

Newlyn plc

Code of Practice For Enforcement

Part of the Newlyn Risk Management Strategy



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General Code of Practice for Enforcement: Policy Statement

The following Code of Practice forms the basis upon which Newlyn staff are trained. The content is subject to change.

With the exception of 1.) Below, Newlyn will at all times work within the guidelines and codes set by each Client.

Contact Centre Negotiators and Enforcement Agents will therefore;

1. comply with any instruction given by the Client other than those that the Company considers will prejudice the rights of debtors and/or its employees under the law
2. at all times demonstrate full regard to the Client's Anti-Poverty Policy, Race Relations Policy, Customer Care Policy and commitment to Equal Opportunities
3. not act in a manner, which is likely to render the Client liable or potentially liable to a claim under the Race Relations Act 1976, the Disability Act 1996, the Sex Discrimination Act 1986, the Data Protection Act 1998 and the Human Rights Act 2000
4. comply with the provisions of the above Acts in the execution of their duties
5. on advice from the Client make available the Client's debt self-help information and benefits application forms

Any doubt over the interpretation of any Client instruction shall be referred to the Client for clarification.

The Client is at any time at liberty to add to or to change any Code of Practice issued by them to the Company.

Signed  (Managing and Operations Director, Newlyn plc)

Date: 28 May 2015

Next review date: 27 May 2016

Code of Practice

1. Vulnerable Groups

Where a debtor is identified as belonging to a vulnerable group, Newlyn will bring the circumstances to the attention of the Client. Further action in respect of collections will be suspended until the Client has reviewed the case and issued further instructions to the Company.

The following circumstances will be reported to the Client

- serious illness (including hospitalisation)
- mental impairment
- learning difficulties
- physical disabilities
- severe financial difficulties
- impairments associated with pensionable/old age (examples: senile dementia, Alzheimer's disease, terminal illness)

In the event of doubt arising regarding the action to be taken in a particular instance in relation to the above, the case should be referred to the Client.

Where debtors are in receipt of Income Support or Jobseekers Allowance, Newlyn staff will obtain National Insurance and DSS office details and, following previously agreed work practices originated in conjunction with the Client, the Company will, on further advice from the Client, consider offering extended payment terms.

Newlyn staff must also be sensitive to other issues such as, but not limited to, recent bereavement, recent unemployment and long-term sickness.

2. Interactions with the Debtor

2.1 Attendance upon the Debtor

Enforcement Agents:

- will only make outbound calls/undertake visits between the hours of 0600hrs to 2100hrs Monday to Saturday unless:
 - exceptional circumstances indicate otherwise
 - at the request of the Client and acting within current legislation
- Must on attendance (and on demand at any further point), introduce themselves and show 1.) Identification and 2.) Certification to act as issued by the Company and the Court. Said documentation will carry a colour photograph of the Enforcement Agents and bear a signature from both the Enforcement Agents and a manager or director of the Company
- must carry with them at all times a copy of the letter of authorisation in respect of enforcement proceedings issued by the Client on whose behalf they and the Company act
- will be dressed smartly
- will at all times act in a courteous and polite manner towards debtors
- will not resort to any retaliatory behaviour regardless of the debtor's manner
- will hand to the debtor or leave at the property documentation on pre-printed stationery **not** hand-written notes
- Will ensure that all documentation, letters, visiting slips and cards used are produced in an easily understandable form. Copies should be supplied, before use, to the Client to ensure full compliance with legal requirements and that standards of plain language are adhered to
- the name of the Enforcement Agents attending the debtor's property must be shown on any documentation left with the debtor or at the property
- Must **not** involve children of the debtor, persons under 18 or elderly persons in the distress process. (It should be noted that this ruling does not apply if the person who owes the money is the elderly person)
- must not misrepresent or misquote the law at any time
- must be able to advise debtors where they can obtain debt advice within their area, namely Citizens Advice Bureau offices
- will advise the debtor to put any dispute/complaint in writing consistent with the Company's **Complaints Procedure**
- the Enforcement Agent will exhibit a high degree of patience and speak clearly where he/she is communicating with a debtor whose first language is not English

Note: In cases where English is not the first language of the debtor, the Recovery Officer/Enforcement Agent shall offer the facility of an interpretation service.

