



ENFORCEMENT
CONDUCT
BOARD

ECB Board Meeting – 1 November 2022

Blackpool Council Offices 1pm to 5.30am

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 Board members to share insights and experiences gained from time with enforcement agents carrying out enforcement action and the Board's visit to the StepChange offices in Leeds.

Board members reflected on a number of themes including: the self-employment nature of many enforcement agents and how this might motivate them in certain situations; the acknowledgement by enforcement agents of 'bad apples' that ought not to be working in the industry, and claims that training of enforcement agents is "*woeful*", specifically a lack of attention on conflict management; the importance of fully understanding the entire process of enforcement including the initial contacts via call centres; the dissonance between an industry thinking the ECB is 'up and running' and the reality that it is not yet 'operational'; the challenges around the ECB evolving from an 'impressionistic' state to being credibly authoritative.

Board members appreciated the opportunity to listen to telephone calls to StepChange although these were limited in number due to the length and complexity of each call. There is an opportunity to research the call database to help inform the evidence-base.

2. Minutes of the previous meeting – 5 September 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.

Action: ME has now circulated a copy of the insurance certificate to Board members.

- GC has made several attempts to engage with senior representatives of the Local Government Association without success but will continue to do so.



- CB understands that members of the Enforcement Oversight Working Group (EOWG) are due to meet to discuss progress since the publication of the 'Taking Control for Good' report by the Centre for Social Justice in July 2021.
- Mike Amesbury, MP raised a 'parliamentary question' in the House of Commons on 22 September *"To ask the Secretary of State for Justice, if his Department will make an assessment of the potential merits of placing the Enforcement Conduct Board on a statutory footing."* The Government responded by saying: *"The Ministry of Justice strongly supports the creation of the Enforcement Conduct Board, which will provide independent oversight of debt enforcement firms in order to raise standards and protect vulnerable people in debt. We have committed to review, within two years of its operation, whether it is necessary to put it on a statutory footing."* – see [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

Action: ME to follow up with Atticus regarding other similar potential interventions.

- ME has facilitated the introduction of Revealing Reality to the industry and work is underway to produce a film to help to ensure the voices of those receiving enforcement action are heard during the upcoming launch events

4. Establishment of ECB: progress report

The paper was taken as read, and CB invited Board members to raise any questions or comments.

CB shared additional meetings and contacts that were undertaken in the last six weeks including Welsh Water, Citizens Advice (Wales), and a request for the ECB to give advice in relation to whether VAT applied to High Court enforcement fees might be returned to debtors where incorrectly charged in the past. CB reported that she had declined to give advice on the VAT issue, saying: *"The ECB does not currently have any resource to enable us to address this issue... as an organisation established to ensure that people experiencing enforcement are fairly treated, we would be supportive of efforts to make sure that any historical unfairness that may have occurred is put right... we are very happy to be kept in touch with developments in this area."*

4.2 Funding & Budgeting -Three of the largest companies have confirmed that they will provide funding for each of the next three years at least at the same level they have contributed in 2022. There is reason to hope that the rest of the CIVEA membership will agree similarly. The funds received this year from the three who have committed to renew amount to £365k. The total for all 30 current members of CIVEA is £648,000.

ME reported the receipt of an invoice from CIVEA for £75,000 to be paid by 30 November in respect of the agreement between the parties to repay CIVEA for the initial establishment costs. Board members agreed for this payment to be made on time.



4.3 Recruitment of CEO - While the commitment for ongoing funding by key businesses is not sufficient to underpin full operations, Board members agreed it provided enough security to proceed to make a substantive CEO appointment, followed by at least one or two other members of staff, who can then work on building income as well as relevant impact.

Board members agreed to pay a salary up to £125k pa to reflect the situation that, although the establishment will be initially small, the CEO will need to have considerable sophistication and skills to build the organisation and its impact.

Board members discussed a draft Job Description and Person Specification and agreed to proceed without using a recruitment agency based on cost and the relative ease of placing an online advertisement with The Guardian and promoting the role via Twitter and LinkedIn. The timetable was agreed to be as follows:

- Publication of advertisement – Monday 7 November
- Application deadline – Monday 28 November
- Shortlist to be agreed – Thursday 1 December
- Panel interviews - Wednesday 7 December

The interviews will take place in London and the panel will consist of CB, AE, and GC.

If possible, the successful candidate will be invited to attend the Board's next Board meeting on 15 December to participate in the planned discussions about the ECB's Business Plan, 2023-26.

4.4 Website development – the website is expected to be operational in time for the planned launch event in Cardiff on 16 November, subject to a final review process in the week beginning 7 November. The Board confirmed its intention to publish the minutes of its meetings on the website.

4.5 Research – Board members discussed the findings of the consumer views and attitudes survey undertaken by Community Research and ME will work with Atticus to highlight key findings around the two launch events in Cardiff and London in November. The Revealing Reality research is running to schedule, and it remains the intention to show film footage at the launch to ensure the voices of those experiencing enforcement action are heard by policy makers.

4.6 Launch events – ME reported that Jane Hutt, MS Minister for Social Justice had agreed to speak at the Cardiff parliamentary event, and Lord Bellamy, KC Parliamentary Under Secretary of State in the Ministry of Justice will speak at the London parliamentary event.

4.7 Complaint – ME reported that the complainant had contacted the LGSCO before ME was able to formally invite the LGSCO to investigate. Subsequently, it transpired that the LGSCO had investigated the issues some years ago and have now confirmed that it will not reopen their investigation. ME will write to the individual to say that the Enforcement Conduct Board will not seek to reinvestigate a matter that the LGSCO has itself dealt with.

5. Business Plan, 2023-26

Board members agreed that the ECB mission is to make sure people experiencing enforcement action are fairly treated, and discussed what ought to be early priority actions, including: securing a sustainable financial foundation; mapping the enforcement process and securing full coverage; provide guidance for complaint handling; consulting on and implementing new standards of behaviour, including providing guidance for creditors; development of industry KPIs and how key data sets ought to be collected and analysed.

Board members agreed to plan for a full strategic discussion at the next Board meeting (15 December, 10.30am to 3.30pm in London) to help articulate “*what do we want the enforcement environment to look like in five years’ time*”. In turn this will form the basis of further work to inform a three-year business plan following the recruitment of a Chief Executive.