

## ECB Board Meeting – Wednesday 26 July 2023

Aneurin Bevan suite, Cardiff Marriott Hotel, Mill Ln, Cardiff CF10 1EZ

**Member attendance:** Catherine Brown (Chair), Alan Cavill, Gerard Curran, Althea Efunshile, Jenny Watson,

**Staff attendance:** Chris Nichols, Alice Kelly, David Parkin, Jen Prior (minutes)

### Minutes

#### Item 1: Welcome, apologies and declarations

1. The Chair welcomed all present, particularly the members of the team who were attending their first Board meeting as part of their induction.
2. There were no new declarations of interest to report.

#### Item 2: Minutes of the previous meeting

3. With two minor drafting adjustments, the minutes of 4 May 2023 were **agreed** as an accurate record of the meeting.
4. The decision note of the meeting held 26 June 2023 was **agreed** as drafted.
5. It was agreed that going forward the monthly virtual meetings of the Board would have the status of Board meetings, and that a brief CEO report and minutes would be published in the same way as for the quarterly in person meetings.

#### Item 3: Matters arising

6. The communications and engagement consultant will develop a forward plan of engagement opportunities for Board members (**Action**).
7. The Head of Governance and Operations will introduce a Board action tracker for future meetings (**Action**).

#### Item 4: Chief executive's report

8. The Chief Executive introduced the item. The following points were raised in discussion:
  - The levy payment request has now been issued to the eight largest enforcement firms. One has paid already, and three have responded to confirm payment is in progress. The deadline for payment is 4 August.

- The Executive will provide an update to the Board on 4 August on levy payments received (**Action**).
- The Ministry of Justice has published its response to its recent fee review. The ECB will seek to work with officials as its policy proposals are developed.
- Some water companies are starting to commit to only working with accredited providers.
- Ongoing discussions with British Gas were shared with the Board.

9. The Board **noted** the Chief Executive's report.

#### **Item 5: Quarterly financial report**

10. The Head of Governance and Operations introduced the Quarterly financial report which reported on the ECB's financial performance for the first quarter of 2023/24. The two main headlines were that the ECB was currently operating within budget and that a reforecast exercise would need to take place due to a shift in business plan timings.

11. The Board agreed that the new narrative format provided with the Quarterly financial report was helpful.

12. The Board **noted** the quarterly financial report.

#### **Item 6: Implementing the ECB's accreditation scheme**

13. The Chief Executive introduced the paper which sought agreement from the Board on the ECB's approach to important policy questions that needed to be resolved before it could finalise the framework and launch the accreditation scheme. It was noted that the scheme is now due to launch in September 2023.

14. The following points were discussed:

- High-level messaging on what accreditation will mean in the first year. The Board agreed the messaging recommended in the paper, emphasising that accredited firms will have committed to increased accountability, higher standards and funding of oversight but that accreditation will not immediately guarantee standards of enforcement practice.
- The approach to investigating suspected breaches of standards and the ECB's available sanctions.
  - The Board discussed the proposed approach and agreed with the proposal that, for the first year of accreditation, it should look into concerns about compliance with standards if it comes across concerns that are likely to have a very significant impact on citizens in terms of severity and scale. This would allow the focus for year one to be on delivering the work outlined in the business plan, which will ultimately allow for greater overall public benefit by allowing the full oversight model to become operational.
  - If the ECB did determine that it needed to look into a specific issue in this coming year, this was likely to be a review, rather than an 'investigation' as the ECB will not be resourced in year one to undertake the sort of exercise that some people might associate with an investigation.
  - For any reviews, a standard process comprising an assessment of potential impact, a series of actions designed to assist the organisation

back to compliance, and consideration of the exercise of more serious sanctions would need to be developed. The process would also cover when the ECB would seek legal advice (**Action**).

