



TAKING CONTROL

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The need for fundamental bailiff reform

October 2017

Campaign briefing for local advisers

#bailiffreform

1. Summary of campaign

Taking Control, is a campaign for fundamental bailiff reform from charities AdviceUK, Christians Against Poverty, Citizens Advice, Community Money Advice, the Institute of Money Advisers, Money Advice Trust, the Money & Mental Health Policy Institute, StepChange Debt Charity, The Children's Society and Z2K.

The 2014 Taking Control of Goods reforms to bailiff law in England and Wales – which aimed to clean up the industry, ensure that bailiffs played by the rules and protect people from unfair practices – have had only limited success.

People contacting debt advice charities still report widespread problems with bailiffs – now officially known as enforcement agents – and our evidence suggests that in the absence of an independent bailiff regulator, or a clear and accessible complaints mechanism, the new regulations are being contravened by many bailiffs in practice.

The reforms have also created some new problems through a new fee structure that incentivises bailiffs to escalate to enforcement action.

The recommendations in our Taking Control report are:

1. The bailiff industry should be independently regulated.
2. There should be a free, clear, transparent and accessible bailiff 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.
7. Creditors should be required to act responsibly and do demonstrably more to collect debt before resorting to enforcement.

2. The Opportunities for Change

We are launching this local campaign now, as despite assurances before the General Election, the Ministry of Justice has failed to publish its promised one year review of the 2014 bailiff reforms. The Department also committed to a three year review of the reforms and this was due in April 2017. Our campaign aims to put pressure on the Department to review and publish a report on the impacts of the 2014 bailiff reforms three years after they were introduced and to provide evidence to support this review.

3. How can you get involved?

The local Taking Control campaign will be launched in October 2017 and activities to raise awareness of, and develop support for, better regulation of bailiffs will be co-ordinated by the campaign partners in the following months.

You can support the campaign by:

- Sharing your clients' bailiff stories on the "Share your Story" form on the Taking Control website
- Supporting the campaign on social media using our Social Media Pack
- Speak to your local MP and media outlets about the campaign
- Signing up to receive campaign updates

**Find out more about how you can get involved at
<https://www.bailiffreform.org/#adviceagencies>**
