

# The ECB's Complaints Handling Process



ENFORCEMENT  
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BOARD

# The ECB's Complaints Handling Process

## Introduction

1. We aim to provide a high-quality complaints handling service, where complaints are determined fairly and proportionately.
2. Our role is to resolve complaints about enforcement action by accredited firms and those contracted to undertake work on their behalf.
3. We are unable to consider any complaints about the actions of a creditor, and so, we cannot consider any concerns about how the debt arose in the first place.
4. This document sets out our complaints handling process. We may, exceptionally, adapt and vary our process where the specific circumstances of a complaint dictate that would be appropriate. This would be very exceptional and we would notify all parties of the reason for varying from our usual process.

## Accessibility

5. We will keep in mind the duties placed on us by the Equality Act 2010, the Welsh Language Act 1993 and any other relevant legislation, an individual's circumstances and vulnerabilities and consider any requests for reasonable adjustments sympathetically and on a case-by-case basis. This could include, for example, adjustments:
  - a) To the way complaints are received;
  - b) To contact arrangements with the complainant;
  - c) To the consideration and investigation process (including timeframes to respond to us);
  - d) To the way the decision is provided.

## Who can complain

6. A complaint can be made by any person who has been affected by enforcement action by an accredited firm. This person is referred to in this document as the "complainant". This would include:
  - a) The person subject to enforcement action;
  - b) Anyone who can reasonably claim to have been affected by the action of the accredited firm in the process of undertaking enforcement action.

7. If the complainant does not feel able to pursue the complaint themselves and feels that they need support to do so, they can ask an advice organisation or a friend or representative for help. Advice organisations offer free and impartial advice.
8. Support can be obtained via various sources, such as:
  - a) [National Debtline](#)
  - b) [Business Debtline](#)
  - c) [Citizens Advice](#)
  - d) [StepChange Debt Charity](#)
  - e) [Christians Against Poverty](#)
  - f) [Community Money Advice](#)
  - g) [Debt Advice Locator Tool](#)
9. We will require written authorisation from the complainant (or their recognised power of attorney) for the representative to act on their behalf.

## How to complain

10. We operate a 'no wrong route' approach to receiving complaints. For example, complaints can be submitted as follows:
  - a) Complaints form (completed online via website, online and submitted via email or in hard copy);
  - b) Email;
  - c) Telephone;
  - d) ECB social media;
  - e) Letter.
11. Regardless of how a complaint is received, we will ask for a complaint form to be completed for all complaints. This should be completed by the complainant or their representative where they are unable to do so.
12. We recognise that completing a complaint form can be difficult and so we will assist people to do so if they do not have a representative who can do that for them. If this is the case we will discuss the complaint with the complainant and draft a complaint form for their consideration and approval.

13. It is through the complaints form that we will ask for:

- a) Information about the complaint;
- b) The impact the matter being complained about has had on the complainant;
- c) The outcome that is being sought;
- d) Agreement to the sharing of information and documentation for the purposes of considering the complaint;
- e) Any specific communication requirements or preferences;
- f) Authorisation for a representative to act on behalf of the complainant where that is required.

14. It is the completion of the complaints form that ensures the relevant details of the complaint are obtained at the outset and satisfies the relevant GDPR requirements to enable the ECB to consider a complaint.

## **When to complain**

15. A complainant should send a complaint to the ECB within three months of becoming aware they have a complaint or within one month of the accredited firm's final response, whichever is the later.

16. If a complaint is received outside of that timeframe we will not consider it, unless we are satisfied that there are reasonable circumstances that explain the delay in the complaint being put.

## **Complaints we can consider**

17. We can only consider complaints about enforcement action where the issue that was the subject of the complaint to the accredited firm occurred on or after 1 January 2025. Where a course of action began before 1 January 2025, but has continued beyond that date, we can consider the whole course of action by way of context, as part of our review of the issue which occurred after 1 January 2025.

18. We can only consider complaints that have first been the subject of a complaint to the relevant accredited firm, and where the firm has had a reasonable opportunity to consider the complaint and respond.

