



High Court Enforcement Officers – Best Practice

High Court Enforcement Officers abide by the Taking Control of Goods: National Standards which were published by the Ministry of Justice in April 2014.

The purpose of these standards is to ensure High Court Enforcement Officers share, build on and improve existing good practice and thereby raise the level of professionalism across the High Court enforcement industry. The standards also apply across the wider enforcement industry and are intended for use by all Enforcement Agents, public and private, the enforcement agencies that employ them and the major creditors who use their services. In order to improve the public's perception of the profession, High Court Enforcement Officers take a pride in adhering to these standards as exemplars of how enforcement services should be carried out in a responsible and balanced approach between the competing interests of creditor and debtor, or between claimant and defendant.

The Professionalism and Conduct of a High Court Enforcement Officers or their Agents

High Court Enforcement Officers should always produce relevant identification on request, such as a badge or ID card, together with a written authorisation to act on behalf of the creditor.

High Court Enforcement Officers must act within the law at all times, including all defined legislation (and, in particular, the post April 2014 Taking Control of Goods procedure) and observe all health and safety requirements in carrying out enforcement. They must maintain strict client confidentiality and comply with Data Protection legislation.

High Court Enforcement Officers must, for the purpose of executing any Writ (whether of Control or Execution) delivered to them, gain access to the debtor's goods without using unlawful force.

High Court Enforcement Officers must follow the Taking Control of Goods procedure and leave with the debtor, or at the premises, any other documents that are required by regulations or statute

High Court Enforcement Officers will carry out their duties in a professional, calm and dignified manner. They are required to dress appropriately and act with discretion and fairness.

High Court Enforcement Officers must not misrepresent their powers, qualifications, capacities, experience or abilities.

High Court Enforcement Officers must not discriminate unfairly on any grounds including those of age, disability, ethnicity, gender, race, religion or sexual orientation.

In circumstances where it is required, the High Court Enforcement Officer will carry out a risk assessment of any enforcement situation where there have been any previous acts of, or threats of, violence by a debtor.

Statutory or Financial Requirements for High Court Enforcement Officers

High Court Enforcement Officers must ensure that audited accounts are available to the Ministry of Justice



on request, where it is appropriate that these are kept.

An annual audit by independent accountants must be undertaken at least once a year and High Court Enforcement Officers have to confirm this has been done on an annual basis.

A separate account for money collected from the debtor and due to the creditor should be maintained and accurate books and accounts should be kept and be available to establish monies owed to the creditor.

High Court Enforcement Officers must keep a complete record of all financial transactions in whatever capacity undertaken.

High Court Enforcement Officers must comply with all the necessary statutory obligations in business; for example, relating to the Companies Act, Value Added Tax, Inland Revenue provisions, Data Protection and Health & Safety.

High Court Enforcement Officers must also maintain suitable and comprehensive insurance cover for both professional indemnity and other risks including Employer's Liability and Public Liability. Insurance requirements must be actively re-visited each year to ensure adequate and appropriate arrangements are in place.

Training and Certification

High Court Enforcement Officers must ensure that all enforcement agents, employees and contractors are provided with appropriate training to ensure that they understand and are able to act, at all times, within the bounds of the relevant legislation.

High Court Enforcement Officers are trained to recognise and avoid potentially hazardous and aggressive situations and to withdraw when in doubt about their own or others' safety.

Complaints and Discipline

High Court Enforcement Officers must operate complaints and disciplinary procedures with which all their Enforcement Officers must be fully conversant.

Our complaints procedure is set out in plain English. We have a Complaints Officer and Association Secretary who can help ensure that the complaint is handled correctly by the individual High Court Enforcement Officer. When that internal system is exhausted, if necessary the complaint can be transferred to the High Court Enforcement Officers Association itself for resolution.

Copies of the High Court Enforcement Officers Association Complaints Procedure are available from our 'Regulatory Information – Want to Complain' section and upon request from the Association Secretary.

