

The ECB's proposed vulnerability and ability-to-pay standards

**Report on enforcement agents'
perspectives**

January 2026



REVEALING REALITY

Executive summary

The ECB commissioned an independent research agency, Revealing Reality, to carry out research with both enforcement agents and people with lived experience of debt enforcement as part of a consultation on their proposed standards around vulnerability and ability-to-pay. Remote focus groups were conducted with both cohorts, using the principles and practical steps outlined in the ECB's discussion paper as stimulus.

Agents broadly agreed with the principles outlined but had concerns about how these would operate in practice.

In discussing the practical steps, agents identified areas of alignment with existing practice. They highlighted recognising vulnerability, exercising professional judgement, and evidencing decisions.

However, they raised concerns about how a broader definition of vulnerability might be applied in practice, with some suggesting it could be used strategically to delay enforcement. Many expressed concerns about the consequences of applying this more abstract definition for agents' decision-making and accountability.

Agents supported the idea of earlier intervention and identification of vulnerability or inability to pay but had doubts about feasibility.

Across the board, agents approved the identification of vulnerability or inability to pay earlier in the enforcement process, stating that it would allow them to enforce cases where repayment was more likely. This was seen as beneficial in terms of saving agents time, increasing their income and avoiding harm to vulnerable people.

However, they noted the practical difficulties of earlier identification in reality, as their experience suggested that those being enforced would be unlikely to engage at an earlier stage. According to agents, this was either because of genuine vulnerability and inability to engage or out of a misplaced perception that disclosure of vulnerability at enforcement would lead enforcement to cease entirely.

Agents worried about what the standards might mean for their personal responsibility, considering the scope of their role.

A key tension emerged through discussion of codified standards. Agents were concerned that these standards would limit their discretion while increasing scrutiny over their actions and their personal responsibility. They were particularly concerned about their level of responsibility in situations where decision-making is already constrained by firm policies, legal instructions, and limited access to information.

Agents also outlined several practical challenges in assessing vulnerability and ability-to-pay. They pointed to limits on their powers to gather financial evidence, uncertainty about offering support without training, and expectations to negotiate repayment plans at their stage of involvement in the debt collection process.

Agents emphasised that the structure of the industry could restrict their ability to follow the standards.

Poor information sharing between creditors, firms, and agents was seen as a significant impediment to agents handling vulnerable or unable to pay cases in line with the standards. Agents reported that they are sometimes expected to respond appropriately to vulnerability without being aware of information previously disclosed to the firms or creditors.

Across the groups, the current payment structures within the enforcement industry were also raised as a barrier to delivering the standards. Commission-based pay models, performance targets, and service level agreements led agents to question their ability to take the necessary time and flexibility to do their job according to the standards. Agents emphasised the need for clearer roles and responsibilities, improved information sharing, and greater firm and client-level accountability to ensure the standards are workable in practice.

Introduction

Enforcement is a necessary part of the debt recovery process, but it frequently involves people living in complex and challenging circumstances. Enforcement agents are required to exercise judgement, skill and sensitivity when navigating difficult interactions, often in real time and with limited information.

As part of its remit to ensure that people experiencing enforcement are protected from poor practice, the Enforcement Conduct Board (ECB) has been drafting a new set of vulnerability and ability-to-pay standards for enforcement work. To inform this process, the ECB has conducted an industry consultation. This has involved commissioning Revealing Reality to engage both enforcement agents and people with experience of debt enforcement to understand their views on the thinking underpinning the proposed standards.

The research was designed to address the following objectives:

- To explore how people with experience of enforcement understand and respond to key concepts within the draft standards, particularly vulnerability, ability to pay, and sustainable repayment.
- To understand the practical challenges that enforcement agents face identifying and responding to vulnerability and financial difficulty, and to test how the proposed standards could work in practice from their perspective.
- To identify examples of good practice, dilemmas, or unintended consequences that may arise when operationalising the new standards across different enforcement contexts and circumstances.
- To generate insight that informs the Enforcement Conduct Board's development of accompanying guidance, ensuring the standards are fair and protective in principle, and workable and effective in delivery.

This report presents findings from the research with enforcement agents.

