

# ENFORCEMENT NEWS

The quarterly magazine from CIVEA, the Civil Enforcement Association

WINTER 2024



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SERVICES***



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## Recycle outstanding Liability Orders

With four months to go until year-end, pressure on Revenues Departments to maximise collection is greater than ever. In an effort to chip away at their arrears many councils already reissue their returned council tax Liability Orders, but if the second enforcement company just mirrors the approach taken by the first, the amount raised will likely be minimal.

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## Working in partnership

At The Money Charity, we know that there are many parts of the financial and credit sectors which may not always be the most popular, but they are ultimately required.

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## CIVEA goes to the poll

Building on previous polls, CIVEA commissioned YouGov to survey public attitudes to civil enforcement.

The polling results provide empirical evidence to support CIVEA's positions in public debates and discussions – including as a response to populist campaigns.

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## The importance of process serving

Service of documents is a crucial aspect of the justice system, governed by the Civil Procedure Rules (CPR), and requires compliance with specific procedures for different types of documents.





# Fairness in Operation

## National Scale

Enhanced efficiency through national scale and investment in advanced technology, and analytic tools.

## Debt Collected Fairly

Through a comprehensive Fairness Framework and award-winning Vulnerability Management Strategies.

## Operational Excellence

Our collection and enforcement services are delivered from three centres of excellence led by experienced industry specialists.



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# Welcome to the winter 2024 edition of Enforcement News

The election of a new governing party and policy programme is an opportune time to review CIVEA's political activity over the past 12 months.

CIVEA has had a strong year of political engagement, including securing a commitment from the Ministry of Justice to uplift fees. Whilst the decision to delay the outcome is disappointing, there is scope to push for it to be passed in the next Parliament.

The establishment of the Enforcement Conduct Board has secured buy-in from the industry and government and, despite some teething problems, is helping to strike the right balance between reform and over-regulation. The ECB is our response to concerns expressed by the debt advice sector that were enjoined by a cohort of campaigning MPs to lobby for additional regulation.

CIVEA has extensively engaged with policymakers and influencers to ensure that the industry voice is heard, and we are at the table when decisions are being made. We hosted a 'meet the bailiff' Parliamentary drop-in, which had a significantly higher turnout than expected. Several events have involved political engagement, including our conference, with the Minister's speech and attendance of Lord Lucas, and the Enforcement Law Review Group last year that hosted Alex Cunningham MP, Shadow Courts Minister.

In Wales, a backbench draft bill on the regulation of debt collectors was proposed by Jack Sargeant MS and predicated on his concerns about the use of 'bailiffs' to force-fit prepayment meters in the homes of vulnerable people. Thankfully, this didn't gain any further traction after extensive lobbying by CIVEA and meetings with a range of members of the Senedd.

The new Labour government has defined itself by two words – change and growth. The first Labour budget in 14 years was a gamble that a big cash injection for public services over the next two years will turn performance around and that extra borrowing will be worthwhile.

Of interest to CIVEA members is the investment of £262m to fund 1,800 HMRC debt management staff to raise £2bn annually by 2029/30. A total of £154m will also be invested to modernise HMRC's debt management systems. The government is increasing its spending on credit reference agency data by £12m, which may be an indication that it places more confidence in data.

The new Fair Repayment Rate caps deductions made through Universal Credit at 15% of the standard allowance, which is cut from 25%. This may mean that public debt collection becomes harder and that local authorities need to turn to other forms of debt recovery, including civil enforcement. The Chancellor also announced support for HMRC's collection efforts with an increase in the interest rate on unpaid tax debt to ensure people pay on time.

In opposition, it has been easy for Labour figures to criticise how the government recovers debt from those who, for one reason or another, have not responded to extensive attempts to make contact and resolve their situation at an early stage. It has also been more challenging to engage with Labour figures, even those who had shadow ministerial briefs.

The new government has inherited the challenge of local authorities that are in a financial crisis, which is a situation likely to worsen. A survey by the Local Government Information Unit earlier this year found around 28 local authorities – about one in ten – were likely to have to effectively declare bankruptcy this financial year. And around half, or 160, said they were likely to go bust during this Parliament unless Local Government funding is reformed.

CIVEA will be implementing a strategy to engage with Government Ministers, select committee chairman and backbench MPs so that we demonstrate the significant value offer provided by the enforcement sector.

For example, of the 700,000 unregistered vehicles on our roads, over half of those recovered by enforcement agents were found to be unroadworthy and dangerous. There are over 6.5 million untaxed vehicles in the UK and £120 million is lost revenue to the DVLA as a result of untaxed vehicles.

Enforcement agents also identified 351,000 vulnerable people who had lost contact with their council and unknown to anyone, were struggling with their payments. This intervention can be crucial in preventing the escalation of financial or psychological harm to the debtor, which would otherwise go undetected.

When the Justice Select Committee published its inquiry into the conduct of bailiffs in April 2019, it was unable to ascertain the facts on matters such as the volume of complaints. CIVEA and the local government ombudsman reported low numbers compared to debt advisers' claims of huge volumes. We set up the ECB in collaboration with the debt advice to get to the bottom of these issues based on evidence.

The ECB has recently published the results of an independent analysis of over 600 body-worn video recordings, which found that 94% of visits were conducted well with people treated fairly and respectfully during an enforcement visit.

We still have work to do to stamp out pockets of poor practice, but the evidence is testament to the professionalism of enforcement agents who do a difficult job with respect and consideration. We set up the ECB to lift the bonnet on our industry and look for repairs. The survey indicates that the engine is in good condition with some minor tuning.

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Russell Hamblin-Boone

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**Russell Hamblin-Boone**  
CEO  
CIVEA





### CSJ report 'Still Collecting Dust' calls for new ECB powers

The Centre for Social Justice has published an update to its 2020 report on government debt collection. The report uses two large survey datasets, the UK Household Longitudinal Survey and the Debt Need Survey by the University of Essex and Money and Pensions Service, combined with a freedom of information request to local authorities.

It concludes that local authorities should be encouraged to pursue a non-invasive means of collection in the first instance, either by requiring the pursuit of a non-invasive collection method first or removing the need for a liability order for an attachment of earnings, allowances, and benefits. Crucially, the government should remove the sanction of imprisonment as a punishment for nonpayment from legislation.

