

# ENFORCEMENT<sup>NEWS</sup>

The quarterly magazine from CIVEA, the Civil Enforcement Association

SPRING 2021

- Post COVID-19 and the Breathing Space regulations
- COVID-19 Support Plan

# FREE VIRTUAL TRAINING



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- ✓ The impact on Agents & enforcement;
- ✓ Information contained on the Portal

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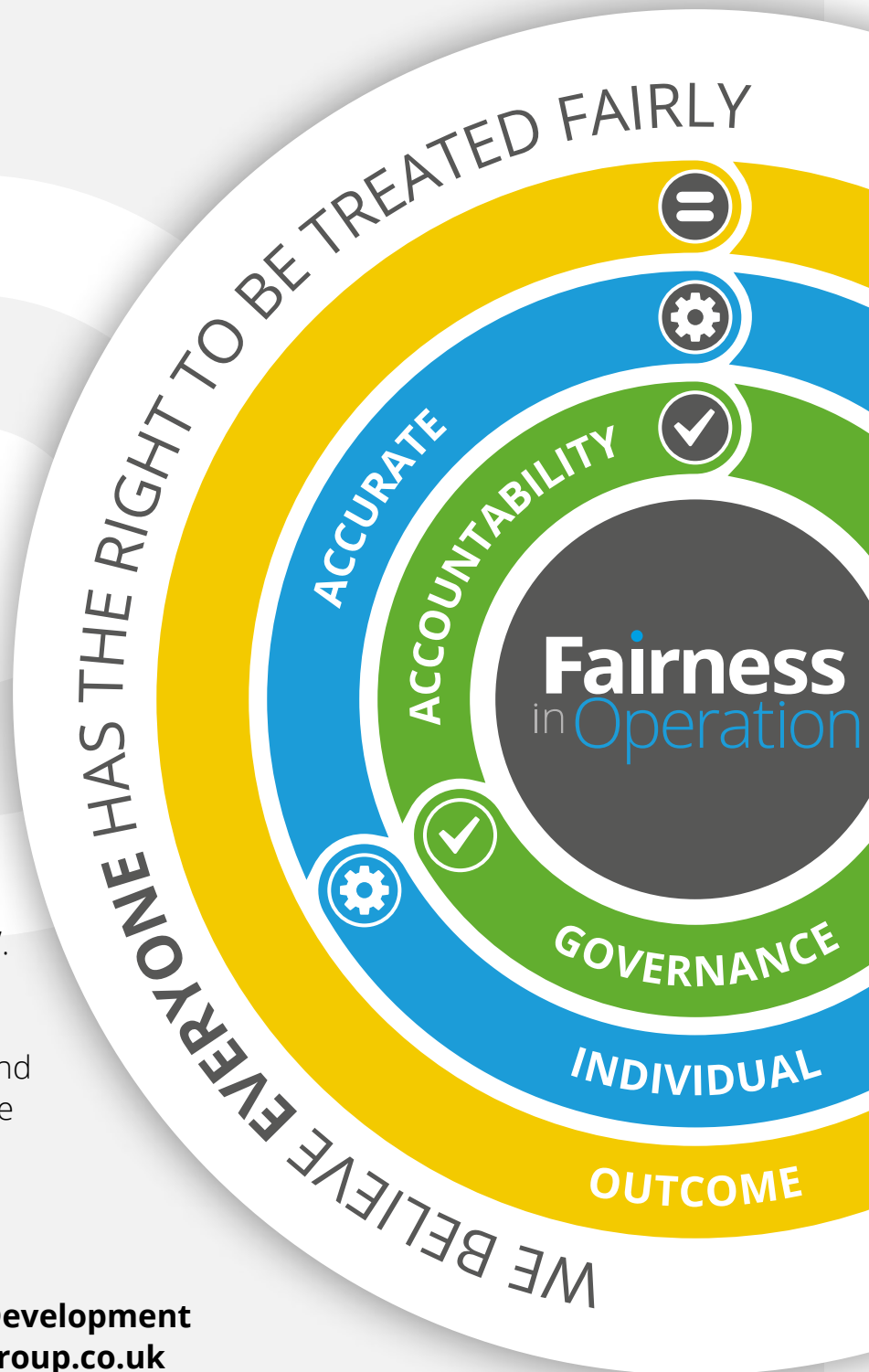
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**Ian Crofts - Head of Business Development**  
**0330 041 4836 | [i.crofts@cdergroup.co.uk](mailto:i.crofts@cdergroup.co.uk)**



# Welcome to the latest edition of Enforcement News

It has been some while since the last Enforcement News due to the impact of COVID-19. But we have used the time constructively to redesign the magazine and create a better online experience. I hope you like the new look, and I am always pleased to receive feedback.

There have been too many clichés about the current circumstances, it is enough to say that this is a challenging time. I am grateful to CIVEA members who have worked collectively, at times setting aside commercial concerns in the interest of a greater good. As a result of this collaboration, we have been able to convince the government to keep many enforcement agents in work.

The Post-lockdown Support Plan, which we designed and implemented – along with a full training programme – in a matter of weeks, still forms the principles of enforcement during the pandemic and was a ground-breaking initiative. It was the first time that the industry has voluntarily united to provide leadership and reassurance to local authorities.

I must also pay tribute to the legions of our members' staff who supported their local communities. CIVEA members undertook voluntary work to support the NHS, local and central Government. Across England and Wales employed and self-employed enforcement agents volunteered to deliver essential services such as food and medicine to the most vulnerable, utilising fleet vehicles, with fuel and IT provided and funded by our members.

Councils in England and Wales are highly efficient at recovering taxes in fines, but there will always be a minority of debt that requires additional effort. The power of enforcement is that agents can visit people at home where they can see clearly whether someone is deliberately refusing to pay their debts or is vulnerable and in need of welfare support. Clearly, enforcement cannot be as effective without entering premises, but all our agents are acting according to CIVEA guidelines.

*"The survey found broadly consistent and positive experiences across the industry, regardless of company size or location. The vast majority of enforcement visits at that time were to enforce fines, traffic offences and other penalties that had been outstanding since before the national."*

Following the lifting of lockdown restrictions and the recommencement of enforcement visits, CIVEA published a unique and comprehensive report, based on a survey of 21 enforcement firms and their field agents, which was originally prepared for the Ministry of Justice (MOJ).

