





# DRIVEN TO SUCCEED

Sean Feast FCICM talks to Rob Thompson FCICM about the courts, a pink moped, and the merits of the Talbot Sunbeam Lotus.

**R**OB Thompson had little idea what he wanted to do after school. He knew he didn't want to go to university and a CASCAID careers test suggested he was ideally suited to becoming a Legal Executive or Solicitor. He ignored the advice and started working in Halfords fixing bikes.

Born in Maidstone and educated at the local grammar school, Rob's father was a research manager for Kent Police while his mother had a number of different jobs, including as a secretary for Mencap. Early memories are therefore of being dragged out on various excursions in the Mencap minibus.

On leaving school and starting at Halfords, he kept his eye out for jobs through the local employment agency: "One day they called me and said there was a job going as an office junior at a local firm of solicitors," he explains. "I thought it sounded interesting, and although it didn't pay as much money, I took it. I thought it might lead to better things....which it did."

A pre-requisite of employment was that Rob was willing to ride a pink moped as his company vehicle: "The moped was for the banking, the mail and that sort of thing," he says.

"A number of them had been stolen in the past so the Practise Manager came up with the genius idea of buying one that was pink, because no-one in their right mind would steal a pink moped. What he hadn't worked out was that nobody wanted to ride one either and it wasn't a great recruitment tool!"

## Landing on his feet

At Brachers, Rob landed on his feet. It was the start of a career within the business that has so far lasted more than 30 years. Always keen to progress, Rob was often given some of the more difficult or less glamorous tasks, like reconciliation of accounts, and actively sought out a role in debt collection and recoveries: "I was doing the jobs that kept others awake at night," he laughs, "and as such made myself quite valuable."

While working, Rob was given leave to study for his Legal Executive qualification: "The first year was at Chatham and there were about 30 of us, but when we returned for the second year there were only about four of us left so the course moved to Bromley. I'm not sure some of those on the course should really have been there."

Having passed his exams, Rob completed his two-years of post-qualifying experience, becoming a Fellow, and continuing to get stuck into any challenge that came his way. This included some of the more difficult legal cases, such as defended actions: "I was engaged in the kind of work that was going to trial or appeal, or that was particularly publicly sensitive, and in time had worked across virtually every role in the team. When I took on a management position, the team knew there was nothing they could hide from me as I had been there and done it. More importantly, it meant I could be more supportive and understanding of any difficulties they faced."

Rob says that the role of collectors has evolved significantly in recent years, especially in an age of vulnerability: "Today they have to be a bit of everything, including counsellors," he says. "They have to be aware of mental health issues and other potential vulnerabilities, and that's very different from how it was in the past. There are now more processes to follow and more structure. That makes it easier in some ways, but there are far more things to remember and get right and it's therefore a different kind of pressure. It's right to follow compliance but there are always people on the edges of situations where following a process without some degree of flexibility may not be completely appropriate, so that also requires a high level of understanding."

## Collections and recoveries

Today Rob is one of two Partners leading the debt collections and recoveries business, in charge of a team of around 40, making it one of the biggest solicitor-based operations in the south of England. His focus is on performance, ensuring the right tactics are being used at the right time while his colleague looks after systems, processes and compliance.



The firm acts for a wide range of clients and is instructed to recover both consumer and commercial debt. There is a specialism in financial services work, including credit cards. Due to this, Brachers is one of the few Solicitor firms to be authorised directly by the Financial Conduct Authority for debt collecting and debt administration. While the commercial side is not a directly FCA regulated environment, Rob tends to follow the same ethos.

“Of course, we put the customer at the heart of everything we do but at the same time we have to collect money from them. The two can be compatible, and working within the context of affordability in accordance with Financial Conduct Authority authorisation actually helped increase the industry’s collections performance. That said, it’s something we’ve always known.

“We always start from a position of being friendly and approachable and are actually very proud of the fact that on work which is placed with us for potential legal action, 75 percent of our collections is achieved without actually having to take any legal action at all. It’s all about effective communication and engagement. I often think that going to court is almost like you have failed, whereas if you can avoid the court then everyone wins. That said, there will always be the ‘won’t pay’, of course, and the debtors who simply won’t engage.”

From his early days as a qualified Legal Executive, Rob has been involved with the Civil Court Users Association (CCUA), keeping abreast of industry developments. In 2007, he started to play a more active role, notably within the Association’s Legal and Technical Committee. Today, as National Chair, he helps lead the Association and its members in campaigning for a better courts’ service: “I’ve never been as busy with the CCUA as I’ve been in the last six months, just in terms of dealing with our members’ issues,” he explains.

