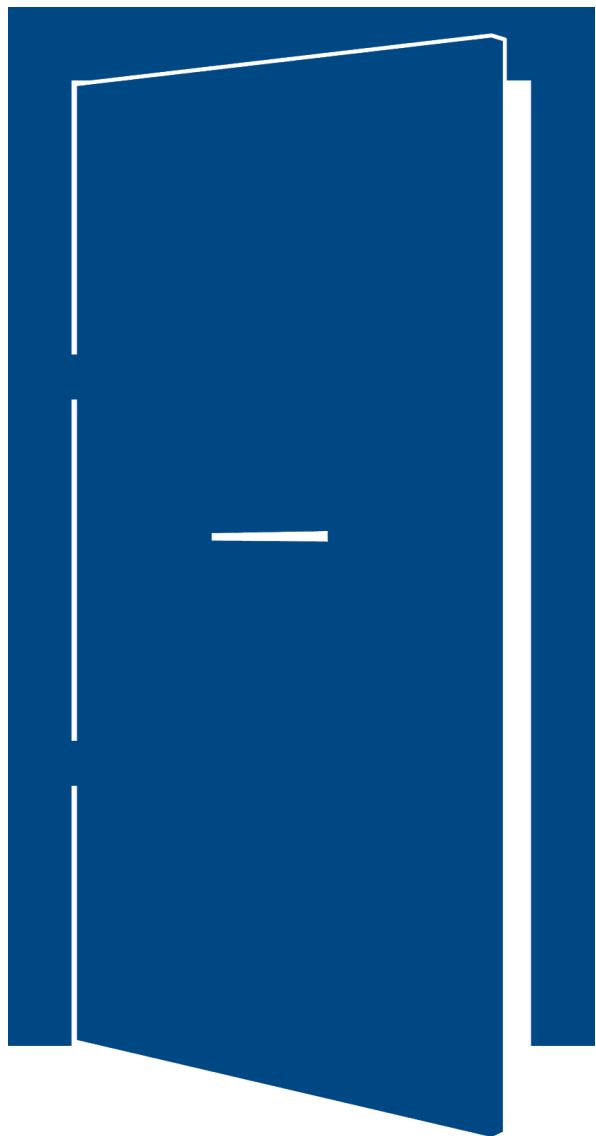


A law unto themselves

How bailiffs are breaking the rules

Marini Thorne and
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Executive summary

In the last year, Citizens Advice has helped **41,000** people with **90,000** bailiff issues, while the bailiff pages on our website were visited more than 140,000 times. Problems with bailiffs are one of the most common debt issues we help people with.

These problems are frequently the result of bailiffs failing to comply with rules introduced in 2014. New polling backs up these conclusions. We have found that **2.2 million people** report being contacted by bailiffs in the last two years and more than a third of these - **850,000 people** - have experienced bailiffs breaking the rules.

While, the changes to bailiff regulations and national standards in 2014 were largely positive. The reforms have failed to transform standards amongst bailiffs because there isn't an organisation to enforce the rules. Poor practice is continuing in five key ways:

1. **Bailiffs are refusing to accept affordable payment offers** or are pressing people to make unrealistic offers. Almost **1 in 4 people** (24%) contacted by bailiffs had an affordable payment offer rejected.
2. **Bailiffs are misrepresenting their rights of entry**, for example by threatening to break in. **1 in 6 people** (17%) contacted by bailiffs experienced a threat to break in, despite pursuing debts which did not give them the power to do this.
3. **Bailiffs are taking control of goods inappropriately**, including exempt items and goods which don't belong to the person who owes the debt. **1 in 10 people** contacted by bailiffs had goods required for their work taken control of.
4. **Bailiffs are acting aggressively** towards people in debt, thereby failing to conduct their duties in 'a professional, calm and dignified manner'. Almost **2 in 5 people** (37%) contacted by bailiffs experienced intimidation of some kind.
5. **Bailiffs are acting unsympathetically towards vulnerable people**. The 2014 reforms set out new ways in which vulnerable people should be treated by bailiffs. Our polling found that **1 in 5 people** (18%) contacted by bailiffs had seen them act unsympathetically towards people with illnesses and disabilities.

This widespread poor behaviour by bailiffs can have serious consequences. **84%** of people who had a negative experience with bailiffs felt this had a lasting effect, with **7 in 10 people** (70%) reporting increased stress and anxiety. **50%** of people also experienced a knock-on effect on their finances. This is particularly concerning given the huge scale of bailiff use, which has affected **at least 2.2 million people over the last two years**.

Our evidence shows that **reforms to the industry in 2014 haven't worked**. Not only do bailiffs visit people highly likely to be vulnerable, they also visit them at difficult times in their lives. Yet, unlike other sectors, such as water, energy, and financial services, there's no independent regulator to hold bailiffs to account.

The **Ministry of Justice must take the opportunity to address this gap by establishing an independent bailiff regulator through its upcoming consultation on the enforcement industry**. This will ensure that - when rules are broken - both firms and individual bailiffs are held to account.

A. Our methodology

Citizens Advice client data

Citizens Advice helped more than 1.95 million people last year. For every person we help, we record an 'advice issue' - these run at three levels of detail. The first level of detail is fairly general, e.g. 'debt' or 'benefits'. The second level of detail tends to give a type of problem, e.g. 'council tax arrears' or 'parking fine' and the third level of detail states what the specific issue is, e.g. 'bailiffs - rights of entry' or 'bailiffs - offers of payments'. More than one issue can be recorded per person who visits us - on average, people who come to us with a bailiff query have 2.2 issues associated with bailiffs. All data which relates to clients or bailiff issues is from the financial year (running from April - March) with which it is associated.

Citizens Advice website data

Citizens Advice's website is a major resource for people looking for free information and advice on their rights. We count the number of unique visitors to Citizens Advice's web pages. We screen out all visits from Local and National Citizens Advice offices.

Citizens Advice evidence forms

Where our advisers encounter significant poor practice they can submit an 'evidence form'. These forms record key issues with the case and a brief description of the client's experience. Evidence forms are not a proportional reflection of all the cases advisers deal with, but do provide a useful indication of when and how bailiffs are breaking rules.

Client Surveys

We ran two client surveys. Between August 2013 and August 2017 we hosted a survey on the Citizens Advice website, inviting clients to tell us about their recent experiences of bailiff behaviour. More than 5,800 people responded to this survey. We ran a second client survey in August-October 2018 asking people who had experienced bailiff action about the longer term effect it had on their lives. We received 120 responses from people who had been contacted by bailiffs in the last two years.

Adviser Survey

Between 7 June and 31 August 2018, we circulated a survey to more than 300 advisers who worked for organisations within the [Taking Control Coalition](#).¹ We asked them the same questions we posed to advisers in 2016 for the One Year Review of Enforcement Agent Reforms. We would like to thank our partners in the Taking Control coalition for circulating this survey.

Nationally Representative Polling of England and Wales

A nationally representative opinion poll of people in England and Wales was commissioned by Citizens Advice and StepChange Debt Charity, with a number of questions relating to debt collection, experience with bailiffs and use of complaints procedures. YouGov online field research was conducted with 5,786 respondents between 12 and 17 September 2018. Many thanks to StepChange Debt Charity for kindly agreeing to share this data in our report.

¹ A coalition of eleven debt advice organisations: AdviceUK, Christians Against Poverty, Citizens Advice, Community Money Advice, Institute of Money Advisers, Money Advice Trust, Money and Mental Health Policy Institute, Payplan, StepChange Debt Charity, The Children's Society and Z2K.

1. Introduction

More than **2.2 million people** have been contacted by bailiffs over the past two years, but **two thirds of people describe their awareness of their rights around bailiffs as poor**.² Clearly many people don't know the law around what bailiffs can and can't do, and this means it can be hard to hold bailiffs to account. In this section, we set out some of the key legal structures which govern bailiffs and how these changed in 2014, to show how bailiffs continue to break the rules.

A. What are bailiffs?

A bailiff is someone with legal authorisation to collect debts on behalf of creditors. Bailiffs can only be used for certain types of debt, including: council tax, parking penalties, county court judgments, high court judgments, magistrates' court fines, child support, maintenance, income tax, national insurance, VAT, business rates, and rent.

