



# Enforcement Agents (bailiffs)

## Introduction

This factsheet concerns the role of enforcement agents, commonly known as bailiffs, in the recovery of council tax, business rates and traffic enforcement debts owed to councils.

If your complaints concerns the actions of a bailiff in collecting council tax, business rates or traffic enforcement penalties then we can normally consider your complaint. This is because the bailiff is acting on behalf of a council. However, we cannot consider a complaint if a bailiff is recovering other debts and when it is acting on behalf of the court.

You should normally complaint to the council first. It may ask the bailiff to consider your complaint first to see if it can resole it. If you are still dissatisfied, the council should respond to your complaint instead. You can then complain to us.

## What we can do

We can consider complaints about:

- Inadequate notice to a debtor of the debt and the fees incurred
- A public body failing to investigate a complaint about an enforcement agent acting on its behalf
- Whether the enforcement agent followed the proper procedure in place
- Whether the enforcement agent acted in a threatening manner
- Whether the bailiff charged the correct costs and fees
- Whether the bailiff failed to take account of a debtor's vulnerability

## What we cannot do

We cannot:

- Investigate complaints about an enforcement agent's fitness to practice
- Investigate complaints that have already been looked at by a county court
- Change the amount that a debtor owes
- Remove reasonable charges and fees
- Put a hold on further enforcement activity
- Investigate the grounds for a court order once it has been made
- Order an enforcement agent to accept reduced payments or instalments.
- Investigate complaints about the actions of enforcement agents in recovering other debt
- Investigate complaints about an enforcement agent who is evicting you from your home.

## Issues to bear in mind

We can only consider complaints about enforcement agents when they are acting on behalf of a public body.

We recognise that enforcement agents have a legitimate role to play in the recovery of debts, and that the experience of being visited by an enforcement agent can be unpleasant. Enforcement agents will remove belongings if they do not receive payment, and they are allowed to charge fees and costs on top of the debt that is owed.

We normally expect someone to appeal to a court if they have a right to do so. Complaints about charges or an enforcement agent's conduct or fitness to practice can be made to the county court where they obtained their certificate to practice.

We may consider that it is reasonable for a complainant to take legal action, particularly where there is an allegation of serious misconduct or where the law or the facts are unclear. There may be costs involved, however, and legal advice should be sought from a qualified legal practitioner before doing so.

## Further information

**Citizens Advice** can offer free, confidential and impartial advice about money and debt. Further information can be found here: <https://www.citizensadvice.org.uk/>

The Enforcement Conduct Board (ECB) provides independent oversight of the enforcement industry to ensure that all those who are subject to enforcement action in England and Wales are treated fairly. The ECB investigates complaints about poor enforcement practices in England and Wales and can recommend a suitable remedy where the poor practice has caused an injustice to an individual. Further information can be found here: <https://enforcementconductboard.org/>.

National Debtline is a charity that provides free, confidential and independent advice on your rights and how to deal with debt problems, including information about enforcement agents and council tax collection. You can contact the National Debtline free on 0808 808 4000, from Monday – Friday 9am – 8pm and Saturday 9.30am – 1pm, and find further information from their website:

[www.nationaldebtline.org](http://www.nationaldebtline.org)

## Contact us

If you are not sure whether we would be able to look into your complaint, please [contact us](#) on 0300 790 0203.

Also available in Welsh.

## Easy Read

Enforce



