

Consultation on ECB Standards for Enforcement Work and Oversight Model

Foreword

The ECB is the independent oversight body for debt enforcement work in England and Wales. We were set up with agreement between the enforcement industry and leading debt advice charities including Money Advice Trust, Christians Against Poverty and Step Change.

We have an important mission, to ensure that everyone who experiences enforcement action is treated fairly.

Since we were formally launched in November 2022, we have developed and launched our accreditation scheme and we were pleased to achieve coverage of over 95% of the market. This demonstrates the commitment of the industry to high standards and accountability.

During 2023 and early 2024 we have been building our oversight model and developing our standards, in preparation for becoming fully operational across all our functions by January 2025.

This consultation paper covers two key areas of our future approach:

- a)** The standards that we will set for enforcement providers.
- b)** Our accreditation framework and operational oversight model.

The proposals in this consultation have been developed through extensive engagement with stakeholders with a range of perspectives on this important issue.

We are extremely grateful for the time that people have already put in to share their views so far, and we now encourage all those with a stake in this area to review the detailed proposals set out in this consultation paper and let us know what you think.

Following consultation, we will refine and finalise our standards, accreditation criteria and oversight model, prior to launching these by November this year.

We look forward to hearing from you.

Chris Nichols
CEO, Enforcement
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Background

The main way the ECB exercises its oversight is through an accreditation scheme for firms that undertake enforcement work under the Taking Control of Goods Regulations 2013. In order to be accredited, firms need to sign up to the ECB's accreditation criteria. The accreditation framework then sets out a range of powers that the ECB can exercise to ensure that accredited firms are meeting the criteria and that there is accountability where these are not met, including enforcement sanctions.

We launched the first version of our accreditation criteria in October 2023. These can be seen here: [ECB-accreditation-criteria-year-1.pdf \(enforcementconductboard.org\)](#). For the first year of accreditation, firms had to commit to the following four criteria:

- a)** Complying with the requirements of current Ministry of Justice [National Standards](#)¹ – the NS are a set of otherwise non-binding guidance, introduced by the Ministry of Justice in 2014 that set some expectations about how enforcement agents should behave when carrying out their role.
- b)** Providing the ECB with periodic data returns.
- c)** Providing information to the ECB on request.
- d)** Payment of the levy (which funds the ECB's operation) in a timely fashion.

We are pleased to have accredited over 40 firms across the civil and high court enforcement sectors, achieving coverage of over 95% of the market for debt enforcement work under the Taking Control of Goods Regulations, based on the volume of work completed in 2022.

The accreditation criteria for year one make explicit reference to the fact that they will evolve and highlight the areas where we expect to introduce new requirements for year two and beyond.

The main changes that were highlighted are:

- a)** A move in future years to ECB accredited firms committing to meet the ECB's new standards for enforcement work .
- b)** Introducing a requirement for accredited firms to cooperate with routine audits (supervision visits) carried out by the ECB.
- c)** A future requirement to cooperate with the ECB's investigation and handling of complaints.

This consultation paper covers these proposed changes. Part A of this consultation paper introduces the ECB's draft standards for enforcement work. Part B introduces the draft accreditation criteria for year 2 and beyond, as well as our proposed approach to monitoring and supervision.

The ECB is currently undertaking independent research looking at a large sample of body worn video of interactions between enforcement agents and members of the public on the doorstep. This research aims to establish how often issues arise, by reference to the existing Moj National Standards. The results of this research will be available in the autumn and will be factored into our thinking before we finalise the ECB standards, alongside analysis of the responses to this consultation exercise.

Further background on the ECB, including our current business plan, can be found on our website here: [Our Work - enforcementconductboard](#)

Part A - Standards

The draft accreditation criteria for year two of accreditation include a requirement for accredited firms to commit to complying with the ECB's standards for enforcement work.

Development of new standards for enforcement work has been a key priority for the ECB since it was established. Whilst the existing MoJ National Standards provide a useful starting point in this area, the standards have three main shortcomings:

- a)** They have not been amended since 2014 and a lot has moved on in the sector and in overall regulatory theory since then. Therefore, they are outdated in places.
- b)** The standards focus almost exclusively on the behaviour and acts of individual Enforcement Agents and place very little responsibility on enforcement firms. We believe that it is important to place responsibility on both individual Enforcement Agents and enforcement firms.
- c)** The National Standards do not deal adequately with some important subjects like vulnerability and ability to pay. These need to be properly discussed, understood and addressed, taking account of developments in these areas since 2014.

The ECB's Standards will seek to address all of these shortcomings.

We have been working on development of the ECB standards for a number of months and have undertaken significant engagement to get to this point, where we have a draft of the standards on which we are now formally consulting. We want to register our thanks to all those who have participated in any of our engagement exercises, which have included:

- a)** Three workshops with national debt advice charities.

- b)** Four workshops attended by a wide range of accredited enforcement firms.
- c)** Depth interviews with individuals who have experienced enforcement.
- d)** Four workshops with enforcement agents.
- e)** Presenting at the Taking Control Group, a coalition of debt advice who helped set the blueprint for the ECB's creation.
- f)** Engagement with the ECB standards working group, comprising two representatives from debt advice and two from the enforcement sector.
- g)** Engagement with the ECB stakeholder forum, comprised of leaders across the enforcement sector and debt advice.
- h)** Speaking at events and conferences to socialise the standards with Local Authorities and Creditors, including the Institute of Revenues Rating and Valuation (IRRV) regional forums and Local Authority Civil Enforcement Forum conference.

Included below at Annex A is a draft of Version 1 of the ECB's standards for enforcement work. This includes a set of standards for firms and a separate but linked set of standards for enforcement agents, which follow the same structure. The remainder of this part of the consultation explains the approach and content of these draft standards and the reasoning behind these.

Overall approach

Although our standards will build on the Ministry of Justice's National Standards, they will also be notably different in a number of ways:

a) We will move away from a purely rules

based model – We intend to move away from the rules-based approach in the current National Standards to a more outcomes focused approach. In practice this will mean that for each section in the standards there is a headline objective that firms must meet. This will be followed by a series of more prescriptive requirements that would need to be in place to be able to demonstrate that the objective is being met. The intention is for the standards to put the onus on firms and enforcement agents to take ownership of the objectives and focus on delivering the objectives rather than taking a tick-box approach to compliance. We believe that this approach leaves some scope for firms to innovate to meet the objectives.

It is our hope that in time, the Ministry of Justice will withdraw its existing National Standards for enforcement, so that the ECB's standards will be the single source of standards for enforcement work. Until this occurs, we will ensure that the ECB's standards do not conflict with the National Standards and cover all of the same ground, so that firms and enforcement agents can focus on the ECB's standards, safe in the knowledge that if they are meeting the ECB's standards, they will also be acting in line with the current National Standards.

b) Our standards will place more responsibility

on firms – The current standards are predominantly aimed at enforcement agents with some expectations placed on firms. Our standards will put the onus clearly on firms to ensure that their whole organisation and the agents that carry out work on their behalf are meeting the standards we set. There will still be explicit standards for agents, but these will flow from the standards for firms.

Structure and content of the standards

The table below sets out the draft structure of the standards. In practice, we have developed separate but linked standards for firms and for enforcement agents, which each have the same structure. Further detail on each section follows below.

We have taken the decision to develop our standards and guidance on vulnerability and ability to pay over a longer timeframe than the rest of the standards set out in this consultation. We will be developing proposals in both areas in a collaborative way with stakeholders over the coming months with the intention of publishing both of these standards from Spring 2025, so that they can come into force in Version 2 of the Standards in Autumn 2025.

We have taken this decision for two primary reasons:

- a) These areas are very sensitive and complicated areas that require more time and focus to develop high quality standards.
- b) There is significant substance in the remaining areas of the standards and we want these to receive appropriate focus and attention.

As a result, this consultation focuses on the remaining standards for now. We look forward to further engagement and consultation on vulnerability and ability to pay in the coming months. However, there is a short section at the end of the draft standards that ensures parity with the current National Standards in these areas.

Section	Content
Professional values	The key principles all firms and frontline staff should operate by when undertaking enforcement action.
The enforcement process	Setting out how we expect firms and enforcement agents to act throughout the enforcement process. Clarity for enforcement agents and firms on 'grey areas' such as foot in the door, peaceable entry and third-party involvement.
Communication	Setting out the activities we expect firms and enforcement agents to follow when communicating with people experiencing enforcement and requirements for information to be included in the Notice of Enforcement.
Training	Expectations around enforcement agents and frontline staff keeping their knowledge and skills up to date.
Monitoring	Requirements to monitor enforcement agents and firms to ensure compliance with the ECB's standards, including mandating the use of body worn cameras and requirements for use and storage of Body Worn Video (BWV).
Health and safety	Placing responsibility on firms and enforcement agents to ensure the safety of agents, frontline staff and the people they interact with.
Cooperation and accountability	Establishing the principles of the ECB's oversight regime and the requirements put on firms and enforcement agents to comply.
Complaints	The high-level framework we expect firms to follow when handling complaints at a firm level.
Vulnerability, ability to pay and creditors	This section replicates the existing requirements in the National Standards in anticipation of replacing this with new ECB Standards in 2025.

Professional Values

Enforcement work plays an important role in supporting the collection of public money that is needed to deliver crucial public services. It also supports the rule of law by ensuring that the decisions of courts are adhered to. Enforcement work can also have a significant impact on the lives of people who experience it. As a result of the important role that enforcement plays and the sensitive nature of the work, it is important that enforcement work is seen as a profession.

For this reason, our standards will contain a set of professional values that we want the enforcement industry and enforcement agents to embody. These values should underpin all of the work that enforcement agents and enforcement firms do.

