



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## **Enforcement agent team safeguarding and duty of care policy**

**Date: May 2019**

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## INTRODUCTION

As a regular face in the community, our enforcement agents play a part in the Royal Borough of Kensington and Chelsea's commitment to safeguard vulnerable adults and children from harm and ensure their welfare is paramount. Our enforcement agent team has a duty of care when dealing with all customers (residential and business) during the process of collecting debts owed to the Council.

### 1.0 PURPOSE, SCOPE AND CONTEXT OF THIS POLICY

#### 1.1 Purpose

This policy is to provide good practice to the enforcement agent team (manager, agents and back office staff) to ensure they are fully committed to safeguarding the welfare of vulnerable adults, children and young people.

#### 1.2 Scope

- This policy applies to all staff visiting resident's homes in their duties to enforce the collection of Council Tax and NNDR and may come into contact or be made aware of vulnerable adults, children or young people experiencing harm, abuse or exploitation.
- It also applies to the back-office support staff in the enforcement team who come into contact with people, including other professionals and/or advice agencies on the phone, via email or letter and may become aware of vulnerable individuals with safeguarding issues.

#### 1.3 Context

Our enforcement agents act as eyes and ears in the community and whilst their primary role is to collect unpaid sums of money owed to the Council, they are expected to ensure all our residents and business owners are protected from genuine poverty, deprivation, harm, abuse, exploitation and social exclusion.

Our staff are trained to spot warning signs of any of the above issues and report these cases accordingly to the correct parties to intervene at the earliest opportunity to prevent harm. Whilst reporting abuse of children is an obvious example, as eyes and ears in the community they can also report cases to social services where they believe a vulnerable adult may benefit from a care package, for example.

As a service we strive to assist those experiencing financial issues through general budgeting advice, identification of underlying benefit entitlement, or entitlement to Council Tax Support along with signposting to free third-party debt advice agencies and working with those agencies with regards to wider debt issues. We will always strive to agree affordable repayment plans taking into account financial restrictions of the debtor (such as rent or mortgage, debts to other creditors, food and utility costs) and try to identify any income streams, such as Council Tax Support, that they may be entitled to but not currently claiming.

A key remit of our team is to ensure children do not suffer as a result of any financial issues the family may be suffering from, which could be compounded when it's a single parent family.

We strive to work with all customers before an enforcement agent is instructed to attend a home to prevent avoidable costs being incurred causing them the distress of an agent attending to collect a debt.

## 2.0 GENERAL

### 2.1 Our commitment

Our ultimate aim is to provide a fair, equitable, responsible and transparent recovery process which forms part of the same aims of the end-to-end Council Tax and NNDR billing and recovery objectives.

Our service will prioritise working with the customers who ‘can’t pay’ and vulnerable customers in terms of the support mechanisms we can provide to aid them through the process and help them over both the short and long term. We will still, however, proactively engage those who ‘can pay’ (late payers, forgetful payers and those who consistently only pay when the debt is at a late stage yearly.) to try to prevent avoidable costs being incurred and educate them how to avoid future recovery action.

For the customers who ‘won’t pay’, despite attempts to engage with them, we will follow the standard enforcement process which will result in doorstep enforcement agent visits to enforce collection of the debt and incurring prescribed fees associated with this action.

We are guided by the following principles:

- All residents, business owners, children and young people have a right to be safe and should be protected from poverty, deprivation and all forms of abuse and neglect;
- Safeguarding vulnerable adults, children and young people is everyone’s responsibility;
- It is better to help vulnerable adults, children and young people as early as possible, before any issues escalate and become more damaging;
- No known vulnerable customer cases should be referred to the enforcement team by Council Tax or NNDR;
- Where vulnerability is identified during the enforcement process we will remove the case from an enforcement agent and attempt to resolve the issue with the customer through communicating with the back office support staff. This may include removal of enforcement agent fees depending on the individual case. We will only pass the case back to an agent to visit (again) if the customer does not engage with the back office staff;
- No enforcement activity undertaken by the team should in any way affect the wellbeing of vulnerable adults, children or young people (e.g. through increasing poverty, or causing distress by a visit). This includes ensuring our agents are always discreet and polite even in volatile situations; and
- We are committed to work with third sector agencies along with other Council departments to aid vulnerable adults and families experiencing financial difficulties to address these to improve their standard of living going forward.

