



ENFORCEMENT
CONDUCT
BOARD

OCTOBER 2026

Professional Values and Standards of Practice for **Enforcement Agents**

Professional Values

The ECB expects *enforcement agents* and *enforcement firms* to uphold the following Professional Values:

You must:

- AV1. act with honesty and integrity and in a way that upholds public trust and confidence in the *enforcement process* and in the role of *enforcement agents* and *enforcement firms*.
 - AV2. be accountable and responsible for your actions and the actions of those who work on your behalf.
 - AV3. carry out the *enforcement process* in a way that is fair and free from discrimination, treating people in all circumstances and of all backgrounds with respect.
 - AV4. behave professionally, working constructively with other organisations involved in the *enforcement process* including creditors and debt advice organisations.
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Standards of Practice for *Enforcement Agents*

The *Enforcement Process*

Objective:

- AS1. An *enforcement agent* carries out the *enforcement process* in a manner which is lawful and appropriate.

An *enforcement agent* must:

Entry

- AS1.1 follow the processes and requirements set out in the [Tribunals, Courts and Enforcement Act 2007](#) and the [Taking Control of Goods Regulations 2013](#).
- AS1.2 only carry out an *enforcement visit* when they hold a valid and current certificate to act as an *enforcement agent* under section 64 of [The Tribunals, Courts and Enforcement Act 2007](#), or they are acting in the presence of and under the direction of an *enforcement agent* who holds such a certificate. An *enforcement agent* must update the relevant County Court when there is a change in their employer or address.
- AS1.3 only seek to enter a residential property if they have a reasonable belief that the person subject to enforcement lives there, and the *enforcement agent* is authorized (by virtue of their enforcement power as set out in Schedule 12 to [The Tribunals, Courts and Enforcement Act 2007](#)) to enter the property to enforce a debt.
- AS1.4 where the *person subject to enforcement* is a business, only seek to enter a property if they have a reasonable belief that the property is the premises of that business, and the *enforcement agent* is authorised to enter the property to enforce a debt.
- AS1.5 not use force to enter a property, which includes using their body or an object to stop the door from being closed on them, unless:
- AS1.5.1 entry is authorised to execute a warrant of control issued under section 76 of the Magistrates' Courts Act 1980;
 - AS1.5.2 entry is authorised to execute a High Court writ of control and there is a reasonable belief that the *person subject to enforcement* carries on a trade or business on the premises;
 - AS1.5.3 they have a warrant authorising them to use reasonable force to enter the property (such warrant is only available in limited circumstances as specified in regulation 28 of [The Taking Control of Goods Regulations 2013](#)); or
 - AS1.5.4 they are re-entering a property to inspect or remove goods subject to a controlled goods agreement and have complied with appropriate notice requirements.

- AS1.6 if they are permitted to use reasonable force to enter a property for one of the reasons at AS1.5.1 to AS1.5.4 above:
- AS1.6.1 inform the *person subject to enforcement* or, if appropriate, a *third party*, that they are authorised to use reasonable force to enter the property;
 - AS1.6.2 only use the minimum amount of force necessary to enter the property;
 - AS1.6.3 provide any court warrant authorising them to use reasonable force to enter the property, to the *person subject to enforcement* or, if appropriate, to a *third party*.
- AS1.7 only enter through a door or usual means of entry to the property.
- AS1.8 not enter a property if the door is opened by a child, or an adult who lacks the capacity to engage with the *enforcement agent* until an adult with capacity to engage with the *enforcement agent* is present, unless:
- AS1.8.1 this is necessary to assist with an immediate threat to a person's safety; or
 - AS1.8.2 the door referred to in paragraph AS1.8 is a door to a communal building or business premises.
- AS1.9 when seeking to enter the *dwelling place* of a *person subject to enforcement* through an unlocked door, provided it is safe and reasonable to do so:
- AS1.9.1 knock or use a doorbell before attempting to enter the property to provide an opportunity for someone to answer the door;
 - AS1.9.2 clearly and loudly announce their presence when entering the property;
 - AS1.9.3 knock before entering any further closed doors within the property.
 - AS1.9.4 allow any person they encounter in the property reasonable time to adequately clothe themselves before proceeding further if they are in a state of undress.