- The Board agreed the proposal that the accreditation scheme should initially provide three formal sanctions – formal notes of concern; suspension; removal of accreditation.
- A potential process on responding to concerns about individual enforcement agents, possibly using the existing court certification process, would be developed over the coming months (**Action**).
- The Board acknowledged that there may be a strong demand for the ECB to investigate complaints before it is sufficiently resourced or organized to be able to do so effectively and recognised the frustration that these processes would take time to embed effectively.
- The proposed approach to offering accreditation for in-house teams at Local Authorities. The Board agreed to launch accreditation for Civil and High Court in September with the message that the ECB expects to extend accreditation to local Authorities' in-house enforcement teams within a few months, having had further discussions with the in-house sector about the details.

15. The Board thanked the Executive for the paper and, with the actions outlined above, **agreed** the proposed approach to implementing the ECB's accreditation scheme.

#### **Item 7: Communications engagement plan**

16. The Chief Executive presented the draft communications engagement plan to the Board which set out the Executive's current thinking and approach to the ECB's communications and engagement work for 2023/24.

17. The following points were raised in discussion:

- The key lines to take need to more strongly emphasise the ECB's commitment to and understanding of the importance and public value of fair enforcement in terms of public finances and the court system alongside our primary purpose of ensuring that everyone experiencing enforcement is fairly treated
- The ECB is in a unique position to bring together different stakeholders in the sector and has the opportunity to work in partnership with organisations to help them understand each other and work more collaboratively for the benefit of people experiencing enforcement and wider society.
- Resourcing and timing were discussed in relation to the approaching general election.
- A surveillance strategy, detailing the ECB's processes for seeking out, receiving and processing intelligence, would be required eventually. While important, this could not be an immediate priority.
- The Executive would set out an updated position on seeking statutory underpinning and bring it to the October Board for discussion (**Action**).

18. The Board **discussed** the paper and noted that once the comments and suggestions had been incorporated, the full communications and engagement strategy would be presented to the Board for agreement.

## Item 8: Evidence and research

19. The Chief Executive presented the current plans and thinking for research and evidence gathering at the ECB, one of the priority workstreams set out in the business plan. The paper sought the Board's input on proposals for a targeted piece of research on doorstep practices.
20. The following points were raised in discussion:
- The timing of the project has been designed to deliver results early enough to inform the development of the standards. However, it is important that this project is successful and if a little additional time is required to scope this work, in consultation with stakeholders, that would be preferable to rushing it out.
  - It was agreed that the scope of the project should be kept simple (civil enforcement, doorstep practices only), to ensure a sample significant enough to base policy decisions on and ideally where possible to analyse segments within the results. There may be options to extend the methodology to high court work in the future.
  - The measures the agents will be assessed against would be best developed with assistance from both the enforcement industry and the debt advice sector, including through the ECB's Engagement Forum. This would, in turn, assist in the development of the accreditation standards.
  - A protocol would need to be agreed with the researchers as to if/how they could draw the attention of the employing businesses to any particularly concerning examples of bad practice
21. The Board **agreed** the proposed scope of the research and the proposed methodology. The Board noted the next steps of the project and looked forward to updates.

## Item 9: Governance priorities

22. The Head of Governance and Operations presented the paper detailing the governance and operational priorities of the ECB over the next 12 months and a recommendation on a Board lead system.
23. The following points were raised in discussion:
- Risk management should be developed as soon as practicable after the 'priority one' policies have been established
  - A business continuity plan should be developed within the next 12 months
  - Each policy should come to the Board for approval soon after it is drafted, but from next year all policies will be reviewed together as part of an annual cycle.
  - A draft Board leads proposal would be brought to the Board in September for discussion and approval (**Action**).
24. The Board **agreed** to the development of a Board leads system.

25. The Board **agreed** the recommended prioritization of policies as set out in the paper.

**Item 10: AOB**

26. The next meeting would be held virtually on 6 September 2024.

27. Detailed calendar invites would be sent out for the 2023/24 Board meetings. Dates for 2024/25 meetings would be arranged (**Action**).

**Item 11: Private session**

28. The Board met for a private session.