

# Code of Conduct

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<b>Approved By</b>	Terry Durant

## Version History

Details description of changes listed within each version update.

Version Number	Description of changes	Changes made by	Date
0.1	Review of CIVEA Code of Conduct and development of the new policy	Adam Faiers	07/04/2022
1.0	Review of content and approval	Adam Faiers	12/04/2022
2.0	Edits for the purpose of clarity to sections 2.1, 2.4 and 2.7.	Adam Faiers	22/04/2022

## 1 Introduction

This Code of Conduct has been set for the scope of enforcement activities undertaken by Newlyn Plc.

The purpose of this Code of Conduct for Enforcement is to define the approach and policies set by the management team at Newlyn Plc which are underpinned by a commitment to operate in a lawful manner, and within the good-practice guidelines set by the Sector Industry Body.

### 1.1 CIVEA

Newlyn Plc is a proud member of the Civil Enforcement Association (CIVEA). CIVEA is the principal trade association representing civil enforcement agencies that in turn employ around 2000 certificated enforcement agents that operate in England and Wales.

CIVEA's members work to enforce civil debt on behalf of local authorities and Her Majesty's Courts and Tribunals Service (HMCTS) including council tax, business rates, parking fines, magistrates' court fines, employment tribunal awards, child support payments, B2B and commercial rent arrears.

This amounts to over £500 million (half a billion) of unpaid taxes and fines recovered each year at no cost to the public bodies themselves. Each year CIVEA members receive over 3.5 million warrants and court orders.

### 1.2 Code of Practice

Newlyn Plc has signed up to the Code of Practice set by CIVEA. This is in line with all members of the Civil Enforcement Association (CIVEA), who together, represent almost the entire market employing enforcement agents (formerly known as bailiffs).

By signing up to the CIVEA Code of Practice, Newlyn Plc is reinforcing its commitment to continue driving up standards and setting a high bar of behaviour and professional conduct. The code goes beyond statutory regulations and complements the government's National Standards for Enforcement.

Whilst Newlyn Plc recognise that the CIVEA Code of Practice does not explicitly cover statutory regulations, it is nonetheless committed to legal compliance in the conduct of enforcement agents and legal compliance will be considered as part of our overall monitoring, measurement and evaluation which is managed by our ISO 9001:2015 certified management processes.

### 1.3 External Audit and Reporting

Newlyn Plc is fully committed to meeting the highest international management standards as set by the International Standards Organisation (ISO). We will welcome external audits by UKAS accredited certification bodies and maintain certification to applicable ISO Standards, including Quality (ISO 9001:2015) and Information Security (ISO 27001:2018) as a minimum. Separate policies for each of the ISO Standards may be requested.

To ensure compliance with the code of practice, Newlyn Plc is open to external audit by any CIVEA-appointed audit body. As part of that process, we welcome an annual external audit and understand that the resulting audit reports will be reviewed by the independent Compliance, Adjudication and Review in Enforcement (CARE) Panel.

### 1.4 Compliance, Adjudication and Review in Enforcement (CARE) Panel

We welcome external review by the CIVEA-appointed 'CARE' Panel which comprises of experts in compliance, complaints handling, regulation and consumer affairs. The panel receives reports from the Code auditor on CIVEA members conduct and compliance.

We welcome the process that the CARE panel will review any complaints submitted to CIVEA where a final decision has been made by a member (this only applies to HMCTS and transport-related complaints). We understand that the CARE Panel has the power to sanction firms for non-compliance and we agree to adhere to the panel's decision.

We recognise and accept that the ultimate sanction that can be set by CIVEA is expulsion from the association. This would be an extremely serious decision for our business as membership of CIVEA is condition of most local authority enforcement contracts; expulsion from CIVEA would have the effect of withdrawing our license to operate.

## 2 Newlyn PLC Code of Conduct for Enforcement

Our Code of Conduct is set out against the following 13 elements.

1. Taking Control of Goods (BWV and Enforcement Agents)
2. Quality control
3. Complaints handling
4. Training and development
5. Policies and procedure
6. Staff and sub-contractors
7. Financial integrity
8. Working with public bodies
9. Payment plans
10. Support for vulnerable people
11. Data requests
12. Privacy and confidentiality
13. Governance

### 2.1 Section 1: Taking Control of Goods

#### 2.1.1 Body Worn Video

This section is concerned with the compulsory use of body-worn video cameras.

