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## Money and Mental Health Policy Institute's submission to the Ministry of Justice's regulation of the debt enforcement sector consultation.

### Introduction

The Money and Mental Health Policy Institute is a research charity established in 2016 by Martin Lewis to break the link between financial difficulty and mental health problems. The Institute's research and policy work is informed by our Research Community, a group of 5,000 people with lived experience of mental health problems or of caring for someone who does.

The charity, alongside other campaigners, has long called for an independent regulator to protect people in debt, and particularly those in vulnerable circumstances by virtue of a mental health problem, from unfair treatment and harm. We are delighted by the government's move to consult on this issue, and indication that the government is minded to legislate to ensure that all enforcement agents and firms are subject to the same robust standards, and are regulated by the same independent statutory body.

Our wider body of research informs this written submission, which draws on our Research Community's powerful, lived-experience testimony. In particular, this consultation response draws on our research report [In the Public Interest \(2024\)](#) and policy note [Fear and foul play \(2018\)](#), which evidence the psychological harm that enforcement action can cause to people with mental health problems, and emphasise the need for robust and independent statutory regulation of the sector.

### Background

- When an enforcement agent calls on a person in problem debt, they are likely to be dealing with someone who is experiencing poor mental health. Nearly half (46%) of people in problem debt have a mental health problem. People with mental health problems are also more likely to be in debt for more significant amounts and are nearly twice as likely to owe more than 50% of their annual net income.<sup>1</sup>
- Common symptoms of mental health problems, such as difficulties communicating, impaired clarity of thought and reduced concentration or problem-solving, can make

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<sup>1</sup> Bond N and D'Arcy C. The state we're in. Money and Mental Health Policy Institute. 2021

it difficult to engage effectively with creditors and enforcement agents to address problems, especially once the stress and strain of being in problem debt has taken hold.

- As a result, people with mental health problems are very significantly overrepresented in later and more severe stages of debt collection, including enforcement action. Our research finds that of those who had been contacted by a bailiff in a six month period, more than six in ten (64%) have experienced a mental health problem.<sup>2</sup>
- Moreover, our research overwhelmingly finds that enforcement action - both that which meets current standards and that which is non-compliant - can trigger and exacerbate mental illness. Our Research Community repeatedly tell us how enforcement action continues to leave people feeling ashamed, humiliated, afraid. Home visits in particular have led people to withdraw completely, not leaving the house, opening the door or answering the phone so that they wouldn't encounter a bailiff. One Research Community member described this process as a shrinking of their world.<sup>3</sup> In some cases, the psychological impact can be so severe that it increases the risk of self-harm and suicidality among those in serious problem debt.<sup>4</sup>
- Given this, we have long been campaigning for an independent statutory regulator of the enforcement industry to raise the standards, stamp out bad behaviour, and mitigate the devastating harm facing people with mental health problems.

**Question 1: Do you agree that it is necessary to legislate to establish a statutory independent regulator for the enforcement sector? If not, please explain why.**

We agree that an independent statutory regulator should be given powers to enforce legally binding rules and penalties to ensure that all those facing enforcement action are treated fairly.

While the enforcement industry has increased its focus on vulnerability over the past decade our research suggests it has made little tangible progress. Without a statutory footing, the ECB is reliant on the good will of its members for compliance and accordingly is restrained from taking the action necessary to raise standards across the industry and protect consumers in vulnerable service from unfair treatment

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<sup>2</sup> Money and Mental Health 2025 analysis of Money and Pensions Service Debt Need Survey 2023.

<sup>3</sup> T Murray, Smith F. In the public interest? The psychological toll of local and national Government debt collection practices. Money and Mental Health Policy Institute. 2024.

<sup>4</sup> Bond N. A silent killer: Breaking the link between financial difficulty and suicide. Money and Mental Health Policy Institute. 2018.

Across our extensive research over the last nine years on the impact of debt collection practices on people with mental health problems, enforcement action is clearly and routinely identified by our Research Community as one of the greatest causes of harm. This means that an independent statutory regulator with a mission to raise standards across the board, for every consumer, including those with mental health problems is vital.

### **People with mental health problems are overrepresented in enforcement action**

Nearly half (46%) of people in problem debt have a mental health problem. The symptoms of many mental health conditions can make someone more likely to be unemployed or on a low income, and can make it harder to effectively manage their finances, such as paying bills on time.

However, even by those standards, people with mental health problems are significantly overrepresented among those at the receiving end of enforcement practices. This is because once people with mental health problems have fallen behind on a payment, crucially, they can also find it more difficult than those without such conditions to get back on track with payments, and are at greater risk of being trapped in debt.

Our analysis of the Money and Pension Services' Debt Need 2023 survey finds that of those who had been contacted by a bailiff in a six month period, more than six in ten (64%) have experienced a mental health problem.<sup>5</sup> This number rises even further when looking at those with specific debts. For example, seven in ten (73%) of people in council tax arrears who have been in contact with bailiffs have experienced a mental health problem.<sup>6</sup>

Common symptoms of mental health problems, such as difficulties communicating, impaired clarity of thought and problem-solving skills, or low motivation, can all make it incredibly difficult to engage effectively with creditors and enforcement agents to address problems.