The draft values that we propose are:

- a)** Act with honesty and integrity and in a way that upholds public trust and confidence in the enforcement process and in the role of enforcement agents and enforcement firms.
- b)** Be accountable and responsible for your actions and the actions of those who work on your behalf.
- c)** Carry out the enforcement process in a way that is fair and impartial, treating people with respect regardless of their background or circumstances.

- d)** Behave professionally, working constructively with other organisations involved in the enforcement process including creditors and debt advice organisations.

These are set out at the top of the draft Standards.

Question 1 – Do you have any feedback on the draft professional values?

Enforcement process

(See Section 1 of the Standards)

This section of the standards sets out the detail of how we expect enforcement agents and firms to act during the enforcement process. It doesn't spell out the detail of all the laws, guidance and regulations governing the enforcement process but does set an expectation that these will be complied with alongside some new or clarified requirements.

Our proposed headline objectives for this section are:

- a)** An enforcement firm ensures that it and the enforcement agents who work for it carry out the enforcement process in a manner which is appropriate and lawful.
- b)** An enforcement agent carries out the enforcement process in a manner which is appropriate and lawful.

Below we have provided some further information on the new substantive requirements that we are covering in our standards.

Goods

The standards re-affirm the established legal position that an enforcement agents can only take control of goods, or clamp a car, where they have a reasonable belief that the goods (or car) belong to the person subject to the person subject to enforcement action. The standards for firms also make clear that if goods belonging to a third party have been incorrectly taken, they must be returned to the third party at no cost and in a timely way.

The ECB will be developing guidance to assist enforcement firms and enforcement agents to act in line with the established legal position. Our starting point in developing this guidance will be to conduct a review of the relevant case law that already exists on what constitutes a "reasonable belief".

Entry

Enforcement agents have a legal right to gain peaceful entry through unlocked doors when executing a warrant, writ or liability order. They do not have the legal power to force entry expect for specific types of debt or when permitted by a court.

From our workshops with enforcement firms, there was universal agreement that when executing warrants, writs or liability order that do not permit forced entry, enforcement agents should not be using any part of their body to stop someone closing a door and preventing entry. All participants agreed that doing this would constitute forcing entry. As this position is not currently clear in the existing legislation and National Standards, we are making this clear in the ECB's standards.

When entering domestic premises, there are increased risks to those experiencing enforcement action who could be caught in a vulnerable position or state and to the enforcement agent themselves. In recognition of this, the standards set out some safeguards for how enforcement agents should handle peaceful entry in these circumstances, including:

- a)** Always knocking and giving the person the opportunity to respond before trying door handles or proceeding in (unless there are exceptional reasons not to).
- b)** Clearly and loudly announcing their presence once they have crossed the threshold.
- c)** Knocking before entering any further closed doors in the property.

- d)** Not to enter a property if the door is opened by a child, until an adult is present.
- e)** Only to enter if they have a reasonable belief that the person subject to enforcement lives at the property.

Behaving appropriately and third parties

Enforcement action will often result in encounters with third parties – i.e. people who are not the direct subject of the enforcement action. The standards for enforcement agents contain three key requirements in relation to third parties:

- a)** Not to disclose the nature of an enforcement visit to third parties without permission of the person subject to enforcement, unless it is necessary to do so. This last qualification is important as we recognise that there will be circumstances in which not disclosing some detail could lead to avoidable escalation or harm, or example if clamping a car.
- b)** Linked to the above, the standards make clear that enforcement agents should not act in a way intended to embarrass the person subject to enforcement action. This requirement is present in the current National Standards.
- c)** Not to place undue pressure on a third party to make a payment. We recognise that it may be proportionate and reasonable for third parties to make a payment and it may be legitimate for an enforcement agent to enquire as to whether there is anyone who can help. However, as the third party is not liable themselves for the debt, they should not be placed under undue pressure to make a payment. We will develop guidance in this area to provide further clarity on what would constitute “undue pressure”.

Notice of Enforcement

Over the coming year, we intend to carry out further work to test the best way of getting people to engage with the Notice of Enforcement when it is sent. In advance of that work, in these standards we propose specifying as a minimum that all Notices of Enforcement should be sent with the following information:

- a)** Inform people of their right to seek free, independent debt advice.
- b)** Signpost to debt advice organisations.
- c)** Inform people on where to find further detail on the enforcement process, for example the Gov.uk or ECB website.
- d)** Inform people of their right to complain to the enforcement firm, the ECB and any relevant Ombudsman.
- e)** Provide a contact number where they can speak to someone about their debt in advance of the enforcement agent visiting their property.

We are interested in feedback on whether there should be flexibility for some of this information to be provided alongside the formal Notice of Enforcement, as opposed to (or in addition to) being included in the Notice itself.

Multiple debts

The standards also set out that enforcement firms must have a system which links multiple debts owed by the same person so that only one set of fees are charged where the cases can be enforced at the same time. This is a requirement in the existing National Standards.

Remuneration and engagement of Enforcement Agents

The draft standards include a requirement that firms ensure that the way they remunerate and engage enforcement agents does not act as a disincentive for enforcement agents to comply with the standards.

This requirement does not preclude any specific means of contracting or paying and rewarding agents but it does establish the important principle that firms need to understand and monitor the risks associated with different contracting and remuneration models and have appropriate and proportionate controls in place to address these risks. In practice, we would expect firms to be able to demonstrate that they have reviewed their arrangements, understand the risks that they might pose, have amended their approach or put in place appropriate controls to mitigate that risk and have an approach for monitoring and reviewing the effectiveness of these controls. We plan to set these expectations out in guidance.

Question 2 – Do you have any feedback on the Enforcement Process standard? Do you have a view on whether the information set out in in this section should be included within the Notice of Enforcement, or could be sent alongside it?

Communication

(See Section 2 of the Standards)

Communication is a critical part of the enforcement process and poor communication can cause unnecessary delay and cost both to enforcement firms and enforcement agents as well as people experiencing enforcement.

Our proposed headline objectives for this section are:

- a)** An enforcement firm communicates with a person subject to enforcement in a way that is accurate, appropriate and easy to understand.
- b)** An enforcement agent carries out the enforcement process in a manner which is appropriate and lawful.

For firms, the proposed specific requirements required to meet this objective would include:

- a)** Taking reasonable steps to accommodate any accessibility requirements disclosed to them by a person subject to enforcement.
- b)** Ensuring that any communications they send to people in the compliance and enforcement stage clearly set out the enforcement process and a person's rights within it.
- c)** Offering a translation service to frontline staff to translate their instructions into a different language, braille or British Sign Language, where the person experiencing enforcement action states they have or obviously has a clear language barrier. This could be a simple online solution.
- d)** Having a contact number which is available during office hours on working days so a person subject to enforcement can speak to someone within the enforcement firm about their debt.

For agents, in addition to complying with the requirement on accessibility set out above, the standards give more detail on what is and isn't appropriate when contacting people.

This includes:

- a)** Specifying that an enforcement agent should not contact the person experiencing enforcement action outside of the hours they can take control of goods unless the person makes proactive contact with them at this time.
- b)** Where possible, using plain language when communicating with people.
- c)** Specifying that an enforcement agent should not contact the person through the agent's personal social media account and should only communicate in relation to the debt being pursued and do so directly and confidentially.
- d)** Requiring enforcement agents to ensure that all communication (including text messages) issued to a person comply with these standards and could not reasonably be considered to be:
 - i)** Threatening or intimidating.
 - ii)** Harassment of any form (including sexual harassment).
 - iii)** Misrepresentative of the powers afforded to enforcement agents and firms under relevant legislation.

Question 3 – Do you have any feedback on the communication standard?

Training

(See Section 3 of the Standards)

This section recognises the role that training can play in keeping knowledge and skills up to date and equipping enforcement agents and other frontline staff with the skills and knowledge required to undertake enforcement in line with the standards.

Our proposed headline objectives are:

- a) An enforcement firm ensures that the enforcement agents and frontline staff who work for it keep their knowledge and skills up to date.
- b) An enforcement agent must undertake regular training to ensure they have the appropriate knowledge and skills for their role.

Question 4 – Do you have any feedback on the training standard?

Monitoring

(See Section 4 of the Standards)

It is already the norm in most enforcement firms for enforcement agents to wear body worn video cameras when undertaking enforcement work and we will cement that through these standards. This section covers this, as well as a wider expectation on firms to have proportionate monitoring in place to ensure compliance with the standards and other legal requirements.

Our proposed headline objectives for this section are:

- a) An enforcement firm monitors the enforcement agents and frontline staff who work for it to ensure compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.
- b) An enforcement agent ensures that the enforcement firm they work for can monitor their compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.

Body worn video

In practice, this would mean a duty on firms to:

- a) Ensure all enforcement agents have an operational BWV camera.
- b) Ensure they have an up-to-date firm policy that is clearly understood by enforcement agents that covers when the camera should be switched on and how data should be transferred to a central database to facilitate easy access for compliance audits.
- c) Regularly review BWV footage from all enforcement agents undertaking work for the firm.
- d) Retain BWV footage for a minimum period that would be specified in the standards (we are currently proposing 90 days).
- e) Ensure that their systems provide for permanent deletion of BWV upon transfer to the firm's database.

It is important to specify a minimum retention period for BWV because this will have a big impact on firms', and the ECB's, ability to reliably determine complaints about the actions of enforcement agents on the doorstep. At the same time, under General Data Protection (GDPR) legislation, it is incumbent on data controllers not to retain personal data for any longer than is required. The decision on where to set the limit is therefore a balancing act.