Newlyn Plc sees the use of BWV as a technology that can significantly help improve the efficiency and effectiveness of our work. We use BWV to uphold the security of all persons and property involved in our work. We review collected data on a daily basis for quality assurance purposes and to continually improve our processes.

As a leading organisation in our field of work, we have seen the benefits of this technology, which include enhanced evidence capture and swifter resolution of issues that can arise. Newlyn Plc believes that the use of BWV supports transparency, trust and confidence in our processes.

Element	Our Policy
Use of Body Worn Video (BWV) Systems	Newlyn Plc will wear BWV overtly and manage all data and footage in line with legal requirements such as the Data Protection Act 2018.  Newlyn Plc has deployed BWV systems to provide supporting evidence in response to EA complaints and for compliance monitoring and training purposes.  Our use of BWV is managed and monitored with appropriate policies, guidance and justification.
BWV and audio recording retention	Newlyn Plc will retain audio recordings and Body-Worn Video footage for a minimum of 28 days

### 2.1.2 Enforcement Agents

This section combines existing regulations under Section 12 of the Tribunals, Courts and Enforcement Act 2007 with additional conduct requirements and ensures that Newlyn Plc are acting responsibly and fairly towards debtors.

Element	Our Policy
Provision of ID and disclosure of documents	<p>All EAs employed or engaged by Newlyn Plc must comply with the regulations and law including requirement to provide identification on request, provision of authority and disclosure of information ensuring that such information is not divulged or shared with 3rd parties without authority or legitimate purpose.</p>
Monitoring	<p>Newlyn Plc will have adequate audit procedures in place to monitor EA compliance with company procedures.</p> <p>Newlyn Plc will conduct audits* (BWV checks done daily) of individual EAs at least annually.</p> <p>This Code will be independently assessed and will be regularly audited, both as part of the CIVEA audit, and as part of our ISO management audits to ensure compliance.</p>
Behaviour	<p>Newlyn Plc will ensure that EAs carry out their duties professionally and do not misrepresent their powers, qualifications, capacities or do anything that could prejudice the representation or integrity of their client, employer or the profession.</p> <p>Newlyn Plc will take responsibility for EAs to be respectful of the religion and cultures of others.</p> <p>Newlyn Plc will provide training to ensure that all staff and those working on its behalf are aware of and sensitive to the dates for religious festivals and carefully consider the appropriateness of undertaking enforcement on any day of religious or cultural observance or festival.</p>
Compliance Stage	<p>Newlyn Plc will maintain adequate systems and processes in place to correctly “link” cases for the same debtor to ensure, where reasonably possible, only one Enforcement Fee is added to the total debt where cases for the same debtor can be enforced at the same time.</p> <p>Newlyn Plc will accept payment and consider payment arrangements from debtors up to the point of the subsequent visit, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014 and the Taking Control of Goods National Standards.</p>

Element	Our Policy
	Newlyn Plc will adhere to any revisions of standardised or mandatory documents, which will ensure that information is available in a consistent form.
Enforcement Stage	<p>Newlyn Plc will ensure that family members or other third parties are not be pressured into paying on behalf of a debtor, although recognise that a voluntary payment can be accepted where this avoids unwanted visits or goods being seized or removed.</p> <p>Newlyn Plc will ensure that the name of the EA attending the premises will be made clear on any documents left with the debtor or at the premises. All relevant contacts and telephone numbers will be displayed clearly alongside the relevant reference/case number(s).</p>
Sale or Disposal Stage	<p>Newlyn Plc will only apply the Sale or Disposal fee where the visit is not a standard Enforcement Stage visit and only where there has been a clear step change (which can be proven), demonstrating the EA is attending to remove goods. This will be indicated by a Notice after entry and/or taking control of goods on a highway in accordance with paragraph 30 of the TCOG Regulations 2013.</p> <p>Newlyn Plc will accept payment and consider payment arrangements from debtors without the Sale / Removal fee up to the point of the subsequent visit when the Sale / Removal fee will be applied, in accordance with paragraph 5 of the TCOG (fees) Regulations 2014.</p>
Debt Advice Signposting	In addition to existing mandatory requirements outlined in the Regulations, Newlyn Plc will signpost debtors to third party debt advice sector throughout the entire collection lifecycle.
Safeguarding	Newlyn Plc will ensure that a safeguarding policy is in place and all staff meet specified safeguarding standards.

