

## ECB response to its draft Business Plan consultation

### Executive summary

1. The ECB is grateful to all those who were involved in the development of our first business plan. We received nine formal responses to our consultation, on top of significant wider engagement as the plan was being developed.
2. Responses to the consultation came from industry, the debt advice sector and creditors, as well as others. Overall, almost all responses were supportive of the ECB's mission and of the specific plans set out in the draft business plan. As a result, we have not made significant changes to the substance of the draft business plan. We have attached our final business plan, which includes some small drafting changes, as an Annex to this report.
3. The responses to this consultation contain significant valuable insights and suggestions that we will take into account as we start to scope, develop and deliver the work set out in the business plan. We look forward to working with stakeholders in the coming months, as we start to deliver this plan.

### Background

#### *About the ECB*

4. The ECB has been created with agreement between the civil enforcement industry and leading debt advice charities including Money Advice Trust, Christians Against Poverty and Step Change.
5. The ECB, which will operate independently of both the industry and the Government, has a mandate to ensure fair treatment and appropriate protection for people subject to action by enforcement agents. The ECB was formally launched in November 2022.

#### *Draft business plan consultation*

6. In March, the ECB launched a three week public consultation on a draft of its first ever business plan. This draft had been developed in consultation with stakeholders and took account of feedback provided through its Stakeholder Engagement Forum.
7. The consultation sought responses to the following questions:

**Q1 – Do you have any comments on the proposed priorities for 2023-24?**

**Q2 – Are there any activities that you believe the ECB should be prioritising that are not contained in this plan?**

**Q3 – Do you have any comments on the draft budget and levy?**

**Q4 – Are there any other comments or observations that you would like to make?**

8. The consultation closed on **13 April 2023**. In total, we received nine formal responses to the consultation from the following sources:
- Two individuals with significant sector experience
  - Wilson and Roe
  - Lowell Solicitors
  - Just
  - High Court Enforcement Officers Association
  - Institute of Revenues Rating and Valuation
  - Civil Court Users Association
  - Taking Control Campaign (a coalition of 10 civil society and debt advice groups)
9. CIVEA did not provide a formal written response to the consultation, as it had contributed to development of the draft plan through the Stakeholder Engagement Forum.
10. Overall, almost all responses were supportive of the ECB's mission and of the specific plans set out in the draft business plan. As a result, we have not made significant changes to the substance of the draft business plan. We have attached our final business plan, which will include some small drafting changes, as an annex to this report.
11. There follows an analysis of the main points raised under each of the four consultation questions, along with the ECB's response to this.

**Q1 – Do you have any comments on the proposed priorities for 2023-24?**

12. All respondents who commented directly on the proposed priorities, were supportive of the proposed areas of priority. This support spanned industry, creditors and the debt advice sector. For example, Lowell commented that overall the priorities should contribute to the risk of poor practice and detriment to business being reduced.

Evidence base

13. A number of responses commented on the ECB's plans to develop a robust and clear evidence base. For example, Wilson and Roe, the Civil Court Users Association and HCEOA all raised concerns about anecdotal evidence having been used previously by some sources to paint inaccurate overall pictures about the extent of concerns in the sector. These responses went on to note the challenges that this can present to overall perceptions of enforcement agents, making engagement and resolution of issues more challenging. They therefore supported the ECB's intention to develop a robust evidence base and noted the potential benefits of having an independent and balanced perspective. There were also some requests for the ECB to go further and seek to ensure consistent standards for data deployment by third parties in relation to the sector.

14. The TCC also supported the ECB's intention around evidence gathering. It noted that evidence should be collected from the industry and the debt advice sector and cautioned that whilst robust data is vital, the ECB must also ensure that the voices of vulnerable people who are faced with collection activities are also heard and treated as a source of evidence.

### Coverage

15. There was support from number of sources for the ECB achieving wide coverage of enforcement work, including Just and the HCEOA. Just noted the importance of wide coverage and also noted that many outside the industry will not understand the differentiation between civil and high court enforcement work. It noted that wide coverage would be critical to the ECB's success. Some respondents also cautioned against overreach, noting the recent pre-payment meter scandal and need to differentiate between enforcement work and debt recovery work. Meanwhile the TCC encouraged the ECB to ensure that its scope includes in house teams at Local Authorities and that it expands its scope to cover oversight of those firms who carry out prepayment meter installations.

### New standards and code of practice

16. There was general support for the ECB's intention to develop its own standards and code of practice, with some respondents noting that the existing regulations are dated and have some obvious gaps.

