

ECB response to its standards consultation

Executive summary

1. The ECB is grateful to all those who have been engaged in in the development of our new standards for enforcement work.
2. We received 46 formal responses to our consultation, in addition to wider targeted engagement as the standards were being developed. This included:
 - i. Workshops with debt advisors from four debt advice charities (national and local).
 - ii. Workshops with ECB accredited enforcement firms.
 - iii. Depth interviews with those who have lived experience of enforcement.
 - iv. Workshops with enforcement agents.
 - v. Engagement with the ECB stakeholder forum, comprised of leaders across the enforcement and debt advice sectors.
 - vi. Speaking at events and conferences across the sector to socialise and discuss 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.
3. Overall, the feedback received was positive, with respondents expressing support for the new standards while offering valuable insights and constructive feedback on specific areas. The high quality of responses reflected strong engagement from our stakeholders, both in terms of substance and detail. We thank everyone who contributed for their input.
4. We appreciate the valuable feedback on the standards, as well as the support and constructive input received throughout the consultation. Based on this feedback, we have retained the content of all the original standards. However, we have made targeted drafting amendments to the standards, oversight framework and accreditation criteria, incorporating the helpful suggestions raised. This includes language changes, amendments for accuracy and new additions to better reflect the insights provided.
5. Our final standards will be published on our website by **Tuesday 29th October 2024**.

Background

6. The ECB is the independent oversight body for the enforcement industry. 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. Our mission is to ensure that everyone who experiences enforcement action is treated fairly.
7. In July 2024, we published a consultation on our draft upcoming standards for the enforcement sector. The consultation set out a full draft of the standards, draft accreditation criteria and framework for 2024/25 and our draft oversight model.
8. You can read more about why we are drafting new standards for the enforcement sector on our website [here](#). You can also read more about our accreditation scheme, which is the framework to which we hold enforcement firms to account, [here](#).

9. We were interested in hearing from all stakeholders with an interest in fair enforcement, including industry, consumer groups and the debt advice sector. We were also particularly interested in hearing from those who have lived experience of enforcement and enforcement agents themselves.
10. The consultation sought responses on specific questions for each section of the standards. Responses to the consultation came from the enforcement industry, the debt advice sector, Local Authorities, creditors, ombudsman and membership bodies as well as private individuals. This report takes account of both the formal responses to the consultation and the feedback that the ECB has received through its wider workshops and engagement.
11. The consultation closed on the **Friday 13th September 2024** and received 46 responses from the following parties:

Respondent type	Content	
Creditors	Brighton and Hove Council	Flintshire Council
	Northumbrian Water	Lewisham Council
	Doncaster Council	Durham Council
	Sheffield Council	
Debt Advice	Warwickshire Citizens Advice	Community Money Advice
	Hope 4 All	Debt Justice
	The Taking Control Group:	Money Advice Trust
	Christians Against Poverty <small>*also submitted a separate response</small>	PayPlan
	AdviceUK	StepChange Debt Charity
	Citizens Advice	Money and Mental Health Policy Institute
Enforcement Firms	Court Enforcement Services	Reventus
	Just	DCBL
	Wilson and Roe	Rundles
	Trace Enforcement Group	Dukes
	High Court Enforcement Group	CDER
	Newlyn	Marston Holdings
	Whyte & Co	Jacobs
	Bristow and Sutor	
Industry Bodies	Forum of Insurance Lawyers	Civil Court Users Association
	High Court Enforcement Officers Association (HCEOA)	Local Authority Civil Enforcement Forum (LACEF)
	Civil Enforcement Association (CIVEA)	Institute Revenues Rating Valuation (IRRV)
	Institute of Credit Management	
Ombudsman	Public Services Ombudsman for Wales (PSOW)	Local Government and Social Care Ombudsman (LGSCO)
Private Individuals	3 private individuals	

12. The points below summarise the responses to each of the consultation questions, alongside the ECB's response to the points raised.

Standards consultation responses

Q1 Do you have any feedback on the draft professional values?

13. All respondents who commented on the draft professional values were supportive overall, with a number of enforcement firms and in-house enforcement teams at Local Authorities noting that these values are ones which their organisations aim to embody.
14. Several respondents raised that they would like to see more information on how the professional values would be monitored and assessed, what will be done if non-compliance is found and how the ECB would deal with any conflicts arising from client requirements.
15. The importance of language was stressed, with debt advice charities saying that they would like to see the third value on 'respect' expanded to be more inclusive.
16. Multiple respondents noted the case of *'Kafagi v JBW Group Ltd [2018]'* which they said indicates that in law, a self-employed enforcement agent is not under the control of the enforcement agency who supplies their services to a creditor. It was argued that an enforcement firm cannot therefore be held vicariously liable for the acts of self-employed Enforcement Agents.
17. Some respondents noted the importance of enforcement agent safety, and the importance of enforcement agents being free from harassment and violence when carrying out their work and suggested including a value that reflected this.

