

# THREE'S COMPANY

Sean Feast FCICM catches up with the founders of Court Enforcement Services (CES).



AUTHOR – Sean Feast FCICM



When Daren started, Frank jokes, “...he couldn’t collect pebbles off a beach...” and yet now is the managing director of one of the fastest growing businesses in the High Court Enforcement sector.

Daren Simcox

**I**T’S Friday morning, and a quick-ish punt from home around the M25 sees me arrive at the back of an industrial estate in Essex. On the other side of a pedestrian passageway are the offices of Court Enforcement Services (CES), and I mustn’t be late. One of the founding directors, Daren Simcox, has delayed his bank holiday weekend travel plans to accommodate me, so in the end I’m early.

Frank Millerick, the company Chairman, is at the door to greet me and I am shown into the boardroom where we are joined by the last of the trio, Wayne Whitford. With all of the founders in the room at the same time, I’m beginning to wonder if I am interviewing them, or are they interviewing me?

Between the three of them, they have well over 100 years’ experience in High Court Enforcement. Frank has seen the Enforcement profession from all sides; for ten years he was a Justice of the Peace and is a former chairman of one of the industry associations that started to lobby for change that has led to recent amendments to enforcement legislation. Daren has been a Certificated Enforcement Agent for more than 30 years and is justifiably proud of how far the business has come in a comparatively short space of time. Wayne has worked in enforcement and debt collection – including doorstep collections – for almost 30 years and, it should be noted, is a Fellow of the Chartered Institute of Credit Management.

### OBVIOUS CHEMISTRY

The Chemistry between the three men is immediately apparent. There is a confidence and a trust that comes from building a business together. When Daren started, Frank jokes, “...he couldn’t collect pebbles off a beach...” and yet now is the managing director of one of the fastest growing businesses in the High Court Enforcement sector.

Since the business eventually emerged through a Management Buyout (MBO) five years ago, it can now claim a £10 million turnover and something like a (25 percent) market share. In the calendar year for 2018 it served c20,000 writs – up from 18,000 the previous year when it was officially listed as number two in the Ministry of Justice (MoJ) league table. Since the start of this year (2019), it has already served 15,000 writs, and keeps growing. Last year they collected c£35 million for their clients.

“When we started the business,” Daren explains, “we decided to focus on Writs. Others have taken a more scatter-gun approach, but we agreed that we wanted to be good at one thing and to be known for it. We now work for four of the big six energy and utility companies, as well as the largest property management company in the UK.”

My visit coincides with a number of major changes being mooted in the industry, including the call for independent regulation of Enforcement Agents. Daren believes the



AUTHOR – Sean Feast FCICM

lack of transparency is a concern: “The industry is currently self-regulated but that means if there is an issue, our conduct is judged by our peers. Is that fair?” he asks. Frank agrees: “It’s like MPs voting for their own pay increases,” he says. “Our industry is a professional industry and should be independently regulated.”

### BODY CAMERAS

One of the hot topics of the moment is the wearing of body cameras, and whether this should be compulsory. “The police, the ambulancemen, and parking attendants are all wearing them now and we think having video evidence is a good thing,” Wayne says. Daren concurs: “An allegation was made recently against one of our agents and the video evidence proved all of those allegations to be false. We also use some of the video footage to train our staff.”

The three men agree that the system can be open to abuse; Enforcement Agents have been known to switch their cameras off, but this is the exception rather than the rule. Video footage also does not always tell the whole story but at least it’s a start: “It gives us another way of measuring performance and that has to be a good thing,” Frank adds. And Daren agrees: “It reduces the number of complaints we are likely to see and it also enables us to monitor the performance and behaviour of our own self-employed agents.”

Another burning issue is a proposal to remove the current rules that disallow a County Court Judgment of less than £600 to be transferred to the High Court. At present, for debts below £600, a creditor is obliged to request a warrant of execution (at a further cost of £110) for a county court bailiff (i.e. a civil servant as opposed to a certificated professional) to enforce. “You can have little confidence you will ever get your money back,” Daren explains. He advocates that this limit should be removed: “It should be the creditor’s choice whether this debt is transferred to the High Court,” he says. As Frank adds: “It is one of those absurd historical anomalies.”

