

Complaints Procedure

A step-by-step procedure to making a complaint about Enforcement Agents who are members of the Certificated Enforcement Agents Association.

CEAA – The Certificated Enforcement Agents Association

EA – The Certificated Enforcement Agent, Trainee or registered Learner

This document explains the procedures that we, the Certificated Enforcement Agents Association Limited, will normally follow when handling complaints, we receive about an Enforcement Agent. However, we do reserve the right to vary the procedure in any individual case to meet its individual circumstances.

Making a complaint

- 1 You can make a complaint if you are affected by the Enforcement Agent's behaviour, or if you have experienced or witnessed the Enforcement Agent's behaviour.
- 2 We will consider complaints from:
 - judgment creditors (people who are owed money under a court decision);
 - judgment debtors (people who owe money under a court decision);
 - other people affected by the EA's behaviour; and an EA about another EA.
- 3 You can make a complaint on behalf of someone else, as long as they have given you permission, in writing, to do so. In exceptional circumstances, a member of your family or someone closely connected to you may make a complaint without having to get your permission to do so (for example, if you were not able to give permission because you are under age or too ill to manage your own affairs).
- 4 You should first make your complaint to the relevant Enforcement Agent or the company they are representing.
- 5 You ask them for a copy of their complaints procedure and should follow their complaints procedure before lodging a complaint with the CEAA
- 6 Once you have exhausted their complaints procedure with the company, if you are still not happy with the result and feel that you have good reason to take the matter further, you may ask us to deal with the complaint.
- 7 You should only make a complaint directly to us if the case involves a self-employed EA and was not engaged through a company.
- 8 We cannot accept or deal with a complaint about a company unless the director or PSI Person of significant influence of the company is a CEAA member and is registered with companies house.
- 9 You must make any complaints to us in writing and send them to our Complaints Officer/Secretary at gen.sec@ceaa.co.uk addressed as Formal complaint.

- 10 Any complaints you make to us must:
 - say what type of complaint you are making; and
 - include a copy of the EA written response to your complaint (if this applies).
- 8 You should also mention in the complaint any laws, common-law responsibilities, rules or codes of conduct which you think the EA has broken.
- 9 Our Complaints Officer/Secretary will acknowledge that they have received your written complaint within seven working days and pass it to our Complaints Officer to deal with.

If you are making a complaint about our Complaints Officer or a member of his trading organisation, we will choose a qualified and independent deputy from the Association Board to handle the complaint.

Assessing your complaint

- 10 The Complaints Officer will, within 28 days of receiving your complaint, assess whether we are able to deal with the complaint and tell you whether or not we will investigate it further. If we are not able to deal with your complaint, the Complaints Officer will inform you in writing, telling you why.
- 11 As part of this complaint assessment, the Complaints Officer will probably ask for information, either by email or by a telephone conference, with you or the EA involved. Where he considers it appropriate, the Complaints Officer may try to seek an informal resolution of your complaint.
- 12 The Complaints Officer will collect all the information available about the complaint and decide whether the complaint should be investigated. He may decide that the complaint:
 - should not go ahead; or
 - falls within a category which our complaints procedure does not include. We will not go ahead with any of the following:
 - a Disagreements about the fees we charge under the Taking Control of Goods Fees Regulations 2014. We already have a legal process for dealing with disagreements about fees, and you must take the matter to a court in an assessment hearing under Civil Procedure Rules Part 84.16. As this is a technical application, you should obtain independent advice from a solicitor, Citizens Advice or the Community Legal Services Board, to make sure you make the application in the correct format.
 - b Complaints about whether a writ/warrant is legal. You should take these matters to the court involved Disputes about the law, rather than the behaviour of an EA. You should take these matters to court.
 - c Cases relating to contractual agreements between the EA and the complainant.
 - d Cases relating to the Enforcement Agents suitability to be an Enforcement Agent should be dealt with by the court using form EAC2.

- 13 If the Complaints Officer rejects your complaint under one of the headings above (except clause 12f) and you disagree with their decision, you may take your complaint to our Complaints Board. You must lodge this appeal with the Complaints Officer in writing.

If the Complaints Officer decides we shall investigate your complaint, he will pass it to the Complaints Board.

The Complaints Board will be made up of a Director of the CEAA and two members of the council (excluding the complaints officer and anyone connected to the complaint) If there is no member of the Board of Directors available, a full member of the Association, unconnected with the complaint, may be co-opted to the Complaints Board.