ECB response

18. We are encouraged by the strong support for the professional values.
19. We understand the desire to see more information on how enforcement firms and agents will be held account to these values. The oversight model sets out the overall approach to assessing compliance with our standards and creating meaningful accountability. We will soon be consulting on the detail of our sanctions process, which will include further detail on this particular part of the oversight process.
20. On more specific areas raised, we recognise that enforcement agents should be able to carry out their work free from abuse and harassment. Given these standards are focused on the behaviour of enforcement firms and agents, we do not feel it would be meaningful to include this as part of the values, but we will note in guidance that accompanies the standards the important role enforcement agents play in society and the need for them to be able to carry out that role without experiencing verbal or physical abuse.
21. We note the points raised in relation to *'Kafagi v JBW Group Ltd [2018]'*, that the ECB's approach to the standards and our oversight framework should be consistent with the findings in this case. We are establishing a new framework in which enforcement firms voluntarily commit to upholding our standards and to being held to account by the ECB in relation to these standards. Concerns may arise

if enforcement agents, whether employed or self-employed, act in ways that question whether the enforcement firm is adhering to the standards. For example, if a firm identifies that its enforcement agents are violating standards but fails to take appropriate action, and the violations continue, the firm may be deemed to have breached the standards due to their response, or lack thereof. This differs from stating that firms are directly or vicariously liable for the individual actions of individual enforcement agents.

Q2 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?

22. Of the respondents who commented on the enforcement process standard, there was overall support, and constructive suggestions regarding the proposed standards, particularly around the Notice of Enforcement (NoE), handling of goods, and entry powers.
23. On the NoE, several respondents emphasised that it is a prescribed form and any changes would require amendments to [The Taking Control of Goods Regulations 2013](#). Many responses also recognised the shortcomings of the current NoE and that they had supported proposals in the recent MoJ consultation to bring this up to date. There was general agreement that additional information, such as advice on complaints procedures, could be helpful. However, some cautioned that adding too much information could overwhelm those experiencing enforcement and discourage engagement. Many suggest including extra details, such as complaints processes via separate inserts or digital formats. Some responses from industry noted that any requirement to include further information that required additional pages could be costly to industry, at a time when the recent fee increases that were proposed by MoJ have not materialised.
24. There was consensus that third-party payments should be handled carefully, with some requesting clearer guidance on accepting payments from third parties and the financial impact on them.
25. Responses indicated that there is existing case law on goods, and this allows enforcement agents to take control of goods not solely owned by the person facing enforcement, provided that person has a beneficial interest in the goods or is a co-owner.
26. Debt advice respondents would like to see the standard on goods taken further, including the addition of a specific line about enforcement agents not misrepresenting which goods they are able to take, and further clarity on taking control of vehicles on hire purchase agreements, disability and motability vehicles.
27. On entry powers, respondents support clearer language distinguishing between domestic and commercial premises, as well as specifying when enforcement agents can or cannot enter a property. Some noted that these standards should better reflect the wider legal framework, particularly around re-entry powers and rights of enforcement agents to retrieve controlled goods.

28. Support was expressed for clarifying how compliance fees should be charged, particularly in cases involving multiple debts. Respondents sought clarification on whether the ECB's proposal would align with existing regulations.
29. There were also a range of other technical drafting suggestions to ensure consistency of the standards with existing legislation (where relevant).