Written enquiries/complaints received by the Contact Centre Negotiator/Agent/Officer must be dealt with according to the Company's documented **Complaints Procedure**.

All such enquiries/complaints will, with best effort, be resolved within 10 working days.

2.2 Payment Arrangements

Arrangements made with debtors should, unless there are financial difficulties which indicate otherwise and in normal circumstances, clear the debt **within 3 months** or as detailed by the Client. Examples of extenuating circumstances include: single parent family, unemployed, pensioner, and low wage earner.

Where financial difficulties are identified, the debtor's circumstances should be investigated and an arrangement made in accordance with the Client's payment arrangement guidelines and the Client informed thereof (For clarification see paragraph 1. in **Vulnerable Groups** above).

The debtor must be advised when and where payments are to be made.

A receipt **must** be provided to the debtor for **all** payments. The receipt must contain the following information:

- the name of the debtor
- an appropriate reference number
- the amount of the payment
- the date of receipt

2.3 Charges to Debtor

There shall be no charges to the debtor in respect of any letters sent **other than those prescribed by law**.

2.4. Interactions with the Debtor at a Payment Point

In the event of a debtor visiting any of the Newlyn premises in order to make payment, Newlyn will:

- ensure that they are dealt with within 10 minutes
- if named staff are unavailable make the debtor aware of the expected waiting time
- at all times act in a courteous and polite manner towards debtors
- always give their full attention to the debtor
- Give clear answers to enquiries and where possible provide resolution at first contact. If this is not possible, Newlyn will inform the debtor of the Company's **Complaints Procedures**
- Where possible ensure appropriate arrangements are in place, e.g. hearing loops, wheelchair facilities etc.
- ensure adequate information regarding the customer's case is obtained, but at the same time ensure confidentiality especially when dealing with sensitive matters in the reception area
- ensure staff provide their full name where the debtor requires it for reference purposes
- place the highest priority on the debtors **Health and Safety** (see page 8 below) while on Company premises

2.5 Interactions with the Debtor over the Telephone

Newlyn will:

- during published opening hours make best effort to answer all telephone calls to our offices within **3 rings**
- will make outbound calls only between the hours of 0600hrs to 2000hrs Monday to Saturday only unless:
 - exceptional circumstances indicate otherwise
 - at the request of the Client acting within current legislation
- provide a local rate number for the use of debtors in order to keep telephone charges to a minimum

All contact centre negotiators will:

- greet callers clearly with "Good morning/afternoon"
- provide their full name at the request of the debtor
- where the debtor requires information, attempt to provide the same concisely, politely and clearly and resolve the issue during the first call
- if a call is put "on hold", inform the debtor why this is happening and keep the debtor updated if the waiting time proves longer than expected
- where the debtor makes an enquiry that the negotiator cannot fully answer, inform the debtor of this and pass the call on to a supervisor or manager, informing the debtor of the move
- Where the above proves ineffective, inform the debtor of the Company's **Complaints Procedure**.
- in the event of the necessity of returning a debtor's call, ask when it is convenient to do so

2.6 Out-Of-Hours Answer phones and Voicemail

Answer phones and voicemail may be used to ensure that **out-of-hours** telephone calls are answered. To this end:

- recorded messages from answer phones will provide customers with details of office hours
- answer phone/voicemail will give the caller an option to leave a message
- all messages will be dealt with as soon as possible – i.e. within 24 hours or the next working day if the message is left over a weekend or bank holiday

2.7 Communications in Writing

Written communications including fax and e-mail, will be acknowledged in writing by the end of the working day after receipt. Any issues/complaints will be resolved with best effort within the operating standards of the Company's **Complaints Procedure**, namely within 10 working days.

The presentation and content of any written communications will be clear, jargon free, accurate and include a contact name and the Northampton contact centre switchboard number.

2.8 Newlyn Publications (Help and Information leaflets etc.)

Newlyn will provide help and information to the debtor about its services that are clear and easy to use.

Materials intended for the public will be reviewed regularly.

2.9 Client Publications

The following Client information/publications will, where appropriate, be made available:

- debt self-help information and benefits application forms

3. Enquiry Handling

Newlyn has a **Complaints Procedure** and all staff understand how it operates.