Information and Confidentiality

All notices, correspondence and documentation issued by the High Court Enforcement Officer must be clear and unambiguous.



On returning any un-executed Writs, the High Court Enforcement Officer will report the outcome to the creditor and provide further appropriate information, where this is requested and paid for by the creditor.

All information obtained during the administration and enforcement of Writs must be treated as Confidential.

High Court Enforcement Officers will provide clear and prompt information to debtors and where appropriate, creditors. In addition, they will respond promptly to any correspondence from the Complaints Officer arising from a complaint to the Association.

High Court Enforcement Officers will, so far as it is practical, avoid disclosing the purpose of their visit to anyone other than the debtor.

Where the debtor is not seen, the relevant documents will be left at the address in a sealed envelope addressed to the debtor.

High Court Enforcement Officers will use the prescribed forms under the Taking Control of Goods procedure, which explain the effect of and enforcement fees applicable in, each stage of enforcement, when goods are taken into control and, where no contact is made with the debtor, will normally leave a suitable form providing contact details and setting out the balance due under the Writ.

Times and Hours

Enforcement against goods under a Writ of Control may take place on any day of the week but other types of Writ (such as Possession or Delivery) will not be enforced on Sundays, on Good Friday or on Christmas Day, unless the Court specifically orders otherwise.

Generally High Court Enforcement Officers will operate between the recommended hours of 6.00am and 9.00pm but this can be extended during trading hours, particularly in relation to public houses, restaurants and night clubs.

High Court Enforcement Officers are respectful of the religion and culture of others at all times. They are aware of the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or during any major religious or cultural festival.

Goods

High Court Enforcement Officers will only take goods in accordance with the appropriate regulations or statute, as detailed in the Taking Control of Goods Regulations 2013.

High Court Enforcement Officers will ensure that goods are handled with reasonable care so that they do not suffer any damage whilst in their possession and will have insurance in place for goods in transit so that if damage occurs this is covered by the High Court Enforcement Officer's insurance policy.

High Court Enforcement Officers will not remove anything clearly identifiable as an item belonging to, or for the exclusive use of a child.



A receipt for the goods removed will be given to the debtor or left at the premises.

High Court Enforcement Officers will take all reasonable steps to satisfy themselves that the value of the goods taken into control, in satisfaction of the judgment, is proportional to the value of the debt and charges owed.

Vulnerable Situations

High Court Enforcement Officers recognise that they have a role in ensuring that the vulnerable and socially excluded are protected and that the recovery process includes procedures agreed between the High Court Enforcement Officer and creditor about how such situations should be dealt with.

The appropriate use of discretion is core to how a High Court Enforcement Officer will approach any given situation and will use his or her experience to handle members of the public with due care and consideration.

High Court Enforcement Officers will contact the creditor and report the circumstances in situations where there is potential cause for concern. If necessary, the High Court Enforcement Officer will advise the creditor if further action is inappropriate.

The exercise of suitable discretion is needed, not only to protect the debtor, but also the High Court Enforcement Officer who has been trained to avoid taking action which could lead to accusations of inappropriate behavior.

High Court Enforcement Officers must withdraw from domestic premises if the only person present is, or appears to be, under the age of 16; they will ask when the debtor will return home, where appropriate. High Court Enforcement Officers will withdraw from making enquiries at any address if the only persons present are children who appear to be under the age of 12.

Wherever possible, High Court Enforcement Officers will have arrangements in place for rapidly accessing translation services when these are needed, and provide on request information in large print or in Braille for debtors with impaired sight.

Although not exhaustive, High Court Enforcement Officers recognise the following groups as being potentially vulnerable and will act accordingly:

- the elderly;
- people with a disability;
- the seriously ill;
- the recently bereaved;
- single parent families;
- pregnant women;
- unemployed people; and,
- those who have obvious difficulty in understanding, speaking or reading English