From the workshops we did with enforcement firms, we established that a large majority of firms currently retain BWV footage for 90 days or more, with a minority retaining for 28, 45 or 60 days.

We received some data from firms on when complaints are received which suggests that the majority of complaints are received within the first 30 days. We are seeking more data on when complaints are received during the consultation period to help inform our decision. We would welcome feedback on our current proposal that BWV should routinely be stored for a minimum of 90 days. Once we have determined the length of time that we believe is appropriate, we intend to consult with the Information Commissioner's Office (ICO) on our proposal.

It should be noted that whatever the standard period for retention is, the standards also specify that where a complaint has been raised, the BWV footage should be stored for a much longer period, to allow for resolution of the complaint by the firm and potentially the ECB.

For enforcement agents, the specific requirements are to comply with their firm's policy on BWV footage including any requirements to upload footage to ensure it is available for review.

Reviewing frontline interactions

Beyond BWV, we understand that it is common practice to store and review call records from call centres or calls taken by office-based teams. We recognise that there is not currently widespread adoption of technologies that would allow for recording and storage of call records between individual enforcement agents and members of the public on their mobile phones – although some firms have been trialling some solutions and most firms encourage their enforcement agents to use their BWV to record phone calls where it is practical to do so. The lack of consistent records of phone calls creates a clear risk, as it makes it difficult to monitor conduct and therefore harder to identify if an individual enforcement agent is breaching the standards in their phone interactions. It also makes it difficult to determine complaints about phone interactions.

In relation to text messages, we understand from our workshops that there is not currently widely available technological solutions available to allow for easy monitoring of text messages from enforcement agents to members of the public. However, we heard that it is common practice for firms to require their enforcement agents to store their text messages for a period of time to allow for these to be accessed if there is a complaint.

The ECB is clear that we should all be working towards a position where all communications between agents and people experiencing enforcement can be routinely recorded, in the same way as currently happens with BWV at most firms. This would enable more complete and effective overall monitoring and more reliable and efficient complaints handling. We recognise that it will take time to get to this position and the proposed requirement in the standards, along with

the guidance on this area, underlines the importance of this area whilst also recognising that this cannot be implemented immediately across the whole market. We will return to this area in future years.

Question 5 – Do you have any feedback on the standard on Monitoring? What do you think is a practical and proportionate time period to retain body worn video footage for and do you think 90 days is too long or too short? We would welcome any evidence on how many complaints are received more than 60 days after an enforcement visit.

Health and Safety

(See Section 5 of the Standards)

Ensuring the safety of enforcement agents and people subject to enforcement is paramount in achieving a fair enforcement process. To this end, we are proposing introducing new requirements for firms and agents that set clear expectations on health and safety.

Our proposed headline objectives for this section are:

- a)** An enforcement firm takes reasonable steps to ensure the safety of frontline staff, enforcement agents, people subject to enforcement and third parties during the enforcement process.
- b)** An enforcement agent undertakes an enforcement visit in a way which ensures their own safety and the safety of everyone who is present during the enforcement visit.

In practice this would mean that for firms, there would be new requirements to:

- a)** Have a comprehensive policy on enforcement agent safety when working in the field which complies with relevant health and safety legislation and includes:
 - i)** Support for lone workers.
 - ii)** A process for recording incidents where agents have been involved in an interaction that has escalated either physically or verbally.
 - iii)** Support for enforcement agents who have been involved in an escalated interaction and a clear process for learning from escalated incidents.
 - iv)** A clear risk management policy that includes taking appropriate action to protect agents where there is a known history of violence or threatening behaviour at an address.

For enforcement agents, they would be obliged to follow their firm's agent safety policies and prioritise their safety and the safety of the people they are interacting with, working in a way that promotes preventing and de-escalating high risk situations.

Question 6 – Do you have any feedback on the standard on Health and Safety?

Cooperation and accountability

(See Section 6 of the Standards)

In order for the ECB to be able to undertake meaningful oversight and achieve the assurance it will need in relation to firms' and enforcement agents' compliance with the standards, it will need accredited firms to cooperate and engage with the ECB in good faith.

The standards therefore include an objective and standards around cooperation and accountability.

The specific requirements for firms include:

- a)** Cooperating with all reasonable requests made by the ECB.
- b)** Allowing the ECB access to carry out supervision visits.
- c)** Providing data and information following a request from the ECB.
- d)** Providing required data returns to the ECB in a timely manner.
- e)** Complying with any remedy required by the ECB following a complaint.

- f)** Reporting promptly to the ECB any serious breaches of the ECB's standards by the enforcement firm or any enforcement agent.

There are fewer specific requirements in this section on individual enforcement agents.

This objective and the specific requirements are key to creating an oversight scheme based on openness, which in turn will build greater accountability and assurance.

Question 7 – Do you have any feedback on the standard on Cooperation and Accountability?

Complaints

(See Sections 7 to 10 of the Standards)

Complaints provide not only an opportunity for firms to right individual wrongs, they also provide a valuable source of learning and insight into how the firm is operating on the ground. As such, complaints should be welcomed and used as a tool to improve services going forward. The complaint standards reflect this approach to complaints.

The complaint standards will support firms to provide a quicker and more effective complaints handling service, as they have a clear focus on:

- a) Early informal resolution.
- b) Strong senior leadership for complaints.
- c) Having a clear culture of continuous improvement.

They will also provide consistency in terms of complaint handling across enforcement firms, in a way that does not exist now.

There will be detailed guidance provided to accompany the complaint standards, which we will consult on over the Autumn. Our proposed objectives for enforcement firms are that they:

- a) Should welcome complaints.
- b) Provide an accessible and straight forward complaints process.
- c) Deal with complaints properly.
- d) Have a culture of continuous improvement.

Perhaps the biggest change for some enforcement firms will be around the proposed complaint stages. We are proposing that enforcement firms operate a two-stage complaints process. The first stage will provide an opportunity for the enforcement firm to resolve the complaint informally with the complainant. We are proposing that this should be completed within five working days.

If the complaint cannot be resolved informally or the complaint is not appropriate for informal resolution the complaint will be considered formally by the enforcement firm. We are proposing that this stage should be completed within ten working days, unless there are exceptional circumstances that make this not possible. The emphasis here is on the enforcement firm getting it right first time and providing a full and pragmatic consideration of the complaint at the outset, without the need for the complainant to escalate matters.

For enforcement agents they would be obliged to comply with their firm's complaint handling policy and to advise complainants on how to access it, where that is appropriate.

Question 8 - Do you have any feedback on the standards on complaints? Do you see any challenges to providing the formal complaint response within 10 working days? We would be particularly interested to receive information on the time enforcement firms currently spend providing formal responses to complaints.

Question 9 - Do you see any challenges in terms of the current contracts that exist between enforcement firms and creditors? We would be particularly interested to receive information about the time frames for complaints and the complaint stages that are set out in either contracts or service level agreements.

Vulnerability, Ability to Pay and Creditors

These sections replicate existing requirements from the National Standards. As set out above, we will be developing our own standards on vulnerability and ability to pay which will come into force in 2025. Further in the future, we also intend to do similarly in relation to creditors, to ensure that the future removal by the MoJ of the National Standards does not lead to a reduction in standards in this area.

For now, our standards have replicated the relevant requirements from the National Standards, so that all relevant requirements can be found in the same document and enforcement firms and enforcement agents can focus on the ECB's standards, safe in the knowledge that in doing so they should also be acting consistently with the National Standards.

Question 10 – Do you have any general comments on the draft standards? In particular, is there anything missing from the standards that you believe should be added?

Part B – Accreditation criteria, accreditation framework and operational oversight model

Accreditation criteria

All ECB accredited firms have currently committed to meet the four accreditation criteria set out in the year one accreditation framework (which can be seen here: [ECB-accreditation-criteria-year-1.pdf \(enforcementconductboard.org\)](#)). The accreditation framework is explicit in a number of places about the fact that the accreditation criteria will be updated for year two and beyond.

The updates that we are proposing are all in line with what is trailed in the current framework. The proposed new criteria can be found in the draft accreditation framework at Annex B to this consultation paper.

Under this draft framework, the accreditation criteria that accredited firms would need to sign up to for the second year of accreditation would be:

- a) Taking all reasonable steps to ensure work carried out in its name complies with the ECB's standards for enforcement work.
- b) Providing the ECB with periodic data returns (the pilot for these is currently running)
- c) Co-operating with reasonable requests from the ECB and complying with the ECB's oversight.
- d) Complying with the ECB's handling of complaints.
- e) Paying the annual levy to the ECB, to fund the ECB's ongoing operation.

Question 11 – Do you have any comments on the new accreditation criteria?

Operational oversight model and wider accreditation framework

In addition to the accreditation criteria, the wider accreditation framework sets out the process for applying for accreditation and the steps that the ECB can take where accredited firms are found to have breached the accreditation criteria.

In addition to the accreditation criteria, the wider accreditation framework sets out the process for applying for accreditation and the steps that the ECB can take where accredited firms are found to have breached the accreditation criteria.

The year one accreditation framework was based on the fact that the ECB would not be undertaking full operational oversight and would not be proactively monitoring compliance with the ECB's standards for enforcement work. The framework therefore set the bar very high for investigating any potential breaches of standards.

For year two of accreditation, the ECB will be launching full operational oversight and will start to proactively monitor compliance with our standards. The draft accreditation framework has been updated to make this clear. It has also been updated in relation to the sanctions that the ECB will be able to use for firms who breach any of the accreditation criteria (see further detail on this below).

As well as amending the formal accreditation framework, the ECB has also developed a separate document that sets out our approach to operational oversight in a more comprehensive and accessible way. This can be viewed at Annex C and is explained further in the subsection below.

