

## Code of Practice – Council Tax and Non-Domestic Rates

### 1. Introduction

Equita understands that the primary concern of its Clients is the manner in which a third party, working on their behalf, represents them. With this in mind, Equita has developed the following Code of Practice to provide its Clients with an assurance that their instructions will be carried out in a uniform and professional manner.

Equita works in full accordance with the Enforcement Services Association's Code of Practice and relevant legislation pertaining to its activities. In addition, good practice guidelines, such as the National Standards for Enforcement Agents issued by the Lord Chancellor's Department in April 2002, and the Model Code of Practice for the Management of Bailiffs employed by Local Authorities issued by the Institute of Revenues Rating and Valuation are incorporated into our Code of Practice and general working procedures.

### 2. General Conduct

Equita ensures that all employees are aware of the importance of maintaining high standards of business ethics and practice. All employees are instructed to conduct their duties in accordance with the following principles, which are incorporated within our general training programme:

- (i) Act in accordance with the instructions provided to them during training, as well as any future instructions issued by Equita.
- (ii) Comply with the instructions of the Council at all times. Any query over the interpretation of instructions will be referred to the Council's staff for clarification.
- (iii) Comply with any instruction given by the Council's staff other than those that the employee considers may prejudice the rights of the debtor or Bailiffs under the law.
- (iv) Conduct their activities in full compliance with the Data Protection Act 1998 and the Freedom of Information Act 2000, and take into account all guidance issued by the Information Commissioner.
- (v) Observe the provisions of the Health and Safety Act 1974, the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975, the Human Rights Act 1998, the Management of Health & Safety at Work Regulations 1999, and any other appropriate legislation.
- (vi) Adhere to any written statement of values that the Council may uphold such as anti-discrimination or disability awareness policies.

- (vii) Levy distress in a firm but understanding manner, and ensure that all cases are handled with fairness and in line with relevant legislation.
- (viii) Give full consideration to any mitigating or vulnerable conditions, and seek the advice and approval of the Council before proceeding with any recovery action in the following circumstances:
  - Communication or learning difficulties
  - Elderly debtors
  - Physical or mental difficulties
  - Pregnancy
  - Recent bereavement
  - Recent unemployment
  - Serious illness/long term sickness
  - Severe financial difficulties
  - Any other guidelines stipulated by the Council

### **3. Guidelines for Bailiffs**

- (i) Bailiffs are fully certificated in accordance with the Distress for Rent Rules 1988 and the Distress for Rent (Amendment) Rules 1999. Copies of Certificates issued by the relevant County Courts are available for perusal by the Council if required.
- (ii) Bailiffs observe a business dress code and behave professionally and courteously. Debtors are treated in a firm but fair manner at all times
- (iii) Bailiffs are circumspect and discreet when attempting to contact the debtor, and do not disclose the nature of their business or investigations to any third party unless otherwise instructed by the debtor.
- (iv) On visiting a debtor, the Bailiff introduces himself/herself as a Certificated Bailiff from Equita acting on behalf of the Council and produces his/her company photographic identification and authorisation to act (supplied by the Council) to the debtor and to any other person who may have reason to view it.
- (v) Bailiffs explain clearly the reason for their visit and, if necessary, the powers of a Bailiff. A copy of the regulations and charges that may apply are left at the debtor's premises.
- (vi) The Bailiff undertakes visits to enforce Liability Orders between the hours of 6.00 am to 9.00 pm Monday to Saturday. Each visit is conducted at different times of the day to ensure the maximum possibility of contacting the debtor. At least one visit occurs outside normal working hours.

- (vii) Recovery action is not undertaken on Sundays, on Bank Holidays, on Good Friday or on Christmas Day unless specifically requested by the Council, and only where legislation permits.
- (viii) Bailiffs 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 any recovery action on any day of religious or cultural observance or during any major religious or cultural festival.
- (ix) If exceptional circumstances necessitate visits outside these days and hours, the Council is contacted prior to any recovery action..
- (x) All documentation left with the debtor or at their premises is on pre-printed stationery. Any documents left at the premises in the absence of the debtor are sealed in a plain envelope.
- (xi) All documentation is written in clear and unambiguous English and includes all appropriate reference numbers, telephone numbers, addresses and the name of the Bailiff who visited the debtor's property. If considered appropriate, Equita also provides documentation in large print and/or in Braille.
- (xii) Copies of standard documentation used in the recovery process are forwarded to the Council for approval prior to commencement of any future contract.
- (xiii) Bailiffs do not enter the debtor's property if it appears that the only persons present are young people under the age of eighteen. If appropriate, the Bailiff may ask when the debtor will be at home.
- (xiv) If Bailiffs encounter a situation where the only persons present appear to be children under the age of twelve, they withdraw from the property without making any enquiries.
- (xv) If communication difficulties arise as a result of a debtor not being fluent in English, we attempt to resolve the problem in the first instance by referring to our language matrix. This matrix contains a listing of staff able to speak other languages and is utilised in an attempt to supply an immediate interpretation facility. As part of the Capita Group Plc we also have access to 'Language Line', a translation service utilised as required.
- (xvi) A prompt written response is provided if a Bailiff is requested to produce additional information.
- (xvii) In the unlikely event of any breach of the peace, or incident that may lead to a complaint, the Bailiff immediately withdraws from the situation, informs our head office and the Council, and seeks advice before proceeding with the recovery process.

#### **4. Goods exempt from Distress**

- (i) Equita works in full compliance with all current legislation and only removes goods in accordance with the appropriate regulations, including the Council Tax (Administration and Enforcement Amendment Regulations 1993) and the Non Domestic Rating (Collection and Enforcement Amendment and Miscellaneous Provision Regulations 1993).
- (ii) Bailiffs take all reasonable steps to ensure that the value of goods impounded is directly proportional to the value of the debt and charges owed.
- (iii) Bailiffs ensure that the following goods are not removed:
  - A table, and a chair for each member of the debtor's family
  - Any items bought with social fund grants
  - Bed and bedding reasonably required by the debtor's family
  - Cleaning equipment
  - Clothes, bedding, books and tools of the trade
  - Cookers or microwave ovens unless there is an alternative appliance for cooking
  - Fixtures
  - Food
  - Goods delivered to a person by way of trade
  - Goods in the mail
  - Goods subject to hire purchase
  - Heating appliances, except where free standing unless they provide the only form of heating
  - Items belonging to children or for the exclusive use of children
  - Items in actual and personal use
  - Items in the custody of the law
  - Items required to satisfy the basic needs of the debtor and his/her family
  - Medical aids and equipment
  - Money
  - Perishable goods
  - Refrigerators, where this would leave an individual with no means of keeping food cold
  - Washing machine where there are children, sick or disabled people in the debtor's family