

Credit Services  
Association (CSA)  
**Code of Practice**





# CSA Code of Practice

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# Introduction

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## CSA Code of Practice

This Code of Practice sets out best practice standards we expect from our members, and which customers and businesses engaging with our members should expect. Members agree to comply with the word of this Code of Practice, as well as the spirit, by virtue of membership. We will ensure that members found to be acting contrary to this Code of Practice will be dealt with in accordance with our disciplinary procedures.

We believe this Code of Practice (“this Code”) will enable customers and businesses to address their outstanding accounts with confidence of fair treatment. To fulfil this, those with overdue accounts should cooperate with the businesses managing their accounts to agree reasonable and sustainable repayment solutions. We do not support any level of debt avoidance or delaying tactics from customers, or any nuisance caused to our members through abuse or intentional misinterpretation of this Code.

Compliance with this Code is mandatory for CSA members to ensure best practice standards are maintained, it is also intended to be a helpful resource for customers.

## About the Association

The Credit Services Association (CSA) is the only national trade association in the UK for organisations active in the debt collection and purchase industry. Our membership employs nearly 11,000 people, held over £20bn of consumer debt for collection last year across over 20million accounts, and they held nearly £4bn of commercial debts in over 1.5million commercial accounts. Our members act on behalf of a large and diverse range of creditors including banks and utility companies, and comprises specialist organisations such as tracing agencies and law firms.

# Introduction

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## Legal and regulatory

The CSA expects members to maintain all required regulatory permissions, authorisations, and registrations and to adhere to all relevant legal and regulatory requirements, guidance and best practice, including this Code.

This Code of Practice does not cover:

- The Enforcement activities of public and private sector Enforcement Agents (bailiffs and High Court Enforcement Officers) or the Enforcement Agencies that employ them (but only in respect of Enforcement activities).
- The products and/or services of CSA Supplier Members. Supplier Members are required to work within the Principles of Business set out in this Code of Practice.
- Any type of lending, savings or investment activity, or the sale of insurance or mortgage products for customers or businesses.
- The activities of brokers or other intermediaries .
- Claims for compensation.
- Contractual disputes.

## Breaches of this Code of Practice

Allegations of breaches of this Code will be investigated by the CSA. If any investigation identifies serious breaches of this Code by any member, the matter will be referred by the CSA Chief Executive to the Conduct Committee, where necessary. Each member shall cooperate with the CSA in a timely manner, providing requested information. The CSA shall determine any sanction for a breach of this Code in accordance with its Articles of Association. The CSA may publicise any sanctions it imposes on a member.

# Using this Code of Practice

This Code is divided into sections relating to certain activities carried out by CSA member companies. Some sections apply to all CSA members while some sections apply only to those CSA members who offer specialist services. Each section is colour-coded, relative to the activities the section relates to. Members must comply with all sections applicable to their business activities, as illustrated by the colour-coded symbols alongside the activity.

CSA members must comply with the **Common Principles**, which are as follows:

- Principles of business
- Key requirements
- Dealing with customers in vulnerable circumstances and financial difficulties
- Dealing with complaints and disputes
- Data protection and confidentiality
- Compliance monitoring

Sections	Tracing	Communication with customers	Doorstep/field collection activity and reconnection visits	Debt sale and debt purchase	Pre-litigation and litigation	International collections	Commercial collections (business-to-business)
<b>Activity Specific Principles:</b>							
Tracing	●	●	●	●			
Communication with customers	●	●	●	●	●		
Doorstep/field collection activity and reconnection visits	●	●	●		●		
Debt sale and debt purchase	●	●	●	●	●		
Pre-litigation and litigation	●	●	●	●	●	●	●
International collections	●	●	●	●	●	●	●
Commercial collections (business-to-business)	●	●	●	●	●	●	●

# Common Principles

This section applies to all members

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CSA Members must comply with the **Common Principles**:

1. Principles of business
2. Key requirements
3. Dealing with customers in vulnerable circumstances and financial difficulties
4. Dealing with complaints and disputes
5. Data protection and confidentiality
6. Compliance monitoring

