



ENFORCEMENT
CONDUCT
BOARD

OCTOBER 2026

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

Professional Values

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

You must:

- FV1. 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*.
 - FV2. be accountable and responsible for your actions and the actions of those who work on your behalf.
 - FV3. 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.
 - FV4. 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 Firms*

The *Enforcement Process*

Objective:

- FS1. An *enforcement firm* ensures that it and the *frontline staff* and *enforcement agents* who work for it carry out the *enforcement process* in a manner which is lawful and appropriate.

An *enforcement firm* must:

Notice of Enforcement

- FS1.1 send the *person subject to enforcement* a *Notice of Enforcement* which complies with the requirements of [The Taking Control of Goods Regulations 2013](#).
- FS1.2 ensure that the telephone number provided on the *Notice of Enforcement* conforms with paragraph FS2.5.

Policies and procedures

- FS1.3 ensure that it, and *enforcement agents* who *work for* it, comply with all relevant legislation, including data protection legislation ([Data Protection Act 2018](#)), the [Freedom of Information Act 2000](#), [Human Rights Act 1998](#), [Equality Act 2010](#), [Welsh Language Act 1993](#) and the [Health and Safety at Work Act 1974](#), as applicable.
- FS1.4 ensure that *enforcement visits* are only carried out by *enforcement agents* who are covered by a policy of insurance to cover any damage which may occur to goods while they are in their possession, or by those who are acting in the presence of and under the direction of an *enforcement agent*.
- FS1.5 ensure the *enforcement process* is paused if it is notified that the debt is exempt from the *enforcement process*, for example because it is part of a Breathing Space scheme or has been consolidated into a Debt Relief Order, and that the *enforcement process* is stopped altogether once the firm has evidence of the exemption.
- FS1.6 have a system which links multiple debts owed by the same person so that, after charging the compliance fee, only one set of fees are charged where the activity that generates the fee can reasonably be carried out at the same time.
- FS1.7 keep a record of all payments taken from *people subject to enforcement*.
- FS1.8 if it becomes aware that one of the *enforcement agents* who *works for* it has taken control of goods belonging to a *third party*, make those goods available for collection by the *third party* at no cost and in a timely way, and comply with the legal process in relation to any claim made by a *third party* under [CPR85](#).

- FS1.9 have in place adequate and appropriate insurance to cover any claims made against it.
- FS1.10 unless the person consents, keep information about a *person subject to enforcement* confidential, other than to the extent it is necessary to share information:
- FS1.10.1 with a creditor, an *enforcement agent* who *works for* it 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;
 - FS1.10.2 with a *third party*, in order to conduct an *enforcement visit*. The *enforcement firm* should only disclose the amount of information which is necessary to allow an *enforcement agent* who *works for* it to conduct the visit;
 - FS1.10.3 in order to comply with a legal duty, such as a court order;
 - FS1.10.4 in order to safeguard the *person subject to enforcement* or a *third party*.
- FS1.11 regularly monitor and keep under review its systems and processes, and make changes where appropriate, such as in light of any conduct concerns or appropriate recommendations from other relevant service providers and/or the *ECB*.

Conduct of enforcement agents and frontline staff

- FS1.12 have in place an appropriate policy on the conduct expected of all *enforcement agents* and *frontline staff* who *work for* it, which must include:
- FS1.12.1 mechanisms for ensuring that an *enforcement agent* complies with the *ECB's* Professional Values and Standards of Practice for Enforcement Agents;
 - FS1.12.2 mechanisms for ensuring that an *enforcement agent* complies with the processes and requirements set out in [The Tribunals, Courts and Enforcement Act 2007](#) and [The Taking Control of Goods Regulations 2013](#);
 - FS1.12.3 procedures to identify and appropriately address conduct issues;
 - FS1.12.4 a whistleblowing policy; and
 - FS1.12.5 a clear monitoring and feedback process.
- FS1.13 where it has a concern about the fitness of an *enforcement agent* to hold a certificate to act as an *enforcement agent*, either report those concerns to the relevant County Court using a Form [EAC2](#) or, where it would be prohibitive for it to do so, work with the *ECB* to provide the necessary information for the *ECB* to complete and submit a Form EAC2.
- FS1.14 ensure that the way in which it remunerates and engages *enforcement agents* does not act as a disincentive for *enforcement agents* to comply with the Professional Values and Standards of Practice for Enforcement Agents.

Guidance:

Remuneration and contracting structures

In line with FS1.14, *enforcement firms* should understand and assess the likely impact of their contracting and remuneration policies on those experiencing enforcement and put in place monitoring and oversight strategies that are commensurate with the risk their remuneration and contracting structure generates. Set out below are examples of the types of evidence we would look for when considering whether an *enforcement firm* is meeting this standard:

- a. That the firm has and is able to demonstrate an evidence-based approach to identifying and understanding the potential risks in their contracting and remuneration structures (e.g. complaints data, fee application and escalation rates, terms and conditions for frontline operatives and *enforcement agents*, outputs from regular monitoring of calls and *body worn video*)
- b. That the firm has taken steps to mitigate the risks they have identified. This could be by:
 - i. Tailoring their monitoring and auditing practices to mitigate the risks presented by their approach
 - ii. Amending their contracting structures to ensure they do not disincentivize adherence to the *ECB* standards
 - iii. Where necessary, changing how *frontline staff* and *enforcement agents* are remunerated to ensure they are not disincentivized to adhere to *ECB* standards. Firms could also consider positively remunerating staff for demonstrating adherence to *ECB* standards or firm policies, e.g. on *vulnerability*.
 - iv. Putting in place a robust approach to reviewing contracting and remuneration structures periodically to ensure the risks and mitigations are still effective.

Communication

Objective:

- FS2 An *enforcement firm* communicates with a *person subject to enforcement* in a way that is accurate, appropriate and easy to understand.