In order to achieve this, we will:

- Ensure all agents and back office support staff are clear on our policies relating to dealing with vulnerable customers and the procedures that underpin them.
- Ensure our policies and procedures are monitored constantly for changes in legislation or best practice relating to enforcement, debtors’ rights or vulnerability.
- Look to work with third sector agencies on ways to prevent customers entering into the cycle of debt and assisting those already in these cycles to exit them and have a sound financial footing going forward.

- Ensure all staff within the team understand their responsibilities relating to any instances of abuse and care or protection concerns relating to a vulnerable adult, child or young adult and why it is so important. Where an agent encounters this during a visit to enforce a debt, it must be reported to the police immediately and subsequently to adult social care or families and children's services via the Access and Advice team in customer access along with making the line manager of the enforcement agent team aware of the incident. Agents should remove themselves from the property unless they believe the adult may harm themselves once they do so, but remain close by to provide a statement of facts to the police.
- Ensure agents are given our standard customer access 'soft skills' training, (a package with an emphasis on communication skills that covers listening, nonverbal skills, objection handling and assertiveness), to provide hints and tips with engaging with any vulnerable adults, children or young people they may interact with when out and about in the community.
- Ensure all agents are aware of the services adult social care and families and children's services can provide customers to improve their standards of living so that they can signpost customers in need of these services via the Access and Advice team that acts as a gateway for customers into these services.
- Ensure all agents comply with standards and expectations set out in our various policies and the enforcement agent code of conduct (which incorporates and builds on the national minimum standards expected of enforcement agents, set out by the Ministry of Justice).
- Ensure that all staff follow the Council policies and procedures relating to conduct in a consistent and equitable manner.
- Ensure all staff in the team undertake regular, periodic training or refresher training aimed at developing skills and knowledge relating to care and protection of vulnerable adults (Continuing Personal Development or CPD). Ensuring the team and any training courses and materials are up-to-date with national developments relating to care and protection.
- Undertake proactive action prior to any enforcement agent visits to try to engage with customers through means such as phone and email to resolve any issues, make affordable repayments plans, identify discounts or exemptions they may be entitled to that will reduce the debt. This engagement is aimed at trying to identify vulnerability prior to an enforcement agent visit and prevent any distress caused by said attendance.
- Work closely with both Council departments and third sector advice agencies to aid customers with budget management, assist with other creditors, and identify additional income or reliefs a household may be entitled to in order to try get those struggling financially out of cycles of debt to benefit individuals' and families' short and long term future.
- Ensure any vulnerable adults, children or young people who wish to make a complaint regarding any engagement with the service are signposted to the Council's formal complaints process (or to a person who can assist them to make a complaint if they need independent assistance).

When coming into contact with children or young people specifically, we will:

- Ensure all agents and back office support staff are clear they do not 'work with' children (i.e. try and arrange repayment plans or get information about issues the family may be facing, finding out where parents are or where they work) but have expectations set should they come into contact with children in person or by phone.

- Ensure any instances of children under 12 left home alone during the day or where a child under 16 has been left alone overnight are reported to the police immediately and subsequently to social services team via Access and Advice team in customer access for them to take appropriate action if necessary. Agents will remove themselves from the property but remain close by to advise the police of any subsequent return time of any parent(s) and provide a statement of facts to the police.

## **2.2 Vetting our staff**

Our enforcement agents are required to have updated full DBS (Disclosure and Barring Service) checks done every two years as part of the process for renewing their certification with the county courts.

## **2.3 Complaints or allegations against our staff**

Any complaints made about the behaviour of our staff in carrying out their duties will be investigated fully in line with the council's complaints process.