Methodology

This qualitative research focused on testing the practical steps set out within the Enforcement Conduct Board's (ECB) discussion paper as part of the industry consultation. The emphasis was on exploring the underlying concepts and ideas captured within the ECB's early thinking on the vulnerability and ability-to-pay standards, rather than testing specific wording or language. The stimulus and research materials used concepts from the discussion paper and were aligned with those used in broader industry consultation. More detail can be found in Annex 1.

Fieldwork comprised five focus groups involving a total of 21 enforcement agents, alongside one in-depth interview with an enforcement agent with call centre experience. Participants were recruited through an open call to participate, shared through the ECB's networks and on social media. The final sample represented a range of firms, geographies and levels of tenure within the industry. The sample included a mix of self-employed agents who work across multiple firms, and those employed by a single organisation, spanning firms of different sizes. All participants reported recent experience of working with people they considered to be vulnerable or unable to pay.

It is important to note that the focus group format did not allow for detailed exploration of individual agents' experiences across all types of enforcement situations. Instead, the method was designed to surface shared perspectives, practical challenges, and areas of consensus or tension in relation to the draft standards.

Concerns about practical application, rather than the principles

Enforcement agents felt that, in principle, there was alignment with existing industry practice and new standards

Enforcement agents described how, depending on interpretation of the practical steps within the discussion paper, many align closely with how they already work. This was particularly in relation to offering support, proactively facilitating disclosure of vulnerability and justifying payment arrangements.

While there was some initial concern around the practical implications of the proposed step “offering interventions and support that doesn't require referral to welfare teams and advisors”, most agents agreed that offering informal support was already good practice among agents.



Figure 1: Stimulus used during the focus groups with agents, setting out the main practical steps from the ECB's discussion paper.

Agents shared cases and stories where they had offered support or interventions without making a formal referral to debt advice or welfare teams. These actions were often described as instinctive and part of what they considered to be good professional practice.

“Most agents would do that anyway – offering interventions and support that doesn't require referral to office or welfare team. If you're an agent worth anything, you do that automatically. That's like working with arrangements and that's just part of the job anyway.” **Enforcement agent, focus group 5**

Many agents emphasised that the majority of agents were compassionate people who would naturally offer a person in need whatever support they felt able to in that moment.

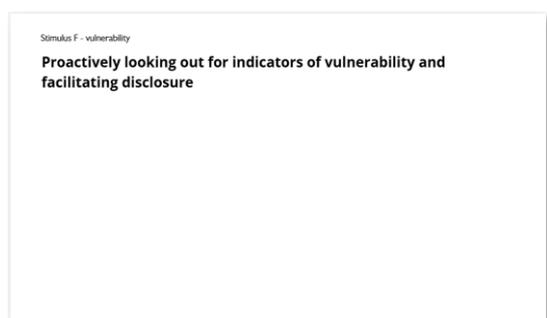


Figure 2: Stimulus used during the focus groups with agents, setting out the main practical steps from the ECB's discussion paper.

Agents also described using their experience and judgement to identify potential vulnerability during interactions. This was in response to the practical step “proactively looking out for indicators of vulnerability and facilitating disclosure.” This included

responding to visible cues in people's circumstances or emotional state and adjusting their approach accordingly.

"For example, if we turn up to a house and there's clearly been a bereavement, you can see the flowers, the cards are still up. Or when you're talking to someone, you can see they're clearly emotional. I'll be amazed if every agent doesn't ask the question of 'Are you okay? Is something wrong?'" **Enforcement agent, focus group 4**

In response to the practical step "are able to provide a justification for a payment arrangement, evidencing in all cases the grounds on which it was determined to be sustainable", many felt that firms already expected them to evidence decisions and actions taken during enforcement through records of medical or financial information. Some mentioned that this information was recorded by default through the body-worn cameras that all agents wear. However, agents suggested there was variation in how firms use the body-worn video footage of visits in relation to vulnerability and ability pay.

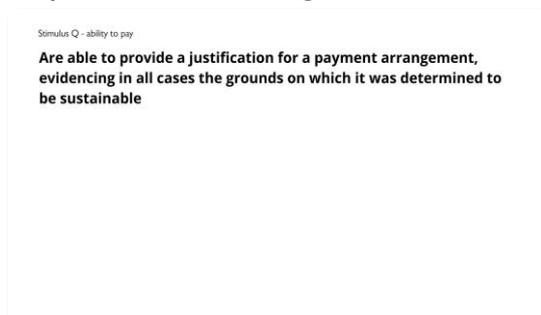


Figure 3: Stimulus used during the focus groups with agents, setting out the main practical steps from the ECB's discussion paper.