17. The TCC stated that the ECB needs to go significantly further than the limited scope of the existing standards and ensure that they are both binding and supervised against and that the ECB has sanctions and enforcement measures that can be deployed where necessary. It supported the proposed focus on vulnerability and suggested taking learning from other sectors, such as financial services. It also supported a focus on affordability, noting that the review provides an opportunity to reinforce the importance of using the Standard Financial Statement. Finally, it pointed out that creditor behaviour is also an important factor that needs to be addressed.

18. Some respondents, such as Just, noted the importance of the ECB engaging widely in relation to this work and ensuring that it draws upon the technical expertise of industry.

19. The HCEOA stated that the review might be an opportunity to try to encourage early engagement from debtors with the early stages of the enforcement process.

### Complaints handling

20. There was support for the ECB taking on responsibility for second tier complaints handling, including from the HCEOA.

21. The TCC expressed strong support for the establishment of independent complaints handling and encouraged the ECB to build a process that builds on best practice from the ombudsman sector, including:

- Ensuring accessibility for complainants
- Allowing complaints to be made in any format

- Limiting the requirement to complain to the enforcement agent to one opportunity for the firm to resolve, before referral to the complaints body
- A short timescale for complaints to be dealt with given the nature of enforcement activity, which could leave vulnerable people in a crisis situation.

22. It also encouraged the ECB to consider the Money Saving Expert report *Sharper Teeth*, which sets out “gold standards for independent complaints bodies.”

### **ECB response**

23. We are grateful for the feedback provided on our proposed priorities for the year ahead. In the light of the support received, our final business plan retains all five priority areas that were identified in the draft business plan. We have made some changes to the wording in the business plan to reflect on the helpful feedback provided. In addition, there are many helpful points raised. Beyond this, we will take all of this feedback into account as we scope and progress the specific work under each priority area. In particular, we will follow up on the suggestions around our standards and code of practice as well as the considerations around vulnerability that were identified for complaints handling.

24. In relation to scope, we do intend to bring inhouse teams at Local Authorities under the ECB’s oversight and will be progressing some outreach work in this regard soon. We do not currently have plans to extend our remit to cover debt collection firms who carry out prepayment meter installations. In principle, we are open to future discussion about the role that the ECB might play in this area, as long as those discussions would include consideration of how this oversight would be funded.

### **Q2 – Are there any activities that you believe the ECB should be prioritising that are not contained in this plan?**

25. Only a few respondents identified additional activities that the ECB should prioritise.

26. Just suggested that a future area for exploration by the ECB would be the methods and practices by which cases are deemed eligible for enforcement activity. It noted significant difference in the extent to which creditors are doing any pre-enforcement screening for vulnerability or financial hardship, prior to sending cases on for enforcement action. It believes that the effectiveness, reputation and confidence in the enforcement industry would be significantly enhanced if creditors, or their suppliers, are encouraged to carry-out pre-activity screening using readily available data sources.

27. The TCC suggested a number of additional areas of focus, including:

- Reviewing the case for statutory underpinning for the ECB. It noted the importance of statutory underpinning to avoid firms being able to opt out of oversight.
- A request that the ECB support the TCC’s request that the MoJ should work with another agency, such as the Competition and Markets Authority, in carrying out its review of enforcement fees.

### **ECB response**

28. It is clear that creditors have an important role to play in supporting establishment of effective oversight and supporting fairness in the market. It is for this reason that we will be working hard to ensure wide support from creditors for the ECB's work, and commitments from creditors to only work with ECB accredited firms (once our accreditation scheme is launched). Our standards and code of practice will apply to enforcement firms and not directly on creditors.
29. We agree that it is important that in our work, we should gather evidence that could be fed into the forthcoming review by the MoJ into the case for a statutory underpinning for the ECB. We will do this alongside the immediate priority of establishing a model which will deliver meaningful impact without statutory footing, as set out in the draft business plan.
30. The ECB made its own response to the MoJ fee review, which is available on our website. This represents the ECB's high level view on some of the factors that the MoJ should take into account in its review.

### **Q3 – Do you have any comments on the draft budget and levy?**

31. Most respondents did not respond directly on the draft budget or levy. The TCC noted its hope that industry will pay the levy and stated that if the levy is not paid, it lends greater weight to arguments for statutory underpinning.
32. The HCEOA expressed support for the budget and levy. It noted the importance of the ECB consulting on future changes to the budget and levy, as they arise.
33. The IRRV stated that it would be inappropriate for the public purse to fund the ECB through any form of funding from local government creditors.

### **ECB response**

34. It is positive that we did not receive any formal responses from industry in opposition to the proposed levy. We are also pleased to report that we have received full payment from all of the firms that we invoiced for set up costs for the ECB in September 2022 and January 2023. We therefore plan to proceed with a levy of 0.4% of turnover, as set out in the draft business plan.
35. The levy will apply to firms undertaking enforcement activity. It will not apply to creditors.

