

ECB Board Meeting – 15 December 2022

Via video-call 9.15am to 12.30pm

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 conflicts of interest

CB welcomed all present and invited declarations of conflict relating to the agenda. No conflicts were declared.

2. Minutes of the previous meeting – 1 November 2022

The minutes were slightly amended and accepted as being an accurate record.

3. Matters arising

In terms of actions arising:

- ME will follow up with the relevant Senior Policy Advisor at the Local Government Association following her intended attendance at the Westminster parliamentary event in November.
- CB and ME have arranged to meet Mike Amesbury, MP on Monday 23 January.
- The Revealing Reality video film was shown at the Westminster parliamentary event in November to ensure that the voices of some of those experiencing enforcement action were 'heard'. The industry was consulted via two workshops and two firms actively participated in the final film, which was well received by those attending. The film will be made available via the ECB website in due course.
- ME has written to the recent complainant to confirm that the Enforcement Conduct Board will not seek to reinvestigate a matter that the LGSCO has itself dealt with.

4. Board Members Updates

CB invited Board members to share insights, experiences and reflections gained in the period since the last Board meeting.

- Board members agreed that the two parliamentary events in Cardiff and in London had been successful in marking the establishment of the ECB. Jane Hutt, MS Minister for Social Justice spoke at the Cardiff event, and Lord Bellamy, KC Parliamentary Under Secretary of State in the Ministry of Justice addressed the event in Westminster.
- CB, AE, and JW reported their experience of a dinner recently hosted by Marston Holdings to introduce the ECB to their independent advisory group.



- GC confirmed he had recently spent time with an enforcement business including reviewing the use of 'body-worn camera' technology. The issue of direct employment of enforcement agents was also discussed.
- CB reported on her regular update meeting with officials from the Ministry of Justice (MoJ), noting a change in civil servant leadership early in 2023. Civil servants re-emphasised that supporting the work of the ECB will be a priority for the MoJ in its business plan for 2023, a commitment underlined by the Minister at the recent Westminster event.
- CB shared her reflections on a range of recent meetings, including: Overdales - a specialist law firm in debt recovery and a subsidiary of Lowell, the UK's largest purchaser of debt and user of High Court Enforcement; the Enforcement Law Review Group; Crown Commercial Services; the High Court Enforcement Officers' Association (HCEOA) annual dinner; Highways England; and a Local Authority conference focused on debt collection.
- CB advised that, in the interest of transparency, the ECB ought to adopt a policy of making public via its website a log of meetings held by the Chair and CEO once in post. This was agreed by the Board.

5. Establishment of ECB: progress report

The paper was taken as read, and CB invited Board members to raise any questions or comments. In particular, the following items were noted:

- **5.3 Current cash position** – The bank balance at the beginning of December was £504,999. Expenditure for November totalled £136,795 against a forecast of £141,990. This included an agreed repayment to CIVEA of £75,000 in respect of the initial funding of £104,105 to June 2022. The balancing payment is due at the end of March 2023. It was noted that a further £176,000 will be due to CIVEA on 31 March 2024, subject to the industry meeting its funding commitments in 2023/24.
- **5.4 Recruitment of CEO** – Chris Nicholls has been appointed Chief Executive and will become the ECB's first employee as of Monday 6 March 2023. A press statement was published on the website on 14 December 2022.
- **5.5 Website development** – the website is operational and Board members discussed feedback provided by both CIVEA and HCEOA. The Board is committed to a policy of engagement with both the enforcement industry and the debt advice sector, and ME will further review the 'How to Complain' pages in consultation with both.

6. Business planning, 2023-26

Board members reconfirmed the ECB's mission is to ensure people experiencing enforcement action are fairly treated and discussed the need to provide the industry and others with an outline business plan for the 12 months ending 31 March 2024. Following a discussion about

the need to focus on those activities prioritised in the [‘Taking Control for Good’](#) report for the Board agreed to ask CB and ME to provide a draft document to be reviewed ahead of the next Board meeting on 18 January. The Board acknowledged that a more detailed business plan for the three years to 31 March 2026 will necessitate the input of the new Chief Executive once in-post. In the meantime, the Board was asked to consider the following matters:

- **Industry accreditation** - CB proposed that the ECB implements an accreditation scheme for the enforcement industry, which in the first year ending 31 March 2024 will require businesses to meet the following minimum requirements:
 - Contribute to the annual levy a minimum of 0.5% of annual turnover in the year ending 31 December 2022.
 - Accept the current [minimum standards](#) established by the Ministry of Justice are binding.
 - Meet the ECB’s quarterly data reporting requirements.
 - Accept the outcome of any complaint adjudication undertaken by the ECB.

The Board agreed to proceed on this basis noting that these criteria will serve as a minimum initial requirement and that the intention would be for them to develop over time to support continuous improvement in practice.

- **Creditors** - The Board discussed the positive engagement with various creditors regarding the benefits associated with procuring enforcement services that are under independent oversight, as well as the potential for future funding opportunities. The Board agreed that any such funding would necessarily be separate to the annual levy of the enforcement industry and could only be accepted based on clarity that it did not affect the independence of the ECB’s work. Details of any such funding would be published in the interests of transparency.
- **Secondment** - The Board discussed and agreed the usefulness of seconding individuals from the industry, debt advice sector and the Ministry of Justice to provide additional expertise and experience to the incoming Chief Executive as they operationalise the ECB over the next 12 months. It noted that industry secondments needed to be seen as supplementary to the levy.
- **Communications** – The Board discussed the need to review the arrangements for stakeholder communications with the in-coming Chief Executive to ensure that there was sufficient focus on industry and debt advice stakeholders. In the meantime, JW and ME will consider and report back to the Board what additional resource may be available to enhance stakeholder communications in the short-term.



7. Any Other Business

Board members discussed the request by CIVEA to meet early in 2023 to discuss ECB's progress and business plans. The Board agreed to invite CIVEA Council members along with representation from the HCEOA to attend for an hour at the next Board meeting to be held on 18 January 2023.