

Coventry City Council

Protocol for dealing with potentially vulnerable
debtors



	Version: 1.0
Protocol for dealing with potentially vulnerable debtors	Date: 01/02/19

1 Background

- 1.1 These guidelines are specific to Coventry City Council. The guidelines are supplementary to the standards for potential vulnerability set out in the Taking Control of Goods national standards 2014 and the Civil Enforcement Association (CIVEA) Code of Conduct and Good Practice Guide 2011.
- 1.2 Coventry City Council will endeavour:
- To make realistic payment arrangements with debtors based on the total debt outstanding in order to maximise sustainable collection of all debts;
 - To use debt recovery methods appropriate to the circumstances of the debtor, including any identified vulnerability;
 - Ensure that the process for taking control of goods is clear and reasonable.
- 1.3 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 Taking Control of Goods national standards, 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 accessing 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.

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- 2.3 Where a concern is raised about potential vulnerability by an informed person or the Enforcement Agent has concerns, the case will be put on hold for a period of 14 days. During this period further attempts will be made to confirm the vulnerability and any associated medical conditions. In the main, Enforcement Agents will accept assertions submitted by advice agencies regarding client medical circumstances. Medical evidence may be requested in certain circumstances.
- 2.4 Where an identified vulnerability is deemed to be temporary, the Enforcement Agent will put the case on hold for one month from the date that vulnerability has been established. After one month the EA will, before proceeding with normal enforcement action, assess whether vulnerability remains or new vulnerability has arisen.
- 2.5 Where vulnerability is reassessed after one month for those deemed to have a temporary vulnerability and no clear ability to pay, but the previously identified vulnerability has persisted, the EA should either put the debt recovery process on hold for another month or return the case to the council for further action. Where debt recovery has continued in line with guideline 2.5 no end of month re-assessment should be required.
- 2.6 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 (SVA) for follow up. Where debt recovery continues SVAs will create and deliver a debt recovery plan which takes account of the debtor's vulnerabilities.
- 2.7 A potentially 'vulnerable' person 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
 - Those who have obvious difficulty in understanding, speaking or reading English.
- 2.8 A vulnerable person is one where the EA and/or Council are satisfied that the debtor is unable to make informed decisions about their debts without independent support.
- 2.9 Where actual vulnerability has been established, 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

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revert the case back to Compliance stage and withdraw the associated fees incurred at the enforcement stage.

- 2.10 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.
- 2.11 Before agreeing an arrangement to pay, the Enforcement Agent must:
- Attempt to collect as much information from the debtor, or their authorised representative, relating to the debtor's employer or of any claims for earnings replacement or disability benefits.
 - Take account of information provided by the debtor such as, other creditors, family and personal circumstances, employment details, benefits etc.
 - if a payment arrangement has been agreed with someone who is then identified as potentially vulnerable recovery should be suspended for sufficient time for the debtor or debtor's authorised representative to prove an identified vulnerability (or otherwise). If proven guidelines 2.4, 2.5 and 2.6 should be applied. If no vulnerability is proven normal recovery should resume'.
- 2.12 If a payment arrangement has not been agreed the Enforcement Agent may attempt to take control of goodslevy in accordance with the statutory rules.
- 2.13 The Enforcement Agent will provide clear statements of account, showing liability of Council Tax and additional charges incurred.
- 2.14 The Enforcement Agent will charge allowable fees for a visit to the debtor, in accordance with the relevant legislation.
- 2.15 Where exceptional or additional fees apply, these will be determined by Coventry City Council or the Court if applicable.
- 2.16 Charges to be monitored closely by Coventry City Council.
- 2.17 No goods will be removed where payments are being made in accordance with the agreement between the Enforcement Agent and the debtor.
- 2.18 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.
- 2.19 The debtor should be encouraged to seek independent advice on income maximisation, benefits, budgeting and money management where appropriate.
- 2.20 Where the debtor's authorised representative goes on record to declare that they are gathering evidence in order to make an application for an Administration Order, Bankruptcy Petition or Debt Relief Order all collection action should be suspended for a period of 21 days.

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- 2.21 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

- 2.22 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

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