An *enforcement firm* must:

- FS2.1 take reasonable steps to accommodate any accessibility needs disclosed to them by a *person subject to enforcement*.
- FS2.2 ensure that, as far as possible, any information given to a *person subject to enforcement* is clear and accessible.
- FS2.3 ensure *enforcement agents* who work for it have access to the interpretation services they need (such as British Sign Language or a translation service) to enable them to communicate with people when undertaking an *enforcement visit*.
- FS2.4 ensure that the initial/early communications it sends to a *person subject to enforcement* provides the following information:
- FS2.4.1 the fact that the recipient has the right to seek free debt advice;
 - FS2.4.2 details of debt advice organisations;
 - FS2.4.3 an explanation of where to find further information on the *enforcement process*, for example the Government or *ECB* websites;
 - FS2.4.4 the fact that the recipient has the right to complain to the *enforcement firm*;
 - FS2.4.5 a contact number that conforms with paragraph FS2.5.
- FS2.5 have a contact number which is staffed during office hours on normal working days (as a minimum Monday-Friday) so a *person subject to enforcement* can speak to someone within the *enforcement firm* about their debt, as well as an alternative method of communication (such as an email) for out of office queries. This should be publicised on the *Notice of Enforcement* and any other letters to the *person subject to enforcement*.
- FS2.6 ensure that the *person subject to enforcement* is not contacted before 6am or after 9pm on any day unless the *person subject to enforcement* contacts the *enforcement firm* or an *enforcement agent* who *works for* it outside of these hours, or the debt relates to a business whose usual operating hours are outside of these times.
- FS2.7 ensure that any written contact by whatever means by the *enforcement firm* or an *enforcement agent* with the *person subject to enforcement* is:
- FS2.7.1 only in relation to the debt being pursued;
 - FS2.7.2 clearly identified as being from the *enforcement firm* or *enforcement agent* in relation to the debt being pursued;

- FS2.7.3 directly and confidentially sent to the *person subject to enforcement* and such contact cannot reasonably be accessed or viewed by anyone else without the permission of the *person subject to enforcement*;
 - FS2.7.4 not sent from an *enforcement agent's* personal social media account; and
 - FS2.7.5 confidentially and securely retained for at least three months. Where the communication is a *notice of attendance*, a video record of this being delivered to the property where the *person subject to enforcement* lives or carries on a business or trade from is sufficient.
- FS2.8 ensure that communications (including text messages) sent to a *person subject to enforcement* are appropriate and could not reasonably be considered to:
- FS2.8.1 be threatening or intimidating;
 - FS2.8.2 amount to harassment of any form (including sexual harassment);
 - FS2.8.3 be misleading or untrue in terms of the powers of an *enforcement agent* or an *enforcement firm* or in terms of the stated timescales within which action may be taken.

Guidance:

Communicating with people subject to enforcement

FS2 places a duty on *enforcement firms* to ensure everyone who *works for* them communicates effectively with *people subject to enforcement*. There are numerous ways *enforcement firms* can demonstrate their compliance with this standard and *enforcement firms* should consider the most appropriate way of achieving this within their organisation. Some of the actions *enforcement firms* should consider taking are:

- a. Developing 'How To' guides and FAQ's that staff can use in their day-to-day role.
In practice, this could mean:
 - i. developing a signposting document so staff know where to direct people to receive additional information or external support;
 - ii. using best practice examples to produce template and scripts for staff to use when communicating with people, particularly via more informal channels like text messages.
- b. Ensuring *frontline staff* have a clear understanding of how they can use social media to communicate with the people they are pursuing. Our standards are clear that any communication sent to someone experiencing enforcement must be sent directly and confidentially and should not be sent from an *enforcement*

agent's personal social media account. This includes using WhatsApp or other online messaging platforms where the mobile phone number being used is a personal phone number. One way for *enforcement firms* to meet this standard would be by ensuring their *enforcement agents* have work phones or a dedicated contact number for all communication related to enforcement activities and that all messages are retained for a period of time.

- c. Quality checking all written materials and the process for issuing them. In practice this could mean:
- i. Regularly reviewing all written materials to ensure they meet the required standards
 - ii. Auditing samples of written materials that have been sent to *people subject to enforcement* to check they are consistent with the required standards
 - iii. Ensuring all written materials provide sufficient information for the *person subject to enforcement* to be able to identify the debt they are being asked to pay
 - iv. Auditing the processes for issuing communications to ensure any written notices or communications are sent at the appropriate stage of the *enforcement process*.

Training

Objective:

FS2 An *enforcement firm* ensures that the *enforcement agents* and *frontline staff* who work for it keep their knowledge and skills up to date.

An *enforcement firm* must:

FS3.1 ensure all *enforcement agents* and *frontline staff* who work for it undertake regular training to ensure they have the appropriate knowledge and skills for their role.

Monitoring

Objective:

- FS4 An *enforcement firm* monitors the *enforcement agents* and *frontline staff* who work for it to ensure compliance with *enforcement firm* policies, legal requirements and these Professional Values and Standards of Practice.

An *enforcement firm* must:

- FS4.1 ensure that all *enforcement agents* who work for it have an operational *body worn video* with functioning audio recording ability and use this to record all interactions between an *enforcement agent* and anyone present during an *enforcement visit* insofar as it is necessary and proportionate to do so.
- FS4.2 have a policy on the use of *body worn video* by an *enforcement agent* which:
- FS4.2.1 is clear and appropriate;
 - FS4.2.2 ensures that anyone who will be recorded on *body worn video* footage is aware of the *body worn video* in operation;
 - FS4.2.3 covers when the *body worn video* should be switched on;
 - FS4.2.4 covers how data should be transferred to a central database for monitoring and review purposes;
 - FS4.2.5 requires *enforcement agents* to delete the footage once it is transferred to the database; and
 - FS4.2.6 provides guidance with respect to how *enforcement agents* should respond to requests by anyone present to turn off *body worn video*. 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.
- FS4.3 ensure that all footage is retained centrally by the *enforcement firm* and that the *enforcement agent* does not have access to the footage after it has been provided to the *enforcement firm*, other than to the extent necessary and in accordance with the *enforcement firm's* policy.
- FS4.4 regularly review *body worn video* footage from all *enforcement agents* who work for it.
- FS4.5 retain *body worn video* footage for an appropriate period of time to allow for the submission of complaints or, where the footage is relevant to a complaint, until it is no longer required for the resolution of that complaint, and for a minimum of 12 months from the date of the complaint.

Guidance:

Body worn video

FS4.2 requires all *enforcement firms* to have a *body worn video* policy which meets the specified criteria and FS4.5 states that the *body worn video* footage should be retained for an appropriate amount of time to allow for the submission of complaints. To demonstrate compliance with these standards *enforcement firms* should consider:

- a. Requiring *enforcement agents* to capture all verbal interactions that take place during an *enforcement visit*. This might include having 'vehicle to vehicle' footage of *enforcement visits*, so that the camera goes on when they begin work on the case and goes off when they begin travel to their next destination.
- b. That the ECB will accept complaints that were raised up to 90 days after the incident in question and will expect to see relevant evidence relating to the incident within this period, including any *body worn video* footage.