# Common Principles

## 1. Principles of business

### Members shall:

- a. Act and conduct their business with integrity and ensure that all regulatory and legal requirements are met.
- b. Show skill, care and diligence when conducting their business with both clients and customers.
- c. Have in place the appropriate resources to demonstrate financial stability, and ensure clients' assets are adequately protected and not used to fund the business.
- d. Establish, implement and maintain adequate policies and procedures, sufficient to ensure compliance with industry legislation, regulation, codes and standards, and take reasonable care to organise and control their affairs responsibly and effectively, with adequate risk management systems including (but not limited to): appropriate policies, procedures and controls; oversight; and root cause analysis.
- e. Exercise due diligence and care in selecting an outsourced partner and assess their competency to undertake the work, as well as monitor activity and performance and ensure adequate levels of governance throughout the relationship.
- f. Take into account the competency and suitability of management and staff employed, and consider relevant skills, experience and background.
- g. Observe proper standards of market conduct, and not act in a way which may be detrimental to the objects, interests, or influence of the Association.
- h. Pay due regard to the interests of their customers and treat them fairly.
- i. Deal with the CSA, any regulator or governing body in an open and cooperative way, and disclose anything relating to the member of which the CSA, a regulator or other governing body would reasonably expect notice. Members are encouraged to engage with the CSA on any matters which may arise which could impact on the industry as a whole, or the objects, interests and influence of the CSA, so as to ensure that the CSA can lead on those matters with the relevant regulators.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 2. Key requirements

### Members shall:

- a. Conduct their business in compliance with all relevant legislation, regulations, regulatory guidance and requirements and this Code. In addition to this, and whether FCA authorised or not, the CSA expects each member to have in place robust governance arrangements, which include:
  - a clear organisational structure with well-defined, transparent and consistent lines of responsibility;
  - effective processes to identify, manage, monitor and report the risks it is or might be exposed to; and
  - internal control mechanisms, including sound administrative and accounting procedures and effective control and safeguard arrangements for information processing systems.
- b. Conduct their business under names, titles and trading styles which are not intended to confuse, mislead or embarrass clients, creditors, customers or members of the public, and which will not imply any association with other organisations, governmental bodies or persons which either do not exist or carry no association with the business.
- c. Make available on their website (if they have one), or following a request, a copy of this Code.
- d. Provide adequate and sufficient training to its employees in order to ensure that they conduct themselves in accordance with this Code.
- e. Regularly examine and audit their practices, strategies, communications and compliance culture against this Code.
- f. Ensure that any communication complies with this Code and is in plain English.
- g. Not unlawfully discriminate against any person.
- h. Have in place a separate business account for all monies collected on behalf of clients and instruct their bank that the account only holds client money.
- i. Inform their clients of the true rates of charges for services rendered.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

# Common Principles

## 2. Key requirements (continued)

- j. Distribute client money only as agreed with, or as instructed by, the client.
- k. Report sums collected and remit to their clients at least once a month, or as otherwise agreed or instructed, all monies collected.
- l. Ensure they undertake due diligence, risk analysis and, where appropriate, audit any third party supplier or outsourced partner on a regular basis to ensure adherence to regulatory requirements and this Code, regardless of whether or not the third party is a CSA member.
- m. Comply with all reasonable requests for information made by customers or their representatives, regulators, clients and creditors, whether statutory or not, and upon payment of the statutory fee, if applicable.
- n. Not place restrictions or time limits on the legitimate querying of unallocated payments and overpayments. Where members establish a legitimate unallocated payment or legitimate overpayment, and the funds remain in the member's possession, steps should be taken to correctly allocate or refund the payment. Where the funds are no longer in the member's possession, they should advise the customer how they can pursue their query further.
  - n(i). Implement appropriate precautions to detect and prevent potential money laundering where they are providing a customer with a refund.
  - n(ii). Make reasonable efforts to alert a customer to an unallocated payment or an overpayment and to return or correctly allocate said payment, where this has been identified by the member company.
- o. Treat businesses with whom they deal fairly and transparently.
- p. Provide prior written notice to customers when outsourcing accounts, to ensure the customer's awareness of who will be contacting them.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 2. Key requirements (continued)

- q. Make contact at reasonable times and at reasonable intervals, taking into consideration the reasonable wishes of the customer, which may include the preferred method of communication. Where possible, make customers aware of business opening times and highlight contact periods.
- q(i). Conduct regular and comprehensive internal reviews of their customer communications, taking into account frequency, method and content, aiming for contact to be clear, intelligible and not excessive or harmful.
- q(ii). As part of their reviews of communications and engagement strategies, establish appropriate parameters for contact attempts of customers that are not engaged.
- q(iii). Make reasonable efforts to minimise outbound contact where a customer is engaged.
- r. Where automated dialling systems are used, ensure compliance to the Ofcom Statement of Policy on Persistent Misuse\*.
- s. Take appropriate steps to ensure the accuracy of data processed by them and in particular data relating to individuals and their accounts.
- t. When an account is reasonably disputed or a complaint is received, suspend collection activity and investigate, and where applicable, refer the matter to their client.
- u. Ensure that they do not put any customer under undue pressure to borrow money.  
  