Operational oversight model

Below is a brief analysis of the main features of the ECB's operational oversight model, as set out in the document in Annex C.

A risk-based approach

We intend to build a risk-based approach to oversight, so that we seek to prioritise deployment of our resources to those accredited firms, or to specific areas, that are deemed to present the highest risk to those experiencing enforcement action.

In practice, the model will allow the ECB to draw a wide range of evidence/intelligence in from as many sources as possible, to inform ongoing and dynamic risk assessments of each of the firms that we oversee.

These risk assessments will inform the level of proactive supervision that each firm would receive. A higher risk firm will likely receive a higher level of supervision and attention than a lower risk one. However, as we are supervising a small overall number of accredited firms, this approach will not need to be applied overly rigidly. It is proposed that the purpose of the risk assessment is to inform the ECB's own prioritisation of resources – our risk assessment will be shared with the firms but not shared any wider.

Supervision visits

At the heart of our approach to supervision will be development of a programme of on-site supervision visits, where a member of the ECB will attend an accredited firm's premises to assess their compliance with the ECB's standards. This might be a general check across a wide range of standards or a more targeted look at a particular area.

We propose conducting a number of initial pilot supervision visits to help us to develop an approach that is effective, practical and informed by feedback from industry. This pilot phase will likely start from January 2025.

A supervision visit will provide valuable new evidence that would enable a re-assessment of the risk profile of that firm.

Addressing non-compliance

The ECB's monitoring and supervision visits will result in us identifying instances of non-compliance with our standards. Where this is the case, we will need to ensure that appropriate steps are being taken to address the identified concerns. There will be two main paths for doing this; using supervision tools or pursuing sanctions.

In line with good regulatory practice and proportionality, the ECB will always seek to reserve the use of sanctions to the most serious or persistent cases of non-compliance. Where possible, we will seek to address most cases through supervision tools in the first instance. However, it is important that we retain the ability to escalate straight to sanctions for the most serious or persistent cases of non-compliance where supervision tools alone are not felt to be an appropriate or proportionate response.

Supervision tools

When non-compliance has been identified, the ECB will need to determine if this is an issue that can be addressed through development of a supervised action plan with the firm.

For this approach to work, the ECB will need the enforcement firm concerned to be able to acknowledge and accept that there has been non-compliance. The firm will then be given an opportunity to demonstrate ownership of the issue by developing an action plan to remedy the concern and ensure that it will be addressed in the future. There could be some engagement about the adequacy of the action plan with a view to getting to a position where a plan is in place that the ECB believes to be acceptable to address the concern. If so, the focus will shift to the ECB supervising the firm's delivery of its action plan.

We will not publish anything about supervised action plans as this will be supervision work and not a formal sanction. If it is not possible to agree a plan that the ECB believes is adequate or acceptable, or the firm fails to deliver on that plan, we will need to consider sanctions.

Question 12 – Do you have any comments on the proposed operational oversight model? Is there anything missing, or anything that you think is not appropriate or proportionate?

Sanctions

The draft accreditation framework at Annex B sets out the sanctions that the ECB could impose of accredited firms, if they breach the accreditation criteria.

The current accreditation framework sets out the following sanctions for the ECB:

- a) Issuing a formal note of concern (which would be published).
- b) Suspension of accreditation.
- c) Removal of accreditation.

The current framework also explains that the ECB will be developing a more comprehensive suite of sanctioning powers over the coming year.

Having now reviewed these powers, we propose to retain all three of the powers we already have in the accreditation criteria. In addition, we intend to add the following power:

- a) Directions – whereby we could formally and publicly direct a firm to do something to address our concern. Such a power might be exercised in conjunction with a formal note of concern.

We do not intend to include a power to issue regulatory fines at this stage. We consider that the ability to issue a published note of concern and/or directions would be a simpler and more effective means of addressing and deterring non-compliance and that we do not need a fining power. In addition, it is the ECB's intention to extend accreditation to in-house teams at local authorities this year and we do not consider that it would be appropriate to seek to fine public bodies. We will keep this position under review over the coming years.

Over the coming months, we will develop a “non-compliance and sanctions procedure” document that will set out the process for consideration and deployment of sanctions which we intend to consult on. This will include a right to request a review of the decision to implement sanctions.

Question 13 – Do you have any comments on the proposed sanctions?

Responding to this consultation

The consultation will close on **13 September 2024**.

Please send your response to

contact@enforcementconductboard.org

Please indicate if you would like your response to remain confidential and/or unattributable.

Otherwise, we will assume that you are content for your response to be published.

We would also be happy to schedule time to meet with people, during or after the consultation period, to discuss your views on our work. Please contact us via **contact@enforcementconductboard.org** if you would like to do so.

We look forward to receiving your responses.

We will publish a report on the consultation paper, alongside the final standards which will take account of the received responses, by November 2024.

Annex A – Part One

Professional Values and Standards of Practice for Enforcement Firms

Professional Values

The ECB expects enforcement agents and enforcement firms to uphold the following Professional Values:

You must:

- a)** Act with honesty and integrity and in a way that upholds public trust and confidence in the enforcement process and in the role of enforcement agents and enforcement firms.
- b)** Be accountable and responsible for your actions and the actions of those who work on your behalf.
- c)** Carry out the enforcement process in a way that is fair and impartial, treating people with respect regardless of their background or circumstances.
- d)** Behave professionally, working constructively with other organisations involved in the enforcement process including creditors and debt advice organisations.

Standards of Practice for Enforcement Firms

The Enforcement Process

Objective:

- 1) An enforcement firm ensures that it and the enforcement agents who work for it carry out the enforcement process in a manner which is appropriate and lawful.

An enforcement firm must:

Notice of Enforcement

- 1.1) Send the person subject to enforcement a Notice of Enforcement which complies with the requirements of The Taking Control of Goods Regulations 2013.
- 1.2) Ensure that, as a minimum, every Notice of Enforcement is sent with the following information:
 - 1.2.1) The fact that the recipient has the right to seek free debt advice;
 - 1.2.2) Details of debt advice organisations;
 - 1.2.3) An explanation of where to find further information on the enforcement process, for example the Government or ECB websites;
 - 1.2.4) The fact that the recipient has the right to complain to the enforcement firm, the ECB and any relevant ombudsman;
 - 1.2.5) A contact number the recipient can use to speak to someone within the enforcement firm about their debt in advance of the enforcement agent visiting their property.

Policies and procedures

- 1.3) Ensure that it, and enforcement agents who work for it, comply with all relevant legislation, including data protection legislation (UK General Data Protection Regulation and the Data Protection Act 2018), the Freedom of Information Act 2000, Human Rights Act 1998, Equality Act 2010 and Welsh Language Act 1993, as applicable.
- 1.4) Ensure that enforcement visits are only carried out by enforcement agents who have insurance in place to cover any damage which may occur to goods while they are in their possession.

- 1.5)** Ensure the enforcement process is not carried out if it is notified that the debt is exempt from the enforcement process, for example because it is part of a Breathing Space scheme or has been consolidated into a Debt Resolution Order.
- 1.6)** Have a system which links multiple debts owed by the same person so that only one set of fees are charged where the cases can be enforced at the same time.
- 1.7)** Keep a record of all payments taken from people subject to enforcement.
- 1.8)** If it becomes aware that one of the enforcement agents who works for it has incorrectly taken control of goods belonging to a third party, return those goods to the third party at no cost and in a timely way.
- 1.9)** Have in place adequate and appropriate insurance to cover any claims made against it.
- 1.10)** Keep information about a person subject to enforcement confidential, other than to the extent it is necessary to share information with a creditor, an enforcement agent who works for it or the ECB, for the purposes of seeking legal advice, dealing with complaints, conducting investigations, engaging in litigation or otherwise complying with regulatory or legal obligations, unless the person consents.
- 1.11)** Regularly monitor and keep under review its systems and processes, and make changes where appropriate, such as in light of any conduct concerns or appropriate recommendations from other relevant service providers, the ECB or enforcement process professionals.

Conduct of enforcement agents and frontline staff

- 1.12)** Have in place an appropriate policy on the conduct expected of all enforcement agents and frontline staff who work for it, which must include:
 - 1.12.1)** Mechanisms for ensuring that an enforcement agent complies with the ECB's Professional Values and Standards of Practice for Enforcement Agents;
 - 1.12.2)** Mechanisms for ensuring that an enforcement agent complies with the processes and requirements set out in The Tribunals, Courts and Enforcement Act 2007 and The Taking Control of Goods Regulations 2013;
 - 1.12.3)** Procedures to identify and appropriately address conduct issues;
 - 1.12.4)** A whistleblowing policy; and
 - 1.12.5)** A clear monitoring and feedback process.
- 1.13)** Ensure that the way in which it remunerates and engages enforcement agents and other frontline staff does not act as a disincentive for enforcement agents to comply with the Professional Values and Standards of Practice for Enforcement Agents

Communication

Objective:

2) An enforcement firm communicates with a person subject to enforcement in a way that is accurate, appropriate and easy to understand.