The survey found broadly consistent and positive experiences across the industry, regardless of company size or location. The vast majority of enforcement visits at that time were to enforce fines, traffic offences and other penalties that had been outstanding since before the national lockdown.

As well as the Post-lockdown Support Plan, CIVEA members were required to meet the conditions of the MOJ COVID-19 secure guidance. We anticipated that the additional measures would present challenges for enforcement agents (EAs) acting on behalf of councils. But our report showed that most people feel protected and EAs found the public to be appreciative of the precautions put in place. This is backed up by consistently low complaint levels. Encouragingly, people are generally respecting social distancing and understand that EAs will not enter their homes.

Reviewing the responses from EAs allows us to see where additional training and guidance is needed. For example, agents had concerns about the removal of face coverings in certain situations and on the rules around handling cash.

EAs reported that some people were struggling to understand them when wearing face masks, especially those who do not have English as a first language. The CIVEA advice remains that face masks should be worn to protect the public where possible. However, providing that two-metre social distancing is maintained, we decided that it is reasonable for masks to be removed; especially where communication is difficult otherwise – and provided the agent keeps the required distance. Regarding cash payments, whilst online and card payments are the safest option and most people can pay this way, CIVEA advised that cash payment can be made safely where necessary. EAs should count the cash wearing gloves, and then seal it in an envelope or bag for 72 hours, according to the Public Health England and Wales guidance. As always, this advice should accord with individual company procedures.

CIVEA acted swiftly to contact all its members to share this new advice and avoid any confusion. We continue to monitor government guidelines and work closely with the Ministry of Justice. We will continue to update members on new policy and advise them on best practice as we continue to learn the lessons. For example, we circulated updated guidance and training in the second national lockdown for enforcement agents that were conducting visits.

While this pandemic has been tough on firms, it has been especially hard for those who have Commercial Rent Arrears Recovery as their main source of income and were caught in the tighter controls on eviction proceedings. We know that these members were unable to collect CRAR for a full year, despite our numerous requests for support from the government.

More positively, the pandemic has brought CIVEA members together operationally and strengthened our relationship with the government. The Paymaster General wrote to CIVEA to thank us on behalf of the entire government for all our efforts during the crisis. Alex Chalk MP, Parliamentary Under-Secretary of State for Justice, wrote: *"I am grateful for the steps the enforcement industry has taken to adapt to [COVID-19] and for your commitment to ensuring the balance required between the needs of the creditor and debtor in enforcement proceedings"*.



**Russell Hamblin-Boone**  
Chief Executive Officer,  
CIVEA





### **Rt Hon Robert Buckland MP, Lord Chancellor and Secretary of State for Justice**

*"I am grateful for all the work that the sector has undertaken in order to ensure that enforcement agents operate safely. I would like to express my thanks for CIVEA's continued engagement with my officials and assistance in monitoring the resumption of activity since August."*

JANUARY 2021

### **Catherine West (Hornsey and Wood Green) (Lab)**

*"To ask the Secretary of State for Justice, whether (a) enforcement of evictions and (b) taking control of goods procedures will be paused in areas subject to tier restrictions after the end of the autumn 2020 national covid-19 lockdown."*

### **Alex Chalk (Parliamentary Under-Secretary of State for Justice)**

*"In light of the extraordinary circumstances engendered by the coronavirus pandemic, the Government has taken steps to ensure that enforcement activity is conducted safely and in accordance with the public health measures in place to reduce the spread of Covid-19. On 16 November the Government laid the Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) Regulations 2020. The Regulations prevent enforcement agents from enforcing residential evictions, other than in limited circumstances, until 11 January 2021, in order to protect public health. We continue to keep the position regarding enforcement of evictions following 11 January under review."*

*The Regulations also prevent enforcement agents taking control of goods inside homes until the end of the national restrictions on 2 December. The Government has published COVID-19-secure guidance for enforcement agents using the taking control of goods procedure which is being updated."*

1 DECEMBER 2020

### **London boroughs need to improve assessment of vulnerability**

Policy in Practice has published research, commissioned by the Greater London Authority – Council Tax debt collection and low-income Londoners, which considers changes to council tax collection practices. There are concerns that council tax arrears, and associated additional costs incurred in the collection process, can be the cause of extreme poverty or destitution, and may increase levels of problem debt. Some public authorities' collection practices have come under criticism as debts can sometimes be pursued without regard to individual circumstances and vulnerability. The report concludes:

- 67% of London boroughs explicitly state that they take account of vulnerability in determining action on collection of arrears.

### **Cabinet Office summarises responses to public debt collection**

The Cabinet Office has published its response to the Call for Evidence on public debt management. There is some reference to enforcement, but nothing of specific concern. The report and the large number of respondents highlights huge challenges for the government's debt management policy. A full report will be published at the end of the year.

### **Karl Turner (Kingston upon Hull East) (Lab)**

*"We have, on average, over 20,000 new Covid infections each day and, tragically, more than 1,000 deaths, so how can the Minister possibly justify allowing bailiffs to crack on with business as usual in the midst of this deadly pandemic?"*

### **Alex Chalk (Parliamentary Under-Secretary of State for Justice)**

*"I thank the Hon. Gentleman for his question, but he knows and I know that it is not business as usual. In making that remark, he has completely disregarded the guidance that is in place. Of course we want to make sure that these proceedings happen safely. That is why Public Health England has considered these matters, and it is satisfied with the situation as it exists. We have to make sure in this Government that we respect all rights, including convention rights - article 1 of protocol 1 - and he should be in favour of that too."*

2 FEBRUARY 2021

### **Baroness Eaton (Conservative):**

*"To ask Her Majesty's Government what assessment they have made of the proportion of Council Tax warrants paid at compliance stage, without enforcement visits taking place; and what assessment they have made of the adjusting of inflation in providing an economic incentive for resolving cases at compliance stage."*

### **Lord Greenhalgh**

*"The Government does not routinely collect data on the proportion of council tax arrears paid at compliance stage, without enforcement visits taking place. The Government is considering the operation of the compliance stage, including for council tax, as part of its ongoing review of the Taking Control of Goods regulations and is due to publish its findings in due course. The fees that may be charged by enforcement agents are set down in regulations. The question of whether to increase the fees in line with inflation is kept under review."*

4 AUGUST 2020

- 82% of London boroughs take account of ability to pay in determining action on collection of arrears.
- 8 London boroughs had signed up to the Citizens Advice/Local Government Association voluntary protocol of good practice.
- All but one London boroughs use bailiffs as part of their enforcement activities.

