

## Complaints about bailiffs

This fact sheet is aimed primarily at anyone who is experiencing problems with a bailiff employed by a council or other enforcing authority and may be considering making a complaint to the Ombudsman.

### ***I have a complaint against a bailiff. Can the Ombudsman help me?***

- In some cases, yes – where the bailiff is employed by the council. Whether or not we can investigate such complaints varies and this fact sheet can only provide a brief guide.
- If your complaint concerns the bailiffs' actions in collecting council tax, business rates or traffic enforcement penalties arrears then the Ombudsman would normally investigate your complaint.
- However, there is an alternative remedy by way of complaint to the courts and in some cases the Ombudsman may expect you to use this remedy. This because the courts can decide whether or not a bailiff's costs or actions are either excessive or unreasonable (such as the removal of too many goods, or the making of undue threats). Disputes about ownership of goods removed should also be resolved in court. Each complaint to the Ombudsman will be considered on its merits. Furthermore, the Ombudsman cannot consider a complaint decided by a court of law, including: the issue of a warrant of execution or the recoverable sums involved.
- If your complaint concerns a bailiff who is evicting you from your home then it is unlikely that we would investigate the matter because they would be acting on behalf of the court (not the council).

### ***How do I complain?***

- You should normally complain to the council first. Councils often have more than one stage in their complaints procedure and you will usually have to complete all stages before we will look at your complaint.
- Then, if you are unhappy with the final outcome, or the council is taking too long to look into the matter – we think 12 weeks is reasonable – you can complain to us.
- You should normally make your complaint to us within 12 months of realising that the council or bailiffs have done something wrong.
- To complain to the Ombudsman phone our Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays). You will be able to discuss your complaint with one of our advisers. You can text us on 0762 480 3014.
- You can complete an online complaint form at [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint).

### ***If you consider my complaint what will the Ombudsman look for?***

We consider whether the bailiffs did something wrong (and this is the council's responsibility because the bailiffs were acting on the council's behalf); and whether the council did something wrong in the way it used the bailiffs. We then consider if this caused you problems. Some of the issues we can look at are whether or not:

- there has been an unreasonable delay in taking action
- the bailiffs have followed the proper procedure
- there has been 'threatening behaviour' by the bailiff – although we will need to take account of the fact that the arrival of anyone to take your goods can be seen as threatening (no matter how polite they may be)
- the costs and fees have been properly charged and are reasonable.

### ***What happens if the Ombudsman finds that the council was at fault?***

- This depends on the nature of the fault and what the consequences are for you. If the effect on you is harmful we will recommend that the council takes steps to reduce the effects where possible.
- Where we find fault with the council's procedures we will often recommend that the council introduces changes so the same problem will not happen again.
- In some cases we may also ask the council to pay compensation for the problems caused to you and for the time, trouble or expense you have been put to in pursuing your complaint.

### ***Examples of some complaints we have considered***

Mrs S complained that bailiffs employed by the council to collect her council tax arrears had not acted within the law and had overcharged her. She also said that the council failed to properly answer complaints about these issues. We found that the bailiffs had unlawfully charged eight levy fees for each liability order when levying on the same two vehicles, failed to carry out DVLA checks on the ownership of the vehicles and charged eight statutory visit fees on two occasions for one visit by one bailiff. The council also failed to properly investigate Mrs S's complaints until she complained to the Ombudsman. Mrs S was put to significant time and trouble in pursuing her complaints with the council and the bailiffs. Once the Ombudsman became involved the council

- removed levies and associated fees
- carried out DVLA checks on vehicles which showed they did not belong to Mrs S or her partner so removed the remaining levies and associated fees, and
- negotiated a new contract with its bailiffs only allowing one fee to be charged for one visit even where multiple accounts are involved.

Mr O complained to the Ombudsmen that a council sent bailiffs to recover business rates from him. Mr O had business premises in the council's area and owed it arrears of £4,000. The council obtained liability orders from a magistrates' court for these debts and passed the orders to its bailiffs to seek recovery of them. There was no fault in the council's actions as it had sent bills to Mr O for business rates, it was owed the money, and it had obtained liability orders from the courts.

### ***Other sources of information***

- There is a 'trade' body for private bailiff firms – the Civil Enforcement Association. It has a code of conduct a list of members on its website. [www.civea.co.uk](http://www.civea.co.uk).
- You can also obtain free advice from the Citizens Advice – you can find the nearest branch by using its [www.adviceguide.org.uk](http://www.adviceguide.org.uk).
- The National Debtline services include a helpline that provides free, confidential and independent advice on your rights and how to deal with debt problems, including information about bailiffs and council tax collection. You can contact the National Debtline free on: 0808 808 4000, Monday – Friday 9am-9pm and Saturday 9.30am-1pm, and obtain further information from its website [www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk).

Our fact sheets give some general information about the most common type of complaints we receive but they cannot cover every situation. If you are not sure whether we can look into your complaint, please phone 0300 061 0614.

The Local Government Ombudsmen provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result the Ombudsmen aim to get it put right by recommending a suitable remedy.