In a survey of 5,500 people with mental health problems, seven in ten (71%) respondents said they avoid dealing with creditors in a period of poor mental health, almost three-quarters (74%) put off paying bills, and nine in ten (92%) found it harder to make financial decisions.<sup>7</sup>

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<sup>5</sup> Money and Mental Health 2025 analysis of Money and Pensions Service Debt Need Survey 2023.

<sup>6</sup> Murray T, Smith F. In the Public Interest: The psychological toll of local and national government debt collection practices. Money and Mental Health Policy Institute. 2024.

<sup>7</sup> Braverman, R.. Fear and foul play: The case for bailiff reform to limit psychological harm. Money and Mental Health Policy Institute. 2020.

In these situations, lenders are more likely to escalate debt collection. As such, **when an enforcement agent calls on someone, they are more than likely to be dealing with someone who is experiencing poor mental health.**

**Oversight from a statutory regulator would help to protect people from the psychological harms caused by enforcement processes, which people with existing mental health problems are more likely to face.**

### **The impact of compliance stage communication**

Our Research Community identified that being contacted by an enforcement agent during the compliance stage can be harmful, since collection timescales can move faster than someone is able to engage with, and, importantly, this can sometimes be the first time a person has heard about their debt.

Repeated and strategic attempts to engage non-responsive people in arrears, such as trying different or personalised language in communications, or identifying contact details to attempt alternative communication channels, can be time consuming for creditors. As we've heard during stakeholder engagement exercises, outsourcing debts to enforcement agencies at an early stage can provide a cost-effective solution to this. Enforcement firms are able to offer services to identify those in debt at minimal further cost to creditors, as fees for this are added onto the debt of the person in arrears.

This contributes directly to the fact that people can often hear about their debt for the first time from an Enforcement Agent.

*"I wasn't initially aware of the debt and the arrogance of the company involved was horrible. I wasn't allowed to explain anything and was bullied into making an immediate payment which not only sent my mental health spiralling but obviously had knock-on consequences to my immediate and short term finances."* Expert by experience

The experience of finding out your debt has been passed to an enforcement firm can cause people to feel "pure fear", and a number linked it to a worsening in their mental health. We heard that this was fear of multiple factors, such as the associated stigma, the uncertainty of how they would afford the debt and fees or how they might be treated by an Enforcement Agent.

*"I felt they were forcing me to set up a repayment plan and that they didn't believe my financial situation. They treated me like a criminal."* Expert by experience

In some cases, the psychological impact can be so severe that it increases the risk of self-harm and suicidality among those in serious problem debt.<sup>8</sup>

*"It made me very edgy and thought of suicide again, I am now afraid to go out and have locked my doors all the time and my side gate is padlocked I feel very uneasy. And every time I hear a noise I think there coming back"* Expert by experience

*"It has got worse. I am frightened now about anyone knocking at the door or going out. The thoughts about suicide are getting stronger as a means to stop the stress of the bailiff coming again."* Expert by experience

An independent regulator on a statutory footing would be in a stronger position to determine and enforce best practice for compliance stage communications.

### **The impact of home visits**

For many people with mental health problems, their home is the place they retreat to from the additional challenges they face in the outside world. Their home is a sanctuary, offering space to recover and rebuild. Research Community members shared that this can make any sense that it feels violated through the 'knock at the door' of enforcement action all the more harmful.

*"They came at 8am. Me and my husband had to complete an overview of outgoings and income. We felt they could take anything at any point even though we have very little goods in the house. It was a complete violation of privacy and humiliation of not having enough money, we were made to feel poor and harassed. There was no understanding of mental ill health."* Expert by experience

The public embarrassment which often accompanies visits from enforcement agents is another specific cause of harm. We heard enforcement agents would purposefully talk loudly about debts on their doorstep, leading to a sense of shame or humiliation. In some cases, this would lead to people in arrears adopting behaviour like leaving the house early and arriving home late in order to avoid running into enforcement agents or neighbours. Others withdrew completely, not leaving the house, opening the door or answering the phone so that they wouldn't encounter an enforcement agent. One Research Community members described this process as a shrinking of their world:

*"[The bailiff visit] was incredibly intrusive, I felt embarrassed in front of my neighbours. Privacy is incredibly important to me and having my privacy breached causes a severe decline in my mental health. I feel incredibly vulnerable and exposed knowing that someone may peep at me*

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<sup>8</sup> Bond N. A silent killer: Breaking the link between financial difficulty and suicide. Money and Mental Health Policy Institute. 2018.

*through my letterbox at any time. I feel embarrassed to leave my house because my neighbours now all know about my financial difficulties. I no longer make eye contact or speak with them. In short, his actions have shrunk my world.”* Expert by experience

Members of our Research Community also told us about how when they summoned the courage to disclose their mental health condition to the Enforcement Agent at their door, they were shown little-to-no understanding or empathy as a result. Some described Enforcement Agents dismissing their conditions, for example stating that they were claiming they had a mental health problem in order to avoid having to pay.

*“When I explained that I had a mental health condition he told me ‘that’s not my problem, you need to pay what you owe or your car gets taken away’.”* Expert by experience

Mitigating the extremely high risk of psychological harm from home visits requires a level of oversight that can only be offered by an independent statutory regulator.