Some of the reports proposals will capture the imagination to be applied more broadly, so the report is worth a skip read. For example: *Dividing repayment of one month's council tax arrears across 12 subsequent months had an almost negligible impact on household financial vulnerability. Whereas, requiring immediate full payment of council tax after a single missed instalment led to more than half (53%) of all households experiencing an income shortfall (page 10).*

### **Tweet from Robert Buckland QC MP (Secretary of State for Justice)**

*"Our courts & tribunals continue to be an essential public service, served by essential workers and meeting Covid-secure standards endorsed by public health officials. With the use of remote hearings wherever appropriate, this vital work can & should continue."*

4 January 2021

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

# An opportunity to promote our profession and continue to raise standards within the industry

As past editor of Enforcement News, I am delighted to welcome you to our new and improved publication and would like to thank our CEO, Russell, and our media agency WSA for taking over the reins!

This is my first publication as President of the association and I can hardly believe I have been in post now for almost a year. This is the first formal and public opportunity I have had in that time to thank our former President, Andrew Mackay, for his exceptional hard work, commitment and personal support during his tenure. During this time, and with the clear objective of raising industry standards, the association launched an enhanced code of conduct, mandated the use of body worn video cameras by enforcement agents, implemented a new complaint's process and formed the independent CARE (Compliance, Adjudication and Review of Enforcement) panel. Please do follow our blogs on the CIVEA website for some insight into the valuable work of our CARE panel.

I must also thank Simon Jacobs for re-standing as Treasurer of the association and for his continued service as an officer of CIVEA. I welcome and congratulate Paul Whyte as Vice President and thank our Executive Council, old and new, for their ongoing contribution and support during what has been a particularly difficult year for all.

On a personal note I am honoured to serve as President of CIVEA, promoting our profession and continuing to raise standards within the industry. I have certainly had plenty of opportunity to do just that and it has been particularly rewarding to meet regularly with MP's, peers, key stakeholders and form a strong working relationship with Ministry of Justice officials as we adapt to new ways of working through a pandemic.

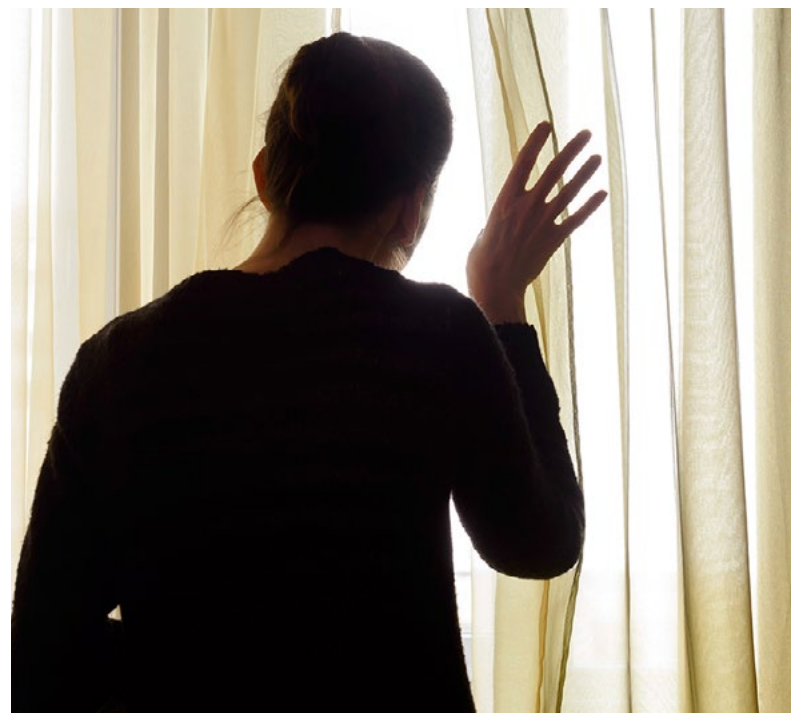
*"On a personal note I am honoured to serve as President of CIVEA, promoting our profession and continuing to raise standards within the industry."*

When I dipped my toe into this industry 22 years ago I genuinely expected to spend no longer than a year fulfilling an administrative role to assist a family member and I was embarrassed to tell friends that I was working for a 'bailiff'. However, as I grew to understand the business and the valuable contribution enforcement provides to our social justice system I soon became very passionate about removing bad practice and shining a light on the good and necessary work undertaken by our industry. By the age of 23 I had passed the Enforcement Services Association examination and was granted my first General Bailiff Certificate. I spent the following few years collecting unpaid council tax and was immediately exposed to a variety of situations from those living in poverty to those with vulnerabilities and in particular mental health issues and also those who were extremely clever at evading contact and payment! Female bailiffs were rare in these days (particularly 5ft ones!) and it was soon apparent that I was invited into debtor's homes much more often than some of my colleagues. I found that by listening to people and trying to help them I was more successful in resolving their debt issue and obtaining payment. This was nearly 20 years ago and yet the same principles apply today and are now an integral part of the compliance and enforcement process. Enforcement now focusses on engagement first and a key success of the 2014 reforms is the

significant investment in training, technology and contact strategies, with over 50% of all debts now resolved without a physical attendance.

*"It is not an easy balancing act and we expect a lot from enforcement agents particularly as we operate in this unusual climate."*

In my current day job as Director of Welfare & Customer Care at CDER Group, I focus on the delivery of fairness and customer service excellence and enjoy working closely with local authorities, charities and the debt advice sector to work collaboratively in supporting those who are financially, physically and mentally vulnerable. I know by experience that the first identification of vulnerability is very often on the door step and therefore enforcement agents have an important role to play in identifying and supporting those who are vulnerable just as equally as recovering public funds and delivering justice to the high majority of people who do pay their fines and taxes. It is not an easy balancing act and we expect a lot from enforcement agents particularly as we operate in this unusual climate. I have however been heartened by the consistent and united response from all CIVEA members to act responsibly, agree and adhere to new guidance, support their staff and communities and ultimately to do the right thing for debtors impacted by COVID-19. Even in the heart of a pandemic we have continued to raise standards and embed more flexibility and fairness into the enforcement process and I look forward to driving this agenda further during my next year in office.



