



TAKING CONTROL



The need for REAL bailiff reform

advice UK



MONEY
ADVICE TRUST

StepChange
Debt Charity

The Children's Society



Content

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The background to the campaign



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Why campaign on bailiff reform?

- The Taking Control of Goods Regulations 2014 were intended to: “Clean up the industry, ensure that bailiffs played by the rules and protect people from unfair practices”
- However, evidence from debt advice agencies suggests that the new regulations have failed to achieve these objectives
- The Ministry of Justice promised a review one year, three years and, if necessary, five years after the new regulations came into force
 - The findings of the one year review have not been published
 - There is no sign of the three year review



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Widespread problems seen by advisers since the bailiff reforms

- Not accepting offers of payment
- Using threatening behaviour
- Not applying fees appropriately or proportionately
- Seizing goods inappropriately, in particular goods belonging to third parties
- Failure to adhere to the correct rights of entry
- Failure to treat vulnerable clients appropriately

Source: Money Advice Trust survey of debt advisers in 2015



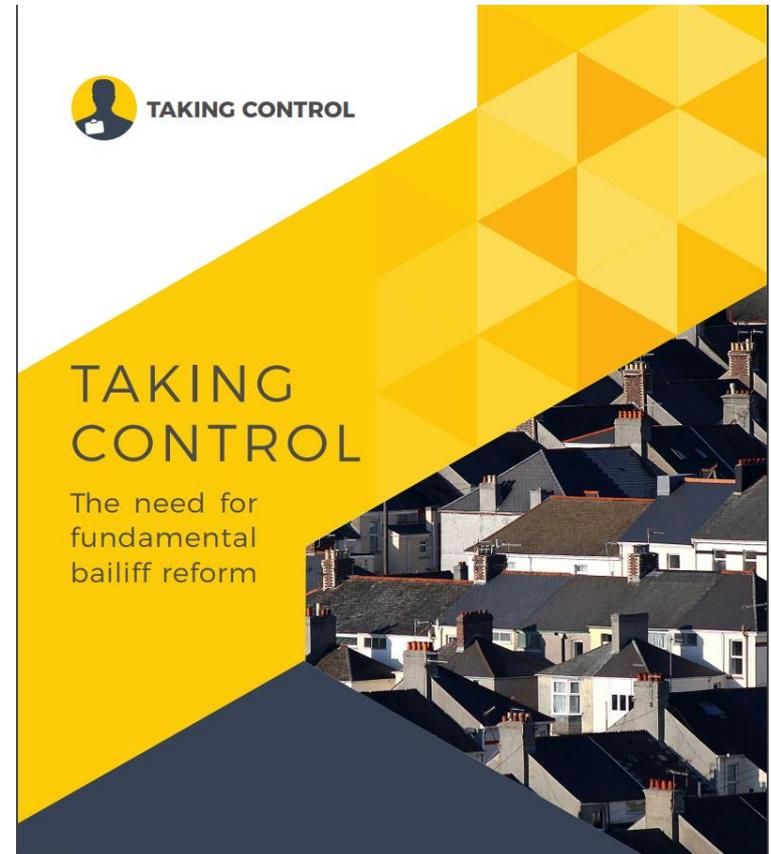
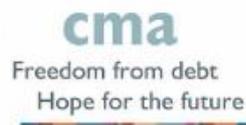
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The Taking Control campaign

Seven charities working together



Since joined by three more



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The campaign

- Seven recommendations for fundamental bailiff reform
- Campaign launch: House of Commons, 14 March 2017
- Joint letter to Secretary of State for Justice
- Campaign report
- Extensive social media coverage
 - Twitter, Facebook
- Extensive media coverage
 - TV, local and national radio, local and national press
- Website – www.bailiffreform.org
- Fringe meeting at IMA Conference, presentation to ELRG, meetings with trade associations, etc.



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Website



Concerns over the impact of the bailiff's knock at the door have long been raised by debt advice agencies and other charities. Reforms to bailiff law in 2014 in England and Wales have had only limited success, and people in financial difficulty continue to report widespread problems with the behaviour of bailiffs and bailiff firms. [Find out more](#) about our Taking Control campaign for further reform.

You can use the map to see examples of the stories we hear on the front line of debt advice – and [share your experience](#) if you have been visited by a bailiff since April 2014.

If you need help with debt or are worried about a bailiff visit, [seek free advice](#) from an independent debt charity as soon as possible.

- SHARE MY EXPERIENCE
- ABOUT THE CAMPAIGN
- READ THE REPORT



READ EXPERIENCES SHARED

Harlow, United Kingdom

Click on a constituency to view

Harlow

My ex-partner got some parking fines when he was using my car. Whilst one council has written some fines off when I gave them crime numbers etc, another has referred them to bailiffs who are continuing to pursue these aggressively. This has included sending me texts saying that I must return home immediately.

