



The Rt Hon Robert Buckland QC MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
London
SW1H 9AJ

30th November 2020

Bailiff action during regional and national lockdown restrictions

Dear Secretary of State,

We write to you as the UK's leading advice charities and organisations to urge you to extend recent regulations to ban bailiff entry during the national lockdown in England, to ensure this continues under tiers 2 and 3 of the regional lockdown model.

We are concerned about the fact that, as it stands, when we return to regional restrictions visits will be allowed in all areas with a voluntary agreement that bailiffs will not enter premises in areas under tier 2 and 3 restrictions. While this request is welcome, we are concerned about compliance, in the absence of regulations stipulating that no entry should take place.

Since the ban on visits lifted at the end of August, we have seen evidence of issues with the voluntary approach that replaced it, as well as continuing issues with the wider lack of independent regulation of the bailiff industry.

Despite the good intentions of these voluntary approaches, our evidence suggests these efforts are not always being translated into reality on the ground. The people we help have reported a number of cases of conduct by bailiffs that appears to break the existing National Standards and the additional guidance on visits in CIVEA's voluntary Post-Lockdown Support Plan.

Despite CIVEA's voluntary commitment not to enter properties, and a request from your Department that entry should not take place in Tier 2 and 3 areas, or during the national lockdown in England, we have seen several examples of bailiffs misrepresenting their powers by still *threatening to enter* properties. This can be particularly worrying and distressing for people and places pressure on them to meet unaffordable demands to pay.

Other issues include agents not taking account of vulnerability (including those who are clinically or clinically extremely vulnerable), and the use of aggressive or intimidating tactics – including raising their voices (which the Ministry of Justice's guidance forbids due to the increased risk of spreading infection).

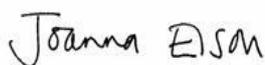
We have enclosed a briefing summarising the main conduct issues we are seeing, along with a number of real examples from the people we help. Given the issues with this voluntary approach translating into appropriate conduct, **we urge you to extend the recent regulations to ensure the ban on bailiffs entering properties continues in tiers 2 and 3 of the regional lockdown model.** We would also welcome clarity on your Department's plans for monitoring bailiffs' compliance with the new restrictions, and with wider public health measures.

Finally, we would ask you to reconsider whether bailiff visits (as well as entry) should be banned during the ongoing restrictions, as was the case during the initial national lockdown earlier this year. The Government stated in March that it was necessary to suspend bailiff visits because pressure from creditors would create the risk of poor practice "*which could endanger the health of both enforcement agents and debtors.*" It is not clear why this risk has not required suspension of visits (not just entry) during the second national lockdown or during similar restrictions under the regional system.

As charities, we are continuing to provide our debt advice services to as many people as possible during this time, and to support people to deal with their debts. However, it is vital that, in the midst of a public health emergency that has seen millions of households face mounting financial difficulties, there are clear legal protections to prevent poor bailiff practice and protect people from significant harm.

We look forward to hearing from you. In the meantime the best contact for officials for further discussions on this urgent issue is Grace Brownfield on grace.brownfield@moneyadvicetrust.org

Yours sincerely,



Joanna Elson CBE
Chief Executive
Money Advice Trust



Alistair Cromwell
Acting Chief Executive
Citizens Advice



Phil Andrew
Chief Executive
StepChange Debt Charity



Steve Johnson
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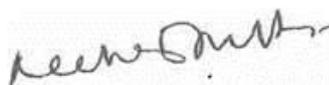
Paula Stringer
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Heather Keates
Chief Executive
Community Money Advice



Rachel Duffey
Chief Executive
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Enc: Taking Control campaign briefing: Bailiff activity during Covid-19 outbreak