



ENFORCEMENT  
CONDUCT  
BOARD

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# Standards on Vulnerability for Enforcement Agents

When the new Vulnerability Standards come into force in January 2027 they will be integrated into V1.1 of the ECB Standards. Until then the relevant sections of the National Standards set out in V1.1 will continue to apply. To allow firms to prepare for implementation, the Vulnerability Standards set out here are numbered as a continuation of V1.1 of the Standards, beginning at AS8 for Enforcement Agents.

## Headline Aim

- AS8. An *enforcement agent* carries out the *enforcement process* fairly and ensures that *persons subject to enforcement* who are *vulnerable* achieve outcomes which are no less fair than the outcomes achieved for others. This means:
- i) identifying, as far as possible, when a *person subject to enforcement* is *vulnerable*, and then responding to this in a way that sufficiently mitigates the risk of that person experiencing foreseeable *harm* and avoids exacerbating their *vulnerability*.
  - ii) taking steps to ensure that a *person subject to enforcement* is able to satisfy as much of their debt as is feasible in a way that is both *sustainable* and as efficient as possible, taking into account their individual circumstances.

## Definitions

### *Vulnerability*

- AS9.1 A *person subject to enforcement* is defined as being *vulnerable* for the purposes of these Standards at a time when, due to their personal or financial circumstances, that person is at increased risk of *harm* during the *enforcement process*.
- AS9.2 The personal and financial circumstances referred to at AS9.1 above include any or all of the following drivers of *vulnerability*, which can put someone at increased risk of *harm*. *Vulnerability* may be temporary, permanent or fluctuating in nature and the following is not a finite list:
- AS9.2.1 Health: physical and mental health conditions, serious or long-term illness, hearing or visual impairments, low mental capacity, cognitive impairments, addiction or neurological conditions.
  - AS9.2.2 Life events: major life changes and emotional shocks with temporary or longer lasting impacts such as bereavement, job loss, relationship breakdown, and individuals in specific or transient life circumstances.
  - AS9.2.3 Capability: Poor literacy or numeracy skills, low confidence or limited knowledge of financial matters and/or managing money, low digital literacy, and/or digital exclusion.
  - AS9.2.4 Low financial resilience: low resilience to withstand financial shocks due to low or erratic income, over indebtedness, and a lack of a support structure.

## Ability to Pay

AS10. A *person subject to enforcement* experiencing *low financial resilience* and/or other drivers of *vulnerability* as per the examples provided at AS9.2.1 to AS9.2.3 above may be unable to satisfy their debt in full immediately whilst still paying for their *essential living costs*. This could primarily manifest in the following ways:

(a) *ability to pay in part only*: the person is unable to satisfy a debt in its entirety immediately, but is able to make some payments towards the debt (with money and/or eligible assets) whilst still paying for their *essential living costs* or;

(b) *no ability to pay*: the person has no means of paying their debt at all (with money and/or eligible assets) in the foreseeable future, whilst still paying for their *essential living costs*.

## Complying with the *enforcement firm's strategy*

AS11. An *enforcement agent* complies with the strategy and policies and procedures in place within the *enforcement firm(s)* they *work for* in order to adhere to these Standards and the ECB's Standards on Vulnerability for Enforcement Firms.

**An *enforcement agent* must:**

AS11.1 undertake all training and make use of guidance documents on *vulnerability* provided by the *enforcement firm(s)* they *work for* so that they have the appropriate knowledge and skills to carry out the *enforcement process* in a way which complies with these Standards and the ECB's Standards on Vulnerability for Enforcement Firms.

AS11.2 comply and assist with internal audits carried out by the *enforcement firm(s)* they *work for* to enable the firm(s) to monitor compliance with these Standards, and the Standards on Vulnerability for Enforcement Firms.

## Identifying *vulnerability*

**Objective:**

AS12. An *enforcement agent* takes reasonable and proactive steps at the earliest opportunity and throughout the *enforcement process* to identify and record whether, and in what way, a *person subject to enforcement* is *vulnerable* or is experiencing *vulnerability* and how this affects their ability to repay their debt.