If an allegation is made about inappropriate behaviour towards a vulnerable adult, the manager of the enforcement agent (or their manager) is to be informed immediately and appropriate action taken in line with the Council's HR policies and processes which may include the suspension of the officer(s) involved.

## **2.4 Affordable repayment plans and third sector agencies**

Our staff are trained at negotiating affordable repayment plans (including income and expenditure assessments) in line with the Standard Financial Statement and aware of internal support links as well as local and national third sector debt advice agencies who can assist the customer. Where a third sector debt advice agency submits an offer on behalf of a debtor using the Standard Financial Statement we will always accept these.

Whilst we will liaise with Council departments to assist customers with multiple Council debts to agree affordable repayment plans, we cannot do so where there are debts owed to external creditors as we have no power to act on their behalf. In these instances, we will signpost to free third sector debt advice agencies to assist them and work with those advice agencies regarding affordable repayment plans that take all creditors into account.

## 3.0 VULNERABLE SITUATIONS

### 3.1 Risk assessments

Council Tax and NNDR staff will check the Council's violence and aggression list prior to issuing any case over to the internal enforcement agent team. In circumstances where cases are still passed over (low threat) where there have been previous acts or threats of violence by a debtor, a risk assessment should be undertaken prior to the enforcement agent attending a debtor's premises.

Where enforcement agents have identified vulnerable debtors or situations, they should alert the back office support team who will follow policies and procedures for next steps.

### 3.2 Identifying vulnerability

The Council recognises that it has a role in ensuring that the vulnerable and socially excluded are protected; and that the recovery process includes procedures for dealing with such situations and are agreed between the agent/agency and the Council.

A debtor may be considered vulnerable if, for reasons of age, health, disability or severe financial insecurity, they are unable to safeguard their personal welfare or the personal welfare of other members of the household.

The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation. Therefore, the enforcement agent has a duty to contact the support team and report the circumstances in situations where there is evidence of a potential cause for concern. The support team will follow our vulnerability policies and procedures in determining the next appropriate action and engage with internal teams and external agencies (as appropriate).

Enforcement agents should be aware that vulnerability may not be immediately obvious. Some groups who might be vulnerable are listed below. However, this list is not exhaustive. Care should be taken to assess each situation on a case by case basis.

Potential vulnerability might include:

- People on a low income
- Elderly persons
- People with a disability
- People with mental impairment or learning difficulties
- People experiencing serious illness
- Recently bereaved
- Lone parent families;
- Pregnancy;
- Unemployed people;
- People with obvious difficulties understanding English.

### 3.3 Elderly Persons

An elderly person is not necessarily vulnerable and many elderly people are financially secure and both mentally and physically healthy. However, some elderly people are frail, confused, ill, and living on fixed and limited incomes and, therefore, may be considered to be vulnerable.



If it is evident that the debtor either falls into the latter categories no attempt to take control of goods should be made without first consulting the enforcement agent's manager who may need to liaise with the debt portfolio manager to agree next steps.

### 3.4 People with a disability

A person with a disability is not necessarily vulnerable; however, where the disability affects the person's ability to deal with their financial affairs they should be considered to be vulnerable.

Regardless of the severity of the disability, the enforcement agent should **never take control of goods that are necessary for the wellbeing of the person due to their disability**. If it is evident that the debtor has a disability that is anything other than a relatively minor disability, no action should be taken without consulting the enforcement agent's manager who may need to liaise with the debt portfolio manager to agree next steps.

### 3.5 Persons with mental impairment or learning difficulties

If it is evident that the debtor has a mental impairment or learning difficulties, they should be considered to be vulnerable and no action should be taken without consulting the enforcement agent's manager who may need to liaise with the debt portfolio manager to agree next steps.

### 3.6 Persons experiencing serious illness, including mental illness

Where the debtor (or the debtor's partner) appears to be suffering from any condition which is serious or life threatening they may be considered to be vulnerable. No action should be taken if the debtor (or the debtor's partner) is suffering from any condition which is serious, life threatening, or where the enforcement agent has concern that further action may be seriously detrimental to the person's welfare.

