



ENFORCEMENT  
CONDUCT  
BOARD

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# Standards on Vulnerability for Enforcement Firms

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 FS11 for Enforcement Firms.

## Headline Aim

- FS11. An *enforcement firm* ensures that *enforcement agents and frontline staff* who work for it carry out the *enforcement process* fairly and ensure 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*

- FS12.1. 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*.
- FS12.2. The personal and financial circumstances referred to at FS12.1. 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:
- FS 12.2.1 Health: physical and mental health conditions, serious or long-term illness, hearing or visual impairments, low mental capacity, cognitive impairments, addiction or neurological conditions.
  - FS12.2.2 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.
  - FS12.2.3 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.
  - FS12.2.4 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

FS13. A *person subject to enforcement* experiencing *low financial resilience* and/or other drivers of *vulnerability* as per the examples provided at FS12.2.1 to FS12.2.3 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*.

## Strategy for complying with these Standards

FS14. An *enforcement firm* has in place a clear strategy and policies and procedures for ensuring that it and the *frontline staff who work for it* comply with these Standards, and that the *enforcement agents who work for it* comply with the ECB's Standards on Vulnerability for Enforcement Agents. The strategy and policies and procedures must be based on the types and prevalence of *vulnerability* likely to be present within the *enforcement firm's* business model, and must be regularly reviewed and updated. In its strategy and policies and procedures, an *enforcement firm* must:

FS14.1 identify where responsibility sits for ensuring that it is complying with these Standards (which should be at an appropriately senior level), and explain how this will be achieved.

FS14.2 outline the ways in which it remunerates and engages *enforcement agents* and *frontline staff who work for it*, and how it sets any targets or key performance indicators, for example in relation to timescales, to ensure that they do not act as a disincentive to complying with these Standards.

FS14.3 outline the training, guidance and tools that it will provide to *enforcement agents* and *frontline staff who work for it* 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 Agents.

- FS14.4 outline different creditors' requirements including:
- (i) acceptable payment parameters for each creditor and the firm's policies and processes outlining the actions those who *work for it* should take when cases fall outside these parameters.
  - (ii) arrangements for returning a case when 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* and/or having *no ability to pay*.

## Identifying *vulnerability*

### **Objective:**

FS15. An *enforcement firm* ensures that it and those who *work for it* take 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*.

### ***An enforcement firm must:***

- FS15.1 take reasonable steps to obtain information about the personal or financial circumstances of a *person subject to enforcement* where reasonably accessible to them from creditors and any other sources to enable the *enforcement firm* to identify at the earliest opportunity whether the *person subject to enforcement* is *vulnerable*.
- FS15.2 ensure that there are opportunities at each stage of the *enforcement process*, for *enforcement agents* and *frontline staff* who *work for the enforcement firm*, to identify whether the personal or financial circumstances of a *person subject to enforcement* mean that they are *vulnerable*.
- FS15.3 ensure that all communications with a *person subject to enforcement* are developed and 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.
- FS15.4 ensure that all disclosures and available evidence confirming or indicating that a *person subject to enforcement* is *vulnerable* are appropriately evaluated and objectively assessed. Such disclosures or evidence must never be dismissed without appropriate evaluation and assessment, or be treated disrespectfully by an *enforcement firm* or those who *work for it*.

- FS15.5 where additional information or evidence is required from a *person subject to enforcement* who is *vulnerable* or is experiencing *vulnerability* to enable the firm to decide how to respond, ensure that the process for obtaining that additional information or evidence is proportionate and not overly burdensome for the *person subject to enforcement* and, where appropriate, pause the *enforcement process* for a reasonable period to allow this to take place.
- FS15.6 have in place an appropriate system to enable those who *work for the enforcement firm* to record any assessment that has been undertaken of whether a *person subject to enforcement* is *vulnerable* and how this might affect their ability to engage with the *enforcement process* and/or satisfy their debt. 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 firm's data protection policy and/or any other relevant policy.
- FS15.7 ensure that, where a *person subject to enforcement* has been identified as *vulnerable*, this information is shared with those *enforcement agents* and *frontline staff* who *work for the enforcement firm* who are dealing with the *person subject to enforcement* and, where appropriate with the creditor, in line with the *enforcement firm's* data protection policy and/or any other relevant policy.

## Responding to *vulnerability*

### **Objective:**

- FS16. When an *enforcement firm* identifies that a *person subject to enforcement* is *vulnerable*, it assesses how to respond appropriately and puts 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.
- FS16.1 An *enforcement firm* must ensure that the *enforcement agents* and *frontline staff* who *work for* it take appropriate steps when it has been determined that a *person subject to enforcement* is *vulnerable* and/or has *no ability to pay* or the *ability to pay in part only*. These steps may include, but are not limited to:
- FS16.1.1 making adaptations to the *enforcement process*, such as providing additional support to the *person subject to enforcement*, placing the case on hold, or adapting communications to meet their needs.
- FS16.1.2 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.