An enforcement firm must:

- 2.1)** Take reasonable steps to accommodate any accessibility needs disclosed to them by a person subject to enforcement.
- 2.2)** Ensure that, as far as possible, any information given to a person subject to enforcement is clear and accessible.
- 2.3)** Ensure enforcement agents who work for it have access to the interpretation services they need (such as British Sign Language or a translation service) to enable them to communicate with people when undertaking an enforcement visit.
- 2.4)** Ensure that the initial/early communications it sends to a person subject to enforcement (such as the Notice of Enforcement) clearly set out the enforcement process and the person's rights within that process.
- 2.5)** Have a contact number which is staffed during office hours on working days so a person subject to enforcement can speak to someone within the enforcement firm about their debt.
- 2.6)** Ensure that the person subject to enforcement is not contacted before 6am or after 9pm on any day unless the person subject to enforcement contacts the enforcement firm or an enforcement agent who works for it outside of these hours.
- 2.7)** Ensure that any written contact by whatever means by the enforcement firm or an enforcement agent with the person subject to enforcement is:
 - 2.7.1)** Only in relation to the debt being pursued;
 - 2.7.2)** Clearly identified as being from the enforcement firm or enforcement agent in relation to the debt being pursued;
 - 2.7.3)** Directly and confidentially sent to the person subject to enforcement and such contact cannot be accessed or viewed by anyone else without the permission of the person subject to enforcement;

2.7.4) Not sent from an enforcement agent’s personal social media account; and

2.7.5) Confidentially and securely retained for at least 90 days

2.8) Ensure that communications (including text messages) sent to a person subject to enforcement are appropriate and could not reasonably be considered to:

2.8.1) Be threatening or intimidating;

2.8.2) Amount to harassment of any form (including sexual harassment);

2.8.3) Be misleading or untrue in terms of the powers of an enforcement agent or an enforcement firm or in terms of the stated timescales within which action may be taken.

Training

Objective:

- 3) An enforcement firm ensures that the enforcement agents and frontline staff who work for it keep their knowledge and skills up to date.

An enforcement firm must:

- 3.1) Ensure all enforcement agents and frontline staff who work for it undertake regular training to ensure they have the appropriate knowledge and skills for their role.

Monitoring

Objective:

- 4) An enforcement firm monitors the enforcement agents and frontline staff who work for it to ensure compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.

An enforcement firm must:

- 4.1) Ensure that all enforcement agents who work for it have an operational body worn video and use this to record all interactions between an enforcement agent and anyone present during an enforcement visit.
- 4.2) Have a policy on the use of body worn video by an enforcement agent which:
- 4.2.1) Is clear and appropriate;
 - 4.2.2) Ensures that anyone who will be recorded on body worn video footage is aware of the body worn video in operation;
 - 4.2.3) Covers when the body worn video should be switched on;
 - 4.2.4) Covers how data should be transferred to a central database for monitoring and review purposes;
 - 4.2.5) Requires enforcement agents to delete the footage once it's transferred to the database; and
 - 4.2.6) Provides guidance with respect to how enforcement agents should respond to requests by anyone present to turn off body worn video. Where necessary, this may include relying on audio recording only in order to minimise the impact upon the privacy of others present, such as children.

- 4.3)** Ensure that all footage is retained centrally by the enforcement firm and that the enforcement agent does not have access to the footage after it has been provided to the enforcement firm, other than to the extent necessary and in accordance with the enforcement firm's policy.
- 4.4)** Regularly review body worn video footage from all enforcement agents who work for it.
- 4.5)** Retain body worn video footage for a minimum period of 90 days or, where the footage is relevant to a complaint, until it is no longer required for the resolution of that complaint, and for a minimum of 12 months from the date of the complaint.
- 4.6)** Ensure that their system enables footage from body worn video to be permanently deleted:
 - 4.6.1)** From an enforcement agent's body worn video upon transfer to the database;
 - 4.6.2)** From the enforcement firm's database after the period referred to in paragraph 4.5 above.
- 4.7)** Have in place a risk-based and proportionate process for internally auditing the channels of communication between enforcement agents who work for it, people subject to enforcement and third parties, to ensure compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.
- 4.8)** Act upon the findings of any compliance work including, where breaches are found, taking appropriate action to avoid a reoccurrence.

Health and Safety

Objective:

5) An enforcement firm takes reasonable steps to ensure the safety of frontline staff, enforcement agents, people subject to enforcement and third parties during the enforcement process.

An enforcement firm must:

- 5.1)** Have in place an appropriate policy to ensure the safety of frontline staff when engaging with people subject to enforcement.
- 5.2)** Have in place an appropriate policy to ensure the safety of enforcement agents when undertaking enforcement visits, which complies with relevant health and safety legislation. This should include:
 - 5.2.1)** A lone worker safety system, which puts appropriate measures in place to ensure the safety of enforcement agents who work for it when undertaking enforcement visits alone;
 - 5.2.2)** A process for recording and learning from incidents where an enforcement agent has been involved in an interaction during an enforcement visit that has escalated, either physically or verbally;
 - 5.2.3)** Support for an enforcement agent who has been involved in an escalated interaction during an enforcement visit;
 - 5.2.4)** A risk management policy that includes taking appropriate action to protect an enforcement agent where there is a known history of violence or threatening behaviour at an address where an enforcement visit is taking place.
- 5.3)** Provide training to an enforcement agent on how to conduct themselves in a way which ensures their safety and the safety of everyone present during an enforcement visit.

Cooperation and Accountability

Objective:

6) An enforcement firm cooperates fully with the ECB.

An enforcement firm must:

6.1) Cooperate with all reasonable requests made by the ECB.

6.2) Allow the ECB access to carry out supervision visits.

6.3) Provide data and information in a timely manner following a request from the ECB, in line with data protection legislation.

6.4) Comply with any sanction imposed on it by the ECB resulting from an investigation into a breach of these standards.

6.5) Comply with any recommendations made by the ECB about redress to a complainant under the ECB's complaints-handling process [to follow].

6.6) Report promptly to the ECB any serious breaches of the ECB's Professional Values and Standards of Practice by the enforcement firm or any enforcement agent.

Complaints

Objective:

7) An enforcement firm openly welcomes complaints.

An enforcement firm must:

7.1) Publish its complaint handling policy, which must:

7.1.1) Set out its complaint handling process;

7.1.2) Promote the use of it;

7.1.3) Reassure complainants about how they will be treated;

7.1.4) Set out the support that is available to make a complaint;

7.1.5) Explain which types of complaints it can and cannot consider;

7.1.6) Set out how it uses complaints to make improvements to its service.

7.2) Provide clear and accessible information on how an individual can make a complaint in any correspondence with a person subject to enforcement.

7.3) Have appropriate resources in place to enable it to investigate the number of complaints it anticipates it could receive.

Objective:

8) An enforcement firm has a clear and accessible complaints process.

An enforcement firm must:

8.1) Put in place a complaints process which is clear and simple, with no more than two stages. The complaints process will comprise:

8.1.1) Where appropriate, an informal stage, in which the enforcement firm attempts to resolve the complaint informally with the complainant within 5 working days;

8.1.2) If the enforcement firm cannot resolve the complaint informally, a formal stage, which should be concluded within 10 working days (unless, due to exceptional circumstances, a longer period is required to investigate it appropriately).

- 8.2) Ensure the complainant is updated when it is clear that the relevant timeframes at 8.1 cannot be met, and arrangements are put in place for the complainant to be provided with regular and meaningful updates.
- 8.3) Accept complaints over the telephone, in writing or via any other communication channel actively used by the enforcement firm.
- 8.4) Where appropriate, signpost the complainant to the support that is available to assist them in making a complaint.
- 8.5) Provide reasonable adjustments to the complaints process to ensure it is accessible to the complainant, taking into account any particular needs or circumstances.
- 8.6) Provide responses to complaints which are clear and accessible.

Objective:

- 9) An enforcement firm deals with complaints properly.

An enforcement firm must:

- 9.1) Promptly acknowledge a complaint and provide information about how it will be handled.
- 9.2) Inform the complainant, as soon as possible, if it cannot investigate their complaint, or any aspects of it.
- 9.3) Where informal resolution has not been successful, ensure that the formal investigation of the complaint is undertaken by a member of staff who is suitably independent.
- 9.4) Conduct a fair and proportionate investigation into a complaint, reviewing all the relevant evidence to find out what happened.
- 9.5) Consider honestly and fairly whether something has gone wrong and inform the complainant of the outcome.
- 9.6) Notify the complainant that they can escalate a complaint to the ECB.

Objective:

10) An enforcement firm has a culture of continuous improvement.

An enforcement firm must:

- 10.1)** Maintain a record of complaints and complaint outcomes which can, on request, be analysed and audited.
- 10.2)** Ensure that a suitably experienced person within the enforcement firm is responsible for reviewing complaints and ensuring that improvements are made as a result.
- 10.3)** Provide support to the enforcement agent or anyone who works for the firm who is the subject of a complaint.

Vulnerability, Ability to Pay and Creditors

Please note that the ECB will be introducing standards in relation to vulnerability, the ability to pay of people subject to enforcement, and creditors. In the meantime, enforcement firms should comply with the relevant requirements of the [Taking Control of Goods: National Standards](#).