“I go home in the evening, and I switch on my CCUA laptop and I’m usually there for two or three hours every day, firefighting problems about cases that have just come to a grinding halt and gone nowhere for a year or more. Although I am very grateful that we have an incredibly good relationship with the Ministry of Justice (MoJ), His Majesty’s Courts and Tribunal Service (HMCTS) and their senior representatives throughout the country, I shouldn’t have to be seeking their help so often to get things resolved.”

## Lost skills

Rob thinks it’s clear that the court services are under-resourced and many of the skills seem to have been lost: “The pandemic understandably caused a number of issues, as it did for everyone. However, it is difficult to accept such a poor system when court fees are so high, as well as being front loaded. It can cost more than the price of a small car just to issue a claim form. It’s also frustrating to be told that resourcing is an issue when we are also told that every year £100m or more of civil court fees are used elsewhere to help subsidise the family and criminal courts.” Rob is also scathing about ongoing reforms: “It has been a terrible damp squib,” he says. “Originally floated back in 2016, a five-year project with a billion-pound budget is now eight years on and with very little to show for it in terms of genuine reform. Yes, there has been some centralisation, digitalisation, and streamlining but most of the benefit has been cost savings

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to HMCTS rather than genuine benefits to the court user. In terms of the radical reform that we were hoping for, we haven't seen anything."

Lack of progress is especially disappointing, Rob says, after the civil structure review by Lord Justice Briggs: "He agreed with us on the points we'd been making for some time, particularly as regards the improvements that were needed for enforcement. Again, this is a frustration of mine, because rather than concentrating on areas like enforcement from the outset, which could have made a real difference, they insisted on what looks like reinventing the wheel on the front end of the legal action and fixing something that wasn't broken."

"I think when we look back on it all, the reforms were really simply about introducing an online court, but that was not how it was positioned at the start. There has not been any fundamental reform and that's a huge, missed opportunity. Existing processes have simply been pulled into an online environment, maybe with a few tweaks here or there, but not fundamental reform."

"We get told," Rob continues, "that they're working towards the court system that's fit for 2050 but then, as an example, we've still got things like the Attachment of Earnings Act. That dates back to 1971 and most of the notices, orders and forms and everything used in that process haven't really changed in all that time."

## Enforcement issues

Rob says there are some areas they are looking at that could be helpful: "I am pleased that MoJ are finally looking at some of the things that we've been talking about for a long time, like the information orders under the Tribunals, Courts and Enforcement Act 2007 where potentially, HMCTS could seek details from HM Revenue and Customs as to whether a judgment debtor who's not engaging is actually employed or not."

"That would help better focus enforcement efforts around people who can actually pay but are choosing not to, and that would be a tremendous benefit to everybody involved. If that was to be introduced, and it could be done in a very proportionate way, the judgment creditor wouldn't need to have the details of where the person worked. There's no point in having a good justice system if you can't enforce a judgment."

The other area in need of reform is enforcement against goods: "At the moment we have almost a dual system where you can transfer certain cases up to the High Court, but only if it's more than £600, and only if it's not Consumer Credit Act regulated. The problem with that is that most creditors won't go near the county court bailiff because they know it's a total waste of money. So effectively, many creditors have nowhere to go. It needs opening up more widely to the private sector."

Notwithstanding the pressures of work, and his role with the CCUA, Rob also finds time to engage closely with the CICM, not least as a member of the CICM Think Tank: "I came away from a Think Tank recently and was discussing the likely substantial fall in inflation with my wife. When later in the week they announced on the news that inflation had fallen as if it should be some sort of surprise, she thought I was some sort of economics guru, but I admitted that I was just repeating what I had learned from the experts in the Think Tank," he laughs.

He admits that his engagement with the CICM is perhaps something he should have done earlier in his career: "Some of the skills we have are nothing to do with the legal side of being a solicitor or a Legal Executive, they are more about your ability to effectively communicate, understand and resolve issues, collect money and be good on the phone," he says. "If I was starting out again, it's more likely I would have looked at a CICM qualification as it has more bearing on what we do as an industry now."

## Fast cars

Away from work, Rob finds time to relax with a hobby that many others might find stressful: "I drive and co-drive rally cars," he explains, "most recently co-driving a historic Talbot Sunbeam Lotus which is always good fun. We won the historic championship in the Flanders International Rally Challenge in 2018."

Rob has loved motorsport since being taken by his father to the few British Grand Prix held at Brands Hatch, with fond memories of Nigel Mansell in a JPS Lotus. Rallying, however, is his real passion: "I also compete in Targa rallying in an old Rover 214 with my son Aidan as the navigator, which is a great experience to share. He's 17 now and has been rallying with me since he was 12. He was second overall navigator in the British Trials and Rally Drivers Association Targa championship in 2022. "The person in the left-hand seat is always the boss!"