The term 'bailiff' describes a number of roles that involve enforcing debts.³ There are three common types of bailiff.⁴ Table 1 outlines some of the key differences:

Table 1: The types of bailiff

	Types of debt collected	Powers to enforce debts
High Court Enforcement Officers	High Court judgments of any amount. county court judgments over £5,000 for debts arising from agreements not regulated by the Consumer Credit Act (CCA) and county court judgments between £600 and £5,000 for debts arising from non-CCA regulated agreements which have been transferred to the High Court.	High Court Enforcement Officers (HCEOs) can take control of goods (i.e. seize and remove) and, if it's a business judgment at a business premises, can force entry.
County court bailiffs	county court judgments on consumer credit regulated debts are enforced by county court bailiffs. These are usually credit card or personal loan debts. County court bailiffs may also pursue debts to non-consumer credit regulated providers up to £5,000 and all county Court judgments under £600.	county court officers can take control of goods and in certain circumstances can force entry, for example for business or trade premises.

² YouGov polling of 5786 people in England and Wales, 12-17 September 2018

³ Since the [Tribunals, Courts and Enforcement Act 2007](#) which came into force in April 2014, certificated bailiffs are officially referred to as enforcement agents.

⁴ Lorraine Conway (2013), 'The current regulation of bailiffs' - House of Commons Standard Note - SN/HA/4103

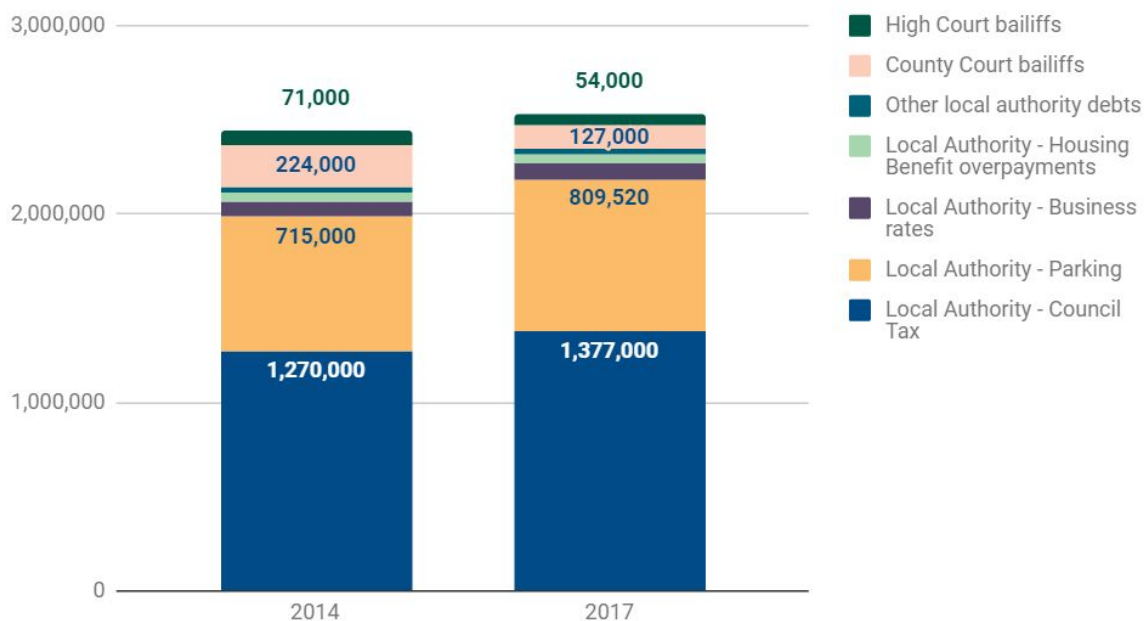
Certificated enforcement agents	Council tax, rent, road traffic debts, child maintenance arrears, magistrates fines, tax and National Insurance arrears and non-domestic rates, and unpaid county court judgments.	Certificated enforcement agents can take control of goods and must only gain peaceful entry, unless enforcing a magistrates court fine or if they get a warrant to pursue HMRC debts.
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B. How often are bailiffs used?

We estimate that bailiffs were used to collect debts nearly **2.5 million times in 2017**. The Money Advice Trust revealed that more than 2.3 million debts were passed to bailiff firms by local authorities alone in 2017.⁵ Additionally, there were 127,000 county court enforcement orders and 54,000 High Court enforcement orders.⁶

In the last four years, while the use of bailiffs to collect county court and high court orders has shrunk significantly, the use of certificated bailiffs has grown by 14% nationwide.

Chart 1. The use of different types of bailiffs in 2014 and 2017



Source: Money Advice Trust and Ministry of Justice data in 2014 and 2017

This report focuses predominantly on the conduct of certificated enforcement officers and High Court enforcement officers, as the behaviour of these two types of bailiffs are the cause the majority of problems raised by Citizens Advice advisers and clients.

⁵ Money Advice Trust, [Stop the Knock: Mapping Local Authority Debt Collection Practices in England and Wales](#), November 2017.

⁶ [Civil Justice Statistics Quarterly](#), 2018.

C. What rules govern bailiff behaviour?

All bailiff activity falls under the jurisdiction of the Tribunals, Courts and Enforcement Act 2007. In 2014 the government introduced several significant reforms to the bailiff industry. These came as a package of measures through multiple pieces of regulation.

Collectively, they sought to 'deliver protection against bailiffs using aggressive methods, whilst ensuring debts could still be recovered effectively'.⁷ These reforms focussed on a number of different areas:

1. The status of bailiffs and the procedure for collecting debts

The reforms clarified the position of enforcement agents, setting out that their certificates would be issued, suspended or cancelled through the county courts,⁸ and replaced complex common law rules around bailiff practice.⁹ In addition, the Certification of Enforcement Agents Regulations 2014 introduced new requirements for the process of giving bailiffs certificates. They established that bailiffs need to be 'fit and proper persons', possess specific knowledge of the law relating to bailiffs, and that complaints against certificated bailiffs can be lodged with a county court judge.¹⁰

People must receive seven days' notice of enforcement action.¹¹ This seven day notice period must not include holidays. In addition, it must clearly set out the debt owed and the means to avoid additional enforcement action.

Limits were placed on the times when bailiffs can visit, preventing enforcement agents visiting debtors before 6 a.m. or after 9 p.m.¹²

Certain goods were made 'exempt from enforcement action':¹³

- Goods people rely on for their business, employment or studies are exempt, unless they are worth more than £1,350.
- Household items (such as clothes, bedding, appliances, or furniture) which might 'reasonably be required' to meet the 'basic domestic needs' of the person in debt and members of their household.¹⁴
- Any item required for the care of a disabled person, person under 18 or older person, as well as a car with a disabled badge.

Additional protections for children and vulnerable people were introduced. Bailiffs are no longer able to enforce debts against anyone under the age of 16, or enter a home if only a child or vulnerable person is present.¹⁵ In addition, the National Standards (see below) set out who might be considered to be vulnerable:

- older people;

⁷ House of Commons, [Briefing Paper: Bailiffs](#), September 2018

⁸ Section 64, Part 3 of the [Tribunals, Courts and Enforcement Act 2007](#).

⁹ Section 65, Part 3 of the [Tribunals, Courts and Enforcement Act 2007](#).

¹⁰ The [Certification of Enforcement Agents Regulations 2014](#)

¹¹ This was initially set out in Paragraph 7, Schedule 12 of [Tribunals, Courts and Enforcement Act 2007](#), but clarified in the Taking Control of Goods Regulations 2013.

¹² Paragraph 22, of the [Taking Control of Goods Regulations 2013](#).

¹³ Part 2, Section 12 of the [Tribunals, Courts and Enforcement Act 2007](#) declares that some goods will be exempt from enforcement action.

¹⁴ Paragraph 4 of the [Taking Control of Goods Regulations 2013](#).

¹⁵ Paragraph 10 of the [Taking Control of Goods Regulations 2013](#).