- FS4.6 ensure that their system enables footage from *body worn video* to be permanently deleted:
- FS4.6.1 from an *enforcement agent's body worn video* upon transfer to the database;
 - FS4.6.2 from the *enforcement firm's* database after the period referred to in paragraph FS4.5 above.
- FS4.7 have in place a risk-based and proportionate process for internally auditing the channels of communication between *enforcement agents* who *work for* it, people subject to *enforcement* and *third parties*, to ensure compliance with *enforcement firm* policies, legal requirements and these Professional Values and Standards of Practice. This should include recording telephone calls and text messages where feasible.
- FS4.8 act upon the findings of any compliance work including, where breaches are found, taking appropriate action to avoid a reoccurrence.

Guidance:

Monitoring and auditing

In line with FS4.7 we require *enforcement firms* to have a proportionate and risk-based approach to internally auditing interactions and communications with *people subject to enforcement*. Set out below are examples of the types of actions we will look for when assessing whether an *enforcement firm* is meeting this standard:

- a. All forms of communication are considered within the firm's monitoring and auditing policy including phone call, text messages, written communications and video footage of in-person visits.
- b. The policy covers the work of *enforcement agents* and *frontline staff*.
- c. Monitoring efforts are targeted in a risk-based way and matched with appropriate mitigating actions. For example, if *enforcement agents* in an *enforcement firm* primarily use text messages or WhatsApp to communicate with the *people subject to enforcement*, the *enforcement firm* might incorporate this into their monitoring strategy by using a mechanism to monitor *enforcement agents'* messages or selecting a random sample of screenshots or messages sent by *enforcement agents* to be audited.
- d. The policy includes regular monitoring of randomly selected *body worn video* footage of visits carried out by all *enforcement agents*.

Health and Safety

Objective:

FS5 An *enforcement firm* takes reasonable steps to ensure, as far as reasonably practicable, the safety of *frontline staff*, *enforcement agents*, *people subject to enforcement* and *third parties* during the *enforcement process*.

An *enforcement firm* must:

- FS5.1 have in place an appropriate policy to ensure, as far as reasonably practicable, the safety of *frontline staff* when engaging with *people subject to enforcement*.
- FS5.2 have in place an appropriate policy to ensure, as far as reasonably practicable, the safety of *enforcement agents* when undertaking *enforcement visits*, which complies with relevant health and safety legislation. This should include:

- FS5.2.1 a lone worker safety system, which puts appropriate measures in place to ensure, as far as reasonably practicable, the safety of *enforcement agents* who *work for it* when undertaking *enforcement visits* alone;
 - FS5.2.2 a process for recording and learning from incidents where an *enforcement agent* has been involved in an interaction during an *enforcement visit* that has escalated, either physically or verbally;
 - FS5.2.3 support for an *enforcement agent* who has been involved in an escalated interaction during an *enforcement visit*;
 - FS5.2.4 a risk management policy that includes taking appropriate action to protect an *enforcement agent*, as far as reasonably practicable, where there is a known history of violence or threatening behaviour at an address where an *enforcement visit* is taking place.
- FS5.3 provide training to an *enforcement agent* on how to conduct themselves in a way which ensures their safety and the safety of everyone present during an *enforcement visit*.
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Cooperation and Accountability

Objective:

FS6 An *enforcement firm* cooperates fully with the *ECB*.

An *enforcement firm* must:

- FS6.1 cooperate with all reasonable requests made by the *ECB*.
- FS6.2 allow the *ECB* reasonable access to carry out compliance visits.
- FS6.3 provide data and information in a timely manner following a request from the *ECB*, in line with data protection legislation.
- FS6.4 comply with any sanction imposed on it by the *ECB* following a *compliance issue*.
- FS6.5 comply with any redress the *ECB* provides to a complainant under the *ECB's complaints-handling process*.
- FS6.6 Retain the necessary information to enable them to comply with any request from the *ECB* for information to assist in the consideration of a complaint. As a minimum, firms must retain information for an appropriate period of time to allow for the submission of a complaint which would be eligible to be considered by the *ECB*. Where a complaint has been made to the firm, information must be retained until it is no longer required for the resolution of that complaint, and for a minimum of 12 months from the date of the complaint.

- FS6.7 report promptly to the *ECB* any serious misconduct or breach of the *ECB's* Professional Values and Standards of Practice by the *enforcement firm* or any *enforcement agent*.
- FS6.8 inform the *ECB* of any complaint they are aware of which has been submitted (either by the firm or by someone else) to the relevant County Court under Form EAC2 about an *enforcement agent* who *works for* the firm, and keep the *ECB* updated on the progress and outcome of this complaint.

Guidance:

EAC2 reporting

FS6.8 requires firms to inform the *ECB* of any complaint they are aware of which has been submitted (either by the firm or by someone else) to the relevant County Court under Form EAC2 about an *enforcement agent* who *works for* the firm, and keep the *ECB* updated on the progress and outcome of this complaint. To meet this standard, firms should take the following actions:

- a. Where the firm has been made aware of a complaint about an *enforcement agent* raised by a member of the public, the *ECB* does not need to be notified of the complaint at the point it is raised.
- b. However, the firm should proactively notify the *ECB* of EAC2 complaints raised against *enforcement agents* in the following two circumstances:
 - i. An EAC2 complaint (regardless of how it was raised) has been considered by the courts and a judgement has been made (either to uphold the complaint or to dismiss it). In this scenario the firm should notify the *ECB* by emailing compliance@enforcementconductboard.org setting out the decision taken by the court and details of the complaint.
 - ii. Where the firm itself is bringing forward the EAC2 complaint at the point it submits the complaint. The firm should then update the *ECB* by email on the progress of the complaint when it is heard by a court, including details of any action taken (or a decision not to take action).
- c. This is in addition to the requirement in the standards for firms to notify and provide necessary evidence to the *ECB* in cases where the firm believes an EAC2 complaint should be submitted against an *enforcement agent* but is unable to take this action themselves.