### 3.7 Recently bereaved

A person suffering the recent bereavement of a close relative may be considered to be a vulnerable person. Bereavement affects different people in different ways and the enforcement agent will need to exercise discretion in determining whether a person that has experienced recent bereavement is vulnerable based on the individual circumstances. Where the debtor (or the debtor's partner) is obviously still extremely distressed the enforcement agent should seek guidance from the enforcement agent's manager before proceeding, even though some time may have passed.

### 3.8 Lone parent families

A lone parent is not necessarily a vulnerable person and it is recognised that some lone parents are financially secure. However, lone parents, and in particular those with very young children, may have difficulty in undertaking employment and, therefore, rely on welfare benefits. The enforcement agent should exercise discretion and should seek guidance from the enforcement agent's manager who may need to consult with the debt portfolio manager before taking action where there is reason to believe that a lone parent may be vulnerable.

### 3.9 Pregnancy

A woman in the later stages of pregnancy may find dealing with serious financial issues stressful, particularly if they are not supported by a partner, or if they are on a low income or benefits. This may be compounded by any additional essential expenditure due to the pregnancy or birth of a child. Where it is evident that a debtor, or their partner, is pregnant, the enforcement agent should take care to avoid causing stress as this could be detrimental to the person's wellbeing. Where the enforcement agent has concerns that further action



may be detrimental to their welfare they should seek further advice from enforcement agent's manager who may need to liaise with the debt portfolio manager to agree next steps.

### **3.10 Unemployed people**

Unemployment does not automatically mean the debtor is vulnerable. For example, a person may have received a substantial redundancy payment and be financially secure in the short-term. However, loss of employment may result in serious financial difficulties if a person is suddenly unable to meet their existing financial commitments.

A person who has recently become unemployed after a long period of employment may be unfamiliar with processes for claiming benefits and may need additional assistance to understand their entitlements. If it is evident from the enforcement agent's observation of the debtor's circumstances that the debtor may be vulnerable, no action should be taken without consulting the enforcement agent's manager who may need to liaise with the debt portfolio manager to agree next steps. This could include placing the case on a short or medium term hold to allow the customer to engage with benefits, welfare rights, housing or external third sector free debt advice agencies such as Citizens Advice, Step Change, National Debtline, Debt Free London, etc.

### **3.11 People with obvious difficulties understanding English**

Where a person does not understand either spoken or written English they should be considered to be vulnerable, particularly if they do not have support from family members who can speak and read English.

Where the enforcement agent has reason to believe a person may have difficulty understanding English this should be reported to enforcement agent's manager who may need to liaise with the debt portfolio manager to provide advice on how to proceed.

### **3.12 Action when vulnerability is identified**

The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation, therefore the enforcement agent has a duty to contact the enforcement team's manager and report the circumstances in situations where there is potential cause for concern.

Where vulnerability is identified or suspected enforcement should be suspended and the matter should be referred back to the responsible council debt portfolio owner for guidance. This may result in other internal departments or external third party agencies being engaged to assist the customer.

Where the debtor is a vulnerable person the enforcement agent, support staff and enforcement team's manager should give the debtor an adequate opportunity to get assistance and advice in relation to the exercise of the enforcement power.

If necessary, the enforcement team's manager will advise the responsible Council debt portfolio owner if further action is appropriate. The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent who should avoid taking action which could lead to accusations of inappropriate behaviour. If vulnerability is identified at the enforcement stage, the process reverts back to the compliance stage without further action. This may include removing any fees. If the debt portfolio owner does not request the case be returned, the support staff or enforcement team's manager should attempt to engage with the customer to resolve any issues and sort an affordable repayment plan before the case is issued for enforcement again to prevent enforcement fees being reapplied. If a customer fails to engage, enforcement can continue and fees can be correctly reapplied, if necessary.

Where the debtor is a vulnerable person, the fees due are not recoverable unless the enforcement agent has, before proceeding to remove goods, given the debtor an adequate opportunity to get assistance and advice in relation to the exercise of the enforcement power<sup>1</sup>.