ID and authorisation

- AS1.10 when they first encounter the *person subject to enforcement* or, if appropriate, a *third party*, within a property they are seeking to enter or have entered as part of an *enforcement visit*:
- AS1.10.1 explain the reason for their visit and the steps they will be taking;
 - AS1.10.2 produce relevant identification, such as a badge or ID card, to the *person subject to enforcement* or, where appropriate, to a *third party*;
 - AS1.10.3 produce, if asked, identification and details of their authorisation (either in paper or electronic format) to enforce the writ, warrant or order by use of their enforcement power as set out in Schedule 12 to [The Tribunals, Courts and Enforcement Act 2007](#).

Goods and fees

- AS1.11 not take control of or threaten to take control of goods which are exempt goods under [The Taking Control of Goods Regulations 2013](#).
- AS1.12 not take control of or threaten to take control of goods if it is clear that the value of the goods when sold will be less than the fees which will be incurred to sell the goods.
- AS1.13 not charge additional fees where the *person subject to enforcement* has offered to pay the debt (or a proportion of the debt which the creditor considers to be adequate to discharge the debt) in cash at the property.
- AS1.14 only take control or threaten to take control of goods (including taking control of, threatening to take control of or clamping vehicles) if they have a reasonable belief that they belong to the *person subject to enforcement*. This can include goods which are co-owned by the *person subject to enforcement*.

Guidance:

Reasonable belief

AS1.14 requires *enforcement agents* to have reasonable belief goods belong to the *person subject to enforcement* before taking control of or threatening to take control of those goods.

When making a judgement about whether it is reasonable to take control or threaten to take control of goods, we will expect to see that *enforcement agents* have used all the available information and evidence (in so far as they are able to obtain this) to make a judgement on whether it is reasonable to proceed with a given course of action. We will also expect to see that *enforcement agents* have not made unreasonable assumptions based on that evidence.

When making this judgement, *enforcement agents* should give particular consideration to the following:

- a. Is there any evidence beyond the address provided on the writ, warrant or liability order that the *person subject to enforcement* currently resides or carries out a business from the address in question (e.g. have you seen them entering/leaving, are they receiving correspondence at the address)
- b. Is the *person subject to enforcement* named on a tenancy, mortgage or deeds of the property

- c. If attending a residential property:
 - i. Does the *person subject to enforcement* live there alone or with other people (who may own or partly own some of the goods in the property)
 - ii. If they live with people other than their partner, are the goods in question in their private space within the property (e.g. a bedroom) or in communal areas.
- d. Has a *third party* or the *person subject to enforcement* provided evidence that the goods in question do not belong to the *person subject to enforcement*.
- e. If the goods in question are a vehicle:
 - i. Where the debt relates to a vehicle, does the registration of the vehicle in question match the registration on the documentation relating to the debt
 - ii. If the debt does not relate to a vehicle or the vehicle registration does not match the registration on the documentation relating to the debt, are there other sources of evidence (e.g. a DVLA check) that establish whether the *person subject to enforcement* owns or is the registered keeper of the vehicle
 - iii. Is there any evidence provided by the *person subject to enforcement*, or a relevant *third party* that the vehicle is leased and therefore wholly owned by a leasing company.

This is not intended to be an exhaustive list but to give an indication of the things we would expect *enforcement agents* to consider before taking control of or threatening to take control of goods.

If a *third party* claims to be the owner of goods but is unable to produce satisfactory evidence at the time the goods are taken into control the *enforcement agent* must inform the party making the claim how a claim to the goods can be made and the timeframe in which the claim should be submitted.

- AS1.15 only take control of or threaten to take control of goods which are on premises which the *enforcement agent* has the power to enter under [Schedule 12 to The Tribunals, Courts and Enforcement Act 2007](#), or on a public highway.
- AS1.16 handle goods with proper care in order to avoid damage.
- AS1.17 have in place adequate and appropriate insurance to cover any damage which may occur to goods while they are in their possession.