### **An enforcement agent must:**

- AS12.1 proactively look for indicators that a *person subject to enforcement* is *vulnerable* or is experiencing *vulnerability* during contact with that person or within any information or communication received about or from that person.
- AS12.2 ensure that all communications with, and conduct towards a *person subject to enforcement* are delivered in a way that enables that person to disclose any needs or personal or financial circumstances which could indicate that they are *vulnerable* and could affect their ability to satisfy their debt.
- AS12.3 acknowledge and respond appropriately to all disclosures and any evidence provided which indicates that a *person subject to enforcement* is *vulnerable* or is experiencing *vulnerability*, and evaluate and objectively assess this to determine their personal or financial circumstances, support needs and ability to repay their debt, seeking further information where appropriate. Such disclosures or evidence must never be dismissed without appropriate evaluation and assessment, or be treated disrespectfully.
- AS12.4 where a *person subject to enforcement* has been identified as being *vulnerable*, record and share this information with the *enforcement firm(s)* that they *work for* including the results of any assessment of that person's support needs, ability to engage with the *enforcement process* and if they are unable to repay their debt in full, in line with the data protection policy and/or any other relevant policy of that firm(s).

## Responding to *vulnerability*

### **Objective:**

- AS13. When an enforcement agent identifies that a *person subject to enforcement* is *vulnerable*, they assess how to respond appropriately and put in place measures to address this in a way which sufficiently mitigates the risk of that person experiencing foreseeable *harm* during the *enforcement process* and where possible enables them to satisfy their debt – on a *sustainable basis* – in full or in part. The *enforcement agent* must work with the *enforcement firm(s)* they *work for* to put in place appropriate support to address this.
- AS13.1 An *enforcement agent* must use their judgement to take appropriate steps when it has been determined that a *person subject to enforcement* is *vulnerable*. These steps may include, but are not limited to:
  - AS13.1.1 making adaptations to the *enforcement process*, in line with the processes and policies of the *enforcement firm(s)* that they *work for*, such as providing additional support to the *person subject to enforcement*, placing the case on hold, or adapting communications to meet the needs of the *person subject to enforcement*.

AS13.1.2 in more complex cases, or in circumstances in which a higher degree of support is needed, signposting or referring the *person subject to enforcement* to sources of internal or external specialised support.

AS13.1.3 where there are indicators that it is not safe to proceed with the *enforcement process* because there is no clear way to respond which sufficiently mitigates the risk of the *person subject to enforcement* experiencing foreseeable *harm* because of their *vulnerability* or they have *no ability to pay*, stopping pursuing payment, suspending or ceasing the enforcement process altogether and returning the case to the creditor.

AS14. Throughout the *enforcement process*, an *enforcement agent* must take into account and keep under review the *person subject to enforcement's* personal and financial circumstances and their risk of experiencing *harm*. During the *enforcement process*, if the person's support needs and/or the risk of them experiencing *harm* changes, the *enforcement agent* should respond appropriately, as set out at AS13.1.

## Ability to Pay

### An *enforcement agent* must:

AS15.1 when it has been identified that a *person subject to enforcement* has the *ability to pay in part only*:

- (i) seek to agree a *sustainable* payment plan with that person; and
- (ii) not place that person under pressure to either pay their debt in full, or to agree to a payment plan which is not *sustainable*.

AS15.2 where a *person subject to enforcement* has not recently obtained advice from a *debt advice provider* and where it is appropriate for an *enforcement agent* to make that suggestion based on that person's personal or financial circumstances, refer or signpost a *person subject to enforcement* to a *debt advice provider*.

AS15.3 when they are seeking to agree a sustainable payment plan with the *person subject to enforcement*, do so in a way which is constructive, allowing sufficient time for this to be agreed and using any tools to help assess income and expenditure provided by the *enforcement firm(s)* they work for.

AS15.4 make a record of any payment plan which has been agreed with the *person subject to enforcement* and provide a justification setting out why they are satisfied that the payment plan is *sustainable*. These records should be kept up to date and retained for an appropriate period of time after the *enforcement process* has concluded, in line with the data protection policy and/or any other relevant policy of the *enforcement firm(s)* they work for.

## Third parties

### Identifying *vulnerability*

During an *enforcement visit*, an *enforcement agent* must:

- AS16. when a *third party* becomes actively involved in an *enforcement visit*, proactively look for any observable indicators during the *enforcement visit* that the *third party* is *vulnerable*.
- AS17. acknowledge and respond appropriately to any disclosure during an *enforcement visit* that a *third party* who has become actively involved in an *enforcement visit* is *vulnerable*. Such disclosures or evidence must never be dismissed without appropriate evaluation and assessment, or be treated disrespectfully.
- AS18. when a *third party* offers to pay all or some of the debt of a *person subject to enforcement*, identify any observable indicators that the *third party* is unable to make this payment whilst still paying for their *essential living costs*.

