

Casglu ôl-ddyledion y dreth gyngor protocol arfer da

Collection of council tax arrears good practice protocol

Bydd talwyr y dreth gyngor yn derbyn lefel well o wasanaeth os bydd yr awdurdodau sy'n cyhoeddi'r biliau a'r asiantaethau cyngor dyledion lleol yn cydweithio.

Council tax payers will receive a better level of service if billing authorities and local debt advice agencies work closely together.

Cymeradwywyd gan
Approved by



Local Government Association



Cyflwyniad

Mae'r protocol arfer da hwn yn cynnig nifer o awgrymiadau ar sut i gryfhau a gwella'r cysylltiadau presennol. Fe'i datblygwyd o ganlyniad i waith partneriaeth rhwng cyrff cenedlaethol sy'n cynrychioli asiantaethau cynghori a llywodraeth leol ledled Cymru a Lloegr. Mae'n adlewyrchu arferion gorau ar lefel leol a'i nod yw cynorthwyo i sicrhau cysylltiadau rheolaidd ynghylch arferion a pholisïau sy'n ymwneud â chasglu ôl-ddyledion y dreth gyngor. Trwy bennu gweithdrefnau clir a'u hadolygu'n rheolaidd, gall bob ochr sicrhau yr ymdrinnir â phob achos o ôl-ddyled yn gyflym ac mewn ffordd realistig ac yr ymdrinnir â chwynion yn effeithlon.

Mae'r dull partneriaeth hwn o weithio'n bwysicach fyth ar adeg o ansicrwydd economaidd er mwyn sicrhau bod trethdalwyr yn gallu talu eu biliau treth gyngor ar amser, yn derbyn y budd-daliadau y mae ganddynt hawl iddynt a bod y sawl sy'n wynebu anawsterau ariannol yn derbyn cyngor o safon ar reoli eu dyledion. Y bwriad yw sicrhau yr ymdrinnir ag ôl-ddyledion treth gyngor yn gyflym, yn effeithlon ac mewn modd realistig.

Introduction

This good practice protocol makes a number of suggestions on how existing relations can be strengthened and improved. It has been developed as a result of partnership work between the national bodies representing advice agencies and local government throughout England and Wales. It reflects best practice at local level and is intended to be an aid towards regular liaison on practices and policy concerning council tax arrears collection. By setting down clear procedures and keeping them regularly under review, all parties can ensure that cases of arrears are dealt with quickly and realistically whilst complaints are handled efficiently.

This partnership approach is even more important at a time of economic uncertainty in order to ensure that taxpayers are able to pay their council tax bills on time, get the benefits to which they are entitled and those in financial difficulty get high quality debt advice. The intention is to ensure that council tax arrears are dealt with quickly, effectively and realistically.

Partneriaeth

Mae'r eitemau canlynol yn delio â chysylltiadau effeithiol rhwng awdurdodau lleol ac asiantaethau cynghori.

- Dylai awdurdodau ac asiantaethau cynghori gytuno i gwrdd yn rheolaidd i drafod materion ymarferol ac sy'n ymwneud â pholisi gydag argymhelliad i gwrdd pob chwarter ar lefel swyddog awdurdod lleol ac yn flynyddol ag aelodau etholedig.
- Dylai fod gan bob parti gysylltiadau pwrpasol y gellir cysylltu â hwy ar linellau uniongyrchol a thrwy ddulliau electronig er mwyn delio â phroblemau ar unwaith.
- Dylai pob parti hyrwyddo cyd-ddealltwriaeth trwy ddarparu gweithdai hyfforddi a / neu ymweliadau cyfnewid i sicrhau bod pawb sy'n gysylltiedig â'r maes yn deall y problemau sy'n wynebu'r gwahanol bartïon.
- Pobl agored i niwed: dylai awdurdodau lleol ac asiantaethau cynghori weithio â'i gilydd i ddatblygu polisi casglu a gorfodi teg gan dynnu sylw at enghreifftiau o bobl agored i niwed a phennu gweithdrefnau clir ar gyfer delio â hwy. Dylai cytundebau contract â beiliaid gynnwys gweithdrefnau sy'n galluogi'r cyngor i gymryd achosion sy'n ymwneud â phobl agored i niwed yn ôl.
- Dylai awdurdodau lleol ystyried cwynion anffurfiol fel tystiolaeth o broblemau yn ymwneud â chasglu a gorfodi gan feiliaid. Gall pobl mewn dyled fod yn amharod i gwyno'n ffurfiol os oes beiliaid yn gysylltiedig â'r achos. Gall cwynion anffurfiol a dderbynnir gan asiantaethau cynghori awgrymu bod problemau'n haeddu sylw pellach.

Partnership

The following items cover effective liaison between local authorities and advice agencies.