**Carole Kenney**  
President –  
CIVEA



# Customer habits were forced to change overnight in March 2020 – Should enforcement processes alter to keep pace?

All our lives turned upside down with overnight change in March last year. This change also altered many habits and the way we can use technology to engage with customers for enforcement cases.

Stepping away from enforcement for a second, three simple and not particularly new technologies saw rapid and immediate growth in usage by us all in our day-to-day lives. Our personal habits were forced to change by many businesses, organisations and government who were suddenly shocked into changing how they engaged with the public. The change and introduction of this technology was so sudden and adopted by the public rapidly, that the traditional slow and procrastinated change processes were thrown out of the window.

When we all see effective adoption of change, then an obvious question to ask is whether any of this technology can be used for enforcement applications and what the benefits could be as we face a turbulent 2021?

## QR Codes for enforcement applications.



QR codes have become such a common sight in windows and entrances of buildings that if you were not familiar on how to use these images previously, you may have been forced to adopt them now. And for most, they are simple to use and open services directly onto your mobile phone.

So, should and can this simple and effective piece of technology be used to help customers make easy payments and create case progression and resolution? **Please scan the example QR code shown here to see how this technique could work and how easy this is.**

It is generally accepted that most of the public now own a smartphone and use this for more than just making phone calls. Even the most ardent luddite uses the camera installed on all phones to picture everything from the family and pets to the electric meter under the stairs. Just scanning this simple box with a pixel pattern using the phone's camera opens a world of services, making the payment process and transition from paper to digital instantly simple to improve.

Making anything simple for customers will improve adoption and payment results. Given the choice between calling a telephone number from a letter to joining a long queue to speak to a member of staff or navigate some awful IVR telephone payment system and scanning an image that takes me directly to where I need to be, then scanning the image is a new habit winner!

Alternatively, look at the length of the URL's printed and used in letters asking for payments.

Some are so long that customers easily misspell them - [www.couldyounothavemadethisanyshorter.com/giveup/and/makeacoffee.com](http://www.couldyounothavemadethisanyshorter.com/giveup/and/makeacoffee.com)

Old fashioned and complex IVR Payment gateways and misspelt URL's are two of the most common reasons behind customers giving up and abandoning the payment process. If something is complex, we all abandon it to try again later or not at all!

Removing barriers for customers can be achieved using the QR image like the example above.

By printing these images on your existing letters, adoption rates soar because your company made it simple and that image costs nothing.

Unlike many good ideas thrown around with no real evidence of how effective they are, QR codes can track downloads and user adoption, giving a crystal-clear picture of which customers have

intent and those that are less keen or able to settle the matter. Like all good technology, useful reporting tracks customers activity. That information is so valuable for effective recoveries in 2021 and understanding your customer, we recommend all enforcement companies take a serious look at this technique.

## Chat services and Chatbots for enforcement resolution.

Like QR codes, chat technology has been around for some years, but



with staff forced from offices and telephony still stuck in the office environment, chat services have been adopted as a simple method to keep the engagement with customers rolling.

Chat services saw huge growth and adoption since the Spring and why not. We all use chat tools in our daily lives, so most organisations adopted this channel quickly to keep going.

For enforcement resolution applications, Chat and Chatbots don't represent a channel shift or increase workload on staff as some perceive, but an absolute method where by a customer can engage with an organisation not needing anything but a phone, laptop or similar device.

**Many customers may feel when speaking to a bailiff on the doorstep or over the phone this can be, from their perspective, very intimidating. However, it has been shown that customers are happier now to engage from behind a mobile screen, and in many cases, we have seen customers engaging with chat that previously have not responded to other contacts.**

Since March 2020, increasing numbers of the public prefer a chat method to complete transactions than using the phone or doing it face-to-face. Whilst chat services are now common, low cost and effective, the introduction of Chatbots to take over repetitive and mundane tasks will have the biggest impact helping resources cope with increased customer demands. Where Chatbots have been introduced to help, there is one constant figure that keeps coming up. They create 30% capacity for staff to cope with other matters.

Whilst some enforcement firms have implemented live chat capabilities, the use of Chatbots has not been exploited to benefit the business, and some live chat platforms have security gaps that may well blow up! Beware what claims to be free!

Chatbots are designed to handle simple customer queries. They can meet, greet, and signpost customers. Working alongside staff on chat services, Chatbots create a sorely needed capacity as the UK heads to a recession where more customers will need support to discuss matters.

**With development, Chatbots can make payment arrangements, help customers through vulnerability assessments or just take payments. That benefit will create the capacity and savings in 2021.**

## Video Consultations – bringing back face-to-face negotiation.



The last piece of technology that rapidly caught on last year is the use of video calls and meetings. Before March 2020, video meetings and its technology were clunky, haphazard, and general user adoption rates were low. Since April and the rise of new, easy to use services, adoption has reported to have **risen by 70% for all meetings and consultations.**

The coronavirus crisis has thrust video conferencing adoption into the spotlight. With millions upon millions of people working from





home, tuning into virtual classrooms or video meetings, these are the new norm as we collaborate remotely.

**Since August 2020, many local authorities are not permitting doorstep visits and, in some cases, the authority is only permitting management of existing cases. Using an invitation to engage with customers via video is a simple, secure and recordable option. It is a method for a more empathetic discussion and negotiation with a customer and brings back the face-to-face element of the process.**

Fortunately, consumers are accustomed to video calling, thanks to the likes of Apple's FaceTime.

Our customers are used to the idea of turning on a video camera for a call. But chatting with family members on an iPad is not exactly like a video business meeting, but that personal face-to-face meeting is assuring and helpful to emphasise matters and detect things like vulnerability.

In a voice-only call, the first few minutes are usually spent trying to figure out the person on the call in your mind. On a video call, you can instantly see who is on the call, which helps improve your understanding of their situation visually. In addition, people can better remember what they see rather than what they simply hear. So, the visual memory of a video meeting is an added benefit.

