



Ministry  
of Justice

# Working safely during COVID-19: enforcement agents (bailiffs)

## **COVID-19 secure guidance for enforcement agents (also known as bailiffs) using the Taking Control of Goods process**

This guidance applies in England and Wales – there's different guidance in [Scotland](#) and [Northern Ireland](#). We will be providing a Welsh language translation of this guidance in due course.

The UK is currently experiencing a public health emergency as a result of the COVID-19 pandemic. It is critical that we all take steps to keep everyone safe. This document is intended to help those using the taking control of goods process – including all enforcement agents (both public and private), their employers and the creditors that use their services – understand how to work safely during the pandemic. The government is clear that no one should be forced to work in unsafe conditions and that the health and safety of workers and the public should not be put at risk.

This document has been prepared by the Ministry of Justice (MoJ) in consultation with Public Health England (PHE). This document is kept under review and may be updated to reflect changes in public health advice. The latest advice should be followed at all times.

Public health is devolved in Wales and this guidance should be considered alongside public health and safety requirements, legislation and guidance in [Wales](#). There may also be localised health and safety measures in place within England and Wales. This guidance should be considered alongside any local public health and safety requirements and legislation. Employers and enforcement agents must follow all instructions from authorities in the event of new local restrictions.

This guidance does not supersede any legal obligations arising from the Taking Control of Goods legislation and should be considered alongside the existing guidance set out in the National Standards for Taking Control of Goods. This guidance has been developed to address use of the Taking Control of Goods legislation, however those using it should also consider the general Government guidance on COVID-Secure working and should take steps to follow this where it applies to their activities. Information on further guidance is available below under [Where to obtain further guidance](#).

This guidance does not supersede any legal obligations relating to health and safety, employment or equalities and it is important that businesses and employers continue to comply with their existing obligations, including those relating to individuals with protected characteristics. It contains non-statutory guidance to take into account when complying with these existing obligations. When considering how to apply this guidance, the safety of agency workers, contractors and members of the public, as well as employees, must be taken into account.

Employers and enforcement agents must carry out an appropriate COVID-19 risk assessment, using this guidance to inform the decisions and control measures taken. This must be done in consultation with unions or workers. Further guidance is available under the [Risk assessments](#) section below and from the Health and Safety Executive (HSE) at <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>.

## **Social distancing and preventing transmission**

1. Enforcement agents should make every reasonable effort to maintain social distancing (2m, or 1m with appropriate risk mitigation where 2m is not viable) as far as possible.
2. If an individual deliberately attempts to breach social distancing or otherwise endangers their own or the agent's safety, the agent should terminate the visit and withdraw safely. Enforcement agents should keep a record of such behaviour and should consider reporting to the police if appropriate.
3. On arrival at a property, enforcement agents should undertake a dynamic risk assessment. They should remain alert to risk throughout the visit and should withdraw if they identify a risk to their own or another's safety.
4. In circumstances where it is not reasonably possible to maintain 2m social distancing, enforcement agents should use appropriate risk mitigation. Examples of such circumstances include when entering a home or other property and when travelling in a vehicle with another enforcement agent. Guidance on risk mitigation is available in the section on [Hygiene and use of protective equipment](#) and in the relevant sections of Public Health England's [guidance for first responders](#). Guidance on working safely in vehicles is available [here](#).
5. Enforcement agents should avoid unduly raising their voice. This is because of the potential for increased risk of transmission.

6. If enforcement agents are working in pairs, they should operate in fixed teams where possible to minimise contact between different individuals.
7. Enforcement agents must not work if they are symptomatic or if they are asked to self-isolate by NHS Test and Trace, for example if they have been identified as a close, recent contact of someone who has tested positive for COVID-19. Enforcement agents must also stay at home and self-isolate if a member of their household is symptomatic.
8. If an enforcement agent is symptomatic, they must stay at home and self-isolate as soon as possible. They should order a test via the NHS Test and Trace website. If an enforcement agent tests positive for COVID-19, they should follow the advice provided by NHS Test and Trace. Further guidance is set out at section 25.

