

ECB | Standards research

Approach

As part of the ECB's work updating standards for enforcement for both enforcements firms and enforcement agents, Thinks Insight & Strategy were commissioned to explore feedback on proposed standards from enforcement agents and people with lived experience of enforcement. This research also allowed us to understand people's experience of enforcement, or of working in enforcement, as well as exploring how existing complaints processes are working.

A qualitative approach was chosen as most appropriate, as it meant people's experiences, behaviours and feedback could be understood in depth. Fieldwork with both audiences was carried out between March and April 2024, and included:

- 12 depth interviews with people who have lived experience of enforcement. This approach was taken to understand the complexities of people's experiences, allowing us to understand impact and strength of feeling, especially as this is a sensitive topic, and people's experiences may vary wildly.
- 3 workshops with enforcement agents. Two of these workshops were held online, and one in person, meaning we heard from 19 agents in total. Participation was voluntary and open to all Enforcement Agents. Recruitment was via the ECB's social media network. Holding workshops allowed agents to reflect together, form consensus and show where views differed.

What we learned

Challenging Environment

Enforcement agents feel that working in the industry has become more challenging in recent years and spoke to issues around pay, incentive structures, and increased workloads.

There is also a more challenging environment for those who experience enforcement, with an increasing number of people struggling with bills following the Covid pandemic, and the cost-of-living crisis, with many being unable to pay and/or struggling with challenging life events.

Perceptions of the enforcement process

Agents feel that the introduction of the National Standards in 2014¹ and training and body worn video have gone some way towards improving standards in the sector.

However, agents criticised the National Standards for being too loose and non-directional and noted that not all agents are applying them in the same way and to the same standard. They also criticised them for placing the majority of responsibilities on enforcement agents, rather than enforcement firms.

People with lived experience of enforcement acknowledged that enforcement isn't an easy process to go through but felt that agent conduct in some instances went beyond what would be expected and was intimidating, aggressive and ignored their ability to pay. Although some people did recognise that the attendance of the enforcement agent helped them come to terms with their debt.

They also spoke of a lack of information ahead of enforcement action taking place.

Issues raised included not knowing that the enforcement was going to happen, lacking information about their rights and what to expect on the day as well as a lack of knowledge about what agents are and are not allowed to do.

Handling of vulnerability

Agents say there has been an increased responsibility for agents to work around vulnerability and inability to pay.

During enforcements, agents say they often need to rely on visual cues, using intuition and experience to identify who can't pay or won't pay.

Those who experience enforcement action want to see change around how vulnerability is measured and recognised.

Complaints processes

Agents report receiving fewer complaints now that the use of body worn cameras is widespread.

People who have negative experiences of enforcement wanted to complain, but there is a lack of knowledge about the process, as well as emotional barriers.

Many are struggling with challenging life events and worry that the complaints process will be time-consuming and emotionally draining, with little promise of resolution. They want to see a better complaints process, in multiple formats

¹ [Bailiffs and enforcement agents: national standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

such as online and over the phone and more readily available information about their rights and the rules for agents.

Standards and complaints

Overall, agents felt that the National Standards could be clarified and made more directional – whilst they felt most people were adhering to them, there was still the possibility of “bad apples”.

The agents we spoke to felt that standards around the ability to pay, vulnerability and conduct are being well met, with some going above and beyond.

Agents also want to see structural changes to the industry, focusing on firms and creditors, not just agents. They felt that these changes would support standards and help resolve issues around low pay – with the aim of financially incentivising agents to better handle vulnerability as well as encouraging better behaviour.

Those with lived experience are also keen to see the standards improved – responding well to ideas around independent affordability assessments, ability to pay someone other than the agent, and being provided with prior information. They felt this would have improved their experiences of enforcement action.

So what next

The workshops have shone a light on the concerns and views of some of the ECB’s key constituencies.

From what we heard, there is a clear consensus that there is work to be done in ensuring that standards for enforcement are more ambitious and consistently applied, and that more emphasis should be placed on the role that all those involved in the enforcement process including firms play in upholding and maintaining professional standards.

It is also clear that the ECB has a vital part to play in raising awareness of people’s rights in the enforcement process to ensure that as many people as possible understand what to expect during enforcement and how to complain when things don’t go right.

Going forward, we would expect these insights to be used to inform the ECBs future work, including the development of their new comprehensive standards and complaints model² for the enforcement sector.

Their new standards will seek to address the gaps in the existing National Standards, owned by the Ministry of Justice and will form the basis of

² [Standards - enforcementconductboard](#)

assessment against their new complaints³ model, which will aim to create a more simple, consistent and accessible way for people to have their complaint heard if a enforcement firm has failed to act in accordance with their new standard.

³ [Complaints - enforcementconductboard](#)