Take reasonable steps to ensure that the person being contacted is in fact the customer.
- v. Communicate with customers fairly and transparently, and not intentionally mislead them.
- w. Cooperate with customers and their authorised third parties in line with regulatory guidance, and not act in a manner intended to publicly embarrass or cause them distress.
- x. Treat customers fairly and not subject customers (or their authorised representatives) to aggressive practices, or conduct which is deceitful, oppressive, unfair or improper, whether lawful or not.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

*\*Persistent Misuse: A statement of Ofcom's general policy on the exercise of its enforcement powers.*

# Common Principles

## 2. Key requirements (continued)

- y. Exercise forbearance and consideration of a customer's circumstances, of which they are aware - in particular, in relation to those who are particularly vulnerable or experiencing severe financial hardship.
- z. Take into account a customer's circumstances and ability to pay when seeking to recover debts.
- aa. Ensure that they take into account a customer's domicile and the law applicable to the agreement underlying the debt.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 3. Dealing with customers in vulnerable circumstances and financial difficulties

Members must have in place a robust mechanism to identify customers in vulnerable circumstances and/or financial difficulties. Where these customers are identified, or the member has reason to believe the customer is in a vulnerable situation, members must consider appropriate outcomes for those customers.

### In addition to the above, members shall:

- a. Ensure their staff are trained to be empathetic with customers experiencing financial difficulties or who find themselves in a vulnerable situation.
- b. Take into consideration the special circumstances of those customers in a vulnerable situation and/or financial difficulties, and consider the customer's ability to pay.
- c. Accept all reasonable offers by customers to pay by instalments provided such customers have supplied (i) evidence of inability to pay in full, and (ii) income and expenditure information demonstrating the maximum amount they can afford to pay. Repayment plans should be affordable and sustainable.
- d. Apply forbearance where it is clear this is the most appropriate approach for a customer's current situation.
- e. Allow a customer to apportion income to the payment of priority debts such as mortgage or rent, when assessing a customer's ability to repay.
- f. Suspend any debt collection where a customer demonstrates they are seeking financial assistance and provide the customer at least 30 days to seek such advice, unless the request falls under the Debt Respite Scheme Regulations, in which case see 3f (i). Additional forbearance should be considered where appropriate.
- f(i). Act in accordance with the Debt Respite Scheme Regulations where the customer, client, original creditor, debt adviser or designated representative informs you that the customer is seeking assistance under the [Debt Respite Scheme Regulations](#). Additional forbearance should be considered where appropriate.
- g. Be prepared to accept a token offer made by a customer or their representative, when evidence has been provided that they cannot afford to pay more.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 3. Dealing with customers in vulnerable circumstances and financial difficulties (continued)

- h. Consider reducing or stopping interest, charges or fees being applied to an account if a customer has demonstrated financial difficulties.
- i. Encourage a customer to engage or offer appropriate signposting to free and impartial money advice organisations who can assist. Further details of those organisations who may be able to help can be found in Annex 1 of this Code under Helpful Information.
- j. Obtain and use special categories of data only in accordance with data protection regulations and any guidance published by the relevant supervisory authority. In most cases, this will only be where a customer has provided explicit consent for processing the sensitive personal data.
- k. Upon identifying a customer with health problems, including mental health and customers with disabilities, consider what evidence of their health problem is necessary and appropriate, especially in circumstances where seeking such evidence could add a cost burden to the customer. This would include requesting evidence through the Debt and Mental Health Evidence Form.
- l. In instances where a customer is in a vulnerable situation, only initiate court action if it is reasonable and proportionate to do so.
- m. Ensure information in relation to a customer's vulnerable situation, including any mental health problems, is passed on to the instructing client or any third party agent subsequently instructed, to ensure a better customer journey.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 4. Dealing with complaints and disputes

The CSA considers a ‘complaint’ to be any expression of dissatisfaction about the way in which a member has conducted itself. A ‘dispute’ means any denial of certain facts in relation to the debt itself. A request for information, such as a copy credit agreement or statement of account, does not in itself amount to a complaint or a dispute.

Members shall ensure they maintain an effective complaint and dispute handling procedure, and that they do not operate any unreasonable barriers for customers to submit a complaint or dispute. Where accounts are within the jurisdiction of the Financial Conduct Authority (FCA), members must adhere to the relevant DISP rules published in the FCA Handbook, including the right to refer complaints to the Financial Ombudsman Service (FOS), where appropriate.

