CIVEA CODE OF PRACTICE FOR ENFORCEMENT

Clause	Recommended or Mandatory	Details / Explanation
1a. Taking Control of Goods		
i) Use of Body Worn Video (BWV) Systems	**Mandatory**	BWV systems must be deployed by Members to provide supporting evidence in response to EA complaints and for compliance monitoring and training purposes. The use of such equipment needs to be monitored with appropriate policies, guidance and justification.
ii) BWV and audio recording retention	**Mandatory**	Members should retain audio recordings and Body-Worn Video footage for a minimum of 28 days.
1b. Enforcement Agents		
i) Provision of ID and disclosure of documents	**Mandatory**	All EAs employed or engaged by Members must comply with the regulations and law including requirement to provide identification on request, provision of authority and disclosure of information ensuring that such information is not divulged or shared with 3rd parties without authority or legitimate purpose.
ii) Monitoring	**Mandatory**	Members should have adequate audit procedures in place to monitor EA compliance with company procedures. An audit of individual EAs must be conducted at least annually.
	Mandatory	This Code will be independently assessed, and members will be regularly audited to ensure compliance.
iii) Behaviour	**Mandatory**	Members must ensure that EAs must carry out their duties professionally and not mispresent their powers, qualifications, capacities or do anything to prejudice the representation or integrity of their client, employer or the profession.

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		Members must always take responsibility for EAs to be respectful of the religion and cultures of others. Members should be aware of and sensitive to the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or festival.
iv) Compliance Stage	**Mandatory** **Recommended**	Members will have adequate systems and processes in place to correctly "link" cases for the same debtor to ensure, where reasonably possible, only one Enforcement Fee is added to the total debt where cases for the same debtor can be enforced at the same time. Members will accept payment and consider payment arrangements from debtors up to the point of the subsequent visit, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014 and the Taking Control of Goods National Standards. Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in a consistent form.
v) Enforcement Stage	**Mandatory**	Members will have adequate systems and processes in place to correctly "link" cases for the same debtor to ensure, where reasonably possible, only one Enforcement Fee is added to the total debt where cases for the same debtor can be enforced at the same time. Members will accept payment and consider payment arrangements from debtors without the Enforcement fee up to the point of the subsequent visit when the Enforcement fee will be applied, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014. A family member or other third party should not be pressured into paying on behalf of a debtor, although a voluntary payment can be accepted where this avoids unwanted visits or goods being seized or removed. The name of the EA attending the premises must be made clear on any documents left with the debtor or at the premises. All relevant contacts and telephone numbers should be displayed clearly as should the relevant reference number(s).

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		Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in a consistent form.
vi) Sale or Disposal Stage	**Mandatory**	Members will only apply the Sale or Disposal fee where the visit is not a standard Enforcement Stage visit and only where there has been a clear step change (which can be proven), demonstrating the EA is attending to remove goods. This will be indicated by a Notice after entry and/or taking control of goods on a highway in accordance with paragraph 30 of the TCOG Regulations 2013. Members will accept payment and consider payment arrangements from debtors without the Sale / Removal fee up to the point of the subsequent visit when the Sale / Removal fee will be applied, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014. Members will adhere to revised standardisation of mandatory documents, which will ensure that information is available in a consistent form.
vii) Debt Advice Signposting	**Mandatory**	In addition to existing mandatory requirements outlined in the Regulations all Members will signpost debtors to third party debt advice sector throughout the entire collection lifecycle.
viii) Safeguarding	**Mandatory**	Members will ensure that a safeguarding policy is in place and all staff meet specified safeguarding standards.
2. Quality Control		
i) Call Centre monitoring	**Recommended** **Mandatory** **Mandatory**	All Members should record incoming and outgoing telephone calls made to/from their Call Centre. All enforcement agencies must maintain enough telephone lines, with enough trained and competent staff available to answer debtor calls. Telephone calls must be answered within a reasonable time limit. Members will not charge a premium rate or other special rate telephone number which is higher than a standard geographic telephone number.