"We have to fill in a questionnaire and take down all the details of all the vulnerabilities and what evidence we've actually seen to back that up. Body worn cameras are used, so everything's recorded audio and visually." **Enforcement agent, focus group 4**

"We all wear body worn video cameras. There's already a process that if someone wants to make a complaint about what we're doing, we all know that what we're saying is being recorded. I've always enforced in the way that I would never do anything on camera that I wouldn't expect to sit in front of a judge and explain my actions." **Enforcement agent, focus group 4**

In addition to video evidence, agents spoke about routinely requesting and recording other forms of evidence when identifying vulnerability or financial difficulty, such as medical information.

"When I'm asking for evidence, I usually ask for doctor's notes. So any medication that's being taken and things like that to record as evidence." **Enforcement agent, focus group 4**

A few mentioned that the typical course of action would be to offer Income and Expenditure forms to determine ability to pay once someone had expressed vulnerability or a desire to come to an arrangement.

"So a lot of the time now we've got an AI-based income and expenditure thing and if somebody asks me for an arrangement, I send them that. They fill that in. Then it'll upload it onto the case file and then once there I give them a call and we go through it. You can kind of tell if somebody's telling porky pies on there. It formats it in a very similar way to the old income and expenditures. But it just doesn't seem like you're filling in income and expenditure, talking to a chatbot." **Enforcement agent, focus group 5**

"We have a means form, income and expenditure. Whenever they say that they're vulnerable, I'll leave that and I will ask them, do you want to fill this in? Send this back to me, then we'll go from there and see what you can afford to be paying." **Enforcement agent, depth interview**

During the depth interview, a female enforcement agent with office experience explained that she would encourage people to personally contact them with evidence if they felt unable to call office staff. In her experience as an office worker, she found that people often didn't want to engage over the telephone or send requested documentation. She mentioned that she felt that being female encouraged people to engage with her and share information privately.

Some agents were concerned about the implications for identifying vulnerability through a broader definition

Enforcement agents discussed the definition of vulnerability proposed within the discussion paper and how it was initially understood in the context of enforcement practice. The definition tested was:

People who, due to their personal circumstances or characteristics, face a higher risk of experiencing physical, psychological, financial or other harms when those involved in carrying out enforcement activities are not acting with sufficient care.

Although agents expressed concern that the proposed definition of vulnerability was broader and more abstract than the criteria they were accustomed to applying, many felt confident in their ability to identify vulnerability in practice. They described relying on professional experience and judgement to recognise what they perceived as genuine vulnerability through visual and verbal cues during interactions.

“As enforcement agents, I think we're all pretty savvy on making an assessment when we're in the situation of whether somebody is vulnerable or not. For example, if you're turning up at a mid-terrace property, a single parent with five, six children, you go in, you can make the assessment they're not living a life of luxury and not paying their bills and then you can apply discretion based on their circumstances. I think most of us do that.” **Enforcement agent, focus group 4**

A few agents mentioned that less visible vulnerabilities, such as mental health issues, require agents with experience noticing context cues from observation and discussion.

“Mental health is not so easily identifiable. Some people put on a front. And it's only when you start the dialogue with people and you start talking to them that you start understanding exactly what their personal circumstances are. They can just mention something very, very briefly, but it's the experience, and that's what [another agent] was saying, it's the agent on the ground with that experience that can pick up on that and go, hang on a minute, let's dive a little bit deeper into this because you just mentioned something.” **Enforcement agent, focus group 1**

In discussion, some thought vulnerability was sometimes employed as an avoidance tactic, rather than to identify increased risk of harm.

“A lot of people know full well we have these vulnerability processes in place. They just wait till we pitch up and say, ah, I get enough for at least 28 days now, and we have to walk away. And they know that they've got to provide evidence and even then they know that they can say, oh, sorry, my doctor's not giving me the medical note. So they know they get another 28 days and just kick the can down the road.” **Enforcement agent, focus group 4**

“It's so broad... it just opens the floodgates to let everything through as a vulnerability. Regardless whether they have a vulnerability or not, this will give them the opportunity to

claim a vulnerability just for the sake of not paying the debt.” Enforcement agent, focus group 2

“Now we're going to add something else to give people even more chance to not pay. So it kind of feels like the ECB is looking at ways for people not to pay rather than ways to streamline enforcement or make enforcement more effective.” Enforcement agent, focus group 2

Agents raised concerns that, taken together, some elements of the proposed standards would be difficult to deliver in practice

In discussion, agents described a tension between the expectations set out in the standards and their core function of collecting debt, noting that their actions are shaped by legal requirements and instructions from firms or clients. These were described as principally directing agents to recover the debt in full. Against this backdrop, agents expressed concern that the proposed standards, taken together, could make it significantly harder to carry out the role of enforcement.