- people with a disability;
- seriously ill people;
- people who have been recently bereaved;
- single-parent families;
- pregnant women;
- unemployed people; and,
- those who have obvious difficulty understanding, speaking or reading English.¹⁶

Enforcement agents are expected to be aware that vulnerability may not be immediately obvious, and so should be prepared to approach all debtors accordingly.¹⁷

Controls on the use of force to enter a home. The reforms constrained the powers of bailiffs to use force when trying to secure access to goods by stating that only bailiffs pursuing an unpaid magistrate’s court fine, or those with a warrant for HMRC debts, may use ‘reasonable force’ to enter a home.¹⁸ Even in those instances, bailiffs are only able to force doors or hinges. They aren’t able to break windows or use physical force. In 88% of cases, bailiffs aren’t able to enter a person’s home if the doors are locked.¹⁹

2. Establishing a fixed fee structure for bailiffs

The 2014 reforms also introduced a new fee structure, which set out in clear terms what different types of bailiffs can charge at different stages of the enforcement process. This was introduced through the [Taking Control of Goods \(Fees\) Regulations 2014](#).

Table 2. The fees that bailiffs may charge

Stage of process	Fees for certificated bailiffs	Plus additional % of debts over £1,500	Fees for High Court Enforcement Officers	Plus additional % of debts over £1,500
“Compliance” Calling or writing to you about your debt	£75	0	£75	0
“Enforcement” Visiting your home	£235	7.5%	£190	7.5%
“Enforcement” HCEOs undertaking a second visit			£495	0
“Sale” Taking and selling your belongings	£110	7.5%	£525	7.5%

¹⁶ Paragraph 77 of the [Taking Control of Goods: National Standards 2014](#).

¹⁷ Paragraph 76 of the [Taking Control of Goods: National Standards 2014](#).

¹⁸ Paragraph 28 of the [Taking Control Regulations 2013](#).

¹⁹ Only 12% of all people who were personally contacted about their debt by a bailiff were contacted in relations to a magistrate’s court fine or HMRC debt. YouGov polling, 5786 respondents in England and Wales.

Bailiffs can also charge for the reasonable cost of storing goods, hiring a locksmith, any court fees, auction costs or 7.5% of the value of goods sold online, as well as any exceptional costs.

3. Updating the National Standards on Enforcement

To supplement these legislative changes, an updated [National Standards](#) was introduced.²⁰ The standards aren't legally binding but 'set out what the Ministry of Justice, those in the industry and some major users regard as minimum standards'. Some key provisions are:

- Bailiffs must 'not be deceitful' or misrepresent their powers to enforce a debt.
- Bailiffs must not exhibit 'threatening' behaviour: they should be calm, and act in a professional manner.
- Bailiffs must always carry ID and authorisation to collect debts.
- Debtors shouldn't be pressed to accept 'unreasonable' repayment arrangements.
- Where creditors have indicated that they will accept a reasonable payment offer, bailiffs should refer offers back to creditors.
- If an enforcement agent identifies a 'vulnerable person or situation', they should alert the creditor.

In theory, the new rules are largely positive. However, as is shown in the next section, without a system to enforce these rules, bailiffs are breaking them on a massive scale.

²⁰ [The Taking Control of Goods: National Standards](#), April 2014

2. Despite reforms, bailiffs are still breaking the rules

Bailiffs were used to collect at least 2.5 million debts last year. When debts are enforced using bailiffs, people should be treated fairly. This section uses evidence from a number of sources to highlight the widespread nature of rule breaking in the bailiff industry.²¹

A. Rule breaking in the bailiff industry is widespread

We co-commissioned independent, nationally representative polling through YouGov to understand how often people faced problems with enforcement.

We found that approximately **2.2 million people** have people have been contacted by bailiffs in the last two years.²² Of these, at least **1 in 3 (39%) encountered a bailiff breaking a rule or national standard.**



This means that nationally **nearly 850,000 people** in the UK are likely to have encountered bailiffs breaking the rules in the last two years.²³

Common forms of rule-breaking that people experienced included:

- 18% had witnessed bailiffs treating someone with an illness or disability unsympathetically.²⁴
- 17% had experienced bailiffs threatening to break into their home.²⁵
- 11% had seen bailiffs take control of goods required for their livelihood.

²¹ Including, nationally representative polling, a survey of visitors to Citizens Advice's website, a survey of advisers, and website analytics.

²² This is likely to be an underestimate. Money Advice Trust's [Stop the Knock](#) found that 2.3 million debts were passed to bailiffs in 2017. Our polling relied on people recalling an interaction with bailiff in the last two years and - due to stigma associated with indebtedness - may have been underreported.

²³ For the methodology behind this figure, please see Appendix 1.

²⁴ In addition to paragraph 10 of the [Taking Control of Goods Regulations 2013](#), the National Standards state that where enforcement agents have identified vulnerable debtors or situations, they should alert the creditor and act in accordance with all relevant legislation.

²⁵ Paragraph 21 of the [National Standards](#) states that bailiffs 'must not act in a threatening manner...by making gestures or taking actions which could reasonably be construed as suggesting harm or risk of harm to debtors, their families, appointed third parties or **property.**'

- 6% had seen bailiffs using force to break into their homes.²⁶

Over and above these common instances of bailiffs breaking the rules, we also found widespread evidence of practices which appear to go against the standards of ‘professional conduct, discretion and fairness’ set out in the national standards:

- 24% had been refused an affordable payment offer
- 21% had experienced an intimidating phone call
- 26% had experienced an intimidating doorstep visit

Ultimately, without effective oversight for the bailiff industry, there is little that can be done when rules are broken, allowing poor practice to continue unchecked.

B. The new rules haven’t improved the behaviour of bailiffs

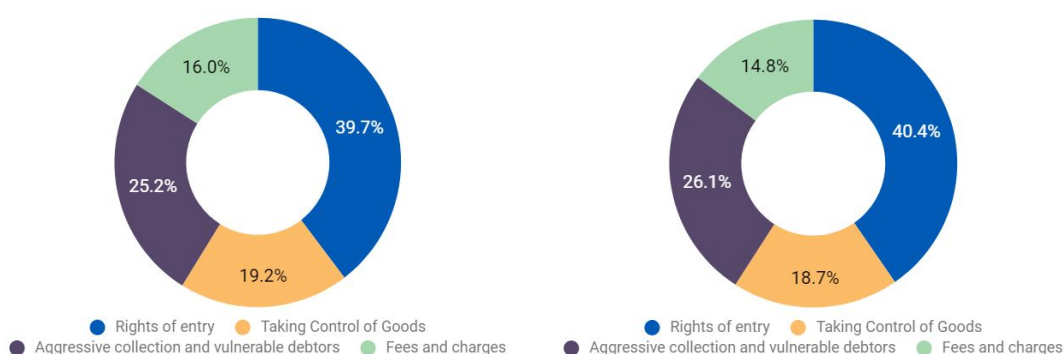
On top of the snapshot provided by representative polling, data collected by Citizens Advice since 2013 shows the problems caused by bailiffs haven’t changed with the introduction of the 2014 rules.

i. People using Citizens Advice’s website continue to report the same problems

In 2014, Citizens Advice ran an online survey of 5,800 people who had experienced bailiff action between August 2013 and August 2017. By splitting the responses between pre- and post-regulation we were able to assess what impact the reforms had on bailiff behaviour.

We found that the regulations had little effect on the behaviour of bailiffs - with only slight changes in the proportion of issues people reported. Chart 2 shows the proportion of reported problems before and after April 2014, when the reforms were introduced.

Chart 2. Types of rule breaking experienced by 5,800 Citizens Advice clients contacted by bailiffs before (left) and after (right) the 2014 reforms.



Source: Citizens Advice client survey conducted between August 2013 and August 2017. Base: 5880

Not all of the problems reported are the result of bailiffs breaking rules - though in many instances they are. For example, the aggressive collection category includes occasions

²⁶ These debtors owed debts which did not permit bailiffs to use reasonable force to enter the home.

where bailiffs are rude or aggressive to debtors, disregarding the National Standards provisions about ‘a professional, calm and dignified manner’.²⁷ The continuity in the type of issues experienced by Citizens Advice clients highlights the limited impact the reforms have had on bailiff behaviour.