19. We can consider complaints in relation to an act and / or omission on the part of an accredited firm or one of its contractors, where the complainant considers that this has had a negative impact on them, such as financial loss, aggravation, distress or inconvenience, and this may have been:

- a) A breach of the accredited firm's obligations under the ECB standards, as explained further in the associated guidance;
- b) A breach of the accredited firm's obligations under the law;

- c) A breach of the accredited firm's obligations under any relevant internal rules, procedures or statements of the accredited firm;
- d) Contrary to accepted good practice in the enforcement industry;
- e) Unfair treatment; or
- f) Poor service, including poor complaint handling.

## Complaints we cannot consider

20. We may decide that it would not be appropriate for us to consider a complaint.

For example, it would not usually be appropriate for us to consider a complaint where:

- a) It relates to the behaviour of a creditor or the legitimacy of a debt being passed to enforcement agents;
- b) We have already considered the complaint and provided a decision about it (there is a process for seeking a review of a decision we have made on a complaint);
- c) It relates to a matter where legal proceedings have been launched, or that has already been considered by a court, or which would be more appropriately considered by a court;
- d) It relates to a matter that is being considered by another organisation;
- e) It relates to a matter that has already been decided by a relevant Ombudsman scheme;
- f) It relates to contractual or commercial matters;
- g) It is about the handling of a subject access request or a Freedom of Information request. Complaints about those matters are for the **Information Commissioner's Office (ICO)**
- h) It relates to a personnel issue at an accredited firm.

## The handling of a complaint

### **Step 1 - Initial consideration**

21. First, we will undertake an initial consideration of a complaint to decide if we can investigate it.
22. We aim to complete our initial consideration of the complaint within five working days of receiving it.
23. The initial consideration will check that:
  - a) the complaint is about the actions of an accredited firm and / or its contractors; and
  - b) the complaint has been put to the accredited firm for consideration and it has been given a reasonable chance to respond.
24. If the complaint is not ready to be considered by us or falls outside of our remit, we will let the complainant know, explain the reasons for this, provide information about how they can progress their concerns (or where that is not known relevant advice organisations) and the details of our decision review process. Where appropriate, we will also notify the accredited firm about the decision.
25. If we are content that the complaint is about an accredited firm and that it is ready to be considered by us, it will move to step 2 - further consideration. We will let the complainant know when the complaint moves on to this step and what is involved during the next stage of the process.

### **Step 2 - Further consideration**

26. We aim to complete our further consideration of the complaint within fifteen working days of receiving it.
27. At further consideration we will discuss the complaint with the complainant either over the telephone or via correspondence to ensure that we have a shared understanding of it.
28. As part of that conversation, we will confirm with the complainant whether they require any adjustments to our service. We will keep in mind our duties under the Equality Act 2010, the Welsh Language Act 1993, any other relevant legislation and an individual's circumstances and vulnerabilities and provide reasonable adjustments where that is possible.
29. We will take a closer look at the complaint and call for any relevant evidence to decide if it is one that we should investigate.
30. We will consider:
  - a) Whether the ECB has already provided a decision on the same complaint: Unless the complainant provides new and significant information that was not available to the ECB at the time we made a decision on the complaint, we will not consider again a complaint about the same matters.

- b) The time taken to submit the complaint: We will check that a complaint has been put to the ECB within the relevant time period (three months of the complainant becoming aware that they had a complaint or within one month of the accredited firm's final response, whichever is the later). If a complaint has been put to us outside of the relevant time period, we will ask the complainant to clarify why that is the case. Where the complainant has provided a reasonable explanation for the delay in submitting the complaint, we will consider waiving the time limit. Factors we will take into consideration will include:
- i) The significance of the circumstances that led to the delay in submitting the complaint;
  - ii) The seriousness of the issue that is being complained about;
  - iii) The length of time since the events that gave rise to the complaint;
  - iv) Whether relevant evidence is available to enable an evidence-based decision to be provided.
- c) Whether legal proceedings have been launched on the same matter or the matter has already been considered via a court: We may not investigate a complaint where legal proceedings have been launched or a court has already provided a decision on the same matters. For example, we may not consider a complaint about ownership of goods where a court has provided a decision on the ownership of the same and / or sufficiently connected goods.
- d) Whether it would be more appropriate for the matter to be considered by a court: We may not investigate a complaint where we consider it would be more appropriate for it to be considered by a court. Factors we will take into consideration will include:
- i) The remedy that is being sought, including:
    - a) The level of financial redress being sought by the complainant;
    - b) If the outcome sought exclusively focuses on the enforcement agent losing their certification.
  - ii) The content of the complaint that has been put, including:
    - a) If the complaint relates to a contractual matter between the creditor and the enforcement firm;
    - b) If the complaint relates to a dispute over the ownership of goods;
    - c) If the complaint relates to a dispute about the interpretation of the law.
- e) Whether another organisation is considering the same complaint: We may not investigate a complaint that is being considered at the same time by another organisation. For example, we would not investigate a complaint about a firm that was being considered at the same time by another public body, such as the local authority or an Ombudsman.