Behaving appropriately

- AS1.18 comply with all relevant legislation, including data protection legislation ([Data Protection Act 2018](#)) and [Equality Act 2010](#).
- AS1.19 at all times, be respectful and mindful of any religious and cultural considerations.
- AS1.20 not discriminate unfairly against a *person subject to enforcement* on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other grounds.
- AS1.21 not act in a way that intentionally embarrasses the *person subject to enforcement*.
- AS1.22 not abuse or misrepresent their powers in any way, for example by:
 - AS1.22.1 acting in a manner that could be reasonably considered to be threatening or intimidating;
 - AS1.22.2 implying or stating that action can or will be taken when legally it cannot;
 - AS1.22.3 implying or stating that a particular course of action will be taken before they know whether this is actually the case;
 - AS1.22.4 implying or stating that action has been taken when it has not;
 - AS1.22.5 misrepresenting the stated timescales over which a course of action may be taken;
 - AS1.22.6 falsely implying or stating that refusing entry to a property is classed as an offence.
- AS1.23 only seek payment from the *person subject to enforcement*, and only accept a payment from another person where:
 - AS1.23.1 this has been agreed between the *person subject to enforcement* and the other person without the *enforcement agent* influencing the other person; or
 - AS1.23.2 the *person subject to enforcement* has expressly consented to the *enforcement agent* discussing the debt with the other person, and the *enforcement agent* has not placed any pressure on that person to pay the debt; or
 - AS1.23.3 the other person makes the offer to pay voluntarily without the *enforcement agent* influencing them, is known or related to the *person subject to enforcement* and resides, or is present at the address where the *enforcement agent* has reasonable belief that the *person subject to enforcement* lives or carries on a trade or business.

Guidance:

Engaging with third parties

AS1.23 sets out the conditions that must be met for an *enforcement agent* to discuss a debt with and/or accept payment of a debt by a third party. This standard states that an *enforcement agent* must not coerce a *third party* into paying a debt.

We define coercion as the act of persuading a *third party* to pay a debt by using threats, force, or repeated and prolonged demands. This overlaps with *enforcement agents'* obligations under AS1.22 to not abuse or misrepresent their powers in any way.

This does not mean that an *enforcement agent* cannot raise the possibility of *third party* involvement or assistance. In line with the standards and this guidance, it would be acceptable, for example, for an *enforcement agent* to state clearly to *the person subject to enforcement* the consequences of non-payment in a truthful way and to ask them if there is anyone who can help them to pay their debt.

AS1 also sets out standards for *enforcement agents* in relation to engaging with *third parties* in the course of their work. The key principles in relation to *third parties* are only to disclose the minimum necessary information to carry out an *enforcement visit* and not to act in a way that deliberately embarrasses the *person subject to enforcement*. There are a number of things agents could do to demonstrate adherence to this standard:

- a. Offer to have any conversations with the *person subject to enforcement* in a private place where possible
- b. If *third parties* are present when the agent is speaking to the *person subject to enforcement*, offering them the opportunity to hold the conversation in a private place
- c. Where it is necessary to converse with a relevant *third party*, seeking where possible to do this in a private place to reduce the risk of further individuals being made aware of the nature of the visit.

When discussing a debt with a *third party* when the *person subject to enforcement* is not present, the *enforcement agent* should take particular care not to disclose more information than is necessary. This would normally be limited to confirming that the visit concerns enforcement action against *the person subject to enforcement* and the amount required to resolve the matter. They should not identify the creditor or disclose the nature, origin or circumstances of the debt unless it is lawful or necessary to do so and should record the reason for sharing any additional information. The agent should also take additional care where there is any indication that disclosing information about the debt could reveal sensitive information about the *person subject to enforcement* and/or pose a risk to their safety or wellbeing.

If the *third party* voluntarily offers to make payment on behalf of the person who owes the debt, the information shared should be sufficient to enable them to understand what they are agreeing to and make voluntary payment.

- AS1.24 unless the person consents, keep information about a *person subject to enforcement* confidential, other than to the extent it is necessary to share information:
- AS1.24.1 with a creditor, within the *enforcement firm* they work for or the *ECB*, for the purposes of seeking legal advice, dealing with complaints, conducting investigations, engaging in litigation or otherwise complying with regulatory or legal obligations;
 - AS1.24.2 with a *third party*, in order to conduct an *enforcement visit*. The *enforcement agent* should only disclose the amount of information which is necessary to allow them to conduct the visit;
 - AS1.24.3 in order to comply with a legal duty, such as a court order;
 - AS1.24.4 in order to safeguard *the person subject to enforcement* or a *third party*.
- AS1.25 not disclose the nature of their visit to a *third party* without the permission of the *person subject to enforcement*, unless this is necessary to reassure the *third party* or to prevent a situation from escalating into verbal or physical abuse.
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Communication

Objective:

- AS2 An *enforcement agent* communicates with a *person subject to enforcement* in a way that is accurate, appropriate and easy to understand.