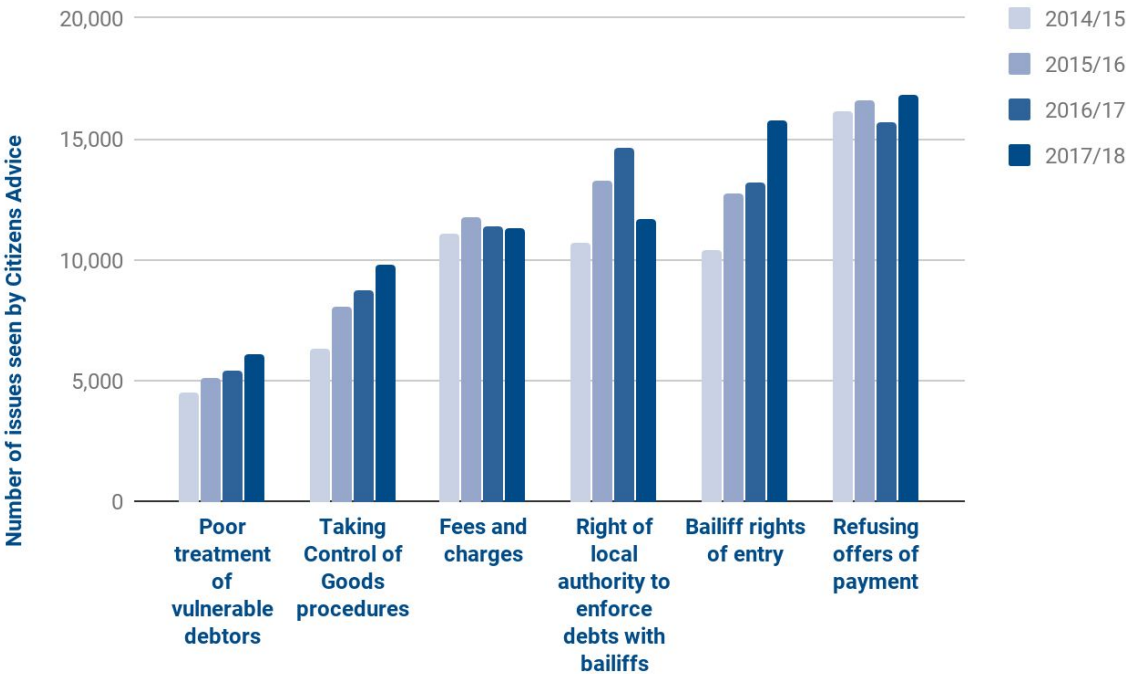
ii. The people we help face-to-face and on the phone experience the same problems

Data collected when Citizens Advice helps people with bailiff-related issues provides more recent evidence. In the last year, Local Citizens Advice offices helped 41,000 clients with around 90,000 bailiff issues, a 24% increase since 2014.²⁸

As Chart 3 shows, the nature of those problems has remained similar despite the introduction of the new rules. The most common issue is still bailiffs refusing to accept affordable offers of repayment, even though the National Standards state that they should be accepted where enabled by creditors.

There has been a noticeable improvement - in relative terms - in the number of problems related to fees and charges. This is partly as a result of the clarity of the charging structure in the new regulations. However, despite new regulations to improve behaviour, problems related to the treatment of vulnerable debtors, taking control of goods, and rights of entry have all become more common.

Chart 3. The most common bailiff issues brought to Citizens Advice over the last four years



²⁷ Paragraph 26 of the [Taking Control of Goods National Standards 2013](#)

²⁸ Citizens Advice client data, 2017-18.

3. How are bailiffs breaking the rules?

As described above, not every problem Citizens Advice helps people with is the result of bailiffs breaking the rules. However, using data collected by local Citizens Advice offices we can dig deeper into the nature of those issues to highlight how people are being mistreated by bailiffs.

A. Bailiffs are refusing to accept reasonable offers of payment

The most commonly broken rules governing bailiff visits are the requirements relating to reasonable offers of payment.

In the early stages of bailiff enforcement, people tend to make offers of payment when they are unable to pay the debt in full. This can be crucial, as the average person we helped with council tax debt last year had just £15 a week disposable income.²⁹

As part of the package of reforms introduced in 2014, the National Standards state that bailiffs 'should not press people to make unrealistic offers' and should 'refer reasonable offers onto the creditor'.³⁰ This doesn't appear to be happening in practice.

In 2017/18, Citizens Advice helped people with nearly **17,000 issues associated with a refusal to accept payment offers**. And since 2014, our advisers have helped people with this issue more than 65,000 times since 2014. In a survey we recently conducted with more than 300 debt advisers, only **17%** felt that bailiffs were more likely to accept reasonable offers of payment since 2014.

National polling suggests the refusal of payment offers is widespread. **24%** of people who have experienced a bailiff visit found their offers of affordable payments were refused.

Our advisers also record evidence about particularly egregious instances of poor bailiff behaviour. The national standards around refusing payments were raised **116** times in the last year by advisers, more frequently than any other issue associated with bailiffs.

Case study

Sarah has depression and lives with her son in the East Midlands. She has struggled to manage changes to her benefits over the course of a few years, and fell behind on council tax two years in a row. These debts amount to around £1,000. After taking into account her expenses, Sarah has only £40 of disposable income per month. She pays £20 of this income to meet the cost of the first year's council tax debt. Recently, Sarah made an offer to repay the other debt with her remaining £20 of available income. The bailiff firm rejected this affordable payment offer and is asking that Sarah pay more than £100 of her income per month.

²⁹ Analysis of more than 4,200 Citizens Advice clients with council tax debts who received debt advice between April and June 2018.

³⁰ Sections 24 and 25 of the [National Standards](#) state that 'Debtors must not be pressed to make unrealistic offers' and 'where creditors have indicated that they are likely to bailiffs should refer reasonable offers of payment back to the creditor'.

B. Bailiffs are breaking the rules on rights of entry

The 2014 reforms set out clarifications on the right of bailiffs to enter properties. But our data suggests that bailiffs continue to violate these rules. In 2017/18, Citizens Advice helped people with **16,000** issues around bailiffs' rights to enter their property.

People struggle to hold bailiffs to account when it comes to rights of entry, since **nearly 2 in 3 people** would describe their awareness of their rights around bailiffs as poor.³¹

These violations take a number of different forms:

- **Bailiffs misrepresenting their powers.** The National Standards state that bailiffs must neither 'act in a threatening manner' nor 'be deceitful by misrepresenting their powers'.³² But our national polling found that **1 in 6 people** (17%) visited by bailiffs face threats to break into their property. Our advisers recorded **46** evidence forms in the last year testifying to bailiffs misrepresenting their powers of entry.

The most common issue on rights of entry brought to us by clients is where bailiffs have informed clients that they will break into the property, despite lacking the authorisation to do so. This includes bailiffs stating that they are permitted to break in without a controlled goods agreement or warrant, or encouraging clients to open the door on false pretences. Other examples include bailiffs threatening to break down doors, telling debtors they will be sent to prison, or stating they will ask a locksmith to make keys to give them unfettered access to the debtors home.

- **Bailiffs forcing doors or windows where they do not have the power to do so.** In more extreme - and unusual - cases of poor practice, advisers have reported cases of forceful entry into properties by bailiffs without prior warning, contravening both the regulations and the national standards.³³

Our advisers recorded 2 evidence forms where bailiffs have forced entry without the right to do so, with 2 further incidents where bailiffs were physically aggressive with debtors in the process. In one instance a member of the debtor's family lost consciousness as a result.³⁴

C. Bailiffs are taking control of goods inappropriately

The rule changes in 2014 set out a series of clarifications regarding the rules around bailiffs taking control of people's goods.³⁵ But in a recent survey of debt advisers, **81% of advisers** felt that bailiff behaviour on seizing goods appropriately had stayed the same or got worse since 2014. And our national polling found that **11%** of people who have

³¹ Yougov polling commissioned by StepChange and Citizens Advice, of people living in England and Wales, 12-17 September 2018. Base: 5786.

³² Paragraph 20, [Taking Control of Goods National Standards](#), 2014.

³³ Regulation 6, [Part 2 of the The Taking Control of Goods Regulations 2013](#).

³⁴ Citizens Advice supported this client to lodge a complaint with the bailiff firm and disciplinary action was taken.

³⁵ Schedule 12, paragraph 10 of the [Tribunals, Courts and Enforcement Act](#) states that 'An enforcement agent may take control of goods only if they are goods of the debtor.'

personally had contact with bailiffs said they took control of vehicles or tools required for their jobs.