f) Whether an Ombudsman has already decided on the same complaint: We may not investigate a complaint where an Ombudsman has already provided a decision on the same matters. Factors we will take into consideration will include:

i) Whether the Ombudsman has investigated the same matters;

ii) If, when the Ombudsman decided not to investigate the same matters, the Ombudsman reached a view on the merits of the complaint.

g) Whether the complaint relates to a commercial or contractual matter: We will not investigate a complaint that relates to a dispute about a commercial or contractual matter. It is not our role to determine a dispute about the contractual obligations and commercial agreements that exist between the creditor and the accredited firm. It is also not our role to resolve any concerns the creditor has that the accredited firm has not fulfilled its contractual obligations or commercial agreements.

h) Whether the complaint is about data management and information rights: The Information Commissioner's Office (ICO) has been set up to consider complaints about data management and information rights. Unless there are specific circumstances that would make it appropriate for us to consider a complaint relating to information rights and data management, we will not consider those complaints. We will discuss that with the complainant and direct them to the ICO.

i) Whether the complaint relates to a personnel issue at an accredited firm: We will not investigate complaints relating to personnel matters at an accredited firm. Those would include complaints about:

i) The action or lack of action that has been taken in relation to the member of staff that was the subject of a complaint;

ii) The accredited firm's internal human resource policies, including recruitment, training and induction.

j) Whether there is another organisation that is better placed to deal with the complaint: We may decide that there is another organisation that is better placed to deal with the complaint. Factors we will take into consideration will include:

i) The outcome sought;

ii) Whether the complaint refers to the actions of more than one body and another body can look at the complaint in the round;

iii) The issues raised in the complaint better fit the remit of another body.

31. If we have decided that the complaint should not be investigated by us, we will let the complainant know, explain the reasons why and provide the details of our decision review process and, where appropriate, information about other bodies who may be able to consider their concerns and / or relevant advice organisations. We will also notify the accredited firm.

32. If we are satisfied that the complaint should be investigated by us, it will move to Step 3 - investigation.



### **Step 3 – Investigation**

33. We aim to complete the investigation of a complaint within 90 calendar days of commencing our investigation.

#### *Gathering evidence:*

34. Before notifying the parties that the complaint has moved on to the investigation stage, we will review the evidence we have received and the complaint that has been put to decide what evidence we need to investigate it.

35. We will notify the complainant and the accredited firm that the complaint has moved onto the investigation stage.

36. We will ask the parties to provide their comments and evidence within ten working days.

37. We will conduct a fair and proportionate investigation into complaints, reviewing all the available evidence needed to find out what happened. Decisions about the information that is required will differ from case to case. Evidence that is likely to be relevant includes:

a) Reviewing body worn video footage of interactions with the complainant, (where that is relevant to the subject of the complaint);

b) Reviewing any other recorded communications with the complainant including, call recordings, case notes, letters and text messages (where that is relevant to the subject of the complaint);

c) The views of the person who is the subject of the complaint where the investigation has highlighted concerns about their conduct and their view on matters was not obtained as part of the earlier investigation by the accredited firm.

38. Where we do not have recorded evidence of the matters complained about, such as body worn video footage or any other recorded communications with the complainant, we will:

a) Where possible, seek to obtain evidence from other sources, such as witness evidence;

b) Consider whether we have sufficient evidence to make a decision on the complaint on the balance of probabilities without such evidence;

c) Where we have decided to accept one person's recollection of events over another person's, explain the reasons for this through our decision.