Local authorities should also seek to avoid the use of enforcement action against those in receipt of Council Tax Reduction. The report recommends that the government should ensure local authorities are using data provided to them by the Department of Work and Pensions to contact potentially eligible recipients of Council Tax Reduction.

It also recommends the Enforcement Conduct Board is given statutory powers to create rules and guidance, including to impede agents' ability to obtain a certificate.

### Money and Mental Health Institute launches campaign to end the Council Tax Trap

A report by the Money and Mental Health Institute 'In the Public Interest' shows that 6.2 million people across the UK are behind on payments owed to national or local government, such as council tax, and that people with mental health problems are more than twice as likely to be behind on council tax payments as those without such conditions.

The report says that public sector debts escalate rapidly, leading to spiralling costs and legal action. The use of enforcement agents often leaves people feeling terrified, powerless and alone and 73% of people in council tax arrears who were referred to a bailiff have experienced a mental health problem.

The report recommends that local authorities and public sector creditors get ahead of the government by implementing changes to ensure people are given more time before they are required to pay an annual council tax bill and raise the standards for debt collection across the board. The report suggests that good practice would include moving away from extensive use of enforcement agents.

### StepChange publishes new report on council tax collection

A new report 'Looking through the keyhole' which dives into the experiences of StepChange debt advice clients facing council tax debt collection concludes that:

- Council tax payments are an increasingly unaffordable burden for many of our clients
- Poor council tax debt collection practices aggravate financial difficulties and lead to worrying health outcomes
- Enforcement action is threatened and deployed too often where clients are in vulnerable situations and unable to repay council tax debt.

The report makes a raft of recommendations including a mandatory protocol for council tax debt collection; exemption from enforcement for those in receipt of Council Tax Support; and removal of the sanction of imprisonment for non-payment of council tax in England.

For more news go to the CIVEA website  
[www.civea.co.uk/news-and-media](http://www.civea.co.uk/news-and-media)

**Kemi Badenoch, Minister of State (Housing, Communities and Local Government), Minister of State (Foreign, Commonwealth and Development Office), Minister for Women and Equalities, Shadow Secretary of State for Housing, Communities and Local Government:** To ask the Secretary of State for Housing, Communities and Local Government, pursuant to the Answer of 18 September 2024 to Question 5229 on Empty Property and Second Homes: Council Tax, whether she plans to publish a response to the consultation; and what her planned timetable is for bringing forward (a) secondary legislation and (b) updated guidance to local billing authorities.

**Jim McMahon, Minister of State (Housing, Communities and Local Government):**

"Secondary legislation to introduce these regulations were laid before Parliament on 8 October and will come into effect from 1 April 2025. The Government intends to publish guidance prior to these regulations coming into effect."

**Priti Patel, Conservative, Witham:** To ask the Secretary of State for Housing, Communities and Local Government, how many households receive a single-person discount on their council tax liability; and what the total value was of that discount in the latest period for which data is available.

**Jim McMahon Minister of State (Housing, Communities and Local Government):**

"The latest available data for October 2023 shows there were approximately 8.6 million households in receipt of a single-person discount. This data is available here: Council Taxbase 2023 in England. The Government does not collect data on the revenue foregone to provide the discount."

**Clive Lewis Labour, Norwich South:** To ask the Secretary of State for Housing, Communities and Local Government, whether her Department has undertaken an impact assessment on the effect of removing the Council Tax discount for single people.

**Jim McMahon, Minister of State (Housing, Communities and Local Government):**

"The Government currently has no plans to change the single-person discount. Decisions on future local authority funding will be a matter for the next 'Spending Review' and Local Government Finance Settlement in which we are fully engaged."

**Jayne Kirkham Labour/Co-operative, Truro and Falmouth:**

To ask the Secretary of State for Housing, Communities and Local Government, what her planned timetable is for a decision on the use of Automatic Number Plate Recognition technology by local authorities as a parking enforcement tool to tackle non-compliance with parking charges.

**Alex Norris, Parliamentary Under-Secretary (Housing, Communities and Local Government):**

"Automatic Number Plate Recognition (ANPR) technology cannot be used by Councils to enforce parking contraventions once a vehicle has left the car park. A notice of a parking charge from a Council must be given by a civil enforcement officer affixing it to the vehicle. The Government has no plans to review this position."

# A culture of integrity and accountability

The past few months have been vibrant and transformative for our industry, marked by conference season, notable industry achievements and significant developments from the Enforcement Conduct Board (ECB). With events like the IRRV National Conference, the Money Advice Liaison Group Conference and the Credit and Collections Conference, we have witnessed our sector showcase a forward-thinking approach, underscored by award nominations and wins across several categories. It's inspiring to see enforcement firms demonstrating professionalism and earning recognition from peers in the wider consumer and business credit and collection industry. Whilst this forward-thinking approach isn't new, it is particularly timely, against a backdrop of a Labour government and increasing challenge from the consumer debt sector.

I hope by now you are aware that the Enforcement Conduct Board (ECB) has been tasked with driving up standards in the enforcement sector, building on the National Standards, monitoring performance and conduct in the enforcement industry and issuing firm and proportionate sanctions for non-compliance. Recently, the ECB conducted a comprehensive study of 650 randomly selected visits involving doorstep interactions from 12 randomly selected firms. The results are compelling: 94% of visits adhered to the Ministry of Justice's National Standards. However, we recognise that continuous improvement is essential. The minority of cases requiring enhanced practices reinforces the value of the ECB's oversight and the reason why we have supported its establishment. *(The ECB was designed and is funded by firms that operate under the Taking Control of Goods Regulations – any sector not meeting that criteria is outside the scope of the ECB and there are other regulators for them).*

The ECB's contributions to strengthening the industry are extensive:

- **Data Collection:** The ECB has established a robust data collection system, with the goal of publishing comprehensive insights from 2025. This data will be essential for validating our standards and practices.
- **New Standards:** In 2025, newly published ECB standards will sit alongside and eventually replace the existing Ministry of Justice National Standards, establishing clear, behaviour-focused guidelines for enforcement agents. These standards take effect on January 1 for individual agents, while firms have until April 1 to ensure full compliance with the operational changes.