An enforcement agent must:

- AS2.1 ensure that any information given to a *person subject to enforcement* is clear, taking into account their needs.
- AS2.2 make use of the interpretation services offered by the *enforcement firm* they work for (such as British Sign Language or a translation service) when this is needed to communicate with people when undertaking an *enforcement visit*.
- AS2.3 not contact the *person subject to enforcement* before 6am or after 9pm on any day unless the *person subject to enforcement* contacts them or the *enforcement firm* they work for outside of these hours, or the debt relates to a business whose usual operating hours are outside of these times.
- AS2.4 ensure that any contact by whatever means with the *person subject to enforcement* is:
 - AS2.4.1 only in relation to the debt being pursued;
 - AS2.4.2 clearly identified as being from the *enforcement firm* or *enforcement agent* in relation to the debt being pursued;

- AS2.4.3 directly and confidentially sent to the *person subject to enforcement* and such contact cannot be accessed or viewed by anyone else without the permission of the *person subject to enforcement*; and
- AS2.4.4 not sent from an *enforcement agent's* personal social media account.
- AS2.5 ensure that communications (including text messages) sent to a *person subject to enforcement* are appropriate and could not reasonably be considered to:
- AS2.5.1 be threatening or intimidating;
- AS2.5.2 amount to harassment of any form (including sexual harassment);
- AS2.5.3 be misleading or untrue in terms of the powers of an *enforcement agent* or an *enforcement firm*.

Guidance:

Communication

AS2 requires that *enforcement agents* communicate in a way that is accurate, appropriate and easy to understand. When seeking to demonstrate adherence to this standard, *enforcement agents* should take into account:

- a. Endeavouring to use a calm and neutral tone when undertaking *enforcement visits*, helping to lay foundations for a productive conversation
- b. Making use of any communication templates provided by the firm they are working for
- c. Considering whether it is appropriate to respond to a proactive message received from someone subject to enforcement after 9pm and before 6am and not repeatedly messaging someone during this timeframe unless they have received further engagement from the *person subject to enforcement*
- d. The frequency with which they are contacting an individual and whether this is excessive, i.e. overusing SMS or call technology by sending multiple, repeated messages over the course of a few hours
- e. Avoiding use of industry jargon when communicating with *people subject to enforcement*
- f. Ensuring they understand and are adhering to their firm's guidelines on use of online messaging services like WhatsApp

Training

Objective:

AS3. An *enforcement agent* keeps their knowledge and skills up to date.

An *enforcement agent* must:

AS3.1 undertake regular training as required by the *enforcement firm(s)* they *work for*, including training on these Professional Values and Standards of Practice, to ensure they have the appropriate knowledge and skills for their role.

Monitoring

Objective:

AS4. An *enforcement agent* ensures that the *enforcement firm* they *work for* is able to monitor their compliance with *enforcement firm* policies, legal requirements and these Professional Values and Standards of Practice.

An *enforcement agent* must:

- AS4.1 wear a fully-functioning *body worn video* when undertaking an *enforcement visit*.
- AS4.2 subject to AS4.3 below, record on their *body worn video* all their interactions with anyone present during an *enforcement visit* insofar as it is necessary and proportionate to do so.
- AS4.3 where a request is made by anyone present to turn off *body worn video*, comply with guidance provided by the *enforcement firm* they *work for*. Where necessary, this may include relying on audio recording only in order to minimise the impact upon the privacy of others present, such as children.
- AS4.4 comply with the policy on the use of a *body worn video* of the *enforcement firm* they *work for* including requirements to upload and delete footage.
- AS4.5 comply with the compliance policy of the *enforcement firm* they *work for* to ensure the firm is able to adequately monitor their performance.
- AS4.6 comply with any changes made by their *enforcement firm* as a result of the findings of compliance work.