39. In order to decide what should have happened we will review:

a) The ECB's standards and associated guidance;

b) The enforcement firm's own policies;

c) Any relevant legislation;

- d) Generally accepted good practice. Where issues arise that are not provided for in the ECB's standards and associated guidance, the accredited firm's own policies and training materials and any relevant legislation, we will seek relevant advice from one of our Technical Experts as to what is generally accepted good practice in this area.
40. Having clarified what should have happened we will consider independently and fairly whether something has gone wrong and / or whether there has been poor service. We will compare what happened with what should have happened and reach an impartial view on whether there is a gap between the two.
41. Generally, where there is a gap between what happened and what should have happened, we would find that something had gone wrong and / or that there had been poor service.
42. However, there may be occasions where there has been a gap between what happened and what should have happened, but the gap is not significant enough to be classed as wrong or poor service. For example, if a response to correspondence is provided a day or two after the relevant deadline. We will be clear about the basis for our conclusions in our decision.
43. Where we are satisfied that the accredited firm got things wrong and / or provided poor service we will consider whether that has had a negative impact on the complainant.
44. We will also consider whether the accredited firm has taken appropriate action to remedy matters or whether there is an outstanding negative impact on the complainant.
45. Factors we will take into account in order to establish whether there is an outstanding negative impact on the complainant will include:
- a) The claimed impact;
  - b) The evidence to support the claimed impact;
  - c) The remedy already provided by the accredited firm (if any);
  - d) Whether the person has fulfilled their responsibilities to mitigate the impact of the error and / or poor service or has contributed to it.
46. As a general rule, we will only make recommendations for action to be taken to remedy matters where:
- a) We are satisfied that something has gone wrong and / or there has been poor service;
  - b) That has had a negative impact on the person; and
  - c) The full negative impact has not been remedied by the accredited firm.
47. We will use our guide to remedy to help decide on the appropriate remedy in each case.

48. In exceptional circumstances, we may make recommendations for remedy, even where we are satisfied that the accredited firm has not made an error. We will do so only where we consider the application of the ECB's Standards, the enforcement firm's policies and / or relevant legislation has resulted in an unfair outcome for the individual. We will take into account:

- a) Whether the complainant acted properly but, despite that, they have suffered an unfair outcome;
- b) Whether, unbeknown to the accredited firm, the person subject to enforcement was unable to engage in the enforcement process because it was unaware of the adjustments the individual needed to enable them to do so. As a result, fees had been incurred;
- c) Any other circumstance where the strict applications of the rules has led to an unfair outcome.

### ***Investigation Outcome - The provisional decision***

49. We will issue our provisional decision setting out the outcome of our investigation on a confidential basis to the complainant and the accredited firm and invite their comments. We will set out the evidence we have relied on to come to our provisional decision within the content of the provisional decision itself. If that is not possible, we will attach the relevant extracts of this evidence to the provisional decision.

50. We will ask the parties for any comments they wish to make on the provisional decision with evidence to be provided within ten working days.

51. We will consider sympathetically and, on a case-by-case basis requests to extend the timeframe to respond to the provisional decision. However, unless there are exceptional circumstances it is unlikely that we would agree to extending the timeframe beyond fifteen working days.

52. The provisional decision will also set out whether we intend to fully uphold, partly uphold or not uphold the complaint.

### ***Investigation Outcome - The Final decision***

53. If we do not receive any comments from the parties within ten working days, we will assume the provisional decision has been accepted and it will become the final decision.

54. We will consider any comments received on the provisional decision. This will usually be done by the staff member who issued the provisional decision. We will respond to the relevant parties explaining either:

- a) Why the comment has not resulted in a change to the decision; or
- b) Why the comment has resulted in a change to the decision.

55. If the consideration of a comment on the provisional decision results in a significant change to the findings of that decision, we will issue a further provisional decision to the parties for their comments. Again, ten working days will be provided to receive those comments.