The *ECB* may also choose to submit an EAC2 complaint itself on the basis of evidence gathered through our oversight work or through our complaints function. In this scenario we will endeavour to notify the firm(s) contracting or employing the *enforcement agent* in question where this information is available to us.

Complaints

Objective:

FS7 An *enforcement firm* openly welcomes complaints.

An *enforcement firm* must:

- FS7.1 publish its complaint handling policy, which must:
 - FS7.1.1 set out its complaint handling process;
 - FS7.1.2 promote the use of it;
 - FS7.1.3 reassure *complainants* about how they will be treated;
 - FS7.1.4 set out the support that is available to make a complaint;
 - FS7.1.5 explain which types of complaints it can and cannot consider;
 - FS7.1.6 set out how it uses complaints to make improvements to its service.
- FS7.2 provide clear and accessible information on how a person can make a complaint in any correspondence with a *person subject to enforcement*.
- FS7.3 have appropriate resources in place to enable it to investigate the number of complaints it anticipates it could receive.

Objective:

FS8 An *enforcement firm* has a clear and accessible complaints process.

An *enforcement firm* must:

- FS8.1 put in place a complaints process which is clear and simple, with no more than two stages. The complaints process will comprise:
 - FS8.1.1 where appropriate, an informal stage, in which the *enforcement firm* attempts to resolve the complaint informally with the *complainant* within 5 working days;
 - FS8.1.2 if the *enforcement firm* cannot resolve the complaint informally, a formal stage, which should be concluded within 20 working days (unless, due to exceptional circumstances, a longer period is required to investigate it appropriately).
- FS8.2 ensure the *complainant* is updated when it is clear that the relevant timeframes at FS8.1 cannot be met, and arrangements are put in place for the *complainant* to be provided with regular and meaningful updates.

- FS8.3 accept complaints over the telephone, in writing or via any other communication channel actively used by the *enforcement firm*.
- FS8.4 where appropriate, signpost the *complainant* to the support that is available to assist them in making a complaint.
- FS8.5 provide reasonable adjustments to the complaints process to ensure it is accessible to the *complainant*, taking into account any particular needs or circumstances.
- FS8.6 provide responses to complaints which are clear and accessible.

Objective:

- FS9 *An enforcement firm deals with complaints properly.*

An enforcement firm must:

- FS9.1 promptly acknowledge a complaint and provide information about how it will be handled.
- FS9.2 inform the *complainant*, as soon as possible, if it cannot investigate their complaint, or any aspects of it.
- FS9.3 where informal resolution has not been successful, ensure that the formal investigation of the complaint is undertaken by a member of staff who is suitably independent.
- FS9.4 conduct a fair and proportionate investigation into a complaint, reviewing all the relevant evidence to find out what happened.
- FS9.5 consider honestly and fairly whether something has gone wrong and inform the *complainant* of the outcome.
- FS9.6 notify the *complainant* that they can escalate a complaint to the *ECB*.

Objective:

- FS10 *An enforcement firm has a culture of continuous improvement.*

An enforcement firm must:

- FS10.1 maintain a record of complaints and complaint outcomes which can, on request, be analysed and audited.
- FS10.2 ensure that a suitably experienced person within the *enforcement firm* is responsible for reviewing complaints and ensuring that improvements are made as a result.
- FS10.3 provide support to the *enforcement agent* or anyone who *works for* the firm who is the subject of a complaint.

Vulnerability and Ability to Pay

Headline Aim:

- FS11. An *enforcement firm* ensures that *enforcement agents* and *frontline staff* who work for it carry out the *enforcement process* fairly and ensure that *persons subject to enforcement* who are *vulnerable* achieve outcomes which are no less fair than the outcomes achieved for others. This means:
- i) identifying, as far as possible, when a *person subject to enforcement* is *vulnerable*, and then responding to this in a way that sufficiently mitigates the risk of that person experiencing foreseeable *harm* and avoids exacerbating their *vulnerability*.
 - ii) taking steps to ensure that a *person subject to enforcement* is able to satisfy as much of their debt as is feasible in a way that is both *sustainable* and as efficient as possible, taking into account their individual circumstances.

Definitions

Vulnerability:

- FS12.1. A *person subject to enforcement* is defined as being *vulnerable* for the purposes of these Standards at a time when, due to their personal or financial circumstances, that person is at increased risk of *harm* during the *enforcement process*.
- FS12.2. The personal and financial circumstances referred to at FS12.1. above include any or all of the following drivers of *vulnerability*, which can put someone at increased risk of *harm*. *Vulnerability* may be temporary, permanent or fluctuating in nature and the following is not a finite list:
- FS 12.2.1 Health: physical and mental health conditions, serious or long-term illness, hearing or visual impairments, low mental capacity, cognitive impairments, addiction or neurological conditions.
 - FS12.2.2 Life events: major life changes and emotional shocks with temporary or longer lasting impacts such as bereavement, job loss, relationship breakdown, and individuals in specific or transient life circumstances.
 - FS12.2.3 Capability: Poor literacy or numeracy skills, low confidence or limited knowledge of financial matters and/or managing money, low digital literacy, and/or digital exclusion.
 - FS12.2.4 Low financial resilience: low resilience to withstand financial shocks due to low or erratic income, over indebtedness, and a lack of a support structure.

Ability to Pay:

- FS13. A *person subject to enforcement* experiencing *low financial resilience* and/or other drivers of *vulnerability* as per the examples provided at FS12.2.1 to FS12.2.3 above may be unable to satisfy their debt in full immediately whilst still paying for their *essential living costs*. This could primarily manifest in the following ways:
- (a) *ability to pay in part only*: the person is unable to satisfy a debt in its entirety immediately, but is able to make some payments towards the debt (with money and/or eligible assets) whilst still paying for their *essential living costs*; or
 - (b) *no ability to pay*: the person has no means of paying their debt at all (with money and/or eligible assets) in the foreseeable future, whilst still paying for their *essential living costs*.