Guidance:

Body worn video

AS4 requires agents to adhere to the policy on use of *body worn video* of the *enforcement firm(s)* they are working for. To demonstrate they are meeting the standards set out under AS4 agents should consider:

- a. At an appropriate point early on in the visit, explaining to the *person subject to enforcement* or a relevant *third party* that they are being recorded on a *body worn video* camera and that this is for the safety of all involved and to provide evidence of the interaction that can be used in the event of a complaint or dispute
- b. If an objection is raised about the use of *body worn video* footage:
 - i. asking if the individual would be happy if the camera was obscured but audio recording continued
 - ii. if the individual is clear they want all recording to be stopped, make clear that this is happening at their request before switching off the body worn camera and be prepared to switch the camera back on if the agent feels this is necessary for their own protection
 - iii. making an accurate written record of the interaction and submitting this to the firm at the earliest opportunity, noting that the *body worn video* was switched off by request
- c. Report any malfunction of *body worn video* equipment to the firm they *work for* at the earliest opportunity

Health and Safety

Objective:

AS5 An *enforcement agent* undertakes an *enforcement visit* in a way which ensures, as far as reasonably practicable, their own safety and the safety of everyone who is present during the *enforcement visit*.

An enforcement agent must:

- AS5.1 undertake the health and safety training provided by the *enforcement firm* they work for or other appropriate health and safety training.
- AS5.2 comply with the health and safety policy of the *enforcement firm* they work for.
- AS5.3 prioritise their own safety and the safety of those present during an *enforcement visit*, including by ending the *enforcement visit* and leaving if they consider that there is a risk to their own safety or the safety of anyone present.
- AS5.4 report any interactions that have escalated into verbal or physical abuse to the *enforcement firm* they work for.

Guidance:

Prioritising safety

AS5.3 requires *enforcement agents* to prioritise their own safety and the safety of others when carrying out their work. Set out below are some actions *enforcement agents* should take into account when endeavouring to meet this standard:

- a. Utilising any training opportunities focused on conflict management and doorstep safety offered by their firm
- b. Being conscious of the physical and mental state of the person experiencing enforcement during the interaction. Monitoring them for signs of emotional or physical distress and adapting their approach to ensure the situation does not escalate.
- c. Prioritising their personal safety by reporting any threats or hostile behaviours immediately to the firm they are working for (and the police if appropriate) to better allow the firm and the Enforcement Conduct Board to understand the scale and nature of these incidents.
- d. Removing themselves from a situation prior to escalation if necessary. For example, if an interaction becomes hostile, *enforcement agents* must assess the risk and exit if they feel their safety is compromised.

- e. Approaching interactions with *people subject to enforcement* with empathy and professionalism to prevent high-risk situations from developing. For example, establishing a calm, non-threatening environment by being polite and respectful. Offering a non-hostile greeting and explaining the purpose of the visit in a neutral way that sets a constructive tone for the interaction.

Cooperation and Accountability

Objective:

AS6 An *enforcement agent* cooperates fully with the *ECB*.

An *enforcement agent* must:

- AS6.1 cooperate with any reasonable requests made by the *enforcement firm* they *work for* in order to allow the firm to comply with the *ECB*, in particular providing to the *enforcement firm* they *work for* any records of their communication with *people subject to enforcement*.
 - AS6.2 report promptly to the *ECB* any serious breaches of the *ECB's Professional Values and Standards of Practice* by the *enforcement firm* they *work for* or by another *enforcement agent*.
 - AS6.3 inform the *enforcement firm* they *work for* if they believe they (the *enforcement agent*) may have seriously breached the *ECB's Professional Values and Standards of Practice*.
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Complaints

Objective:

AS7 An *enforcement agent* cooperates with the *enforcement firm* they *work for* in relation to a complaint about them or the firm.

An *enforcement agent* must:

- AS7.1 comply with the complaints policy of the *enforcement firm* they *work for*, and signpost *people subject to enforcement* to this where appropriate.
 - AS7.2 cooperate with any investigation into a complaint by the *enforcement firm* they *work for*.
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Vulnerability

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).

Guidance: to AS12 and AS12.1-4:

AS12 and its component Standards set the ECB's expectations for how *enforcement agents* should take proactive steps to identify indicators of *vulnerability*, including disclosures made by an individual subject to enforcement action.

Note on terminology – Assessment and Evidence:

1) Assessment

For the purposes of these Standards, by 'assessment' we mean the process of using all available information to determine whether someone is *vulnerable* as defined by these Standards and identify any risks of *harm* that the firm, frontline staff member or agent need to respond to. This includes:

- Initial assessment: which *may* follow a structured process, such as a checklist or set of questions, to help ensure that all relevant information has been gathered and taken into consideration in determining whether and how to proceed.
- Continuous assessment: this should be an ongoing process of scanning and monitoring for changes throughout the enforcement process. If new indicators are observed or additional information becomes available, the *enforcement agent* should consider whether it necessitates a change in approach, in compliance with AS14 and its accompanying guidance below.