### **The impact of sub-standard and illegal practices**

While standard enforcement practice can evidently cause harm, as outlined above, we also heard about the catastrophic impacts of enforcement practices that breach The National Standards (2014).<sup>9</sup>

Some Research Community members described feeling bullied and forced into unaffordable repayment plans at compliance stage, which left them desolate and without enough to pay for even the essentials.

*“They were instructed to collect a council tax debt and they forced me to agree to an amount that was not suitable for me. They told me that because it’s a priority debt I need to put that before eating and heating. This has led to a decline in my mental health.”* Expert by experience

*“I didn’t eat for the rest of the month except soup and beans on toast until I had paid the £350 back.”* Expert by experience

Others described enforcement officers grossly breaching standards during home visits, such as through forced entry into their homes, blocking a door from being shut or threatening to take essential items.<sup>10</sup>

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<sup>9</sup> The National Standards represent a non-legally-binding framework and are intended for use by all enforcement agents, public and private, the enforcement agencies that employ them and the major creditors who use their services. The Standards are available here:

<https://www.gov.uk/government/publications/bailiffs-and-enforcement-agents-national-standards>

<sup>10</sup> All these practices and behaviours are either covered by the Tribunals Courts and Enforcement Act 2007, or the Taking Control of Goods National Standards.

*“They forced their way in through a tiny gap when I put the chain on to open the door. They treated me like a waste of life, a loser, scum. I can’t work due to physical and mental health problems but they seized equipment supplied by the local authority for use due to disability e.g. a motorised air mattress to help with bed sores and electric wheelchair as I had nowt worth removing, except my fridge. They made me feel so small and ashamed.”* Expert by experience

*“It was an evening visit. They put their foot in the door and refused to leave, causing duress and psychological trauma of being forced into a decision that was not affordable.”* Expert by experience

Women in our Research Community shared how they felt particularly impacted by poor or illegal practices during home visits, which exacerbated existing power imbalances and made them feel incredibly unsafe. A number of women shared the fear they experienced when confronted on the doorstep by male enforcement agents.

*“I was very scared. Two very large men called when it was dark asking me to sign a payment plan or they would remove items from the home. I am physically disabled and was a female, home alone with children.”* Expert by experience

Importantly, our Research Community members are not alone in their experiences of Enforcement Agents breaching standards and putting them at risk of harm. The ECB’s own analysis of 648 doorstep Enforcement Agent interactions found that 6% of these breached National Standards (2014).<sup>11</sup> This number would likely rise even further when the updated and more rigorous new standards from the ECB are applied to analysis.<sup>12</sup>

An independent statutory regulator with sufficient powers would be in a position not only to promote best practice, but to ensure illegal and intimidating practices are identified and cracked down on.

### **Aggressive and insensitive enforcement action is counterproductive**

An independent statutory regulator would be in a position to ensure the debt collection industry is delivering a modern, effective service that supports people to resolve their financial difficulties.

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<sup>11</sup> [Enforcement Conduct Board. Research into Doorstep Interactions. Findings report. October 2024.](#)

<sup>12</sup> In 2014 the Ministry of Justice (MoJ) introduced non-binding National Standards that set some expectations about how enforcement agents should behave. The National Standards cover some important areas but they have not been updated for ten years and have a number of gaps. The ECB set out to build on and strengthen the standards. The ECB hopes that the MoJ will withdraw its existing National Standards for enforcement, so that the ECB’s standards will be the single source of standards for enforcement work.

Our research shows that current practices can make it very difficult for people with mental health problems to achieve a long term resolution to their situation.

### **Enforcement action makes it harder for people to engage with their debts**

Our participants reported a variety of responses to enforcement action. They experienced panic attacks, insomnia and confusion, feelings of terror, and despair. We frequently hear about the most severe negative impacts of enforcement action on people's mental health, even to the point of triggering suicidal feelings and mental health crises.

As we heard from our Research Community, 'burying their head in the sand' is often a coping mechanism when they are unwell, struggling financially and have few other options available to them. All of this can make it much harder, if not impossible, to take the practical steps necessary to communicate effectively and sort the problems out, as well as causing and prolonging periods of poor mental health.

*"They cause panic attacks and despair because you know you are not in a position to give them what they want so you instantly fall into a 'why bother trying' mode and think what is the point of doing anything when this nightmare will go on?"* Expert by experience

### **Enforcement action makes it harder for people to get into the financial position to repay their debts**

The fees and charges added through the enforcement process only added to the financial burden felt by those in arrears, deepening their debt. For those in arrears because they simply couldn't afford a payment, these extra fees and charges served only to push them further away from being able to stay on top of their debts. The impact of enforcement action on a person's mental health can mean they are unable to work, further blocking avenues to repaying debts.

*"They gave me no choice but to sign a contract saying I would pay £50 per month, even though I made it clear I could not afford that amount."* Expert by experience

*"I was unable to go to work or go out for three months because of the state it put on me."* Expert by experience

### **Finally, enforcement action can be fiscally counterproductive for creditors and the government**

Research has also shown that the harm caused by enforcement processes can actually be counterproductive, in that they can result in significant costs borne by the state.