## 2.2 Section 2: Quality Control

This section ensures that quality assurances are in place and ensures that everyone working for, and on behalf of Newlyn Plc meet high standards and that they, as well as debtors, are afforded adequate protection.

Element	Our Policy
Call Centre monitoring	<p>Newlyn Plc will record incoming and outgoing telephone calls made to/from their Call Centre.</p> <p>Newlyn Plc will maintain enough telephone lines, with enough trained and competent staff available to answer debtor calls. Telephone calls must be answered within a reasonable time limit.</p>

	Newlyn Plc will not charge a premium rate or other special rate telephone number which is higher than a standard geographic telephone number.
Quality control	Newlyn Plc will implement a proactive audit process that reviews the quality of visits and calls handled to ensure staff meet the requirements of the statutory regulations, National Standards and Codes of Practice and act (re-training, disciplinary action) where failures are identified
Whistleblowing	Newlyn Plc will refer any employee or contractor to the Courts and/or CIVEA where significant noncompliant behaviour is found as a result of the complaint

### 2.3 Section 3: Complaints Handling

This section is very important to ensure Newlyn Plc has transparent and accessible complaint and redress processes, which can be monitored and assessed.

For further information, please review the full details of the complaints adjudication process are available on the CIVEA website.

Element	Our Policy
Complaints policy	<p>Newlyn Plc will maintain and display an accessible and fully documented complaints process that will be available in print form and available via our website.</p> <p>Newlyn Plc will allow complaints to be registered by letter, telephone, email and website contact.</p>
Complaints process	Newlyn Plc will maintain a two-stage process that enables complainants to have their complaint escalated and reviewed by someone more senior if they are unhappy with the initial response
	Newlyn Plc will include reference to the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales) complaint contact information - via their client - when the internal stages have been exhausted, except in complaints relating to magistrates' and Highways England (which continue to be adjudicated by CIVEA)
	Newlyn Plc will acknowledge receipt of a complaint within 5 working days
	Newlyn Plc will aim to respond fully to complaints within 10 working days and achieve this in 90% of cases. If we are unable to do this, we will always contact the debtor to explain why and let them know when they can reasonably expect to receive a full response.

	Newlyn Plc will respond to requests from the ombudsman in relation to complaints within 10 working days of receipt providing all the information requested
	Newlyn Plc will abide by the decision and the direction made by CIVEA or the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales) in relation to complaints unless there is a compelling reason that they are unable to do so; for example, if they are contractually or operationally unable to implement the decision.



## 2.4 Section 4: Training and Development

This section ensures that Newlyn Plc provides that everyone working for, and on behalf of the organisation is provided with high quality, specialist training for enforcement agents and support staff, especially where dealing with vulnerable people. Newlyn Plc will monitor the effectiveness of relevant training and update training programmes on a regular basis.

Element	Our Policy
Qualifications and Training	<p>Newlyn Plc will ensure all EAs are qualified to at least a Level 2 Award on the Regulated Qualifications Framework (RQF) or equivalent as determined by a nationally accredited awarding body. The CIVEA IRRV Level 2 Award is recommended.</p> <p>Newlyn Plc will ensure that EAs have completed basic training. Where appropriate, we will support Agents who want to progress to achieve a level 3 Award on the RQF or equivalent as determined by a nationally accredited awarding body.</p> <p>Newlyn Plc will ensure that EAs are trained to recognise and avoid potentially hazardous and aggressive situations and to withdraw when in doubt about their own or others' safety.</p> <p>Newlyn Plc will ensure that all relevant employees and others working on our behalf receive accredited training on vulnerability.</p> <p>Newlyn Plc will ensure that EAs are trained to identify and respond appropriately to cases of vulnerability, with referral to the client/creditor where required.</p>

## 2.5 Section 5: Policies and Procedures

This section covers additional policies and procedures that Newlyn Plc will implement to improve the experience of the enforcement process and ensure consistent good practice.