Members may also refer customers to the CSA’s complaints procedure which can be found at [www.csa-uk.com/complaints](http://www.csa-uk.com/complaints)

### Complaints

#### Members shall:

- a. Cease recovery activity while investigating a complaint.
- b. Acknowledge receipt of a complaint and advise of the timescales for investigation.
- c. Following a request, provide customers with a copy of their complaint handling procedures.
- d. Handle and deal with complaints, whether verbal or written, promptly and in a clear manner.
- e. Advise complainants of their right to refer their complaint to the CSA, as and where appropriate.
- f. Take appropriate remedial action in instances of failing or error.
- g. Undertake root cause analysis of complaints and take corresponding action to improve business practices.
- h. Keep a record of all complaints received, and ensure the appropriate personnel are aware of the level, nature and root cause of complaints on a regular basis.

#### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

# Common Principles

## 4. Dealing with complaints and disputes (cont)

### Disputes

#### Members shall:

- i. Engage with clients and customers to ensure disputes are investigated and dealt with promptly.
- j. Cease collections activity while investigating a valid dispute.
- k. Provide a response detailing the members' conclusion to the dispute, where relevant, depending on whether the member or their client carries out the investigation.
- l. Provide sufficient information to justify the stated conclusion.

#### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Common Principles

## 5. Data protection and confidentiality

### Members shall:

- a. Adequately demonstrate compliance to relevant data protection regulation, and any additional guidance supplied by the relevant supervisory authority, by having appropriate policies and procedures in place, and monitoring those policies and procedures.
- b. Process personal data in accordance with the relevant data protection regulation, and any additional guidance supplied by the relevant supervisory authority and the CSA.
- c. Only obtain and process data from legitimate sources or databases.
- d. When dealing with personal data, provide customers with requisite information about how their data will be processed, taking into consideration guidance provided by the relevant supervisory authority and/or the CSA.
- e. Where they are aware that the data is out of date or inaccurate, take prompt steps to correct both data held internally and any reported to credit reference agencies (where applicable) and alert clients to the required correction.
- f. Where permissible, pass on or make promptly available information in relation to a customer's financial circumstances, any dispute or complaint, or vulnerability in order to prevent collection activity from continuing where it is inappropriate to do so.
- g. Use appropriate controls to ensure that any exchange of data to any third party is lawful and adequately protected.
- h. Ensure they have the technical and organisational measures in place to prevent unauthorised and unlawful processing and disclosure of information, and notify the relevant supervisory authority without undue delay, where required, of data protection breaches.
- i. Carry out regular privacy impact assessments, taking into consideration guidance provided by the relevant supervisory authority.
- j. Comply with any subject access request received from an individual or any third party representative acting on behalf of the individual, in accordance with relevant legislation.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

# Common Principles

## 5. Data protection and confidentiality (continued)

- k. Ensure appropriate data protection checks are carried out when speaking with customers or their authorised representatives to verify their identity and, where necessary and appropriate, validate and update information received from the customer.
- l. Observe and protect each client's data, strategies, integrity and business methods.
- m. Operate a documented data retention policy.
- n. Maintain records of processing activities in line with relevant data protection regulation.
- o. Where required under relevant data protection regulation, appoint a Data Protection Officer.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

# Common Principles

## 6. Compliance monitoring

### Members shall:

- a. Have in place a robust framework to monitor conduct, risk and governance, to safeguard the interests of the business, their customers, and any outsourced third parties, and carry out monitoring on a regular basis.
- b. Keep abreast of relevant legislation, regulations, regulatory guidance and requirements, including updates to, and guidance relating to this Code.
- c. Periodically test the compliance knowledge of their staff, as appropriate to their job functions.
- d. Employ appropriate and sufficient organisational processes to enable the routine monitoring of their compliance performance, including that of their staff and agents.
- e. Keep records of compliance monitoring and testing undertaken in sufficient detail to illustrate compliance performance.
- f. Carry out appropriate levels of due diligence when engaging with third parties for outsourced activities, including carrying out operational, technical and compliance assessments.
- g. Have in place written agreements with third parties for outsourced activities, which allocate and clearly set out the respective rights and obligations of the member and the third party, and offer both parties appropriate protections.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

## Activity Specific Principles

This section applies to members who undertake each activity

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7. Tracing
8. Communication with customers
9. Doorstep/field collection activity and reconnection visits
10. Debt sale and debt purchase
11. Pre-litigation and litigation
12. International collections
13. Commercial collections