The following paragraphs of the National Standards are of particular relevance to these topics:

Topic	Para No.	Content
Vulnerability	30	Where enforcement agents have identified vulnerable debtors or situations, they should alert the creditor and ensure they act in accordance with all relevant legislation.
Vulnerability	42	Enforcement agents should be trained to recognise vulnerable debtors, to alert creditors where they have identified such debtors and when to withdraw from such a situation.
Vulnerability	70	Enforcement agents/agencies and creditors must recognise that they each have a role in ensuring that the vulnerable and socially excluded are protected and that the recovery process includes procedures agreed between the agent/agency and creditor about how such situations should be dealt with. The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation. Therefore the agent has a duty to contact the creditor and report the circumstances in situations where there is evidence of a potential cause for concern.
Vulnerability	74	A debtor may be considered vulnerable if, for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.
Vulnerability	76	Enforcement agents should be aware that vulnerability may not be immediately obvious.
Vulnerability	77	Some groups who might be vulnerable are listed below. However, this list is not exhaustive. Care should be taken to assess each situation on a case by case basis. <ul style="list-style-type: none"> • The elderly; • People with a disability; • The seriously ill; • The recently bereaved; • Single parent families; • Pregnant women; • Unemployed people; and, • Those who have obvious difficulty in understanding, speaking or reading English.
Ability to pay	24	Debtors must not be pressed to make unrealistic offers and should be asked to consider carefully any offer they voluntarily make and where possible refer to free debt advice.
Ability to pay	25	Where a creditor has indicated they will accept a reasonable repayment offer, enforcement agents must refer such offers onto the creditor.
Ability to pay	49	On returning any un-executed warrants, the enforcement agent should report the outcome to the creditor and provide further appropriate information, where this is requested and, where appropriate, paid for by the creditor.
Ability to pay	68	Enforcement agents should be aware of circumstances where a “no goods” valuation may be appropriate – for example where no goods of sufficient value have been identified; or where the removal of goods would lead to severe hardship for the debtor. In such instances the enforcement agent should make the creditor aware of this situation.
Creditors	51	Enforcement agents should provide clear and prompt information to debtors and where appropriate, creditors.
Creditors	62	Enforcement agents must only take goods in accordance with the appropriate regulations or statute. In addition, creditors may agree other restrictions with agents acting on their behalf.

Annex A – Part Two

Professional Values and Standards of Practice for Enforcement Agents

Professional Values

The ECB expects enforcement agents and enforcement firms to uphold the following Professional Values:

You must:

- a)** Act with honesty and integrity and in a way that upholds public trust and confidence in the enforcement process and in the role of enforcement agents and enforcement firms.
- b)** Be accountable and responsible for your actions and the actions of those who work on your behalf.
- c)** Carry out the enforcement process in a way that is fair and impartial, treating people with respect regardless of their background or circumstances.
- d)** Behave professionally, working constructively with other organisations involved in the enforcement process including creditors and debt advice organisations.

Standards of Practice for Enforcement Agents

The Enforcement Process

Objective:

1) An enforcement agent carries out the enforcement process in a manner which is appropriate and lawful.

An enforcement agent must:

Entry

1.1) Follow the processes and requirements set out in The Tribunals, Courts and Enforcement Act 2007 and The Taking Control of Goods Regulations 2013.

1.2) Only seek to enter a residential property if they have a reasonable belief that the person subject to enforcement lives there, and the agent is authorised to enter the property to enforce a debt.

1.3) Where the person subject to enforcement is a business, only seek to enter a property if they have a reasonable belief that the property is the premises of that business, and the agent is authorised to enter the property to enforce a debt.

1.4) Not use force to enter a property, which includes using their body or an object to stop the door from being closed on them, unless:

1.4.1) They have a court warrant authorising them to use reasonable force to enter the property; or

1.4.2) They are re-entering the property to inspect or remove goods.

1.5) If they are permitted to use reasonable force to enter a property for one of the reasons at 1.4.1 or 1.4.2 above:

1.5.1) Inform the person subject to enforcement or, if appropriate, a third party, that they are authorised to use reasonable force to enter the property;

1.5.2) Only use the minimum amount of force necessary to enter the property;

1.5.3) Provide any court warrant authorising them to use reasonable force to enter the property, to the person subject to enforcement or, if appropriate, to a third party.

1.6) Only enter through a door or usual means of entry to the property.

1.7) Not enter a property if the door is opened by a child, or an adult who lacks the capacity to engage with the enforcement agent until an adult with capacity to engage with the enforcement agent is present, unless:

1.7.1) This is necessary to assist with an immediate threat to a person's safety; or

1.7.2) The door referred to in paragraph 1.7 is a door to a communal building or business premises.

1.8) When seeking to enter the dwelling place of a person subject to enforcement through an unlocked door, provided it is safe and reasonable to do so:

1.8.1) Knock or use a doorbell before attempting to enter the property to provide an opportunity for someone to answer the door;

1.8.2) Clearly and loudly announce their presence when entering the property;

1.8.3) Knock before entering any further closed doors within the property.

ID and authorisation

1.9) When they first encounter the person subject to enforcement or, if appropriate, a third party, within a property they are seeking to enter or have entered as part of an enforcement visit:

1.9.1) Explain the reason for their visit and the steps they will be taking;

1.9.2) Produce relevant identification, such as a badge or ID card, to the person subject to enforcement or, where appropriate, to a third party;

1.9.3) Produce, when asked, written authorisation to enter the property to enforce the debt.

Goods

1.10) Not take goods which are exempt goods under The Taking Control of Goods Regulations 2013.

1.11) Not take goods if it is clear that the value of the goods will be less than the fees which will be incurred to sell the goods.

1.12) Only take control or threaten to take control of goods (including taking control of, threatening to take control of or clamping vehicles) if they have a reasonable belief that they belong to the person subject to enforcement.

1.13) Handle goods with proper care in order to avoid damage.

1.14) Have in place adequate and appropriate insurance to cover any damage which may occur to goods while they are in their possession.

Behaving appropriately

- 1.15)** Comply with all relevant legislation, including data protection legislation (UK General Data Protection Regulation and the Data Protection Act 2018) and Equality Act 2010.
- 1.16)** At all times, be respectful and mindful of any religious and cultural considerations.
- 1.17)** Not discriminate unfairly against a person subject to enforcement on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other grounds.
- 1.18)** Not act in a way that intentionally embarrasses the person subject to enforcement.
- 1.19)** Not abuse or misrepresent their powers in any way, for example by:
 - 1.19.1)** Acting in a manner that could be reasonably considered to be threatening or intimidating;
 - 1.19.2)** Implying or stating that action can or will be taken when legally it cannot;
 - 1.19.3)** Implying or stating that a particular course of action will be taken before they know whether this is actually the case;
 - 1.19.4)** Implying or stating that action has been taken when it has not;
 - 1.19.5)** Misrepresenting the stated timescales over which a course of action may be taken;
 - 1.19.6)** Falsely implying or stating that refusing entry to a property is classed as an offence.
- 1.20)** Not place undue pressure on a third party to make payment for the debt.
- 1.21)** Keep information about a person subject to enforcement confidential, other than to the extent it is necessary to share information with a creditor, within the enforcement firm they work for or the ECB, for the purposes of seeking legal advice, dealing with complaints, conducting investigations, engaging in litigation or otherwise complying with regulatory or legal obligations, unless the person consents.
- 1.22)** Not disclose the nature of their visit to a third party without the permission of the person subject to enforcement, unless this is necessary to reassure the third party or to prevent a situation from escalating into verbal or physical abuse.

Communication

Objective:

2) An enforcement agent communicates with a person subject to enforcement in a way that is accurate, appropriate and easy to understand.

An enforcement agent must:

- 2.1) Ensure that any information given to a person subject to enforcement is clear, taking into account any communication needs the enforcement firm or enforcement agent is aware of.
- 2.2) Make use of the interpretation services offered by the enforcement firm they work for (such as British Sign Language or a translation service) when this is needed to communicate with people when undertaking an enforcement visit.
- 2.3) Not contact the person subject to enforcement before 6am or after 9pm on any day unless the individual contacts them outside of these hours.
- 2.4) Ensure that any contact by whatever means with the person subject to enforcement is:
 - 2.4.1) Only in relation to the debt being pursued;
 - 2.4.2) Clearly identified as being from the enforcement firm or enforcement agent in relation to the debt being pursued;
 - 2.4.3) Directly and confidentially sent to the person subject to enforcement and such contact cannot be accessed or viewed by anyone else without the permission of the person subject to enforcement; and
 - 2.4.4) Not sent from an enforcement agent's personal social media account;
- 2.5) Ensure that communications (including text messages) sent to a person subject to enforcement are appropriate and could not reasonably be considered to:
 - 2.5.1) Be threatening or intimidating;
 - 2.5.2) Amount to harassment of any form (including sexual harassment);
 - 2.5.3) Be misleading or untrue in terms of the powers of an enforcement agent or an enforcement firm.

Training

Objective:

3) An enforcement agent keeps their knowledge and skills up to date.

An enforcement agent must:

3.1) Undertake regular training as required by the enforcement firm(s) they work for, including training on these Professional Values and Standards of Practice, to ensure they have the appropriate knowledge and skills for their role.

Monitoring

Objective:

4) An enforcement agent ensures that the enforcement firm they work for is able to monitor their compliance with enforcement firm policies, legal requirements and these Professional Values and Standards of Practice.

An enforcement agent must:

4.1) Wear a fully-functioning body worn video when undertaking an enforcement visit.

4.2) Subject to 4.3 below, record on their body worn video all their interactions with anyone present during an enforcement visit.

4.3) Where a request is made by anyone present to turn off body worn video, comply with guidance provided by the enforcement firm they work for. Where necessary, this may include relying on audio recording only in order to minimise the impact upon the privacy of others present, such as children.

4.4) Comply with the policy on the use of a body worn video of the enforcement firm they work for including requirements to upload and delete footage.

4.5) Comply with the compliance policy of the enforcement firm they work for to ensure the firm is able to adequately monitor their performance.

4.6) Comply with any changes made by their enforcement firm as a result of the findings of compliance work.

Health and Safety

Objective:

5) An enforcement agent undertakes an enforcement visit in a way which ensures their own safety and the safety of everyone who is present during the enforcement visit.