2) Evidence

For the purposes of these Standards, 'evidence' means one of the following:

- Any relevant information available to an agent to help inform their assessment of whether and how someone is *vulnerable* as defined by these Standards. This could include information provided to them before an *enforcement visit*, their own observation - what they see or hear - or are told by the person proactively or in response to questions.
- Specific information or documentation requested to inform and verify a decision about providing a particular form of support, flexibility or adaptation and factors such as the duration required. The absence of this type of formal supporting evidence should not, by itself, be treated as automatic confirmation that the person is not *vulnerable* or prevent them from being provided with some form of support.
- Financial records and information used to determine someone's *ability to pay* and whether a payment arrangement is *sustainable* (in compliance with further guidance to AS15.3 set out below).

When assessing whether an *enforcement agent* has met the requirements of AS12 and its component Standards, the ECB would expect them to be able to demonstrate they have acknowledged and taken account of any disclosures and/or evidence of a person's *vulnerability* that is available to them during contact with the person. Depending on the nature and severity of the *vulnerability*, this could include seeking out further information from the person or any other available sources.

Agents should be able to show how they have used this information and their professional judgement to assess whether the individual is *vulnerable* and determine what foreseeable harm they might experience because of the *enforcement process*. We are clear that *vulnerability* does not automatically require enforcement to cease, but in line with these standards we expect agents to record the reasons why they considered it safe to proceed, including any evidence that, from their observations, the person was able to engage with the enforcement process without experiencing an increased risk of *harm* or detriment. This record should be in the format required by the firm they are working for and retained in line with the data protection and any other relevant policies and processes of that firm.

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.

Guidance: to AS13-AS14:

Figure 1 sets out how the *ECB* envisages the process of an *enforcement visit* could work in practice and be compliant with the provisions of AS12 and AS13. This is not intended to be directive but to illustrate the type of approach that would meet our standards. The list of potential actions in the diagram is not exhaustive but aims to give an indication of what may be appropriate. The diagram also includes examples of the options that the firm the *enforcement agent* is working for might make available to help them comply with the standards and offer the right support to *vulnerable* individuals. The actual approach taken will depend on the individual circumstances of the case, the *enforcement agent's* judgement and the processes, policies and tools provided by the firm they are working for.

When assessing whether an *enforcement agent* has complied with our Standards we will be proportionate and consider whether they were acting in accordance with the requirements of the firm(s) that they were working for and the environment and circumstances in which they were operating.

Harm - foreseeable and subsequent/indirect

The *ECB* is aware that there are some circumstances in which harm can occur after a vulnerable person has experienced the *enforcement process*. This could be because the experience makes a person's existing vulnerabilities worse or adds to them.

In complying with AS14 below, we expect *enforcement agents* to review and respond to indications of *vulnerability* and continuously monitor the risks of the person experiencing *harm* for the duration of their interactions with the person. This includes all communications, such as calls and texts, as well as in-person contact. They would not be held accountable for *harm* that occurs once contact with that person has ended, unless there is evidence which shows that their actions or inaction materially contributed to the *harm* experienced.

- 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.

Guidance: to AS14:

The objective of this Standard is to ensure that opportunities to identify changes or worsening in a person's *vulnerability* or support needs are not missed or overlooked, so that they receive appropriate support throughout their experience of the enforcement process.

These reviews are not intended to be formulaic, and when assessing compliance with this Standard we expect to see *enforcement agents* looking out for and using their judgement to respond to any indicators or evidence that a person's *vulnerability* and susceptibility to *harm* has changed during contact with them. This includes situations where an agent's initial assessment has determined that the person is *not vulnerable* as defined by these Standards and that enforcement is safe to proceed. However, a person making repeated disclosures of *vulnerability* does not, in itself, require the *enforcement process* to be paused or prevented from continuing, particularly where there is no evidence to indicate that the person's needs or ability to engage with the enforcement process have changed.

We expect to see *enforcement agents* keeping case files updated with any new information about the person's needs and circumstances, in accordance with the policies and processes set by the firm that they are working for.

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*.

