

Council Tax Protocol for Wales

Good Practice in Collection of Council Tax

Endorsed by:

Welsh Government, Local Authorities & the Welsh Local Government Association



Llywodraeth Cymru
Welsh Government



CLILC • WLGA

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Introduction

It is well noted that Council tax payers receive a better level of service when local authorities¹, enforcement agents and advice agencies work closely together. Early engagement and proactive contact with people struggling with bill payments can help prevent taxpayers incurring further charges and alleviate stress.

This can also potentially help reduce both collection costs and demand on local public services.

This protocol provides guidelines on how local partnerships can be strengthened and residents better supported. The document also builds on the extensive research commissioned by Welsh Government², in connection with Local Authority approaches to debt recovery, and the existing good practice protocol supported by the national Citizens Advice³.

The protocol outlines best practice and guidance around how to deal with vulnerable customers. If a customer does not engage with the local authority at an early stage, any vulnerability may only be identified following contact from an enforcement agent. Vulnerability is impossible to recognise without any interaction and early engagement from customers or their representatives will help all parties concerned so that appropriate support and advice can be provided whether this is by the local authority or signposting to other more appropriate organizations.

The protocol recognises the need for additional support to help vulnerable customers engage with the local authority or enforcement agents at any stage of the process. There is also recognition that some signs of vulnerability are more obvious than others, for instance heavy pregnancy or severe disability would be obvious, whereas other conditions may not be.

The tax payer's level of vulnerability can vary depending on each customer and may only be for a particular period of time. In short where the enforcement agent suspects that vulnerability may be a factor in enforcement, either of the taxpayer or another person living within the household, they should at this stage pause action and explain that they will provide a report and any available evidence to the local

¹ Where we use the term "local authorities" this should also be read to cover a local authority's external contractors, where the local authority has contracted out the administration of some or all of its council tax collection process.

² Local Authorities approaches to council tax debt recovery in Wales – Social research No:57/2017, published 28/09/2017

³ Council Tax Protocol for Wales – Revised Collection of Council Tax Arrears Good Practice Protocol (September 2017)

authority. The local authority will then decide on the next steps, whether or not to continue enforcement and advise the enforcement agent accordingly.

Even where vulnerability is identified, whilst the taxpayer will be treated with care and support to help deal with their concerns, however the main focus for the course of action agreed will be to ensure that any outstanding Council Tax is paid or dealt with by a way of discount/exemption or any other reduction which may apply in the circumstances or a combination of these.

The protocol introduces all of the recommendations outlined in the Welsh Government research paper and sets out a series of actions for partner organizations to consider at a local level. This document intends to enable and encourage regular liaison on practices and policy concerning Council Tax.

Local Authorities will all have in place specific procedures to assist vulnerable customers and in keeping them under regular review, all parties can ensure that cases of arrears are dealt with appropriately whilst complaints are handled efficiently.

This protocol should strengthen and ensure consistency across Wales in the collection process and recognises that most Local Authorities may already have Service Level Agreements in place with Enforcement Agents, which would contain greater detail around operational and procedural issues. This document will supplement these agreements and provide some minimum guidelines in this area.

The intention of the protocol is to ensure that there is consistency in providing support to those who have difficulty in managing their affairs whilst ensuring enforcement is effective against households who have the means to pay but make deliberate choices not to do so.

By adopting this protocol, Local Authorities, Enforcement Agents and advice agencies will assist taxpayers in paying their council tax bills on time whilst accessing the necessary support and debt advice when needed.

Partnership

To foster more effective partnership working:

1. Local Authorities will take responsibility for arranging meetings with Enforcement Agents and nominated or active Advice Agencies to discuss practical and policy issues with the aim of improving service delivery and helping to manage customer expectations. The frequency and scope of these meetings should be determined locally, however they should be held at least annually as a minimum.
2. All parties will have dedicated channels of contact in order that issues can be dealt with in accordance with locally agreed timescales.
3. All parties will promote mutual understanding by sharing good practice and, if appropriate, training workshops.
4. Local Authorities are responsible for the overall collection process and, where appropriate, they should work together with Advice Agencies and Enforcement Agents to help deliver training, particularly on vulnerability and hardship awareness.
5. Procedural arrangements with Enforcement Agents must ensure that in cases where vulnerability is identified by the Enforcement Agent or the Local Authority, a clear process exists where the case is placed on hold while awaiting further instruction from the Local Authority and, where appropriate, the customer is referred to the appropriate department. This will provide 'breathing space' for a customer to provide evidence of vulnerability and, if appropriate, to seek advice and support, or enter into a suitable payment arrangement.
6. Local Authorities should use their existing complaints procedures for people to report complaints. Local Authorities should regularly monitor and publish performance information (if appropriate) in relation to those complaints which are upheld.