In general, though, video meetings or consultations are often more effective and efficient than traditional voice-only calls - video meetings are reported to be 40% more effective when conducted

by video, as opposed to voice alone, which will help consultations to resolve debt management.

Video consultations and scheduling tools will create new opportunities for face-to-face consultations with customers that need better support, and this will help organisations create better outcomes for both parties.

Since October, I have been working with oneSource Enforcement Services on an exciting project to introduce video consultations for customer engagement. The aim is not just to measure the adoption of this technology, but the benefits for the customer and whether this reflects the results published by the retail and banking sector. For an emotive application and subject like enforcement, we expect to see higher results than for a simple retail purchase support. We expect the introduction of face-to-face engagement to improve outcomes and understanding.

The three technologies that I have listed above are probably the three most prominent new services that can be implemented to help income, case progression and resource limitations into 2021.



**Daniel Pearce**

Director of Business Development  
Telsolutions



# Telsolutions

## Chatbots - Driving conversations for enforcement

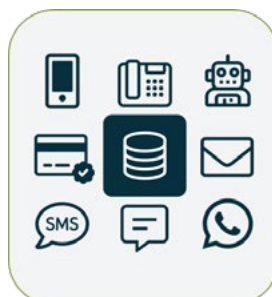
2021 will see the introduction of immersive technology services & process automation with RCS replacing SMS text messaging, VoiceBOT services to support enforcement and customers reach better outcomes.

**For more information contact Daniel Pearce and join our forthcoming seminars. [daniel.pearce@telsolutions.co.uk](mailto:daniel.pearce@telsolutions.co.uk)**

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# How the biggest loss in insurance history will affect your business

The global claims cost of COVID to the insurance industry is estimated to be over \$200bn making it the largest loss in history. As a result, many insurers are exiting the market, meaning less competition, whilst those that remain are rapidly increasing premiums to bring their businesses back into profit. None of this is good news for business insurance buyers.

## What will this mean for your business?

The greatest effects of premium increases can be seen in Employers and Public Liability, Professional Indemnity and Directors & Officers insurance, all of which are common covers for businesses operating in this sector. Typical increases across the market range from 15-35% for these classes of business so it's very likely that overall insurance costs are set to rise for many companies.

## What can you do to mitigate premium increases?

The companies that can best demonstrate to insurers that they have taken COVID seriously and have taken robust precautions to manage their business and prevent claims will fare best when it comes to renewal negotiations. There are a number of steps you can take which may assist with reducing the likelihood of an increase in premium:

- 1. Risk Management** - Take measures to manage and minimise risks in your business such as providing employees with the correct PPE and ensuring working practices, customer interactions and workplaces are COVID safe.
- 2. Talk to your broker** – make sure that you communicate regularly with your broker so that they know about the safety measures you are implementing and can inform your insurer. The objective is to make your business seem much more attractive than others in your peer group.
- 3. Start early** – with the difficult trading conditions in the insurance market you are likely to have to provide much more information than usual and obtaining quotes is taking much longer than normal. We recommend that you provide your broker with your renewal information as early as possible to ensure there are minimal delays.

## How can we help?

At Verlingue we have a specialist insurance scheme for CIVEA members. This scheme enables us to keep premiums cost effective and consistent for members.

If you are worried about the rising costs of insurance, now might be the time to review your insurance programme to ensure you are getting the best value for money. It's never been more important to work with a broker who understands your sector and has access to markets.

*"The companies that can best demonstrate to insurers that they have taken COVID seriously and have taken robust precautions to manage their business and prevent claims will fare best when it comes to renewal negotiations."*

## Risk Management

The possibility of customers or employees contracting COVID is a big concern to everyone at the moment. Our specialist Risk Management team can advise you on how to make your workplace COVID safe both for customers and employees and help you to defend claims should they arise.

For more information on our insurance scheme and our Risk Management services, please contact our Enforcement industry specialist Darren Coldspring on 07523 504164 or [Darren.coldspring@verlingue.co.uk](mailto:Darren.coldspring@verlingue.co.uk)



**Darren Coldspring**  
Enforcement industry specialist,  
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# REVENTUS

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# Can any good come from this pandemic?

An unlikely question to be considered at this moment in time.

Never in our recent history has the country been placed under such extreme circumstance causing misery for so many.

Yet despite the nature of what we do, or maybe even because of it, business has had to continue and in a way that is safe for all.

Prior to the pandemic home working was only a passing thought for many businesses. Since March of last year however, it has become the prime working objective for many firms across the country reluctant to return staff to their offices as they were. This thinking may take further momentum even after we emerge from this terrible period as firms find a positive argument not to return to the office as we know it.

Will large London companies review their position in the capital and reconsider their on-going commitments? Will they actively encourage their people to work remotely?

Is this such a bad thing? I know a number of people who have genuinely enjoyed working from home and many organisations, including local authorities, comment on how a more relaxed approach to hours worked produces a far greater output. Less time spent travelling allows for more time where it counts and has got to lead to a better work life balance. The only real negative is sociability. Many

of us enjoy the human contact of a shared workplace and that of course is what we have all been deprived of during the last year.

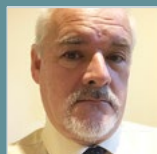
Teams and Zoom you may shout. Are these facilities a blessing or a curse?

Once you master the technophobe issues of microphones being on and off mute and the video freezes, it is actually a very effective way to meet without the lost time of travel. Yet it is still not the same as a physical face-to-face. No chance for an off the cuff remark to an individual. Not much opportunity to truly develop a rapport. Which fundamentally is what makes business work and perhaps even more so in this industry. There is a place for it though and moving forward I would openly encourage this communication long after the last year fades into bad memory. Be it business client or internal staff communication it is a technology that can help, if not totally replace, the human contact.

I for one feel that if we are to find good from the last year it is perhaps the fact that business will change. Attitudes to the traditional workplace will evolve and improve the quality of lives which are, in modern times, busy and stressed. This in turn will improve the quality of service provided.

As we move away from this blighted period in all our lives, the enforcement industry will face a number of challenges. Local Authorities will have an immense task on their hands recovering from the impact of the last year and considering what will be required to resume collections on much needed public funds. So will we in this sector.