### **Enforcement at residential properties**

9. Enforcement agents or those acting on their behalf should make reasonable attempts to contact households prior to visits to residential properties where possible in order to assess risk and ensure that the visit can proceed safely and in line with social distancing. This includes contact via telephone (if a number is known and it is appropriate to do so) and otherwise by means such as SMS, letter or email. Enforcement agents should ask households to notify them if anyone has symptoms, is self-isolating or has been advised to shield. In these circumstances, the agent should not proceed with the visit at that time.
10. When someone answers the door, the agent should introduce themselves, explain the need to maintain social distancing and ask if anyone in the household is symptomatic, self-isolating or shielding. If this is the case, or if the agent observes visible signs of COVID-19 such as a persistent cough or someone in the household obviously unwell, the agent should terminate the visit, withdraw safely and record the reason for doing so. Enforcement agents should not attempt to get people to make or agree to payments in these circumstances. They can notify the householder about when they will return (this should be no sooner than the end of any self-isolation or shielding period) and provide contact details. This should be done safely and while maintaining social distancing, for example by waiting for the householder to re-enter the property and then pushing a card through the letterbox.
11. Enforcement agents should establish from a distance whether there is a requirement for them to enter the property. If this is the case, before doing so they should assess the risks and discuss arrangements with the householder from a distance to enable them to do so safely. This could include taking steps to:
  - maintain social distancing as far as possible, including use of appropriate PPE;
  - minimise contact with other householders;
  - minimise physical contact with surfaces and objects by the enforcement agent, for example by asking the householder to leave doors open;
  - keep interactions to well-ventilated areas where possible;
  - follow good hand hygiene as described in sections 19–21.

## **Enforcement at commercial premises**

12. Enforcement agents visiting a place of business should observe any measures that the business has in place to ensure the safety of their customers and workers.

## **Vulnerability**

13. When considering if an individual should be deemed vulnerable for the purpose of the Taking Control of Goods legislation, enforcement agents should take into account impacts of COVID-19, such as whether an individual is or has been symptomatic, self-isolating or shielding. Enforcement agents should also be aware that some individuals or groups of people with protected characteristics may have a greater clinical vulnerability to severe illness from COVID-19 – further information is available [here](#).

14. Enforcement agents should follow the guidance on vulnerability set out in the [National Standards for Taking Control of Goods](#) and ensure they act in accordance with all relevant legislation. Where appropriate, they should signpost individuals to debt advice organisations and give them an adequate opportunity to get assistance and advice.

## **Hygiene and use of protective equipment**

15. Enforcement agents should wear a face covering when entering vehicles or premises wherever possible, especially when social distancing may be difficult and where they come into contact with people they do not normally meet. Further advice on the use of face coverings is available [here](#).

16. Enforcement agents should have access to the following items of personal protective equipment (PPE):

- Fluid repellent surgical face masks (3-ply, type IIR, EN14683 compliant);
- Eye protection (such as face visor or goggles);
- Disposable gloves.

17. Enforcement agents should ensure that PPE is readily accessible, either on their person or in their vehicle. Care should be taken to make sure PPE is stored safely and is not damaged or contaminated, for example by placing it in a protective bag.

18. In all circumstances where some form of PPE is used, it is critical that it is put on, removed and disposed of safely. Guidance on putting on and taking off PPE is available [here](#). If face masks and gloves are used during a visit, they should be disposed of after use by placing them in a sealed bag and into a bin. They should not be used again. Eye protection can be re-used, but should be cleaned with hot soapy water or alcohol wipes if it has come into contact with bodily fluids.

19. Enforcement agents should follow good hygiene practices, including:

- hand hygiene – regular hand washing for 20 seconds using soap and water or use of hand sanitiser;
- covering the mouth and nose with a tissue or sleeve when coughing or sneezing, then immediately disposing of the tissue in a bin and washing hands, or coughing or sneezing into their arm;

- avoiding touching their face with their hands;
- avoiding contact with objects and hard surfaces where possible;
- use contactless payment methods where possible;
- avoiding sharing items such as pens.

20. Enforcement agents should carry hand sanitiser on their person at all times, for example in a pocket.

21. In particular, hand hygiene should be practised:

- before and after each visit and after contact with any member of the public, (regardless of whether the minimum 2m social distancing was maintained);
- before donning PPE;
- after removing PPE.

22. Enforcement agents should assess risk situations on a case-by-case basis, but it is recommended that bailiffs wear a mask and gloves as a minimum in situations where it is not possible to maintain 2m social distancing.

23. Disposable gloves should be used if the enforcement agent is likely to come into physical contact with objects or hard surfaces, including:

- doors and doorbells;
- documents;
- equipment such as vehicle clamps.