The enforcement agent must be sure that the debtor or the person to whom they are entering into a controlled goods agreement understands the agreement and the consequences if the agreement is not complied with.

The enforcement agent must not enter into a controlled goods agreement with the debtor or another person if it appears to the enforcement agent that that person does not understand the effect of, and would therefore not be capable of entering into, such an agreement. This will include instances where it is evident that the debtor's understanding of English is so limited as to make this the case.

Our enforcement agents can use our existing arrangements in place for rapidly accessing interpretation services (including British Sign Language), when these are needed. They can also provide, on request, information in large print or in Braille for debtors with impaired sight.

### **3.13 Unaccompanied children**

Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18 or is deemed to be vulnerable by the enforcement agent; they can ask when the debtor will be home - if appropriate. The enforcement agent must not hand documentation/notices to a person who is, or appears to be, under the age of 16.

Enforcement agents must withdraw without making enquiries if the only person's present are children who appear to be under the age of 12. The enforcement agent must report this to the Council's enforcement team manager and a referral to social services will be made. The enforcement agent should then contact the police if the parent does not return within 15 minutes of arrival at the premises. The enforcement agent should keep within close proximity to the premises to identify if or when the parents return or provide information to the police on attendance. The enforcement agent should not leave completely until an appropriate person (police or parent) attends to ensure the child does not come to any harm.

### **3.14 Duty to report in other circumstances**

It may also be appropriate for enforcement agents to report concerns for the health or safety of other potentially vulnerable people, which they identify in the course of their work. For example, concerns for the wellbeing of children who are accompanied by an adult, or for vulnerable adults who may be at risk of harm. These should be reported to the enforcement team support staff or the enforcement team's manager who will follow internal procedures to take next steps on this case.

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<sup>1</sup> The Taking Control of Goods (Fees) Regulations 2014 reg. 12

## 4.0 SPECIALIST SUPPORT

### 4.1 Within the service

Our staff have received training on information they will need to gather and report to the Access and Advice team where they come across potential issues. The Access and Advice team will refer cases onto the relevant responsible team(s) within the Council.

Regular refresher training will be undertaken at a minimum of annually to ensure understanding and compliance against policies and procedures. Where policies or processes change, all staff will be updated immediately and training material altered accordingly.

### 4.2 Key / Common referral types we can make via Access and Advice

The Access and Advice team can take the following types of referrals from our enforcement agent team staff:

- **Personal safety issues.** Cases of potential abuse (physical, financial, emotional), as well as details of residents who may benefit from fall alarms (telecare), community or pendant alarms.
- **Personal assistance.** Residents who may need short term care or equipment following hospital discharge; walk-in shower/bathing assessments; hoist assessments; respite care; meal preparation or meals on wheels; signposting to external agencies for help with practical care (low level need cases for tasks such as housework); or mental health issue assistance
- **Personal wellbeing.** Residents who may benefit from services provided by day centres; who may need medication prompting; or need help with housing/housing line;
- **Financial wellbeing.** Signposting residents who would prefer direct payments to allow them to pay their own chosen carers; those who may need financial support and personal budgeting; identify keyworkers to look after finances (for those unable to look after their own affairs); assist those eligible for local support payments (for furniture / white goods); provide details for local food banks or the provision of supermarket vouchers.

The details above are not exhaustive and any changes in the services offered will be clearly communicated to our staff and any policies and procedures amended accordingly.

### 4.3 Affordable repayment plans and third sector agencies

Our enforcement agents and back office support staff are trained at negotiating affordable repayment plans (including income and expenditure assessments) and aware of internal support links as well as local and national third sector debt advice agencies who can assist the customer.

Whilst we will liaise with internal departments (in a corporate debt approach) to assist customers with multiple Council debts to agree holistic affordable repayment plans, we will not do so where there are debts owed to external creditors as we have no power to act on their behalf. In these instances we will signpost to free third sector debt advice agencies to assist them and work with those advice agencies (once the customer authorises them to act on their behalf) to agree affordable repayment plans in line with repayment agreements the third sector agency agree with those external credits too.