### Responding to *vulnerability*

During an *enforcement visit* an *enforcement agent* must:

- AS19. when they have identified that a *third party* who has become actively involved in an *enforcement visit* is *vulnerable* use their judgement to respond appropriately to this in a way which sufficiently mitigates the risk of foreseeable *harm*. This may include:
  - AS19.1. making adaptations to the *enforcement process*, such as changing their communication style, providing additional support to the *third party* or signposting them to sources of internal or external specialised support.
  - AS19.2. where there are indicators that *third party's vulnerability* is such that it is not safe to proceed with the *enforcement visit*, withdrawing from the visit.
- AS20. not accept an offer by a *third party* to pay all or some of the debt of a *person subject to enforcement*, where there are observable indicators that, or there has been a disclosure that, the *third party* is not able to make the payment whilst still paying for their *essential living costs*.
- AS21. where the *vulnerability* of the *third party* who has become actively involved in an *enforcement visit* may have a material impact on the way in which the *enforcement process* should be conducted in future, record and share this information, in line with the policies and systems provided by the *enforcement firm(s)* they work for.

## Definitions – Vulnerability Standards

Term	Definition
<i>Ability to pay in part only</i>	As set out in paragraph FS13(a) of the Standards on Vulnerability for Enforcement Firms and in paragraph AS10(a) of the Standards on Vulnerability for Enforcement Agents.
<i>Compliance stage</i>	This includes all activities from the receipt of instructions up to but not including the first <i>enforcement visit</i> .
<i>ECB</i>	Enforcement Conduct Board.
<i>Enforcement agent</i>	An individual who is responsible for seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods, and is certified to act as an enforcement agent under section 64 of the Tribunals, Courts and Enforcement Act 2007.
<i>Enforcement firm</i>	A business or organisation that employs or engages <i>enforcement agents</i> .
<i>Enforcement process</i>	The process of seeking to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
<i>Enforcement stage</i>	This comprises of all activities from the first attendance at the premises up to but not including the sale or disposal stage.
<i>Enforcement visit</i>	The attendance of an <i>enforcement agent</i> to a property in an attempt to recover money owed in order to satisfy a writ, warrant or liability order, including by taking control of goods.
<i>Essential living costs</i>	The day-to-day expenses required to maintain an objectively sustainable standard of living, covering the essential needs of a <i>person subject to enforcement</i> . These costs could include, but are not limited to, fixed costs for housing, utilities, essential transportation as well as food and housekeeping, personal wellbeing and healthcare and communications.
<i>Frontline staff</i>	An individual (other than an <i>enforcement agent</i> ) who works for or on behalf of an <i>enforcement firm</i> , and who engages with <i>people subject to enforcement</i> .
<i>Harm</i>	Adverse impact of, for example, a physical, psychological and/or financial nature to varying degrees of severity which someone might experience during the <i>enforcement process</i> due to their personal circumstances.
<i>Low financial resilience</i>	As defined at FS12.2.4 and FS13 of the Vulnerability Standards for Enforcement Firms and AS9.2.4 and AS10 of the Vulnerability Standards for Enforcement Agents.
<i>No ability to pay</i>	As set out in paragraph FS13(b) of the Standards on Vulnerability for Enforcement Firms and in paragraph AS10(b) of the Standards on Vulnerability for Enforcement Agents.
<i>People/person subject to enforcement</i>	Someone who owes a sum of money and in respect of whom steps are being taken by an <i>enforcement agent</i> or <i>enforcement firm</i> , to recover that sum of money.

## Definitions – Vulnerability Standards continued...

Term	Definition
<i>Debt advice provider</i>	Has the meaning given in Regulation 3 of the <a href="#">Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020</a> or as amended from time to time.
<i>Sustainable</i>	Repayment terms which a <i>person subject to enforcement</i> can meet while paying for their <i>essential living costs</i> .
<i>Third party/parties</i>	Where the <i>person subject to enforcement</i> is an individual, anyone other than this individual. Where the <i>person subject to enforcement</i> is a business, anyone who does not <i>work for</i> or have a connection to the business.
<i>Vulnerable/ Vulnerability</i>	As defined at FS12.1 and FS12.2 of the Vulnerability Standards for Enforcement Firms and paragraphs AS9.1 and AS9.2 of the Vulnerability Standards for Enforcement Agents.
<i>Work for</i>	Work for an <i>enforcement firm</i> either as an employee or as a contractor.