# Activity Specific Principles

## 7. Tracing

### Members shall:

- a. Conduct their practices in a way consistent with treating customers fairly and ensure they are ethical, legal, clear, fair and not misleading.
- b. When outsourcing tracing instructions, supply account level data, where available.
- c. When seeking to identify an individual, take reasonable steps to ensure that data and information used in the identification process is, to the best of the member's knowledge, accurate and adequate.
- d. Ensure that all practices involved in the tracing process are transparent and in line with relevant regulation and guidance, prior to any collections activity.
- e. Take reasonable steps to ensure that the person traced is in fact the customer.
- f. Attempt to verify data obtained relating to a customer's whereabouts using one or more information sources, which could include reliable databases, a soft trace letter, contacting other people or doorstep enquiries.
- g. Not address trace communication to "The Occupier" where the name of the individual is known.
- h. Not use neighbours to pass on messages as part of the trace process.
- i. Update all records promptly and accurately, where data is proven to be inaccurate.
- j. Demonstrate that processes are in place to deal effectively and fairly with any instances of mis-trace (when data obtained proves to be inaccurate) and keep records of such instances.
- k. Carry out root cause analysis of trace-related complaints and make appropriate changes to their business practices to reduce any reoccurrence.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase

# Activity Specific Principles

## 8. Communication with customers

### Members shall:

- a. When making contact by telephone, ensure adherence to data protection requirements and verify the identity of the customer or their authorised third party before discussing the nature of the call.
- b. When leaving a message, not disclose the nature of the call or any details relating to the debt, or other personal information.
- c. Not refer to litigation or insolvency proceedings unless the commencement of proceedings is genuine and intended.
- d. Ensure that staff members who use pseudonyms can be easily identified within the organisation.
- e. When making contact with a customer, consider the CSA guidance on Standard Debt Collection Communication, and ensure letters, SMS messages and emails are written and produced in line with applicable regulations, legislation and regulatory guidance.
- f. Ensure that on transfer of a debt to a third party representative the customer receives written notification advising them who is now responsible for collecting the debt, so that they are aware at all times who will be making contact.
- g. Not use wording which could be considered as aggressive, threatening or misleading.
- h. Provide customers with information on repayment options and methods.
- i. Take reasonable steps to verify that contact details obtained from sources other than the client are valid and that the communication method is an appropriate form of communication before sending debt-related information.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation

# Activity Specific Principles

## 8. Communication with customers (continued)

- j. When communicating electronically, not disclose the nature of the contact or refer to the debt or other personal details,
- where they have reason to doubt the validity of the contact information,
  - where they believe sharing information via the selected method may expose customer details to an unauthorised third party or
  - where they have reason to believe the customer would not reasonably expect to be contacted in this way.
- k. Not use trading styles which are likely to mislead or confuse.
- l. Consider any statutory requirements which require a particular method for sending certain documents or notices.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation

# Activity Specific Principles

## 9. Doorstep/field collection and reconnection visits

Doorstep or field collection and reconnection visits are an effective method of engaging with customers, but should not be used as a threat of action. It is not enforcement activity, and should not be referred to as such.

### Members who engage in doorstep/field activity shall:

- a. Provide adequate training to doorstep representatives to ensure that all visits are performed in accordance with relevant legislation, regulations, regulatory guidance and codes of practice.
- b. Provide doorstep representatives with appropriate identification which should be offered to customers at the first opportunity and made available immediately upon request.
- c. Give, where appropriate, adequate notice to a customer of the time and date of a visit.
- d. Arrange appointments at a time convenient to the customer, when requested to do so.
- e. Ensure any monies collected by doorstep representatives are remitted securely and in accordance with timelines agreed with the client.
- f. Regularly audit the activity and cash-handling procedures adopted by doorstep representatives.
- g. Investigate all complaints made against staff and representatives and provide the details and outcomes of these investigations to the client.

