



**Ombwdsmon
Ombudsman**
Cymru • Wales

Consultation response: Regulation of the debt enforcement sector consultation

Organisation name: Ministry of Justice - Civil Enforcement Policy Team

Submitted: 21 July 2025

As Public Services Ombudsman for Wales (PSOW), we have three main roles:

- We investigate complaints about public services.
- We consider complaints about councillors breaching the Code of Conduct.
- We drive systemic improvement of public services and standards of conduct in local government in Wales.

We are independent, impartial, fair and open to all who need us. Our service is free of charge.

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Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.
This document is also available in Welsh.

Our role

We investigate complaints about local councils in Wales. This includes complaints about any services contracted by the councils. This means that complaints about enforcement action undertaken by local council in-house teams or council-contracted agents fall under our remit.

We want to underline, that the number of complaints about enforcement actions by local councils that we receive is overall very small. Last year, we received 3,232 complaints about public services. Of these, about 100 (3.2%) related to issues that involved, or could involve, enforcement action by local councils relevant to the focus of the current consultation (Blue Badge scheme, business rates, Council Tax, parking).

However, we believe that it is nevertheless important that there is clarity on how complaints about such services should be escalated, to avoid unnecessary duplication and ensure access to justice.

In addition, since 2019, we have a statutory role as a Complaints Standard Authority for Wales. This means that we have the power to set the statutory guidance on complaint handling for service providers in our jurisdiction as well as to monitor how these organisations handle complaints. Our statutory guidance provides a definition of what constitutes a complaint and specifies the expected structure of the complaints process as well as timeframes that should be adhered to. All local councils in Wales come under our complaints standards powers.

Question 1: Do you agree that it is necessary to legislate to establish a statutory independent regulator for the enforcement sector? If not, please explain why.

In PSOW, there already is a statutory independent route for escalation of complaints about enforcement agents employed by or commissioned by local councils in Wales. However, we understand that the Enforcement Conduct Board (ECB) duties extend beyond this specific group of enforcement agents and involve regulation of aspects such as agent conduct. Provided that the proposed changes do not result in duplication of responsibilities between our offices or public confusion regarding appropriate route for complaining about local council

enforcement action, we agree that there are benefits to placing the ECB on statutory footing.

Question 11: Do you think that an independent statutory regulator should be given powers to gather data from the enforcement sector?

Question 12: What powers, if any, should they be given to ensure that data provided is accurate? What safeguards should be put in place, if any, to ensure that data requests are proportionate, and that the data is used effectively and appropriately?

Question 13: Do you think that an independent statutory regulator should be given powers to monitor the work of enforcement firms? If so, what should those powers be?

Our experience of complaints standards work in Wales clearly shows the benefit of a statutory power to request and monitor the data on complaints handled by public service providers.

Since we have launched our model complaints policy and started to regularly collect and publish this data, we have seen better, more consistent logging of complaints and more uniformity in terms of understanding of what constitutes a complaint.

This said, we must underline that in addition to setting the model policy and gathering and monitoring the data, we also offer extensive training on good complaint handling to public service providers in Wales. We cannot offer a comment on whether the power to monitor the data would be equally impactful was this training not available.

Question 14: In addition to powers to request data and carry out monitoring visits, do you think an independent statutory regulator should be given any further powers? If so, please explain why you think the power would be necessary.

Question 15: Do you think that an independent statutory regulator should be given statutory powers to consider complaints?

As explained at the beginning of our response, PSOW is the statutory route for complaints about enforcement agents employed by or commissioned by local

councils in Wales. **We note that the consultation paper refers to the role of Local Government and Social Care Ombudsman in England in that respect, however it omits to include any reference to our role in Wales.**

Anyone dissatisfied with the conduct of enforcement agents employed by or commissioned by local councils in Wales should raise their complaint with the council. If they are dissatisfied with the council's response, they should be directed to us. The councils have a duty to inform complainants of their right to escalate their complaint to PSOW in line with the Public Services Ombudsman (Wales) Act 2019.

The current ECB's process says at the end of the complaint process enforcement firms should direct complaints to them. This should not be the case for complaints related to enforcement agents employed by or commissioned by local councils in Wales.

We have been discussing with the ECB how to appropriately signpost relevant complaints between our two offices. Our position is that if we receive a complaint about enforcement action that does not fall within our jurisdiction, we will signpost that complaint to the ECB. Conversely, we would expect the ECB to signpost to us any complaints about enforcement agents employed by or commissioned by local councils in Wales. In our view, complaints about enforcement firms cannot be disassociated from responsibilities of the council as employer or commissioner of services. Our [statutory guidance to public bodies](#) makes this clear. As such, these complaints should come to us.

Notwithstanding this, we understand that to undertake its duties as a regulator effectively, the ECB needs a sector-wide overview of relevant complaint trends. We are open to exploring sharing of the relevant data with the ECB (see below).

We fully support the ECB dealing with complaints about agents collecting other debts.

Question 17: Do you think that the legislation should allow a statutory independent regulator to be able to share data with any other bodies? If so, please set out which bodies they should be able to share data with and for what purpose?

We would welcome being able to share more data with the ECB.

However, the PSOW Act 2019 only permits us to disclose information obtained whilst discharging the Ombudsman's function in certain limited circumstances. Therefore, the Government may wish to consider proposing to the Welsh Government that any new regulator is added to the bodies in our Act, with whom the PSOW may share information and work jointly.

Question 27: Do you think that county court bailiffs and local authorities and the individuals they employ to use the Taking Control of Goods procedure should be regulated by an independent statutory regulator? If so, please explain why.

Any maladministration by enforcement agents employed by or commissioned by local councils in Wales is already a matter that falls within our jurisdiction. When considering complaints about their actions we would take into account the ECB standards and refer to these standards if appropriate in its decisions. These standards would undoubtedly be given more weight if the ECB was to be placed on a statutory footing.

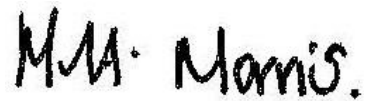
We do not consider any further statutory regulation of local council enforcement is necessary given that the PSOW Act 2019 applies.

Question 31: What do you consider to be the equalities impacts on individuals with protected characteristics for introducing a statutory independent regulator for the enforcement sector? Please give reasons.

To ensure good access to justice, for all groups, it is essential that complaints process is as accessible and short as possible. One group that is particularly vulnerable to be disadvantaged is disabled people. Our national survey results in 2025 showed that, of people who complained in the last 2 years to local council, health care provider or a social landlord, disabled respondents were less likely to find the process easy or be happy with the outcome. It is highly important that we avoid any risk that complaints about enforcement agents employed or commissioned by local councils may be handled by two organisations at the same time (generating duplication), or passed on to another organisation after being investigated (extending the complaints process).

Closing remarks

We trust that you will find these comments useful. Should you wish to discuss any of our points further, please do not hesitate to contact Ania Rolewska, our Head of Policy (ania.rolewska@ombudsman.wales).

A handwritten signature in black ink that reads "MMA Morris". The letters are stylized and somewhat cursive.

Michelle Morris

Public Services Ombudsman for Wales

July 2025