### **Q4 – Are there any other comments or observations that you would like to make?**

36. The consultation attracted a wide range of more general observation and commentary. There were a number of common themes within this, as recorded below.

### Expertise

37. A common theme in responses related to the importance of the ECB properly understanding the sector, the wide range of stakeholders and the technicalities of enforcement work. As a result, there was support for the ECB establishing an expert advisory panel. In this regard, the TCC noted that it was important that the ECB

considered expert advice from all perspectives, including the advice sector and academics. It also noted the risk of confirmation bias or complacency to creep into expert advice.

### Engagement

38. Linked to the above point about expertise, another theme in responses was the importance of wide and meaningful engagement, across the whole sector and spanning a range of stakeholders. Wilson and Roe expressed a hope that the ECB could help to bring the industry and debt advice sector closer together, to help build public confidence.
39. The IRRV stressed the importance of the ECB engaging properly with creditors to understand their different needs are sought out and taken into account. It stated that the variances in creditor requirements means that Enforcement Agents are required to act differently for different creditors and this needs to be factored in. It welcomed recent moves in this regard and emphasised that the ECB should be seeking greater creditor involvement in its work.

### Scope and coverage

40. There was significant discussion in responses about the importance of the ECB having a broad scope that encompasses the main players, whilst being mindful of overreach. One respondent expressed a concern that the ECB was already overreaching through getting involved in the debate about prepayment meter installations.
41. Just raised a related point about the ECB being mindful of the potential interplay with its oversight and the existing roles of the Ministry of Justice and the Senior Master in regulating Enforcement Agents.

### Creditor behaviour

42. A few responses referred to the important role of creditors in this market and scope for the ECB to seek to influence this.

### Other

43. The HCEOA asked that the ECB moves away from talking about the “enforcement industry” in favour of referring to the “enforcement profession”. It said that this would ensure proper recognition of the skills, training, knowledge and qualifications of high court and other enforcement agents.
44. Wilson and Roe noted that enforcement activity encompasses a wide range of work on different types of debt that means that a one size fits all approach would not work.
45. The IRRV suggested that the ECB might consider a role in ongoing information gathering to feed into the enforcement fee debate.

### **ECB response**

46. The themes that came through from consultation responses are helpful and insightful and in large part echo themes that we are encountering in our engagement with stakeholders. We will factor the points noted above into our future work.
47. We see ongoing, effective and transparent engagement as essential to developing and delivering effective oversight. This needs to encompass the industry, debt advice sector, creditors, people with problem debts and government, as well as others.
48. CIVEA and the HCEOA have set up expert panels for us to draw upon, as required, to help to ensure we have a strong technical understanding of the sector. This is just one resource that we will feed into our overall decision making. We will ensure that we access expertise from a range of sources, as appropriate to the specific issues that we are considering.

**Annex – Final Business Plan**

# **Business Plan - 2023/24**

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## **Foreword from the Chair**

Welcome to the first ever Business Plan for the Enforcement Conduct Board – and thank you to everyone who has helped us get to this point.

Enforcement – the process of making sure that people who can pay debts that the court says they must pay, do actually pay those debts – is a vital contributor to the public purse, and underpins our justice system. It is hard, thankless and sometimes dangerous work.

The cost of living crisis means that an increasing number of the people who experience enforcement cannot afford to pay what they owe – some of them at all, and many of them not all at once. For people experiencing problem debt, the enforcement process adds costs and stress to already difficult lives.

So it is vitally important that everyone can be confident that enforcement is fairly and effectively carried out and that everyone who can pay is supported to pay what they owe, and those who can't are identified and spared the additional costs and stresses of enforcement.

We have been established as the result of a collaboration between the debt advice sector and the enforcement industry and tasked to ensure that everyone who experiences enforcement is fairly treated.

We will be independent and robust in the oversight we provide so that everyone can have confidence in us. And we will work in close collaboration with the industry, the debt advice sector, and national and local government and other creditors in order to support change that delivers real benefits to people experiencing enforcement.

Listening to the voices of those experiencing enforcement as well as those carrying it out has informed the development of the ECB to this point, and will continue to inform our work in the years ahead.

If you have thoughts about the work plans we lay out please get in touch and share them with us. Thank you again for the support you have given us to date – and even more importantly, thank you for the support you will give us over the year ahead to deliver our mission of ensuring that everyone experiencing enforcement is fairly treated.