An enforcement agent must:

- 5.1)** Undertake the health and safety training provided by the enforcement firm they work for or other appropriate health and safety training.
- 5.2)** Comply with the health and safety policy of the enforcement firm they work for.
- 5.3)** Prioritise their own safety and the safety of those present during an enforcement visit, including by ending the enforcement visit and leaving if they consider that there is a risk to their own safety or the safety of anyone present.
- 5.4)** Report any interactions that have escalated into verbal or physical abuse to the enforcement firm they work for.

Cooperation and Accountability

Objective:

6) An enforcement agent cooperates fully with the ECB.

An enforcement agent must:

- 6.1)** Cooperate with any reasonable requests made by the enforcement firm they work for in order to allow the firm to comply with the ECB, in particular providing to the enforcement firm they work for any records of their communication with people subject to enforcement.
- 6.2)** Report promptly to the ECB any serious breaches of the ECB's Professional Values and Standards of Practice by the enforcement firm they work for or by another enforcement agent.
- 6.3)** Inform the enforcement firm they work for if they believe they (the agent) may have seriously breached the ECB's Professional Values and Standards of Practice.

Complaints

Objective:

7) An enforcement agent cooperates with the enforcement firm they work for in relation to a complaint about them or the firm.

An enforcement agent must:

- 7.1)** Comply with the complaints policy of the enforcement firm they work for, and signpost people subject to enforcement to this where appropriate.
- 7.2)** Cooperate with any investigation into a complaint by the enforcement firm they work for.

Vulnerability, Ability to Pay and Creditors

Please note that the ECB will be introducing standards in relation to vulnerability, the ability to pay of people subject to enforcement, and creditors. In the meantime, enforcement firms should comply with the relevant requirements of the [Taking Control of Goods: National Standards](#).

The following paragraphs of the National Standards are of particular relevance to these topics:

Topic	Para No.	Content
Vulnerability	30	Where enforcement agents have identified vulnerable debtors or situations, they should alert the creditor and ensure they act in accordance with all relevant legislation.
Vulnerability	42	Enforcement agents should be trained to recognise vulnerable debtors, to alert creditors where they have identified such debtors and when to withdraw from such a situation.
Vulnerability	70	Enforcement agents/agencies and creditors must recognise that they each have a role in ensuring that the vulnerable and socially excluded are protected and that the recovery process includes procedures agreed between the agent/agency and creditor about how such situations should be dealt with. The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation. Therefore the agent has a duty to contact the creditor and report the circumstances in situations where there is evidence of a potential cause for concern.
Vulnerability	74	A debtor may be considered vulnerable if, for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.
Vulnerability	76	Enforcement agents should be aware that vulnerability may not be immediately obvious.
Vulnerability	77	Some groups who might be vulnerable are listed below. However, this list is not exhaustive. Care should be taken to assess each situation on a case by case basis. <ul style="list-style-type: none"> • The elderly; • People with a disability; • The seriously ill; • The recently bereaved; • Single parent families; • Pregnant women; • Unemployed people; and, • Those who have obvious difficulty in understanding, speaking or reading English.
Ability to pay	24	Debtors must not be pressed to make unrealistic offers and should be asked to consider carefully any offer they voluntarily make and where possible refer to free debt advice.
Ability to pay	25	Where a creditor has indicated they will accept a reasonable repayment offer, enforcement agents must refer such offers onto the creditor.
Ability to pay	49	On returning any un-executed warrants, the enforcement agent should report the outcome to the creditor and provide further appropriate information, where this is requested and, where appropriate, paid for by the creditor.
Ability to pay	68	Enforcement agents should be aware of circumstances where a “no goods” valuation may be appropriate – for example where no goods of sufficient value have been identified; or where the removal of goods would lead to severe hardship for the debtor. In such instances the enforcement agent should make the creditor aware of this situation.
Creditors	51	Enforcement agents should provide clear and prompt information to debtors and where appropriate, creditors.
Creditors	62	Enforcement agents must only take goods in accordance with the appropriate regulations or statute. In addition, creditors may agree other restrictions with agents acting on their behalf.

Annex A – Part Three

Definitions

Term	Definition
Body worn video	A video camera worn by an enforcement agent during the enforcement process.
Complainant	A person who is considering making a complaint or raising a concern, or whom has made a complaint or raised a concern, in relation to the actions of an enforcement agent or enforcement firm. This includes a representative of the person who is the subject of the complaint.
Complaints-handling process	The process by which the ECB accepts, considers and determines complaints made to it about enforcement firms, including, where appropriate, the provision of redress to a complainant [to follow].
Compliance issue	Apparent non-compliance with the ECB's Standards of Practice for Enforcement Firms which has been referred to the ECB or which the ECB identifies from its monitoring or supervision visits.
Dwelling place	The self-contained living accommodation of a person subject to enforcement.
Enforcement visit	The attendance of an enforcement agent to a property in an attempt to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
Enforcement agent	An individual who is responsible for seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
ECB	Enforcement Conduct Board.
Enforcement firm	A business or organisation that employs or engages enforcement agents.
Enforcement process	The process of seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
Frontline staff	An individual (other than an enforcement agent) who works for or on behalf of an enforcement firm, and whom engages with people subject to enforcement.
Notice of Enforcement	A written notice sent by an enforcement firm to a person who owes a sum of money, informing them that that they will be visited by an enforcement agent for the purpose of seeking to recover money owed in order to satisfy a writ, warrant or liability order.
People/person subject to enforcement	A person or business who owes a sum of money and in respect of whom steps are being taken by an enforcement agent or enforcement firm, to recover that sum of money.
Third party/parties	Where the person subject to enforcement is an individual, anyone other than this individual. Where the person subject to enforcement is a business, anyone who does not work for or have a connection to the business.
Work for	Work for either as an employee or as a contractor.

Annex B

Accreditation Framework and Criteria

1) Introduction

- 1.1)** The ECB provides independent oversight of debt enforcement work to ensure that those who are subject to the enforcement process in England and Wales are treated fairly and are protected from poor practice.
- 1.2)** This Accreditation Framework and Criteria replaces that which was developed as a transitional measure for the first year of accreditation (2023/2024), and is in force from [date in October/ November 2024].
- 1.3)** Accreditation is available to enforcement firms that undertake debt enforcement work under the Taking Control of Goods Regulations 2013.
- 1.4)** Enforcement firms which wish to benefit from ECB accreditation, once granted, must comply with the accreditation criteria.

2) Accreditation process and outcome

- 2.1)** An enforcement firm which intends to apply for ECB accreditation must complete an application form, which must be signed or verified by the firm's Chief Executive or a Director (or equivalent) who has authority to act on its behalf.
- 2.2)** The application must confirm that the enforcement firm will take all reasonable steps to comply with the accreditation criteria.
- 2.3)** The ECB will consider the application for accreditation and may seek further information from the applicant firm. The ECB will confirm in writing its decision whether or not to grant accreditation to the enforcement firm.
- 2.4)** Once the ECB has granted accreditation, it will allow the enforcement firm to use the ECB accredited logo subject to the enforcement firm providing to the ECB a signed copy of the accredited logo licence agreement and paying the relevant fee.
- 2.5)** Once the ECB has granted accreditation to an enforcement firm, the firm's details will be published on the ECB's Accredited Firms Register.
- 2.6)** Accreditation is valid until midnight on the day before the commencement date for the following year of accreditation, as published by the ECB. An accredited enforcement firm will need to renew its accreditation each year.

3) Accreditation Criteria

Standards

- 3.1)** An accredited enforcement firm must take all reasonable steps to ensure that the firm, and all work carried out in its name, complies with:
 - 3.1.1)** All applicable laws and regulations, including the Taking Control of Goods Regulations 2013;
 - 3.1.2)** The ECB's Professional Values and Standards of Practice for Enforcement Firms;
 - 3.1.3)** The ECB's Professional Values and Standards of Practice for Enforcement Agents; and
 - 3.1.4)** The Taking Control of Goods: National Standards (2014) as amended from time to time.

Annual levy and periodic data returns

- 3.2)** An accredited enforcement firm must pay the annual levy to the ECB by the deadline(s) the ECB specifies.
- 3.3)** An accredited enforcement firm must complete and submit to the ECB periodic data returns in the form the ECB requires and by the deadline the ECB specifies.

Cooperation with the ECB

- 3.4)** To enable the ECB to discharge its oversight function, an accredited enforcement firm must cooperate with the ECB, including by:
 - 3.4.1)** Cooperating with all reasonable requests made by the ECB, including in relation to the ECB's investigation or determination of a compliance issue;
 - 3.4.2)** Allowing the ECB access to carry out supervision visits;
 - 3.4.3)** Providing data and information in a timely manner following a request from the ECB, in line with data protection legislation;
 - 3.4.4)** Complying with any sanction imposed by the ECB following the investigation of a compliance issue.
- 3.5)** An accredited enforcement firm must comply with the ECB's complaints-handling process, including by:
 - 3.5.1)** Cooperating with any requests made by the ECB as part of its complaints-handling process;
 - 3.5.2)** Complying with any remedies put in place by the ECB at the end of the complaints-handling process.

4) Failure to comply with the accreditation criteria

- 4.1)** Where there is a concern that an accredited enforcement firm may have failed to comply with the accreditation criteria, the ECB will follow the process set out in the ECB's Non-Compliance Procedure Rules [to follow].
- 4.2)** One of the following sanctions may be imposed upon an accredited enforcement firm following a finding that the firm has failed to comply with the accreditation criteria:
- 4.2.1)** A published note of concern;
 - 4.2.2)** Directions with which the accredited enforcement firm must comply for a period which the ECB specifies;
 - 4.2.3)** An order that the accredited enforcement firm's accreditation with the ECB be suspended for a specified period of up to 5 years;
 - 4.2.4)** An order that the accredited enforcement firm's accreditation with the ECB be removed (the firm may reapply for accreditation after a specified reasonable period).