56. Once all comments have been received and considered and we are content with the final decision it will be issued to the parties. It will include the details of our decision review process and, where appropriate, information about other organisations that may be able to consider their concerns such as the relevant Ombudsman.
57. Where we have made recommendations for the accredited firm to carry out, the decision will clearly explain what action we have asked them to take and by when.
58. We will request evidence from the accredited firm to demonstrate that they have complied with our recommendations.
59. Findings from complaints will also be factored into our ongoing oversight and monitoring work. For example, an upheld complaint might identify a wider concern about a firm's compliance with the ECB's Standards. This would be progressed separately to the complaint and we would not keep the complainant informed about this activity, which would not directly relate to their own circumstances and the impact on them.
60. The findings from complaints may also highlight positive and negative practices across the industry. Where appropriate, we will share the learning and insight from complaints, both positive and negative, with a view to driving improvements across the industry.

## **Resolution**

61. If at any point during the consideration and investigation process, we believe that an agreement could be reached between the parties that would resolve the complaint we will take that forward.
62. Decisions to go forward with a resolution will depend on:
  - a) The outcome being sought by the complainant and their willingness to engage in the resolution process;
  - b) The willingness of the accredited firm to engage in the resolution process;
  - c) Whether the accredited firm accepts that something has gone wrong.
63. We may discuss matters with the parties separately to identify where a practical resolution could be found.
64. We may either put the resolution to the parties separately in order to get their views or hold a meeting of the parties where the resolution can be discussed and we can offer our view on remedy, where that would be helpful.
65. If a resolution can be agreed, we will write to the parties:
  - a) Confirming what has been agreed;
  - b) Closing the complaint; and
  - c) Setting out what we will do to monitor compliance with the resolution agreement.

## Assistance in the consideration of complaints

66. If, at any point during the consideration and investigation process, we decide that we need independent advice, we will use either our own legal advisers and / or one of our Technical Experts.
67. We will draw our Technical Experts from across the enforcement and debt advice sector. As a minimum the pool of Technical Experts will include experts in:
- a) High Court Enforcement;
  - b) Certified Enforcement Work;
  - c) The legal framework for enforcement;
  - d) Handling complaints about enforcement activity;
  - e) Debt advice.
68. The decision to request independent expert advice will be made by the ECB alone.
69. We will ensure that the Technical Expert has no connection to the complaint that has been put, does not work for and has not worked for the accredited firm being complained about within the last five years. The identity of the Technical Expert giving the advice will remain confidential.
70. As far as possible, we will seek advice from the Technical Expert on an anonymous basis, removing information that can identify the firm or the complainant.
71. We will identify the relevant Technical Expert to use based on their expertise in:
- a) The type of enforcement activity being complained about;
  - b) The specifics of the advice that is required.
72. It is the role of the Technical Expert to provide the advice that has been requested by the ECB. However, the ultimate decision on the complaint rests with the ECB alone.

## Stopping our consideration or investigation of a complaint

73. In very exceptional circumstances we may decide to stop our consideration or investigation of a complaint. That may happen, where:
- a) The complainant has asked to withdraw the complaint;
  - b) The complainant stops engaging with the ECB resulting in the ECB being unable to undertake a fair and proportionate consideration or investigation and / or reach an evidence-based decision;

c) The complainant starts legal proceedings on the same matters being considered or investigated by the ECB;

d) The complainant has behaved in a threatening or intimidating way to the ECB complaints team. This will be managed in line with our Unreasonable Behaviour policy.

74. We will not re-open an investigation of a complaint once we have decided to stop the investigation.

75. If we have stopped our consideration of a complaint at step 1 or step 2 for the reasons set out in paragraph 71(a) or (b) above, the complainant can ask us to reconsider that decision.

76. The complainant should make any request under paragraph 73 within the relevant time period (three months of the complainant becoming aware that they had a complaint or within one month of the accredited firm's final response, whichever is the later). If the request is made outside of the relevant time period, we will ask the complainant to clarify why that is the case. Where the complainant has provided a reasonable explanation for the delay in making the request, we will consider waiving the time limit. The factors which we will take into consideration in this regard are those set out at paragraph 30(b).

77. Before deciding to stop our work on a complaint we will let the complainant know that is what we are intending to do and the consequence that will have on pursuing the complaint to the ECB in the future.