In these pure cash terms, the benefit of using enforcement agents for council tax debts seems marginal. But once we put it into the context of the huge harm and distress currently done by enforcement agents, it's conceivably net negative. Analysis from ACORN and Debt Justice, presented to Manchester City Council, suggests that enforcement activity may account for £6.9m of additional costs for public services, against £3.7m in additional council tax revenue between September 2018 and September 2019.<sup>13</sup> Additional research is needed to provide greater accuracy for these figures, but they provide tentative evidence of the wider cost of enforcement activity.

In addition to this, research from the National Audit Office (NAO), which found that intimidating actions and additional charges were up to 29% more likely to make debts harder to manage and increase levels of anxiety or depression, as well as costing the taxpayer upwards of £248m in worsening public mental health and increased need for social housing.<sup>14</sup>

Establishing an independent regulator should help to stamp out bad behaviour, and to go beyond this, to raise the standards for all across the enforcement sector, which is vital for protecting those in vulnerable circumstances from psychological and financial harm.

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<sup>13</sup> Murray T. Ban the Bailiffs: Ending the use of bailiffs for council tax debt. 2025.

<sup>14</sup> National Audit Office Comptroller and Auditor General. Tackling Public Debt. National Audit Office 2018.

**Question 2: Do you agree that responsibility for setting the legislative framework about how debts should be enforced using the Taking Control of Goods procedure should remain with the Government and not be devolved to an independent statutory regulator?**

We agree that responsibility for setting the legal framework for the Taking Control of Goods procedure should remain with the government. The government should set the legislative framework and set out the ambitions for the regulator, and the regulator should be given the powers and responsibility to formally recommend changes to the legislative framework to the government for consideration. For example, the regulations on the taking control of goods may be areas where future changes might be recommended.

**Question 3: Do you think that an independent statutory regulator should play any role in reviewing the fees that the enforcement sector can recover when using the Taking Control of Goods procedure? Please explain why.**

We believe that an independent statutory regulator should play a role in reviewing the fees that the enforcement sector can recover.

Our research has shown that the additional enforcement fees that people in debt incur as their case is moved from one enforcement process to the next can push them into extreme financial difficulty, including deeper debt or destitution.

The burden of fees in the enforcement sector put on those who are more than likely already struggling financially, and often their simple inability to afford an essential bill such as energy or council tax is the reason for their encounter with enforcement.

*"I have a traffic fine from April 2022, which I knew nothing about. All the details went to my old address. I've paid a fine to the council of £240. I still owe £300 to the bailiff. I am on benefits for depression and anxiety, this has affected me deeply. I'm scared to open the door in case it's the bailiff. I can't go out in case the bailiff breaks in, I'm in a terrible state."* Expert by experience

*"Because of job loss due to mental health issue (depression and anxiety) got behind with council tax... Bailiffs started to call causing huge anxiety demanding large charges on top of debt which is senseless as if you can't pay debt adding charges only adds to stress and pressure."* Expert by experience

While we understand that following up on a debt uses resources that come at a cost, it's important that an independent statutory regulator is involved in this process, since it should have access to the necessary data to contribute to informed and fair decision making about fees and make assessments of their impact on people in debt.

The legislation should require any fee review to consider whether the fee burden is reasonable on people required to pay them, particularly people who are in vulnerable circumstances. Elsewhere the civil justice system recognises this concept of fairness (for instance in policies like court fee remission rules), but this is not obvious in legislation on enforcement fees.

As part of this concern for fairness, we support the finding of the 2019 report of the Justice Select Committee, which expressed concern about the fact that the fees can be recovered from some of the most vulnerable members of society and said that they should be reviewed by an independent regulator to ensure that they are set at as low a level as possible.<sup>15</sup>

## **Question 5: What objectives do you think should be set out in law for an independent statutory regulator to work towards?**

### **1. Providing a consistent, independent and accountable regulatory oversight of the enforcement sector**

The current oversight of the enforcement sector is fragmented, inconsistent, and heavily reliant on voluntary compliance, leaving millions of people at risk of harm without meaningful protection. With regulatory responsibilities split between numerous bodies, government departments, and the courts, the system is too complex to ensure common standards or consistent safeguards for people facing enforcement action.

This voluntary framework allows enforcement firms to opt out of oversight altogether, threatening the financial sustainability of bodies like the Enforcement Conduct Board (ECB) and undermining their authority. We have long been concerned that the voluntary nature of the oversight seriously limits the scope of the ECB to instigate the comprehensive and lasting change necessary to raise industry standards. If the industry believes the ECB has overstepped in its efforts to safeguard people from unfair treatment, it could jeopardise the ECB's effectiveness or even call its very purpose into question.

Moreover, the absence of statutory accountability to the government weakens public trust and limits transparency. Enforcement agents have huge powers. They can disturb people in their

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<sup>15</sup> <http://publications.parliament.uk/pa/cm201719/cmselect/cmjust/1836/1836.pdf>

own homes, and in some cases enter their homes and take their belongings, all while charging significant fees to the individual for these activities. As our research from *In the Public Interest* shows, poorly regulated enforcement practices, including invasive home visits and rapidly escalating charges, are driving psychological harm, disengagement, and despair. Many people experiencing enforcement action, especially those already in vulnerable circumstances due to a mental health problem, feel the system is rigged against them.

A statutory regulator must therefore provide independent, consistent, and enforceable oversight to ensure that all people, regardless of which firm they encounter, are treated fairly, respectfully, and within a framework accountable to the public interest – not just to industry stakeholders.