In 2017/18, Citizens Advice helped people with nearly 10,000 issues around taking control of goods procedures, with a further 3,500 issues around the seizure of exempt goods. Common issues recorded by our advisers are:

- **Bailiffs taking control of goods that do not belong to the debtor.** This includes adding goods that belong to children,³⁶ other family members or friends to Controlled Goods Agreements. On other occasions, bailiffs are clamping cars or other household items which are on hire purchase.
- **Bailiffs including household possessions - such as dining tables, chairs, beds and household appliances - in Controlled Goods Agreements.** These items are exempt in the regulations. Their inclusion in Controlled Goods Agreements can lead to clients making payments beyond what is affordable.
- **Bailiffs informing people that they are obliged to agree to the terms of Controlled Goods Agreements, pushing clients into unaffordable payment arrangements.** As with the wider issues regarding unaffordable payments, when people are faced with losing household possessions they will often make financial commitments that it is difficult or perhaps impossible to keep.

Case study

Saleema has a disability and is unable to work. She lives with her partner and her young son in privately rented accommodation. She fell behind on her council tax last year and now owes approximately 1 year's worth of council tax.

A bailiff recently gained entry to her home and began compiling a Controlled Goods Agreement. Whilst doing so he included a number of exempt goods including: her table and chairs, sofa, bed and fridge-freezer, as well as her son's playstation, computer and bike. Saleema was unaware that these items were exempt, and was told by the bailiff that the Controlled Goods Agreement needed to contain a minimum of 10 items.

Saleema has continued to meet the payments on the Controlled Goods Agreement, whilst cutting back on other essentials. She is concerned that if she does not, she will lose key household items as well as her son's possessions.

D. Bailiffs are acting aggressively towards people in debt

Aggressive behaviour has been a longstanding problem associated with bailiff action. The National Standards state that 'bailiffs must not act in a threatening manner when visiting the debtor, by making gestures or taking actions which could be conceived as suggesting harm or risk of harm to debtors, their families or property'.³⁷

Since 2014, advisers continue to report aggressive behaviour by bailiffs. **83%** of debt advisers feel the use of threatening behaviour by bailiffs has stayed the same or got

³⁶ Paragraph 64 of the [National Standards](#) states that 'Enforcement agents must not remove anything clearly identifiable as an item belonging to, or for the exclusive use of a child (anyone under the age of 16)'.

³⁷ Paragraph 21 of the [National Standards](#).

worse since 2014. Along with accepting reasonable payment offers, this is the area where advisers have seen the least progress since 2014.

We found a similar picture in our nationally representative polling. Over **1 in 4 people** (26%) who had been contacted by bailiffs had encountered intimidating behaviour on the doorstep, and 21% of people had experienced an intimidating phone call. In total, intimidation took place in nearly **2 in 5** (37%) of all bailiff incidents.

E. Bailiffs are dealing unsympathetically with people in vulnerable situations

As we have set out in the previous chapter, a crucial part of the 2014 bailiff reforms related to new protections for vulnerable people. There is now a duty for bailiffs to refer the case back to the creditor where there is 'a cause for concern' and bailiffs are expected to 'withdraw from the property if only a vulnerable person is present'.

We do see instances of bailiffs correctly identifying vulnerability and responding appropriately. However, our data does not suggest there have been significant improvements across the sector. In the past year, Citizens Advice saw **6,000** issues relating to the poor treatment of vulnerable debtors. This is one of the fastest growing bailiff issues - it has increased by **35%** since 2014. And the poor treatment of vulnerable debtors is often raised by our advisers with **63** evidence forms logged around vulnerable debtors in 2017/18.

Evidence from Citizens Advice advisers includes a number of cases where **bailiffs ask visibly vulnerable householders who are alone to allow them into the property**. For example, heavily pregnant women, elderly people, or disabled people have been asked to open the door by bailiffs. In addition, clearly vulnerable people have been asked to sign Controlled Goods Agreements or have faced insistent requests for payment.

At other times, bailiff firms have a very high threshold for recognising that debtors are vulnerable and treating them accordingly. They often require medical evidence, which can be prohibitively expensive to obtain. In a number of instances, advisers are faced with clients who have been unable to secure holding action from a bailiff firm on the grounds of vulnerability as they couldn't afford to get a note from their doctor.

More shockingly still, advisers have also submitted cases where bailiff firms have been unwilling to accept that clients are vulnerable or have declared the specific vulnerability as irrelevant to the process of collecting the debt.

Case study

Tanya suffers from severe anxiety, depression, and angina. She is also the primary carer for her 21 year old son who suffers from severe mental health problems and who is currently working with a local mental health team. She visited her local Citizens Advice after receiving a notice from a bailiff firm.

Tanya was very distressed about the notice, as she thought it meant that the bailiff could force entry when she was away. Tanya has no money to pay the debt - she has £40 which needs to last for another week and she is behind on her rent.

Our adviser rang the bailiff firm to make them aware that she is vulnerable and was

transferred to the enforcement officer, Mr Harris. At first, Mr Harris insisted he couldn't put any hold on the account. He said the vulnerability wouldn't be considered until Tanya had provided an email to the firm from somebody with 'NHS' in the address and including evidence of all medications prescribed to Tanya from the last 3 months. Mr Harris was aggressive in his tone with adviser and implied that Tanya's medical history was simply an excuse.

Our evidence shows how widespread violations of both the regulations and national standards are in the bailiff industry. But - at present - there's no agency to monitor the practices of both individual bailiffs and bailiff firms, this means there's no way to hold bailiffs accountable

Some rules encourage poor practice

Reforms in 2014 have not led to significant improvements in the bailiff industry. To make matters worse, some of the changes have even encouraged worse practice around the treatment of debtors.

1. Fees and charges

Reforms to bailiffs' fee structure in 2014 aimed to 'control excessive charging and incentivise settlement at the initial (compliance) stage before a visit and removal of goods becomes necessary'.³⁸

Unfortunately, however, Citizens Advice continues to see a huge number of issues with bailiff fees, with more than 11,000 issues brought to our local offices in 2017/18. The types of problems with fees that we tend to encounter are:

- **A lack clarity over how fees accrue.** Bailiffs are regularly visiting homes without a detailed breakdown of the debts owed. This means clients can find it difficult to identify the extent of their debts alongside additional fees, or how enforcement has driven up the amount of money that they owe.
- **A tendency to escalate debts to the enforcement stage.** The major jump in the fees of certificated bailiffs from compliance (£75) to enforcement (£235) means that bailiffs are incentivised to push debts through the compliance stage without exhausting all avenues. This is exacerbated by the lack of clarity over what arrangements at 'compliance' stage might mean. Some councils limit the compliance period to 7 days with only 1 or 2 attempts at contact, whilst other compliance periods might extend to more than a month.
- **Enforcement fees are being added to individual debts, rather than the total sum owed.**³⁹ Our advisers have reported that debts accumulated in different financial years from the same creditor are sometimes being treated as individual debts, with separate bailiff fees applied to each. This means that despite using the same mechanisms to pursue the debts, bailiffs are generating twice as much in fees from the enforcement action.

2. Notices

The 2014 reforms also set out how debtors must be notified of enforcement action - for example, setting out how letters should be written and stating that notices must be sent to debtors 7 days in advance of the visit. Unfortunately, however, two major issues remain around notices:

1. **Letters at the enforcement stage are not specified in the regulations.** This means people who might be away from their homes when a bailiff visits, can remain unaware of the visit, or - as our advisers have recorded - find themselves subject to unpleasant notices by bailiffs threatening to take people's goods.
2. **People often do not receive full notice** - at times, postal issues mean that debtors get less than 7 days notice of a bailiff visit, or at times these letters do not

³⁸ As set out in the [One Year Review of Enforcement Agent Reforms](#), 2018.

³⁹ This is despite the [Taking Control of Goods \(Fees\) Regulations 2014](#) requiring bailiffs "to minimise the fees and disbursements charged where they act in relation to more than one debt to the same creditor. Where practicable, they are expected to deal with the goods together and on as few occasions as possible".

appear to reach debtors at all. This leaves people unaware of the upcoming visit by an enforcement agent.

3. The use of reasonable force

When it comes to rights of entry, the law sets out that reasonable force can be used when bailiffs are collecting magistrates' court fines or business judgments, or have a warrant to use reasonable force.

However, added confusion has been caused by the fact that the reforms fail to categorically state that bailiffs cannot use 'reasonable force' to break into a property. Clients often report that bailiffs threaten to break into their homes, despite not collecting a magistrates' court fine or having a warrant. The ongoing capacity of some bailiffs to use 'reasonable force' leaves makes it unclear for people whether bailiffs are permitted to 'break in' to their homes or not.

