

ECB Board Meeting – 5 September 2022 via Zoom 9.30am to 11.30am

Attending: Catherine Brown (CB) (Chair); Alan Cavill (AC); Ged Curran (GC); Althea Efunshile (AE); Marc Etches (ME); Jenny Watson (JW).

Minutes

1. Welcome & declarations of conflict

CB welcomed all present and invited declarations of conflict relating to the agenda. No conflicts were declared. CB invited all present to share any relevant insights and contacts members of the Board has had in relation to the enforcement industry. Each member confirmed various stages of progress with fulfilling invitations to spend time with enforcement agents carrying out enforcement action.

2. Minutes of the previous meeting – 8 August 2022

The minutes were accepted as being an accurate record.

3. Matters arising

In terms of actions arising:

- Directors' Liability Insurance - A Management Liability Package Insurance from AXA Insurance UK Plc based on a Limit of Indemnity of £5 million is now in place. **Outstanding action: ME to circulate insurance certificate to Board members.**
- AC and ME have liaised regarding details for the November Board meeting to be held in Blackpool and final arrangements will be circulated by the end of September.
- CB/ME have continued to engage in dialogue with the leading businesses and CIVEA and a further update was shared under Agenda Item 4 – see below.
- GC has informed the Local Government Association of the planned launch dates and has invited it to provide a representative to speak to the Board at a future meeting.
- CB has written to Lord John Hutton, chairperson of Energy UK to seek the positive engagement of the UK energy sector with no response to date. **ME will follow up.**
- CB/ME have updated both StepChange and Money Advice Trust (MAT) on the funding situation.
- CB/ME have drafted a 'parliamentary question' to be raised in both Houses of Parliament relating to the funding the establishment of the ECB by industry. **CB/ME to finalise and ask Atticus to progress during September.**
- ME/AE have agreed next steps for commissioning research to illustrate the nature of the task ahead for the ECB and to confirm its commitment to be evidence-led. **ME is to facilitate the introduction of the research teams to the industry and the debt advice sector.**
- CB asked to speak to the issue of CEO recruitment under 'Any Other Business' – see below.



4. Establishment of ECB: progress report

The paper was taken as read, and CB invited Board members to raise any questions pertaining to the detail.

4.2 Funding & budgeting – see next Agenda Item 5

4.3 Recruitment of CEO – see Any Other Business

4.4 Website development - [i-10 Consulting Limited](#) has been contracted to design and implement a website in time for a formal launch of the ECB in November at a cost of £14,250 plus VAT plus £100 per month hosting fees.

4.5 Research - ME and EF have agreed to commission the following research projects to be available to utilise in conjunction with the formal launch of the ECB in November:

[Community Research](#) – To undertake a rapid evidence review to establish an initial picture of what is known about the civil enforcement landscape in England and Wales – both in terms of the views / experiences of the workforce and the recipients of enforcement. Also, to create a baseline measurement of public / consumer views and attitudes about civil enforcement. Costs: **£9,840 including VAT**

[Revealing Reality](#) – This research will attempt to bring to life the behaviours, needs and attitudes of those who have experienced enforcement and those who deliver it. Costs: **£41,130 including VAT**

AE emphasised the need for Revealing Reality to be careful regarding the management of trust of those enforcement agents willing to share their perspectives in camera.

JW expressed concern that any subsequent video material avoided the identification of any individuals who may be vulnerable to subsequent criticism or prejudicial behaviour by the media.

CB asked that presentational material used at the launches ought to include both English and Welsh voices.

4.6 Launch events – CB explained that the unresolved issue of funding the establishment of ECB required Board members to accept that there is a possibility that the ‘launch of the ECB’ dissolves to become a public calling-out of the industry not living up to its commitments. Board members discussed preferences for forceful messaging in both scenarios, with an emphasis on the need for statutory underpinning, and agreed **that CB/ME ought to consider contingency planning as may be required.**

ME will finalise the invitation wording with CB, and work with Atticus to distribute them to key stakeholders and selected parliamentarians.



ME will ensure the invite list is shared with Board Members who are invited to directly contact anyone they may know personally to encourage participation.

4.7 Complaint – Board members discussed the recent communications received by an individual about a long-standing complaint about historical enforcement action taken against them. They considered both the treatment of this individual case and the wider points of principle it raised. It was agreed that the ECB did not have the resources in place or any basis on which to undertake an investigation of this complaint at this stage. It was agreed that in cases such as this the “right thing to do” at the present time was to sign post complainants to existing routes, even if they were acknowledged to be unsatisfactory in some cases. In this case the complainant had been referred to the Local Government Ombudsman. However, given that this complainant had identified himself as highly vulnerable, and that he appears to potentially have grounds for a substantive complaint, on this occasion it was agreed to ask **ME to write to the Local Government & Social Care Ombudsman (LGSCO), on behalf of the ECB, formally asking it to review this case.**

Also, it was agreed that CB/ME will work to produce an appropriate protocol (flow-chart identifying scenarios/responses) for future enquires to be approved by the Board as an interim measure until such time as there is in place adequate resources to undertake investigations of any complaints that are appropriate for ECB investigation.

5. Funding

CB summarised the further discussions that have taken place over recent weeks regarding the industry’s commitment to funding both the establishment of the ECB and the implementation of an annual levy.

Board members discussed the implications of the most recent correspondence received from CIVEA dated 31 August, which states *“members will fund establishment costs, since revised to £626,313, as set out in your letter, which can be raised proportionately based on turnover figures. We will calculate what percentage would be required from individual firms to meet the proposed budget of £626,313, based on turnover declarations, and pass this information to the ECB. The ECB can then invoice members individually.”*

Board members agreed to proceed with the proposed actions albeit with the proviso that the ECB will require immediate payment by the top eight companies and that the individual payments must be accepted as the baseline annual minimum funding in subsequent years. **ME to progress with CIVEA at speed.**

Board members discussed the concerns raised by the industry regarding the description of the ECB as an ‘industry regulator’. It was agreed that the critical issue was to have agreement regarding the key functions of the ECB, being those set out in the ‘Taking Control for Good’ report published by the Centre for Social Justice.

It was therefore agreed to refer to the ECB as an independent oversight body and ensure that the key functions are set out clearly for all stakeholders attending the two launch events in November and in other material, so that there could be no misunderstanding of the meaning and functions of such an “independent oversight body”.

6. Any Other Business

6.1 CEO recruitment - CB summarised the situation regarding the falling away of two possible secondees for the role of Interim CEO, and the fact that both individuals remained interested in a full-time role subject to assurances around future funding. Board members noted the suggestion and broadly agreed that it would be financially prudent in the current financial circumstances to set up an internal recruitment process without the need to engage an external agency when the appropriate financial assurances were in place, subject to making appropriate efforts to share the vacancy widely and cost effectively and encourage a strong field of applicants.

6.2 Open Board meetings – Board members discussed the benefits and disbenefits of instigating ‘open’ Board meetings in the interests of transparency and maximising public confidence in the ECB. It was agreed it is the Board’s aspiration to hold open meetings (available to watch ‘online’, not to participate in), but in the short-term the Board will commit to publishing its minutes via its new website due to be available in November. **ME was asked to investigate how this might be best achieved, and report back in November.**