## **2. Protecting people facing enforcement action from unfair treatment, and especially those in vulnerable circumstances.**

The key objective of an independent statutory regulator of the enforcement industry should be to protect people facing enforcement action from unfair treatment, and particularly from aggressive or insensitive enforcement. This is vital considering the harm that can be caused even from current standard practice in enforcement processes, before even considering practice that breaches the National Standards, as outlined in our response to Question 1.

Most of those receiving enforcement action are inherently in financially vulnerable circumstances due to the fact that they are in problem debt, apart from a small proportion of those intentionally not paying their debts. On top of this, our research shows that of those who had been contacted by a bailiff in the last six months, more than six in ten (64%) have experienced a mental health problem.<sup>16</sup> This number rises even further when looking at those with specific debts. For example, seven in ten (73%) of people in council tax arrears who have been in contact with bailiffs have experienced a mental health problem.<sup>17</sup>

These statistics underscore the urgent and undeniable need for robust regulation in a sector that routinely engages with people at some of the most difficult points in their lives, when the potential for harm is at its highest.

## **3. Delivering a high-quality complaints service for the public**

An independent statutory regulator should also be tasked with delivering a high-quality, accessible complaints service for the public. This includes making timely and well-informed

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<sup>16</sup> Money and Mental Health analysis of the Money and Pensions Service' Debt Need Survey 2023.

<sup>17</sup> Ibid.

decisions, sharing insights and learnings from complaints to drive improvements across the sector, and creating a single, streamlined pathway for raising complaints.

Historically, the system has been fragmented and often difficult to navigate, which can deter people, and especially those already under significant mental and financial stress, from seeking redress. An independent and user-friendly complaints process would help restore trust and accountability in enforcement practices.

The regulator should also play an active role in supporting consumers to understand their rights when facing enforcement action, empowering them not only to raise complaints but to feel confident that their complaint will be taken seriously and assessed thoroughly and fairly.

**Question 6: Do you agree that legislation should set out that an independent statutory regulator should produce standards and guidance for enforcement firms, agents and creditors about the use of the Taking Control of Goods procedure? If so, should the legislation set out who the regulator should consult about that guidance, and how frequently it should be reviewed?**

We agree that legislation should clearly set out that an independent statutory regulator should produce standards and guidance for enforcement firms, agents and creditors about the use of the Taking Control of Goods procedure. Clear, consistent guidance from an independent authority is essential to ensure fairness, transparency, and accountability in the enforcement process, especially when vulnerable individuals are involved.

We also believe that the legislation should set out that the regulator must consult widely when developing or reviewing the standards and guidance. Critically, this consultation should include charities and consumer organisations that represent and support people with lived experience of enforcement action.

The legislation should be reviewed at regular intervals to ensure that it can be updated to reflect any socio-political developments that might impact enforcement action, or developments in our understanding of how enforcement action operates in practice following monitoring exercises, for example.

**Question 7: Do you think that the Government should legislate to require all firms that enforce debts using the Taking Control of Goods process to be accredited or licensed by an independent statutory regulator?**

We believe that the Government should legislate to require *all* firms that enforce debts using the Taking Control of Goods process to be accredited or licensed by an independent statutory regulator.

The inconsistency of the oversight of enforcement action has long been a key issue for the sector. For people in debt, and for debt advisers, this makes navigating a complex landscape with different rules and consumer rights, and different routes for complaint, incredibly difficult. Holding all enforcement firms accountable to a single regulatory body, which can provide a unified route for complaints, is an essential step towards levelling the playing field for consumers and their advisers in what is otherwise a deeply imbalanced power dynamic.

**Question 10: Do you think that an independent statutory regulator should be solely responsible for accrediting individual EAs and HCEOs with the existing oversight by the District Judges and Lord Chancellor (via the Senior Master) removed, or do you think that the District Judge and Lord Chancellor (via the Senior Master) should retain a role in certification and authorisation?**

We believe that there is no need for the District Judge and Lord Chancellor to retain a role in certification and authorisation beyond an advisory capacity. The independent statutory regulator should be solely responsible for accrediting individual EAs and HCEOs in order to regulate the sector effectively. This would mean mandatory authorisation of all firms and individuals, with the certification process being run by the regulator.

**Question 11: Do you think that an independent statutory regulator should be given powers to gather data from the enforcement sector?**

We strongly believe that an independent statutory regulator should be given powers to gather data from the enforcement sector.

There is a general lack of robust data on enforcement action, which significantly limits the ability of the ECB to accurately understand the state-of-play in enforcement practice, and the ability of organisations such as debt advice charities, consumer representative organisations, academic institutions, and others, to conduct independent research to feed into this understanding.

Indeed, the ECB, in its draft business plan, recognised that without rigorous evidence, it's "*very difficult to understand where the risks lie and to quantify them, which in turn makes it hard to develop and target action to address these risks. It also means that there is currently no baseline from which to evaluate the impact of the ECB's activity in future years.*"<sup>18</sup> Filling this gap should be a key priority.

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<sup>18</sup> Enforcement Conduct Board. Draft Business Plan 2024/25.

