come to the fore. Whilst they do not offer the same experience as face-to-face training, digital platforms reduce carbon footprint, save travel time, accommodation and other expenses, and provide flexibility for learners.

Training is an investment; it not only promotes a more professional workforce, but it also adds to your bottom line, instils employer and client confidence, job satisfaction, reduces complaints and opens doors to potential opportunities.



Mike Garland

Director,
Excel Civil Enforcement

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YPO and CIVEA recognise the increased importance placed on social value commitments

YPO has almost 50 years' experience in helping the public sector achieve the best possible value when buying products and services. We're dedicated to providing great support and added value, as well as meeting changing needs for greater flexibility, innovation, and sustainability. We're publicly owned by 13 member authorities, which means all our profits go back to the heart of the public sector.

One of our solutions is the enforcement agency services Dynamic Purchasing System (DPS) for the collection of debt types including, but not limited to, Council Tax, parking fines, non-domestic rates/business rates, road traffic fines and sundry debts which a contracting authority may have a requirement to collect.

We provide customers with support from initial enquiry through to awarding the contract by providing template documents to help customers write their further competitions, guidance and support managing customers further competitions. YPO has worked with enforcement agents to provide customers with a sample specification, award questions and template further competition document.

"By working with CIVEA we have created the enforcement social value document which provides customers with guidance, best practice of social value, example award questions and key performance indicators (KPI's) which links to the National TOMs themes and our approach."

Working with The Civil Enforcement Association (CIVEA) we have created a social value document. To start with let me provide some background to social value;

The Public Service (Social Value Act) came into force on 31st January 2013, which requires the public sector to consider the economic, social, and environmental benefits when buying goods, works or services.

YPO has spent the last few years developing our own social value strategy and agenda. Part of this included understanding our customers key priorities in relation to social value and ensuring, where possible, we consider this throughout our procurement processes when establishing a framework or dynamic purchasing system.

YPO and CIVEA recognise the increased importance placed on social value commitments. Over the past 12 months we have seen failed procurements due to social value and CIVEA rules being breached.

By working with CIVEA we have created the enforcement social value document which provides customers with guidance, best practice of social value, example award questions and key performance indicators (KPI's) which links to the National TOMs themes and our approach.

As the Enforcement Agency Services is a DPS, suppliers must meet the minimum selection criteria; social value wasn't included in this criteria. Social value is included under the quality weightings on customers further competitions. Customers have the option of including sub-weightings under the quality weighting which can include social value. When deciding on your weightings it's important to remember an enforcement agent's role is a lot more than collecting debt, they deal with delicate situations where customers find

themselves in financial difficulty. For these customers they provide services of a sensitive nature which include:

- debt information
- identifying and signposting vulnerability
- safeguarding concerns

The weightings for enforcement agents should focus on the outcomes for your customer. Enforcement agency contracts naturally provide social value and depending on what is stated in your specification this will potentially influence to what extent social value objectives are achieved. Social value is important, and this should be integral to the core service delivery.

It is important for local authorities to make social value question(s) specific to their communities and guidance should focus on maximising social value through innovative ideas which:

- are tailored specifically to the local authorities' priorities
- covers economic, social and environmental components
- request details of how the commitments will be achieved and request evidence of delivery elsewhere to ensure commitments are realistic
- incorporate the monitoring/reporting/KPI element which ensures a degree of accountability.

As a guidance YPO and CIVEA have developed example social value award questions. For example,

'Please demonstrate how your proposal might offer the social, economic or environmental benefits to the community and consider social provisions over and above the provision of the services.'

This could include (but not limited to) improving skills, increasing local volunteering opportunities, promoting the local economy or improving environmental conditions over the council's administrative area. Bidders' attention is drawn to the fact that all proposals in response to this question must be directly linked to the council's administrative area?

Local authorities need to let suppliers know how they will be monitored and it is important that you list the KPI's they must adhere to.

It is important that procurement departments work with service areas to identify social value opportunities and choose the themes and policy outcomes that are relevant to their forthcoming contract.

If you would like to know more, please contact Sarah Jarvis on sarah.jarvis@ypo.co.uk or visit our website [here](#) to view the Enforcement Agency Services DPS's details.



Sarah Jarvis
Category Manager,
Corporate and Financial Services,
YPO

Open Banking Payments – immediate business savings and a far smoother process for customers

Open Banking Payments is not the same as Open Banking! Most people may now be vaguely familiar with what open banking is, the process and the opportunity for enforcement once you get over the very many huge hurdles involved to get customers to permit access and adopt this. Open Banking Payments are vastly different and becoming popular with customers.