**Catherine Brown**

## **Foreword from the Chief Executive**

In this plan we explain who we are and where we come from, and how we will deliver our mission – making sure everyone experiencing enforcement action is fairly treated.

More than 3.5 million enforcement orders and warrants are issued each year, and more than £500m of debt owing to the public sector and other creditors is collected through enforcement that would otherwise go uncollected, with impacts on public services, small businesses and individuals owed money. But the Money and Mental Health Policy Institute estimates that as many as 100,000 people in problem debt attempt suicide every year. So everyone carrying out enforcement activity has a responsibility to ensure that everyone experiencing enforcement is fairly treated, and that vulnerable people are given additional support and effective protection.

This plan lays out how we will begin to put in place appropriate oversight so that everyone experiencing enforcement is fairly treated; creditors and the public can be confident that enforcement is subject to appropriate robust independent oversight; and responsible enforcement businesses do not suffer reputational damage due to poor practice elsewhere in the sector.

Over the course of 2022, funded by “seed funding” from the civil enforcement industry, the ECB has engaged widely with the civil and high court enforcement industry, debt advice agencies, and government stakeholders in Westminster and Cardiff. The ECB has been set up as an independent company, limited by guarantee, and appointed its first independent Board.

We are pleased to receive strong support from the UK and Welsh governments, and in particular the commitment from the UK government to review the need for a statutory underpinning for the ECB within two years, or sooner if necessary.

We are also pleased that creditors in the private sector, national and local government have welcomed our creation and been keen to support us. This is important because in the absence of a statutory underpinning for the ECB, at least initially, the commitment of creditors to only working with enforcement businesses accredited by the ECB will be critical to our independence and effectiveness.

We will seek to be transparent about our progress in delivering against this plan, to enable stakeholders to both support us and hold us to account for our progress.

**Chris Nichols**

## **Executive Summary**

1. In 2020, the Centre for Social Justice initiated the Enforcement Oversight Working Group (EOWG)<sup>1</sup>, bringing together the enforcement and debt advice sectors (including Money Advice Trust, Christians Against Poverty and Step Change) for the first time to collaboratively develop a vision for reform. This initiative identified the need to create an Enforcement Conduct Authority to address the key challenges identified in recent years, including issues raised during the Ministry of Justice's call for evidence in 2018 and later the Justice Select Committee enquiry in 2019:

- continued professionalisation of the enforcement sector
- measures to address inconsistent and inappropriate enforcement agent behaviour
- reform to the 'fragmented and hard to navigate' complaints system
- measures to bring the whole of the enforcement industry into line with wider advances in the treatment of people experiencing hardship or other vulnerabilities
- independent, sustainable, and authoritative oversight of the industry

2. This plan lays out the early priorities for the ECB which are to:

- Collect data from enforcement and debt advice sectors to inform a transparent evidence-base to better understand the reality of the situation.
- Review the current processes for complaints, give guidance about how a robust, fair, and accessible complaints system ought to operate, and produce a plan to take over responsibility for the independent stage of non-ombudsman complaints.
- Consult widely on the development and implementation of a robust code of practice including rules on how to identify and deal with vulnerability and affordability
- Establish the widest possible coverage so that no enforcement agency, whether privately owned or in-house, can avoid the rules. This will require local authorities, Government departments and other responsible creditors to commit to only working with enforcement agents who are signed-up to being regulated.

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<sup>1</sup> Membership is set out in ['Taking Control for Good'](#) published by the Centre for Social Justice, July 2021.

- Continue with work to establish the body and build its effectiveness, including establishing mechanisms for stakeholder engagement and technical advice.
3. In the 'Taking Control for Good' report, the member companies of the Civil Enforcement Association (CIVEA) committed to funding the ECB through a levy. The High Court Enforcement Officers Association has since also agreed that its members ought to contribute to the levy. This plan includes details of the requirement for the first year's levy of 0.5% of turnover for enforcement businesses which is calculated as the minimum required to enable the ECB to make appropriate progress towards our agreed objectives.
  4. It is also our intention that "in house" public sector enforcement functions should benefit from the advantages of robust independent oversight and contribute to the costs of the ECB, and we will be working with local and national government to put appropriate arrangements for this in place.