Newlyn will analyse any complaints about the service and demonstrate to its Clients that when complaints identify service failures remedial action is taken so that problems do not recur.

Complaints will be a tabled agenda item at managers' monthly business planning meetings. The full complaint report will be brought up for debrief and discussion together with any recommendations, a process audited under Newlyn's ISO 9001:2000 Quality Management System.

4. Consultation

As part of its **Complaints Procedure** Newlyn has mechanisms in place to enable proactive consultation across its services and relevant staff understand how it operates.

4.1 Suggestions

Newlyn will encourage Clients, partners and staff to make suggestions to improve its services and provide access to suggestion boxes. Additionally, Newlyn will inform Clients of any changes made to services as a result of any such suggestions.

4.2 Client Satisfaction

To gain a deeper understanding into actual levels of service, Newlyn will ensure mechanisms are in place to survey Clients. This information will be used to improve service delivery.

5. Debtor Health and Safety

- all debtors visiting Newlyn buildings will be provided with a safe environment
- Newlyn premises which receive debtors and other members of the public will have a designated member of staff for 1.) Health and Safety 2.) First Aid
- the details for the above will be clearly displayed

- Newlyn complies with Health and Safety guidelines and has been awarded the ISO 14001:2004 Environmental standard

6. Staff Training and Development

Newlyn will ensure that staff receive continuous training to enable them to satisfy Client expectations and keep their skills up-to-date.

7. Presentation

7.1 On attendance an Enforcement Agent:

- Must introduce themselves and show 1.) Identification and 2.) Certification to act as issued by the Company and the Court. Said documentation will carry a colour photograph of the Recovery Officer/Enforcement Agent and bear a signature from both the Recovery Officer/Enforcement Agent and a manager or director of the Company
- must carry with them at all times a copy of the letter of authorisation in respect of enforcement proceedings issued by the Client on whose behalf they and the Company act
- will be dressed smartly
- will at all times act in a courteous and polite manner towards debtors
- will not resort to any retaliatory behaviour regardless of the debtor's manner

8. Buildings and Signage

- buildings will be clearly signed internally and externally
- reception points will be attended during opening hours
- reception points will be welcoming, clean and tidy
- reception points will display clear and accurate opening times

9. Availability and Access

Newlyn will ensure customers have easy access to information about:

- opening times
- offices and addresses
- access details
- means by which contact can be made
- out of hours contact details
- payment confirmation details
- telephone numbers

10. Staff Safety

- Newlyn staff will be courteous and polite and expect to be treated in the same way by debtors
- In any case of extended dispute, frontline staff must seek assistance from their manager
- Newlyn will ensure that procedures are in place to safeguard staff from both verbal and physical attack

- The Company will take action – legal or otherwise – where verbal or physical attacks are made on staff

11. Debtor Information

Newlyn-stored debtor information will be made available in accordance with the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

Any communication will be clearly identified as originating with Newlyn plc with, where appropriate, the author, the current date and any reference numbers.

Newlyn will also promote the use of electronic service delivery (secure internet access) to provide its Clients with information.

During trace enquiries the Enforcement Agent will not divulge the purpose of his/her investigations to third parties.

12. Continuous Improvement

Newlyn will utilise a quality management approach in order to improve levels of service delivery. Newlyn has obtained accreditation under the ISO 9000:2001 and ISO 14001:2004 Environmental standards.

13. Performance/Evaluation

Newlyn has automated systems and documented processes in place which allow monitoring and evaluation of Company performance against contract including but not limited to:

13.1 Complaints Data

- systems log, acknowledge, process and are central to responding to complaints
- complaints data logged includes but is not limited to; nature, date received, date responded, outcome, remedy and any action taken to prevent recurrence
- complaints records are collated
- Newlyn will ensure that all records, papers, correspondence, notes of telephone conversations and face-to-face meetings regarding individual complaints are readily available, easily accessible and noted on the system

13.2 Performance Monitoring

- Newlyn will ensure that systems are in place to provide management information (performance indicators) in order to monitor service performance against contractual obligations
- These performance indicators are subject to internal and external audit
- Management information will be collected and monitored from various systems including the Enterprise Resource Planning system (DebtRecovery by OneStep Solutions LLP) and via the telephone log (TouchStar UK)