Perhaps from any newfound good in the last year it can be approached with a fresh outlook.



**Paul Whyte**  
Vice President  
CIVEA



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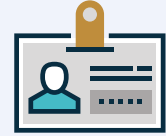


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# Maintaining a focus on individual welfare helps us cater for the different needs of customers

In recent years, more and more people have recognised the social and welfare responsibilities that corporations have, but unquestionably, the coronavirus pandemic has accelerated urgent thinking on this matter. Many lessons have been learned over a short yet significant period of time, showing us all how small changes in circumstances can rapidly affect an entire way of life. The reality is that any business that regularly engages with the public will already have been exposed to the systematic causes and social impacts of disability and equality long before COVID-19. For enforcement firms, our engagement via local authorities makes this especially true.

Bristow & Sutor recognises the important part it plays in the process of directing people to the support they need and my role as Social Responsibility and Customer Welfare Manager is to continue promoting the ways in which we can provide further access to all. I made an internal transition at the start of this year from DRP, part of the Bristow & Sutor Group, to now working exclusively on social and welfare solutions. There is no resistance to change within my company, which has already proved beneficial to me and will continue to do so as I embark on this new chapter of my career. We have already made fantastic strides in areas such as Mental Health and part of my role will be to promote the good work that already happens in enforcement.

I have always had an interest in welfare and championing access for all, finding a way to incorporate this in most stages of my career so far. Working across different sectors and seeing the impact of fair support for all changed my way of thinking and allowed me to consider the invisible barriers that are still placed in the way of some people; preventing them from accessing the same opportunities others often take for granted. Identifying true progression and change will be integral for success for all businesses in 2021 and beyond, including those involved in the enforcement process.

*"The reality is that any business that regularly engages with the public will already have been exposed to the systematic causes and social impacts of disability and equality long before COVID-19. For enforcement firms, our engagement via local authorities makes this especially true."*

I was impressed to discover that Bristow & Sutor already understands how important this is and genuinely recognises the benefits of fair support for all. The communities we work in are vibrant in their diversity, and ensuring we maintain a focus on individual welfare helps cater for the different needs of customers. A large part of my new role is challenging external misconceptions about what an enforcement agent looks like and educating people on the dangers of those misconceptions. Employing staff that are specifically focused on enhancing social responsibility and welfare solutions helps educate others both internally and externally. Education is the key to resolving social value issues and should begin as early as possible. In enforcement, we can support young people and help them try to avoid problem debt, but also must be there to advise people of how to best engage with creditors and enforcement agents if this is the situation they face.

Whilst some are more susceptible to vulnerable circumstances than others, vulnerability does not discriminate by age. It is just as

important for us to help educate those who are young and have limited experience with financial responsibilities as it is to support older customers, who can end up facing vulnerable circumstances for the first time at any point of life. One of my first tasks this year is looking in great detail at both existing and upcoming partnerships to ensure social value is present and effective in everything we deliver. Beyond meeting the needs of commitments, responsible enforcement firms must genuinely add value to the communities they engage with. Adding something practically useful to solutions is more important than simply investing money. Improving the circumstances

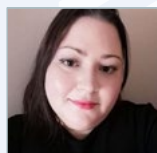
*"The vulnerable are not a separate class of people and whether it is accidental or not, they should never be treated as such. Anybody can become vulnerable through a change in circumstances or even simply bad luck."*

of others has never been a box-ticking exercise and it never will be.

Since 2018, Bristow & Sutor has engaged with an independent Advisory Panel, which was established to oversee and challenge all aspects of the business to meet the highest standards of ethics and compliance. Members of the Panel have regularly observed Bristow & Sutor teams in action, accompanying EAs on visits and listening in on call centre conversations. There is clear recognition that there are always things that can be done better, and I am looking forward to working with the Panel to improve and optimise processes even further.

We must stay at the forefront of developments in identifying vulnerable customers and continue to improve standards and outcomes. The Debt Respite Scheme (Breathing Space) comes into force in May and will affect local authorities as well as enforcement agencies. Bristow & Sutor is already implementing processes to ensure procedures are effective and beneficial to all involved. I will be continuing to champion social value and welfare ideals, connecting with existing customer groups and debt advice sector representatives to expand our network and help foster collaboration; to build an effective chain of support that is suitable for assisting anyone that needs it.

The vulnerable are not a separate class of people and whether it is accidental or not, they should never be treated as such. Anybody can become vulnerable through a change in circumstances or even simply bad luck. Bristow & Sutor understands this and I am excited to help the business further develop welfare and social value support provisions for the benefit of employees, clients and customers alike. I am fully committed to social responsibility and customer welfare solutions and I look forward to engaging with fellow like-minded industry professionals over the coming months.



**Helen Addis**  
Social Responsibility and  
Customer Welfare Manager,  
Bristow & Sutor

# Green shoots of recovery: the Breathing Space Regulations 2020 expected May 2021

We have been eagerly awaiting 2021 for many reasons. There is hope this spring that the roll out of the COVID-19 Vaccine should gradually reduce the need to isolate, which in turn will bring respite and ultimately release from the impact the pandemic is having on our freedoms and collective mental health. This in turn should trigger the green shoots of recovery for a global economy that will be feeling COVID related aftershocks for decades to come.

The Government too is reeling from the effects but will be implementing the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 ('the Regulation'). The intention of the Regulation is to encourage individuals with problem debt to access formal debt advice and in doing so allow them 'breathing space' to identify a sustainable solution to their debt problems. The regulation is currently due to come into force on 4th May 2021.

This of course will have an impact upon debts being enforced and we set out below its details.

## What is breathing space?

The scheme introduces a 60-day pause on the accrual of interest, fees and charges on personal debts and some business debt. The scheme also ensures that those in debt are protected from enforcement action from creditors. This is not to be confused with a payment holiday, a mortgage/loan based relief that was given to many individuals during earlier lockdowns.

Under this Regulation, individuals will still have to meet deadlines for ongoing liabilities, including mortgage, hire purchase payments etc. throughout the breathing space period.