### Representatives of members shall:

- h. Always act in a courteous and respectful manner.
- i. Leave a property when requested to do so by the occupant, in accordance with applicable laws.
- j. Notify the member company where a customer has been identified as vulnerable, who can in turn inform the client.
- k. Maintain accurate records of all visits undertaken.
- l. Properly record any assertion that the person being visited is not the customer and promptly report this to the client.
- m. Ensure information established during the visit is accurately reported to the client.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Pre-litigation and litigation

# Activity Specific Principles

## 10. Debt sale and debt purchase

### Debt sale - members selling customer accounts shall:

- a. Make clear to potential buyers the nature and characteristics of the accounts being sold.
- b. Provide clear and sufficient information in order for potential buyers to form a view as to the recoverability prospects of the accounts.
- c. Provide adequate due diligence time and resources to potential buyers.
- d. Once having informed a potential buyer that they intend to sell certain customer accounts to it, use reasonable endeavours to complete the sale of all such accounts to that particular buyer.
- e. Take reasonable steps to ensure the accuracy of data provided to potential buyers both pre- and post-sale.
- f. Promptly notify buyers and potential buyers of any inaccuracies in data or information and promptly provide corrected or alternative data, as appropriate.
- g. Unless the buyer is already in possession of the data, on, or promptly following, the date of completion of the sale of accounts, provide the buyer with up-to-date data relating to the accounts, so that the buyer is adequately informed about a customer's account at the time of first contact with the customer.
- h. Provide post-sale support and information (including documentation relating to the accounts) that enables the buyer to respond to customer queries and reasonable requests for information.
- i. Ensure that any third parties instructed in relation to the accounts being sold are aware of any likely sale.
- j. Ensure that upon the sale of any account, any third party instructed in relation to the accounts immediately ceases recovery activity, unless otherwise agreed by the buyer.
- k. Not limit the scope of post-sale support or the time period during which it is available.
- l. Only request to re-purchase accounts when necessary and proportionate.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation

# Activity Specific Principles

## 10. Debt sale and debt purchase (continued)

- m. Handle all complaints and claims made against them by customers fairly and provide the buyer with sufficient information to enable it to manage the accounts appropriately in the circumstances.

### Debt purchase - members buying customer accounts shall:

- n. Provide sellers with accurate information about their business practices, where requested.
- o. Use data provided to them in relation to the sale of accounts in accordance with any agreements it has with the seller or, in the absence of any such agreement, in accordance with all applicable legislation, regulations, regulatory guidance and requirements and this Code.
- p. Have systems and processes in place to ensure that data relating to customers is correctly uploaded.
- q. Use recovery strategies appropriate for the nature and characteristics of the accounts purchased.
- r. Consider leaving paying accounts with the debt collection agency managing the account at the time of purchase.
- s. Report relevant account information to the credit reference agencies.
- t. Provide a Notice of Assignment to each customer that clearly identifies the new owner of the account and explains who will be managing the account.
- u. Provide the seller with such post-sale information reasonably required to resolve issues raised by the customer post-sale, or to fulfil the seller's obligation to supply information for judicial or regulatory purposes.
- v. Provide the seller with audit rights, including access to premises, systems and records to audit the buyer's compliance with relevant regulations and legislation and its obligations under the sale and purchase agreement.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation

# Activity Specific Principles

## 11. Pre-litigation and litigation

### Pre-litigation

#### Members shall:

- a. Only state to a customer an intention to commence proceedings if they are reasonably likely to be undertaken.
- b. Make clear to a customer, prior to issuing a claim or making an application, the intended course of action and what the customer can do to prevent that course of action.
- c. Not mislead customers as to the consequences or inevitability of consequences arising from any legal or bankruptcy action.
- d. Ensure communications give due regard to the relevant sections of the CSA Guidance on Standard Debt Collection Communication.
- e. Adhere to Pre-Action Protocol (PAP).

### Litigation

#### Members shall:

- f. Resort to litigation only if appropriate non-litigious recovery activity has been undertaken in respect of an account, and where it is appropriate and proportionate to do so.
- g. Only commence any litigation, enforcement or bankruptcy action if they intend to obtain the related order against the customer.
- h. Not serve a statutory demand on a customer unless they intend, at the time of service, to serve a bankruptcy petition on the customer if the customer does not respond to the statutory demand.
- i. Consider refraining from commencing, or consider suspending or ceasing, any legal or bankruptcy action upon identifying that the customer's circumstances make them vulnerable.
- j. Provide forbearance to customers as appropriate in the circumstances.
- k. Only impose costs and interest on customers to which they are lawfully entitled.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Activity Specific Principles

## 11. Pre-litigation and litigation (continued)

- l. Serve all appropriate statutory notices on customers prior to, during and post-litigation.
- m. Have demonstrable policies and carry out sufficient due diligence relating to their selection of accounts and/or customers for legal and bankruptcy action.
- n. Adhere to all relevant legislation and regulations throughout proceedings.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Activity Specific Principles

