



## PRESS RELEASE

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# Bailiff reforms “not working”, say charities

**Report finds changes to bailiff law in England and Wales are failing to protect people in debt, as charities call for “fundamental reform”**

Changes to the law covering bailiffs in England and Wales introduced in April 2014<sup>1</sup> are failing to protect people in financial difficulty from unfair treatment, according to a landmark new report, *‘Taking Control’*, released today by a coalition of debt advice and other charities.

The report finds evidence that bailiffs are:

- regularly using intimidating behaviour
- failing to accept affordable payment offers and
- failing to take account of vulnerable clients.

The report, launched today in Parliament by AdviceUK, Christians Against Poverty, Citizens Advice, Money Advice Trust, StepChange Debt Charity, The Children’s Society and Z2K, comes as the Government approaches a promised three-year review of the changes.

The charities are calling on the Ministry of Justice to introduce an independent regulator covering all bailiffs, a single complaints mechanism and a restructuring of bailiff fees to incentivise good practice, alongside other reforms.

### **Evidence of continued problems**

New research conducted for the launch of *Taking Control* found that of 1,400 people who had been visited by a bailiff in the last six months, nearly a quarter (24 percent) had tried to arrange repayment over the phone but found the bailiff insisted on visiting anyway; the current fee structure incentivises bailiffs to visit the home. In addition, nearly a fifth (17

percent) say they were not contacted by the bailiff before they visited. Both of these are examples of non-compliance with the 2014 regulations.

One in six clients surveyed by StepChange Debt Charity had been visited by a bailiff in the previous year, with half of those saying they were treated unfairly, and 16 percent saying they felt forced to take out more credit to deal with bailiffs' demands.

The scale of bailiff use is significant and growing. Last year, Citizens Advice helped people with 82,000 issues related to bailiff action - with 57,000 issues related to bailiff enforcement of council tax debt alone. Research from the Money Advice Trust, the charity that runs National Debtline, shows that local authorities (the largest user of bailiffs) in England and Wales passed 2.1 million debts to bailiffs in the space of just 12 months in 2014/15. This represented a rise of 16 percent on two years previously.

### **Recommendations for further reform**

The Taking Control report makes seven recommendations for further reform;

- Independent regulation of the bailiff industry
- A free, clear, transparent and accessible complaints procedure
- A clear, simple and universally applicable procedure to suspend action by bailiffs
- Restructuring bailiff fees to incentivise good practice
- The use of a prescribed and consistent framework for agreeing affordable repayments
- Procedures to identify vulnerable people and protect them from enforcement action
- Action from creditors, and local authorities in particular, to ensure that bailiffs are only ever used as a last resort

The charities have written to Secretary of State for Justice Liz Truss MP to make the case for what they call "fundamental reform" of bailiff law, and have launched a website – [www.bailiffreform.org](http://www.bailiffreform.org) (website will be live Monday, March 13<sup>th</sup>) – allowing people visited by bailiffs to share their experiences.

**Joanna Elson OBE, Chief Executive of the Money Advice Trust, the charity that runs National Debtline, said:**

"Concerns over the impact of the bailiff's knock at the door have long been raised by debt advice charities, based on the experiences of our clients week in, week out. Unfortunately,

changes to the law in 2014 have failed to protect people in debt from poor practice, and we continue to see widespread problems with the behaviour of bailiffs and bailiff firms. In its three-year review, the Government now has the opportunity to deliver the fundamental bailiff reform that is needed to resolve these problems.”

**Mike O’Connor CBE, Chief Executive of StepChange Debt Charity, said:**

“Our research shows that the 2014 bailiff reforms are not working. The reforms have not delivered the improvements that are needed and they are failing some of the most vulnerable people in our society. The government must act to stop people being treated unfairly. Independent regulation and a free, clear, transparent and accessible complaints procedure are among the key changes that are needed now.”

**Citizens Advice Chief Executive, Gillian Guy, said:**

“Harsh tactics by bailiffs can cause severe distress and push people even further into debt. Last year, Citizens Advice helped people with over 80,000 bailiff problems - with the majority related to enforcement action on council tax debts. Local authorities have a key role to play in stamping out bad practices - by treating people in arrears fairly and ensuring bailiffs are only ever used as a last resort.”

- ENDS -

**Notes to editors:**

- 1) In 2013 the Government committed to strengthening protections against “rogue bailiffs and the unsound, unsafe or unfair methods” they used, after finding that “a significant few [bailiffs] use intimidating behaviour, treat debtors unfairly and cause unnecessary distress”. The reforms introduced in April 2014, full details can be found [here](#).
- 2) Bailiffs, now officially known as enforcement agents, can be used to collect debts owed to local authorities, HMRC, DWP, other public sector bodies such as the Child Maintenance Service, consumer credit lenders and utility companies. Bailiffs can also be used to enforce criminal court fines, such as fines for non-payment of a TV licence. In most cases, court action is required before bailiffs can be used.

**Media Enquiries**

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