

**Memorandum of Understanding (MoU) between  
Enforcement Conduct Board (ECB) and Public Services  
Ombudsman for Wales (PSOW)**

Memorandum of understanding: ECB and PSOW

**Approval:**

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**Date created: 11 / 05 / 2026**

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**Formally agreed by Catherine Brown (ECB Chair) and Michelle Morris (the Ombudsman)**

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**Date for review: 11 / 05 / 2029**

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## **1. Introduction**

This is a memorandum of understanding (MoU) between Enforcement Conduct Board (ECB) and the Public Services Ombudsman Wales (PSOW).

The aim of the MoU is to support the working relationship between ECB and the PSOW and to facilitate the efficient, appropriate, and secure sharing of information and intelligence about the quality of services in Wales related to the conduct of enforcement firms.

The agreement is based on a mutual understanding that communicating effectively, in a timely manner, and sharing information can benefit people who are subject to enforcement action and drive improvements in enforcement practices in Wales.

This MoU does not affect the existing statutory functions of the respective organisations or the exercise of those functions; neither does it amend any other policies or agreements relating to their activities. It does not imply any transfer of responsibility from one to the other, nor does it imply any sharing of statutory responsibilities except where this is permitted by statute.

While this MoU is not legally binding, both ECB and the PSOW commit to following its provisions.

Each organisation will make their staff aware of what is in the MoU. They will keep staff updated about it, and the responsibilities it places on them.

The MoU will be made public and placed on both organisations' websites, which we consider to be the best way of bringing it to the attention of the public.

This agreement begins on 11 May 2026 and will be subject to review every three years or sooner if partners require.

## **2. Roles and responsibilities**

The ECB provides independent oversight of the enforcement industry to ensure that all those who are subject to enforcement action in England and Wales are treated fairly. The ECB investigates complaints about poor enforcement practices in England and Wales and can recommend a suitable remedy where the poor practice has caused an injustice to an individual.

The role of the PSOW relevant to this agreement is to

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- consider and investigate complaints from the public about injustice caused by maladministration or service failure by organisations in jurisdiction. This includes local authorities and housing associations (registered social landlords) as well as the actions of the enforcement firms and agents that these organisations have contracted out enforcement activity to.
- put things right and put people back in the position they would have been in if they had not suffered an injustice, and work to secure the most appropriate outcome where injustice has occurred.
- work with organisations in jurisdiction so that lessons from investigations are learnt.
- promote continued improvement in the standards of public services in Wales by helping organisations, including local authorities, to get it right first time.

### **3. Working together:**

Complaints may come to PSOW and ECB that fall within the jurisdictions of both organisations and this MoU sets out the key principles both organisations will follow in managing those complaints. Both organisations will have the needs of the complainant at the heart of any decisions on case handling.

PSOW and ECB are both interested in ensuring that the complaints processes of enforcement firms and agents follow best practice. The ECB has developed Standards for the behaviour of Enforcement Firms and Agents. PSOW has statutory powers to set model complaints procedures for organisations in its jurisdiction. These powers currently extend to local authorities and so also to actions of the enforcement firms and agents that these organisations have contracted out enforcement activity to. This MoU sets out how both organisations will take into account their respective work to improve complaint handling standards.

Key contacts will be available to facilitate the sharing of information and collaboration under this agreement.

### **4. Complaint handling**

PSOW and the ECB will be guided by the following principles, in managing complaints to them:

- a) *Signposting*: The PSOW and the ECB will signpost complainants to each other, where they are satisfied the complaint properly falls within the remit of the other organisation and not within their own remit. This would include complaints to the ECB about the actions of the local authority, and complaints to the PSOW about non-local authority enforcement or local authority contracted-out enforcement that does not fall within the remit of PSOW or meet the threshold to launch an investigation.

The ECB will typically signpost complainants to PSOW where:

- i. the complainant has concerns about the actions of both the local authority and the enforcement firm or agent; and
- ii. complaints where the ECB would need to factor in the actions of the local authority to decide on the appropriate resolution to the complaint.

If consent for a direct referral has been given by the complainant, the PSOW and the ECB may directly refer new complaints between them.

- b) *ECB's Standards*: The PSOW will take into account the ECB's Standards for the behaviour of Enforcement Firms and Agents when deciding on complaints about local authority contracted-out enforcement activity.
- c) *Concurrent complaints*: If, at any stage, it appears the ECB and the PSOW are considering the same complaint, they shall, with the consent of the complainant, consult about the complaint and liaise with the complainant to decide how best to progress matters. The ECB will not continue investigating a complaint while it is being investigated by the PSOW.
- d) *Decided complaints*: The ECB will not investigate a complaint where the PSOW has already considered and decided on the merits of the same complaint. The PSOW will consider the findings of the ECB investigation when deciding on a complaint that has already been resolved by the ECB, for example the remedy offered through the ECB's investigation.
- e) *Signposting at the end of an investigation*: Where the ECB investigates a complaint about local authority contracted-out enforcement, at the conclusion of the complaint it will signpost the complainant either to the local authority complaints process or direct to the PSOW, as appropriate.

## **5. Supporting the ECB's oversight role**

The ECB plays a key role in ensuring that everyone subject to enforcement is treated fairly. In the most serious cases, or where repeated issues have been identified with

an agent, the ECB may submit an EAC2<sup>1</sup> complaint to ask the court to consider whether an enforcement agent is a fit and proper person to hold a certificate.