Shared by a caller to StepChange Debt Charity

Total experiences: 1

[SHARE YOUR EXPERIENCE](#)

Map data ©2017 GeoBasis-DE/BKG (©2009), Google Terms of Use



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The campaign recommendations



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Seven recommendations

1. The bailiff industry should be **independently regulated**
2. There should be a free, clear, transparent and accessible **complaints procedure**
3. There should be a clear, simple and universally applicable procedure that allows people to apply to **suspend action** by bailiffs
4. Bailiff **fees** should be restructured so as to incentivise good practice
5. Bailiffs should use a prescribed and consistent framework for agreeing **affordable repayments**
6. There should be procedures in place to identify **vulnerable people** and protect them from enforcement action
7. **Creditors should be required to act responsibly** and do demonstrably more to collect debt before resorting to enforcement



Independent regulation

- Regulation by an independent statutory body
- Regulation should provide control and oversight of both individual bailiffs and firms
- The regulator should have the power to monitor business practices, including supervision of individual bailiffs and bailiff firms
- The regulator should set standards of practice, training, and monitor compliance, with power to take enforcement action



A free, clear, transparent and accessible complaints procedure

- A free complaints procedure for both individual bailiffs and firms
- A two stage complaints procedure, to the firm and then to an independent body
- It should include complaints to HMRC, local authorities, and other creditors using bailiffs
- It should include effective remedies against bad practice and individual redress
- Bailiffs and bailiff firms should be required to provide details of the complaints procedure
- Complaints should be monitored and a summary of complaints published (like Financial Ombudsman Service)



A clear, simple and universally applicable procedure to suspend action

- This procedure should be available in the High Court, the County Court and the Magistrates' Court and be applicable to all debts in any of these courts, as well as to enforcement started directly by local authorities or HMRC
- There should be an equivalent procedure in the Magistrates' Court to the N245 procedure in the County Court that allows people to apply to the court to suspend warrants and offer affordable payments to their creditors



Fees should be restructured to incentivise good practice

- There should be a clear, common fee structure that also covers High Court
- This should encourage early resolution with as little cost to the person in debt, creditor and bailiff as possible
- There should be statutory requirements on firms that set out exactly what is expected of bailiffs at each stage of the enforcement process before they can move to the next stage
- The structure should guarantee protection to those who are vulnerable and/or on low incomes and Council Tax Support
- There should be clarity on when VAT can be charged by bailiff firms. VAT should not be added to the fees that people in debt have to pay



A prescribed and consistent framework for agreeing affordable repayments

- This should acknowledge hardship and be based on an accepted objective standard such as the CFS and now the SFS
- In cases of financial hardship and vulnerability the courts, local authorities and creditors should always be able to remit debts and fines in law



Procedures to identify and protect vulnerable people

- Creditors should be required to have a vulnerability strategy or code and make these public
- They should identify vulnerable households and amend the collections process appropriately
- Creditors should not pass anyone for enforcement who has been assessed as in vulnerable circumstances
- There should be a clear mechanism to refer cases back to creditors
- In cases of vulnerability the courts, local authorities and creditors should be able to remit debts and fines in law
- The Taking Control of Goods National Standards should have statutory force
- The DCLG guidance to local councils on good practice in the collection of council tax arrears should be made binding



Creditors should act responsibly

- Bailiffs should be a last resort and all other options should be exhausted first
- Creditors should refer to sources of free debt advice in a pre-emptive way
- Creditors should offer “breathing space”, where interest, fees and enforcement actions are frozen to allow people to seek free debt advice and recover from their financial difficulties
- Creditors should be proactive and find out about the person’s circumstances, and ability to pay first
- Creditors should be required to make affordable arrangements to pay using the CFS or SFS
- Local authorities should adopt the Citizens Advice Collection of Council Tax arrears good practice protocol
- DCLG should intervene to stop local authorities’ use of bailiffs as an enforcement method for recipients of Council Tax Support



The local campaign



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The local campaign

Initial action

- Launch today: 12 October 2017
- Engaging local advisers in the campaign through
 - Signing up for campaign updates on the website
 - Sharing stories on the Taking Control website
 - Using social media to publicise the campaign
#bailiffreform

Follow-up action

- Launch late October/early November 2017
- Using local engagement to lobby local MPs to act on the Taking Control report recommendations



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Supporting the local campaign

Local advisers will be supported to

- Contact their local press
- Write to their local MP

Resources

- E-bulletins for local advisers
- Website page for local advisers
- Campaign report
- One page campaign briefing
- Social and digital media pack
- Infographics for use on social media
- Templates for local press releases and letters to local councils and local MPs



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Q & A



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