- **Complaints Process:** A new complaints process is in development, set to go live in early 2025. This initiative aims to simplify and standardise complaint handling across debt types and creditors, including a consistent definition of complaints to ensure alignment across firms. It presents an exciting opportunity for a culture shift: moving away from viewing complaints solely as criticism and instead recognising them as valuable learning opportunities that drive industry evolution. However, this shift in perspective requires creditors to adopt a similar approach, rather than using complaints as a punitive measure. Given the nature of our work, we understand that some complaints may come hand in hand with the role. What matters most is how we handle these complaints – proactively addressing and learning from them to prevent recurrence and strengthen trust in our industry.

- **Accreditation:** Starting this November, in-house council enforcement teams will have the opportunity to apply for ECB accreditation. Doing so is fundamental to support consistency across public and private sector operations, and I urge all in-house teams to register their interest with Chris Nichols.

Or if you have any questions reach out to us at [ceo@civea.co.uk](mailto:ceo@civea.co.uk). As we continue raising standards across the sector, it's essential for enforcement firms to unite under CIVEA membership to protect against misleading publicity campaigns, particularly those from money advisers.

CIVEA's mission is to safeguard our industry from misrepresentation and promote fair, evidence-based representation. Central to CIVEA's role is informing and lobbying government to shape policies that secure the industry's future and uphold its integrity. To reinforce this mission, CIVEA aims to collaborate with organisations like the IRRV to address poorly researched reports and inaccurate statistics presented to ministers, ensuring policymakers have a clear, accurate understanding of enforcement processes.

Membership, alongside ECB accreditation, is recommended – not only because it helps firms navigate evolving regulations and government shifts but also because it's committed to giving members access to a competitive, equitable market where we, as members can thrive.

Together with the ECB's support, the industry is continuing to elevate standards and reinforcing a culture of integrity and accountability. I look forward to a future where enforcement services are recognised for what they are: transparent, professional, and committed to the highest standards.



**Sarah Naylor**  
President  
CIVEA



# Now is the time to recycle outstanding Liability Orders

According to Government figures, as of 31 March 2024 Local Authorities (LAs) were owed more than £6 billion in council tax, and although the extra short-term funding announced in the budget will be of some assistance, the Local Government Association (LGA) states that councils and the services they provide to their residents still face a precarious short and long-term future.

With four months to go until year-end, pressure on Revenues Departments to maximise collection is greater than ever. In an effort to chip away at their arrears many councils already reissue their returned council tax Liability Orders, but if the second enforcement company just mirrors the approach taken by the first, the amount raised will likely be minimal.

Following the update to regulations in 2014 and the operational changes forced upon enforcement agents (EAs) during the Pandemic, a sophisticated two-tier market has evolved, with a number of specialist companies developing new skills to collect second placement Liability Orders. These companies have adopted a hybrid approach utilising best practice taken from the Parking and Debt Collection sectors to profile caseloads in order to maximise the chances of success. Hambury Tilmond, for example, often collects 10-15% of recycled council tax Liability Orders returned by other firms as 'uncollectable'!

One big advantage for companies enforcing council tax Liability Orders is having access to enhanced 'Exempt from Consent' financial profiling. By conducting in-depth propensity-to-pay profiling on each case at the start, a large proportion of each batch can be discounted. These cases will be returned to the LA together

with the search results, which may provide additional information to pursue recovery through other methods such as attachment.

By discounting cases at the start of the process, enforcement companies collecting second-placement Liability Orders can focus their resources on the remaining accounts which will have greater potential for collection. By filtering the caseload collections, staff and EAs are incentivised to pursue every case knowing there will be a reasonable chance of success. Whilst these returned cases represent the more difficult-to-collect end of the enforcement spectrum, telephone collectors and EAs have developed their skills in today's challenging times to maximise collection. This may mean accepting lower payment offers and reinstating arrangements a number of times to get individual cases paid in full.

These previously returned accounts may take longer to clear, but by passing them to a specialist enforcement firm the end result will be a reduction in total arrears and a small, but significant, addition to council funding at this critical point. With four months to go to year-end, now is the time to recycle any outstanding council tax Liability Orders!



**Adrian Bates**  
Senior Business Consultant  
Hambury Tilmond Limited

## Hambury Tilmond Collecting the Uncollectable



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### Recycled Case Specialist

We are a leading provider of Enforcement services, for the collection of Council Tax and NNDR cases, previously returned as uncollectable. Our audited collection rate exceed 20% on recycled Council Tax cases with zero upheld complaints, and we can provide a balanced and ethical solution to increasing your collection rates.

### Council Tax and NNDR

#1 Enforcement Agency (measured by value) for the collection of Council Tax and NNDR in over 90% of LA's where more than one Enforcement Agency has been appointed.

### Closed Accounts/Write Offs

Send your aged debt securely to Hambury Tilmond for a free/no obligation evaluation. We'll cleanse, trace, contact append and financially profile your debt portfolio and provide a projected revenue report.

### HBOP and Sundry Debts

We have an audited collection rate in excess of 50%. If your HBOP and Sundry Debt is being collected as an 'added value service' it's unlikely collections are being maximised, we have the solution.

### Parking

We're more than just ANPR. Increasing collection rates through intelligence and door step collections, recycled and expired Warrant service available.

### Award Winning Enforcement Agents

Our agents are well trained, only work for Hambury Tilmond, and ethically remunerated, ensuring ethical collections are at the core of what we do. We were thrilled for our longest serving Enforcement Agent, Andy McGregor, winning the Outstanding Enforcement Agent award at the CIVEA 2024 Excellence Awards. Andy exemplifies everything we do, We're extremely proud of our record of zero upheld complaints, and zero complaints to clients since 2018.

### Award Winning Welfare and Vulnerability

We are thrilled to have won the CIVEA Excellence Award for Best Vulnerable Support Initiative (Tier 3), our holistic approach has made a real difference to the lives of our client's customers. Contact us to find out more about how your customer's can benefit from the market leading Welfare and Vulnerability support.



### Challenge Us

We enjoy a challenge, on a trial basis under a simple SLA you can appoint us to challenge your incumbent enforcement provider. We have a proven track record of outperforming incumbent providers with cases they have previously returned as 'uncollectable'.



