

StepChange response to Enforcement Conduct Board consultation on draft 2025/26 Business Plan

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Summary

StepChange Debt Charity is a specialist not-for-profit provider of debt advice and debt solutions supporting people across the UK. In 2024, over 660,000 people contacted StepChange seeking debt advice or guidance with their problem debt and over 170,000 people completed full debt advice through our online and telephone service.

We welcome the opportunity to respond to the Enforcement Conduct Board's (ECB) consultation on its draft 2025/26 Business Plan. Together with our frontline debt advice partners and a wide range of advocates, we called for and subsequently welcomed the creation of the ECB in November 2022. We have been pleased with the progress that the ECB has made so far in working towards its mission to ensure that everyone who experiences enforcement action is treated fairly, including its efforts to drive up standards in the enforcement sector and enhance complaints processes.

We are broadly supportive of the priorities outlined in this ECB consultation and provide more detail below. We can also appreciate why, for 2025/26, the ECB intends for its overall focus to be on the successful delivery of full operational oversight, with most of its work comprising the next phases of the work delivered in 2024/25.

We particularly look forward to working with the ECB as it continues to advocate for much-needed legal powers and as it moves forward with the second phase of its standards work focusing on vulnerability and ability to pay.

It is also encouraging to see the ECB recognise the importance of embedding the perspective of people with lived experience of enforcement action into its decision-making, including practical application through user testing – for example, on the welcome new workstream to develop an accessible "Know your rights" document.

Response to consultation questions

Question 1: Do you have any comments on the proposed priorities for 2025/26?

We welcome the ECB's recognition that enforcement action can have a profound impact on the lives of those who experience it. One StepChange client who experienced enforcement action for their council tax arrears described how they were "constantly living in fear of a knock at the door, wondering if my vehicle is okay outside as I wouldn't be able to get to work or the children to school if this was taken", ultimately leaving them "anxious, scared, [and] upset."

While we understand that enforcement action is an inherently complex and difficult process for enforcement firms and agents as well as those on its receiving end, we continue to hear from clients who describe troubling, problematic or rule-breaking interactions – from rejection of reasonable repayment offers through to misrepresentation of enforcement powers and threatening and intimidating behaviour.

StepChange broadly welcomes the commitments laid out in this draft ECB Business Plan, as we believe they signal an ongoing, constructive direction of travel in ensuring that everyone who experiences enforcement action is treated fairly, from higher standards and expectations of firms and agents through to more accessible and impactful complaints processes.

1) Setting a new bar – clear and comprehensive standards

We welcome the ECB's continued commitment to developing and implementing the remaining sections of its new standards for the enforcement sector, focused on vulnerability and ability to pay. We are pleased to see the ECB signal that these standards will not only be developed through extensive engagement with stakeholders, but also through targeted input from those with lived experience.

As the Taking Control coalition emphasised in our collective response to the ECB's first standards consultation in 2024, the enforcement industry currently refers to standards set out across the Taking Control of Goods Regulations 2014 and the accompanying non-statutory National Standards.¹ These are insufficient and have not kept pace with developments in thinking and progressive approaches which exist elsewhere, including the financial services and energy sectors.

What's more, StepChange insights demonstrate how acutely these interventions are needed:

¹ Taking Control Coalition (September 2024), [Response to Enforcement Conduct Board consultation on Standards for Enforcement Work and Oversight Model](#)

- Three in five (61%) StepChange debt advice clients who experienced enforcement action in the first half of 2024 had an additional vulnerability beyond their financial situation.
- Around two in five (42%) StepChange debt advice clients who experienced enforcement action in the first half of 2024 had a negative budget – meaning after going through a full debt advice and budgeting session, their monthly income is not enough to cover their basic monthly costs.

These new standards should go above and beyond existing rules and guidance and serve as an opportunity to drive positive change in the enforcement sector. It is therefore good to see the ECB directly acknowledge that these new standards should make a *material* improvement on the current situation and setup, ready to for the third year of ECB accreditation.

We remain committed to supporting with the development of these standards wherever possible or appropriate, and are happy to continue sharing relevant client insights from a debt advice perspective – including efforts to understand how the new standards are landing on the ground.

2) Delivering a high-quality complaints service for the public

We are encouraged by the actions that the ECB has so far taken in this area, culminating in the launch of its complaints function in January 2025. This important intervention is in its early stages, so it is reassuring to see the ECB state that it intends to develop plans for impactful means of sharing learning from complaints, with a view to helping drive improvements across the sector.

We also warmly welcome the ECB’s proposal to develop an accessible “Know your rights” document for different types of enforcement – informed by user testing – which would explain the process, what enforcement agents can and can’t do, and what people can do if they believe they have not been treated fairly.

Our insights as a free debt advice provider show that people undergoing enforcement action are not commonly familiar with the enforcement framework and their rights within it. We believe that this murkiness and confusion lends itself to some of the problems flagged in our research, as well as the independent body worn video research commissioned by the ECB last year – including agents conducting enforcement outside of appropriate hours, misrepresenting their powers, or threatening the removal of ineligible household goods.²

Through our work as part of the Taking Control coalition, we have drawn attention to the limitations of the current Notice of Enforcement and the need for more effective

² M.E.L Research (October 2024), [Enforcement Conduct Board Research into Doorstep Interactions: Findings report](#)

communications about the enforcement process, and are happy to work collaboratively with the ECB as it pursues this welcome initiative.³

3) Delivering impactful proactive oversight of the market to ensure ECB standards are being met

We appreciate the actions that the ECB has taken so far to develop its oversight model and sanctions framework, setting out how the body intends to create accountability and ensure that enforcement agents and firms are complying with standards.