Data on Citizens Advice website visits suggests that concerns over bailiffs' powers are widespread. In 2017/18, our website was visited by **110,000** people seeking advice on 'stopping bailiffs at your door', and a further **12,000** people asking 'whether a bailiff can force entry into your home'. If we combine this with our other pages on bailiffs, we find that there have been more than 140,000 instances of people seeking information on their rights in relation to bailiffs.

4. Ownership of goods

The regulations state that bailiffs 'may take control of goods only if they are goods of the debtor'.⁴⁰ And the national standards state that bailiffs 'should not take control or remove goods clearly belonging solely to a third party not responsible for the debt'⁴¹ This leaves it unclear how a third party can prove ownership of the goods in question.

In most cases, people do not have evidence to show ownership (or otherwise) of the good. According to our evidence forms, bailiffs regularly treat people's possessions as belonging to the debtor unless they can provide clear evidence (such as a receipt) showing that they belong to someone else. In most instances bailiffs tend to take control of the item until proof of different ownership can be produced. This can leave major households items under threat - including cars belonging to other family members - and often leaves people highly distressed that their debts are disrupting their personal relationships.

⁴⁰ Paragraph 10, Schedule 12 of the [Tribunals, Courts and Enforcement Act 2007](#).

⁴¹ Paragraph 67 of the [National Standards](#).

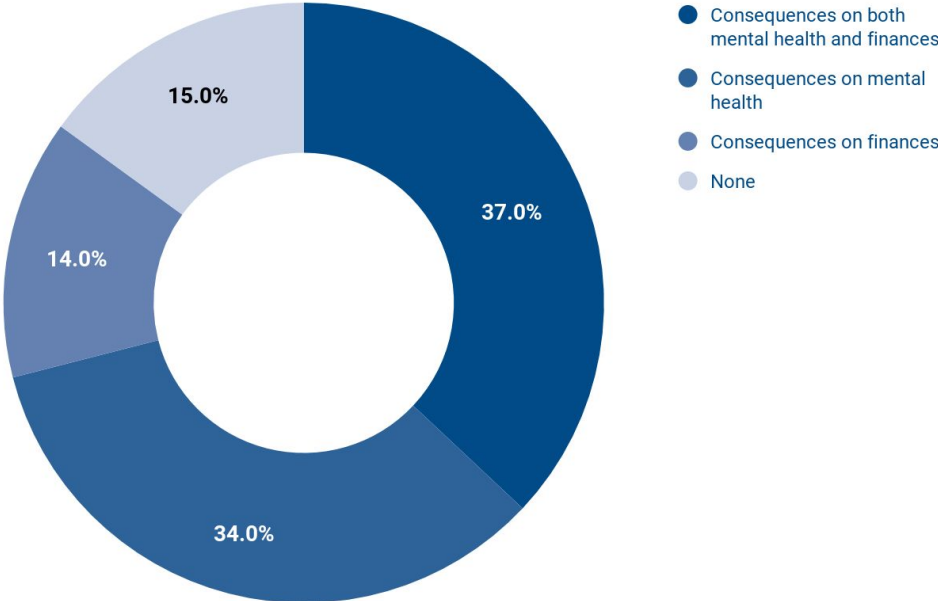
4. What does breaking rules mean for the people who experience bailiff action?

Bailiff visits are always likely to be unpleasant, with people being forced to face up to what can be longstanding debt issues. However, too often, the behaviour of bailiffs compounds the situation.

Our national polling asked all people who had a negative experience with bailiffs what effect it had on their lives.⁴² **85%** stated that the bailiff visit had a negative long term consequence of some kind. We broke these consequences down into effects on people’s mental health and financial position.

50% of people said it had a long term negative effect on their financial position. **7 in 10** people who see bailiffs break the rules said that they experienced increased stress or anxiety, felt unsafe or became afraid to answer the door.

Chart 4. What does poor practice by bailiffs mean for debtors?



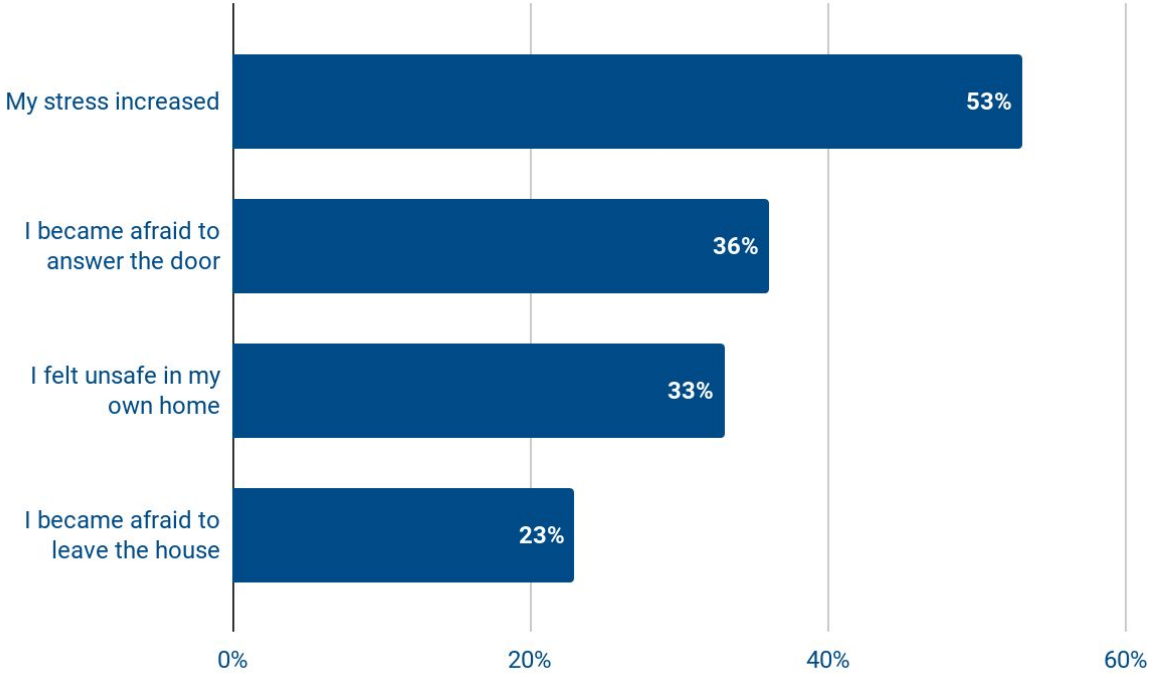
Source: YouGov polling of adults in England and Wales who had a negative experience with bailiffs, weighted to be nationally representative. Base: 192.

a. Poor behaviour by bailiffs causes distress and anxiety

The tendency of bailiffs to act aggressively, refuse offers of payment and make threats to debtors has consequences. These actions have long term effects on the lives of people who are visited and can leave them experiencing heightened anxiety and distress.

⁴² We considered a negative experience to include anyone who answered that they had experienced: excessive bailiff fees, a doorstep visit or phone calls that were found intimidating, contact with a bailiff on more than one occasion per day, threats to break into the property, bailiffs breaking into the property, bailiffs refusing to consider an affordable repayment offer, bailiffs dealing unsympathetically with disabilities/ illnesses, bailiffs taking goods required for my livelihood , and bailiffs entering the property with a child present.

Chart 5. What consequence did having a negative interaction with bailiffs have on your life?



Source: YouGov polling of adults in England and Wales who had a negative experience with bailiffs, weighted to be nationally representative. Base: 192.

