

christians  
against  
poverty

**CAP**

# Enforcement Conduct Board Standards for Enforcement Work and Oversight Model

Christians Against Poverty official  
response to the Enforcement Conduct  
Board on standards

September 2024

# Consultation on ECB Standards for Enforcement Work and Oversight Model

## Summary

Christians Against Poverty (CAP) has more than 25 years of experience in delivering debt help. CAP supports over 8,000 people on their journey out of debt each year and has specialist in-house teams to support vulnerable individuals. Through this experience, CAP has developed insight into the varied and complex needs of vulnerable consumers and their relationships with creditors.

- **Review of sanctions:** There are a number of risks with the proposed sanctions model, particularly for Local Authorities and their in-house teams (who will continue to work for the Local Authority whether or not they have accreditation).
- **Greater clarity on Standards:** Much of the contents of these Standards are welcome, however they lack specificity. Clearer definitions are needed, particularly regarding accountability, fairness, and impartiality. More detail is required on handling vulnerability and ensuring firms have incentives to adhere to these values.
- **Handling vulnerable clients:** Specific guidelines on how vulnerabilities should be addressed during enforcement are crucial. We want to see early identification of vulnerability, requiring tailored approaches to enforcement once vulnerability is discovered.
- **Training on vulnerability:** Vulnerability training should be comprehensive, extending to all staff, not just welfare teams. This ensures that vulnerability is appropriately recognised and managed across the entire enforcement process.
- **Conflict of interest:** We are concerned that the primary sanction of losing accreditation may present a potential conflict of interest for the ECB. Given that the ECB's largest donors are enforcement agencies, there is a risk of unconscious bias when their accreditation is at stake. This could potentially compromise the impartiality of the process, as the ECB may be reluctant to enforce sanctions that could jeopardise its own financial support. We recommend greater transparency and a more robust system to ensure that decisions around accreditation remain fair and unbiased.
- **Statutory footing:** While we fully support the establishment and implementation of the ECB, we strongly believe that statutory powers are needed in order for it to truly meet the vision for an independent and effective bailiff regulator.

## Questions

### Section

#### **Q1: Do you have any feedback on the draft professional values?**

CAP welcomes the emphasis on professional values as a minimum expectation for enforcement work. However, with respect to accountability and responsibility, we believe it is important to clearly define who enforcement work will be accountable to. Additionally, we request further clarification on what constitutes a fair and impartial process in this context.

While we acknowledge the challenges involved, the current professional values appear somewhat vague, non-committal, and difficult to enforce.

We understand that Enforcement Agencies are working to define best practices around vulnerability, which is a hugely relevant area. Given the high percentage of vulnerable clients we work with at CAP, we emphasise the need for these standards to explicitly address how vulnerable individuals will be considered in enforcement procedures. Greater detail is needed on how collection practices will be applied fairly to all, with specific guidelines for handling vulnerable debtors.

Lastly, we would like to see clear incentives in place for firms to adhere to these professional values.

#### **Q2: Do you have any feedback on the Enforcement Process standard? Do you have a view on whether the information set out in this section should be included within the Notice of Enforcement, or could be sent alongside it?**

There are several points worth considering regarding the inclusion of information within or alongside the Notice of Enforcement.

Firstly, the term "Notice of Enforcement" is seen as off-putting and overly formal. While it is a legal requirement, it may be beneficial to send a separate letter alongside the notice, written in a more empathetic, human-to-human tone. This letter could explain the next steps in a clearer, more approachable manner, and set expectations without overstating the powers of Enforcement Agents (EAs). This could help to build trust and reduce anxiety for individuals facing enforcement actions.

There are also concerns regarding accuracy in enforcement communications. EAs may unintentionally or intentionally mislead individuals by what they omit or by making statements sound more threatening than necessary. Whether this clarification of powers is

included within the notice or in a separate letter, it is essential that communications are transparent and do not misrepresent the authority of EAs.

For vulnerable clients, it is critical that vulnerabilities identified during the enforcement process—often in the first visit—are handled appropriately. If vulnerabilities are identified, immediate steps should be taken to adjust the enforcement approach. For example, if a child opens the door, this should signal the need for extra caution. Moreover, EAs should always knock and give the person time to respond before attempting to enter a property. Clear guidelines are needed to ensure these practices are followed without compromising the individual's privacy or alerting neighbours unnecessarily.

Lastly, the Notice of Enforcement should clearly outline cases of multiple debts to prevent confusion. Often, clients are unaware that a large fee may relate to multiple debts bundled together, leading to distress. Additionally, the notice or accompanying documents should provide a direct contact number to someone who can offer assistance, ensuring individuals receive the support they need promptly and effectively.

### **Q3: Do you have any feedback on the communication standard?**

Firstly, we agree with the communication standards and that good communication is critical.