24. If enforcement agents are using shared vehicles, the vehicles should be sanitised every day. This includes cleaning the frequently touched areas such as the steering wheel, gearstick, controls, keys and door handles using a bleach-containing product.

### **NHS Test and Trace**

25. If an enforcement agent tests positive for COVID-19 and is asked to share details of their close, recent contacts and places they have visited with NHS Test and Trace, they should do so. If they have been in close contact with an individual through the course of their work as an enforcement agent, they should share that individual's contact details with the Test and Trace service if they have them, but should not tell the service the circumstances in which they came into contact with that individual. More detail on how NHS Test and Trace works can be found [here](#).

26. Enforcement agents or their employers should keep a temporary record of staff shift patterns for 21 days and assist NHS Test and Trace with requests for that data if requested. This could help contain clusters or outbreaks. This data should be recorded digitally if possible, but a paper record is acceptable too. If these records have been made and kept solely for this purpose, they should be securely disposed of or deleted after 21 days. When deleting or disposing of data, you must do so in a way that does not risk unintended access (e.g. shredding paper documents and ensuring permanent deletion of electronic files). Further guidance can be found [here](#).

## Employers

27. Employers should ensure enforcement agents are aware of and understand COVID-Secure working practices.
28. Employers should provide enforcement agents with appropriate equipment to enable them to work safely free of charge. This includes PPE, hand sanitiser and other cleaning equipment as required by the risk assessment.
29. Employers should follow government guidance and ensure measures are in place to enable employees to work safely and should give extra consideration to those at higher risk (see section 2 of the guidance on [working safely in homes](#)). Employers should also be aware that some individuals or groups of people with protected characteristics may have a greater vulnerability to COVID-19. Further information is available [here](#).

## Risk assessments

30. Employers and self-employed enforcement agents must carry out an appropriate COVID-19 workplace risk assessment, just as they would for other Health and Safety related hazards. This risk assessment should consider and set out the mitigations that will be introduced. It must be done in consultation with unions or workers.
31. There are interactive tools available to help undertake risk assessments from the Health and Safety Executive (HSE) at <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>.
32. A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control risks while working and ensuring that appropriate steps have been taken. Employers must share the results of their risk assessment with their workforce and ensure that employees have appropriate information and instruction in the control measures to be adopted. If possible, employers should consider publishing the results on their website (and we would expect all employers with over 50 workers to do so). Businesses with fewer than five workers and self-employed agents do not have to write anything down as part of the risk assessment. Employers should supervise, monitor and review the control measures as part of the [Plan, Do, Check, Act](#) approach to health and safety management.
33. The significant findings of the RA should be brought to the attention of employees. Employees need information, instruction and training in the control measures to be adopted. The employer needs to supervise, monitor and review the control measures. Plan, Do, Check, Act approach to health and safety management.
34. We would expect all businesses to demonstrate to their workers and customers that they have properly assessed their risk and taken appropriate measures to mitigate this. They should do this by displaying a notification in a prominent place in their business and their website, if they have one. Businesses should provide enforcement agents



working on their behalf with a copy of this notification and enforcement agents should show this to individuals they are visiting on request.

35. Failure to complete a risk assessment which takes account of COVID-19, or completing a risk assessment but failing to put in place sufficient measures to manage the risk of COVID-19, could constitute a breach of health and safety law. The actions the enforcing authority (such as the Health and Safety Executive or a local authority) can take include the provision of specific advice to employers to support them to achieve the required standard, through to issuing enforcement notices to help secure improvements. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises.

### **Where to obtain further guidance**

This guidance should be considered alongside the National Standards for Taking Control of Goods.

<https://www.gov.uk/government/publications/bailiffs-and-enforcement-agents-national-standards>

There is further guidance available on working safely in different environments, including working safely in vehicles, in offices and in others' homes. Enforcement firms should take steps to comply with this, where relevant to their operations:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Guidance on risk assessments and the Plan, Do, Check, Act approach is available from the Health and Safety Executive:

<https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

<https://www.hse.gov.uk/managing/plan-do-check-act.htm>

Further information on groups that are at higher risk from COVID-19 is available from the NHS:

<https://www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk/whos-at-higher-risk-from-coronavirus/>

While enforcement agents are not considered first responders, the sections on PPE and hygiene in Public Health England's first responder guidance is relevant owing to the possibility that enforcement agents may have closed contact with individuals with potential COVID-19 infection:

<https://www.gov.uk/government/publications/novel-coronavirus-2019-ncov-interim-guidance-for-first-responders>