Agents reflected that the ideas set out in the discussion paper, depending on how they were interpreted, could limit or weaken some of the tools currently available to them. This was not framed as opposition to the principles underpinning the standards, but as concern about their cumulative effect on agents' ability to do their job effectively.

Tension between broader definition of vulnerability and clearer expectations for agents

A central issue was the degree of flexibility agents would retain to exercise professional judgement. Discussion focused on concerns about the broader, more open definition of vulnerability, and how this would shape expectations about how vulnerability should be identified, evidenced, and responded to in practice.

Agents were uncertain about how this would operate on the ground, particularly where decision-making would be subject to greater scrutiny and higher expectations around evidencing, while the guidance for making those decisions remained relatively broad. There was concern that this could place agents under increased pressure and accountability, potentially shifting practice away from a model that allows space for professional judgement, supported by proportionate evidence, towards a more rigid approach that would be harder to deliver consistently in practice.

*“I'm quite lucky in the position I am because I get on quite well with the guy that runs the company and I've worked with him for quite a while now and he knows that my judgement's quite good. So nine times out of ten he'll just say, yeah, cool, we'll just send it back or whatever. **It's on your judgement. I'm the person stood in the situation.**” Enforcement agent, focus group 5*

*“**But it is us that are in the firing line to make the decision.** And while there may be a problem for the company, if there's a decision goes against us, it is us that are on the sharp end for both making the right decision and the wrong decision.” Enforcement agent, focus group 3*

A number of agents pointed out that given the commission-based payment structures for agents, it was not only their own judgement but their income that would be on the line. A couple stated that unless there was some confirmed financial compensation for taking steps

to identify vulnerability, this may lead agents to prioritise cases they felt they would be likely to collect payment over following the standards' guidance.

*"I will do that for every single door if you wanted me to. And every customer in this country will become vulnerable because that's what is demanded or that's what the industry wants. That's fine. However, to then say to me, you've got to do that for free and then I'm going to be a judge of whether I think you did it possibly in the way that I like it. And then I may decide on a financial incentive. Well, I'm **only going to collect on what I know I can collect and then everything else is just not going to get executed properly.**"*

Enforcement agent, focus group 2

Responsibility placed on those being enforced to disclose and prove vulnerability or ability to pay

Agents also expressed a view that there should be some responsibility on the part of people experiencing enforcement to disclose and evidence relevant personal and financial circumstances. But they questioned how willing or able people would be to share this information in practice as agents described being accustomed to needing to push for evidence when vulnerability is raised.

"It needs to be an element of responsibility or accountability on the debtor side as well."

Enforcement agent, focus group 3

*"I think **there should be a burden of proof with regards to vulnerability** as well. I've done it a couple of times with debtors where they say, oh, you know, I'm skint, I haven't got any money, I'm behind on bills, I'm vulnerable, I'm depressed, whatever. I'll say, okay, well, show me. Show me where you're behind on rent. Show me where you're not paying council tax. Show me where you're not paying bills. And they're like, oh, I can't get it."*

Enforcement agent, focus group 4

Agents felt that some of the expectations laid out in the standards were not workable in practice

There were some specific practical issues that enforcement agents raised within the groups, querying some practical steps that felt either out of the scope of or even inappropriate for their role and remit.

Concerns about the expectations for welfare responsibility

In response to the idea of offering interventions and support outside of formal referrals, agents questioned what level of engagement with individuals' personal, financial, or legal circumstances would be necessary in order to do this well. They emphasised that they are not trained to provide advice or to assess wider support needs, and expressed concern about being expected to identify, interpret, and act on complex circumstances beyond their professional role.

