

ECB ACCREDITATION OF IN-HOUSE LOCAL AUTHORITY ENFORCEMENT SERVICES Q&A Briefing September 2024

1. What is the Enforcement Conduct Board?

The Enforcement Conduct Board (ECB) provides independent oversight of the debt enforcement industry (bailiffs) to ensure that all those who are subject to enforcement action in England & Wales are fairly treated.

We were set up following The Centre for Social Justice report, 'Taking Control for Good' in 2021 as a collaboration between the civil enforcement industry and leading debt advice charities. But we are independent of both industry, the debt advice sector.

More on our work and priorities can be found here: [Our Work - enforcementconductboard](#)

As a key priority from October 2024, we intend for the first time to invite local authority in-house enforcement teams to become accredited to the ECB.

For those applying early and accepted, accreditation would begin from December 2024.

Councils may continue to apply for accreditation throughout the year.

2. What is ECB accreditation of enforcement?

Through its accreditation scheme the ECB is establishing effective oversight of enforcement work and creating accountability for those undertaking it.

Those who become accredited by the ECB make an active commitment to:

- High standards in enforcement work
- Oversight and accountability for their enforcement
- Paying a levy to the ECB for its operations

Since it opened in October 2023, our accreditation scheme has been open only to private companies doing civil and high court enforcement work. We now accredit companies responsible for at least 95% of external Taking Control of Goods enforcement, including, we believe, all those doing contracted work for local authorities. The full register of accredited enforcement firms is here: [Accredited Firms Register - enforcementconductboard](#)

We now wish to extend accreditation to council in-house enforcement teams.

3. Why should local authorities become accredited to the ECB?

Accreditation is a way in which you can be seen to be improving your services to your residents, and to be accountable to them on enforcement via the ECB.

Accreditation makes a public statement that you are seeking to meet high ECB standards in your enforcement work. It will show that you are committed to ensuring that all residents who experience enforcement are treated fairly.

Raising standards through ECB accreditation will help to bring greater protection to those of your residents who may be vulnerable, such as the elderly, disabled, those on income support and universal credit, or those experiencing serious illness, including mental illness.

Accreditation is also a demonstration that you have the confidence in your in-house enforcement service to submit it to the same level of independent ECB oversight given to the private sector, and to open it up to continuous improvement.

4. What are the new ECB enforcement standards?

The MoJ National Standards for enforcement agents have been unchanged since their introduction in 2014. They do not reflect current best practice in enforcement behaviour and conduct.

So in July 2024, ECB launched a consultation on higher, modern, standards with the aim of introducing them in the Autumn as a condition for all enforcement services, both private and council in-house, wishing to be accredited to the ECB.

A link to the consultation on ECB standards, which closed on 13 September, is [here](#). We are grateful to the councils who commented on them.

We hope that MoJ will formally withdraw its National Standards for enforcement, so that the ECB's standards will be the single source of standards.

5. But we already apply high standards for enforcement in our authority?

We are aware that many local authorities already run their in-house operations to an exacting standard. We welcome this.

But this may not be the case everywhere. It is our intention to bring all areas up to the same minimum high standards. So that residents in England and Wales, irrespective of where they live, will know the consistent levels of service they should expect if they have to experience enforcement.

There will be nothing to prevent a council adding its own enhancements to the ECB standards, to cater for particular local issues and concerns.

6. If we are accredited, will the ECB prevent us using enforcement?

No. While there are a number of alternative methods to collect arrears, the ECB recognises that enforcement can play a key role in collecting much-needed resources to help fund vital services such as social care, police and fire services and refuse collection.

The ECB's role through accreditation is to ensure that where a council takes a decision to use enforcement, it is carried out fairly and in line with all guidance and regulations.

We believe that ECB accreditation and standards will strengthen your in-house enforcement service, as part of a framework that supports fair and sustainable approaches to enforcement. It will also help to reassure those who would prefer to end all use of enforcement agents to collect council arrears.