This anxiety can prevent people from undertaking everyday activities, such as answering the door, feeling safe in their own homes or even leaving the house. We asked clients how long they felt the consequences of a negative interaction and the most commonly selected response was for more than two years.⁴³

Increased stress and anxiety as a result of financial concerns can also exacerbate physical health conditions. **1 in 2** clients surveyed stating being visited by a bailiff had an effect on their **physical health**.⁴⁴

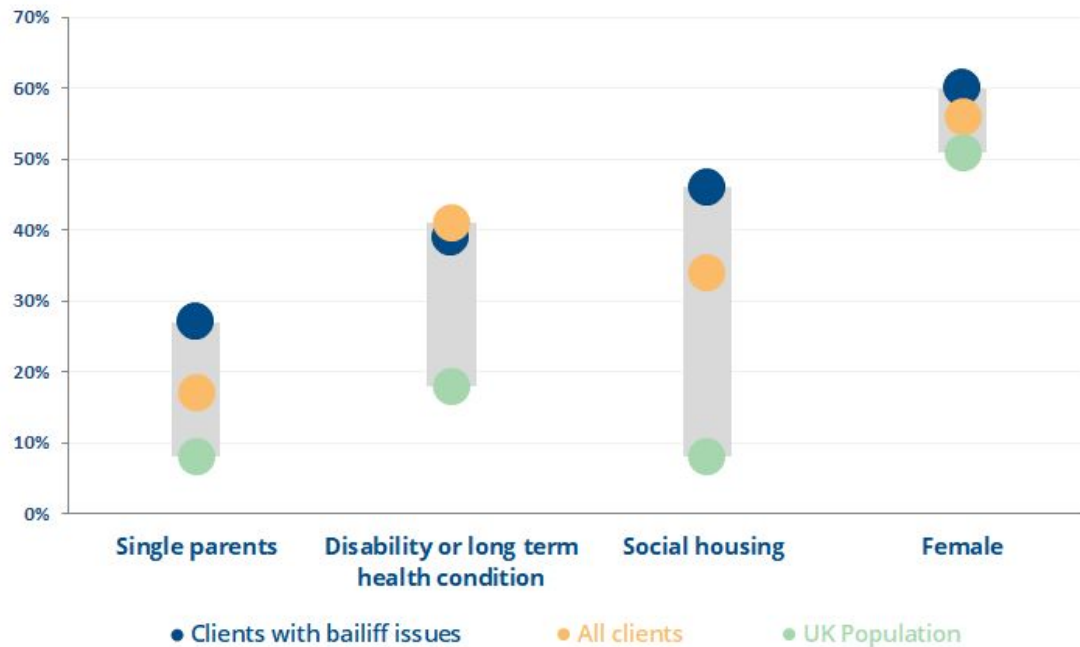
Poor behaviour by bailiffs often has **knock on effects on people’s relationships and family members as well**. In 2016, The Children’s Society reported that parents and children found it distressing when bailiffs came to the house to take control of goods, remove items or to force them to leave. They also found that children were witnessing this first hand, causing them particular emotional distress.⁴⁵

⁴³ Survey of clients conducted by Citizens Advice, August-October 2018. Base: 120
⁴⁴ Survey of clients conducted by Citizen's Advice, , August - October 2018. Base: 120
⁴⁵ The Children’s Society, [The Damage of Debt: the impact of money worries on children’s mental health and well-being](#), 2016.

b. People visited by bailiffs are often already vulnerable.

Vulnerable groups are more likely to be affected both by bailiff visits, and by bailiffs breaking the rules. Since 2014, more than **21,000** instances of bailiffs failing to act appropriately towards vulnerable debtors have been brought to Citizens Advice offices.

Chart 6. The demographic characteristics of clients with bailiff issues compared with Citizens Advice clients as a whole, and the UK population



Source: Citizens Advice client data 2017/18 and data from the UK Census 2011.

Citizens Advice clients with bailiff issues are disproportionately likely to be female, live in social housing or be single parents, with a significant proportion (40%) experiencing a disability or long term health condition.

c. Poor treatment of vulnerable clients by bailiffs is increasing

Problems brought to us about unfair practices towards vulnerable debtors has grown by 35% since 2014. The rate of growth in problems experienced by vulnerable debtors is increasing at a faster rate than bailiff issues as a whole.

When we surveyed debt advisers, we found that **44%** of them felt that the treatment of vulnerable debtors by bailiffs has worsened since the 2014 regulations.

d. This is a major threat to their health and wellbeing

Being visited by a bailiff can often be an unpleasant experience. But the tendency of bailiffs to overlook indicators of vulnerability, or place a high burden of proof on people to demonstrate that they are vulnerable, makes these interactions considerably more stressful.

The Taking Control of Goods National Standards set out that 'vulnerability might not be immediately obvious'. It is imperative that bailiffs take this into account, particularly given the high correlation between poor mental health and financial difficulties.⁴⁶

In our polling, we found that people with a mental health problems were **33%** more likely to witness bailiffs breaking the rules, and **45%** more likely to experience long term consequences as a result of bailiffs breaking the rules.⁴⁷

Our evidence also suggests that the negative consequences experienced by vulnerable people are likely to be more acute. For example, people with mental health difficulties were more likely to take out additional credit in order to meet the cost of a bailiff fee. This strategy is likely to have additional long term repercussions on people's financial positions.

In extreme cases, we've found that unsympathetic and aggressive behaviour by bailiffs can leave vulnerable people feeling 'trapped' and unable to escape debt repayments - and even considering taking their own life. In the last year, our advisers have reported at least five clients who have been left suicidal after a visit by a bailiff who refused to accept an affordable payment plan.

Case study

John has several parking fines which have been passed to bailiff. With fees these have accumulated to more than £2,000. The firm have refused to make a payment arrangement with John, demanding the full amount instead.

John informed the firm that as an army veteran, he has post traumatic stress disorder, depression and history of suicide attempts. He provided a letter from one of his GPs to confirm this, as well as a Debt and Mental Health Evidence Form from his other GP.

The bailiff firm said they do not accept the Debt and Mental Health Evidence Form under their policies, and told him that he 'obviously wasn't too depressed to work'. John was struggling to see a way forward and was referred for additional mental health support by our advisers.

⁴⁶ The [Royal College of Psychiatrists](#) found that 1 in 2 people with a debt issue also struggles with a mental health condition, for more research on this subject see the resources of [Money and Mental Health Policy Institute](#).

⁴⁷ We considered people to have mental problems who answered that their depression, anxiety or other mental health issues had 'negatively affected [their] ability to deal with any debts in the last two years'. 125 out of 277 people who had been personally contacted by bailiffs used this category to describe their mental health.

5. What can be done to improve the behaviour of bailiffs?

The reforms introduced in 2014 have failed to secure significant improvements to the behaviour both of individual enforcement agents and bailiff firms. Yet, the fact that **more than 2.2 million people** in England and Wales have been contacted by bailiffs in the last two years reveals another problem - debts tend to be passed to bailiffs too regularly. In the coming months, Citizens Advice will be undertaking more research to explore how to reduce this number and cut the costs of poor bailiff behaviour.

At the same time, when bailiffs are used to enforce debts, the government should ensure that they don't compound people's financial difficulties by breaking the rules. Alongside the [Taking Control campaign](#) of debt advice charities, we are calling for two changes:

1. The Ministry of Justice should introduce an independent bailiff regulator through its upcoming consultation.

The Ministry of Justice is currently preparing to produce a call for evidence looking into the behaviour of enforcement agents. We're calling on the Ministry to look seriously into the widespread poor practice of both individual bailiffs and bailiff firms to ensure that debtors are no longer treated unfairly when their debts are being collected.

The 2014 reforms set a high standard for the mechanisms by which debts should be collected. However, a lack of sanctions and no incentives to comply with those rules means they haven't cleaned up the industry.

It is important now, therefore, that the Ministry of Justice introduces an independent agency which can ensure that bailiff firms and individual bailiffs stick to the rules which govern their behaviour and treat debtors fairly. The consultation should include detailed questions on the role and responsibilities of a bailiff regulator, as well as looking at areas where rules could be tightened to improve bailiff practice.

2. The Ministry of Justice should introduce an independent complaints mechanism to ensure people can get redress where bailiffs break the rules.

At the moment, when people experience a bailiff breaking the rules, it can be difficult to lodge a complaint.

The primary avenue is to complain directly to the bailiff firm. Debtors can then escalate complaints to the bailiff's trade organisation. These processes are challenging for to navigate and present issues around impartiality. It is also possible to lodge a complaint through the courts, either about a bailiff's fitness to hold a certificate or for the return of the goods. This requires large amounts of evidence from the debtor and can be an intimidating prospect.

The Ministry of Justice should introduce a free, clear and transparent complaints body that works in tandem with the independent regulator. People should be able to complain directly to this body so that their complaints can be reviewed independently of the bailiff industry and outside the courts.

Appendix

1. Methodology for bailiffs breaking the rules

In our national polling co-commissioned with StepChange Debt Charity and conducted by YouGov, we asked 5786 people in England and Wales if they had been contacted by bailiffs. The total sample size was 6376 adults. Fieldwork was undertaken between 12-17 September 2018. The survey was carried out online. The figures have been weighted to be representative of all GB adults (aged 18+).