*"We can't give any legal advice and we can't give recommendations. If you say, I want to get help for whatever, we can't tell them what doctor to go to, who to call. We're not trained to do that. Yeah, sure, we're the ones who put eyes on the situation. Doesn't mean we should then be lumbered with making a decision and saying, oh, do we need to ring social services for this? Should I ring financial advice? **It's not our job and the pressure shouldn't be put on us to identify it, deal with it, and action it.**"* **Enforcement agent, focus group 4**

*“So I do signpost some people, but it's because I know what some of those organisations do. I think that it should be up to the judgement of the enforcement agent. I don't think it should be mandatory because people might not know what support or interventions are out there. **More importantly, does that liability then come back onto us if it backfires?** For instance, if we signpost someone somewhere and it's wrong, are they then going to come back and say, this enforcement agent told me otherwise, I'm going to make a complaint... on the other side of it are they then going to say, ‘well, why didn't you signpost them to this organisation?’ because of this, **and that's not our role again.**”*

Enforcement agent, focus group 4

Again, agents were concerned about the extent to which the expectations of the standards, which they already felt could be beyond the scope of their role, might expose them to be liable for a wrong decision.

Concerns about the expectations for proving ability to pay

Agents also raised concerns related to assessing and evidencing ability to pay. They described this as particularly challenging given the limits of their powers. In discussion, agents noted that they cannot compel people to disclose bank statements or other comprehensive indicators of financial position, and that any information shared may provide only a partial view.

*“We have no powers to demand evidence. We have to go completely off what people are saying. Lots of people have more than one account. You can easily show me one with very little money in it.” **Enforcement agent, focus group 2***

Related to this, agents questioned expectations that they should assess how people's circumstances might change over time, describing this as difficult to judge reliably during an enforcement visit. In response to the practical step ‘are able to provide a justification for a payment arrangement, evidencing in all cases the grounds on which it was determined to be sustainable’, agents questioned the extent to which they would be expected to provide evidence for future ability to pay.

*“All I was thinking about when I read this was a debtor coming out and saying, ‘I've got no ability to pay this’ or ‘I can pay very, very little’ and shows a bank statement. **Who am I to say that that person isn't going to complete on the arrangement? Because people's circumstances change all the time.**” **Enforcement agent, focus group 1***

*“I assess [ability to pay] on the amount and type of goods present. **I'm not able, however, to distinguish what is going to happen to you in the next few months.**” **Enforcement agent, focus group 2***

Concerns about expectations for negotiation of payment plans

Agents also raised concerns about the emphasis that the standards placed on negotiation of repayment plans, and the implication that agents' priorities should shift to looking to arrange payment plans. In discussion, they reiterated that the primary purpose of their role for which they were ‘commanded’ by writ, was to recover payment in full or take control of goods, and worried that these expectations felt like a contravention of the job they were hired to do.

*“The actual warrant itself doesn't ask us to go get a payment plan. The actual warrant commands us to remove goods to get the balance.” **Enforcement agent, focus group 3***

“I think if we, if we're due to have a constructive repayment negotiation, that kind of contradicts what we're essentially enforcing on a legal piece of paper. That what we're commanded to do.” **Enforcement agent, focus group 4**

A few agents mentioned that it felt like their role was becoming blurred with that of a debt collector and pointed to the fact that enforcement typically represents the final stage of a process in which opportunities to make payment arrangements have already been available.

“Because you're commanded with the writ to look for assets. I always word it to the defendants like, ‘I'm the last person that would be coming. You know, you've had plenty of warning before I come’.” **Enforcement agent, depth interview**

“They should have already had the opportunity to pay the debt from a payment arrangement. When the enforcement agent's turning up on the doorstep, he's there to collect in full.” **Enforcement agent, focus group 4**

Cross-organisational dynamics

Agents felt that firms could do more to make the system work better for people in vulnerable circumstances or who struggle to pay

Enforcement agents emphasised that responsibility for decision-making in cases involving vulnerability and reduced ability-to-pay should sit more clearly with firms, rather than resting with individual agents. Discussion highlighted that existing working practices within the industry, particularly relationships and information sharing between clients, firms and agents, would need to significantly improve to facilitate compliance with the proposed vulnerability and ability-to-pay standards.

Two systemic issues were raised in relation to how vulnerable cases are managed:

1. Case recycling

The first was that cases can be passed between different enforcement firms after being returned to a client due to vulnerability, resulting in loss of information and continuity.