Guidance: to AS15.2:

Where an *enforcement agent* has decided it is appropriate to make a referral or signpost someone to debt advice, they should make the person aware of the availability of free advice from a *debt advice provider* and provide contact details. *Enforcement agents* should use any policies, processes or information provided by the firm they are working for to comply with this Standard. In addition, they should aim to ensure that the way in which they signpost facilitates and encourages the person experiencing enforcement to access the available support. This could include providing information to help the person understand who they are being signposted to and why, and making it simple for them to make contact.

If someone has in place a reasonably up to date assessment of their income and expenditure carried out by a *debt advice provider* and their circumstances have not changed, making such a referral would unnecessarily delay the process of enforcement and repayment of their debt. This is why we have qualified the requirement of this Standard with 'when they have not recently received advice'.

- 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.

Guidance: to AS15.3:

When considering whether this Standard has been met, we will look to see that an *enforcement agent* has conducted an informed and considered discussion with the person and made a proportionate assessment of their ability to pay to enable them to identify terms that would make a payment arrangement *sustainable*. They should follow the policies and procedures set out by the firm that they are working for on how to comply with this Standard. This could include the types of evidence and information - for example bank statements, payslips or benefits entitlement statements – that they should use to support the assessment where these are available or provided. Where tools are provided by the firm, for example online or offline budget calculators they should also use these to enable the person to identify a *sustainable* repayment offer using available information about their finances.

We do not expect agents to carry out a formal affordability assessment or provide advice to the person experiencing enforcement. Where a person does not wish to provide any evidence or engage in a discussion about their finances and makes an offer to pay, the agent will not be deemed to have breached this Standard by accepting it, provided the agent considers the terms to be reasonable, based on their judgement and any information available to them at the time.

- 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.

Guidance: to AS12.4 and AS15.4

Recording and handling vulnerability data safely

The Vulnerability Standards for firms require them to collect and store a variety of data including information relating to an individual's personal circumstances where they have disclosed or been assessed as *vulnerable* as defined by these Standards. These data are necessary for ensuring that *enforcement agents* are complying with the Standards and the firm's policies and processes, and for monitoring to ensure that people in vulnerable circumstances are experiencing fair outcomes. In assessing compliance with these Standards we will expect to see agents following any relevant policies and processes set out by the firm they are working for, particularly in relation to recording and retention of case notes and compliance with data protection regulations.

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.

Guidance: to AS19-AS19.2:

Third Parties

These Standards supplement AS1.23.2 and AS1.23.4 and are based on the assumption that the threshold for these Standards has been met where appropriate. To comply with these standards, we expect agents to apply the training and procedures developed by the *enforcement firm* they work for to assess whether a *third party* is *vulnerable* based on observable indicators of *vulnerability*. They are not expected to investigate or actively seek out further evidence to assess whether a *third party* is *vulnerable* but should take account

of any evidence presented to them. This should include consideration of any disclosures or other communications and clear visible indicators such as their appearance or behaviour that should form part of a standard proactive approach to identifying *vulnerability*.

If an *enforcement agent* assesses that the individual is *vulnerable*, we expect them to take steps to mitigate any foreseeable *harm* from their involvement in the *enforcement visit*.

Enforcement agents should note that *third parties* include employees of businesses whose premises they are attending who become actively involved in the *enforcement visit*. This does not apply if they are named on the writ or there is evidence that they are involved in ownership or management of the business.

- 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*.

Guidance: to AS20:

When determining whether an *enforcement agent* has complied with this standard we will look to see that they have taken account of any disclosures or clear indicators that the individual is financially *vulnerable*. Agents are not expected to carry out a financial assessment or request any information or evidence before accepting an offer of payment. Agents should ensure that they act in compliance with AS1.22-AS1.22.2 inclusive.

- 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

Term	Definition
<i>Ability to pay in part only (See guidance box below)</i>	As set out in paragraph FS13(a) of the Standards on Vulnerability for <i>Enforcement Firms</i> and in paragraph AS10(a) of the Standards on Vulnerability for <i>Enforcement Agents</i> .
<i>Body Worn Video</i>	A video camera worn by an <i>enforcement agent</i> during the <i>enforcement process</i> .
<i>Complainant</i>	A person who is considering making a complaint or raising a concern, or who has made a complaint or raised a concern, in relation to the actions of an <i>enforcement agent</i> or <i>enforcement firm</i> . This includes a representative of the person who is the subject of the complaint.
<i>Complaints-handling process</i>	The process by which the ECB accepts, considers and determines complaints made to it about <i>enforcement firms</i> , including, where appropriate, the provision of redress to a <i>complainant</i> .
<i>Compliance Issue</i>	Apparent non-compliance with the ECB's Standards of Practice for <i>Enforcement Firms</i> which the ECB becomes aware of, or which the ECB identifies from its monitoring or supervision visits.
<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>Debt advice provider</i>	Has the meaning given in Regulation 3 of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 or as amended from time to time.
<i>Debt and Mental Health Evidence Form (DMHEF)</i>	A form that can be used when evidence is needed to confirm that a person who owes money to a creditor has a mental health problem, and decide on what action to take. Only health and social care professionals can complete the form.
<i>Dwelling place</i>	The self-contained living accommodation of a <i>person subject to enforcement</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 <i>enforcement agent</i> 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.