Strategy for complying with the Vulnerability Standards

- FS14. An *enforcement firm* has in place a clear strategy and policies and procedures for ensuring that it and the *frontline staff* who *work for* it comply with these Standards, and that the *enforcement agents* who *work for* it comply with the ECB's Standards on Vulnerability for Enforcement Agents. The strategy and policies and procedures must be based on the types and prevalence of *vulnerability* likely to be present within the *enforcement firm's* business model, and must be regularly reviewed and updated. In its strategy and policies and procedures, an *enforcement firm* must:
- FS14.1 identify where responsibility sits for ensuring that it is complying with these Standards (which should be at an appropriately senior level), and explain how this will be achieved.
 - FS14.2 outline the ways in which it remunerates and engages *enforcement agents* and *frontline staff* who *work for* it, and how it sets any targets or key performance indicators, for example in relation to timescales, to ensure that they do not act as a disincentive to complying with these Standards.
 - FS14.3 outline the training, guidance and tools that it will provide to *enforcement agents* and *frontline staff* who *work for* it so that they have the appropriate knowledge and skills to carry out the *enforcement process* in a way which complies with these Standards and the ECB's Standards on Vulnerability for Enforcement Agents.
 - FS14.4 outline different creditors' requirements including:
 - (i) acceptable payment parameters for each creditor and the firm's policies and processes outlining the actions those who *work for* it should take when cases fall outside these parameters.
 - (ii) arrangements for returning a case when there are indicators that it is not safe to proceed with the *enforcement process* because there is no clear way to respond which sufficiently mitigates the risk of the *person subject to enforcement* experiencing foreseeable *harm* because of their *vulnerability* and/or having *no ability to pay*.

Guidance: to FS14-14.4

In complying with FS14.2 we would expect firms to be able to demonstrate how their approach to remuneration is encouraging the right behaviours and supporting *enforcement agents* and *frontline staff* to comply with these Standards. FS14.2 also aligns with the requirements of FS1.14.

In looking to see how a firm has complied with FS14.4, we will take into account the firm's business model and the nature and differing requirements of their clients. Where a firm has been unable to agree a set process and parameters for agreeing payment arrangements in advance, we would expect the firm to be able to provide details of the policy and process setting out how *enforcement agents* should approach individual cases, for example negotiating with the *person subject to enforcement* and putting forward a payment proposal to the client.

Identifying vulnerability

Objective:

FS15. An *enforcement firm* ensures that it and those who *work for* it take reasonable and proactive steps at the earliest opportunity and throughout the *enforcement process* to identify and record whether, and in what way, a *person subject to enforcement* is *vulnerable*.

An enforcement firm must:

FS15.1 take reasonable steps to obtain information about the personal or financial circumstances of a *person subject to enforcement* where reasonably accessible to them from creditors and any other sources to enable the *enforcement firm* to identify at the earliest opportunity whether the *person subject to enforcement* is *vulnerable*.

Guidance: to FS15.1:

When assessing compliance with the above Standards, we would expect to see the *enforcement firm* having a process in place for accessing any available information from the creditor about the personal and financial circumstances of the person experiencing enforcement, including any potential *vulnerabilities*. Where possible, the mechanism by which *enforcement firms* are able to receive any available information from creditors should be agreed at contracting stage. This should form a core part of the *enforcement*

firm's approach to complying with the ECB's Standards on Vulnerability and be set out in the Vulnerability Strategy, policies and procedures as required by FS14.

Enforcement firms might also consider what other sources of information they could access to gain a better understanding of the personal and financial circumstances of the *person subject to enforcement*. For example, this could include using propensity to pay scores and any systems that enable someone to share details of their circumstances and consent to this being accessed by third parties for the purpose of ensuring that their support needs are met. When assessing whether an enforcement firm has taken 'reasonable steps to seek out information', we will consider what is proportionate to the size and nature of their business, particularly where there are additional costs involved in accessing these information sources.

- FS15.2 ensure that there are opportunities at each stage of the enforcement process, for *enforcement agents* and *frontline staff* who *work for the enforcement firm*, to identify whether the personal or financial circumstances of a *person subject to enforcement* mean that they are *vulnerable*.

Guidance: to FS15.2:

When assessing whether a firm is meeting FS15.2 we would expect to see procedures in place that create opportunities for people to disclose their *vulnerabilities* at every stage of the *enforcement process*. This might include:

1. Call centre scripts or structured but flexible guides to support appropriate and legally compliant handling of disclosures of *vulnerability* and incorporating questions to solicit information about support needs and *ability to pay*.
2. Training and procedures for enforcement agents and *frontline staff* on how to proactively identify *vulnerability*, potentially incorporating use of 'model' *vulnerability* frameworks.
3. Scripts, guides and training for *enforcement agents* on how to handle conversations where *vulnerability* is disclosed, this should include questions they could ask to elicit sufficient information to understand and record an individual's *vulnerability* and how it might impact their ability to repay their debt.

- FS15.3 ensure that all communications with a *person subject to enforcement* are developed and delivered in a way that enables that person to disclose any needs or personal or financial circumstances which could indicate that they are *vulnerable* and could affect their ability to satisfy their debt.
- FS15.4 ensure that all disclosures and available evidence confirming or indicating that a *person subject to enforcement* is *vulnerable* are appropriately evaluated and objectively assessed. Such disclosures or evidence must never be dismissed without appropriate evaluation and assessment, or be treated disrespectfully by an *enforcement firm* or those who *work for it*.

Guidance: to FS15.4:

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 *enforcement firm*, *frontline staff* member or *enforcement 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* or *frontline staff* member should consider whether it necessitates a change in approach, in compliance with FS17 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 *enforcement agent* or *frontline staff* member 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. Any request for this type of evidence should comply with FS15.5 and the guidance to this Standard below.

- 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 FS15.4 set out below).
- Information confirming that someone is seeking *debt advice* (in compliance with FS19.iii)

Figure 1 sets out how the *ECB* envisages FS15.4 could work in practice. This is not intended to be directive but to illustrate the type of approach, if followed, that would meet our standards. The list of potential actions in the diagram is not exhaustive, and they are not mutually exclusive but give an indication of the actions to adapt the *enforcement process* which may be appropriate, and will depend on the individual circumstances of the case. Our expectation is that *enforcement firms* will have different requirements of *enforcement agents* making assessments of *vulnerability* face to face when compared to *enforcement agents* or *frontline staff* interacting with *people experiencing enforcement* on the phone, or via written communication. In order to reflect these different operating environments, we have set out separate process flows for *enforcement visits* and back-office operations.

Ability to Pay

When considering whether *enforcement firms* are meeting FS15.4 we will look specifically to see how they are ensuring that they are making objective assessments of *ability to pay* when someone is *vulnerable*. *Frontline staff* should be aiming to have constructive discussions and enabling an individual to establish a *sustainable* payment arrangement, using budgeting tools where appropriate, in line with FS 19 (i).