This article relates to the rise of a new payment technology that creates immediate and significant savings when taking payments. With great benefits for the debtors that use this new option providing a simpler process, this really is a revolution.

What are Open Banking Payments? In basic terms, they enable customers to use their banking app to make a direct payment securely and without the need to fill any details or forms in on the screen during the process. Removing the faff and saving time, but also saving the enforcement firms the hefty card processing charges that hurt each month.

Well over **93%** of the UK now own and use a smart mobile phone daily. UK banks claim that **70%** of adult users have and use a mobile banking app, and that number is growing.

So whilst you may sit in a former bank building, now turned café, sipping a coffee wondering where all the banks have gone, you now know! They pushed us to install their app, but as you ponder that thought for a second, you also remember the SMS text message you received with a payment link for your credit card.

When you normally make purchases or payments using your mobile phone, you must complete the small form on the screen and enter various details. Providing you don't make a mistake and manage to jump through a few hoops, you have success. If not, you go round and round several times, attempting to pay for something. It is this multi-stage hassle that puts customers off and leads to high payment abandon rates.

This is where Open Banking Payments come in. The link in that SMS text message, email or QR code you received, will now have all the details you usually have to complete embedded within it. Paying for something now becomes a simple process of clicking on a link and confirming the payment. Customers feel far more confident in the payment as their own banking app is being used to complete the transaction.

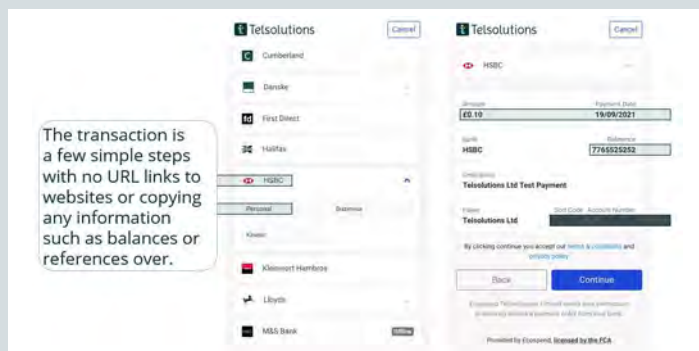
This service won't replace all payment alternatives like online payment engines or telephone IVR's, but just like the bank's enforcement, it should encourage Open Banking Payments as a preference.

So, what is in this for the enforcement firm?

All payment services suffer with payment processing fees, costing the business or authority often thousands of pounds per month. That percentage processing charge is replaced by a single, low-cost per transaction charge. No more varied percentages of the

payment made, depending on debit and credit cards charges, that are particularly painful with higher amounts.

This technology came about as small businesses looked to make savings and move away from what some may consider rip-off payment processing fee charges. Enforcement could do the same and keep more of the charges. Just check your monthly fees and this could become a simple business change.



What else can Open Banking Payments do?

Setting up arrangements with customers can take time and be complex, but this technology is designed to facilitate recurring payments. The customer at the point of completing a transaction, can also authorise recurring payments each month.

Enforcement can set up weekly or monthly recurring payments. Instant confirmation of funds and refunds. There are variable recurring payments, where enforcement firms can replace expensive direct debits and cards on file.

Variable recurring payments can be used to top-up accounts or pay off accounts.

When you settle down to watch television, you may often now catch adverts offering simple payment services (SumUp, Zettle, etc) and other technologies, that are aimed at small businesses, sole traders, and the likes of. Open Banking Payments neatly fits into this category and is set-up without IT lifting a finger. Peace of mind for the busy IT team, and beneficial to the business emerging from the pandemic, with much depleted business funds needing to make savings immediately as we hopefully return to normal.

More options for customers do lead to more payments.

Whilst existing telephone payment IVR gateways and online payment portals cannot be killed off quite yet, their decline is absolute as customers switch preferences. IVR's are expensive to maintain and update, but still important. Encouraging customers to use low-cost alternatives is a must and will tip the balance to the point where legacy systems can be retired in the next few years.

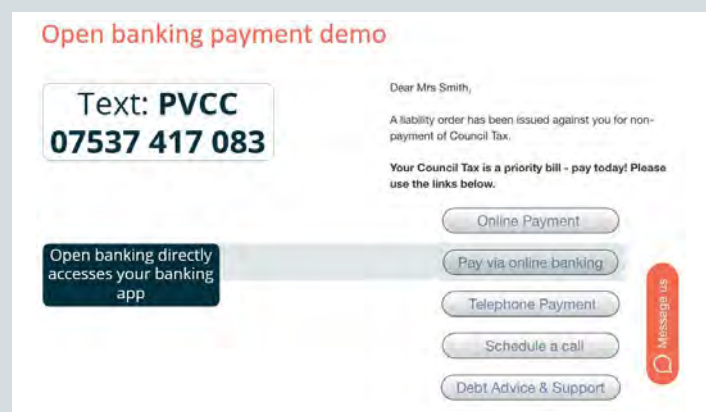
Open Banking Payment technology should not be considered yet another technology development to be mused over and considered for 2025 when IT have time.

