



High Court Enforcement Officers Association

Covid-19 – post-lockdown plan. A flexible and sympathetic approach to enforcement

Subject to change, the Government's intention is for enforcement visits at residential premises to restart from 24th August 2020.

This plan sets out the principles, working practices and behaviours that all High Court Enforcement Officers and their representatives will abide by during this phased lifting of the lockdown period.

HCEOA members recognise that some judgment debtors will be experiencing significant effects because of the COVID-19 situation. Existing vulnerability processes are designed to consider the case-by-case circumstances of judgment debtors and ensure they are treated fairly. This plan reinforces and extends these processes.

High Court Enforcement Officers will abide by the letter and the spirit of the law, and UK Government regulations and Public Health England and Wales' guidance at all times in implementing this plan.

1. Training

Members must undertake additional training of all enforcement agents prior to any recommencement of visits.

The training programme will include:

- The effective use of protective equipment e.g. face coverings
- The use of appropriate hygiene supplies
- Social distancing requirements
- How to protect themselves and those that they encounter in the community
- Supporting the vulnerable and recognising mental health issues, and
- Full familiarity and understanding of this Plan and what constitutes permitted activity

2. Data collection and recording

HCEOA members will collect and record details of customer vulnerabilities, in line with data protection requirements, e.g. customer consent, and develop support plans that reflect best practice on dealing with vulnerabilities as it impacts on households of COVID-19 in accordance with their vulnerability policies.

3. Provision of protective equipment

If an enforcement visit is made, members must ensure the visiting member of staff is wearing appropriate protective equipment and using appropriate hygiene supplies to protect themselves and protect and reassure debtors and members of the public.

4. Pre-lockdown cases

Where enforcement activity began pre-lockdown, members must attempt to make contact in advance of any further residential enforcement visits to identify any vulnerabilities or changes in circumstances. Suitable methods of contacting debtors include letters, emails, telephone calls and SMS.

5. Notices of enforcement

Members will continue to issue Notices of Enforcement in accordance with the Taking Control of Goods Regulations 2013, giving a minimum of 7 clear days' notice prior to a visit taking place. This is permitted and will continue throughout all phases of lockdown activity.

Where a judgment debtor contacts an HCEO during the compliance stage and identifies vulnerability then the member should deal with this through their vulnerability process before moving the case to the next stage of enforcement.

6. Post-lockdown visits

Appropriate social distancing measures in accordance with Government guidance will be observed at all times by all High Court Enforcement Officers and their representatives.

High Court Enforcement Officers and their representatives will use appropriate protective equipment at all times during any visits in accordance with Government guidance.

Residential addresses

Under current regulations, enforcement visits will recommence from 24th August 2020 under the Taking Control of Goods and Certification of Enforcement Agents (Amendment) (No 2) (Coronavirus) Regulations 2020.

- Agents will be trained to identify any vulnerabilities or changes in circumstances
- Enforcement agents will not enter premises or take control of goods where they are notified that any individual living at that address has Coronavirus or is isolating
- Where appropriate, vulnerable people or those severely impacted financially by the pandemic, e.g. through loss of job or receiving Statutory Sick Pay, will be referred to debt advice agencies for additional support.
- HCEOA members should, where payment in full is not made, enter controlled goods agreements and/or make arrangements to pay at Enforcement Stage 1. This will reduce the burden of increased fees on judgment debtors.

Commercial premises

Enforcement visits will continue to be made to commercial premises unless Government guidance instructs otherwise.

- Agents will be trained to identify any vulnerabilities or changes in circumstances
- Where appropriate organisations will be referred to relevant debt advice agencies for additional support
- HCEOA members should, where payment in full is not made, enter controlled goods agreements and arrangements to pay at Enforcement Stage 1. This will reduce the burden of increased fees on judgment debtors
- Where payment or an arrangement is not made, escalation to taking possession of goods will follow

This plan is based on current conditions, and the Association will update it in line with changes to UK Government and Public Health England and Wales guidelines.

23 June 2020