ECB response

30. We welcome the overall support for this standard, which covers a wide range of areas and introduces a number of substantive new requirements. We are grateful for the valuable points of clarification and constructive suggestions we received.
31. In relation to the NoE, we agree with many respondents that there would be significant value in revisiting and updating the requirements for the current content and form of the NoE. It is our intention to carry out a piece of work looking at the efficacy of the NoE, reviewing what should be communicated at this stage and how to maximise accessibility and engagement. We want to develop this with people experiencing enforcement and test this with firms to understand what approach receives the most engagement, learning from existing work in this area. Clearly any changes to the prescribed format of the NoE that result from this work would need to be agreed by the MoJ and we will seek to work closely with them as we further develop this work.
32. In the meantime, we have made some changes to the standards that mean we are not prescribing specific additional information that needs to be included in the current NoE. As a result, we have moved some of the previous requirements out of the Enforcement Process section and into the communication section (see below for further information). This maintains the principle that key information that needs to be communicated to people experiencing enforcement, whilst giving firms some further scope to deliver this information in the most helpful and practical way. We expect to return to this issue in future versions of the standards following the work outlined above.
33. Many of the suggestions offered have been considered and incorporated into the revisions, ensuring that the final standards are more comprehensive and reflective of stakeholder feedback. At a broad level, the key areas where we have made amendments are set out below:
 - i. We have re-drafted entry and authorisation to ensure it fully aligns with existing legislation. For example, we have expanded section AS1.5 on agent entry to include the exceptions of the execution of High Court writs of control and the execution of a warrant of control issued under section 76 of the [Magistrates Court Act 1980](#).
 - ii. We have made it clear that Enforcement Agents should not misrepresent the goods that they are able to take control of.
 - iii. We have clarified that the standard concerning multiple fees applies specifically to the enforcement fee and does not extend to the compliance fee, in alignment with the relevant legislation. This ensures clarity on the application of fees and aligns with statutory requirements.

- iv. We have made adjustments to the language used in the standards to enhance clarity and precision. For instance, we have replaced the term 'debt resolution order' with 'debt relief order,' reflecting the correct terminology and ensuring consistency with current legal terms.
- v. The standard related to third-party goods and use of force has been refined to better align with existing guidance. We have also included a reference to Civil Procedure Rules 85 to provide additional clarity and to ensure that the standard reflects the appropriate legal framework. We will also develop guidance on 'reasonable belief' to provide greater clarity on our expectations in this area.
- vi. Finally, we have added a new standard on the handling of EAC2 complaints. Specifically, we now reference when such complaints should be reported to the ECB and the relevant County Court if a breach of the standards is identified. This is to help ensure that the ECB has good visibility and awareness of all EAC2 complaints.

Q3 Do you have any feedback on the communication standard?

- 34. Overall, there was broad support for enhancing communication and support for those experiencing enforcement action, with respondents offering specific suggestions for practical adjustments and improvements.
- 35. Respondents supported enhancing the clarity of communications and providing more information to those experiencing enforcement, but some argued that the requirement to detail the enforcement process in every letter is excessive. Instead, they suggest using links or QR codes to direct those facing enforcement to external resources, such as the ECBs website for more comprehensive information.
- 36. There was broad agreement on improving communication channels, and debt advice organisations noted that there is a need for empathy and respect in interactions with those facing enforcement.
- 37. It was suggested that the communication standard, which restricts contact to those experiencing enforcement to between 6am and 9pm, should recognise that contact outside of these hours is permissible for businesses with non-standard hours, such as pubs and nightclubs.
- 38. Several enforcement firms noted that they would like to see more clarity in defining what constitutes harassment in communications.

ECB response

- 39. As set out above, we have moved some of the requirements that previously sat under the NoE section of the Enforcement Standards into the communication standard. Beyond this, the main change to this standard is clarifying that we will require enforcement firms to provide individuals facing enforcement with information about the enforcement process in the most suitable manner, which may include directing them to independent external sources, such as the ECB. This is an issue that we plan to return to when we progress work on the NoE.
- 40. Other amendments include updating standard AS2.3 on contact hours to better reflect the legislation in this area.

Q4 Do you have any feedback on the training standard?

41. There was widespread support for the ECB to introduce this standard, with many respondents asking for the standard to go further, including specifying a minimum training level and frequency of refresher courses.
42. It was raised that the ECB may wish to consider specifying certain training courses that all enforcement agents should have, including vulnerability, Body Worn Video (BWV), stress management, safeguarding, conflict escalation and mental health training and that this could be taken further by also extending this standard to office and other frontline staff.
43. CIVEA and several enforcement firms commented that they would like to see CIVEA's code of training replicated as part of the standard.

ECB response

44. We are pleased to receive strong support for this standard. It is clear from the responses received that there is a desire for the ECB to go further in this area. Particularly in relation to specifying the minimum training level required for enforcement agents and other front-line staff.
45. This is an important issue, and we are focused on getting this right. We are committed to working closely with trade bodies such as CIVEA, HCEOA, and others to determine the best approach and to define clear standards in this area, while also considering the interaction with the enforcement agent certification process that some respondents have raised.
46. Further work is needed in this area to establish specific training requirements. As such, we will retain the current high-level standards for now, and revisit this in the future.