149 people answered 'I have been personally contacted by a bailiff about my debt', whilst 160 people answered 'I have been personally contacted by a bailiff about someone else's debt (e.g. a partner, family member etc.)'. Overall, 277 people who had been personally contacted by bailiffs in either one or both ways.⁴⁸

We asked these people:

'Thinking about the most recent time you were contacted by bailiffs, which, if any, of the following experiences did you experience? Please select all that apply.'

6% (16) selected 'bailiffs breaking into the property'
11% (29) selected 'bailiffs taking goods that were required for my livelihood'
17% (49) selected 'threats to break into the property'
18% (51) selected 'bailiffs dealing unsympathetically with disabilities/ illnesses'

Overall, **39%** (107) experienced rules being broken whilst being contacted by bailiffs in the last two years. 1 in 10 experienced multiple rules being broken.

In order to understand the scale of poor bailiff practice in the last two years - we multiplied the percentage of respondents who had personally encountered bailiffs with the adult population of England and Wales in 2017, 46.25 million people.⁴⁹ We found that **2.2** million people had been personally contacted by bailiffs in the last two years.

Our questions on bailiff conduct exposed that 39% of these - or **850,000** people - were seeing bailiffs break the rules.

What rules are being broken here?

Bailiffs taking goods that are required for livelihood. The Taking Control Regulations 2013 paragraph 4 state that 'Items or equipment which are necessary for use personally by the debtor in the debtor's employment, business, trade, profession, study or education' are exempt.

Threats to break into the property. Paragraph 21 of the National Standards states that bailiffs 'must not act in a threatening manner when visiting the debtor by making gestures or taking actions which could reasonably be construed as suggesting harm or risk of harm to debtors, their families, appointed third parties or **property**'.

⁴⁸ These numbers are reported after weighting for nationally representative data.

⁴⁹ Office for National Statistics, [Population Estimates for England and Wales mid-2017](#).

Bailiffs dealing unsympathetically with disabilities or illnesses. The Taking Control of Goods Regulations state that vulnerable creditors need different treatment from other debtors. For these debtors, bailiffs are not permitted to:

- Recover 'the fee or fees due for the enforcement stage' unless the bailiff has 'given the debtor an adequate opportunity to get assistance and advice in relation to the exercise of the enforcement power.'
- 'to enter, or re enter or remain on premises where the only person(s) present are vulnerable.'

The National Standards define who might be considered to be vulnerable as: the elderly; people with a disability; the seriously ill; the recently bereaved; single parent families; pregnant women; unemployed people; and those who have obvious difficulty in understanding, speaking or reading English.

It also sets out practices around the treatment of vulnerable debtors:

- 'Enforcement agents should be trained to recognise vulnerable debtors, to alert creditors... and when to withdraw from such a situation'⁵⁰
- Enforcement agents should 'use discretion... and report the circumstances where there is a cause for concern', as well as 'avoid taking action which could lead to accusations of inappropriate behaviour'.⁵¹

⁵⁰ Paragraph 30 and 42 of the [Taking Control Regulations: National Standards](#), 2014.

⁵¹ Paragraph 70 and 71 of the [Taking Control Regulations: National Standards](#), 2014.

2. The Statutory Regulations and National Standards broken as reported by the public, our clients and advisers

	Statutory regulations broken	National standards broken
1. Bailiffs are refusing to accept reasonable offers of payment		24. Debtors must not be pressed to make unrealistic offers
		25. Where a creditor has indicated they will accept a reasonable repayment offer, enforcement agents must refer such offers onto the creditor.
2. Bailiffs are breaking the rules on rights of entry	TC Regulations 2013. ⁵² 13 - The enforcement agent may not take control of goods of the debtor before 6 a.m. or after 9 p.m. on any day.	20. Enforcement agents must not be deceitful by misrepresenting their powers, qualifications, capacities, experience or abilities.
		57. Enforcement agents should not seek to gain peaceable entry to premises under false pretences; for example asking to use the toilet, or to use the telephone. They should be clear as to why they are seeking entry to the premises
	TC Regulations 2013. Reg 20 - Enforcement agents may enter only by— (a) any door, or any usual means by which entry is gained to the premises (for example, a loading bay to premises where a trade or business is carried on)	59. Enforcement agents must only use a door or usual means of entry to enter premises.
	TC Regulations 2013. Reg 23- The enforcement agent may not take control of goods of the debtor where— (a) the debtor is a child; 6 (b) a child or vulnerable person (whether more than one or a combination of both) is the only person present in the relevant or specified premises in which the goods are located;	72. Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 16 or is deemed to be vulnerable by the enforcement agent; they can ask when the debtor will be home - if appropriate.
3. Bailiffs are taking control of goods inappropriately	TCE Act 2007, ⁵³ Schedule 12.25. The enforcement agent may enter and remain on the premises only within prescribed times of day.	56. Enforcement action should only be carried out between the hours of 6.00am and 9.00pm.
	TCE Act 2007, Schedule 12.10 An enforcement agent may take control of goods only if they are goods of the debtor.	64. Enforcement agents should not remove anything clearly identifiable as an item belonging to, or for the exclusive use of a child (person under the age of 16)
	TC Regulations 2013. Reg 4- 'The following goods are exempt goods'	67. Enforcement agents should not take control or remove goods clearly belonging solely to a

⁵² [The Taking Control of Goods Regulations 2013.](#)

⁵³ [The Tribunals Courts and Enforcement Act 2007.](#)

	<p>Items or equipment which are necessary for use personally by the debtor in the debtor's employment, business, trade, profession, study or education.</p> <p>Clothing, bedding, furniture, household equipment, items and provisions as are reasonably required to satisfy the basic domestic needs of the debtor and every member of the debtor's household.</p>	<p>third party not responsible for the debt. Where a claim is made, the third party should be given clear instructions on the process required to recover their goods.</p>
<p>4. Bailiffs are acting aggressively towards people in debt</p>		<p>21. Enforcement agents must not act in a threatening manner when visiting the debtor by making gestures or taking actions which could reasonably be construed as suggesting harm or risk of harm to debtors, their families, appointed third parties or property.</p>
		<p>26. Enforcement agents must carry out their duties in a professional, calm and dignified manner. They must dress and speak appropriately and act with discretion and fairness.</p>
		<p>27. Enforcement agents must not act in a way likely to be publicly embarrassing to the debtor.</p>
<p>5. Bailiffs are failing to deal sympathetically with vulnerable debtors</p>	<p>TC regulations 2013. Reg 14 - The enforcement agent may not enter into a controlled goods agreement with the debtor or another person who it appears (or ought to appear) to the enforcement agent does not understand the effect of, and would therefore not be capable of entering into, such an agreement.</p>	<p>30. Where enforcement agents have identified vulnerable debtors or situations, they should alert the creditor and ensure they act in accordance with all relevant legislation.</p>
		<p>74. A debtor may be considered vulnerable if, for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.</p>
		<p>75. The enforcement agent must be sure that the debtor or the person to whom they are entering into a controlled goods agreement understands the agreement and the consequences if the agreement is not complied with.</p>
	<p>76. Enforcement agents should be aware that vulnerability may not be immediately obvious.</p>	
	<p>TC Regulations (fees) 2013. Reg 6 - Where the debtor is a vulnerable person, the fee or fees due for the enforcement stage are not recoverable unless the enforcement agent has, before proceeding to</p>	<p>77. Some groups who might be vulnerable are listed below. Care should be taken to assess each situation on a case by case basis.</p> <ul style="list-style-type: none"> ● the elderly; ● people with a disability; ● the seriously ill;

	remove goods which have been taken into control, given the debtor an adequate opportunity to get assistance and advice in relation to the exercise of the enforcement power.	<ul style="list-style-type: none"> ● the recently bereaved; ● single parent families; ● pregnant women; ● unemployed people; and, ● those who have obvious difficulty in understanding, speaking or reading English.
Notices	TCE Act 2007, paragraph 7, Schedule 12. An enforcement agent may not take control of goods unless the debtor has been given notice.	
	TC Regulations 2013. Reg 6 - Notice of enforcement must be given to the debtor not less than 7 clear days before the enforcement agent takes control of the debtor's goods.	

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