Individuals who are facing debt problems will have access to the 60-day breathing space moratorium once in a 12-month period. The Regulation aims to encourage individuals in debt to fully engage with debt advice and seek sustainable solutions to their debts.

*"...trigger the green shoots of recovery for a global economy that will be feeling COVID-related aftershocks for decades to come."*

This was a scheme, which was committed to in 2017 in the Conservative Party Manifesto, but would seemingly be well timed in 2021, given the current economic situation facing not only the country but many individuals.

## Who can apply?

A person who is in debt must first apply for debt advice. The debt advice provider can then access the Breathing Space Moratorium

application on behalf of the individual. In other words, the application can only be made once the debtor has obtained the advice. The advice can be in person, over the phone or by electronic means.

## What should the application contain?

The application should contain details of debts, which the individual is subject to at the date of the application. The contact details of the creditor to whom the debt is owed should also be noted. Details of any enforcement agent who is used by the creditor for the purposes of collection or enforcement of the debt must also be included on the application.

*"During the enforcement procedure, a debt will most likely be accruing interest and or additional charges, enforcement companies therefore have an obligation to act in accordance with the Regulation."*

## The Regulation in the Enforcement Industry?

During the enforcement procedure, a debt will most likely be accruing interest and or additional charges, enforcement companies therefore have an obligation to act in accordance with the Regulation. Failure to do so will be a regulatory breach for which the companies will be criminally liable.

The Government previously said that the scheme 'would stop most collections and recovery action from taking place'. A creditor would not be able to apply to the court to enforce a judgement or order. Creditors will be responsible for notifying their agents of the existence of such moratoria to avoid agents acting on behalf of the creditor taking any prohibited action.

Therefore, creditors will need to ensure that systems and operations are put in place to confirm compliance and that neither they nor their agent takes any action against a debtor subject to a moratorium under this Regulation. In addition, similar systems will need to be put in place to ensure that interest and charges do not accrue during this time period. Remember a 60-day breathing space moratorium is available to debtors once in a 12-month period.

## Mental Health Crisis Moratorium

The Mental Health Crisis moratorium is a moratorium implemented for an individual who is in debt and receiving mental health crisis treatment. The Regulation defines 'mental health crisis treatment' as 'an individual who has been detained in hospital under the Mental



*Health Act' or 'has had to be removed to a place of safety by the police'.*

There are many circumstances whereby this might apply and would be assessed on a case-by-case basis. Unlike the Breathing Space Moratorium, a certain list of persons can submit an application to a debt advice provider on behalf of the individual who is in debt.

Whilst this is under a separate moratorium, the same rules apply and the creditors will have the same responsibilities to ensure compliance with the Regulation.

### Conclusion

The Breathing Space Regulations will help those in debt, and we will no doubt see companies springing up 'helping' debtors obtain their moratoria.

Creditors' green shoots of recovery could be stifled by these regulations, where income or the ability to continue with recovery actions will be intermittently disrupted and where recovery action breaches this Regulation, enforcement action could follow for non-compliance.

Understanding obligations under these regulations is key to protect creditors and enforcement companies moving forwards.

Should you have any queries relating to the matters discussed in this article and the requirements and implications for your business, Derek and JMW's COVID-19 Business Compliance and Response team can be contacted via the following details:

### JMW COVID-19 Hub

- 1 Call 0345 872 6666 and quote: *'Derek Millard-Smith Enforcement News'* for a free 15 minute consultation
- 2 [www.jmw.co.uk/Covid-19-hub](http://www.jmw.co.uk/Covid-19-hub)
- 3 Alternatively contact Derek directly on: [derek.millard-smith@jmw.co.uk](mailto:derek.millard-smith@jmw.co.uk)



**Derek Millard-Smith**

Partner and Head of Consumer Law  
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# COVID-19 Support Plan and Training Portal

CIVEA and its members have worked closely with central and local government and other organisations throughout the coronavirus pandemic. Our priority has always been the safety of our staff, customers and members of the public. We developed new guidance and mandatory training programmes during the first lockdown, which contributed to the lifting of restrictions and return to enforcement. The COVID-19 Support Plan is regularly updated to reflect the latest findings and best practice. It can be found by clicking [here](#).

Along with updated guidance in our COVID-19 Support Plan, CIVEA has launched a new training portal this year to reinforce lockdown safety procedures. The training has been devised in conjunction with CDER Group and provides both refresher training on COVID-19 practices as well as a new module on the identification and support of vulnerable people.

Enforcement agents are already well versed on the most important aspects of coronavirus safety, such as using and disposing of PPE, as this has become integral to their daily work. The refresher training ensures that standards remain high. There

As well as the new COVID-19 Support Plan, there are previously published instructional videos 'COVID-19 Safe Working Practices' and 'CIVEA Guide To Enforcement' available to view on the CIVEA website.

has been no indication of standards slipping and complaint levels remain low, with any complaints registered being dealt with quickly. On rare occasions, disciplinary action has been taken where agents have contravened the guidance.

Our recent focus on refreshing knowledge is a response to the dynamic nature of this crisis. For example, we provided new advice on handling cash when people have no other means to pay their debt and what agents should do when masks cause communication



difficulties. Lessons have been learnt from the findings shared in our detailed report, based on the experiences of 21 enforcement firms and their field agents after enforcement visits resumed last year.

Much of the vulnerability module covers standard procedure for welfare teams, including TEXAS, IDEA and BRUCE techniques. Particular emphasis has been placed on identifying and assisting people with poor mental health. The training also includes tangential topics, such as serious and long-term illness, suicide, gambling and addiction, which impact people's financial and health status and has been exacerbated during the lockdowns.

Evidence suggests the precautions we are implementing remain successful. We were encouraged by the confidence shown in enforcement activity by the Secretary of State for Justice, who communicated to us recently that he is "grateful for all the work that the sector has undertaken to ensure that enforcement agents operate safely." This level of reassurance should provide confidence that enforcement activity remains safe, appropriate and essential.

To view the latest guidance for enforcement agents, please visit our [dedicated web page](#).

## Who are Crown Commercial Service?



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**Crown Commercial Service (CCS)** is an Executive Agency of the Cabinet Office. It plays an important role in empowering the UK public sector to save money when buying common goods and services.

We use our commercial expertise to help buyers in central government and across the public and third sectors to purchase everything from locum

doctors and laptops to police cars and electricity.