Where someone sets up a payment arrangement through a 'self-service', non-contact route – for example a telephone payment line - we would not expect to see the *enforcement firm* attempting to carry out an assessment of their finances. Where it is clear that someone does not wish to engage or provide evidence of their financial situation to an *enforcement agent*, we would expect them to give consideration to any clear indicators of a person's financial situation that could mean the payment being proposed is unsustainable.

Enforcement firms should also note that the Vulnerability Standards for Enforcement Agents contain more specific requirements relating to how they should respond to indications of financial *vulnerability* and inability to pay (AS12, AS15.3 and AS15.4) and justify how they have arrived at the decision that a payment arrangement is *sustainable* (as defined by these Standards).

In order to support *enforcement agents* to meet these Standards, we would expect to see *enforcement firms*:

- a. Have in place a policy which sets out how the *enforcement agent* should demonstrate compliance with AS15.4, including the types of evidence they could use (such as bank statements, payslips and benefits entitlement statements) or methods and tools (for

example online or offline budget calculators) available to the *enforcement agent* to assess income and expenditure on an informed basis. The policy should outline how firms expect *enforcement agents* to respond where someone chooses not to engage in a discussion and/or provide evidence of their financial situation, but makes a payment offer that is acceptable to the creditor.

- b. Have in place a process to audit the justifications provided by *enforcement agents* to ensure that they are carrying out assessments of *ability to pay*, in accordance with AS15.4 and the firm's policies and procedures.

FS15.5 where additional information or evidence is required from a *person subject to enforcement* who is *vulnerable* or is experiencing *vulnerability* to enable the firm to decide how to respond, ensure that the process for obtaining that additional information or evidence is proportionate and not overly burdensome for the *person subject to enforcement* and, where appropriate, pause the *enforcement process* for a reasonable period to allow this to take place.

Guidance: to FS15.5:

When complying with this Standard firms should ensure that the process is fair, proportionate and does not cause any unnecessary barriers, friction or delays to that person receiving support. The absence 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.

To achieve this, firms might consider:

- a) Ensuring the bar for evidence is commensurate with the support being considered. For example, the level of evidence required to grant a short pause to the *enforcement process* should be less than that required in order for the firm to cease enforcement entirely.
- b) Accounting for ways in which individuals' circumstances might make it challenging for them to gather evidence. For example, where they are awaiting diagnosis of a medical condition.
- c) Whether it is proportionate to expect the person to incur costs, monetary or otherwise, involved in obtaining the information requested by the firm, particularly medical evidence, which should only be requested when necessary and appropriate. In determining what is proportionate, firms may consider factors including the size of the debt, the person's circumstances and the concessions being proposed.

- d) What alternative evidence is acceptable when a person has tried, but been unable to secure a completed [Debt and Mental Health Evidence Form](#).
- e) Whether the timescale they have set for someone to gather evidence accounts for the circumstances of the case and any foreseeable delays, for example accessing appointments or written confirmation from medical professionals and/or responsible authorities.
- f) Circumstances in which it is reasonable to grant someone more flexibility, for example giving additional time or lowering evidence requirements.

When assessing compliance with this standard we would expect to see firms engaging with clients at contracting stage to understand what they deem to be reasonable in this context and any other requirements they may have in relation to application of this standard.

- FS15.6 have in place an appropriate system to enable those who *work for the enforcement firm* to record any assessment that has been undertaken of whether a *person subject to enforcement* is *vulnerable* and how this might affect their ability to engage with the *enforcement process* and/or satisfy their debt. These records should be kept up to date and retained for an appropriate period of time after the *enforcement process* has concluded, in line with the firm's data protection policy and/or any other relevant policy.
- FS15.7 ensure that, where a *person subject to enforcement* has been identified as *vulnerable*, this information is shared with those *enforcement agents* and *frontline staff* who work for the *enforcement firm* who are dealing with the *person subject to enforcement* and, where appropriate with the creditor, in line with the *enforcement firm's* data protection policy and/or any other relevant policy.

Responding to vulnerability

Objective:

- FS16. When an *enforcement firm* identifies that a *person subject to enforcement* is *vulnerable*, it assesses how to respond appropriately and puts in place measures to address this in a way which sufficiently mitigates the risk of that person experiencing foreseeable *harm* during the *enforcement process* and where possible enables them to satisfy their debt – on a *sustainable* basis – in full or in part.

Guidance: to FS16:

Our expectation is that having identified that someone is *vulnerable*, firms will use the evidence and information about that person's circumstances to determine an appropriate way forward to allow enforcement to continue safely where appropriate. Fig. 1 shows some of the approaches and options that this could include. When assessing whether a firm has met this standard we would expect to see firms having in place training and processes for *enforcement agents* to follow that:

- i. support them to make evidence-based judgements about responding to *vulnerability*
- ii. ensure *enforcement agents* know when to escalate a case for a second opinion on how or whether to proceed with enforcement where someone has been assessed as *vulnerable*
- iii. Have the necessary arrangements and resources in place for *enforcement agents* to refer or signpost people subject to *enforcement* to appropriate support organisations where necessary.

FS16.1 An *enforcement firm* must ensure that the *enforcement agents* and *frontline staff* who work for it take appropriate steps when it has been determined that a *person subject to enforcement* is *vulnerable* and/or has *no ability to pay* or the *ability to pay in part only*. These steps may include, but are not limited to:

FS16.1.1 making adaptations to the *enforcement process*, such as providing additional support to the *person subject to enforcement*, placing the case on hold, or adapting communications to meet their needs.

FS16.1.2 in more complex cases, or in circumstances in which a higher degree of support is needed, signposting or referring the *person subject to enforcement* to sources of internal or external specialised support.

FS16.1.3 where there are indicators that it is not safe to proceed with the *enforcement process* because there is no clear way to respond which sufficiently mitigates the risk of the *person subject to enforcement* experiencing foreseeable *harm* because of their *vulnerability* and/or having *no ability to pay*, stopping pursuing payment, suspending or ceasing the *enforcement process* altogether and returning the case to the creditor.

FS17. Throughout the *enforcement process*, an *enforcement firm* must take into account and regularly review the *person subject to enforcement's* personal and financial circumstances and their risk of experiencing *harm*. During the *enforcement process*, if the person's support needs and/or the risk of them experiencing *harm* changes, the *enforcement firm*, *frontline staff* or *enforcement agent* should respond appropriately, as set out at FS16.1.