## 12. International collections

### Members shall:

- a. Adhere to the jurisdiction of the country in which the member is undertaking debt collection activity.
- b. Consider and adhere to any local regulatory guidance on debt collection within the country where they are attempting to collect unpaid accounts.
- c. Adhere to relevant data protection regulation and have appropriate controls in place to ensure the safe transfer of data.
- d. Maintain all relevant licences, permits and registrations of the jurisdiction in which the member is undertaking collection activity.
- e. Respect the prevailing time zones of the country the member is calling when making contact by telephone or SMS to customers or their representatives.
- f. Take account of statutory and other local market holidays when making contact with customers or their representatives.
- g. Be willing to accept payment in any reasonable and non-sanctioned currency.
- h. Use a recognised exchange rate provider when converting payments or when payment plans are being set.
- i. Respect the language preferences of the customer relative to the jurisdiction, including written communication.

### This section applies to:



Tracing



Communication with customers



Doorstep/field collection activity and reconnection visits



Debt sale and debt purchase



Pre-litigation and litigation



International collections



Commercial collections (business-to-business)

# Activity Specific Principles

## 13. Commercial collections

### Members shall:

- a. Adhere to the principles of this Code when collecting unpaid accounts from businesses.
- b. Make clear all costs and charges added to account balances, including the legal or contractual basis for any interest applied.
- c. Consider relevant guidance, including that issued by the CSA, when communicating with businesses.
- d. Have in place an adequate complaint handling process.

### This section applies to:

-  Tracing
-  Communication with customers
-  Doorstep/field collection activity and reconnection visits
-  Debt sale and debt purchase
-  Pre-litigation and litigation
-  International collections
-  Commercial collections (business-to-business)

# Helpful information

## Helpful information for customers, their representatives and individuals

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### Introduction

The CSA appreciates that it may be daunting to deal with creditors and their representatives when you are experiencing financial difficulties or when you are contacted to repay a debt. Our members agree to conduct themselves with the best practice described in this Code of Practice. You should be confident of a fair conversation with any of our members, and we recommend you discuss your account with them openly and enable them to understand your financial circumstances. This will enable fair decisions to be made about your account and give you a line of contact if your circumstances change at a later date or if you have any questions about your account.

We always recommend that you deal with the business that is contacting you first and, if necessary, you seek independent advice or assistance. It is important you receive correct advice and assistance from properly authorised entities, such as the free advice organisations listed on the following page. You should be aware that information or opinions you may find online, such as in website forums, may appear reliable but may not necessarily be legally correct or may be inappropriate for your particular circumstances.

The free advice organisations listed on the following page will be better positioned to provide you with personal advice from trained staff. Some of these organisations are also usually recommended by regulators.

### Making a complaint against a member

The CSA can only consider complaints against members of the Association regarding alleged breaches of this Code of Practice. The Code of Practice is primarily concerned with the debt collection activity of our members.

Please note that enforcement action, such as enforcement activity, does not fall within the remit of our Code of Practice.

We cannot consider complaints about clients of members nor can we consider complaints about the goods or services supplied by those clients. We are unable to get involved in contractual concerns.

All complaints must be submitted in writing using our complaint form which is available on our website at [www.csa-uk.com/complaints](http://www.csa-uk.com/complaints) or on request by calling 0191 217 0775. We require the form to be signed so that we, and our member, have the requisite authorisation to share information.

Further information on our complaint process can be found on our website at [www.csa-uk.com/complaints](http://www.csa-uk.com/complaints).

Completed forms can be returned by email (signed and scanned) to [complaints@csa-uk.com](mailto:complaints@csa-uk.com) or by post to: 2 Esh Plaza, Sir Bobby Robson Way, Great Park, Newcastle upon Tyne, NE13 9BA, England, United Kingdom.

# Helpful information

## Free advice organisations

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### **Advice NI**

For debt advice if you live in Northern Ireland.

**t:** 0800 915 4604

**w:** [www.adviceni.net](http://www.adviceni.net)

**e:** [info@adviceni.net](mailto:info@adviceni.net)

### **AdviceUK**

Debt advice, including specialist advice for minority communities and people with disabilities.

**t:** 0300 777 0107 or 0300 777 0108

**w:** [www.adviceuk.org.uk](http://www.adviceuk.org.uk)

### **Christians Against Poverty (CAP)**

For free debt advice in your home, check postcode coverage at:

**w:** [www.capuk.org](http://www.capuk.org), and then call 01274 761 999

### **Citizens Advice**

For advice and information on debt and other topics, visit your local Citizens Advice Bureau.