Q5 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.

47. Most responses to this question were content with the overall requirements and focused primarily on the period of retention of BWV. The majority of responses supported the 90 day retention period for BWV citing that most complaints arise within this time and agreed that 90 days is reasonable and proportionate.
48. However, a portion of respondents, felt that the 90 day retention period is excessive. Many suggested alternatives, with 60 days being the most frequently proposed alternative. These respondents argue that most complaints are lodged within 30 to 60 days, and retaining footage beyond that time unnecessarily increases costs and storage burdens. Some referenced policies from other organisations, such as CIVEA's 28 days or HCEOA's 60 days, as more appropriate standards.

49. A minority of responses raised concerns about the proportionality and intrusiveness of BWV under GDPR. They stated that the 90-day retention period should be reduced, with one respondent suggesting 45 days based on their own assessment, which found that 96% of complaints were lodged within this time. Others recommend that footage where no direct contact is made should not be stored for the full 90 days and should instead be deleted immediately or after a shorter period. We also received data from one firm with a longer retention period of twelve months. Their data showed that complaints do arise after 60 days and from 2022-2024, 41 complaints were raised outside of this timeframe. Timings ranged between 63 days up to 531 days after the enforcement visit had taken place.
50. There was also interest in addressing BWV failure, with responses suggesting that standards should include provisions for cases where technology malfunctions.
51. Debt advice respondents advocated for an extension of the BWV retention period, particularly for cases involving vulnerable individuals, who may take longer to report complaints. These respondents argued that BWV should be kept for longer than 90 days, with some suggesting retention for up to 180 days or longer in certain cases.
52. There was also support for expanding the use of text message and mobile phone call recordings, including the recording and storage of calls between individual enforcement agents and those subject to enforcement. Respondents from both the debt advice and enforcement sectors advocate for making this a standard expectation in the medium to long term, once it becomes commercially viable. The enforcement industry is already exploring this, either by trialling the technology or evaluating how best to implement it within their operations. However, there is not yet a critical mass of large-scale, commercially viable solutions for businesses to adopt.
53. A couple of responses picked up on the requirement on firms to ensure that the way they engage with and remunerate enforcement agents does not act as a disincentive to them complying with the standards. There was a note of caution expressed for the ECB not to seek to dictate the commercial arrangements of enforcement firms and to allow them the discretion to remunerate as they see fit.

ECB response

54. A large number of views were shared in response to this question, highlighting a wide variation in approaches across the sector. Suggestions for retention periods ranged significantly, with some advocating for a 28-day period, while others recommended up to 180 days (and some firms already retaining for 12 months). Notably, only two responses offered direct evidence linking retention periods to complaint patterns. This data indicated that the majority of complaints are received within 60 days but a minority of complaints do still arise beyond this period.
55. Whilst retaining BWV to support effective complaints handling is really important, we recognise that it is also important that sensitive data is not retained for longer than necessary either. It is clear that striking the right balance is crucial, and it is also clear that enforcement firms have currently come out in a wide range of different places in exercising their judgement in where the balance should lie. However, consistency across the sector is necessary to benefit both firms and individuals subject to enforcement actions.

56. BWV footage must be retained for a reasonable and proportionate amount of time and we want to ensure that our standards reflect this. For this reason, we intend to make the 90 day retention requirement guidance, with the intention of establishing it as a formal standard in a future iteration of the standards after we have gathered more evidence and engaged the ICO. However, where complaints have been raised within 90 days of an enforcement visit taking place that are later referred to us, it is our expectation that the firm in question will be able to provide BWV footage of the visit.
57. Regarding other suggestions, we have clarified aspects of the standard, including specifying that we expect there to be functioning audio on all BWV devices.
58. In response to the support received on the use of call and text recording, we have strengthened the language within the standard to encourage the use of this technology where feasible. We will also clarify in guidance that whilst this is not an immediate requirement, it is something that enforcement firms should work towards and adopt if a commercially viable solution is found. We will keep this under review and update guidance as required.
59. On remuneration structures, we reiterate the explanation of our approach to this in the consultation paper. We are clear that that this requirement will not preclude any specific model but does introduce the important principle that enforcement firms need to understand and monitor the risks association with different approaches and have appropriate and proportionate controls in place. This is an area where we will be introducing guidance, to ensure all enforcement firms understand the requirements.

Q6 Do you have any feedback on the standard on Health and Safety?