## **Who we are and where we come from**

5. The Enforcement Conduct Board (ECB) provides independent oversight of the civil enforcement industry (bailiffs) to ensure that all those who are subject to enforcement action in England and Wales are fairly treated.
6. The organisation has been established as a result of a report, '[Taking Control for Good](#)' published by the Centre for Social Justice in July 2021, after a collaboration between the civil enforcement industry and leading debt advice charities including Money Advice Trust, Christians Against Poverty and Step Change.
7. Until now, there has been no independent oversight of the enforcement industry. [Minimum standards](#), published by the Ministry of Justice, expect enforcement agents to treat those in debt fairly, but these standards are not legally binding, and no-one checks that they are being consistently applied. The ECB will change that – ensuring that people experiencing enforcement are treated fairly and protected from poor practice; that creditors can be confident that their debts are being collected professionally and ethically; and that firms who consistently demonstrate high standards are protected from the reputational risks to the sector of cases of poor practice.
8. The recommendation of the Taking Control for Good report was:

*“An Enforcement Conduct Authority should be established to provide independent oversight of the enforcement industry. It should be equipped with a clear mandate: to ensure fair treatment and appropriate protection for people subject to enforcement – with particular regard for those experiencing financial difficulty or other vulnerable circumstances.”*
9. In discussion with government, it was agreed to call the new body the Enforcement Conduct Board. The industry agreed to fund the new body by a levy. In March 2022, after an open competition, the first Chair was appointed and in July after a further open competition, the rest of the Board was appointed see <https://enforcementconductboard.org/ecb-board-2/>.

## **Our principles**

10. The Taking Control for Good report identified 5 key principles which should guide the ECB in its work to deliver its core purpose of enduring everyone who experiences enforcement is fairly treated:

### **Independence**

The ECB will commit to upholding the principle of independence in all its activities. This relates (but is not limited to) aspects such as Board membership, those working for the ECB, as well as how the ECB will conduct its business.

### **Ambition**

The ECB will commit to continually drive improvements in the enforcement sector through being ambitious in raising standards and collaborating with stakeholders to ensure fair treatment and appropriate protection for people subject to enforcement

### **Proportionality**

The ECB will work to the principle that any burden or restriction it imposes on individual agents, agencies and/or their activities should be efficient and necessary for the purpose of carrying out its mandate

### **Collaboration**

The ECB has been developed based on collaboration between the enforcement sector and the debt advice sector. The ECB will commit to maintaining a spirit of collaboration between the enforcement sector and the debt advice sector as far as is appropriate

### **Transparency**

The ECB will exercise its functions as transparently as possible. One of the key outputs to that end will be an annual publication reporting its activity and findings – this will be published, shared, and submitted to the Secretary of State for Justice

11. The Board of the ECB has embraced these principles and will continue to develop a culture that embeds and builds on them. Two areas in which the Board has already developed its thinking on the initial proposed values relate to the importance of the ECB itself working in collaboration with a wide range of stakeholders, and the importance of the ECB grounding its interventions in the lived experience of both those experiencing enforcement and those carrying out enforcement on the ground.
12. There are already examples of the principles being applied in practice e.g. appointment of an entirely independent Board and CEO; and publication on-line of the minutes of Board meetings.

13. The principles will continue to underpin the delivery of the mission and priorities over the period of this plan.

## **Areas of work identified by the Taking Control for Good report**

14. The Taking Control for Good report identified several key functions that the ECB should undertake to deliver its mission.

### **Raising Standards**

15. The ECB should drive up standards in the enforcement sector by setting out new effective standards, building on the Taking Control of Goods: National Standards 2014; supervising performance and conduct in the enforcement industry and issuing firm and proportionate sanctions for non-compliance.

### **Improving accountability**

16. The ECB should increase accountability across the enforcement sector by holding enforcement firms and agents to account including through supervisory activities (such as audits, reviews of firms' policies and procedures, compliance and complaints, reviews of enforcement agent footage, information requests and independent research); as well as a firm and fair system of sanctions to penalise and strongly disincentivise non-compliance with the ECB's standards.

### **Complaints**

17. The ECB should develop and introduce a new standardised complaints process and host an independent complaints mechanism that will adjudicate complaints.
18. The report also identified some other activities that the ECB would in their view need to undertake to be effective. These included:

#### *Review of the requirement for statutory authority*

A rapid review of any appropriate statutory authority required by the ECB to carry out its mandate fully and effectively to enable recommendations to the Ministry of Justice when they carry out their review within two years of the foundation of the ECB

#### *Delivery of a strategy to maximise ECB coverage in the absence of statutory powers*

In the absence of statutory powers deliver a strategy to bring all certificated agents under its authority

The Taking Control for Good report concentrated on civil enforcement, but they recognised the importance of the ECB working with the High Court enforcement

sector to ensure that businesses undertaking High Court work were also brought under oversight.