**w:** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Citizens Advice Northern Ireland**

Citizens Advice Northern Ireland provides free, confidential and impartial debt advice.

**w:** [www.citizensadvice.org.uk/about-us/northern-ireland](http://www.citizensadvice.org.uk/about-us/northern-ireland)

### **Civil Legal Advice (CLA)**

You may get legal aid if your home is at risk.

**t:** 0345 345 4345

**w:** [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### **Law Works**

Can offer free legal advice and signposting.

**w:** [www.lawworks.org.uk/legal-advice-individuals](http://www.lawworks.org.uk/legal-advice-individuals)

### **Money Advice Scotland**

Find contact details for debt advice in your local area if you live in Scotland.

**e:** [info@moneyadvicescotland.org.uk](mailto:info@moneyadvicescotland.org.uk)

### **Money Helper**

For free advice and guidance.

**e:** [www.moneyhelper.ork.uk/en](http://www.moneyhelper.ork.uk/en)

### **National Debtline**

Debt advice and information if you live in England, Wales or Scotland.

**t:** 0808 808 4000

**w:** [www.nationaldebtline.org](http://www.nationaldebtline.org)

### **PayPlan**

For debt advice throughout the UK on the phone and online.

**t:** 0800 316 1833

**w:** [www.payplan.com](http://www.payplan.com)

### **StepChange Debt Charity**

For debt advice throughout the UK by phone and online:

**t:** 0800 138 1111

**w:** [www.stepchange.org](http://www.stepchange.org)

Further support organisations are listed on our website - [Help with your finances - Credit Services Association \(csa-uk.com\)](http://www.csa-uk.com)

# Helpful information

## Other useful organisations

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### Information Commissioner's Office (ICO)

The Information Commissioner's Office, also known as the ICO, is the UK's independent authority set up to uphold information rights in the public interest, promoting openness of public bodies and data privacy for individuals. The ICO provides guidance to help individuals understand what data protection, freedom of information and related legislation mean to them.

For all enquiries, guidance on the work of the ICO and to report data protection issues:

#### Information Commissioner's Office (ICO)

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**w:** [www.ico.gov.uk](http://www.ico.gov.uk)

**t:** 0303 123 1113

**e:** [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

### Credit Reference Agencies

Credit Reference Agencies obtain information from numerous sources to help other creditors make decisions about granting and recovering credit from customers, as well as assisting in locating customers who have moved address. Some of this information will be recorded in the credit file the credit reference agency maintains about you. You can ask the credit reference agencies for a copy of the credit file they hold about you. They may charge a fee for this service. The details of the UK Credit Reference Agencies are as follows:

#### Equifax Limited

Equifax Ltd  
Customer Service Centre  
PO Box 10036  
Leicester  
LE3 4FS

**w:** [www.equifax.co.uk](http://www.equifax.co.uk)

#### Experian Plc

Experian  
The Sir John Peace Building  
Experian Way  
NG2 Business Park  
Nottingham  
NG80 1ZZ

**w:** [www.experian.co.uk](http://www.experian.co.uk)

#### TransUnion

One Park Lane  
Leeds  
LS3 1EP

**w:** [www.transunion.com](http://www.transunion.com)

# Helpful information

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## Financial Ombudsman Service (FOS)

The Financial Ombudsman Service, also known as the FOS, is the official independent expert in settling complaints between consumers and businesses providing financial services.

For all enquiries, guidance or to lodge a complaint about one of our members (subject to having first contacted the member company and certain conditions described in the rules published on the FOS website):

### Financial Ombudsman Service

Exchange Tower  
London  
E14 9SR

**w:** [www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)

**t:** 0800 023 4567

**e:** [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

## Financial Conduct Authority (FCA)

The Financial Conduct Authority is the UK financial services regulator. Any Firm that wishes to carry out regulated activities must first be authorised to do so by the FCA. Regulated firms must comply with all relevant rules in the FCA Handbook.

### Financial Conduct Authority

12 Endeavour Square  
London  
E20 1JN

**w:** [www.fca.org.uk](http://www.fca.org.uk)

**t:** 0800 111 6768 / 0300 500 8082

# Contact us

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## Credit Services Association

2 Esh Plaza  
Sir Bobby Robson Way  
Great Park  
Newcastle upon Tyne  
NE13 9BA  
England  
United Kingdom

**t:** +44 (0)191 217 0775

**e:** [info@csa-uk.com](mailto:info@csa-uk.com)

**w:** [www.csa-uk.com](http://www.csa-uk.com)

 Follow us

 @CreditServicesA

 @creditservicesassociation