# ECB report shows bailiffs behaving fairly

In a unique study of over 900 visits, independent analysis of enforcement agents (EAs) showed that the vast majority of EAs are treating people fairly and respectfully.

The research, commissioned by the ECB and led by award-winning agency M.E.L Research, is the first comprehensive study of its kind. In an independent analysis of body worn video footage, 94% of visits were found to be conducted well with people treated fairly and respectfully during an enforcement visit.

Researchers analysed a substantial, randomly selected sample of over 600 videos of interactions between EAs and members of the public at their homes or places of work. Twelve firms were selected to take part representing a range of businesses in England and Wales.

Welcoming the study, Russell Hamblin-Boone, Chief Executive of CIVEA, said:

“

***While the research identifies some infringement of the standards, it demonstrates that in 94% of interactions there is full compliance by enforcement agents.***

***We still have work to do to stamp out pockets of poor practice, but the evidence is testament to the professionalism of enforcement agents who do a difficult job with respect and consideration.***

***We set up the ECB to lift the bonnet on our industry and look for repairs. The survey indicates that the engine is in good condition with some minor tuning.***

”

The research identified examples of good practice, as well as some episodes of EAs being abused and physically threatened by the people, they were trying to collect money from. The reviewed footage also revealed a number of breaches against the current National Standards.

The most common breaches by EAs were those which breached privacy, demonstrated a lack of acknowledgement of evident vulnerabilities, occurred when enforcement took place outside of appropriate hours or the EA acted in ways that were deemed likely to be publicly embarrassing to the individual.

The research team that conducted the analysis of hours of video footage concluded that in the majority of instances where an EA encountered someone the research team felt could be considered vulnerable, they acted appropriately. The majority of interactions viewed by the research team were of EAs abiding by the Standards and undertaking a difficult job with professionalism and consideration.

Chris Nichols,  
ECB Chief Executive said:

“

***Our research shows that too many people are currently not being treated fairly during the enforcement process. Six% equates to tens of thousands of people being impacted every year.***

***This is unacceptable – it must change, and the ECB will ensure that it does. Our new standards set a clear, measurable framework for how enforcement agents should conduct themselves and how firms should operate, placing requirements on them to have robust monitoring processes in place to pick up and address poor practice.***

***Through these comprehensive new standards, our own robust monitoring process and forthcoming complaints' service, the ECB will be here to stamp out any continuing bad practice and to ensure fairness for everyone who experiences enforcement action.***

***Encouragingly, the research also identified plenty of examples of good practice – this now needs to become the norm for absolutely everyone who experiences enforcement action.***

”



# A major milestone in delivering our mission: The launch of the ECB's new standards

After months of research, consultation, and collaboration with stakeholders across the whole sector, the ECB has launched our new standards: an important milestone for the organisation, our stakeholders and those experiencing enforcement action.

We are delighted these standards have launched with support from all our stakeholders and I want to thank all who have contributed to their development. Whether you joined a workshop, responded to our consultation, listened to us speak at events or shared your views informally, your input has been instrumental to us reaching this stage.

The new standards set a clear, measurable framework for how enforcement agents should conduct themselves and how firms should operate, seeking to raise professionalism and reinforce ethical conduct. In short, they are a new benchmark for what modern, fair enforcement looks like, ensuring that agents, firms, and individuals understand their rights and obligations every step of the way.

You can find the full standards, and further information on our website: [Standards-enforcementconductboard](https://standards-enforcementconductboard.org.uk)

It is in all of our best interests for the standards to be implemented as quickly as possible. Most of the new standards for enforcement agents working on behalf of ECB-accredited firms should be implemented by 1 January 2025, except for those that are dependent on changes at the enforcement firm level.

For enforcement firms, we fully understand and recognise that these standards go beyond changing behaviours and require changes to business processes and systems as well as deeper, cultural shifts and we appreciate that achieving that may take some time.

To help with that transition, we are asking firms to provide us with a self-assessment against our new standards by April 2025.

These self-assessments should outline the firm's current level of compliance, highlighting any areas where the standards have not yet been met, including any interdependent sections that apply to agents.

We expect to see a clear plan for meeting the standards within a period of time to be agreed with the ECB.

Outside of self-assessments, we will proactively monitor compliance with the new standards in line with the oversight model that we recently consulted on. This includes using a risk-based approach to gather evidence from various sources, allowing for continuous assessments of each enforcement firm's risk profile so we can identify and guide appropriate actions.

We will be working with ECB-accredited firms to support them in this transition and will share further details soon.

As 2024 draws to a close and we look back on another year, it's clear that real progress had been made in establishing meaningful oversight and accountability in this sector. But we all know that there is much more to be done, and we look forward to working with you all in 2025 and in the years to come as we work towards achieving our mission.

As always, you can get further updates on our work via our website and social media.

Until next year!



**Chris Nichols**  
Chief Executive  
Enforcement Conduct Board



## Telsolutions

# Chatbots, Voicebots

**Driving the conversations in enforcement**

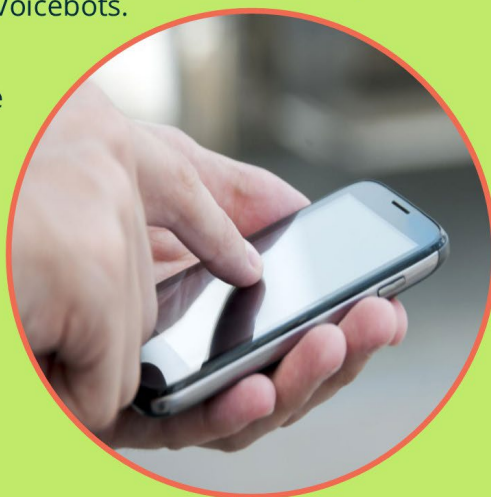
Drive higher results with immersive customer engagement services for process automation that include Chatbots and now Voicebots.

Listening, learning to understand and work with customer for better outcomes and case resolution.

**Using intuitive communications to enhance positive outcomes.**

**Adopting behaviour automation to create efficiencies.**

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# Less broken arrangement. How Open Banking AIS (Account Information Services) fixes the issues.

Account Information Services or AIS has had a bumpy ride since its launch in 2018.