## **Priorities for 2023-4 and beyond**

19. The ECB was formally launched in November 2022 in both Cardiff and Westminster. In the course of 2022 we established the corporate body as a company limited by guarantee; we appointed the Chair and 4 further Non-Executive Directors and inducted them to the sector with visits to debt advice and to enforcement call centres and on the doorstep with agents; we sponsored an initial piece of research on the experience of those undergoing enforcement; and we built strong links with creditors and government and officials. We contributed to a number of conferences and events – with Local Authorities and the Civil Court Users Association amongst others. And we were eventually able to agree an element of baseline funding with the industry’s largest companies that enabled us to appoint a Chief Executive in December 2022.

20. Given the growing importance of High Court Enforcement, in the context of increasing utility debt in particular, the ECB places equal importance on the oversight of high court enforcement as it does on civil enforcement, while recognising the different framework that is in place for the authorisation of High Court Enforcement Officers. We have welcomed the engagement of the High Court Enforcement Officers Association and will continue to work with them as well as CIVEA and individual businesses in both sectors to achieve the following objectives.

21. The priorities set out in this business plan were consulted upon between February and April 2023.

### **A. Design and start to gather an evidence base to support the development of a proportionate oversight framework**

22. Gathering a clear evidence base as to the prevalence or otherwise of consumer detriment and where there may be risk of negative impacts in the current arrangements is important to designing **proportionate** interventions. It is also an essential underpinning to the review of what statutory powers may be necessary and will be important in persuading Government of the necessity for statutory powers.

23. It is also one of the most critical components of “oversight.” Only by knowing what is happening in the industry at an appropriate level of granularity can we have assurance about standards of practice and know where to focus standard development, and audit activity. This will provide a baseline to allow the ECB to evaluate its success and for stakeholders to hold us to account for it.

24. We will therefore convene a series of workshops with industry and other stakeholders to identify what the quarterly reporting requirements should be for enforcement businesses and to explore potential research opportunities using existing data.

25. We will work with the debt advice sector to ascertain what regular or occasional input they can contribute to the evidence base on enforcement practice.

**B. Continue work commenced in 2021 to ensure full coverage by the ECB**

26. It is important that everyone experiencing enforcement action is treated fairly and has their interests protected by the ECB's independent oversight. This also ensures that compliant businesses are not competitively disadvantaged by less scrupulous businesses who avoid oversight.

27. We will therefore continue to work with creditors to encourage them to make it a requirement for their enforcement partners to be accredited by the ECB, once an accreditation scheme is operational.

28. We will swiftly develop an authorisation/accreditation scheme that ensures that creditors know which enforcement businesses are under oversight, so that compliant enforcement businesses benefit from recognition for their investment in, and commitment to, raising standards and to accountability.

29. The requirements for authorisation/accreditation will be proportionate and the scheme will be designed to enable all reputable businesses to comply with its requirements.

30. We expect that the requirements for authorisation will include:

- a. Agreement to treat the 2014 standards as binding rather than advisory while the new standards and code of practice are developed (in future years, the requirement would be to complying with the new standards and code of practice)
- b. Acceptance of the ECB's rulings on adjudicated complaints, when we begin to adjudicate on cases
- c. Completion of Quarterly Data Returns
- d. Acceptance of audit and transparent disclosure of data to support the ECB's work on request
- e. Payment of the required levy in a timely fashion

31. It will be the intention of the ECB in line with the principle of ambition to work with stakeholders to develop the requirements for authorisation/accreditation each year based on emerging evidence, to support continuing improvements in the industry eg through the development of the standards.
32. We will continue to work to bring enforcement agents in public bodies under the oversight of the ECB – within Local Authority functions and the County Court bailiff service.

**C. We will carry out a review of current complaints procedures and develop guidance for companies on how to ensure that their complaints systems are compliant with good practice**

33. We will also produce a costed plan to take responsibility for the independent complaint resolution stage for complaints. This will ensure that everyone making a complaint has the opportunity to have a fully independent final stage if they remain unhappy with the handling of their complaint by the enforcement business and/or creditor. This work will include establishing the extent to which existing independent complaints routes can be consolidated.
34. The data we gather about complaints to enforcement firms and creditors as well as complaints that are dealt with at the independent complaint resolution stage will contribute to the evidence base, and where possible we will seek to generate actionable insights from the analysis of complaint data across the system.

**D. We will set out a plan and timetable for the review of the standards and produce an updated set of standards and code of practice**

35. The standards have not developed since their introduction in 2014, although CIVEA has developed their own standards that complement them. A key role of the ECB is the development in consultation of an updated, clear set of standards and associated guidance. This will include a specific focus on issues such as affordability and vulnerability.
36. There may also be benefits in producing advice to creditors and we will explore the possibility of this with enforcement businesses, creditors and other stakeholders as part of the review of the standards.
37. In the first half of the year we will produce a plan for the review of the standards in collaboration with the industry, debt advice sector and government, so that we can begin collaborative work on the review in the second half of the year.