60. There was widespread support for this standard, with responses suggesting the standard could go further, by encouraging more specific safety solutions for enforcement agents. Some examples which are already being trialled in the sector include panic buttons on smartphones, real-time tracking for safety, and access to 24-hour support for uploading BWV footage. Mandating the use of BWV was seen as a positive step toward increasing transparency and safeguarding both enforcement agents and those experiencing enforcement action.
61. Many respondents highlighted the importance of robust incident recording and aftercare support for enforcement agents, with some pointing to existing practices such as independent counselling and dynamic risk assessments.
62. There is also a strong endorsement of standards that align with health and safety frameworks like ISO 45001. Additionally, several responses suggest that establishing standardised policies and procedures for all enforcement agents, including self-employed agents, would help further professionalise the industry and ensure consistent safety practices.
63. Finally, some responses suggested that asking firms to 'ensure' safety was not practical and that the language should instead mirror health and safety legislation by referring to what is reasonably practicable.

ECB response

64. It is positive that this standard was well received and that some respondents would like to see the ECB go further in this space. As a general point, the ECB is setting minimum standards and we would encourage any firm that wants to go further than the minimum and establish best practice in this and other areas. We will also keep this standard under review and look to share our learning from oversight on effective approaches and innovations that we encounter that help to advance health and safety.
65. We have amended the word 'ensure' to read 'ensure as far as is reasonably practicable' to better reflect how this is framed within health and safety legislation.

Q7 Do you have any feedback on the standard on Cooperation and Accountability?

66. Of those who responded to this question, there was generally support for the principle of the standard. However, some Local Authorities questioned the ECB's ability to apply these standards to them without a legal basis. They were also concerned about being required to comply with any remedy resulting from a complaint suggested by the ECB, noting that this could conflict with their existing structures. They suggested that the standard should be amended to ensure the ability to challenge or appeal such decisions.
67. Several enforcement firms called for clearer guidance on how supervisory visits will be conducted and what would constitute a 'breach' or 'serious breach'. Some also requested advance notice for supervisory visits and information requests to avoid disrupting service delivery. It was stressed that the ECB should ensure its oversight is proportionate, risk-based, and communicated well in advance.
68. Debt advice responses suggested that all breaches, not just serious ones, should be reported to the ECB. They noted the importance of this standard, and the importance of creditors playing their part in ensuring that standards are raised in the enforcement industry.
69. It was also noted that this standard should be expanded to include more detail on the EAC2 process, including a requirement for enforcement firms to report EAC2 proceedings against their enforcement agents to the ECB, and to keep the ECB updated on any outcome as a result.

ECB response

70. This standard is an important one in achieving the principle of meaningful accountability, so it is encouraging to see this recognised in the responses we received.
71. In relation to the points raised by, and on behalf of, Local Authorities, it is important to emphasise that this standard will not apply on Local Authorities as creditors. It will only apply to Local Authorities with in-house enforcement teams who become ECB accredited. And in these circumstances, those Local Authorities will have made an informed decision that the standards are consistent with their existing structures and frameworks. It is also important to note that the ECB will not handle complaints about in-house teams at Local Authorities and so standard FS6.5 on complying with complaints remedies would not apply.

72. In relation to concerns raised about whether a Local Authority in-house team would be able to pay a financial penalty that was imposed by the ECB, as set out in this consultation paper, the ECB will not have a fining power and so this is not a material concern.
73. Taking all of the above into account, we are confident that the standards are not in conflict with frameworks and legislation applying to Local Authorities acting as creditors or any who have their own in-house teams and seek ECB accreditation. However, we would encourage Local Authorities to seek their own advice prior to applying for accreditation.
74. Local Authorities and enforcement firms noted the importance of there being more process and transparency around how the ECB would exercise its oversight powers. We recognise the impact that oversight could have on those providing enforcement services and therefore the importance of their being greater clarity on how we will exercise our powers.
75. The oversight model document that was included in the consultation paper shared further detail which should provide some assurance. However, it has always been our intention to set out more detailed processes around complaints handling and our oversight model and sanctions process in our next consultation in October. We will take the points raised in responses here into account in developing these processes, which should provide assurance in relation to the concerns raised here. We will also work closely with the sector in developing our approach to oversight visits in the coming months and we hope firms will continue to provide constructive support as we trial our approach in 2025.
76. As noted above (see paragraph 69), we have included a new requirement for enforcement firms in relation to the reporting and use of EAC2 procedures.

Q8 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.