“We will have a case come to us that is what's termed ‘recycled’, say council tax. So another company have gone out and worked that case. They may have ‘no-goodsed’ it or may have said, ‘this person's vulnerable’. The client, be it council or otherwise then chooses to put it with a different bailiff company, totally undermining any vulnerability or information that the previous company had. So the ECB seemed to have missed that trick. The fact that councils and other companies who want their money can put a case with any bailiff company they wish and any of that vulnerability information will have been lost.”

Enforcement agent, focus group 3

2. Service level agreements

The second issue related to service level agreements (SLAs) that required agents to make a set number of visits before returning a case, even where further progress was unlikely. This concern was raised directly in relation to the level of responsibility that the proposed vulnerability and ability-to-pay standards would place on individual agents, particularly given that many felt their discretion was constrained by firm-level policies.

“How many times have enforcement agents returned a case, nulla bona, nil-effects, and the case has come back out the following week for an attendance and you phone up the office and say, ‘There is nothing there. There is absolutely nothing that I can do. These are the reasons why, you've read my report’ and they always bang on about the SLAs. ‘Yes, but we have to make so many visits before we return it’. That shouldn't be the case.” **Enforcement agent, group 1**

Lack of cross-organisational data sharing

Agents described a lack of information sharing between firms, creditors, and agents as a barrier to complying with the standards. In each group, agents drew attention to the fact that this could leave agents exposed to scrutiny or accountability for how they respond to vulnerability in situations where they had not had to access to relevant information needed to make informed decisions.

“We're expected to figure this out on the foot when there's a stressful situation or abuse coming our way, physical or verbal. A lot of the companies my company worked for are councils. So yes, I would say - it's not going to work- but I would say there is a huge onus on them to have interacted and dealt with that customer before it gets to us. So absolutely, they should have more information to feed us, but they need the money as well.”

Enforcement agent, group 3

One agent recounted a recent case involving a person living in a high value property who stated they were vulnerable due to mental health concerns and a recent suicide-related incident. The individual had previously contacted the office but declined to share evidence with the attending agent, stating that information had already been provided to the council. As this information had not been passed on, the agent described difficulty in verifying the situation or progressing the case. The individual viewed the agent as a third party and resisted further disclosure, despite attempts to resolve the situation. The case ultimately concluded with an agreement to repay the debt over an 18-month period.

“When you go into a house where there's someone that has apparently tried to commit suicide and somebody has that information, that information would be personally really helpful to know because yes, I'm going to a nice house on a nice road, but there's somebody in that house that potentially could try to commit suicide again over a visit from me, by me doing nothing wrong or nothing more than knocking on the door.” **Enforcement agent, group 2**

Another agent explained that they'd seen cases where people had been on a 'welfare plan' route, but further cases involving them had not flagged this existing record of vulnerability and left them open to enforcement again. The agent felt that without assurance of firms' responsibility for monitoring, recording and communicating disclosures of vulnerability or inability to pay, the standards risked putting undue responsibility onto the attending agent who may be held accountable for decisions made without access to that key information.

*“I've seen a lot of cases where they've gone down the welfare route, especially with the PCN side of it...they're getting further cases applied that have been included after but **they've been open to enforcement rather than being identified as already in a welfare route** and then cases have been added on...But when you speak to the company, a lot of times companies say, 'well, the customer should have phoned up, getting these included and they haven't...They've already disclosed the vulnerability. They've got further cases that haven't been included onto the vulnerable case. And you're expecting to continue with that case as normal.”* **Enforcement agent, group 3**

Agents reflected that the payment structures within the industry don't support the practical delivery of the standards

Enforcement agents raised concerns that existing payment and performance structures within the industry do not support the practical delivery of the proposed standards.

Time constraints

In discussion, agents described how some of the expectations set out in the standards would require spending more time with each person subject to enforcement, particularly where the standards refer to constructive repayment negotiations based on available evidence of finances or probing into possible vulnerability and offering welfare support.

Agents highlighted that spending additional time with individuals would reduce the number of visits they could complete each day, with a direct impact on commission-based income.

*“If you were to go through vulnerability, affordability, all that. Yeah, I'm targeted on approximately 25 calls a day. You would never do it. We need to hit a house, get it paid, move on to the next. It's all about keeping moving in this job the more pressure that has come on to achieve more calls, means that **it's not physically possible to do that when you're targeted on time and calls and financials.**” Enforcement agent, focus group 3*

Targets set by firms for the number of visits completed each day were also raised as a constraint on delivery of the standards. Agents described how expectations around volume limit the time available to explore personal circumstances or gather evidence.