Open banking's Account Information Services (AIS) is a super-efficient, very secure, and highly accurate method for conducting financial assessments and eligibility checks, sweeping aside manual processes. By allowing secure, real-time access to customers' financial data with their consent, AIS streamlines assessments for grants, enhances accuracy and improves the overall user experience for both customers and organisations using it.

**So why has AIS not taken over, or has it already?** I have seen this technology presented several times since 2018 and have cringed seeing early presenters get mauled by audiences who are negative to the idea that a customer would permit an organisation limited access to their bank account for retrieval of required information. But maybe those in the audience have not taken out vehicle finance or a mortgage in recent years?

AIS is now so commonly used for financial assessment and risk processes, that you may not get approval without agreeing to this type of process.

**Enforcement processes still using manual processes for financial assessment and eligibility checks have much higher costs and are resource-heavy.**

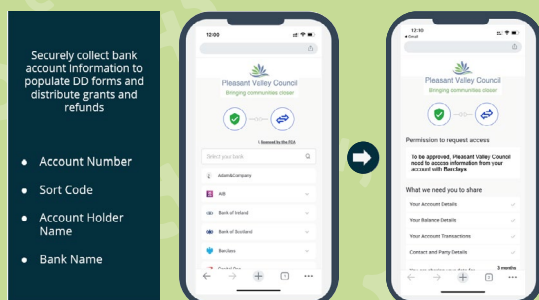
Today we want an instant decision for eligibility or approval for finance and services, not wait weeks for approval like the old days. In fact mortgage lenders and others advertise that they will give a decision in minutes.

The reality is that your own bank has been using AIS internally for years to give you a decision on a loan, and did so to remove all the cost from the process. **Enforcement can do exactly the same for arrangement affordability.**

## So how does it work in simple terms:

We know that the majority of the UK adult population now uses a mobile device to access financial services and 93% of adults use online banking. We also know that most adults don't like filling in forms and when it comes to having all the details to hand like how much you spend on shopping, we can be in guessing territory. Finally and let's face it, there could be a tendency to under/over play expenditure if you want approval regardless of the risks and long-term damage to your finances.

So if the resolution is to just give some essential information from the last month or maybe three, and you could get a decision in seconds, most will take it. AIS uses a text message or email sent to the customer's mobile device. The customer simply opens the message and link. The message informs the customer what information it wants from your account. You either authorise it, or not. The customer stays in control.



**The process takes a few seconds and it is complete. It can be conducted whilst the customer is on the telephone or on the doorstep.**

Here's why AIS is superior to traditional manual methods:

One of the primary advantages of open banking AIS over manual processes is speed. Manually assessing an applicant's finances requires

gathering documents like bank statements, payslips, and tax records, a time-consuming process that can take days or even weeks. Open banking eliminates the need for physical documentation by enabling secure, instant access to a customer's financial data from their bank accounts. This real-time data retrieval speeds up the assessment process significantly, allowing quicker decisions.

Additionally, the manual process often involves back-and-forth communication between customers and officers to clarify details. AIS reduces the need for this by providing comprehensive and accurate data directly, reducing admin and resources.

## Reducing Human Error

Manual data collection is prone to errors. Misinterpretations, missed entries and calculation mistakes are common in a manual process. Open banking AIS minimises the risk of such errors by pulling data directly from bank accounts, ensuring it is accurate and up-to-date.

With AIS, the assessment is based on verified transaction data, giving a full picture of the individual's financial habits, income patterns, and expenditures.

For customers, open banking AIS offers a much more convenient experience than traditional methods. With open banking AIS, customers can consent to share their financial data securely in a few clicks, without needing to provide physical documents.

AIS gives customers greater control over their data by requiring their consent for each data-sharing instance. This transparency aligns with modern privacy expectations and improves trust between customers and official organisations.

Open banking AIS operates within a regulatory framework (FCA) that emphasises security and customer control. By contrast, manual data sharing involves greater security risks. Physical documents can be lost or mishandled, and email attachments can be intercepted. Open banking's secure APIs and authentication protocols provide a safer alternative, offering peace of mind for both customers and enforcement staff.

## Comprehensive Financial Insights

The information for the customer's account is produced in customisable reports or scores making decision-making easy for officers to answer in seconds.

Bank Account	Customer onboarding Account Number, Sort Code, Name Pre Populate Direct Debits
Income	29 Credit Categories Salary, Benefits, Investments Recurring, Variable, High Risk Transactions
Expenditure	155 Debit Categories Identify budget efficiencies Understand high-risk expenses
Data Aggregation	Net Disposable Income Sub categories & average values returned Present an affordable payment arrangement

Open banking AIS offers a new approach to financial assessment and eligibility checks by enhancing speed, accuracy, customer experience, security and financial insight. In comparison to manual methods, AIS provides a streamlined and more secure way of accessing financial data, making it beneficial for both customers and institutions. As the adoption of open banking grows, AIS will likely become the standard for efficient, customer-friendly, and reliable financial assessments.

Enforcement can access these tools now with no significant investment or technical change. Where there is a will, there is a simple way forward to improving service delivery.



**Daniel Pearce**  
Director of Business Development  
Telsolutions Ltd





## Ethical & Efficient Enough Said

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Enforcement Services

# Working in partnership

At The Money Charity, we know that there are many parts of the financial and credit sectors which may not always be the most popular, but they are ultimately required. Whether through challenging situations, changing circumstances or having made poor financial decisions, many people do find themselves in unhealthy or unsustainable situations with their money and sorting these situations out is important. That will involve championing the health and wellbeing of customers and clients while also ensuring companies and organisations can continue to operate effectively. However, that isn't often likely to be a recipe for the warmest of public perceptions and glowing online reviews.

But while that might be a dream too far, what about a future where fewer people fall into the kind of money difficulties you encounter each day? And where those who do are supported, equipped and empowered to find their financial path forward in life, never having to face that situation again?

That's the kind of future we work towards at The Money Charity, where for 30 years we've been the UK's Financial Capability, with a vision of helping people of all ages and all stages of life to increase their financial well-being by managing their money well.

We do this through delivering our Financial Wellbeing and Financial Education Workshops and Webinars to groups of people across the UK who engage them; with seeing their money as something they can harness to achieve their life goals, rather than something that controls them. By helping people to not only develop their skills and knowledge, but moreover to recognise their underlying money attitudes and behaviours, we empower people to find ways to make the most of their money throughout their lives, so they can make the right financial decisions for themselves and their families.