An ongoing focus on ensuring oversight is comprehensive and watertight is fundamental to the long-term sustainability of the ECB. We would welcome further clarity on plans to develop means of assessing the relative risks of different firms as well as processes for triaging and assessing incoming intelligence.

One big area of consideration for the ECB will be picking up on trends and identifying systemic, persistent or widespread issues through compliance and monitoring. We are happy to support by continuing to provide evidence which highlights the different experiences of our clients going through enforcement action.

Regarding this overall commitment, we would emphasise that statutory underpinning for the ECB would be greatly beneficial in facilitating the body's ongoing ability to enforce rules and standards, apply sanctions for non-compliance, and collect data to monitor practices.

4) Building the long-term sustainability of independent oversight

We are pleased that the ECB has once again signalled that ensuring the long-term sustainability of independent oversight in the enforcement sector will be a core priority for the year ahead, and explicitly called out that this task would be boosted by obtaining targeted legal powers.

As we have consistently highlighted – while we welcome the establishment of the ECB – there are clear limits to the current voluntary regulation approach, which must be rectified. As it stands, the ECB is reliant on the backing of the enforcement industry – the group it is assigned to regulate – for its continued existence, which is an inherently unstable setup. Statutory underpinning for the ECB would enable the organisation to fully deliver on its mission to ensure that everyone who experiences enforcement action is treated fairly through providing sustainable, independent footing.

We welcome continued efforts by the ECB to highlight how legal powers would help facilitate sustainable and independent oversight of the sector. This binding regulation should include, amongst other elements, statutory, enforceable standards and powers to: compel membership; raise a levy for membership costs; apply sanctions for non-compliance; and compel firms to comply with the independent complaints function.

³ Taking Control Campaign (December 2023), [Response to the Ministry of Justice Control of goods regulations consultation](#)

5) Engaging and influencing creditors

While we appreciate that the ECB does not have oversight over creditors who instruct bailiffs, we welcome its acknowledgment of the key role that creditors have to play in driving fair enforcement.

All too often, StepChange hears of situations where creditors have passed our clients onto enforcement action despite this move being preventable or inappropriate for their personal circumstances, leading to harm and negative outcomes. Our recent report on our clients' experiences of council tax debt collection and enforcement highlights some of the negative consequences that stem from this mishandling – from rationing or going without essentials, through to deeply harmful mental health impacts.⁴

Work to engage creditors to build trust and further support for the ECB's mission – and minimise risks of creditor actions undermining this – is therefore welcome and vital.

Question 2: Are there any activities that you believe the ECB should be prioritising that are not contained in this plan?

While we can understand the rationale for not initiating new research projects this year – and the decision to focus instead on collection and analysis of data from complaints, data returns and the start of operational oversight – we would encourage the ECB to use the intervening period between now and the publication of the 2026/27 Business Plan to consider future research opportunities.

For example, we believe that there is value in re-commissioning the body worn video research first conducted and published in 2024, as one useful way – among other important forms of oversight – of reviewing firms' and agents' compliance with the ECB's new standards (including the new vulnerability and ability to pay standards which will come into effect from 2026). We would also welcome if the ECB carried out a similar research exercise with regards to reviewing the adherence of enforcement-related telephone call recordings and text messages to the new standards, again alongside wider monitoring and compliance activities.

The ECB also might in future commission qualitative and quantitative research to better understand the experiences of those subject to enforcement action (where the ECB could draw learning from FCA-commissioned research such as that into the experiences of borrowers in financial difficulty, and its recent research into outcomes for consumers in vulnerable circumstances engaging with financial services firms).⁵

⁴ StepChange Debt Charity (October 2024), [Looking through the keyhole: StepChange debt advice clients' experiences of the council tax debt collection journey](#)

⁵ Yonder Consulting and Financial Conduct Authority (June 2022), [Borrowers in Financial Difficulty](#) and Critical Research and Financial Conduct Authority (May 2024), [Vulnerability review: Improving understanding of the outcomes for consumers in vulnerable circumstances when engaging with financial services firms](#)

Question 3: Do you have any comments on the draft budget and levy?

The ECB must have sufficient funding and resources to allow it to deliver on this Business Plan and achieve its wider mission on a long-term, ongoing basis. We are therefore supportive of its intention to expand its budget and levy for the year ahead, to reflect that the ECB is now fully operational and has increased staff and system costs. We are also pleased that the ECB has factored lived experience and user testing work into its plans for the year ahead.

We would continue to reiterate that reliance on voluntary contributions from the industry is a risky funding model which is open to pitfalls. The lack of legal requirement on firms to pay for regulation means industry support – although currently present and welcome – could decline at any point and compromise the continued existence of the ECB. A statutory levy on eligible firms to make financial contributions would be a more robust basis to enable the ECB to continue to advance and deliver on its remit into the future, as well as safeguarding its independence from outside influence.

Question 4: Are there any other comments or observations that you would like to make?

The year ahead will be significant for the ECB, as it implements full operational oversight of the enforcement sector. We look forward to continuing our positive, constructive engagement on the activities outlined in this draft Business Plan, as we collectively act to raise standards in the enforcement industry and ensure everyone experiencing enforcement action is treated fairly.

We also recognise that the ECB has had to make tricky decisions when considering the budget and levy for 2025/26. That being said, the ECB should also be able to continue to grow as an organisation and build resource and resilience – including having the ability to hire those with the necessary experience and expertise to successfully meet its objectives. We note that the ECB currently does not envisage significant future growth in the staff team, but we would encourage the body to keep this decision under active consideration as its operational oversight responsibilities bed in.