Element	Our Policy
Policies and Procedures	<p>Newlyn Plc will put in place relevant policies and procedures and will ensure all staff responsible for the delivery of the services have a thorough understanding of them.</p> <p>A copy of the CIVEA Code of Practice and National Standards will be made available on the Newlyn Plc website and be made available upon request.</p> <p>Newlyn Plc will advise CIVEA if a breach of the code is identified in a complaint decision by the Local Government and Social Care Ombudsman (or Public Service Ombudsman for Wales).</p>

## 2.6 Section 6. Staff and Subcontractors

This section ensures that Newlyn Plc applies places the same standards of conduct and service on all those working on its behalf.

Newlyn Plc must take responsibility for any firm that they contract to enforcement activity, ensuring they meet all the conditions of the statutory regulations and voluntary commitments, including the code

Element	Our Policy
Responsibility	Newlyn Plc will take full responsibility for the conduct of all staff, including enforcement agents and sub-contractors enforcing their instructions, whether those agents are employed staff or third-party contractors.

## 2.7 Section 7. Financial Integrity

This section offers reassurance that Newlyn Plc remains a robust, solvent and responsible business.

Element	Our Policy
Client Accounts	Newlyn Plc will submit annual declarations and financial audit results in respect of adequate funds. These reports are available through HMRC and Companies House.
PI Insurance	Newlyn Plc will provide CIVEA with proof of appropriate insurance policies
GDPR	Newlyn Plc will have in place relevant, documented GDPR policy and compliance strategies

## 2.8 Section 8. Working with public bodies

This section relates to the partnership that exists between Newlyn Plc and any public bodies (clients). It ensures transparency and openness where this is not a commercially confidential matter.

Element	Our Policy
Debtor details	Newlyn Plc will work with clients to ensure EAs have appropriate detail about the debt they are recovering
Contact numbers	Newlyn Plc will ensure EAs can provide debtors with contact numbers.
Breathing space	Newlyn Plc will implement breathing space in line with client requirements.
Debt recovery performance	Newlyn Plc will work with CIVEA to publish collective information on debt recovery performance.

## 2.9 Section 9. Payment Plans

This section provides guidance on good practice that Newlyn Plc will ensure that its Contact Centre and Enforcement Agents will follow to help debtors make instalment payments. As appropriate, Newlyn Plc will ensure that its processes meet the requirements of clients (public bodies), where they differ positively from best practice.

Element	Our Policy
Income and expenditure assessment	Newlyn Plc will work with clients to support use of income and expenditure assessment where appropriate.
Negotiating payment plans	Newlyn Plc will provide guidance to EAs and all staff on negotiating sustainable payment plans.
Extended payment plans	Newlyn Plc will agree to longer payment plans, following an affordability assessment and evidence of circumstances, where client policy allows.

## 2.10 Section 10. Support for Vulnerable People

This section covers support for vulnerable people. Newlyn Plc recognises the responsibility they have to support vulnerable people in debt.

Element	Our Policy
Dealing with vulnerable people	Newlyn Plc will ensure all public facing staff who engage with debtors, will undertake mandatory training in identifying and dealing with vulnerable persons, customer care skills and techniques.  Newlyn Plc will agree standard procedures with their clients for supporting vulnerable people.

## 2.11 Section 11. Data requests

This section relates to information collated and aggregated in support of government public policy. Newlyn Plc will work in partnership as required with CIVEA in this regard.

Element	Our Policy
Data requests	Newlyn Plc will provide a comprehensive response to data requests from the CIVEA executive

### 2.12 Section 12: Privacy and confidentiality

This section ensures that Newlyn Plc protects debtors' privacy and that any communication of personal information is properly controlled.

Element	Our Policy
Data protection	Newlyn Plc will comply with the relevant data protection regulations.
Contact with debtors	Newlyn Plc will ensure that Enforcement agents and enforcement staff must take reasonable steps to ensure they are speaking to the debtor either in person or on the telephone. If the person is not the debtor, every effort should be made not to discuss the nature of the account or, if applicable, the reason for an agent's visit without the debtor's consent.

### 2.13 Section 13: Governance

This section ensures that Newlyn Plc will give due regard to the importance of the code compliance and that a specific senior manager takes responsibility alongside the general commitments that are made by the Management Board.

Element	Our Policy
Management accountability	Newlyn Plc will ensure that code compliance and the audit process is overseen by an accountable senior manager.