Regarding the first two communication requirements, we are keen to see that EAs do not misrepresent their powers. We acknowledge that most notices of enforcement are accurate and appropriate. The first communication should be accurate and clearly explain the enforcement process and timescales and not overstate the EA's powers.

There are challenges for the communication to be adapted for people who are vulnerable, and to determine whether a person is vulnerable at the first visit. We would like to see the standards confirm that a debtor is transferred to the welfare team as soon as vulnerability is disclosed or discovered.

### **Q4: Do you have any feedback on the training standard?**

We agree with the importance of training to keep knowledge and skills up to date. It is vital that specific vulnerability training is offered to all members of frontline and office-based staff, and not solely confined to designated Welfare teams.

### **Q5: Do you have any feedback on the standard on Monitoring? What do you think is a practical and proportionate time period to retain body worn video footage for and do**

**you think 90 days is too long or too short? We would welcome any evidence on how many complaints are received more than 60 days after an enforcement visit.**

CAP agrees with the Monitoring standard.

Regarding the current proposal that BWV should routinely be stored for a minimum of 90 days. Our focus group has concerns that 90 days isn't long enough to store BWV. CAP's policy is to store phone calls for 2 years and our case notes of the calls are kept on the system for 6 years. Given that the BWV is likely to be the only real record of what happened during a visit we suggest keeping the BWV for two years but, if this is not possible, as a minimum it should be retained for one month beyond the point at which you would no longer accept a complaint about your service. In relation to text messages, CAP is aware that some firms are now using Whatsapp. These guidelines should also specifically reference Whatsapp and text messages.

**Q6: Do you have any feedback on the standard on Health and Safety?**

We welcome the health and safety objectives and acknowledge the importance of ensuring the safety of enforcement agents, debtors and third parties. A clear risk management policy should be followed. Enforcement agents should follow their firm's agent safety policies and prioritise their safety and the safety of debtors.

**Q7: Do you have any feedback on the standard on Cooperation and Accountability?**

CAP has concerns that if there are no sanctions, then firms will not cooperate and engage with the ECB in good faith. We would recommend that all breaches and upheld complaints be fed back to the ECB, and not just the serious ones.

**Q8: Do you have any feedback on the standards on complaints? Do you see any challenges to providing the formal complaint response within 10 working days? We would be particularly interested to receive information on the time enforcement firms currently spend providing formal responses to complaints.**

We welcome the emphasis on making the complaint process as accessible and easy as possible. It's crucial that clients are not burdened with excessive formalities, such as filling out a complaints pack, which can discourage them from voicing their concerns.

Regarding the standard of providing a formal complaint response within ten working days, there are some challenges that need to be considered. While ten days might seem reasonable, it heavily depends on the resources allocated to handling complaints and the firm's commitment to resolving them. If a firm does not take complaints seriously, they

might not prioritise a timely response, or they might dismiss complaints prematurely, betting on the possibility that clients won't escalate the issue.

Additionally, while it's important that firms adhere to the ten-day standard, there should be clear guidance on what is expected in the complaint process. At Christians Against Poverty (CAP) our feedback framework operates on alternative timelines, acknowledging a complaint within 48 hours, responding within five working days, and resolving the issue within 14 working days. These timelines indicate that there might be different expectations or practices already in place, and any new standards should consider these to avoid confusion.

Finally, there should be a clear incentive for firms to adhere to these timelines. Without proper motivation or consequences, some firms might not take the necessary steps to meet the ten-day deadline effectively.

**Q9: Do you see any challenges in terms of the current contracts that exist between enforcement firms and creditors? We would be particularly interested to receive information about the time frames for complaints and the complaint stages that are set out in either contracts or service level agreements.**

There are indeed challenges related to the current contracts between enforcement firms and creditors.

One significant issue arises from the varying procedures among different creditors, especially when working with councils and their in-house teams, who often have different approaches to enforcement. While standardising enforcement practices across firms is a positive step, it is equally important for creditors, including councils, to align their standards. Without this alignment, enforcement firms may struggle to consistently meet complaint time frames and follow uniform complaint stages, leading to potential discrepancies and inefficiencies.

**Q10: Do you have any general comments on the draft standards? In particular, is there anything missing from the standards that you believe should be added?**

One crucial area that should be emphasised in the draft standards is the treatment of vulnerable customers. There is a strong need for a unified approach to recognising and managing vulnerability across all levels of an enforcement firm.

It is recommended that a single, accessible source of information about vulnerability, such as a "Tell Me Once" system, be utilised. This would ensure that once a person's vulnerability is identified—whether in the field or at the office—this information is immediately flagged, and all enforcement actions are suspended. The case should then be transferred to a specialised support team, who can manage it in a more person-centred manner, withdrawing it from standard processes like phone calls and letters.

Moreover, the standards should require that vulnerability awareness and training be extended to every level of the organisation, not just the welfare team. It's essential that all employees, including Enforcement Agents (EAs), receive comprehensive training on how to identify and appropriately respond to vulnerability.

