

Educating the bailiff

Enforcement against goods is still a blunt instrument.

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ENFORCEMENT against goods is a blunt instrument more suited to the 19th than the 21st Century, when putting a man in possession was still a common practice. Before the days of walking possession, it made economic sense to actually have a possession man billeted in the debtor's home or business until payment in full was made. These gents had questionable personal habits and hygiene and were a strong incentive to settle up, if only to get them off the premises! They were paid in cash on a Friday afternoon, when they all trooped into the office and the female staff were sent home at lunchtime to avoid any possible contact with them.

Things really changed after the Second World War, when walking possession became the norm, but I am far too young to remember any of this.

Taking Control of Goods, introduced in April 2014, is really not much different; we have controlled goods agreements instead of walking possession, more provisions about vehicles (as cars are often a debtor's main asset after his house) and the ability to secure all or part of a debtor's premises (but, sadly, without possession men). However, the main leverage is still removal and sale of a debtor's goods.

One thing that has changed is that bailiffs are better educated, as is reflected in the 'new' title of 'certificated enforcement agent'. They must have passed a Level 2 exam in Taking Control of Goods to be granted a certificate by a District Judge (if he/she considers them as a fit and proper person). Level 2 is the equivalent of GCSE A* to C (now 9 to 4) and many European enforcement agents are required to be university graduates.

It's some progress, but a small step. That is why CICM and other institutions, such as Chartered Institute of Legal Executions (CILEX), are now offering a Level 3 (A Level) qualification in Advanced Enforcement. All High Court Enforcement Officers Association (HCEOA) members will be encouraged to make this qualification a requirement for their bailiffs in the field and their more senior administrative staff. Better

training and qualifications enable High Court bailiffs to confidently deal with more articulate debtors and their representatives.

The Level 3 qualification also has the benefit of being a relevant starting point for those wanting to become High Court Enforcement Officers, as Level 3 is the requirement for aspiring candidates starting the Level 4 (1st Year Undergraduate) Diploma course with CICM, which is the academic requirement to apply to become authorised.

Like solicitors and accountants, there is also a practical side, based on a two-year training contract, with evidence of competence shown in a Training Log.

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This all helps, but enforcement against goods is still a blunt instrument, with the bailiff knowing little or nothing about the debtor at the address to which he has been directed.

The answer must be access to information about debtors. But this must be made available only after judgment and be carefully restricted to those instructed through the courts, ensuring that otherwise strictly confidential information does not end up in the public domain.

That would certainly 'Stop the Knock' in many cases, as one of the other six methods of enforcing a judgment could be used with is more suited to the debtor's circumstances.

This is doable, as demonstrated by how easy it is to tax your car. By joining up the DVLA, MOT and Insurance Company databases, you can complete the process with a card payment, in a matter of minutes.

Is it likely to happen in the near future? The industry is making good progress in this area, but there is still some way to go.

Andrew Wilson MCICM is Chairman of the High Court Enforcement Officers Association (HCEOA).