Our habits and behaviours have changed. We are purchasing and paying for more services now on our phones than any other method. At the same time, customers are sceptical due to fake and scam messages to obscure links. We all want instant results and confidence our data and payments are secure. Making payments and processes easier for the customer and savings for the business do not often come easily, but here is something that does achieve this.



Daniel Pearce

Director of Business Development,
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EA call recording – closing the compliance gap

Having worked in compliance for many years, I have witnessed the huge steps forward made by the enforcement industry to get its house in order.

Today the standard use of call recording in contact centres, together with robust monitoring procedures, has largely eradicated bad practice by phone agents. Similarly, the adoption of video badge recordings, made compulsory by CIVEA, has helped in raising standards generally and has proved its worth in weeding out enforcement agents who overstep the mark when dealing with the public face-to-face.

However, today much of the contact between enforcement agents and customers has moved away from face-to-face toward mobile communication, a trend which has been exacerbated by COVID-19, but this is the one area where bad practice could still go undetected. It is more difficult for enforcement companies to record mobile phone calls between their agents and the customer as the call may not be routed via their office systems. Also, many enforcement agents, both self-employed and employed, use their own mobile phone rather than a company phone, making it more difficult to apply and control call recording technology.



To overcome the difficulties of recording mobile phone calls, some companies have invested huge sums in implementing sophisticated office-based technological solutions.

Other operators rely on their agents to utilise recording apps on their mobile phones, a variety of which can be readily downloaded from app stores.

Given the cost of implementing an office-based mobile phone recording solution and the shortcomings of an app-based agent solution, some companies opt to do nothing.

I believe given the level of scrutiny expected of enforcement agents today, it is no longer acceptable to allow key conversations between agents and customers to go unrecorded. However, leaving this responsibility to the agents poses a number of compliance concerns. Under GDPR, all records form part of the customers personal data and must be treated in accordance with relevant legislation and the company's own policies and procedures, but: -

- which app should the agents use, and how and where is the recording stored?
- has the agent advised the customer the call is being recorded?
- how long is the recording held for, when is it destroyed and is it secure?
- can the agent edit or delete the recording?
- where card payments are taken, in accordance with PCI-DSS is there a facility to block card details from being retained?

Whilst agent-initiated recording apps may provide a cheap and readily available solution, I believe the risks as set out above outweigh the advantages, and an office-based solution offers a far more secure option. The system operated by JTR Collections for example, routes mobile calls through its existing office call recording structure by providing the customer with a separate contact number which is overlaid onto the agent's mobile. An automatic message is played before the handover, advising the call will be recorded and there is also a facility to suppress card details. If the agent is unable to take the call the caller is rerouted to the office to ensure the contact is not dropped, and as the recording is held on the main system with no access by the agent, it can be used for monitoring and stored properly in accordance with company's data retention policy.

When carrying out compliance checks on enforcement suppliers, clients should always ask what they have in place for the recording of mobile calls, as this could leave them open for criticism if their chosen system does not stand up to scrutiny!

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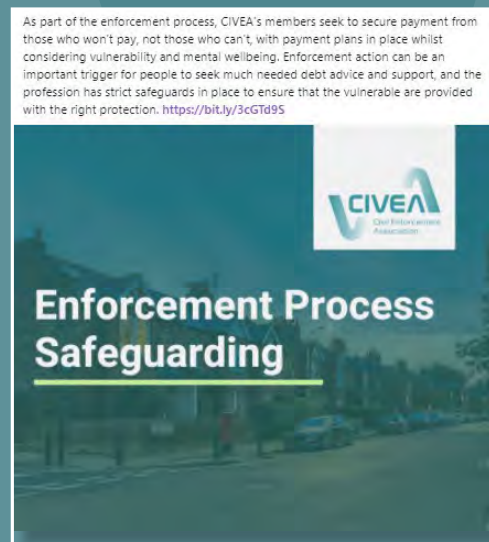
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...where we discuss industry topics and updates from the enforcement industry.

Our regularly released blogs focus on key topics being discussed in the enforcement industry from updates from the Ministry of Justice to Government enforcement updates and regulations.



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