



ENFORCEMENT
CONDUCT
BOARD

Four Non-Executive
Directors



Starfish

Welcome

Thank you for your interest in joining the Enforcement Conduct Board as a Non-Executive Director.

The impacts of COVID 19, combined with increasing pressures on the cost of living, mean that a growing number of people are struggling with problem debt. The Money and Pensions Service estimates that the number of people needing help to manage their debt increased by more than 60% between the start of the pandemic and the end of 2021. Even before the pandemic, courts issued more than 3.5 million enforcement orders a year, and this number is likely to increase significantly in coming months.



Meanwhile Local Authorities – who are the biggest commissioners of civil enforcement – face very significant pressures, exacerbated by the impacts of the pandemic. In the 12 months to March 2021 the amount of Council Tax arrears increased by more than £800 million to total over £4 billion. Without effective collection of the money that is owed to them, Local Authorities will be unable to provide the services that communities rely upon, with particularly negative impacts on the most vulnerable.

Given the importance of enforcement, and its associated risks, it was a surprise to me to learn that the industry has, up until this point, not been effectively regulated. It is a tribute to the debt advice sector and the representatives of the enforcement industry that they have been able to come together, with the support of the Centre for Social Justice, and identify the need for a strong independent regulator – the Enforcement Conduct Board (ECB). Our mandate is to ensure fair treatment for everyone subject to enforcement action, particularly, but not exclusively, those experiencing additional vulnerabilities.

This is a great opportunity to join the Board of a new organisation that is poised to play a vital role in what will be a hugely important area over the next few years. The coalition of organisations that have been instrumental in our creation have built a real sense of momentum. It is now for us to build on that momentum and start to make a demonstrable difference – to people subject to enforcement action; to industry practice; and to effective, ethical enforcement. Baroness Nicky Morgan says the potential of the ECB “is unlimited” – it will be for our first Board to make sure we reach that potential.

As a small, brand-new organisation, we will need Board members who share a commitment to social justice and our mission, who are able to think strategically and creatively about different ways we can achieve our objectives, and who can balance principles and pragmatism to help us deliver the biggest impact we can, as quickly as we can. We need people who understand the importance of working collaboratively to achieve change and are used to working with senior stakeholders across industry, government and the third sector. You will be rigorously independent, and willing to support the ECB to make the right, evidence-based, regulatory interventions even if they may not always be popular.

We are looking for people with knowledge and experience in various areas – leading change across Local Authorities; effective communications with government and the wider public; an understanding of communities particularly affected by problem debt; an understanding of enforcement practice and regulation. But if you have other skills and knowledge that you think would be important, we are open to consider applications from a wide range of people – and indeed we want to build a Board that is as diverse as possible to improve the quality of our decision making.

If you believe you have the personal qualities the role requires, and the knowledge and skills that would enable you to contribute to the Board effectively, we look forward to hearing from you.

Catherine Brown

About the Enforcement Conduct Board

Background

In England and Wales, 'enforcement agent' is the official name for bailiff. Instructing an enforcement agent is one method of civil debt enforcement. Different enforcement agents are used to collect different types of unpaid debt on behalf of creditors including local authorities, government departments and private individuals.

Some enforcement agents are officers of the court, others are self-employed, some are employees of a private debt collection company. All enforcement agents are formally certified to carry out enforcement action by way of taking control of goods and, if necessary, selling these to recover a debt.

The rules governing the actions of enforcement agents were updated by Government in April 2014, including the introduction of National Standards. However, there is no regulatory body to provide oversight of the industry.

In 2017, a group of debt advice charities established the 'Taking Control' campaign to highlight concerns about the treatment of people in debt by the enforcement industry. This campaign called for independent regulation and a free and independent complaints mechanism to ensure people can get redress when enforcement agents break rules that govern their behaviour. In 2019, the Justice Select Committee published recommendations to improve the regulation of the industry, reflecting the concerns of the Taking Control campaign.

Enforcement Oversight Working Group

In 2020, the Centre for Social Justice initiated the Enforcement Oversight Working Group (EOWG), bringing together the enforcement and debt advice sectors for the first time to collaboratively develop a vision for reform.

This initiative set out to address the key challenges identified in recent years, including issues raised during the Ministry of Justice's call for evidence in 2018 and later the Justice Select Committee enquiry in 2019:

- the continued professionalisation of the enforcement sector, building on reforms introduced in 2014 and positive industry-led initiatives.
- measures to address inconsistent and, at times, inappropriate enforcement agent behaviour.
- reform to the 'fragmented and hard to navigate' complaints system.
- measures to bring the whole of the enforcement industry into line with wider advances in the treatment of people experiencing hardship or other vulnerabilities.
- independent, sustainable, and authoritative oversight of the industry.

To drive progress in resolving these issues, the EOWG established a consensus between the enforcement and debt advice sectors in setting out a Joint Framework for the establishment of a new, independent oversight body to be funded by the industry – the Enforcement Conduct Board. The Board has now been formally established as a limited company, and its first Chair appointed, Catherine Brown.

Enforcement Conduct Board

It is expected that the Enforcement Conduct Board's mandate may include:

- raising standards through the development of new rules, conditions, and competencies, to be developed in consultation with the industry and more widely
- supervising practice and issuing proportionate sanctions for rule-breaking and behaviour below the standard required of the industry
- improving accountability through a standardised two-stage complaints process
- ensuring the effective and timely independent adjudication of escalated complaints
- introducing fair, affordable repayment and vulnerability protocols.

