



Bailiff regulatory reform Westminster Hall debate 9 January 2019, 2.30-4pm

Summary

Why is independent bailiff regulation needed?

- **More than a third of the 2 million people visited by bailiffs in the last two years have seen bailiffs break the rules.** This includes misrepresenting powers, treating vulnerable people badly, or taking tools people need for work.
- **New rules introduced in 2014 have failed due to a lack of enforcement.** Citizens Advice has seen a 24% increase in bailiff problems since 2014, despite the new rules. Without a system to hold bailiffs to account, bailiffs continue to break the rules and get away with it.

What will an independent bailiff regulator do?

- **Limit the worst excesses of bailiff behaviour.** A regulator would ensure bailiffs get proper training, monitor individual and systemic bad practice, and ensure those who are mistreated can get redress.
- **Provide a simple means to resolve complaints against poor bailiff behaviour.** In the last two years, 72% of people who experienced a bailiff breaking the rules didn't make a complaint to the responsible firm.

What is the current situation?

The Government's 2014 reforms sought to:

- **Limit the terms of entry for bailiffs:** bailiffs could no longer enter homes when only children were present, or visit at night (after 9pm or before 6am).
- **Limit the items bailiffs could take:** bailiffs could no longer remove basic domestic items like a cooker or washing machine.
- **Introduce a set of minimum standards** which would encourage 'professional conduct, discretion and fairness' amongst bailiffs.

They haven't had the intended effect because **there's no effective way of enforcing them** - unless a person struggling with debt finds the money and confidence to take an aggressive bailiff to court. This has only happened 56 times in the last four years.

This provides little incentive for bailiffs to follow the rules. Since the reforms came into effect in 2014, Citizens Advice has seen a 24% increase in bailiff problems. 75% of advisers report that threatening behaviour by bailiffs has stayed the same or worsened.

In November the Ministry of Justice launched a [call for evidence](#) to consider whether tougher protections are needed, including the option of an independent regulator.

Why is change needed?

2.2 million people in England and Wales were contacted by a bailiff in the last two years. Independent polling by YouGov found that **one in three of these have seen**

bailiffs breaking the rules - such as by forcing entry into a home or removing goods needed for work. This works out as **one person every minute** being forced to deal with a rule-breaking bailiff.

Poor practice identified by the YouGov polling includes:

- **Bailiffs are refusing to accept affordable payment offers.** Almost 1 in 4 people (24%) contacted by bailiffs had an affordable payment offer rejected.
- **Bailiffs are misrepresenting their rights of entry.** 1 in 6 people (17%) contacted by bailiffs experienced a threat to break in, despite the bailiff pursuing debts which did not give them the power to do this.
- **Bailiffs are taking control of goods inappropriately.** 1 in 10 people contacted by bailiffs had goods required for their work taken control of.
- **Bailiffs are acting aggressively towards people in debt.** Almost 2 in 5 people (37%) contacted by bailiffs experienced intimidation of some kind.
- **Bailiffs are acting unsympathetically towards vulnerable people.** The polling found that 1 in 5 people (18%) contacted by bailiffs had seen them act unsympathetically towards people with illnesses and disabilities.

What will the proposed changes do?

Launching the call for evidence in November 2018, the Ministry of Justice said it would consider “tougher protections, **including the option of an independent regulator**”.

There’s **growing cross-party consensus that an independent regulator is needed** to ensure that bailiff firms and individual bailiffs stick to the rules which govern their behaviour. It would make sure that bailiffs get proper training, monitor individual and systemic bad practice, and ensure those who are mistreated can get redress.

The Ministry of Justice should also 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.

Key questions to ask in this debate:

1. 1 in 3 people contacted by bailiffs in the last two years saw them break the rules. Why does the Ministry of Justice describe such widespread rule breaking as the consequence of ‘a minority of rogue bailiffs’?
2. Citizens Advice estimates that a person sees a bailiff break a rule once every minute. What records does the Ministry of Justice hold on the number of bailiffs who have broken the rules introduced in 2014?
3. There has been a 24% increase in the number of bailiff issues brought to Citizens Advice since reforms were introduced in 2014. Will the Minister commit to introducing a bailiff regulator to ensure these rules are properly enforced?
4. Citizens Advice estimates that 72% of people who see bailiffs breaking the rules do not lodge a complaint. How will the Minister ensure people who face aggressive bailiff action have a means to complain to an independent body?
5. Just 56 complaints have been launched with the Courts and Tribunal Services since the reforms to the bailiff industry in 2014. Citizens Advice by contrast saw 41,000 people with bailiff issues in the last year alone. Will the Minister admit that the current process for complaining about bailiffs is not fit for purpose?

Case study

John had several parking fines which were passed to a bailiff. With fees added these accumulated to more than £2,000. The bailiff firm refused John's offer of monthly payments, demanding the full amount instead.

John, an army veteran, informed the firm that he had post traumatic stress disorder, depression and a history of suicide attempts. He provided evidence from two different GPs to confirm this - a letter and a Debt and Mental Health Evidence Form.

The bailiff firm said they did 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.

With an independent bailiff regulator in place, the rules around how vulnerable people should be treated by bailiffs would have been enforced - allowing John to pay off his debts in affordable installments.

For more information

Sources:

Citizens Advice, [A law unto themselves: How bailiffs are breaking the rules](#), 2018

Citizens Advice, [The rules of enforcement](#), 2019 (publication date 9 January)

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