**E. We will continue to develop the ECB into a cost effective, impactful, collaborative and credible oversight body**

38. We will establish a mechanism to ensure effective communication with stakeholders including the industry and the debt advice sector in line with our principle of **collaboration**. We will feed back on progress against this plan and welcome ongoing input.
39. We will also put in place a framework of technical advisors to ensure that while our **independence** is safeguarded, we have access to high quality professional advice on how the industry works, and its impacts.
40. We need to agree a basis for future funding that enables us to focus on delivering our core objectives, rather than having to focus constantly on fundraising, and that enables funders and others to understand the costs and impacts of our work.
41. In order to deliver on our commitment to transparency we need to develop clear policies and governance arrangements that people can understand and challenge.
42. We are **ambitious** to make as much progress as we can as quickly as we can, but we are also committed to doing our work to a consistently appropriate standard and ensuring that we are a credible, robust oversight body that deserves to be trusted by our disparate stakeholders.
43. In 2023/4 we will establish the core team; devise an authorisation/accreditation scheme; gather an evidence base; start to improve complaint handling; continue to extend coverage; and build an advisory structure. And we will do the majority of the work to develop the new code of practice in collaboration with stakeholders.
44. In the course of 2023/4 we will continue to develop plans for the year and future years, in consultation with stakeholders. This will include producing and publishing more detailed operational plans, with more specific timeframes and milestones.
45. In 2024/5 we would intend to build on the progress we will make this year:
- we will roll out the new code of practice developed in 2023/4
  - we will take responsibility for the final independent stage of complaint handling
  - we will introduce an audit plan and process and start to systematically audit and give feedback to companies.

## **Resources and Budget**

### **Funding the establishment of the ECB**

46. The 'Taking Control for Good' report makes clear the expectation that initially the Enforcement Conduct Board (ECB) *"will be funded by pro-rata contributions from all firms that employ certificated enforcement agents."* The report goes on to recommend that as the ECB *"brings under its remit other types of enforcement*

*agents (such as High Court Enforcement Officers, County Court bailiffs, and Civilian enforcement officers), it will review and adapt its funding arrangements accordingly.”*

47. In September 2022, the ECB wrote to 31 of CIVEA corporate members to ask each one to contribute a share of the initial costs of setting up the ECB for the 18-month period ending 31 March 2023 which amounted to £626,000. Individual contributions were calculated based on declared turnover for the 12 months ending 31 December 2021. On this basis, individual contributions represented 0.34% of annual turnover. The largest companies made their payments in the Autumn of 2022 and the smaller ones were asked to make their contribution early in calendar year 2023.

48. The total costs incurred so far in the set up of the ECB were approximately £447,000 at the end of March 2023. This covers a period of 19 months from September 2021 to March 2023. The ECB therefore had approximately £179,000 of its initial funding remaining (plus £176,000 from a loan from CIVEA that is due to be repaid by March 2024), which was factored into the budget set out below.

#### **Budget for 2023-24**

49. The ECB is a not-for-profit enterprise which exists only to deliver its mission and the objectives outlined in this plan. We recognise that the enforcement industry is a small one and in line with the principle of **proportionality** we intend to minimise the costs of oversight in so far as that is compatible with achieving our mission and objectives. We will operate on an “open book” basis and any surplus funding will be applied to future years’ activities.

50. With the above principles in mind, we developed a budget for 2023-24 that will enable us to deliver the key activities outlines in this draft business plan.

51. Excluding repayment of the loan to CIVEA (see below), the total budget for the year is £881,828. The four largest cost lines include:

<b>Costs</b>	<b>Assumptions</b>
Staff and Non-Executive Directors (£537,828)	<ul style="list-style-type: none"> <li>• Chair plus 4 x NEDs (all already in place)</li> <li>• CEO plus four other members of staff (2x senior roles (one part-time), 1x Manager level and 1x Administrative support)</li> <li>• Includes NI and pensions</li> <li>• Includes recruitment costs</li> </ul>
Research and consultancy (£96,000)	<ul style="list-style-type: none"> <li>• Provision to support proposed work around developing our evidence base</li> </ul>

Communications and public affairs (£53,000)	<ul style="list-style-type: none"> <li>Increased costs for first four months then reducing once in house capacity increases</li> </ul>
Travel and subs (£40,000)	<ul style="list-style-type: none"> <li>Recognises that we will be a remote organisation with increased travel needs</li> </ul>

52. During 2023/24 we will also repay a loan of £176,000 to CIVEA, which was provided in June 2022 to assist with set up costs in advance of industry funding being received. This will be paid back in March 2024.

