

**Coventry City Council
Guidelines for potentially
Vulnerable Groups
6 April 2014**



CODE OF PRACTICE

Contents

1. Introduction

2. Working Practices

Reviewed March 2014

1 INTRODUCTION

These guidelines are specific to Coventry City Council. They pay due care to the standards for potential vulnerability as set out in the National Standards for Enforcement Agents (Ministry of Justice - January 2012), and the CIVEA (Civil Enforcement Association) Code of Conduct and Good Practice Guide - May 2011).

1.1 Coventry City Council will endeavour:-

- To make realistic payment arrangements with debtors based on the total debt outstanding in order to maximise collection of all debts.
- Ensure that the process taking control of goods is clear and reasonable.

1.2 Terms included in this Code of Practice and what they mean:

- **Enforcement Agent's Office** means the company that provides enforcement services for Coventry City Council debts.
- **The Enforcement Agent** is the individual undertaking the function of taking control of goods for Coventry City Council debts. In this instance the individual will be an employee of the Enforcement Agent's Office.
- Taking control of goods is the start of the process which could ultimately result in the removal of a debtor's goods by the Enforcement Agent for sale.

2 WORKING PRACTICES

2.1 As outlined in the National Standards for Enforcement Agents, Enforcement Agents must withdraw from domestic premises if:-

- The only person present is or appears to be under the age of 18. They can ask when the debtor will be home if appropriate.
- Without making enquiries, if the only persons present are children who appear to be under the age of 12.
- Enforcement Agents must have arrangements in place for rapidly assessing translation services where these are needed and provide on request information in large print or in braille for debtors with impaired sight.

2.2 In addition to the above, in cases where it has been established, that someone whose permanent, emotional, physical, psychological or cognitive state means that they cannot be expected to make informed decisions about their own debt management without help from others, the Enforcement Agent will stop any action and refer the case back to the council. A decision will then be made by the Council as to how to proceed.

2.3 Where either a concern is raised, or the Enforcement Agent has concerns, the case will be put on hold for a period of seven days to allow for documentary evidence to be provided to the Enforcement Agent contractor

2.4 Where the above event is deemed to be of a short term nature the Enforcement Agent will put the case on hold for one month following the event before continuing action.

- 2.5 Where there is a potential vulnerability, but an ability to pay, this will be flagged on the Enforcement Agent's records and referred to the specialist vulnerability advisors for follow up.
- 2.6 A **potentially** 'vulnerable' customer is defined in the National Standards for Enforcement Agents and **may** include:
- The elderly
 - People with a disability
 - The seriously ill
 - The recently bereaved
 - Single parent families
 - Pregnant women
 - Unemployed people,
 - Those with long term/prolonged incapacity and,
 - Those who have obvious difficulty in understanding, speaking or reading English
- 2.7 Where potential vulnerability has been identified, the Enforcement Agent will not attempt to gain entry and will refer the case to the specialist vulnerability advisors. If this is identified at the Enforcement Stage then the Enforcement Agents office will revert the case back to Compliance stage and withdraw the associated fees incurred at the enforcement stage.
- 2.8 In all other cases the Enforcement Agent should attempt to collect the total amount outstanding or, if this is not possible, by a payment arrangement to be cleared as quickly as the financial circumstances of the debtor reasonably allows. There is no minimum payment set by Coventry City Council.
- 2.9 Before agreeing an arrangement to pay, the Enforcement Agent must:
- Attempt to collect as much information from the debtor relating to the debtor's employer or of any claims for means tested benefits.
 - Take account of information provided by the debtor such as, other creditors, family and personal circumstances, employment details, benefits etc.
- 2.10 If a payment arrangement has been agreed with someone who is potentially vulnerable then the Enforcement Agent can take control of goods, but will not remove goods without prior approval from Coventry City Council.
- 2.11 If a payment arrangement has not been agreed the Enforcement Agent may attempt to take control of goods/levy in accordance with the statutory rules.
- 2.12 The Enforcement Agent will provide clear statements of account, showing liability of Council Tax and additional charges incurred.
- 2.13 The Enforcement Agent will charge allowable fees for a visit to the debtor, in accordance with the relevant legislation.
- 2.14 Where exceptional or additional fees apply, these will be determined by Coventry City Council or the Court if applicable.
- 2.15 Charges to be monitored closely by Coventry City Council.
- 2.16 No goods will be removed where payments are being made in accordance with the agreement between the Enforcement Agent and the debtor.