Investigating your complaint

- 14 The Complaints Board will investigate your complaint in the manner it thinks fit. This will normally be in private and be restricted to a consideration of the evidence contained in the documents presented, although, exceptionally, it may decide to hold a hearing with parties present, if the members of the Complaints Board consider it desirable. In which case, you and the EA will be invited to attend the hearing which will be held in private in a location convenient to you.
- 15 The Complaints Board may ask for further information from both you and the EA and give directions to that effect. All relevant information received will be shared with both you and the EA and you and the HCEO will have an opportunity to comment on it before a decision is made.
- 16 During the investigation, the Complaints Board will be able to use any relevant laws (as amended or replaced from time to time), rules, codes of conduct and common law, including:
- a the Courts Act 2003;
 - b the Tribunals Courts & Enforcement Act 2007 and its Regulations;
 - c the High Court Enforcement Officers Regulations 2004;
 - d our Code of Conduct;
 - e Civil Procedure Rules;
 - f National Standards for Enforcement Agents;
 - g ICO and College of Policing Guidelines on use of body-worn video, surveillance and television cameras, relating to data protection.
- 17 The Complaints Board will prepare a report, which will include:
- a what the complaint was about;
 - b the issues you and the HCEO put forward
 - c any laws, rules, or codes of conduct which have not been met,
 - d the Board's decision and recommendations, with reasons.
- 18 The Complaints Board will consider the complaint and make a decision. It may decide to:
- a dismiss the complaint;
 - b uphold the complaint;
 - c Uphold the Complaint and sanction the Enforcement Agent

- 19 The Chairman of the Complaints Board (the Chairman) will send you a copy of the Complaints Board's report within 21 working days. You can check the report to make sure the information is correct, and you have 21 working days to respond. If you do not respond within 21 working days, we will assume that you agree that the information in the report is correct. The Complaints Board will consider amending the report if they think this is necessary. It is up to the Complaints Board to make the final decision about any amendments. The Chairman will send you the final version of the report.
- 20 If the Complaints Board has made recommendations, it may set deadlines for these recommendations to be introduced and may monitor whether or not the recommendations are being put into practice.
- 21 **If you are unhappy with the Complaints Board's decision** a and the EA have 21 days, from the date of the letter from the Chairman (which includes the report about the Complaints Board's decision), to tell the Chairman in writing if you want to appeal against the decision to the Appeals Board.
- b You must put forward a case where you can argue that there is a problem with the decision – for example, if:
- there is a mistake in the information used to make the decision;
 - the decision is unlawful (that is, the Complaints Board has acted outside its powers or applied the law wrongly);
 - the Complaints Board have not followed our procedures, so the process was not fair; or
 - no reasonable person could have reached the decision.
- 22 The Appeals Board will set a date for it to consider the appeal. The Appeals Board will decide whether it is necessary to hold a hearing with parties present. In which case, you and the HCEO will be invited to attend the hearing which will be held in private in a location convenient to you.
- 23 The Appeals Board will be made up of our President, a qualified independent advisor and one member of our Board of Directors (but not the Complaints Officer or anyone else who has been involved in the complaint process so far).
- 24 The Appeals Board will normally only reconsider the parts of the decision under appeal, based on the reasons put forward by the person who is making the appeal. However, there may be exceptional circumstances where they may reconsider other parts of the decision. The decision of the Appeals Board is final.
- 25 The Appeals Board may:
- a confirm the decision of the Complaints Board; or
- b change the decision of the Complaints Board.

Withdrawing a complaint

- 26 You may withdraw the complaint at any time by sending us written notice.

Cases where we consider that our relationship with the EA should be ended

- 27 If the Complaints Board recommends that we end the HCEO's membership, and the Association's Board agrees, we pass the complaint directly to the County court responsible for issuing the Enforcement Agent with their certificate and give him a copy of the Complaints Board's decision. The courts will give us his decision and confirm whether or not they wish to consider the EA's position as a Fit and proper person to continue to hold a certificate.

General note

- 28 This complaints procedure does not prevent you from taking your case to court. It also does not prevent you from taking your case to other regulatory organisations at any time, but we will not investigate a complaint while it is being looked at by someone else. You may use decisions or recommendations from our Complaints Board or Appeals Board as evidence in any action that follows.
- 29 Where a member of the CEAA fails to reply to the Complaints board they will be sent a reminder at 14 days giving them 7 more days to reply. If member fails to reply within the 21-day period without reason the Executive Committee may suspend membership of the member.
- 30 The member may appeal this suspension in writing within 14 days of notification of suspension.