- Local authorities and advice agencies should agree to meet regularly to discuss practical and policy issues with a recommendation to meet quarterly at local authority officer level and annually with elected members.
- All parties should have dedicated contacts accessible on direct lines and by electronic means so that issues can be taken up quickly.
- All parties should promote mutual understanding by providing training workshops and/or exchange visits so that those involved understand the issues facing respective organisations.
- Vulnerable people: local authorities and advice agencies should work together to develop a fair collection and enforcement policy highlighting examples of vulnerable people and specifying clear procedures about how they should be dealt with. Contractual arrangement with bailiffs should specify procedures for the council to take back cases involving vulnerable people.
- Local authorities should consider informal complaints as evidence of problems with collection or enforcement with bailiffs. Debtors may be afraid to complain formally where bailiff activity is ongoing. Informal complaints received from advice agencies can indicate problems worthy of further investigation.

Gwybodaeth

Dylai llenyddiaeth yn ymwneud â chasglu ac adennill y dreth gyngor gael ei hadolygu fel rhan o'r gwaith cyswllt rhwng awdurdodau lleol ac asiantaethau cynghori.

- Dylai manylion cyswllt ar gyfer cyngor dyledion gael eu harddangos ar lenyddiaeth a hysbysiadau treth gyngor. Gall awdurdodau lleol gynnig cynlluniau ar gyfer talu'r dreth gyngor i wneud taliadau'n haws. Gall asiantaethau cynghori gynorthwyo trwy hyrwyddo'r angen i ddyledwyr gysylltu â'u hawdurdod lleol cyn gynted â phosibl er mwyn cytuno ar gynlluniau talu. Dylent weithio â'i gilydd i sicrhau nad yw ieithwedd y llythyrau'n fygythiol ac i annog talwyr y dreth gyngor i gysylltu ar unwaith os ydynt yn profi anawsterau ariannol.
- Dylai awdurdodau ystyried cyhoeddi llenyddiaeth sy'n rhoi sylw i unrhyw bryderon a all fod gan ddyledwyr y dreth gyngor sy'n rhan o'r broses adennill sy'n ymwneud â beiliaid a gorfodaeth. Dylai'r wybodaeth gynnwys y costau y gall beiliaid eu codi yn ôl y gyfraith, sut i gwyno ynghylch ymddygiad beiliaid neu wirio cymwysterau beiliaid a'r cymorth pellach sydd ar gael gan yr awdurdod lleol neu asiantaethau cynghori.
- Dylai pob parti gydweithio i hybu ymgysylltiad gan dalwyr y dreth gyngor. Dylid cynnwys gwybodaeth ar sut y gellid lleihau biliau trwy ad-daliadau, eithriadau a budd-dal treth gyngor, sut y dylai trethdalwyr gysylltu â'r awdurdod lleol os ydynt yn profi anawsterau ariannol a beth yw canlyniadau gadael i ddyledion gynyddu. Dylai gwybodaeth fod ar gael ar wefannau'r awdurdod lleol ac asiantaethau cynghori yn ogystal ag yn swyddfeydd asiantaethau perthnasol. Mae hwn yn gyfle i wneud gwaith ymgyrchu ar y cyd.
- Dylid hyrwyddo gwahanol ddyddiadau talu yn y mis fel opsiynau sydd ar gael i dalwyr y dreth gyngor. Gall hyn alluogi pobl i drefnu eu harian yn fwy effeithiol i dalu'r dreth gyngor pan mae ganddynt arian.

Information

Literature concerning council tax collection and recovery should be reviewed as part of liaison work between local authorities and advice agencies.

- Publicise debt advice contact details on literature and council tax notices. Local Authorities can provide council tax payment plans to help people budget. Advice agencies can help by promoting the need for debtors to contact their local authority as soon as possible in order to agree payment plans. Work together to ensure that the tone of letters is not intimidating and encourages prompt engagement by council tax payers experiencing financial difficulties.
- Local authorities should consider providing literature addressing any likely concerns council tax debtors involved in the recovery process may have on bailiffs and enforcement. Information could cover charges bailiffs are allowed to make by law, how to complain about bailiff behaviour or check bailiff certification and further help available from the local authority or advice agencies.
- All parties should work together to promote engagement by council tax payers. Include information on how bills can be reduced through reliefs, exemptions and council tax benefit, how tax payers should contact the local authority if they experience financial hardship and the consequences of allowing debts to accumulate. Information should be made available on local authority and advice agency websites and available at offices of relevant agencies. This is an opportunity for joint campaign work.
- Promote different payment dates within the month as options available to council tax payers. This can allow people to budget more effectively for council tax when they have the money.

Adennill Arian

Os nad yw bil y dreth gyngor wedi'i thalu yna bydd y broses adennill yn dod i rym. Bydd cam cyntaf y broses adennill yn digwydd pan fydd yr awdurdod bilio'n derbyn gorchymyn atebolrwydd o'r llys. Er bod awdurdodau'n ymdrechu i gysylltu â dyledwyr bydd y pwynt cyswllt cyntaf yn aml yn digwydd pan fydd beili'n ymweld â'r dyledwr. Dylid ystyried y pwyntiau canlynol i sicrhau ymateb priodol.