Everywhere we deliver our sessions, whether that's in workplaces to employees, schools and colleges, or charities and community groups, the goal remains to see more people feeling better equipped and enabled to face the financial challenges of life, making sensible and sustainable choices with their money.

*"By helping people to not only develop their skills and knowledge, but moreover to recognise their underlying money attitudes and behaviours, we empower people to find ways to make the most of their money throughout their lives, so they can make the right financial decisions for themselves and their families."*

In a curious way, enforcement agencies and charities share something in common; namely that in an ideal world neither would need to exist! Repayments would not be missed and need following up, while people would not need supporting out of their difficulties. Of course, we all know that isn't the real world and are realistic that the enforcement sector fulfils a necessary purpose in society, while charities have to meet the gap of people's needs, whether that's bringing the 'cure' such as debt advice or the bigger-picture, more preventative work that we do at The Money Charity.

That's why The Money Charity is happy to work alongside and engage with funding partners where we can see their genuine commitment to the financial well-being both of their clients and people more widely. Indeed this sort of partnership is already working



well for The Money Charity with the Bristow & Sutor Group, whom we've worked alongside for the last three years.

Over that time, they have very kindly provided us with much-needed unrestricted income, helping us keep the charity running and 'the lights on' so to speak. They have also funded some of our workshops, both in schools and with adults in community groups. They have been supportive and flexible with us in terms of the unrestricted income and we in turn have tried hard to match their funding to delivery in areas of geographical interest for Bristow & Sutor, sometimes as part of social value commitments they have made or bids they are making. In addition, we have also recently joined their Sector Professionals Panel, acting as a critical friend, and seeing under the bonnet of the business, meaning that we can really start to influence some of their practices and procedures and ensuring financial well-being is front and centre of what they do.

Which brings us to your organisation, what are you keen to kick on with? Support for your enforcement staff in their own financial lives, or working towards improved financial well-being outcomes of those clients you work with? Well if you like the sound of what we do, why not find out more? Whether your organisation is looking for a charity partner to support, you're working on a project or product you need financial well-being expertise and input for, or you'd like to explore bringing our workplace workshops/webinars to your workforce, you can find out more or get in touch on our website. We'd love to hear from you!



**Michelle Highman**  
Chief Executive  
The Money Charity



# IRRv CONFERENCES AND EXHIBITIONS

# 2025

## **SPRING CONFERENCE & EXHIBITION 2025**

Stadium MK, Milton Keynes, 24 & 25 June

## **SCOTTISH CONFERENCE & EXHIBITION 2025**

Crowne Plaza, Glasgow, 3 & 4 September

## **ANNUAL CONFERENCE, AWARDS & EXHIBITION 2025**

Telford International Centre, Telford, 1, 2 & 3 October

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# CIVEA goes to the poll

Building on previous polls, CIVEA commissioned YouGov to survey public attitudes to civil enforcement.

The polling results provide empirical evidence to support CIVEA's positions in public debates and discussions – including as a response to populist campaigns.

## Use of enforcement agencies

Civil enforcement agents (formerly known as bailiffs) act on a warrant or Liability Order issued by the court for debts. Civil enforcement involves recovering unpaid taxes and fines on behalf of the central government and local authorities, as well as other public bodies.

“When asked about these functions, members of the public believe enforcement action is justified. For example, 61% of people believe enforcement agents should be used to collect unpaid magistrates' court fines.”

## Would local services be put at risk if fewer people paid their council tax?

There is little public appetite for a system where people can choose whether or not to pay their council tax without consequence.

“When polled, 67% of the public worry that local services like social care would be put at risk if fewer people paid their council tax, whereas only 16% think they wouldn't. Those proposing such a change run against the grain of public opinion, which widely recognises the importance of the role.”

## What would happen if councils were to stop using enforcement agents?

The challenging financial situation that faces most councils across England and Wales, highlights the importance of efficient debt collection.

Civil enforcement prevents losses to the public purse of an estimated £12 billion, and this necessity is understood by the general public –

“42% of which believe fewer people would pay council tax if enforcement agents didn't operate.”



## Who should pay for unpaid council tax?

At a time when councils and public finances are most stretched, the idea of pushing these costs onto the taxpayer rightly raises concerns about fairness among the public.

“When polled, 68% of the public believed the costs should be paid for by the person who has accrued them. This represents a significant majority of the public, who share CIVEA's view that enforcement is – and should always be – the ultimate option when all other attempts to recover for public services have been exhausted.”

## Enforcement Conduct Board

CIVEA has welcomed the creation of the Enforcement Conduct Board, the recently established independent oversight body for the enforcement sector. Our members have been working closely with the ECB since its inception.

“Despite low awareness of the ECB, CIVEA polling found that, when independent oversight was explained, 42% of people felt more trust of enforcement agencies or are already trusting them, whereas only 27% of people did not. We support independent monitoring and the ECB powers for standard setting and complaints adjudication. It is an important feature for building confidence in civil enforcement.”



**Russell Hamblin-Boone**  
CEO, CIVEA



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# Freemen of the Land under scrutiny

*With many CIVEA members facing frequent challenges from 'Freemen of the Land', we asked two experts in enforcement law to give their thoughts.*

For many years the Freeman of the Land fraternity, and similar followings, have sought to defeat the enforcement of liability orders in order to avoid paying council tax. Relying on outdated decisions and ancient instruments, such as the Magna Carta and the Bill of Rights, they argue that there is no agreement for them to pay, no deed of assignment and no contract they have entered into requiring them to make payment.

They have not consented to pay [council tax] and Acts of Parliament do not (apparently) override common law.

One oft quoted phrase is a [partial] quote from Chief Justice Holt in *Ashby v White* [1703]: *"By the common law of England, every commoner hath a right not to be subjected to laws made without their consent"*.

Unfortunately, the forums which promote this fail to note the text which follows, being: *"and because such consent cannot be given by every individual man in person, by reason of number and confusion, therefore that power is lodged in their representatives, elected and chosen by them for that purpose ..."*

The representatives in question being the members of parliament we elect to represent us.

