



IICM Code of Conduct for Debt Collection Agencies

1. General Conduct

Each member shall act responsibly and with integrity in the day-to-day conduct of its business. For example:

- a) Conduct its business lawfully, comply with all relevant Irish legislation, regulation and judicial decisions and trade fairly and responsibly.
- b) Conduct its business under a name, title or style which will not confuse or mislead clients, creditors, debtors or members of the public, or which will not imply any association with other organisations or persons, which do not exist.
- c) Comply with this Code of Practice and follow any guidance notes issued by the IICM.
- d) Comply with Debt Collection Guidance as Published by IICM from time to time
- e) Provide adequate training for members of its staff, bringing to their attention the principles of this Code and requiring them to carry out their duties in accordance with it. Also, ensure continuous and appropriate training of staff in respect of current legislation and best practice.
- h) Use plain English in all communications.
- i) Show on all letters, postcards and forms the full business address, telephone number and email address, where used.
- j) In all contacts by staff or agents, ensure that the member's identity is clearly disclosed.
- k) Ensure by continuously examining debt collection procedures and those of any third parties employed, that they conform to the highest ethical standards.
- l) Ensure that their agents, sub-contractors and subsidiaries comply with the IICM's Code and Guidelines.
- m) Comply with all reasonable requests by debtors, clients or their appointed representatives for information concerning their agreements and accounts.
- n) Ensure the IICM's Code is available on their own website where they have one. They shall further ensure that a copy of the Code is supplied promptly upon request.

2. Confidentiality

Members must keep in strict confidence any information supplied by the debtors or their chosen third party, except where disclosure is authorised by the debtor or others permitted or required by law.

3. Complaints

- a) Each member shall have in place adequate processes to deal with debtors or client complaints; this must contain the following minimum procedure:
 - i. The Management level at which complaints are handled.
 - ii. The time frame in which complaints are handled.
 - iii. The remedy, if the complainant is not satisfied.
 - iv. Complainants must be advised that one of the remedies is referral of the complaint to the IICM where appropriate.
- b) Members shall deal with complaints speedily, responsively, in a user-friendly fashion and at an appropriate management level.



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- c) Member's complaints procedures must be made available to the complainant or his/her advisor on request.

4. Debt Collection & Default, Trace and Debt Purchase Guidelines

The following list of guidelines is intended as an indication of the procedures to be adopted by members. It is not intended as an exhaustive directive to members. Moreover, the effectiveness of collection techniques and procedures depends on the circumstances applying at the time collection is attempted and so cannot be regulated in an absolute manner. Nevertheless, the IICM expects compliance with the guidelines and any member not so complying will have to give a justifiable reason for non-compliance in the event of a complaint being received by the IICM.

In attempting to carry out collection in default of payment, members of the IICM should:

- a) Not use oppressive or intrusive collection procedures.
- b) Not bring unreasonable pressure to bear on the debtor in default of payment.
- c) Not act in a manner in public intended to embarrass the debtor.
- d) Be circumspect and discreet when attempting to contact the debtor by telephone, SMS, email or by personal visit, with due regard to the Data Protection Act and Guidance.
- e) Ensure that all attempted contacts with debtors are made at reasonable times and at reasonable intervals and in accordance with appropriate sections of the Consumer Credit Act.
- f) Unless instructed otherwise, accept all reasonable offers by debtors to pay by instalments, provided acceptable evidence of non-ability to pay is given.
- g) Not use improper means to obtain the telephone number and address of a debtor and treat all information supplied as private and confidential unless specific authorisation has been given by the debtor to disclose information to third parties.
- h) In respect of g above, have specific regard to the Data Protection Acts.
- i) Not pressurise debtors to sell property or to raise funds by further borrowing.
- j) Not falsely imply by written or verbal means that criminal proceedings will be brought or that civil action has or will be instituted where members are unable to do so due to legal restrictions.
- k) Ensure that collectors who use pseudonyms can be identified within the members' organisation.
- l) Have due regard and deal sensitively with individuals where evidence has been given, or is apparent, that the individual is incapacitated by mental or physical disability.
- M) Offer maximum co-operation with the debtor's nominated or chosen Third Party.
- o) Encourage debtors in financial difficulties to inform members of their difficulties and then respond sympathetically and positively on the evidence provided.
- p) Take into consideration before determining whether to enforce repayment, all information supplied in relation to the reason for non-payment, which may include a statement of means, or the debtor's future ability to repay. If the debtor has disclosed multiple debt problems, inform them of the availability of advisory services.
- q) Where available, provide in all relevant correspondence the name or designation of a specially trained member of staff who may be contacted regarding financial difficulties.

5. Trace Guidelines

Each member shall:

- a) In all attempts to trace, act with full regard to the Data Protection Acts.



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- b) Comply with the Trace Guidance issued by the IICM from time to time
- c) Not misrepresent their position and remain transparent.
- d) Take all reasonable steps to verify that the person traced is in fact, the subject.
- e) Verify data relating to a subject's whereabouts via, for example, one or more of the following methods:
 - i. Public and other available databases
 - ii. Sending appropriate trace communication to the last known or alternative address
 - iii. Contacting third parties, for example neighbours, relatives
 - iv. Investigative/field enquiries, for example visit to the last known address
- f) Where it becomes apparent that the located person is not the subject, update all appropriate records accordingly.

6. Purchased Debt Guidelines

Each member shall:

- a) Timely advise the consumer that the debt has been assigned.
- b) Adhere to all relevant requirements under the Consumer Credit Act and any other relevant legislation.
- c) In debt collection and trace activity comply with the principles of this Code.

7. Conduct Regarding Clients

Each member shall:

- a) Ensure fairness and transparency of contracts made with clients.
- b) Inform their clients of the true rates of charges for services rendered.
- c) Safeguard the security of collected monies.
- d) Account and remit to their clients at least once a month, or as otherwise agreed all monies collected.
- e) Ensure that by prior arrangement clients are able to visit their premises for the purpose of auditing and checking their accounts.
- f) Not approach, induce or persuade staff in the employment of a client to join the Member's organisation, although nothing in this clause will prohibit the engagement by a member of such an employee where a bona fide application is made.