*“I've been with different enforcement agencies where essentially they want you to do 25, 30 jobs a day when you go into houses and have communication. **You're not going to get the time to do that. You're not hitting their quota and you're not hitting your own quota.** You're not getting around the houses.” Enforcement agent, focus group 3*

*“I would never break the law and enforce against a vulnerable person outright. I just wouldn't do it. I've survived in the industry long enough. I know what's wrong and what's right. But **at the end of the day, you're performance driven and a lot of - sorry, all - the companies will want performance driven results.** That's a fact.” Enforcement agent, focus group 3*

Outcomes-based payment structures

Agents linked this pressure to wider industry models in which payment is often contingent on collecting the debt in full. In this context, spending extended time negotiating repayment arrangements was described as financially risky, particularly where arrangements might later fail or be taken back into the office.

“The industry's been set up so the agent doesn't get paid unless it's paid in full. So therefore they're not gonna spend hours somewhere and then walk away for a payment arrangement knowing they're not going to get paid, especially if the person defaults on it and then becomes a ghost. So therefore, if the ECB want to do an ability to pay, they need to look at basically the way the companies are setting up their models in order to pay their agents so that if the agent does act with integrity and go, okay, yeah, this person does need a payment arrangement, the agent isn't losing out.” Enforcement agent, focus group 2

Agents also described how firm policies can result in repayment arrangements being removed from them quickly, limiting any financial benefit from time spent negotiating.

*“A lot of the large companies will – if it's not in an arrangement over a short period of time, like a week, it'll be pulled back to the office and the office will deal with it. **So you get nothing.** Even if you took like a £300 payment as a down payment and the balance is due in six weeks.” Enforcement agent, focus group 5*

For a small number of agents, the most effective way to support the aims of the standards was seen as moving away from commission-based pay models, while recognising that this would not be welcomed by everyone working in the role.

*“There is only one thing that will change this and achieve what the ECB wants, which is making the enforcement agent role a much higher paid basic salary. That really upsets some enforcement agents who earn really good commission, but **as long as there's a huge sort of carrot and stick to the bailiffs to get paid in full then we at times,***

and I will go on record to say, we may overlook ability to pay.” Enforcement agent, focus group 3

Most were supportive of earlier intervention in these circumstances, but were sceptical of it happening in practice

Agents expressed a preference for issues relating to vulnerability or inability to pay being identified earlier in the enforcement process, before they arrived at someone’s property. They felt this could allow them to use their time more effectively and avoid unproductive visits.

“So that you'd rather kind of finish the visit, go on and move to your next kind of prospective PIF or whatever, rather than wasting 15, 20 minutes going down a rabbit hole that's going to be unproductive for you.” Enforcement agent, focus group 2

“On the compliance thing, I think that would be really useful if they did that. You know, you've got your opportunity. It's seven clear days for High Court, but a lot of firms do two weeks because it's a lot easier, I think. And then after that, like I said, all bets are off. It's enforcement now. You've had two weeks to get it sorted, you've had two weeks to get a payment plan and all that sort of jazz.” Enforcement agent, focus group 4

However, there were reservations about how feasible this would be in practice. Agents questioned whether earlier identification was realistic, given limited engagement from people prior to visits and existing notification processes. Some agents raised the point that many people - sometimes due to genuine vulnerability, sometimes not, according to agents - ‘ignore’ the notice of enforcement or are unable to engage with the process prior to enforcement.

“I'd love to see a working model of that, but no, I can't think of one that will work off the top of my head. They get sent an NOE. If they ignore that, which lots of people do, we find out when we go in their property later on.” Enforcement agent, focus group 3

Agent 1: *“It should be identified earlier, before any liability order is issued. The clients have more information than we do.*

Agent 2: *There’s a lot of liability orders issued which should never be issued. And if that goes through the system, the debtor ignores it.*

Agent 1: *As they will, if they’re genuinely vulnerable.”*

Enforcement agents, focus group 5

One agent, interviewed in depth, described how in their experience, many vulnerable individuals were unwilling to engage by phone or share documentation prior to an agent’s attendance. However, they felt that investing time at the doorstep to intervene was worthwhile, as it could reduce the need for repeat visits on the same case.