In terms of the types of data that we believe an independent statutory regulator should be able to gather, we were pleased to see that doorstep practices research using body camera footage is a key ECB plan for data collection. This has already been incredibly important for the ECB's October 2024 research,<sup>19</sup> which provided concrete evidence of the way in which at least 30,000 people are being treated unfairly during the enforcement process every year.

However, we believe that an independent statutory regulator should also prioritise collecting a wider range of information on top of this, including:

- Requiring enforcement firms and creditors to share data on enforcement activity, and anonymised client data on key demographics details like gender, age, ethnicity, and mental health.
- Conducting an annual survey, similar to the FCA's Financial Lives Survey, or MaPS' Financial Wellbeing survey. This should be targeted at people who have experienced enforcement activity, and alongside standardised questions could collect information on their experience of enforcement activity and its harms.

These two activities could provide comprehensive data that would, at a basic level, fill the following three knowledge gaps, but could be expanded to include much wider data in time:

- The scale of enforcement activity driven by specific industries, firms and debts, for example local authorities, utility companies, government departments, private individuals, and others.
- The harm experienced by people on the receiving end of enforcement activity and the extent of this harm.
- The groups that are most affected by bailiff activity and their experience. A particular focus should be given to the experience of people with mental health problems, given our research shows that half of people in problem debt have a mental health problem, and our research shows that of those who had been contacted by a bailiff in the last six months, more than six in ten (64%) have experienced a mental health problem.<sup>20</sup> Enforcement firm data on their clients could also be compared to data from debt advice agencies to identify any gaps in vulnerabilities being identified by enforcement agents.

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<sup>19</sup> [Enforcement Conduct Board. Research into Doorstep Interactions. Findings report. October 2024.](#)

<sup>20</sup> Money and Mental Health analysis of the Money and Pensions Service' Debt Need Survey 2023.

An oversight of doorstep interactions using body camera footage is limited in the extent to which it will fill these evidence gaps, and presents three key challenges.

It does little to understand the broader nature and impact of enforcement action, for example, providing information on the three data gaps identified above.

Body camera evidence also has many flaws as a form of evidence. As use of body cameras in law enforcement shows, data is sometimes lost through storage issues or poor data management.<sup>21</sup> What footage is passed over by enforcement firms to the regulator for research is also a key consideration, as firms may select footage showing best practice rather than more representative data. Further, as the recent File on 4 investigation, *Bailiffs Behaving Badly*, sets out, there are credible reports of enforcement agents selectively deleting data captured by body cameras, or encouraging clients to ask for body cameras to be switched off.<sup>22</sup> It is therefore possible that many of the worst harms done by enforcement activity will not be captured in data from body-worn cameras and, therefore, will limit the robustness of the regulator's evidence base.

Without broader and more comprehensive data, such as those we have suggested above, it is impossible to implement standards that address key challenges and harms experienced by people on the receiving end of enforcement activity.

It is therefore vital that an independent statutory regulator be given sufficient powers to enable effective collection of this necessary information.

**Question 13: Do you think that an independent statutory regulator should be given powers to monitor the work of enforcement firms? If so, what should those powers be?**

We agree that the independent statutory regulator should be given sufficient powers to monitor the work of enforcement firms in order to regulate effectively.

**Question 15: Do you think that an independent statutory regulator should be given statutory powers to consider complaints?**

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<sup>21</sup> BBC. South Yorkshire Police 'deeply sorry' for data loss affecting up to 69 cases. Available at: <https://www.bbc.co.uk/news/uk-england-south-yorkshire-66591197> [Accessed 14/07/2025]

<sup>22</sup> BBC. File on 4: Bailiffs Behaving Badly. Available at: <https://www.bbc.co.uk/programmes/m001vm56> [Accessed 14/07/25]



Historically, though complaints processes do exist for when enforcement agents breach practices, there has been no single, clear pathway for making a complaint. As outlined in our answer to Question 5 above, we agree that one of the most concerning aspects about the current regulatory framework is the confusing range of complaint channels, which can make it difficult for a person to know what their rights are or where to turn to, especially when they are likely already dealing with the stress and strain of debt collection.<sup>23</sup>

*"I was treated terribly by bailiffs, even after explaining about my mental health. They used illegal ways to contact me and when I complained about the way they had behaved I was called a liar. I write detailed letters of complaint and wasn't listened to at all. They were breaching the law in how they was treating me and nobody cared."* Expert by experience

These complex systems can deter people from making complaints, and result in the sector underestimating the scale of enforcement encounters which people feel are non-compliant.

Again as already outlined in the consultation, the complex enforcement regulatory framework also means that even where a complaint is upheld and wrongdoing is identified, the relevant body may lack the authority to impose meaningful sanctions on agents or firms. As a debt adviser from Citizens Advice aptly described it, this means that the standards set out for the enforcement sector to follow are 'toothless'.<sup>24</sup>

*"I'm sick of seeing enforcement agents treat people like rubbish... There's all sorts of guidelines about how these firms are supposed to treat vulnerable people but it's all a bit toothless."*  
Citizens Advice debt adviser

While we are pleased that the ECB has sought to address these issues by reviewing and improving the complaints process, we believe that as an independent regulator it requires statutory powers to consider complaints, and crucially to act on them when they are upheld. This would help to establish a clear, fair and consistent complaints mechanism and provide greater protection for people at the sharp end of enforcement action.

