

The Enforcement Conduct Authority

what does it mean for you?



CIVEA is the principle trade association representing civil enforcement companies that employ enforcement agents

40

Member companies

1800

Certificated Enforcement Agents

>95%

Market coverage

>3.5
million

Warrants per annum for unpaid council tax, business rates, parking penalties, child support payments, commercial rent and magistrates court fines

>£500m

Recovered per annum for the public purse at **no cost** to the tax payer

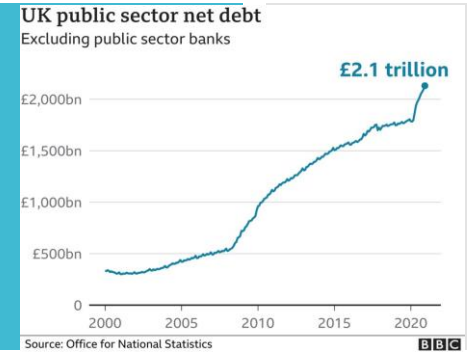
Calls for action



- Rising levels of household problem debt
- Regressive tax system
- Recycled uncollected debt
- Historic debt arrears

= Concerns about enforcement process

The fiscal case for enforcement



- Collection rates average 97% (95% in 2020/21).
- £3bn uncollected
- Over £500 million shortfall in CT due to Covid
- Councils could face Covid costs of £10 billion
- 36% average CT arrears of £1,292

2014 Reforms



- Taking Control of Goods
- Compliance Stage
- Fixed fees
- Certification of agents

Impact of 2014 Reforms



- Fewer doorstep visits
- Less complaints
- Better awareness of vulnerability
- Externally verified training
- Investment in technology

New Code of Practice



- **Beyond statutory regulations**
- **Code compliance audit visits**
- **Independent oversight by CARE Panel**
- **Mandatory use of body-worn video cameras**
- **LGSCO adjudication of complaints**

Post-lockdown Support Plan



- Voluntary suspension of visits
- Redeployment of EAs
- Bespoke health and safety training
- National re-engagement programme
- Contactless visits

HOC Justice Committee and MOJ Review



- Independent complaints body
- Options for independent regulator
- Review of fee structure
- Body-worn cameras compulsory
- Fair treatment of vulnerable people



ENFORCEMENT
CONDUCT
AUTHORITY



Background

- April 2020 **Publication of Collecting Dust by the Centre for Social Justice**
- November 2020 **High-level roundtable debate with Baroness Morgan and Lord Lucas, plus MOJ, debt advice, CSA**
- November 2020 **Rapid call for input by the Centre for Social Justice**
- **CIVEA offer plans for an 'Enforcement Commission'**
- January 2021 **Working Group established with Taking Control group**
- **Framework document for ECA drafted over 5 months**
- **Government ministers and SPADs kept informed throughout**



Principles

- **Independence - Upholding the principle of independence**
- **Ambition - continually drive improvements**
- **Proportionate - avoid burden or excessive restriction**
- **Collaboration - between the enforcement sector and the debt advice sector**
- **Transparency - a published annual report to the Secretary of State**



Objectives

- Raising standards
- Improving accountability
- Adjudicating complaints
- Recognising vulnerability and achieving fairness



Remit

- **Certificated enforcement agents**
 - consult on the most effective way to bring in other types of enforcement agents



Standard setting and rule making

- **The ECA will seek the powers to create new binding rules and set minimum conditions**
 - **Review National Standards**
 - **Guidance on vulnerability**
 - **Fair and affordable repayment**



Supervision and monitoring

- **Responsible for overseeing the conduct of enforcement agents and agencies under its remit**
 - **Data and information**
 - **Audit visits**
 - **Sample checks**
 - **Research**



Complaint adjudication

- **Independent complaints mechanism to adjudicate escalated complaints**
 - **Simplified two-stage process**
 - **A set timeframe for complaint handling**
 - **EAs to self-report EAC2 complaints**
 - **LGSCO to transfer oversight**



Authorisation

- **Develop an appropriate and workable authorisation process**
 - **Encourage local authorities to align SLAs to ECA compliance**
 - **Legislative change**



Enforcement and sanctions

- The ECA will have the autonomy to impose sanctions on agents and agencies for non-compliance with the minimum conditions
 - Tariff-based sanctions
 - Strong deterrent
 - Appeal process



Funding

- **Funded by pro-rata contributions from all participating firms**
 - **Budget to be drafted and agreed by ECA**



Transition

- For a time-limited period, ECA will be assisted by an Advisory Panel tasked with managing a consultant to:
- Establish the ECA as limited company
- Managing the recruitment process



Next steps

- **Appointment of CEO, chairperson and board**
- **On-going engagement with Government and other stakeholders**
- **Governance and operations**



Questions