

Landowners Guide to the Removal of Trespassers



HIGH COURT ENFORCEMENT-DEBT COLLECTION-TRACING-TRESPASSER REMOVAL

20-22 Wenlock Road, London, N1 7GU
Admin@wolfenforcement.co.uk Tel: 0333 7720179

What to look for in a professional Enforcement Agency



The Law on Trespasser Evictions

The government gives guidance on the eviction of trespassers from private land; this can be downloaded at <https://www.wolfenforcement.co.uk/trespasser-advice/>

Page 9 Para 16 “Private Enforcement Agents may be used to carry out the eviction” using reasonable force

The Health and Safety at Work Act 1974 Section 2.2. gives employers a duty of care to both their actual employees and any sub-contractors by providing adequate information, instruction, training and supervision as required. Management of Health and Safety at Work Regulations 1999, requires, amongst other things, all employers to assess the risks to the health and safety of their employees whilst they are at work.

How can you determine that the private Enforcement Agents you use are suitably experienced and trained?

The Enforcement Agent’s company should be able to:

1. Provide copies of Insurance documents including Public Liability, Employers Liability and Professional Indemnity
2. Provide references from satisfied clients
3. Provide a health and safety Risk Assessment of the task or ideally, they should have a health and safety accreditation like CHAS or Safe Contractor
4. Once their initial visit is done, if needed, provide you with a RAMS (Risk Assessment Method Statement)
5. Provide enough resources to do the job. **Beware of companies sending one man to carry out any sort of eviction.** One man may be ok to do a Risk Assessment or Serve Notice, but think about how vulnerable one man evicting numerous individuals could be; effectively putting that individual at risk
6. At least one of the team should be Certificated Enforcement Agent; so always ask to see the Certificate of the lead Enforcement Agent
7. Ensure at least one Enforcement Agent has Body Worn Video to record events
8. The company should be a member of a trade association e.g. CEAA or CIVEA

What are the consequences of not employing a professional Enforcement Agency to carry out an eviction?

It all depends of course on what happens; any Enforcement Agent company is only acting as your agent and you are the entity that is likely to be sued or face the HSE if anyone is hurt. This includes trespassers, Enforcement Agents, your staff or members of the public. There are also issues and consequences if trespassers goods are damaged.

You must be able prove you carried out due diligence before appointing an Enforcement Agency!

The Client may be held responsible in any of the following situations:

- If the Enforcement Agency has not carried out a proper Risk Assessment
- If the Enforcement Agency has used insufficient Agents to carry out the eviction
- If the Enforcement Agency has inadequate Employers/Public Liability Insurance
- If the Enforcement Agency uses Agents that are not Certificated or adequately trained

Case Study

A company was recently fined £40k for Health and Safety breaches when they used a contractor to evict travellers from a site.

A scuffle occurred where a traveller had been hurt. This was reportable to the HSE and the traveller sued. The contractor's insurance would not pay out because no Risk Assessment or RAMS has been carried out; none of the staff had adequate training and insufficient staff were deployed. The contractor liquidated the company and the landowners were forced to pay compensation and are currently being investigated by the HSE.

At Wolf Enforcement Services

- We will always provide you with copies of our insurance
- We are CHAS accredited
- We will provide a Risk Assessment and where required a RAMS or an Operational Order
- We will provide at least one Enforcement Agent that has Body Worn Video
- We will supply enough Agents to carry out the required task safely
- We ensure our Agents have suitable Eviction & Intervention Training
- We are recognised by the CEAA