- Dylai Awdurdodau Lleol weithio mewn partneriaeth ag asiantaethau cynghori ar gynnwys pob dogfen a gynhyrchir gan yr awdurdod bilio a'r asiantaethau sy'n gweithredu ar eu rhan ac sy'n rhan o'r broses orfodi. Dylai hyn sicrhau bod hawliau a chyfrifoldebau'r ddwy ochr yn cael eu hamlinellu'n glir a'u bod yn ddealladwy.
- Dylai swyddogion adennill roi rhif cyswllt i'r dyledwr rhag ofn y bydd yn dymuno cael gair â'r awdurdod bilio.
- Dylai'r holl gostau sy'n gysylltiedig ag adennill gael eu hadolygu'n rheolaidd i sicrhau eu bod yn rhesymol. Dylai beiliaid a gyflogir gan awdurdodau bilio godi tâl yn unol â rheoliadau casglu'r dreth gyngor a gorfodi'n unig.
- Dylid ystyried maint y ddyled (gan gynnwys ffioedd y gorchymyn atebolrwydd) cyn mynd ati i ddefnyddio beiliaid.
- Mae gan awdurdodau bilio ddiffiniadau gwahanol o bobl / aelwydydd agored i niwed. Bydd camau adennill yn cael eu cyfeirio at yr awdurdod bilio os gwelir bod y meini prawf hyn wedi'u cyflawni.
- Dylid canfod a oes gan y dyledwr hawliadau am fudd-dal treth gyngor neu fudd-dal tai heb eu talu ac a all fod yn cyfrannu at yr ôl-ddyled. Gellir gohirio'r camau adennill os gwelir bod hawliadau dilys heb eu talu.
- Dylai awdurdodau bilio roi blaenoriaeth i ddiwyddynnu'r arian yn uniongyrchol o fudd-daliadau neu drwy atafaelu enillion yn hytrach na defnyddio beiliaid. Mae hyn yn

Recovery

If a council tax bill is not paid then the recovery process comes into play. The first stage of the recovery process will involve the billing authority obtaining a liability order from the courts. While authorities strive to make contact with a debtor the first point of contact often occurs only when a bailiff visits the premises. The following items should be considered to ensure an appropriate response.

- Local Authorities should work in partnership with advice agencies on the content of all documents produced by the billing authority and agents acting on its behalf which are part of the enforcement process. This should ensure that the rights and responsibilities of all parties are clearly set out and understood.
- Recovery officers should provide the debtor with a contact number should they wish to speak to the billing authority.
- All charges associated with recovery should be kept regularly under review to ensure they are reasonable. Bailiffs employed by billing authorities should only make changes in accordance with council tax collection and enforcement regulations.
- Consider the level of debt (inclusive of liability order fees) before bailiff action is taken.
- Billing authorities will have varying definitions of a vulnerable person/ household. Recovery action will be referred to the billing authority where these criteria are found to have been met.
- Find out whether the debtor has outstanding claims for council tax benefit or housing benefit which are contributing to arrears. Recovery can be suspended once it is established that a legitimate claim is pending.
- Billing authorities should prioritise direct deduction from benefits or attachment of earnings in preference to using bailiffs. This

osgoi dyledion ychwanegol i bobl a all fod ag atebolrwydd sylweddol eisoes.

- Dylid sicrhau bod gweithdrefnau ar gael i gynghorwyr dyled negodi taliadau ar ran y trethdalwr yn ystod unrhyw gam o'r broses gan gynnwys os yw'r ddyled wedi'i throsglwyddo i'r beili. Mewn rhai achosion gall y dyledwr, yn ymarferol, gysylltu ag asiantaeth gynghori yn dilyn ymweliad gan y beili'n unig.
- Dylid pennu, fel rhan o drefniadau contract, weithdrefn glir i alluogi pobl i gwyno yn erbyn camau adennill. Bydd awdurdodau bilio'n monitro perfformiad y sawl sy'n adennill dyledion ar eu rhan yn rheolaidd ac yn sicrhau eu bod yn glynu wrth drefniadau contract a chyfreithiol.
- Rhan allweddol o adennill yw trin pob achos yn ôl eu teilyngdod. Rhaid i drefniadau fod yn fforddiadwy a chynaliadwy gan sicrhau bod y ddyled yn cael ei thalu o fewn cyfnod rhesymol.

avoids extra debts being incurred by people who may already have substantial liabilities.

- Ensure procedures exist for debt advisors to negotiate payments on behalf of the taxpayer at any point in the process including when the debt has been passed to the bailiff. In some cases the debtor may only, in practice, contact an advice agency following a visit from the bailiff.
- Set down, as part of contractual arrangements, a clear procedure for people to report complaints about recovery action. Billing authorities will regularly monitor the performance of those recovering debts on their behalf and ensure that contractual and legal arrangements are adhered to.
- A key part of the recovery is treating each case on its merits. Arrangements need to be affordable and sustainable while ensuring that the debt is paid off within a reasonable period.

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www.citizensadvice.org.uk/pdf-ct-protocol-cymru.pdf

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