“But sometimes they don't wish to engage over the telephone. I get a lot at the doorstep and then they'll say, oh, come in. Thank you for that. This is my medication. This is what I'm on. This is what's happened. This is why I'm in this situation. It does take a lot of time, but it saves having to go back to for further attendance, boxing it off, getting as much information as you can without upsetting the debtor.” Enforcement agent, depth interview

On the other hand, other agents had the perception that some of those being enforced actively chose to disclose vulnerability at the enforcement stage as a mechanism to avoid making payment.

“In my experience, they don’t [disclose vulnerabilities at compliance stage]. They wait until, you know, the enforcement agent is actually on the doorstep and then, in my experience, quite a lot of the time, they use it as a tool to not have to pay the debt.” **Enforcement agent, focus group 4**

Conclusion

Enforcement agents engaged constructively with the proposed vulnerability and ability-to-pay standards and recognised the intent to promote fairer and more consistent practice. In discussion, agents often identified areas of alignment with how they already work, particularly around recognising vulnerability and acting with care during interactions.

At the same time, agents raised substantive concerns about how the standards might operate in practice. These concerns focused on the cumulative effect of the proposed steps, and the risk that, taken together, they could make it harder to carry out the core function of enforcement, which agents consistently framed as recovering payment in full within defined legal and operational constraints. Particular tension was identified around expectations to assess ability to pay, exercise foresight about future circumstances, and engage in extended repayment negotiations, given limits on agents' powers, time, and access to reliable information.

Agents placed strong emphasis on the importance of professional judgement and expressed concern that more prescriptive approaches to identifying vulnerability could reduce their discretion while leaving them personally accountable for decisions made on the ground. There was also unease about whether existing payment models, performance targets, and client arrangements supported what would be needed under the standards. Many agents said there was sometimes a lack of alignment between expectations placed on them and the structures within which they operate.

Finally, agents highlighted wider systemic issues they felt sat beyond their individual control, including information sharing between firms and creditors, the recycling of vulnerable cases, and client service level agreements that shape enforcement activity. Across these discussions, agents emphasised the need for clarity about roles, responsibilities, and decision making, and for standards and guidance that recognise the realities of enforcement practice while supporting consistent and proportionate responses to vulnerability and financial difficulty.

Annex I: Research materials

As described in the methodology section of this report, the research team created stimulus for the focus groups based on the ECB's discussion paper. This discussion paper included the ECB's early thinking on direction of travel on the new vulnerability and ability-to-pay standards. The research did not test the actual standards themselves.

Within the discussion paper there were two key types of content that were used within the testing:

- Definitions – e.g. definition of vulnerability.
- Practical steps for agents

Vulnerability

The definition of vulnerability that was tested within the focus groups was:

'People who, due to their personal circumstances or characteristics, face a higher risk of experiencing physical, psychological, financial or other harms when those involved in carrying out enforcement activities are not acting with sufficient care.'

The practical steps for agents tested in the groups were as follows:

- Follow all policies and procedures around identifying and supporting those in vulnerable circumstances as set out by their firm (including training)
- Proactively looking out for indicators of vulnerability and facilitating disclosure
- Acknowledge and respond appropriately to disclosure of vulnerability
- Using judgement to assess best course of action in line with firms' policies and processes
- Ensuring that communications comply with ECB's standards at all times
- Offering interventions and support that doesn't require referral to welfare teams and advisors

Ability to Pay

The definition of ability to pay that was tested within the focus groups was:

'Enforcement action that has been carried out fairly will result in an outcome where an individual is able to repay as much of their debt as is feasible in a way that is sustainable and as efficient as possible for their circumstances.'

The practical steps for agents tested in the groups were as follows:

- Follow all policies and procedures set out by their firm in relation to assessing an individual's ability to repay their debt
- Acknowledge when someone credibly discloses that they are struggling to repay their debt(s)
- Refer or return a case to their firm or the creditor where there is evidence that they have no ability to pay in the foreseeable future
- Aim to have a constructive repayment negotiation based on available evidence of the person subject to enforcement's finances
- Make a referral to free, regulated debt advice, when someone has multiple debts and expresses a credible intent to seek help

- Do not enter into a payment arrangement where there is evidence that it is unlikely to complete
- Are able to provide a justification for a payment arrangement, evidencing in all cases the grounds on which it was determined to be sustainable