53. We intend to build up reserves equivalent to approximately three months' operating costs to provide a level of assurance about ongoing viability and independence.

### **Levy for 2023/24**

54. In January 2023 we wrote to CIVEA members and members of the High Court Enforcement Officers Association to seek information on declared turnover for the year ending 31<sup>st</sup> December 2022. When we wrote, we indicated that we considered that the levy for 2023-24 would need to be set at around 0.5% of turnover at 2021 levels. Based on the information provided in response for 2022 turnover, we were able to calculate the level at which the levy will need to be set in order to support a budget of £881,828 as set out in this business plan.

55. We have therefore set the levy for 2023-24 at **0.4%** of turnover. This is a small increase from the 0.34% levy for the initial set up phase of the ECB. This reflects the fact that this year will see the ECB take on further operational capacity and therefore increased costs, particularly in terms of staff costs. However, it should be noted that this year will still not see full year staff costs, as most of the new posts that will be recruited will start mid-way through the year.

56. The budget was prepared on the basis of the ECB's financial year running from April 2023 to March 2024. We will schedule the levy payments to take account of the proximity of the payments for the ECB's set up:

- The eight largest companies by turnover to pay the levy by the end of June 2023 (moving in future years to April)
- The remaining companies by the end of September 2023

### **2024-25 and beyond**

57. It is important to note that whilst the budget for 2023-24 includes some set up costs that would not be incurred in 2024-25, it also does not include full year staff costs, which is the main cost line in the budget. The budget for 2024-25 will therefore need to increase in order to cover the full year costs of the ECB's operations, even without taking on any additional functions. Our current forecast is that this would equate to an additional £30,000 (approximately) for 2024-25.

58. On top of the above, the financial year 2024-25 will also see the ECB take on new operational functions including complaints handling and audit, which are not provided for in the 2023-24 budget. As set out above, we will work up costings for new functions as we develop our plans.
59. Taking account of the above, the budget for 2024-25 will need to increase, to reflect full year salary costs and costs associated with new functions. Therefore for future planning purposes, all other things being equal, it is likely that the levy will need to increase above the 0.4% set for 2023-24. We will engage further on our plans and associated costs for 2024-25 towards the end of 2023. We will continue to be guided by the principle of proportionality as we develop and consult upon our future plans.

## **The ECB – what’s in it for me?**

The ECB has been established as an independent oversight body of the enforcement industry, to ensure that everyone experiencing enforcement is treated fairly.

We are funded by the industry on a levy basis but are entirely independent of it. We have the support of government and creditors as well as the debt advice sector and the enforcement industry.

### What’s in it for me as a member of the public?

Enforcement collects more than half a billion pounds a year of debts which would otherwise be uncollected, and that income makes a big difference to the delivery of public services. Without effective enforcement, services would suffer, and prices would go up for those who do pay their bills. The ECB will make sure that enforcement is carried out fairly and professionally, which means that public sector and other creditors will be able to use enforcement businesses with confidence, and members of the public will know that everyone who can pay their debts is appropriately supported to do so.

### What’s in it for me as someone experiencing enforcement?

You will be able to find a clear, binding set of standards that lay out your rights, and what enforcement agents are allowed to do and not allowed to do. You will be able to find out how to complain easily and there will be a fair, timely and ultimately independent system to address your complaint. The ECB will exercise ongoing oversight to make sure that you are fairly treated, even if you don’t have the time or energy to complain.

### What’s in it for me as a creditor?

You will be confident that if you contract with an organisation accredited by the ECB there are clear standards, independent oversight and accountability arrangements, alongside whatever you put in place. You will know that standards across enforcement are being reviewed and improved, and that the risk of poor practice affecting your customers is reduced as a result of the ECB’s work to improve the standards. You will have a reputational benefit as you can demonstrate that you are supporting good practice by supporting the ECB.

### What’s in it for me as an enforcement business?

By becoming an “accredited” business you will be able to demonstrate your commitment to high standards across the industry to potential customers. You will benefit from independent challenge to help you improve the standards within your business, and you will benefit from the industry having a better reputation as the work of the ECB is established and oversight bears down on poor performers. The public sector and other creditors will be more confident to outsource enforcement to an industry which has robust independent oversight arrangements in place and so your business will have the potential to grow.

### What's in it for me as an enforcement agent?

The ECB believes that for customers to be treated fairly, the people doing the work need to be treated fairly too. Being an enforcement agent is hard, important work and having an independent oversight body that recognises that will support professionalisation and fair treatment for agents.