Glossary

“Accreditation criteria” means the criteria set out within paragraphs 3.1-3.5 of this Accreditation Framework and Criteria.

“Complaints-handling process” means the process by which the ECB accepts, considers and determines complaints made to them about enforcement firms, including the provision of redress to a complainant where appropriate.

“Compliance issue” means an issue with apparent non-compliance with the ECB’s Standards which has been referred to the ECB or identified by the ECB from monitoring or supervision visits.

“ECB” means the Enforcement Conduct Board.

“Enforcement agent” means an individual who is responsible for seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.

“Enforcement firm” means a business or organisation that employs or engages enforcement agents.

“Enforcement Process” means the process of seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.

“Note of concern” means a note, published on the ECB’s website, which sets out the concerns in relation to an enforcement firm’s failure to comply with the accreditation criteria.

Annex C

Draft ECB Operational Oversight Model

The ECB's mission is to ensure that all those who experience enforcement action are treated fairly. We have developed standards for enforcement action that we expect all ECB accredited firms to meet, in order to support fairness for those experiencing enforcement action. Our operational oversight model is the means by which we will ensure that accredited firms and Enforcement Agents are meeting these standards, as well as providing accountability for those who do not.

Risk-based oversight

The ECB takes a risk-based approach to oversight, which is focussed on gathering evidence from a wide range of sources in order to provide ongoing, dynamic and reliable assessments of the risk profile of each accredited firm. This assessment would then inform our ongoing approach to supervision and allow us to identify specific areas of non-compliance with our standards that require a targeted response, either through the ECB's supervision or enforcement tools.

Monitoring the market and gathering evidence

Monitoring the market in order to gather a wide range of evidence to inform our risk assessments, is central to our oversight model. Our monitoring and evidence gathering will include the following sources:

- 1)** Data returns from accredited firms – we receive periodic data returns from ECB accredited firms. These will help us to identify trends, changes and potential outliers.
- 2)** Supervision – as set out in further detail below, the ECB's supervision function will undertake on-site supervision visits and targeted information requests, in order to assess levels of compliance with our standards and identify any areas of concern. This will generate significant evidence to inform our risk assessments.
- 3)** Self-assessments of compliance with our standards and other self-reported non-compliance, from accredited firms.
- 4)** ECB complaints handling – our investigation of complaints will result in identification of evidence of bad practice or breaches of the ECB's standards. This could relate to behaviour on the doorstep, in call centres or in written material. It could also relate to the quality of first tier complaints handling and/or how firms respond to identified issues with agents.
- 5)** Debt advice case notes and referrals – the ECB receives regular reports from the national debt advice charities with anonymised case notes about cases that involve enforcement action where the debt adviser considers there may have been bad practice. We could also receive specific referrals on a case by case basis from debt advisers where there is a specific concern, which may include some supporting information or evidence.

- 6) Whistleblowers – the ECB will develop a whistleblower policy so that we can safely receive intelligence from those within industry about practices that they are concerned about.
- 7) Referrals from other regulators and other bodies – the ECB welcomes referrals from any other regulators or bodies with intelligence about potential breaches of the ECB’s standards or poor enforcement practice. This could be from organisations such as the FCA, Local Government and Social Care Ombudsman or others.
- 8) Press and social media – we will take account of any intelligence that arises from press investigations or other media activity.

Drawing from such a wide range of sources will give the ECB a rich overall view of risk and potential issues. All evidence that we receive will be triaged and categorised to take account of its reliability and relevance to our oversight. We would always seek to verify specific concerns prior to taking any targeted action in response. For example, high level issues raised from debt advice case notes, without supporting evidence, may help to identify potential trends or areas for the ECB to factor into its overall assessment of risk. On the other hand, if there is a specific, more detailed allegation, along with some supporting evidence, this could be sufficient for the ECB to consider more targeted follow-up.

Assessing risk

The ECB will maintain a specific, dynamic risk assessment of each firm that it accredits, which will be based on an assessment of the evidence available from all of the sources outlined above. This assessment will not be public and will be for the ECB’s own purposes in terms of informing its approach to supervision for each firm. However, we will keep accredited firms informed of our live risk assessment of them.

At a high level, each firm will be assessed by the ECB as either Low, Medium or High risk. To make this assessment, the ECB will consider a number of factors, including the likelihood of non-compliance with the ECB’s standards, the size and scale of the business (relevant to the impact of any non-compliance), the firm’s engagement with the ECB and whether it is taking ownership of any issues, a firm’s track record and any previous issues.

This assessment, in turn, will inform the level of proactive supervision that the firm will receive. The ECB will prioritise its supervision resources towards firms that are considered to be higher risk. However, this assessment will only be a guide and will not be determinative. Given that the ECB will be overseeing a relatively small number of firms (40-50), it will be able to take a tailored approach based on specific facts.

The ECB will conduct periodic reviews of the risk assessment of each firm to help ensure that they remain up to date and accurate. We will also aim to review the assessment at the point that any significant new evidence is received, so that we can respond swiftly to new or emerging concerns.

Risk-based supervision

The risk assessment will influence the level of proactive, risk-based supervision that the ECB will undertake for each firm.

Supervision could entail an on-site supervision visit, aimed at assessing compliance with the ECB's standards and identifying concerns or potential areas for improvement. This might be a more general visit covering a range of areas, or it could be a more targeted look at a specific area (such as complaints handling, internal controls and monitoring etc.). Supervision could also entail targeted requests for information or assurance on a specific matter, which might be undertaken remotely.

Higher risk firms will be prioritised for supervision visits and a higher level of ongoing interaction with the ECB's supervision team. However, even low risk firms should expect ongoing engagement with the supervision team and periodic supervision visits, as these will be a valuable means of testing the accuracy of risk assessments and identifying any areas of concern or possible avenues for improvement.

As set out above, the evidence gathered from supervision visits and information requests will also be fed back in to our dynamic risk assessments of firms.

Addressing non-compliance with our standards

As well as informing our overall assessment of the risk profile of each accredited firm, monitoring and risk assessment could identify specific areas of non-compliance with the ECB's standards that require a targeted response.

In these circumstances, the ECB will be able to deploy either its supervision tools or sanctions to address the matter.

In line with good regulatory practice and proportionality, the ECB would always seek to reserve the use of sanctions to the most serious or persistent cases of non-compliance. Similarly, when considering deployment of sanctions, the ECB would carefully consider which tool was most appropriate and proportionate in the circumstances, reserving the sanctions with the biggest consequences and impact for the most serious and/or most enduring areas of non-compliance.

Supervision tools

Where the ECB uncovers non-compliance with its standards, it will usually seek to provide the firm with an opportunity to demonstrate that it has taken ownership of the concern and will put in place meaningful and appropriate improvements to address the past non-compliance and prevent recurrence in the future. In cases where the firm concerned demonstrates a genuine desire to engage with the issue and address it, this is the approach that is most likely to prevent ongoing concerns.

The exact means by which this could be achieved would differ on a case by case basis but is likely to involve:

- 1) ECB identification of the issue and request for firm to provide a written response, demonstrating acceptance of the issue, meaningful engagement with the concern and a proposed action plan for remedying it.
- 2) ECB assessment of the adequacy of the response and whether it is sufficient to avoid the need for enforcement action.
- 3) If an action plan is accepted, the ECB would agree a proportionate plan for the ECB to oversee adequate completion of the action plan and monitoring of the impact of the changes.

If at any of these steps the ECB is not satisfied with the firm's response, it would be able to escalate the case for consideration of sanctions. The details of supervision activity such as this would not be published.

In some cases, where the non-compliance is not already self-evident from the ECB may undertake a targeted review of a particular area of non-compliance to better understand the facts surrounding the issue. Where this is the case, the ECB will set out for the firm concerned the steps it is taking, how and why and the likely timeframes of the targeted review.

Sanctions

All sanctions imposed by the ECB would be taken within the criteria and processes set out in the accreditation framework and Disciplinary Procedure Rules. All sanctions would be published.

The ECB's available sanctions are:

- 1) Published Note of Concern – this would involve publishing a formal note of the identified non-compliance, along with an articulation of what the ECB expects from the accredited firm in order to address this, with a timeframe for doing so.
- 2) Directions – whereby the ECB could formally and publicly direct a firm to do something to address our concern.
- 3) Suspension of accreditation.
- 4) Removal of accreditation.

The ECB could pursue more than one of these sanctions in tandem. It may also pursue one sanction initially and then escalate to an additional sanction as a result of ongoing failure to address the underlying issue.

The Disciplinary Procedure Rules a route for accredited firms to request a formal review of a decision to impose a sanction.

Thematic issues and trends

So far this document has explained how the ECB will assess and respond to the risk profiles of specific enforcement firms. However, it will also be important that the ECB is using the overall evidence and data that it receives from its market monitoring and supervision to inform its overall approach to oversight, including the content of the standards that we are setting.

Our oversight framework will therefore also involve analysis of market or thematic trends across accredited firms. For example, we might identify that there are specific standards that are more regularly attracting non-compliance.

The ECB's research programme will also feed into this wider assessment of thematic issues and trends.

There will be two main outputs from this wider thematic analysis:

- 1)** It may inform the need for additions or refinements to our standards
- 2)** It may identify the need for thematic supervision exercises to target a specific area of risk (e.g. we might do some thematic supervision visits to look at complaints handling)

Sharing and promoting good practice

The ECB's oversight model will also be focused on identifying and sharing good practice that we encounter, in order to encourage learning and improvement across the sector.

Appendix – Diagram of operational oversight model

ECB Operational Oversight Model