Guidance: to FS17:

The objective of this requirement is to ensure that opportunities to identify that a person's susceptibility to *harm* or support needs have changed are not missed or overlooked once it has been determined that it is safe to proceed with enforcement. We would envisage this happening at any recurring contact points with the person (e.g. phone calls, text messages or *enforcement visits*) and any other opportunities, including payment plan reviews, to identify a change in someone's circumstances.

The aim should be to ensure that a *person subject to enforcement* receives support appropriate to their needs and circumstances for the duration of the period when they are subject to/experiencing the *enforcement process*. These reviews are not intended to be formulaic or a 'checklist' exercise. They should be informed by the information available and proportionate to the severity of the risk of *harm* initially, or subsequently, identified and the expected duration of contact with the *enforcement firm*.

When considering whether an *enforcement firm* is meeting this standard, we will look for evidence that they have policies and procedures in place to ensure that *frontline staff* and *enforcement agents* are encouraged and supported to meet this Standard. We will expect *frontline staff* and *enforcement agents* to assess and respond to indicators or evidence that someone's susceptibility to *harm* and/or support needs have changed. In line with FS15.4, by 'assess and respond' to disclosures or available evidence we mean proactively listening and/or looking out for any observable indicators and disclosures during contact with the person and probing these further, including requesting evidence, where appropriate to enable an effective response. Case files should also be updated to ensure continuity of support.

A person making repeated disclosures of *vulnerability* when an initial assessment has determined that it was safe to proceed does not, in itself, require the *enforcement process* to be paused or prevented from continuing. However, *enforcement firms*, *frontline staff* and *enforcement agents* must respond appropriately to any indications that a person's circumstances or support needs have changed. This is particularly relevant during *enforcement visits*.

Ability to Pay

An enforcement firm must:

- FS18. when it has been identified that a *person subject to enforcement* has the *ability to pay in part only*:
- (i) seek to agree a *sustainable* payment plan with that person; and
 - (ii) not place that person under pressure to either pay their debt in full, or to agree to a payment plan which is not *sustainable*.

- FS19. provide a reasonable extension to the minimum period of notice required before a case moves from the *compliance stage* to the *enforcement stage*:
- (i) where there is sufficient evidence at the *compliance stage* that a *person subject to enforcement* may have the *ability to pay in part only*, to enable *frontline staff* to seek to agree a *sustainable* payment plan with that person, which is acceptable to the creditor, before an *enforcement visit* is conducted.
 - (ii) where a *person subject to enforcement* is seeking advice from a *debt advice provider* who contacts the *enforcement firm* or someone who *works for* it to request an extension to enable that person to receive debt advice and/or to agree a *sustainable* payment plan.
 - (iii) where a *person subject to enforcement* states that they are seeking debt advice and provides evidence that they are pursuing this.

Guidance: to FS19 (i)-iii):

FS19 (i) - This Standard applies where there are indications that the minimum 14-day *Compliance stage* prescribed in the Taking Control of Goods Regulations Misc. 2026 will be insufficient to enable a *sustainable* payment plan to be established. *Enforcement firms* should make an evidence-based decision about what a reasonable and proportionate extension would be in these circumstances.

FS19 (ii) - *Enforcement firms* must automatically extend the *Compliance stage* to 28 clear days when this is requested by a *debt advice provider* on behalf of the *person experiencing enforcement*. This is consistent with Schedule 2. para (3) of the TCOG (Miscellaneous Amendments) 2026 [Regulations](#) and the explanatory [memorandum](#) which explains the policy intent and how the Regulations are intended to work in practice.

FS19 (iii) - applies when a *person subject to enforcement* informs the *enforcement firm* that they are engaging, or seeking to engage, with a *debt advice provider*. This is also consistent with the explanatory memorandum cited at FS19 (ii) and the intent to ensure someone has sufficient time to enable them to access debt advice, particularly when they are waiting for an appointment with a debt adviser. In determining what would be a reasonable and proportionate approach in these circumstances, *enforcement firms* could consider any information that gives an indication of potential timescales, for example an email, letter or text confirming a scheduled debt advice appointment. *Enforcement firms* should also consider what would be a reasonable approach when someone is using online self-help or telephone services. We will expect to see *enforcement firms* and *enforcement agents* accepting these requests from the person in whatever format they are submitted, including proforma letters from *debt advice* and *third-party* support organisations, unless the person cannot provide any evidence which confirms that they are seeking *debt advice*.

- FS20. have in place a process for *frontline staff* or *enforcement agents* to refer or signpost a *person subject to enforcement* to a *debt advice provider* where it is appropriate to make that suggestion based on that person's personal or financial circumstances and they have not recently received advice from a *debt advice provider*.

Guidance: to FS20:

For some people, accessing *debt advice* may be essential to enabling them to repay their debt and identifying a *sustainable* repayment approach. When it has been deemed appropriate to make such a referral, firms should make the *person subject to enforcement* aware of the availability of free advice from a *debt advice provider* and provide contact details. In addition, firms 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:

- a) providing information to help them understand who they are being signposted or referred to and why, and making it simple for them to make contact.
- b) facilitating referrals by building collaborative relationships with *third-party* advice organisations (including *debt advice*) operating in the local communities in which they are carrying out *enforcement* contracts.
- c) having clear processes, training and tools in place to support *enforcement agents* to meet the requirements for them to signpost to specialist *third-party* support and *debt advice*, in compliance with AS13.1.2, AS15.2 (and AS19.1).

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 *enforcement process* and repayment of their debt. This is why we have qualified the requirement of this Standard with 'when they have not recently received advice'. We would not expect a firm or *enforcement agent* to refer someone to *debt advice* again if they indicate that they have recently received a referral.

- FS21. where there is evidence at the *enforcement stage*, that a person subject to *enforcement* is unable to satisfy their debt in full immediately but may have the *ability to pay in part only*, have a process in place which enables *enforcement agents* who *work for the enforcement firm* to seek to agree a *sustainable* payment plan with the *person subject to enforcement*.
- FS22. where a *person subject to enforcement* has completed an income and expenditure assessment with a *debt advice provider*, take this into account when determining the terms of a payment plan, to ensure this is *sustainable*.

