Regulation of the enforcement (bailiff) sector

The ECB's Blueprint.

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About the ECB

The ECB is the independent oversight body for the enforcement (bailiff) sector in England and Wales.

Our mission is to ensure that everyone experiencing enforcement action is treated fairly and protected from poor practice.

The origins of the ECB

Conversations on how best to ensure the enforcement industry acts to a high standard are not new. The Taking Control of Goods Regulations (TCOG), under which the industry gets its powers, have been the subject of numerous reports and inquiries since they were established in 2014. Government, think tanks, Parliamentary committees and debt advice organisations have all noted the need for better oversight to ensure the industry acts with integrity and consistency.

The ECB was established in 2022 in response to this, following a collaboration between the debt advice sector and enforcement industry. Our mission is to ensure that everybody who is subject to enforcement action is treated fairly, and there has been much progress against that mission. Our key achievements include:

- Establishing an accreditation scheme for firms which now covers at least 96% of the market;
- Setting ambitious, clear standards for accredited enforcement firms and agents, and supervising compliance with them;
- Setting up our own independent complaints handling process for members of the public who feel they have been treated unfairly by an agent or firm;
- Gathering objective evidence and data to better understand the industry, through independent research and through regular data returns.

Overview

We strongly welcome the Ministry of Justice's confirmation that it will legislate to give the ECB statutory powers. Giving the ECB statutory powers will be a simple but powerful move to protect both the public and the public finances. In this blueprint we set out how it can be achieved through proportionate and targeted powers.

And this really matters because enforcement impacts the lives of all of us.

Directly, there are around 8 million enforcement cases every year and we know that experiencing enforcement action can have a profound impact on peoples' lives, including many people in vulnerable circumstances.

And indirectly we all rely on enforcement firms and enforcement agents (EAs) to collect billions of pounds of public money and to enforce court judgments and uphold the rule of law.

The ECB was set up in 2022 to ensure that everyone experiencing enforcement action is treated fairly and we've made significant progress since then. But we need statutory powers for three main reasons:

1) Without them, a minority of providers will continue to flout our rules and operate outside our oversight (meaning inconsistent protection for the public).

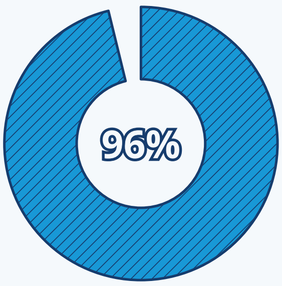
2) We need the power to take any bad enforcement agents off the road to stop them from carrying on this sensitive work.

3) They will take away the risk of the current framework falling apart from a mass industry walk out.

In its June 2025 consultation, the Ministry of Justice asks a number of questions designed to elicit which powers are needed and how the model should work. This document provides the ECB's high-level blueprint for regulatory powers and we hope to use it to spark conversations with our many stakeholders across the enforcement industry, debt advice sector, local government, Parliament and beyond.

Why does the ECB need statutory powers?

Our current model of accreditation and oversight is working well but its voluntary nature creates inherent risks. The ECB believes that statutory powers are needed to overcome those risks, for **three key reasons**:



1) Full market coverage.

The ECB oversees 96% of the enforcement market at the moment – but almost one in twenty people who experience enforcement action will not benefit from the ECB's standards or protections, including our independent complaint handling scheme. This is up to 320,000 people a year. This is plainly unfair and can only be addressed through closing the loophole and making accreditation mandatory.

2) Taking bad agents off the road.

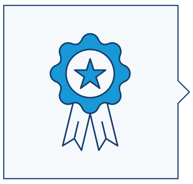
The ECB currently has no powers over certification of individual enforcement agents (EAs). We know that firms dismiss agents for misconduct. Despite this, there is no record of any EAs having had their certificates removed by the courts in the last 5 years - so dismissed agents are able to simply move to another firm and carry on. The current system is clearly not working to protect the public. To ensure proper public protection, the ECB must be given the power to suspend and/or take rogue agents off the road directly.

3) Securing the long-term sustainability of regulation.

The ECB has made good progress in driving up standards to date. Statutory powers will shore up the foundations of our model, ensuring the long-term future of oversight in this area. Without it, there will always be a risk of the model falling down if firms collectively decide to walk away.

What powers does the ECB need?

