

Calling all Enforcement Agents / Agencies

Please join me in supporting the calls for an independent regulator.

Having been closely involved with the passage of the TCE reforms, as CIVEA President and a member of the MOJ industry working party I have considered long and hard whether the reforms required an Independent Regulator, or whether the current situation, self-regulation and regulation by clients, the LGO and for individual EAs, the County Court “certification complaint” process, was sufficient and fit for purpose. High Court Enforcement Officers are also subject to supervision by the Senior Master.



I have certainly never been opposed to an independent regulator, why would I be? A well run and responsible enforcement business would have nothing to fear from a properly qualified and adequately funded regulator, quite the opposite, a regulator would provide a level of assurance and protection to investors, the public, government and politicians. I have now decided that it is time for the Industry to embrace the call for an independent regulator and announced this position publicly during my talk at the IRRV Enforcement Conference in April.

Why have I now decided to join the call for a regulator, have the TCE reforms been a failure?

The first point to address is why when the Security Industry Authority (SIA) was proposed as a regulator that the industry was not generally supportive. The lack of enthusiasm for the SIA was driven by several factors.

The SIA is primarily a Licensing organisation and not a regulator and accordingly it was not in my view fit for purpose and in my brief dealings with SIA, I didn't get the sense that it had sufficient knowledge of the enforcement sector, nor did there appear to be a commitment to encourage positive engagement. I imagine that the small number of EAs and EA businesses, around 2000, meant that there was no compelling business case or appetite within the SIA to widen its remit, when it deals with 360,000 individuals in the various security sectors.

In regards to the TCE reforms my own personal experience and evidence is of those reforms having delivered the intended changes and improvements. The successes of TCE include:

- High levels of engagement during Compliance, resulting in customers not being visited and therefore only incurring the Compliance fee, which for many represents a reduction in costs;
- A reduction in complaints due to the simplified enforcement process and fixed transparent fees reducing areas of dispute;
- Improved awareness and training in all aspects of vulnerability and the development of specialist staff / teams;
- Evidence of all EAs having received externally verified training and evidence of investment in industry training that exceeds the minimum regulatory standard;
- Positive engagement with other stakeholders, such as the CIVEA / Money Advice Trust referral scheme;
- Best Practice guidance issued by CIVEA and HCEOA;
- Significant investment in technology to maintain engagement levels and evidence professional standards within the sector; and
- Over 8,000,000 cases successfully dealt with under the TCE regime.

The above list might prompt you to ask, “why is independent regulation needed, if TCE has been so successful?” and that would be a perfectly reasonable question. The answer lies in the various campaigns and reports from the Advice Sector, culminating with the publication of “Taking Control – The need for fundamental bailiff reform” in March 2017.

I attended the launch of this report and whilst I don’t recognise the case studies and evidence within the report, there are many well intentioned and senior figures within debt charities and advice sector organisations who have concerns about enforcement, concerns that I believe will only be addressed with the introduction of an independent regulator and therefore I believe it’s time for the Enforcement Profession to join with the Advice Sector and call for independent regulation.

I believe that there is already a robust complaints process in existence – we are subject to often intense scrutiny by our clients and the LGO and individual EAs are subject to judicial examination, which often leaves no stone unturned and I share the frustrations of many colleagues at untested allegations being presented as “evidence” of wrongdoing, when we all have evidence of complaints being shown to be untrue through BWV footage.

It’s important to acknowledge that prior to an EA being instructed our clients will have completed an arduous court process and attempted recovery unsuccessfully. Of course, enforcement businesses are not perfect, no business or sector is, however there is ample evidence of the investment being made by many businesses to promote exceptional customer service and to address problems when things go wrong. Its disappointing that good practice is not recognised and acknowledged by some external commentators.

However, I do not believe that we will slow the speed of critical reports until there is a regulator, when evidence will need to be disclosed and then tested, before there can be a conclusion of failure by EAs or EA businesses. Critical accounts will no longer be hidden from scrutiny behind “Data Protection” issues.

To be successful an independent regulator must be properly funded, without this imposing an un-costed burden on business and the regulator will need to have sector specific expertise and regulate all organisations and individuals, public and private sector, who are engaged in enforcement. I was pleased that the panel members at the “Taking Control” launch agreed with these prerequisites.

If you want to promote the high standards within the profession and the success of TCE, then please join me in supporting the call for an independent regulator.