To support the ECB in that work the PSOW will, where appropriate, recommend councils require contracted-out enforcement firms to notify the ECB of the outcome of a PSOW investigation if the PSOW finds fault with the actions of the enforcement firm or agent.

## **6. Sharing of complaint information**

### **General principles**

The working relationship between PSOW and ECB will be characterised by regular contact, and appropriate open sharing of information within the parameters of their respective legal frameworks.

PSOW and ECB will share relevant and appropriate information to support their respective casework processes. This will include, on request:

- a) Confirmation about whether either organisation has received the same complaint.
- b) If the same complaint has been received, confirmation about the stage the complaint is at within the respective casework process (including whether it has been closed).
- c) Relevant information about the decision on the complaint if it has been published.

### **Data sharing**

Both organisations recognise that all processing of personal data (including the sharing of personal data) must be carried out following the General Data Protection Regulation, The Data Protection Act 2018, The Human Rights Act 1998, and all relevant legislation about these matters and respective Codes of Practice, frameworks or other policies about confidential personal information and information issues.

The legislation governing the PSOW's work is the Public Services Ombudsman (Wales) Act 2019 and the Local Government Act 2000. The PSOW is bound to act

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<sup>1</sup> EAC2 process is the process by which a person can complain to the County Court about the actions of the Enforcement Agent and the County Court will decide whether the Enforcement Agent's certification should be removed.

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within the terms of this legislation and may only disclose information in accordance with the provisions set out in this legislation.

Both organisations agree the sharing of personal data will be considered on a case-by-case basis and carried out in a manner consistent with the Data Sharing Code of Practice published by the Information Commissioner's Office.

Appropriate security measures shall be agreed to protect information transfers in accordance with the sensitivity of the information and any classification that is applied by the sender.

Where one party has received information from the other, it will consult with the other party before passing the information to a third party or using the information in an enforcement proceeding or court case.

Where confidential material obtained from, or shared by, the originating party is wrongfully disclosed by the party holding the information, this party will bring this to the attention of the originating party without delay. This is in addition to obligations to report a personal data breach under the UK GDPR and/or DPA where personal data is contained in the information disclosed.

### **Consent**

PSOW and ECB agree consent is required for information to be shared between them. Unless reasonable adjustments dictate otherwise, consent should be in writing, though a note of oral consent is acceptable in the first instance, to be followed up with written consent. Where someone has given their consent for another person to represent them in dealing with their complaint, and where PSOW and ECB are satisfied that representative is a suitable person, consent for data sharing can be accepted from the representative.

### **Freedom of information requests**

The ECB recognises PSOW's responsibilities under the Freedom of Information Act 2000. Where PSOW receives a request for information received from the ECB, PSOW will discuss the request with the ECB before responding. The ECB recognises the decision to disclose or withhold the information (and therefore any liability arising out of that decision) remains with PSOW as the party in receipt of the request as data controller in respect of that data.

## **7. Supporting respective improvement work**

PSOW welcomes the ECB work to drive better service and complaint handling standards among enforcement firms and agents.

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In Wales, local authorities operate under PSOW model complaint policy and guidance. The requirements of this policy and guidance extends to actions of the enforcement firms and agents that these organisations have contracted out enforcement activity to.

To align improvement efforts and ensure consistency, PSOW commits to:

- share with ECB, upon request, any resources developed by the office as part of its complaints standards work. This can include training handouts, complaint guidance, as well as insights from the officers directly involved in the complaints standards work.
- take into account ECB standards in consideration of any complaints related to the conduct of enforcement firms and agents contracted by local authorities in Wales and refer to these standards if appropriate in its decisions.

### **8. Media and publications**

PSOW and ECB will seek to give each other adequate notification of, and sufficient information about, any planned announcements to the public on issues relevant to both organisations, including the sharing of draft proposals and publications.

PSOW and ECB commit to work together, where appropriate, to produce joint statements or communications highlighting collaboration or activities relevant to both organisations and will take account of and comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

PSOW and ECB respect the confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.

### **9. Governance**

The effectiveness of the working relationship between PSOW and ECB will be supported by regular contact, either formally or informally.

Any disagreement between PSOW and ECB will normally be resolved at working level. If this is not possible, it must be brought to the attention of the MoU managers identified at Annex A, who may then escalate it as appropriate within the two organisations to reach a mutually satisfactory resolution.

## **10. Duration and review of this MoU**

Both organisations have identified a person responsible for the management of this MoU in Annex A. They will liaise as required to ensure this MoU is kept up to date, identify any emerging issues and resolve any questions that arise in the working relationship between the two organisations.

This MoU will be reviewed every three years by the MoU managers identified in Annex A. It may also be reviewed more frequently at any time should it need to be altered or cease to be relevant at the request of either organisation.

## 11. Annex A – Contact Details and Approval

Signed



Chief Executive

Enforcement Conduct Board

Date: 11/05/2026

Signed



Public Services Ombudsman for  
Wales

Date: 11/05/2026

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### Enforcement Conduct Board

Enforcement Conduct Board

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### Public Services Ombudsman for Wales

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Named contacts between PSOW and ECB as follows:

#### Chief Executives

Chris Nichols

Michelle Morris

Enforcement Conduct Board

Public Services Ombudsman for Wales

ECB

PSOW

#### MoU Managers

Claire Evans

Ania Rolewska

Head of Complaints

Head of Policy and Engagement

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