**Question 16: If you agree that an independent statutory regulator should consider complaints, do you think that District Judges and the Lord Chancellor (via the Senior Master) should still consider complaints against individuals? Or should their role in considering complaints be abolished?**

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<sup>23</sup> Thorne M, Lane J. A law unto themselves: How bailiffs are breaking the rules. Citizens Advice. 2018.

<sup>24</sup> Thorne M. Bailiffs are breaking the rules, and they're getting away with it. Citizens Advice. 2018.

Following on from our answer in question 10, we believe that the role of District Judges and the Lord Chancellor in considering complaints against individual EAs and HCEOs should be abolished. This aligns with our view that the existing complaints system is too complex and inconsistent in question 15. The independent statutory regulator would be better placed to create one simple and effective route for accepting and considering complaints in the enforcement industry.

**Question 18: What sanctions do you think that a statutory independent regulator should be able to impose on enforcement firms?**

While we would welcome bringing the formal sanctions set out in the ECB's current accreditation framework under statutory footing, we believe that the government should consider strengthening the ECB's regulatory powers to impose sanctions. In particular, at present, financial penalties are not included in the ECB's five formal sanctions.

Financial penalties are a standard and widely accepted power available to many other independent regulators, such as the Financial Conduct Authority, Ofgem, the Payment Systems Regulator, and others. Financial penalties are a key tool for driving compliance and deterring serious or repeated breaches of regulatory standards.

Ensuring that an independent statutory regulator is able to impose financial penalties would align it with other independent regulators across the country, provide a stronger incentive for compliance and ensure that all actors in the enforcement system are held to account where necessary.

**Question 27: Do you think that county court bailiffs and local authorities and the individuals they employ to use the Taking Control of Goods procedure should be regulated by an independent statutory regulator? If so, please explain why.**

We believe that the legislation should make provision for the statutory regulator to take on responsibility for both County Court bailiffs and local authorities in respect of enforcement by taking control of goods. This should be a vital next step laid out in legislation for the independent statutory regulator, following more immediate steps to establish the ECB's statutory footing.

In particular, local authority enforcement should be integrated into the regulator's responsibilities as soon as feasibly possible. Debts owed to local authorities make up a significant proportion of the debts dealt with by enforcement agents. But in addition to this, the population behind on

payments to local authorities, and particularly council tax, are disproportionately more likely to be in vulnerable circumstances by virtue of their finances or a mental health problem, and thus are at risk of serious harm from poor and unfair enforcement practices.

**People in council tax debt – which is a key collection priority for in-house local authority enforcement – are disproportionately in vulnerable circumstances.**

Those in council tax arrears are overwhelmingly in low incomes, and many are living in poverty. This is partly because council tax is regressive, meaning it has a disproportionate financial burden on those with lower incomes.<sup>25</sup> Research by the Centre for Social Justice found that half (49%) of people in council tax arrears were in poverty after housing costs.<sup>26</sup>

Our own research found that a third (34%) of people behind on council tax payments could not afford any unexpected expense, and the vast majority (91%) of people behind on council tax payments could not afford an unexpected expense over £1,000, even from money they could borrow in an affordable way.<sup>27</sup> This is despite the average annual council tax bill, which enforcement agents for council tax will be collecting, standing at £1,668.<sup>28</sup>

*“[They] are harassing us with phone calls and demands for us to pay more than we can afford. The interest being added on has taken the debt to more than the original amount despite a significant amount being paid off. I can’t see an end to it.”* Expert by experience

*“It’s a horrible experience, causes anxiety when the door knocks for months afterwards, stress and panic to make each payment, knock-on depression at having to sell things to be able to pay what they demand.”* Expert by experience

Moreover, our research found that people with mental health problems are more than twice as likely to have fallen behind on council tax payments in the previous twelve months than those without such conditions (10% compared to 4%). This is equivalent to 2 million people who have ever had a mental health problem behind on council tax payments.<sup>29</sup> Breaking this down further by mental health condition, this rises to four times as likely (16% vs 4%) for people with experience of a severe mental illness, such as bipolar or a personality disorder.

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<sup>25</sup> Analysis by the Institute for Fiscal Studies found that the council tax burden is up to 5 times greater for those in the lowest income decile, compared with the richest. Adam S, et al. Revaluation and reform: bringing council tax in England into the 21st century. Institute for Fiscal Studies. 2020.

<sup>26</sup> Centre for Social Justice. 2024. Still Collecting Dust.

<https://www.centreforsocialjustice.org.uk/library/still-collecting-dust>

<sup>27</sup> Murray, T and Smith, F. In the Public Interest? Money and Mental Health Policy Institute. 2024.

<sup>28</sup> Gov.uk. Council Tax levels set by local authorities in England 2024 to 2025. 2024.

<sup>29</sup> Murray, T and Smith, F. In the Public Interest? Money and Mental Health Policy Institute. 2024.

As a result, people who receive a visit from an enforcement agent due to being behind on their council tax are highly likely to have experienced a mental health problem, with our research showing nearly three quarters (73%) of this group have done so.

With many local authorities turning to in-house solutions to enforcement action, keeping local authorities outside of the comprehensive remit of the independent statutory regulator therefore risks a significant and perilous regulatory gap.

