

ECB Board Meeting – Thursday 26 September 2024

Venue: Teams

Member attendance: Catherine Brown (Chair), Alan Cavill and Chris Nichols (CEO)

In attendance: Claire Evans (minute taker)

Minutes

Item 1: Welcome, apologies and declarations

1. The Chair welcomed all present.
2. The Chair noted that comments had been received from Board members not in attendance and that these would be discussed during the meeting.

Item 2: The Guide to Remedy

3. The Complaints Manager presented a paper setting out the ECB's approach to remedy.
4. The Board discussed Part 1 of the Guide to Remedy (the Guide) and the following points were raised in discussion:
 - i. *Vulnerability*
 - The Board discussed whether it was appropriate to refer to vulnerability within the guide and **agreed** that, given the sector, it was appropriate for that language to remain.
 - The Board **agreed** that the Guide would be reviewed to ensure that it referred to considering the individual's circumstances at all the points it would be relevant, such as when considering relevant mitigation.
 - ii. *Actions of the Creditor*
 - The Board discussed the possible impact on smaller firms of paragraph 46. The Board **agreed** that the Guide would be amended to clarify that it sets out our approach to remedying the impact of failings on the part of the accredited firms only. This would be set out in a paragraph in the introduction.

- iii. *Mitigation given as part of the apology*
 - The Board discussed and reviewed the comments received from AE and JW on paragraph 8(ix). The Board **agreed** to shorten 8(ix) and to move it up the list under paragraph 8.
 - iv. *Sharing learning with the sector*
 - The Board discussed AE's comment on paragraph 13 and **agreed** to add a paragraph setting out that we would share relevant learning from the complaint with the sector, where that was appropriate.
 - v. *Paragraphs 31 to 42 of the Guide*
 - Board discussed the comments received prior to the meeting from GC, AE and JW. The Board noted the desire for flexibility and transparency in the approach to consolatory payments and sought to balance that with providing a high-level approach that moved away from the granular assessment suggested by the draft.
 - The Board **agreed** that the Guide would be refined so that it is principle based but provides for flexibility. It will reflect that payments are likely to fall within the range of £100 to £500, but that higher payments might also be awarded.
 - The Board **agreed** that it was unnecessary to refer to seeking expert help to guide decisions on issuing higher consolatory payments.
5. The Board discussed the proposal that the ECB continues to work on preparing a simple framework for consolatory payments based on complaints we have considered.
- i. The Board noted the work that had been undertaken with the working group and **agreed** that it would be helpful to provide a framework as it would provide greater transparency around the decision-making process.
 - ii. The Board did not see the Guide being in two parts but **noted** that the framework would become part of the Guide. The Board **agreed** that we would develop the framework and consult on it once we have had the opportunity to consider cases of our own. This would include developing our understanding of the interplay between consolatory payments and action currently taken by enforcement firms to write off fees in full or in part. We would clarify through the consultation that we would be refining the Guide and working with stakeholders on it. The aim would be to consult over Summer 2025.