Enforcement companies are commonly accused of breaching various Acts such as the Fraud Act, the Companies Act and the Protection from Harassment Act. One recent claim cited no less than 36 cases which were deemed as demonstrating breaches of established common law despite the fact they all predated, in some cases by centuries, the implementation of Part 3 of the Tribunals, Courts and Enforcement Act 2007.

*"Those who persist in their demands are now claiming that we must produce a liability order but as one is not issued by the court then we cannot – game over."*

When the case of *Wayne Leighton v Bristow & Sutor* came to light, having succeeded in just one of the four claims being the production of evidence of the enforcement agent's authority to enter premises, it was hailed by the anti-bailiff community as the ultimate panacea.

While that judgment confirmed that a letter of authority to act from the local authority was not evidence of the enforcement agent's authority to enter premises, it regrettably did not determine exactly what would constitute evidence. However, the confused Freeman stated it did and it was the liability order.

Debtors now routinely request a copy of the [individual] liability order. The problem is that liability orders are not 'issued' by the court as individual matters but 'made' by the court en-masse by pronouncement.

The later decision of *Kofa v Oldham* confirmed that liability orders are 'made' and the manner in which they are made. That judgment addresses the constitutional arguments put forward by Freeman of the Land and must be read in conjunction with *Leighton*.

This meant that evidencing that the liability order was made would be evidence of the enforcement agent's authority to enter premises as a liability order may be enforced using the Schedule 12 procedure (regulation 45 of Council Tax (Administration and Enforcement) Regulations 1992) and, accordingly, paragraph 14(1) of Schedule 12 allows entry to relevant premises without a warrant.

So, where required, we now request from the authority the first

and last pages of the hearing list together with the relevant page showing the debtor as the liable party. This is a clumsy and time-consuming exercise and is not something that an enforcement agent can readily produce [without prior notice] at the doorstep; a laborious back-office solution at best.

Those who persist in their demands are now claiming that we must produce a liability order but as one is not issued by the court then we cannot – game over.

Claims that the hearing list extracts are insufficient are weak and would likely fail based on *Kofa v Oldham* but are nonetheless time-consuming in dealing with them.

Some, including a recent one from Mr Leighton acting as an 'advisor' for a debtor, have now begun asserting that only a 'warrant of control' can be evidence of an enforcement agent's authority to enter premises [for council tax] and that a liability order is simply the precursor to that warrant in similar fashion to a judgment. That claim is often worded as *"a liability order is nothing more than proof of a debt, just like a county court judgment. It is not, and never can be, the basis for entry into private premises"*.

This is based on a misinterpretation of the 'Rooftops' judgment [2018 EWHC 2798 (QB)] regarding the lack of a warrant under paragraph 15 of Schedule 12 to enter specified [non-relevant] premises to take control of goods, which Mr Leighton and others appear to believe is now a requirement for all premises, including relevant premises.

The fact, of course, is that a liability order is an enforcement power in the same way a warrant of control issued under the *Traffic Management Act 2004* is. They are different enforcement powers in their own right as set out at paragraph 62, Part 3 of the Tribunals, Courts and Enforcement Act 2007 ("Schedule 12 applies where an enactment, writ or warrant confers power to use the procedure in that Schedule").

It is also pertinent that paragraph 14 of Schedule 12 is headed 'Entry without warrant'.

No matter the confused and often ridiculous assertions from the Freeman of the Land fraternity, *Leighton* has brought into sharp focus the clumsy liability order system.

It highlights the need for reform through a new and simple provision in Part 84 of the Civil Procedure Rules allowing a document to be printed from computer records as evidence that the liability order exists (evidence of the enforcement power) and consequently of the enforcement agent's authority to enter premises.

Until such time as that is addressed, *Leighton* merely restates the obvious which is that evidence in respect of paragraph 26 of schedule 12 remains undefined and, until it is addressed, places an unnecessary administrative burden on both enforcement companies and local authorities.



**Mike Garland**

Group Director, Excel Civil Enforcement Ltd

**AND Peter Felton Gerber**

Solicitor and Proprietor, Feltons Law Solicitors



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## Early intervention leading to better outcomes

Martin Lewis' recent comments surrounding council tax recovery practices will no doubt be disheartening for an industry that has made significant strides in recent years. Even in my brief time in the industry, I've seen some major leaps forward that have raised standards across the board.

There's undoubtedly more work that can and must be done, but the most recent IRRV conference and excellence awards were a brilliant reminder of the amazing and varied work being done by local authorities and their partners to support residents. ReachOut by Sigma Connected has supported Folkestone and Hythe District Council (FHDC) over the last year, and we were so pleased to see them recognised at the awards for their efforts in social inclusion and welfare reform.

**Regardless of how you may feel about Martin Lewis' comments, it is of critical importance that the industry's collective efforts continue, with local authorities, enforcement firms, and wider organisations continuing to work closely with the debt advice sector to support those who need it most.**

Our time at the IRRV conference this year was incredibly encouraging. We had countless conversations with councils and other organisations who genuinely want to do all they can to improve their service to residents and who were interested in hearing more about what we do and how we work. These conversations have reinforced our optimism for the future and we're confident that the industry will continue to make the improvements we all desire.

### Misconceptions

The recurring issue we heard from councils was around the lack of engagement with residents before their debt escalates. From our experience supporting residents, we know that fear and misunderstanding are two of the major reasons why that engagement doesn't happen.

There's a misconception of what can or will happen if residents do pick up the phone. One revenues and benefits manager we spoke to explained how they've spoken with residents who were afraid the council would take their children away from them because of their arrears.

These misconceptions are especially disappointing when you consider the vast range of help councils have made available for those residents eligible for it, including benefits and debt advice, discretionary payments, food and fuel vouchers, help with household essentials like white goods, curtains, carpet, boiler servicing, and more.

**Our goal at ReachOut is to tackle these misconceptions by supporting local authorities to engage those harder-to-reach residents – all before a liability order and enforcement action become necessary. We're there to increase that engagement and to promote the support residents can access directly from the council, restoring their confidence and willingness to speak with the council when they need to.**

Theresa, who we mentioned in the last edition of Enforcement News is a brilliant example of this. Theresa hadn't engaged with previous offers of support from FHDC out of fear, but following our call, FHDC's welfare team were able to provide her with essential practical support for the home and reduce her arrears, radically changing her perception of the council.