77. Many respondents agreed with the two-stage process but stressed that the 10-working-day response time was too short, especially for complex cases, such as some High Court complaints.
78. Overall, the responses indicated a preference for extended timeframes, with suggestions to follow the Financial Conduct Authority (FCA) model or adopt a more flexible approach, such as acknowledging complaints within 5 days and providing a full response within 4 weeks for simpler cases, with up to 8 weeks for complex cases, in line with some other regulatory frameworks. Some respondents suggested that the ECB should trial timeframes for 12-18 months to determine their feasibility.
79. Several respondents stressed the need for clear definitions of what constitutes a complaint. Some responses raised that they would like to see further guidance and clarification on the informal versus formal complaint resolution processes.
80. Additionally, concern was raised about how the ECB's process will interact with internal procedures and other existing complaints bodies, such as the Local Government and Social Care Ombudsman

(LGSCO) and Public Services Ombudsman Wales (PSOW). Interestingly, the PSOW welcomed the ECB's proposed approach whereas the LGSCO argued that all complaints about enforcement undertaken for Local Authorities should come directly to it, rather than to the ECB.

ECB response

81. Whilst it is important that firms handle complaints swiftly, it is also important that complaints are given thorough consideration. We also recognise that under the two stage approach, firms will be required to change their processes to ensure that more senior input is provided in cases that merit it within the timeframe set. Taking this feedback into account, we have updated the standard to specify that if an enforcement firm cannot resolve the complaint informally, the formal process should be completed within 20 working days, unless exceptional circumstances prevent this. We see 20 days as a maximum timeframe and expect many complaints to be resolved more quickly. During this time, we expect the complainant to be provided with regular and meaningful updates, particularly if the complaint will take the full 20 days to resolve. We intend to keep this position under review and return to look at the timescales for complaints in the next iteration of the standards.
82. We have taken into account the points raised by the LGSCO and will continue to work with colleagues there, and from other similar organisations, to ensure that this new approach to complaints works smoothly alongside the existing routes provided by the LGSCO and other similar bodies.
83. In practice, it will be very important that we have good clear information and processes to create clarity for complainants about what we can consider complaints about (acts and behaviour of enforcement firms and enforcement agents) and those that we can't (e.g. complaints about acts of creditors or courts).
84. We are currently consulting on the detail of our complaints policies and guidance, including our definition of a complaint. This can be found [here](#).

Q9 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.

85. Of those who responded to this question, there were mixed responses from those who felt there would not be any conflict and those who foresaw issues during the tender process. Although, it was raised that creditors would likely be supportive and would shift their attitude in this space.
86. It was noted that Local Authority tenders have specific sections on the bidder's complaints process and there have been instances where a lower score has been awarded as the issuing authority deemed the process to not have enough stages. Respondents noted that it would be helpful if the ECB could work with creditors on this to minimise the impact in tendering exercises where creditors think more stages is better.

87. Responses from the enforcement industry also highlighted the growing demand for 'added social value' in Local Authority contracts and identified this as an area that the ECB should look into, but acknowledged that this should be a longer term project and is not an area that could be addressed in this edition of the standards.
88. Debt advice respondents commented that this is an area where statutory underpinning would be particularly advantageous.

ECB response

89. It is positive that responses recognised supportive creditor behaviour in relation to complaints and to support enforcement firms, we will be working with creditors to ensure they are aware of and understand the new complaints requirements. The shift to fewer complaints stages is intended to improve the experience for those complaining. As accredited firms account for over 95% of the market, almost all responses to tenders should be consistent in offering a two-stage process.
90. More generally, we want to move the wider sector on from a view that the number of complaints received equates to the quality of the service provided. We are seeking to move to a position where all firms welcome and embrace complaints as an opportunity to learn and improve. To achieve this, firms will be improving the accessibility of their complaints processes and signposting to them. It is important that this comes with an understanding that the number of complaints raised may increase and that, while the cause of the complaints must be investigated, the increase itself is not cause for concern in its own right.

Q10 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?