When a debt of more than £600 is transferred, CES charges a fixed fee of £75 (in accordance with the Taking Control of Goods Act Fee Regulation 2014) for enforcement, and gives the customer (i.e. the debtor) a period of 14 days in which to pay the debt in full or come to an arrangement. (“The standard period is seven days but we allow more for postage and receipt, and to take into account weekends,” Daren says.)

### ENFORCEMENT SUCCESS

The success or otherwise of enforcement varies depending on the debt type. Commercial debts tend to be the most successful, and for some debts, the success rate can be as high as 99 percent. When contracts are shared, CES is constantly the highest performer. Wayne says this is due largely to the quality of people they employ; Daren agrees, and says that it comes down to treating every Writ in the same way: “Our ‘paid in full’ rates are the highest in the industry, and we are very proud of that,” he adds.

Success is not only down to the quality of people or its focus on a particular part of the enforcement industry. It is also about how CES has been quick to



Frank Millerick



Wayne Whitford

AUTHOR – Sean Feast FCICM

embrace and develop new technology. Enforcement agents are now able to interact through an award-winning App which has significantly improved the experience for the agent and customer alike. Instructions, documents and photographs can be seen by the agent on the App in real-time: “The complete history of every case can be seen by the agent through the App,” Wayne explains, as he shows me an example on his mobile. The level of information and data available is impressive, and the App also gives the agent the opportunity to take card payments or request additional information, for example, from the DVLA. There is a client portal too, to give clients total visibility of every case.

Court Enforcement Services is certainly a progressive business and not one to rest on its laurels. Staff retention levels are impressive – its current Ops Director actually started with the three directors when he was 19 and is now in his thirties – but it is always looking to the future. It is proud not simply of ‘churning’ existing business, but actually expanding the market: “In our first full year we served 6,000 Writs,” says Daren, “but many of these were not what you would consider ‘traditional’ Writs. Many were from ‘new’ customers thereby creating a new market.”

### RAISING AWARENESS

Visibility of their sector has been enhanced through various ‘fly-on-the-wall’ documentaries on television, but these are both a blessing and a curse. “They are positive in that they have raised the awareness of High Court Enforcement as an option open to creditors,” Frank says. Wayne agrees: “Sometimes people call us and say that they’ve seen us on TV!”

The problem that Daren perceives is the intrusive nature of the programme on the customer: “Our job is to execute a court order and that is the end of it. It is not our job to then offer on camera our personal opinions as to the rights and wrongs of the customer’s circumstances.”

So what next for the team at CES? In 2018, the directors sold part of the business to JBW, a larger collections and enforcement business, although CES still retains its independence. “Being part of a bigger group gives us a huge opportunity for future growth,” Daren says.

### CHANGING LANDSCAPE

The landscape for Enforcement is likely to change with the introduction of a new independent regulator, but the team only see this as a positive step. It has

always taken complaints and compliance seriously and believes that professional businesses could benefit from the changes being proposed.

“The three people in this room have collectively done as much as any to promote professionalism within our industry,” Frank adds.

The business started out as a boutique – an approachable, customer-centric business that puts relationships at the very heart of what it does. It has very much ‘grown up’ as a business and is never afraid to try new things. Daren is particularly excited about a new ‘Brand Sound’, though what this will finally look and sound like appears as much a mystery to his fellow directors as it does to me!

Court Enforcement Services goes above and beyond the ‘traditional’, with skill-sets and experience that are core to its success.

This, they are all agreed, will never change: “The market will continue to grow, creditors’ choice will improve, and online decision making will increase the volumes of judgments being referred to the High Court,” Daren concludes.

An allegation was made recently against one of our agents and the video evidence proved all of those allegations to be false. We also use some of the video footage to train our staff.