FS16.1.3 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* and/or having *no ability to pay*, stopping pursuing payment, suspending or ceasing the *enforcement process* altogether and returning the case to the creditor.

FS17. Throughout the *enforcement process*, an *enforcement firm* must take into account and regularly 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 firm*, *frontline staff* or *enforcement agent* should respond appropriately, as set out at FS16.1.

## *Ability to Pay*

### *An enforcement firm must:*

FS18. 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*.

FS19. provide a reasonable extension to the minimum period of notice required before a case moves from the *compliance* stage to the *enforcement* stage:

- (i) where there is sufficient evidence at the compliance stage that a *person subject to enforcement* may have the *ability to pay in part only*, to enable *frontline staff* to seek to agree a *sustainable* payment plan with that person which is acceptable to the creditor, before an *enforcement* visit is conducted.
- (ii) where a *person subject to enforcement* is seeking advice from a *debt advice provider* who contacts the *enforcement firm* or someone who works for it to request an extension to enable that person to receive debt advice and/or to agree a *sustainable* payment plan.
- (iii) where a *person subject to enforcement* expresses a desire to seek debt advice and provides evidence that they are pursuing this option.

- FS20. have in place a process for *frontline staff* or *enforcement agents* to refer or signpost a *person subject to enforcement* to a *debt advice provider* where it is appropriate to make that suggestion based on that person's personal or financial circumstances and they have not recently received advice from a *debt advice provider*.
- FS21. where there is evidence at the *enforcement stage*, that a *person subject to enforcement* is unable to satisfy their debt in full immediately but may have the *ability to pay in part only*, have a process in place which enables *enforcement agents* who *work for the enforcement firm* to seek to agree a *sustainable* payment plan with the *person subject to enforcement*.
- FS22. where a *person subject to enforcement* has completed an income and expenditure assessment with a *debt advice provider*, take this into account when determining the terms of a payment plan, to ensure this is *sustainable*.
- FS23. ensure that, when a payment plan is put in place, it is considered to be *sustainable* and it is reviewed as and when appropriate and revised, if necessary, to ensure it remains *sustainable*.
- FS24. where a *person subject to enforcement* is *vulnerable* and has missed a single payment under a payment plan, not undertake another *enforcement visit* until the *enforcement firm* has made a reasonable attempt to secure the payment or, where appropriate, to revise the payment plan so that the *person subject to enforcement* is able to continue to repay the debt on a *sustainable* basis.

#### *Data recording, monitoring and audit*

- FS25. An *enforcement firm* must have in place appropriate systems and processes to enable it, and those who *work for* it, to record and, where appropriate, monitor the following data, which should be kept up to date and retained for an appropriate period of time after the *enforcement process* has concluded, in line with the firm's data protection policy and/or any other relevant policy:
- FS25.1 evaluations of whether a *person subject to enforcement* is *vulnerable*, including whether they lack the ability to satisfy their debt in full;
- FS25.2 plans or adaptations which have been put in place to support a *person subject to enforcement* who is *vulnerable* and which sufficiently mitigate the risk of that person experiencing foreseeable *harm* and avoids exacerbating their *vulnerability*;

- FS25.3 details of payment plans which have been agreed with a *person subject to enforcement* including:
- (i) where a *person subject to enforcement* has completed an income and expenditure assessment with a *debt advice provider* and shared this with the firm, how this has been taken into account in determining whether the payment plan is *sustainable*; and
  - (ii) where the payment plan was agreed at the *enforcement stage*, a justification from the *enforcement agent* setting out how they determined that the payment plan is *sustainable* for that person.
- FS25.4 outcomes of the *enforcement process* for *people subject to enforcement* who are *vulnerable*.
- FS26. where it has been identified that a *person subject to enforcement* is *vulnerable*, have a system which, where appropriate and for a reasonable period of time, links multiple cases relating to the same person so they can be dealt with together.
- FS27. have in place a proportionate process for internally auditing the data set out at FS25 on a regular basis to ensure compliance with these Standards, and the ECB's Standards on Vulnerability for Enforcement Agents.
- FS28. ensure that a suitably experienced person within the *enforcement firm* is responsible for reviewing the internal audits referred to at FS27 above, and for ensuring that improvements are made to the *enforcement firm's* policies and procedures for identifying and responding to *vulnerability* and *ability to pay in part only* or *no ability to pay* where appropriate.

## 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 <u>Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020</u> 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.