**Failure to bring local authorities under the full remit of an independent statutory regulator risks retaining the inconsistency and complexity of the current system.**

Indeed, this omission would mean retaining a key aspect of the complex and inconsistent enforcement landscape that the consultation is otherwise aiming to simplify and resolve.

Whether or not they can tell the difference between types of enforcement agent at all, for a person in debt and experiencing mental health problems, it likely matters little who employs the person on their doorstep. What matters is having a clear and simple understanding about their consumer rights, and where to go if they feel those rights have not been respected, as well as knowing that an enforcement agent can be held to account for their behaviour - regardless of who their employer is.

*“I was so scared I made sure all my windows and doors were always shut and locked and I'd even leave my blinds shut all day so they wouldn't see in. It's made me very scared that they can come at anytime. It took my anxiety to the edge. I can't answer my door to anyone.”* Expert by experience

Ultimately, failing to bring the in-house enforcement agents employed by local authorities under the remit of an independent statutory regulator risks creating a two-tiered system in which all agents are not required by law to follow the same rules, or held equally accountable for not doing so.

**Question 28: Should a statutory independent regulator regulate any other types of civil enforcement activity?**

We believe that a statutory independent regulator should have remit over broader forms of debt enforcement including enforcing possession orders (evictions) and warrants of entry issued under the Rights of Entry (Gas and Electricity Boards) Act 1954.

For the person on the receiving end of enforcement action, who are contacted by enforcement or have an officer visit their home, it can often be difficult to discern the difference between the various types of enforcement. What matters is whether you feel safe in that interaction, whether you can trust that you will be treated fairly, or taken seriously if you feel that you are not.

We are concerned that if wider forms of enforcement are not eventually brought under the view of the independent regulator, this risks creating a two-tiered system in which some aspects of enforcement that people in debt engage with are held to account by robust regulation, and others are not. This could produce gaps in regulatory oversight which leave scope for poor performance or room that bad actors could take advantage of.

However, this is likely not an immediate priority, and importantly should not weaken the focus on quickly establishing effective statutory regulation of individuals and firms that use the Taking Control of Goods Procedure.

**Question 29: For proposals likely to affect businesses, charities, or the public sector an Impact Assessment will be undertaken at consultation response stage. To assist with this, please provide a high-level outline of what costs or benefits (and, if possible, any monetary value) the proposals are likely to generate and, if appropriate, of any issues which might be of concern.**

Research indicates that insensitive and aggressive enforcement action is not only financially and psychologically devastating to the individual on the receiving end of action, but also has wider implications for the public purse. This is especially concerning at a time when the government are focusing on fiscal responsibility and using regulation to drive growth.

In these pure cash terms, the benefit of using enforcement agents for council tax debts seems marginal. But once we put it into the context of the huge harm and distress currently done by enforcement agents, it's conceivably net negative. Analysis from ACORN and Debt Justice, presented to Manchester City Council, suggests that enforcement activity may account for £6.9m of additional costs for public services, against £3.7m in additional council tax revenue between September 2018 and September 2019.<sup>30</sup> This provides emerging evidence of the wider cost of enforcement activity.

In addition to this, research from the National Audit Office (NAO), which found that intimidating actions and additional charges were up to 29% more likely to make debts harder to manage and increase levels of anxiety or depression, as well as costing the taxpayer upwards of £248m in worsening public mental health and increased need for social housing.<sup>31</sup>

Ultimately, better regulation of enforcement conduct, and in turn better enforcement practice, should mean more people struggling with debt get the support they need and fewer experience harm, in turn supporting more financially resilient households and an economy better placed to grow sustainably.

**Question 31: What do you consider to be the equalities impacts on individuals with protected characteristics for introducing a statutory independent regulator for the enforcement sector? Please give reasons.**

As outlined in our response to Question 1, our research has shown that poor or illegal practice in enforcement action has a catastrophic impact on people with mental health problems – many

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<sup>30</sup> Murray T. Ban the Bailiffs: Ending the use of bailiffs for council tax debt. 2025.

<sup>31</sup> National Audit Office Comptroller and Auditor General. Tackling Public Debt. National Audit Office 2018.

of which would qualify as disabled under the Equality Act since their condition has a long term impact on their day-to-day lives.

With our research finding that of those who had been contacted by a bailiff in a six month period, more than six in ten (64%) have experienced a mental health problem,<sup>32</sup> the scale of positive impact that raising the standards of enforcement practice through the implementation of an independent statutory regulator on the lives of people living with a disability by virtue of mis immense.

Moreover, our research has also found that that young people, women, and people from minoritised ethnic groups are more likely to be in council tax arrears<sup>33</sup> – a significant consideration when local authorities often act quickly to involve enforcement agents in their collection processes, and are one of the primary users of this form of collection activity.<sup>34</sup>

As such, we hope that delivering independent regulation of the enforcement industry will have significant positive impacts on people protected by the Equality Act.

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<sup>32</sup> Money and Mental Health 2025 analysis of Money and Pensions Service Debt Need Survey 2023.

<sup>33</sup> Murray, T and Smith, F. In the Public Interest? Money and Mental Health Policy Institute. 2024.

<sup>34</sup> StepChange Debt Charity. Looking through the keyhole: StepChange debt advice clients' experiences. 2024.