

ECB Board Meeting – Monday 4 December 2023

Venue: Zoom meeting

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

In attendance: Hannah Semple, Jen Prior (minutes)

Minutes

Stakeholder session

1. Martin Coppack of *Fair by Design* joined the Board for a discussion on inclusive design. As part of this discussion, the Board agreed that taking an inclusive design approach to development of our complaints processes could be particularly powerful. It would also be important to find ways of engaging people with lived experience in the ECB's wider work.

Item 1: Welcome, apologies and declarations

2. The Chair welcomed all present.
3. No new declarations of interest were made.

Item 2: Minutes of the previous meeting

4. With two minor drafting adjustments for the sake of clarity on publication, the minutes of 6 November 2023 were **agreed** as an accurate record of the meeting.

Item 3: Matters arising

5. The Board **noted** the action tracker and Board forward agendas.

Item 4: Chief executive's report

6. The Chief Executive talked to the report. The following points were raised in discussion:

- i. The Levelling Up, Housing and Communities Committee has issued its report on Council Tax Collection, which includes a range of recommendations for Government. Some of these recommendations reflect proposals that the ECB made to the committee. For example, it recommends that the government should require all local authorities only to employ enforcement agencies accredited by the Enforcement Conduct Board.
 - ii. *Complaints handling*: the team has started to scope the project on complaints handling and would bring a paper on this to a future Board. This would include proposals around the scheduling of the go-live date for the ECB to start accepting complaints. The Board discussed the importance of complaints as a form of intelligence and how the perception of a low level of complaints necessarily indicating a high level of service was inaccurate and should be opposed.
7. The Board **noted** the Chief Executive's report.

Item 5: Standards scoping

8. The Director of Policy and Oversight introduced the initial thinking on developing new ECB standards for the enforcement industry which is one of the priority workstreams set out in the ECB's business plan. It was noted that this was the first opportunity for the Board to provide substantive input into the scope of this work.
9. The Board discussed the paper, and the following points were raised in discussion:
 - i. *Existing 2014 National Standards*: It would be desirable for the ECB's standards to replace the existing ones so that there would be a single set of comprehensive standards. The ECB's standards would be developed from the ground up rather than be based on the existing National Standards but would likely cover the same factors but go further in their reach and ambition.
 - ii. *Timeframe for compliance*: There may be some areas where the ECB sets standards that would not be practical to expect full compliance with immediately. Where necessary, the ECB would provide a suitable implementation period on some standards to allow meaningful engagement and sustainable changes to be made.
 - iii. *Creditor relationships*: The practicalities of developing standards for enforcement firms without corresponding standards for creditors were discussed. The Board agreed that it would not be looking to develop new standards for creditors at this stage. However, if the MoJ were to retract the National Standards, there may be a case for the ECB at least replicating the existing requirements on creditors in the National Standards, into its own standards. Moreover, it is clear that influencing creditor behaviour towards fair enforcement is important. The Board should return to this issue when it discusses the ECB's corporate strategy in January (**ACTION**).
 - iv. *Stakeholder engagement*: Extensive stakeholder engagement would inform this work, including facilitated workshops with individual enforcement agents, debt advisors and people with lived experience of enforcement action. The ECB would also establish a working group to provide regular and more detailed input and challenge as this work progresses.

10. The Board **noted** the Standards scoping paper.

Item 6: Quarterly data returns

11. The Director of Creditors and Government presented the ECB Quarterly Returns paper. The paper sought the Board's steer on the proposed approach to developing a new system of Quarterly Data Returns (QDR) required from accredited enforcement firms as proposed in the Business Plan.
12. The Board discussed the paper, and the following points were raised in discussion:
- i. These proposals had been developed with input from industry and the debt advice sector and were due to be discussed further by the ECB's stakeholder engagement forum.
 - ii. It was important to ensure that all requested data would be of value and was proportionate. It would also be essential that the ECB had the capability to analyse and make use of the data collected.
 - iii. The data collected via the QDR would provide one source of evidence that would be fed into a much wider approach to surveillance that would help the ECB to target attention once operational supervision began.
 - iv. It would need to be made clear to enforcement firms that it was anticipated that the data requested is likely to develop over time.
 - v. The importance of consulting with those who would be completing the QDR was discussed along with the practicalities of data transfer and entry.
 - vi. Board members proposed adjustments to the categories of data to be requested under the QDR. This included turnover of agents at each firm, percentage of cases in which the body worn video is missing and percentage of cases in which repayment plans are successfully completed. It was also recommended that the QDR contain socio-economic and diversity data for those subject to enforcement; the executive would investigate how this data might be collected (**ACTION**). The Director of Creditors and Government would reflect these amendments in the document to be discussed by the Engagement Forum.
13. The Board **noted** the proposal for Quarterly Data Returns.

Item 7: AOB

14. There were no other items discussed.

Private session

15. The Board met for a private session.