7. Will the ECB investigate complaints against enforcement action by local authority in-house teams? We already have the Local Government Ombudsman (LGSCO) and Public Services Ombudsman for Wales (PSOW) and they are statutory.

As part of its oversight the ECB from early 2025 will start to determine complaints about enforcement work, alongside our own supervision and monitoring to ensure compliance with our standards. We intend to consult on our new complaints guidance in October.

However, the ECB will not seek also to investigate complaints about the work of in-house enforcement teams.

We recognise that in-house enforcement teams and agents are local authority employees. As such they are public servants directly accountable to the local authority through usual performance management processes. We also recognise that there is a direct route from the local authorities to the relevant statutory Ombudsman schemes, the LGSCO and PSOW, and vice versa. This means the relevant complaints process is simpler and easier to navigate for people.

So for the ECB also taking a role in handling complaints about in-house teams is unnecessary and would cause unnecessary confusion.

Generally, though, while the ECB would not be handling in-house complaints, we will still do oversight of accredited council enforcement services through other channels. For example, if the ECB became aware of serious misconduct by an enforcement agent working for an in-house team but the LGSCO or PSOW declined to investigate, the ECB, using intelligence from the LGSCO or PSOW and from other sources, could still investigate the incident outside of the complaints handling process.

The LGSCO has also confirmed that when assessing complaints it intends to hold in-house teams to the ECB's new standards.

8. What about money. I see the ECB will charge a levy for accreditation. Local authority funding is very tight. How much will the levy be?

The ECB is a not-for-profit organisation, and it is funded entirely by a levy paid by those accredited firms that it oversees. Our levy is only ever used to support the ECB's ongoing operations and effectiveness.

This year, every accredited private firm is paying an amount to the ECB which is equivalent to around 0.44% of its annual turnover from fees received from Taking Control of Goods work. This figure was arrived at following consultation with the private enforcement sector.

The ECB believes it is right that local authorities should also pay an annual levy towards the oversight costs of the ECB. However, we propose to charge councils a lower levy than for private firms. This will reflect the reduced oversight costs for the ECB resulting from the LGSCO and WPSO directly investigating complaints against local authority in-house teams.

We have therefore decided that:

- We will charge an annual levy amounting to 0.3% of an in-house service's turnover of fees from enforcement done under Taking Control of Goods legislation. This is a 1/3 reduction on the amount we charge to external enforcement firms.
- If a council applies for accreditation early, i.e. when the window opens in October 2024, there would be nothing to pay until 2025-26, even though public accreditation would begin in December 2024. So you would get 4 months of accreditation without charge.
- The levy would then be charged for the first time in 2025-26 for accreditation to cover that year. We expect to request this levy payment in May 2025. It will be based on enforcement fees turnover for the calendar year of 2024.

9. The ECB is currently a non-statutory body. Can we expect it to be given statutory powers in this Parliament?

Our accreditation of local authority in-house teams, the levy and our wider enforcement oversight regime can all be achieved under our current voluntary regime.

However, the ECB believes its work can be strengthened by limited, selective statutory powers. This view has been supported publicly over recent months by bodies including Step Change, the Money Advice Trust and the Parliamentary Select Committee on Levelling Up, Housing and Communities.

We are now making the case for statutory powers to the new Government. In the meantime MoJ has been showing its by seconding a senior official to the ECB.

10. If we want to become accredited, what happens next?

- a) Please take a look at full criteria for applying for accreditation [here](#) and the ECB Oversight Model [here](#). These were part of the recent consultation on ECB Standards and oversight, and were broadly supported by councils responding.
- b) If you wish to apply for accreditation **the online application form will be published on the ECB website at the end of October**, alongside the new standards, accreditation criteria and oversight model.
- c) **The early window for applications will run until later in November.**
- d) **Accreditation would begin early December** with an updated accreditation register.

Any questions, please contact David Parkin: David.Parkin@enforcementconductboard