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ii) Quality control	**Recommended**	Members should implement a proactive audit process that reviews the quality of visits and calls handled to ensure staff meet the requirements of the statutory regulations, National Standards and Codes of Practice and act (re-training, disciplinary action) where failures are identified.
iii) Whistleblowing	**Mandatory**	Members should refer any employee or contractor to the Courts and/or CIVEA where significant non-compliant behaviour is found as a result of the complaint
3. Complaints Handling		
i) Complaints policy	**Mandatory** **Mandatory**	All Members shall have an accessible and fully documented complaints process that should be available in print form and available via the Members website. All members shall allow complaints to be registered by letter, telephone, email and website contact.
ii) Complaints process	**Mandatory**	Members should have at least a two-stage process that enables complainants to have their complaint escalated and reviewed by someone more senior if they are unhappy with the initial response
iii) Complaints process	**Mandatory**	Members shall include reference to the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales) complaint contact information - via their client - when the internal stages have been exhausted, except in complaints relating to magistrates' and Highways England (which continue to be adjudicated by CIVEA)
iv) Complaints process	**Mandatory**	Members should acknowledge receipt of a complaint within 5 working days
v) Complaints process	**Mandatory**	Members should aim to respond fully to complaints within 10 working days and achieve this in 90% of cases. If the member is unable to do this, they must contact the debtor to explain why and let them know when they can reasonably expect to receive a full response.
vi) Complaints process	**Mandatory**	Members must respond to requests from the ombudsman in relation to complaints within 10 working days of receipt providing all the information requested
vii) Complaints process	**Mandatory**	Members must abide by the decision and the direction made by CIVEA or the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales) in relation to complaints unless there is a compelling reason that they are unable to do so; for example, if they are contractually or operationally unable to implement the decision.

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4. Training and Development		
i) Qualifications and Training	**Mandatory**	Members will ensure all EAs are qualified to at least a Level 2 Award on the Regulated Qualifications Framework (RQF) or equivalent as determined by a nationally accredited awarding body. The CIVEA IRRV Level 2 Award is recommended.
	Advisory	It is recommended that EAs that have completed basic training are progressed to achieve a level 3 Award on the RQF or equivalent as determined by a nationally accredited awarding body.
	Mandatory	EAs should be trained to recognise and avoid potentially hazardous and aggressive situations and to withdraw when in doubt about their own or others' safety.
	Recommended	It is recommended that CIVEA members' employees receive accredited training on vulnerability.
	Mandatory	EAs should be trained to identify and respond appropriately to cases of vulnerability, with referral to the client/creditor where required.
5. Policies and Procedures		
i) Policies and Procedures	**Mandatory**	Members will put in place relevant policies and procedures and will ensure all staff responsible for the delivery of the services have a thorough understanding of them.
	Mandatory	A copy of the CIVEA Code of Practice and National Standards should be available on the member's website and be made available upon request.
	Mandatory	Members will advise CIVEA if a breach of the code is identified in a complaint decision by the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales).
6. Staff and Subcontractors		
i) Responsibility	**Mandatory**	Members are responsible for the conduct of all staff, including enforcement agents and sub-contractors enforcing their instructions, whether those agents are employed staff or third-party contractors.
7. Financial Integrity		

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i) Client Accounts	**Mandatory**	Members must submit annual auditor's declaration in respect of adequate funds
ii) PI Insurance	**Mandatory**	Members must provide CIVEA with proof of appropriate insurance policies
iii) GDPR	**Mandatory**	Members must have in place relevant, documented GDPR policy and compliance strategies
8.Working with Clients		
i) Debtor details	**Recommended**	Members will work with clients to ensure EAs have appropriate detail about the debt they are recovering.
ii) Contact numbers	**Recommended**	Members will ensure EAs can provide debtors with contact numbers.
iii) Breathing space	**Mandatory**	Members will implement breathing space in line with client requirements.
iv) Debt recovery performance	**Recommended**	Members will work with CIVEA to publish collective information on debt recovery performance.
9. Payment Plans		
i) Income and expenditure assessment	**Recommended**	Members to work with clients to support use of income and expenditure assessment.
ii) Negotiating payment plans	**Mandatory**	Members to provide guidance to EAs and all staff on negotiating sustainable payment plans.
iii) Extended payment plans	**Recommended**	Member will agree to longer payment plans, following an affordability assessment and evidence of circumstances, where client policy allows.
10. Support for Vulnerable People		
i) Dealing with vulnerable people	**Mandatory**	Members must ensure all public facing staff working with/for the Member, who engage with debtors, will undertake mandatory training in identifying and dealing with vulnerable persons, ~~dealing with conflict,~~ customer care skills and techniques.
	Mandatory	Members will agree standard procedures with their clients for supporting vulnerable people.
11. Data requests		
i) Data requests	**Mandatory**	Members will provide a comprehensive response to data requests from the CIVEA executive
12. Privacy and confidentiality		
i) Data protection ii) Contact with debtors	**Mandatory**	Enforcement agencies must comply with the relevant data protection regulations. Enforcement agents and enforcement staff must take reasonable steps to ensure they are speaking to the debtor either in person or on the telephone. If the person is not the debtor, every effort should be made

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		not to discuss the nature of the account or, if applicable, the reason for an agent's visit without the debtor's consent.
13. Governance		
Management accountability	**Mandatory**	Members will ensure that code compliance and the audit process is overseen by an accountable senior manager.