91. A number of respondents suggested inclusions to the standards or made general comments in response to this question.
92. There was consensus on the need for greater clarity in certain areas, particularly around vulnerability and the ability to pay when the ECB moves on to tackle these areas. Many suggest that vulnerability should be assessed holistically, considering mental health conditions, past events, and the risk to other parties, such as people who are at risk of losing their homes. Some recommend involving qualified mental health professionals in these assessments to ensure decisions are evidence based.
93. Several respondents advocated for stronger guidance on vulnerability policies, with all frontline staff receiving training to identify and deal with vulnerable individuals. They also stressed that standards related to ability to pay should reflect the unique nature of priority debts in the enforcement sector, rather than mirroring those of the financial services sector. In particular, the importance of recognising that assets should be taken into account when assessing ability to pay.
94. The IRRV questioned whether Local Authorities can sign up to follow our standards through our accreditation scheme, without the standards on vulnerability or ability to pay finalised. It notes that Local Authorities are different to other creditors in that they are democratically elected and should

be subject to different standards. The IRRV further commented that it believes the ECB should be assessing whether enforcement firms and agents have complied with the creditors criteria rather than establishing our own.

95. One respondent suggested an alternative numbering for each standards document to avoid confusion.

ECB response

96. We are pleased that stakeholders from across the sector have reiterated their support for the standards and we look forward to continuing to work with them as we develop our standards and guidance on ability to pay and vulnerability over the coming months. We will factor in the initial feedback provided to this consultation as we develop our proposals in these areas.

97. We note the views of the IRRV and some Local Authorities on the potential challenges for in-house teams. We also note that we have engaged with a number of in-house teams who do not foresee the same difficulties emerging. Overall, taking account of all of the feedback received through this consultation and more generally, we will proceed to offer ECB accreditation to in-house teams at Local Authorities on the following terms:

- i. The ECB standards will all apply to in-house teams with the exception of the standards around complaints handling, as the ECB would not handle complaints about in-house Local Authority teams.
- ii. In-house teams would be required to pay the levy but at a reduced rate as compared to other firms, to reflect the fact that the ECB's complaints function will not apply to them.
- iii. We agree that the ECB's standards would not take precedent over existing legislation that applies to Local Authorities.

98. We believe that this offer will be appealing to some in-house teams and expect a number to come under accreditation for year two. We hope that this will help to prove the concept for other in-house teams to come on board in the future.

Accreditation criteria, accreditation framework and operational oversight model

Q11 Do you have any comments on the new accreditation criteria?

99. Of those who responded to this question, all supported the accreditation criteria for enforcement firms, with several points of clarification requested in the responses. Some Local Authorities and the IRRV questioned the necessity of ECB accreditation and oversight for in-house teams, particularly when it comes to paying the levy.
100. Several responses raised specific questions about the levy structure, asking whether there would be an annual limit on levy increases and calling for an alternative fee structure to make budgeting more predictable. A few respondents suggest a “fixed price, banded” approach might better suit Local Authorities, with one mentioning that the current proposal could lead to financial issues for in-house teams.
101. There is a desire for more clarity regarding specific aspects of the proposals, such as how data returns will be handled and whether certain complaints procedures are within the ECB’s remit.
102. CIVEA and some enforcement firms requested that the criterion around compliance with the ECB’s standards should be strengthened to require firms to commit to meeting the ECB’s standards, as opposed to “taking all reasonable steps” to do so.
103. Flintshire Council suggested the need for the ECB accreditation logo to be available in Welsh.

ECB response

104. We welcome the suggestion from CIVEA and industry that the criterion around compliance with the ECB’s standards should be strengthened and have made that suggested change.
105. In relation to points made about the levy, we understand industry’s concern about future increases and the benefits of greater certainty and assurance in this regard. The ECB was founded on the principle of transparency and so far, we have consulted publicly on levy amounts for the last two years, taking account of feedback provided before setting the levy. We will continue to do this so that firms have as much warning as possible about the likely levy that they will face and an opportunity to provide input into the level. The ECB will also be guided by the principle of proportionality in setting the levy. Finally, it is important to remember that the ECB has been building its framework and team and, as a result, gradual increases in the levy over the last few years have been inevitable and we have sought to forewarn industry of this.

106. We continue to believe that a turnover based model is the fairest approach, taking account of the relative size of each firm and the likely call that they might have on the ECB's time when we become fully operational and start handling complaints.
107. As set out above, we note the views of the IRRV and some Local Authorities in regards to ECB accreditation of in-house teams. This is an issue on which we look forward to continuing engagement on, and we encourage any Local Authority who has questions to reach out to discuss their thoughts in more detail.
108. We will be working to ensure that the ECB standards, accompanying guidance and the ECB accredited logo are made available in Welsh.

Q12 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?