The Enforcement Conduct Board (ECB) will empower enforcement firms to carry out their duty to courts, creditors, and taxpayers fairly and effectively, while equipping them with the tools needed to support people on a sustainable journey out of debt.

The EOWG envisaged that the delivery of this mandate would be guided by five key principles:

1. Independence

The ECB will commit to upholding the principle of independence in all its activities. This relates (but is not limited) to aspects such as Board membership, those working for the ECB, as well as how the ECB will conduct its business.

2. Ambition

The ECB will commit to continually drive improvements in the enforcement sector through being ambitious in raising standards and collaborating with stakeholders to ensure fair treatment and appropriate protection for people subject to enforcement.

3. Proportionality

The ECB will work to the principle that any burden or restriction it imposes on individual agents, agencies and/or their activities should be efficient and necessary for the purpose of carrying out its mandate.

4. Collaboration

The ECB has been developed based on collaboration between the enforcement sector and the debt advice sector. The ECB will commit to maintaining a spirit of collaboration between the enforcement sector and the debt advice sector as far as is appropriate.

5. Transparency

The ECB will exercise its functions as transparently as possible.

As set out in Parliament on 14 April 2021 by Lord True, the Ministry of Justice has made it clear that it will monitor the operation of the ECB and review its operation within two years. This time-period will allow for more evidence to be gathered around whether statutory underpinning is required. At that point, Government will consider whether there is a case for providing statutory powers to the ECB.



Role Profile

As Non-Executive Director of the Enforcement Conduct Board, your role will be to help us define our ambition, impact and future strategy, to hold the organisation to account, to ensure high standards of governance, and to champion our cause.

Key responsibilities will include:

- Providing strategic input to decisions around the policy and operations, organisational design, internal policies and procedures of the ECB
- Working with the Chair and other Board members to give the ECB strategic direction, ensuring that it has the necessary resources and that those resources are appropriately allocated
- Ensuring that the ECB adheres to the principles of modern, effective regulation including demonstrating a high level of transparency in its operations
- Working effectively with the Chief Executive to provide strong leadership to the ECB to ensure that it adheres to the principles of good corporate governance
- Ensuring accounts are properly maintained and monitored
- Engaging constructively with the regulated community and ensuring that the ECB maintains good working relationships with key stakeholders
- Ensuring that the ECB understands and takes appropriate account of the importance of diversity and inclusion in achieving its objectives
- Representing the ECB externally and with other organisations as required.

Each Non-Executive Board member must be able to demonstrate:

- A commitment to the mission of the ECB – to ensure fair treatment and appropriate protection for people subject to enforcement action
- Experience at a senior leadership level in a commercial, not for profit or public sector environment
- An ability to contribute to complex decision making, weighing up different kinds of evidence and stakeholder input in taking decisions
- An ability to think strategically and a strong focus on the big picture and impact
- Successful track record of working with a range of partners and stakeholders to achieve organisational objectives
- A commitment to building a diverse and inclusive Board and organisation
- An understanding of the role of the Board and the principles of good governance
- Sound independent judgement
- Strong team working skills – both listening openly and being able to challenge constructively
- A willingness to invest time and effort in learning about the sector and issues and in supporting the organisation.

Additional skills and experience that we are keen for at least one Board member to have include:

- Leading change across Local Authorities
- Communications and external affairs – influencing government and public opinion
- An understanding of regulatory policy
- Experience of working with marginalised and vulnerable communities and an understanding of how services and interventions may aggravate or mitigate existing vulnerabilities
- Knowledge of the regulated community.

Terms of Appointment

Time commitment	Approximately two days per month.
Remuneration	These appointments are remunerated at £17,000 per annum.
Term	All appointments are for an initial three-year term.
Conflict of interest	Non-executive directors should avoid any conflict between their personal and professional interests and those of the organisation and must declare any known interests where there may be conflicts.
Equality, Diversity & Inclusion	The Enforcement Conduct Board believes that a diverse organisation is a more effective organisation and as part of that we are committed to ensuring that everyone is able to apply for roles that they are qualified to undertake and has an equal chance of success in securing them.



How to Apply

We hope you will consider expressing an interest in this role.

To make an application, please go to <https://starfishsearch.com/jobs/ecb-non-exec-dir/> and click on the apply now button, with the following prepared:

- your CV or equivalent biographical information, and
- a covering letter of no more than 2 pages that sets out your motivation for joining the ECB and why your skills and experience make you suitable.

We would also be grateful if you would also complete the Equality and Diversity monitoring form on the online application process. This form is for monitoring purposes only and is not treated as part of your application.

Closing date is **Monday 11th April 2022**.

Structured discussions with a member of the team at Starfish Search during **w/c 2nd May 2022**.

Agreement of the final shortlist is expected to be complete by end of **w/c 9th May 2022**.

Informal meetings or telephone calls may follow confirmation of the final shortlist in **mid May 2022**. Shortlisted candidates will have the opportunity to speak with the Chair and to engage with other stakeholders before interview.

Formal interviews for shortlisted candidates are expected to take place end **w/c 16th May or early w/c 23rd May 2022**.

