



MEMORANDUM OF UNDERSTANDING

High Court Enforcement Officers Association (HCEOA)

And

Enforcement Conduct Board (ECB)

1. Introduction

This Memorandum of Understanding (MoU) establishes the framework to support the working relationship between the High Court Enforcement Officers Association (HCEOA) and the Enforcement Conduct Board (ECB), to manage complaints efficiently and effectively and drive improvements in enforcement practices.

While this MoU does not create or impose legally binding rights or obligations on the part of the HCEOA or the ECB, both organisations are committed to working in accordance with its provisions.

Each organisation will take steps to ensure that their team are aware of what is in the MoU. They will keep staff updated about it, and about the responsibilities it places on them.

The MoU will be made public and placed on both organisations' websites, which we consider to be the best way of bringing it to the attention of the public.

2. Roles and responsibilities

The HCEOA is the professional body representing High Court Enforcement Officers. It promotes high standards of conduct and best practice, ensuring that enforcement is carried out fairly, ethically, and proportionately. The Association supports its members through guidance, training, and regulation, while also providing information to the public and handling complaints about its members. Additionally, the HCEOA works with government to improve the enforcement framework and maintain transparency across the process.

The ECB provides independent oversight of the enforcement industry to ensure that all those who are subject to enforcement action in England and Wales are treated fairly. The ECB investigates complaints about poor enforcement practices in England and Wales and can recommend a suitable remedy where the poor practice has caused an injustice to an individual.

3. Complaint handling

- a) *Signposting*: The HCEOA and the ECB will signpost complainants to each other, where they are satisfied the complaint properly falls within the remit of the other organisation.

The HCEOA will signpost to the ECB complaints about:

- i. actions taken on behalf of a High Court Enforcement Officer (HCEO) and the HCEO is part of an enforcement firm that is accredited with the ECB;
- ii. actions taken on behalf of a HCEO and the HCEO is personally accredited with the ECB; and
- iii. actions taken under a high court writ by an enforcement firm (or one of their agents) and the enforcement firm is accredited with the ECB.

The ECB will signpost to the HCEOA complaints about:

- i. actions taken pre-2025;
- ii. actions taken by a HCEO not accredited with the ECB;
- iii. actions taken by an enforcement firm under the direction of a HCEO where neither the HCEO nor the enforcement firm are accredited with the ECB;
- iv. actions related to the following enforcement activity:
 - A Writ of Possession & Writ of Control
 - A Writ of Possession
 - A Writ of Control
 - A Writ of Delivery
 - A Writ of Restitution
 - A Writ of Assistance
 - A Writ of ne exeat regno
 - A Warrant under a Compulsory Purchase Order

If consent for a direct referral has been given by the complainant, the HCEOA and the ECB may directly refer new complaints between them.

- b) *Concurrent complaints*: If, at any stage, it appears the ECB and the HCEOA are considering the same complaint, they shall, with the consent of the complainant, consult about the complaint and liaise with the complainant to decide how best to progress matters.

4. Supporting the ECB's oversight role

The ECB plays a key role in ensuring that everyone subject to enforcement is treated fairly. In the most serious cases, or where repeated issues have been identified with an agent, the ECB may submit an EAC2¹ complaint to ask the court to consider whether an enforcement agent is a fit and proper person to hold a certificate.

¹ EAC2 process is the process by which a person can complain to the County Court about the actions of the Enforcement Agent and the County Court will decide whether the Enforcement Agent's certification should be removed.

To support the ECB in that work and with the ECB's general oversight role, the HCEOA will, where appropriate and with consent from the complainant, notify the ECB of the outcome of a HCEOA investigation if it finds fault with the actions of an accredited enforcement firm (or one of their enforcement agents) under Taking Control of Goods.

5. Supporting the work of the HCEOA

To support the HCEOA in their work of ensuring a fair and effective High Court enforcement, the ECB will, where appropriate and with the consent of the complainant, notify the HCEOA of complaints where there is sufficient evidence that the HCEO has failed within their supervisory duties.

Examples where a matter may be referred are:

- i. Evidence to suggest that there is systematic abuse of the acceleration of the Fee structure.
- ii. Evidence to suggest that a directive from the HCEO or his office has instructed the agent to bend or breach the Regulations, Best Practice, ECB Standards and / or National Standards.
- iii. Evidence to suggest that the proper training has not been provided to the agent.
- iv. Evidence to suggest that the Administrative Staff of the HCEO lacks a proper understanding of dealing with Complaints, by misinterpreting the Regulations, Best Practice, ECB Standards and / or National Standards.

6. Information sharing

General principles

The working relationship between the HCEOA and the ECB will be characterised by regular contact, and appropriate open sharing of information within the parameters of their respective legal frameworks.

The HCEOA and the ECB will share relevant and appropriate information to support their respective casework processes.

Data sharing

Both organisations recognise that all processing of personal data (including the sharing of personal data) must be carried out following the General Data Protection Regulation, The Data Protection Act 2018, The Human Rights Act 1998, and all relevant legislation about these matters and respective Codes of Practice, frameworks or other policies about confidential personal information and information issues.

Both organisations agree the sharing of personal data will be considered on a case-by-case basis and carried out in a manner consistent with the Data Sharing Code of Practice published by the Information Commissioner's Office.

Where one party has received information from the other, it will consult with the other party before passing the information to a third party or using the information in an enforcement proceeding or court case.

Where confidential material obtained from, or shared by, the originating party is wrongfully disclosed by the party holding the information, this party will bring this to the attention of the originating party without delay. This is in addition to obligations to report a personal data breach under the UK GDPR and/or DPA where personal data is contained in the information disclosed.

Consent

The HCEOA and the ECB agree consent is required for information to be shared between them. Unless reasonable adjustments dictate otherwise, consent should be in writing, though a note of oral consent is acceptable in the first instance, to be followed up with written consent. Where someone has given their consent for another person to represent them in dealing with their complaint, and where the HCEOA and the ECB are satisfied that representative is a suitable person, consent for data sharing can be accepted from the representative.

7. Liaison

The HCEOA and the ECB recognise that there will be areas of mutual interest in sharing the insights and data at an organisational level. This sharing could help to identify themes in enforcement and drive improvements at the case level and across the industry.

The HCEOA and the ECB have agreed they will:

- a) meet and communicate every three months at Complaints Officer (HCEOA) and Head of Complaints (ECB) level or above to discuss matters of mutual interest, including information, insights and data;
- b) seek to promote understanding of their prospective roles; and
- c) notify each other in advance of relevant activity or a publication on High Court enforcement.

8. Review Schedule

Representatives from the HCEOA and the ECB will review the operation of this MoU every three years or after a significant change in legislation, policy or practice in either organisation, to ensure that it reflects any developments and changes in working practices.

9. Signatures:

A handwritten signature in black ink, appearing to read 'A. J. Smith'.

Alan J. Smith
Chair of the High Court Enforcement Officers Association
Date: 18.12.2025

A handwritten signature in black ink, appearing to read 'C. Nichols'.

Chris Nichols
Chief Executive Officer of the Enforcement Conduct Board
Date: 18.12.2025