The ECB does not need extensive statutory powers to address the shortcomings of the current model. The majority of the powers we need relate to legal underpinning of the things that the ECB is already doing, and should not lead to a significant change in our approach.
The key powers that are required are as follows:



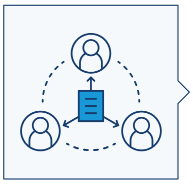
1) Mandatory authorisation

This is the single most important requirement of legislation. Around 4% of private firms have thus far refused our accreditation and because the model is voluntary, there is little we can do. This loophole needs to be closed by bringing all those who enforce debt under TCOG – agents and firms – under statutory accreditation by the ECB.

2) Certification

The current court certification process (for EAs) and authorisation process (for HCEOAs) is slow, confusing, and ineffective. The ECB taking on this power, and the running of the public register of 'bailiffs', will lead to a far more efficient process – and will also allow us to remove bad agents from the industry as needed. This view is supported by the judiciary-led Civil Justice Council, who noted in their April 2025 report,

> *"there is a powerful argument for the oversight of conduct of High Court Enforcement Officers (HCEOs) and civil certificated enforcement officers to be taken away from the court and for that oversight to be undertaken by a specialist oversight body. The ECB seems the most likely candidate."*



3) Information sharing

The ECB needs a specific power to collect information that is relevant to our core function. This will allow us to require information and documents from authorised enforcement firms and agents as part of our oversight and supervisory functions; and share data with the LGSCO and PSOW as part of our complaints function.

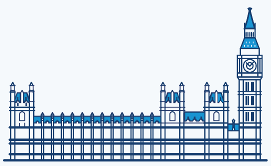
4) Compulsory levy

Industry levy funding is the right model for the ECB and consistent with other sectors. Making the levy compulsory will guarantee ECB oversight. We recognise that this must come with checks and balances, and would welcome a legal duty to consult on the draft budget and levy.

Transparency and accountability

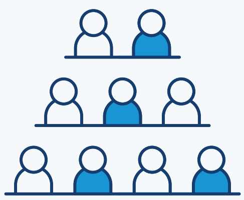
The ECB needs to be independent of government, but Ministers will retain ultimate strategic oversight of enforcement policies and control of statutory regulations.

Meaningful accountability is important: it will provide assurance that the ECB exercises its powers proportionately and effectively. The accountability arrangements should not, however, lead to additional costs for Government departments, nor prevent the ECB from being agile, swift and effective in pursuing our mission. The accountability model should, at its core, ensure the following:



1) Accountability to Parliament:

The ECB should report to the Justice Select Committee (or similar) and present annual reports and accounts to Parliament.



2) Accountability to Ministers:

The ECB Chair should be appointed by the Secretary of State for Justice.

3) Transparency and financial accountability:

The ECB should publish an annual report and audited accounts.

Regulatory costs

The ECB is currently funded entirely through a levy on the enforcement industry. This model is common for regulatory bodies, including other financial services and legal services regulators. Current costs are proportionate, with an annual budget of £1.4M and a levy of 0.49% of enforcement fee turnover for accredited firms.

The ECB should continue to be funded by the enforcement industry and should not be subsidised in any way by public funding.

The legislation could stipulate the need to consider the proportionality and impact of its costs on industry when setting the levy, as well as requirements to consult and publish an annual report and accounts.

There are potential savings to the public purse from the ECB taking on authorisation of individual EAs, given the cost of court hearings under the existing certification process.

In addition, the ECB would take over the costs and administration involved in maintaining the Bailiff Register, which is currently run by HMCTS.

Regulation that supports growth and innovation

The Government has made clear that regulation should not get in the way of growth and should be proportionate. The ECB agrees and would welcome regulatory objectives that recognise and embed the ongoing importance of growth and innovation.

The enforcement industry called for the establishment of the ECB because it recognised that it would benefit from the increased confidence and trust amongst creditors that independent oversight would bring. Since the ECB was set up, we have seen turnover amongst the largest 8 firms increase by19%.

We have also seen increases in investment in new technologies and systems to improve service delivery, including some examples of AI being used to increase engagement with the public. This is an excellent example of an industry where smart, targeted regulation can support and encourage growth.

Conclusion

In our view, statutory regulation for the enforcement sector will benefit everyone: those who experience enforcement, creditors, enforcement firms, agents and the wider public. There will be different opinions as to the details of the model and we look forward to working with Government and ECB stakeholders to find the best outcome for all.