Another suggestion is to consider incorporating a standard where EAs could be recognised or rewarded for correctly identifying vulnerable individuals. This could encourage a more proactive approach to vulnerability. Additionally, transparency could be increased by publishing information or even a league table on how firms handle vulnerable cases, which would help maintain high standards across the industry.

Finally, the standards could benefit from including measures that make it easier for cases to be transitioned seamlessly between the field and the office. This would ensure that vulnerable individuals receive the appropriate level of care, regardless of where they are first identified.

#### **Q11: Do you have any comments on the new accreditation criteria?**

Firstly, the language in the criteria stating that enforcement firms must 'cooperate with reasonable requests from the ECB and comply with the ECB's oversight' is somewhat ambiguous. There is a concern that this wording implies the potential for 'unreasonable requests,' which firms might feel they are not obligated to comply with. This could lead to confusion and inconsistency in how enforcement firms respond to ECB directives.

Additionally, the concept of what constitutes an 'unreasonable request' is not clearly defined. If there is a provision for firms to deem certain requests as unreasonable, it raises questions about the overall effectiveness of the accreditation criteria. The criteria should provide clarity on what is considered reasonable or unreasonable to avoid potential conflicts and ensure that firms are clear on their obligations.

Furthermore, it's important to acknowledge that the ECB's lack of regulatory power is a significant limitation. The effectiveness of the accreditation criteria largely hinges on

creditors' willingness to support and enforce them. If the sanctions for non-compliance are perceived as too severe, enforcement agencies may be reluctant to participate, which could undermine the entire accreditation process. Therefore, while the criteria aim to enforce high standards, they must strike a balance to ensure buy-in without diluting the effectiveness of the oversight.

**Q12: Do you have any comments on the proposed operational oversight model? Is there anything missing, or anything that you think is not appropriate or proportionate?**

CAP have several observations and concerns regarding the proposed operational oversight model:

The proposal mentions that the oversight model 'will not need to be applied overly rigidly' due to the small number of accredited firms. This wording is subjective and raises concerns about potential inconsistencies in how oversight is applied. Regardless of the number of accredited firms, it is crucial that the framework is applied consistently to ensure fairness and maintain the credibility of the accreditation process. The effectiveness of the model should not be compromised by varying degrees of rigidity, and clear guidelines should be established to avoid subjective interpretation.

The oversight model appears to focus on accredited firms, but it's important to also consider how non-accredited firms will be managed. There should be a clear strategy for ensuring that firms not participating in the accreditation process do not undermine the standards set by the accreditation scheme. This could involve setting minimum standards for all firms, with additional benefits or recognition for those who choose to become accredited.

While it is noted that the oversight will tighten in year two, there is a risk that firms may feel the goalposts are being shifted if the standards are not clear from the outset. It is important to establish strong and meaningful standards early on, rather than waiting to enforce stricter measures in later stages. This approach will help to build trust in the process and ensure that firms are fully aware of their obligations from the beginning.

**Q13: Do you have any comments on the proposed sanctions?**

The proposed sanctions raise several important concerns that need to be addressed for them to be effective and fair. One of the key issues is the lack of clarity around how sanctions will be communicated to the public and relevant stakeholders. For example, if an enforcement agency loses their accreditation, it's crucial to know who will be responsible



for informing their employing organisations. Without a clear process for this, there is a risk that non-accredited EAs could continue working unnoticed, which would undermine the entire accreditation system.

Another significant concern is the effectiveness of the sanctions, especially in relation to local authorities. The current proposal avoids issuing fines to local authorities, particularly those with in-house enforcement teams. Since these in-house teams enforce their own debts, losing accreditation might not have the same deterrent effect as it would for external firms. This approach seems inconsistent and could lead to a situation where local authority teams operate without significant consequences, even if they fail to meet the required standards. The sanctions will only be effective if creditors, including local authorities, are fully committed to the process, and if there is a meaningful deterrent in place for all parties involved.

Additionally, there is a desire for the ECB to have a higher public profile. For instance, including information about the ECB on notices of enforcement, similar to how the Financial Conduct Authority (FCA) is referenced, could enhance public awareness. Currently, the ECB's role seems somewhat understated, but raising its profile could help those under enforcement understand that there is a governing authority overseeing the process which, in turn, could strengthen the legitimacy of the sanctions.

## About Christians Against Poverty (CAP)

Christians Against Poverty (CAP) equips local churches across the four UK nations to provide holistic support for families and individuals facing problem debt through a free face-to-face service, as well as community groups designed to tackle the causes and consequences of poverty. Together these services seek to address both financial difficulty and the wider emotional impact. All CAP's services are free of charge and available to everyone, regardless of age, gender, faith and background. To find out more, visit [capuk.org](http://capuk.org).

## Requests for further information

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