109. Responses reflect a broad range of perspectives on the proposed operational oversight model.
110. There was support overall, with some respondents asking for more for clarity regarding the implementation process. Some enforcement firms stressed the need for support for businesses as the standards are introduced. There is also a call for a clear, structured audit model that includes desktop audits before in-person visits, ensuring the process is well-known and transparent across the sector.
111. Some responses raised questions about using media as part of the oversight and intelligence gathering process, noting that media reports are often based on very limited and unreliable evidence. Others also argued that risk categorisation should be shared with firms but not widely publicised.
112. The importance of consistency was stressed, with enforcement firms calling for clear and established "goalposts" to avoid ambiguities. A couple of respondents also suggested amending the language of 'supervision visit' to better reflect the ECBs role as an oversight, rather than supervisory body.
113. There was also a desire expressed for more industry representation in ECB governance structures.
114. Finally, there are calls for oversight to extend to individual enforcement agents to ensure compliance, with suggestions that the model may need to address individual accountability more thoroughly. Some comparisons were drawn with other regulatory bodies like the FCA, suggesting potential lessons that could be learned from similar sectors.

ECB response

115. The ECB notes the responses received to this question, particularly around enforcement firms wanting to see further detail and guidance in relation to the operational oversight model. As with other areas of the standards, it is our intention to set out more detailed guidance to allow firms to fully understand the new requirements. We are consulting on the ECB's approach to sanctions which provides some further detail in this area and we will work closely with stakeholders as we develop our wider approach to oversight in the coming months.

116. We have been careful to emphasise for some time that we recognise that firms will need some time, space and support to develop new approaches and systems to meet some of the new standards. This will be factored into our approach to implementing the new standards.
117. We note the concerns raised about relying on particular sources of evidence in our oversight. We will develop means of categorising the reliability and relevance of all evidence to determine how to proceed. Therefore, we do not believe that concerns about us acting disproportionately firmly on weak or unreliable evidence will materialise in practice.
118. We are content to use the language of “oversight and monitoring” in favour of “supervision” to address points raised in this regard. We do not believe that this changes the substance of what we will be doing, as set out in the oversight framework.

Q13 Do you have any comments on the proposed sanctions?

119. Responses showed general support for the development of a sanctions model, but many emphasised the need for careful implementation to ensure fairness and maintain confidence in the process. Many respondents acknowledged the importance of holding enforcement firms accountable but suggested a balanced approach to avoid unintended negative consequences. For example, there was widespread agreement that the publication of sanctions should be handled with caution, with some recommending a bedding-in period where minor concerns remain private. This would allow enforcement firms to address issues without immediate public exposure, helping them to stay on track and improve without damaging their reputation or business relationships prematurely. A number of enforcement firms noted that publication of any sanction would have significant impact on that firm’s business, which means that even the least severe sanction could have very significant consequences.
120. A key theme across responses was the need for a transparent and fair process, with clear opportunities for firms to appeal decisions before any public action is taken. Several respondents are in favour of introducing independent panels with legal and enforcement experts to ensure that sanctions are applied fairly and consistently. They suggested that this would provide confidence that any disciplinary measures are well considered and proportionate.
121. There was also positive feedback on the idea of a sanctions model that encourages continuous engagement and improvement from enforcement firms, even after a suspension. Respondents suggest that by keeping firms engaged, the model will promote better compliance and protect the public more effectively. Some also see potential for financial penalties to be introduced in the future, which could provide a flexible alternative to suspensions or other sanctions.

ECB response

122. We acknowledge the feedback received on the topic of sanctions, particularly the concerns raised by enforcement firms regarding the potential commercial implications of publishing sanctions.
123. In relation to sanctions, the main purpose of this consultation was to determine the type of sanctions that we would be able to impose and from the feedback received, we remain committed to the four categories of sanction that we consulted upon.

124. We recognise the concern expressed about the consequences of sanctions and the need for robust and fair procedures around these. We would emphasise the assurances provided in the oversight model document that emphasise the steps that the ECB would take to seek to resolve non-compliance through its wider oversight powers without needing to resort to sanctions. This document also seeks to provide reassurance that sanctions will only be pursued where this is deemed necessary and proportionate.
125. However, we also appreciate that this consultation did not include detail on the process that we will follow for instances of persistent or severe non-compliance where we do consider that a sanction might be appropriate. We have now published in draft our [sanctions process](#) which we are in the process of consulting on. This document sets out how we will take such decisions and how we will engage firms through this process, including rights to respond and rights of appeal. We hope this will provide the clarity requested by respondents to this consultation on our approach to sanctions.
126. We are committed to continuing our dialogue with stakeholders over the coming months as we further explore and refine the sanctions process.