- FS23. ensure that, when a payment plan is put in place, it is considered to be *sustainable* and it is reviewed as and when appropriate and revised, if necessary, to ensure it remains *sustainable*.

Guidance: to FS23:

The purpose of this Standard is to ensure that firms and *frontline staff* actively take reasonable steps to look out for, and act on, information about changes in circumstance that could affect someone's ability to pay under the terms of their repayment plan safely, particularly where a debt is being repaid over a longer period. Firms should identify the most proportionate and efficient approach for their business when determining how best to comply with these Standards. This could include consideration of the nature and frequency of reviews in proportion to the size and type of debt as well as the duration of the payment plan.

In assessing compliance with this Standard, we would expect to see firms using all existing opportunities and communications to identify indicators of a change in circumstances which might necessitate re-negotiation of a payment plan to ensure that it remains *sustainable*. This could include using any 'outbound' engagement, for example repayment reminders as well as calls, texts or written communications designed to encourage someone to engage with the firm. Firms should not rely solely on the person disclosing a change in circumstances or wait for difficulties to arise. This may also be relevant in complying with FS24 below.

- FS24. where a *person subject to enforcement* is *vulnerable* and has missed a single payment under a payment plan, not undertake another *enforcement visit* until the *enforcement firm* has made a reasonable attempt to secure the payment or, where appropriate, to revise the payment plan so that the *person subject to enforcement* is able to continue to repay the debt on a *sustainable* basis.

Data recording, monitoring and audit

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

- FS25.2 plans or adaptations which have been put in place to support a *person subject to enforcement* who is *vulnerable* and which sufficiently mitigate the risk of that person experiencing foreseeable *harm* and avoids exacerbating their *vulnerability*;
- FS25.3 details of payment plans which have been agreed with a *person subject to enforcement* including:
- (i) where a *person subject to enforcement* has completed an income and expenditure assessment with a *debt advice* provider and shared this with the firm, how this has been taken into account in determining whether the payment plan is sustainable; and
 - (ii) where the payment plan was agreed at the *enforcement stage*, a justification from the *enforcement agent* setting out how they determined that the payment plan is *sustainable* for that person.
- FS25.4 outcomes of the *enforcement process* for *people subject to enforcement* who are *vulnerable*.

Guidance: to FS25.3 (i):

The *ECB* expects to see firms engaging constructively with debt adviser-submitted income and expenditure assessments but we recognise that there are circumstances in which a firm may be unable to accept the proposed offer. When looking to see whether the firm has complied with this Standard, where the debt adviser's assessment is rejected, we would expect to see firms documenting the rationale for this. Noting only that the debt adviser's assessment and payment offer has been considered will not be sufficient to meet this Standard. We would expect to see details of the alternative course of action taken, for example agreeing to a plan with higher payments or continuing with *enforcement action* including taking control of goods. Firms should note where the offer has been declined due to it not being acceptable to the creditor and whether returning the case to the creditor has been proposed as an option. Where the firm has arrived at a different payment amount using an alternative approach to assessing income and expenditure, this method should be objective and evidence-based using recognised benchmarks, for example the result of a person having completed an online budget calculator.

- FS26. where it has been identified that a *person subject to enforcement* is *vulnerable*, have a system which, where appropriate and for a reasonable period of time, links multiple cases relating to the same person so they can be dealt with together.

Guidance: to FS25.3 (i):

The purpose of this Standard is to ensure that records about the circumstances and support needs of *people subject to enforcement* who have been identified as *vulnerable* are carried across when the firm receives instructions to enforce a new debt from the same or another creditor. This is to facilitate ongoing provision of support and reduce the burden on the *person subject to enforcement* to repeat information about their circumstances and provide evidence, unless their circumstances have changed significantly.

Firms should:

- a) Have in place a system or process to enable information about a *vulnerable person subject to enforcement's* circumstances and support needs to be stored and transferred to a new case file/where a new instruction regarding that person is received from the same or another creditor.
- b) Carry out appropriate reviews to ensure that any records held about a person are up to date and accurately reflect their current situation.
- c) Ensure that there is a process and mechanism in place for sharing any relevant information held about the *person subject to enforcement* with *frontline staff* and with *enforcement agents* prior to an *enforcement visit* taking place. This will also support compliance with FS15.7.

We would expect firms to determine what constitutes a 'reasonable period of time' based on the intended use for the data, their own data protection policies and any relevant regulation or legislation, in line with the requirements of FS25 and supplementary guidance below.

- FS27. have in place a proportionate process for internally auditing the data set out at FS25 on a regular basis to ensure compliance with these Standards, and the ECB's Standards on Vulnerability for Enforcement Agents.
- FS28. ensure that a suitably experienced person within the *enforcement firm* is responsible for reviewing the internal audits referred to at FS27 above, and for ensuring that improvements are made to the *enforcement firm's* policies and procedures for identifying and responding to *vulnerability* and *ability to pay in part only* or *no ability to pay* where appropriate.

Guidance:

Supplementary Guidance to FS25-FS25.4 and FS26, FS27 ,and FS28:

Recording and handling vulnerability data safely

The above Standards all require firms to collect and store a variety of data including that relating to an individual's personal circumstances where they have self-disclosed, or been assessed as *vulnerable* by a firm, *frontline staff* or *enforcement agent*. In complying with these Standards, firms should be using these data for the purposes of providing appropriate support during all interactions with the *person subject to enforcement*. They are necessary for ensuring that *enforcement agents* and *frontline staff* are complying with the Standards and the firm's internal policies and processes, and for monitoring to ensure that *vulnerable* people are securing fair outcomes and that the firm is continuously improving.

In all cases we would expect this to be carried out in line with firm's data protection and/or other relevant policies and processes. We would also expect to see the firm providing guidance to staff and agents on how to ensure compliance with the UK GDPR and DPA 2018, for example gaining explicit consent to record and store personal data.

Firms should note that these regulations do not prevent organisations from sharing or using personal information where it is appropriate and necessary to protect individuals or to provide them with the support they need. Firms should also consider this in complying with FS15.7 which requires data to be shared with *third parties*, including creditors, where appropriate.

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
<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. *Enforcement 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 *enforcement 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 *enforcement agent*, *enforcement 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 living costs*. 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 *enforcement firm's* policies and processes for returning the case to the creditor should be followed as soon as this is identified.
2. An *enforcement 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