Information

To improve the information supplied to Council Tax payers in relation to Council Tax, how to get support and debt advice and promote engagement:

1. All parties aim to work together to ensure bills and letters are easy to follow and understand within the various statutory requirements relating to the content. Letters should include a contact phone number and e-mail address and information should also be made available online.
2. Local Authorities already have a wide range of payment arrangements which should allow the customer to make choices, including different payment dates within the month, spreading payments from April to March (12 months instead of 10), multiple direct debit dates, and potentially offer payment amounts to assist those on fluctuating incomes. This will allow people to budget more effectively.
3. Local Authorities and Enforcement Agents should publicise local and national debt advice contact details on their websites. Advice agencies can help by promoting the need for customers to contact their Local Authority promptly to agree payment plans. It may also be helpful for councils to make reference to Financial Planning tools to help customers manage their finances.
4. Local Authorities will ensure that Enforcement Agents have the necessary information about the Council Tax debt(s) to allow them to complete their statutory documentation as per SI 2014/421 Enforcement, England and Wales (The Certificate of Enforcement Agents Regulations 2014).
5. All parties should aim to work together to review and promote better engagement with Council Tax payers, this should include:
 - a. Information on how bills can be reduced through reliefs, exemptions and the Council Tax Reduction Scheme;
 - b. How taxpayers should contact the Local Authority if they experience financial hardship; and
 - c. The consequences of allowing priority debts to accumulate.
6. Information on budgeting tools should be made available on Local Authority and Advice Agency websites with specific hyperlinks regularly updated to ensure swift access. Information should also be available via social media and at offices of the relevant agencies.
7. If the customer is in receipt of Universal Credit and is identified as having multiple debts or budgeting concerns, it may be appropriate to make a referral for specialist advice, which can be used as a way to ensure payment arrangements are made.

Recovery

If a Council Tax bill is not paid, then the Local Authority will begin its recovery process.

Whilst Local Authorities always seek to make early contact with a customer, it is often the case that the customer does not engage with a Local Authority until they receive a visit from an Enforcement Agent. The earlier the customer engages with the Council the sooner advice & support can be provided which can assist residents in understanding their liability and payment responsibilities.

Concerted effort should be made to prevent a debt being referred to the Enforcement Agent. If Enforcement Action is unavoidable, during the Tribunal Courts and Enforcement Act compliance stage, the Enforcement Agent should signpost to debt and money advice providers and assess whether vulnerability or hardship is evident, to avoid escalating a debt, therefore:

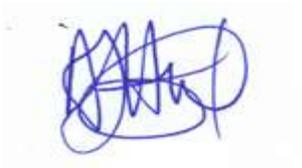
1. Local Authorities will regularly review all charges associated with obtaining liability orders to ensure that they are reasonable and as clear and transparent as possible.
2. Each case will be examined on its merits and payment arrangements need to be affordable and sustainable, whilst ensuring the Council Tax is paid within a reasonable period of time. Local Authorities aim to provide the flexibility to spread payment over more than one year in appropriate circumstances, including beyond the end of a financial year.
3. Local Authorities should robustly review each liability order on an individual basis to determine the most appropriate method of recovering the debt, making appropriate use of all information and intelligence to which they have legitimate access.
4. Local Authorities will prioritize direct deduction from benefits or attachment of earnings in preference to using Enforcement Agents where this is practical and reasonable.
5. Where appropriate and possible, if a customer has multiple liability orders, then these should be consolidated before sending to Enforcement Agents.
6. Enforcement Agents should ensure the rights and responsibilities of all parties, particularly those of the customer, are clearly set out in their correspondence and that letters actively encourage the use of free debt advice services.
7. Enforcement Agents will provide the customer with a contact number and e-mail address should they wish to speak to the Local Authority if there is a query regarding liability.

8. If the Local Authority is aware the customer has a legitimate and relevant outstanding claim for Council Tax Reduction Scheme, Universal Credit or Housing Benefit, or any other relevant state benefits which would clear or significantly reduce the outstanding balance, a pause in Enforcement Agent recovery should take place. This will be lifted when a decision has been made in relation to the claim.
9. Enforcement Agents will only make charges in accordance with the Tribunal Courts and Enforcement Act and Local Authorities should monitor this as part of its performance arrangements with the Enforcement Agent.
10. Local Authorities will ensure that procedures are in place which enable Enforcement Agents to negotiate and accept extended payment arrangements, where it is clear and obvious that the customer does not have the means to pay the debt in full.
11. Local Authorities will work with debt advisers to negotiate payments which are realistic on behalf of the customer at any point in the process, including when the debt has been passed to the Enforcement Agent, provided the customer has given authority to that person to discuss their case and this has been provided to the Enforcement Agent in writing.
12. All parties should use the Standard Financial Statement (SFS) or an equivalent form, but if the case has been identified through specialist debt advice, the budgeting forms for this purpose should be used to document a customer's income and expenditure. Information collected via these methods should be used as the basis for discussing the payment of Council Tax and other finances under review. Appropriate evidence should be supplied by the customer to support the information provided, if required. Priority will be given to ensuring the current year liability is paid first to try and avoid escalating recovery action unnecessarily.
13. Clarity will be provided to the customer as to which debts are being paid off, in what amounts and when, especially when a customer has multiple liability orders.
14. Local Authorities will ensure all complaints in relation to Enforcement Agents are robustly reviewed and responded to, and if necessary a pause is introduced in the recovery of the debt until the complaint is resolved. Complaint trends and patterns should be monitored and reported on by the Enforcement Agent and the Council and should form part of regular update meetings.
15. Local Authorities should consider using Section 13A of the Local Government Act 1992 in appropriate circumstances.

Protocol Endorsed by:

Handwritten signature of Rebecca Evans in black ink.

Minister for Finance and Trefnydd
Welsh Government

Handwritten signature of Anthony Hunt in blue ink.

Councillor Anthony Hunt (Torfaen)
Lead Member WLGA

Local Authority