The collective purchasing power of our customers, plus our procurement knowledge, means we can get the best commercial deals in the interests of taxpayers. Our ambition is to ensure we provide central government and the wider public sector access to best-in-class suppliers facilitating best-in-class solutions and services.

### Debt Resolution Services

A key part of our strategy is to deliver The Debt Resolution Services (DRS) framework. The DRS will be tendered in Summer 2021, and awarded in Autumn, and will succeed both the DMI and DMS frameworks.

Unlike the DMI and DMS frameworks, **DRS will not be a single supplier solution.**

In the enforcement and associated lots we will be looking to create panels of suppliers that customers can contract with directly. Our ambition is to attract a mix of SME and larger organisations that are best-in-class and can demonstrate value for money along with social value contributions.

If you would like to know more about the DRS, or the wider category please get in touch at [drs.info@crowncommercial.gov.uk](mailto:drs.info@crowncommercial.gov.uk) Matthew Hooper, Senior Commercial Lead, Crown Commercial Service.

We will be writing in more detail about our work in the next edition of Enforcement News.

# What is vulnerability and how do we know that somebody is vulnerable?

I've spent most of my career dealing with consumers, mainly in the world of credit reference agencies, speaking to, what must be tens of thousands of people grappling to understand the complex language of credit reports and financial services. The subject of 'vulnerability' cropped up many, many years ago: Should we be aware if somebody is vulnerable? How do we know that somebody is vulnerable? What is vulnerability? How should we treat people?

Vulnerability has never been such a hot topic. We could probably attend a webinar or a conference about it a couple of times a week if we chose to. It has been exaggerated by the pandemic and increasing focus by regulators. The same questions are still being asked and we'll probably never have definitive answers.

The reality is, we can all be vulnerable but in different ways. What we do know is that, if we're vulnerable, on the whole, we've got a higher propensity to fall into debt. If we owe money it is highly likely to make us feel overwhelmed and frightened and either start to challenge our mental health and the whole thing can easily spiral out of control.

We developed the Vulnerability Registration Service (VRS) nearly five years ago. To me, it was an obvious thing to do. You can't begin to treat vulnerable people appropriately or extend support to them unless you know who they are. So, we tried to develop a tool to start to address that problem. It had to be simple – you can't define everybody's vulnerability; you can't detail their exact circumstances and you cannot decide exactly how they need to be treated. However, there is no way any of their needs can be addressed without some kind of signpost for an organisation to know that vulnerability exists in the first place.

VRS is simply a method of sharing data about vulnerable people and we consider that vulnerability is probably relevant to many of the service providers and organisations that one person deals with. That might be public or private sector; it may be their mobile phone or internet service provider, their bank, their energy company or their insurer. One person is potentially vulnerable many times over. One of the most difficult parts of being in a vulnerable situation is to keep repeating the same circumstances, the same scenario over and over again, sometimes repeatedly to one company, but also to many different companies.



*"If we owe money it is highly likely to make us feel overwhelmed and frightened and either start to challenge our mental health and the whole thing can easily spiral out of control."*

Our answer to start to address this – and it isn't a miracle cure – is to allow somebody (or someone acting on their behalf) to flag up that they are vulnerable. We have definitions and pointers within the data we hold but they are deliberately high-level. That allows any organisation to draw on that information and help the vulnerable person circumvent some of the complexities a consumer might face in dealing with them. They can easily be channelled to a specialist team and their needs can be met, they can be offered the right level

of support and those 'outcomes', which are repeatedly mentioned in discussions about vulnerability, can be achieved. And if one company is told about an individual's situation, they can share that with all the other companies that person deals with, taking away much of the pain of them having to go over and over it again.

*"One of the most difficult parts of being in a vulnerable situation is to keep repeating the same circumstances, the same scenario over and over again, sometimes repeatedly to one company, but also to many different companies."*

Data sharing can be extremely powerful, and it becomes even more powerful, the more people who commit to it. However, it takes quite a lot for organisations to dip their toe in the water. There are questions about security, about data privacy and data protection regulations. Is it commercially viable? Are we going to be early adopters? How is the information shared being validated?

We have answers to these questions and to many more. I'm sure there are questions that will keep emerging that we haven't even thought of. But, unless tangible action starts to be taken, those vulnerable people will not be able to start to alert companies of their position, so we urge organisations to dip their toe in that water to create the critical mass that will inevitably make sharing that data successful and gradually remove some of the heat from the millions of vulnerable people out there.

I've been around long enough to remember previous concerns about data sharing – sharing public record information such as the electoral roll, court judgments and bankruptcies, the reluctance to

share bank account details and data for fraud prevention. All of those are now pretty much a given even though it still comes with its challenges. Hopefully, we very will soon see a time when a simple check to see if somebody is in a vulnerable position will also become a given.

The data held by VRS comes directly from individuals themselves, when a Power of Attorney is held or when we are advised a Court of Protection Order is in place. The latter is provided to us by local authorities and solicitors. We're also told of consumers' vulnerability by the organisations we deal with, where they have a legal basis to do so. My question is, why wouldn't an organisation do a simple, low-cost check to see if a person is flagged as vulnerable to target their treatment accordingly?



**Helen Lord**  
Director –  
The Vulnerability Registration Service  
[helen@vregservice.co.uk](mailto:helen@vregservice.co.uk)



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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.

CIVEA previously introduced a new strengthened Code, which exceeds the statutory requirements and the National Standards. A compliance framework ensures that firms comply with these objectives. This process is overseen by an independence panel of experts known as the Compliant, Adjudication and Review of Enforcement (CARE) Panel, who oversee enforcement practices and promote working together to achieve industry goals. In 2020, we released a blog series authored by the CARE panel and these contributions remain available to view online now.

Here are some examples of our recent blog posts:

## REFLECTING ON 2020



## UNIVERSAL COLLABORATION

Within the last year, the need for direct collaboration has become more evident and increased collaboration can often lead to better communications and cohesive approaches. In our latest CIVEA blog, we reflect on the collaborative developments that are happening in enforcement and discuss why this is a positive step towards the future. To read more, visit: <https://bit.ly/3nVVkd8>



## CARE PANEL BLOG



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