We know that early intervention like this is key if we're to increase engagement, change attitudes and reduce the financial impact of additional fees and enforcement action.

### Walsall Council

We want to highlight the benefits of taking an alternative approach to engagement, whilst at the same time complementing the existing recoveries/enforcement process. Our recent work with Walsall Council has done just this – enabling the council to reach more people earlier in the recoveries process, helping the council to demonstrate they're doing all they can to engage residents before proceeding with further enforcement action.

**Walsall made use of Ascendant Solutions' Pathway Solution to identify their most vulnerable residents, mainly those struggling with multiple priority debts, and those registered with the Vulnerability Registration Service. These residents were then passed to ReachOut for our two-week contact strategy. Our aim was to:**

- Increase resident engagement earlier in the council tax recovery process
- Help residents to resolve their debt with Walsall Council directly
- Avoid further recovery action and fees
- Raise awareness of Walsall Council's specific support and forbearance
- Understand individual circumstances/identify where extra help was needed
- Share tailored information, help residents access grants, advice and support from specialist charities.

Together, by the end of our two-week strategy we had achieved:

- Overall positive engagement with 35% of residents (where we had a contact number)
- 21% of residents warm-transferred directly to Walsall's team
- 41% positive engagement with residents without a liability order (pre-court)
- 29% positive engagement with residents with a liability order in place (post-court)
- A £97k reduction in bad debt within the first month alone
- 525 referrals to third-party support, with 180 residents guided to 32 different charities, including The Trussell Trust, Turn2us, Citizens Advice
- Residents independently contacting the council following ReachOut's communications
- Insight on residents who didn't engage
- Reduced recovery action.

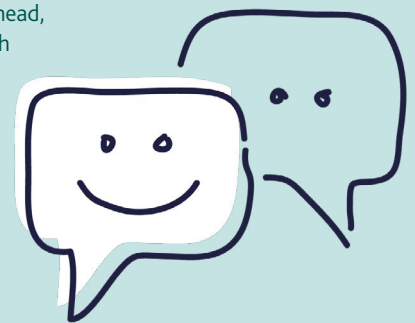
To assess the impact of ReachOut on residents, a control group was also selected and monitored. These residents went through the typical recoveries process.

**In the first month alone Walsall found that those residents supported through ReachOut reduced 43% more debt than the control group.**

We were pleased to test and evidence that our engagement with 'pre-liability order residents' yielded greater results than our engagement with residents after a liability order was issued (41% versus 29%). This suggests residents are less likely to engage with an organisation, or its partner, after they have incurred a fee.

With increased engagement, Walsall Council has been able to help more residents manage their outstanding debt and access the support available to them, and before they incurred additional charges. They've also been able to respond to the more immediate and severe cases when flagged by the team at ReachOut.

We're excited for the year ahead, for the work we'll be doing with our new and existing partners and would love for you to get in touch if you're interested in hearing more.



**Jonathan Shaw**  
ReachOut Partnerships Manager  
Sigma Connected

# The importance of process serving

Service of documents is a crucial aspect of the justice system, governed by the Civil Procedure Rules (CPR), and requires compliance with specific procedures for different types of documents. Many organisations rely on process servers to ensure proper and impartial service, particularly in contentious matters. A process server provides formal legal proof of service, such as a Certificate of Service, Witness Statement, or Affidavit, which can be presented in court.

Process servers are often engaged in the debt recovery process, serving documents such as statutory demands, bankruptcy petitions, and orders to attend court. Public and private sector organisations, including central and local governments, utility companies, and solicitors, regularly use process serving services. In the current financial climate, with the Chancellor focused on plugging the £20 billion deficit, debt recovery has become even more vital for sustaining public services and supporting business growth.

**Excel Civil Enforcement**, a part of High Court Enforcement Group, offers process serving services nationwide. Excel is known for its ability to handle high volumes of serves and works in challenging situations to ensure service is carried out effectively. We won a major central government contract in 2018, serving approximately 10,000 documents annually.

When the contract was renewed in 2021 under the Debt Resolution Services Framework (RM6226), aligned with the cross-government debt management strategy, our parent company **High Court Enforcement Group** was appointed for process serving under Lot 14. Excel was successfully reappointed to undertake this work.

In addition to debt-related documents, Excel also serves legal documents outside of debt recovery, such as divorce petitions, possession proceedings, and injunctions. These are managed by our Commercial Services team, which also handles evictions of protesters, travellers, and trespassers through our **National Eviction Team**.

Process serving is just one element of Excel's comprehensive debt recovery services. We also handle the recovery and enforcement of council tax, business rates, commercial rent, and parking fines. Additionally, we offer services related to transferring County Court judgments to the High Court for enforcement under writs of control or possession, streamlining the procurement process for clients seeking debt recovery solutions.

Operating across England and Wales, Excel has a national team of field agents capable of handling high volumes of process serves, with an average of 30,000 serves per year and a high success rate. Excel also enforces a significant number of writs annually and is recognised as the largest independent enforcement company in the UK, committed to delivering ethical enforcement with integrity as a core principle of our operations.



**Laura Anne Smith**  
Director of Client Relationships  
Excel Civil Enforcement,  
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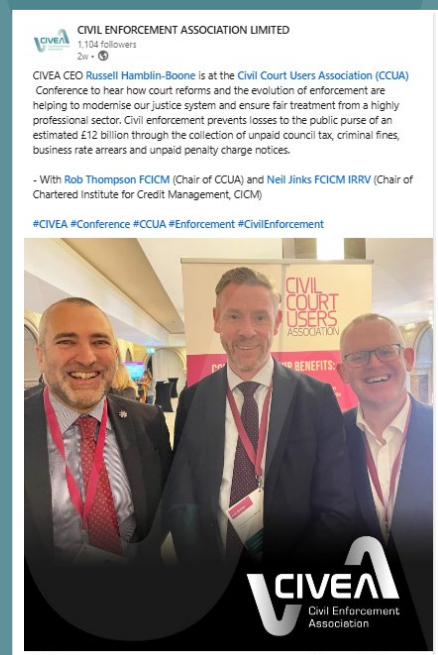
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