- 2.17 The Enforcement Agent must remember that entry into a debtor's home should be peaceable. If forced entry is necessary, agreement must first be obtained from Coventry City Council and every effort will be made to have a police presence.
- 2.18 When dealing with debtors who do not speak English, the Enforcement Agent must access translation services to ensure that the debtors are fully aware of what is happening. If this is not available from the private firm's own resources, advice from Coventry City Council must be sought.
- 2.19 The debtor should be encouraged to seek independent advice on income maximisation, benefits, budgeting and money management where appropriate.
- 2.20 Where the debtor has made an application for an Administration Order, Bankruptcy Petition at their local County Court or a Debt Relief Order, on receipt of documentary proof, the Enforcement Agent must suspend all collection action until the outcome of the application is known
- 2.21 The Enforcement Agent must comply with the protection from taking control of goods, a list of which can be found in regulations 4 and 5. A detailed list is attached as Appendix 1.
- 2.22 In Business Rates cases where the removal of goods would force the closure of the business, the Enforcement Agent will contact the Council before removal is undertaken.
- 2.23 The Enforcement Agent will be mindful of the debtor's circumstances and remove goods in an appropriate and professional manner and ensure their safekeeping.
- 2.24 The Enforcement Agent will provide a receipt and authorised possession notice to the debtor for all goods removed.
- 2.25 The Enforcement Agent will advise the debtor where the goods will be stored and the anticipated date and place of public auction.
- 2.26 Visits will be carried out between the hours of 6am and 9pm, unless the business operates outside these hours or where taking control of goods commences before 9pm.
- 2.27 Where the Enforcement Agent decides the debtor is unable to put forward a reasonable offer of payment, or has insufficient goods or refuses legal access, the case will be returned to Coventry City Council with a full report of the circumstances of the case.
- 2.28 The Complaints procedure to be clear and easy to follow. Complaints will be acknowledged within a period of 3 working days and a full response sent within 10 working days.

Protection from taking control of goods

Exempt Goods as defined in regulations 4 and 5

Regulation 4. (1) Subject to paragraph (2) and to regulation 5, the following goods of the debtor are exempt goods—

- (a) items or equipment (for example, tools, books, telephones, computer equipment and vehicles) which are necessary for use personally by the debtor in the debtor's employment, business, trade, profession, study or education, except that in any case the aggregate value of the items or equipment to which this exemption is applied shall not exceed £1,350;
- (b) such clothing, bedding, furniture, household equipment, items and provisions as are reasonably required to satisfy the basic domestic needs of the debtor and every member of the debtor's household, including (but not restricted to)—
 - (i) a cooker or microwave;
 - (ii) a refrigerator;
 - (iii) a washing machine;
 - (iv) a dining table large enough, and sufficient dining chairs, to seat the debtor and every member of the debtor's household;
 - (v) beds and bedding sufficient for the debtor and every member of the debtor's household;
 - (vi) one landline telephone, or if there is no landline telephone at the premises, a mobile or internet telephone which may be used by the debtor or a member of the debtor's household;
 - (vii) any item or equipment reasonably required for—
 - (aa) the medical care of the debtor or any member of the debtor's household;
 - (bb) safety in the dwelling-house; or
 - (cc) the security of the dwelling-house (for example, an alarm system) or security in the dwelling-house;
 - (viii) sufficient lamps or stoves, or other appliance designed to provide lighting or heating facilities, to satisfy the basic heating and lighting needs of the debtor's household; and
 - (ix) any item or equipment reasonably required for the care of—
 - (aa) a person under the age of 18;
 - (bb) a disabled person; or
 - (cc) an older person;

- (c) assistance dogs (including guide dogs, hearing dogs and dogs for disabled persons), sheep dogs, guard dogs or domestic pets;
- (d) a vehicle on which a valid disabled person's badge is displayed because it is used for, or in relation to which there are reasonable grounds for believing that it is used for, the carriage of a disabled person;
- (e) a vehicle (whether in public ownership or not) which is being used for, or in relation to which there are reasonable grounds for believing that it is used for, police, fire or ambulance purposes; and
- (f) a vehicle displaying a valid British Medical Association badge or other health emergency badge because it is being used for, or in relation to which there are reasonable grounds for believing that it is used for, health emergency purposes.