Definitions

Term	Definition
<i>Essential living costs</i>	The day-to-day expenses required to maintain an objectively sustainable standard of living (for example based on the benchmarks used in the Standard Financial Statement), 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 <i>Enforcement Firms</i> and AS9.2.4 and AS10 of the Vulnerability Standards for <i>Enforcement Agents</i>
<i>No ability to pay</i> (See guidance box below)	As set out in paragraph FS13(b) of the Standards on Vulnerability for <i>Enforcement Firms</i> and in paragraph AS10(b) of the Vulnerability Standards for <i>Enforcement Agents</i>
<i>Notice of Attendance</i>	A notice which an <i>enforcement agent</i> leaves at a property when they have attended in person but have not been able to speak to the <i>person subject to enforcement</i> , to notify the <i>person subject to enforcement</i> that they have attended the property.
<i>Notice of Enforcement</i>	A written notice sent by an <i>enforcement firm</i> to a person who owes a sum of money, informing them that they will be visited by an <i>enforcement agent</i> for the purpose of seeking to recover money owed in order to satisfy a writ, warrant or liability order.
<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 enforcement agent or <i>enforcement firm</i> , to recover that sum of money.
<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 work for or have a connection to the business.
<i>Vulnerable/ Vulnerability</i>	As defined at FS12.1 and FS12.2 of the Vulnerability Standards for <i>Enforcement Firms</i> and paragraphs AS9.1 and AS9.2 of the Vulnerability Standards for <i>Enforcement Agents</i> .
<i>Work for</i>	Work for an <i>enforcement firm</i> either as an employee or as a contractor.

Guidance: on Ability to Pay

Ability to pay in part only

1. The *ECB* recognises that when someone is unable to repay their debt in full it may not be because they are *vulnerable* as defined by these Standards. However, if the *person subject to enforcement* is experiencing *low financial resilience* and/or one or more of the drivers of *vulnerability* set out at FS12.2 - whether disclosed by the person or observed by *frontline staff* or an *enforcement agent* - these Standards must be applied, and efforts made to establish a sustainable payment plan, where this is appropriate. Agents should ensure that they have properly considered and, if required, gathered any relevant information or evidence of financial *vulnerability*, in accordance with the policies and processes of the firm that they are *working for* and the creditor's instructions. Firms should also ensure that in this situation all disclosures and evidence of financial *vulnerability* are appropriately and objectively evaluated to support decision making and enable verification of the basis on which assessments were made.
2. In cases where someone lacks the ability to pay in full but does not meet the definition of *vulnerability* set by these Standards, the decision to offer a payment plan remains with the agent, firm and/or creditor. However, we would encourage consideration of a payment plan wherever it will increase a person's ability to repay their debt.

No Ability to Pay

1. Where someone has *no ability to pay* 'for the foreseeable future' we mean that there is unlikely to be any realistic prospect of recovering the debt or evidence to suggest potential for improvement in their long-term financial situation that would enable them to repay their debt safely while meeting their *essential needs*. In addition to having no seizable assets, indicators could include a long-term negative budget and/or living in persistent poverty, long-term unemployment or reliance on crisis support. It is unlikely that enforcement can safely proceed in these cases, and the firm's policies and processes for returning the case to the creditor should be followed as soon as this is identified.
2. A firm may decide that, if required by a creditor, an *enforcement agent* should visit the premises to confirm the individual's circumstances and the absence of any seizable assets, so that the case can be returned and/or alternative legal actions pursued. This would be compliant with the Standards, provided the approach is proportionate and does not result in unnecessary costs for the individual if the visit confirms that they have *no ability to pay*.

Figure 1: Illustrative vulnerability assessment process

