

Council tax - vulnerable persons guidance

Introduction

This guide defines the circumstances in which the Council consider a person to be vulnerable in respect of Council Tax recovery. This will not preclude the Council from taking any form of recovery action, but it will ensure that the circumstances of the vulnerable person are fully considered prior to any action being taken.

The council will take account of an individual person's circumstances at each stage of Council Tax collection. The Council will seek to identify any cases where a person appears to be vulnerable in the latter stages of recovery, to ensure appropriate action is taken.

Specific regard is given to protecting children and vulnerable adults when taking control of goods. An enforcement agent (previously known as a bailiff) may not take control of goods where a child or vulnerable person is alone at the premises. The council will not recover fees due at the enforcement stage from a vulnerable person unless the enforcement agent has given adequate opportunity from the debtor to get assistance and advice in respect of the exercise of enforcement powers.

While there is no definition within any Council Tax Regulations of 'vulnerable person' this policy provides guidance as to what may constitute vulnerability and what actions should be taken to identify and deal with a vulnerable debtor.

Definition

A vulnerable person may include, but is not restricted to:

- A person who has a physical or sensory impairment, learning disability or mental health problem (The Royal College of Psychiatrists and Money Advice Trust's Debt collection and mental health: ten steps to improve recovery provides useful guidance and further definition of what constitutes a mental health problem) and who may be unable to protect themselves from harm or abuse
 - Elderly, frail, or confused older people
 - The seriously ill (including long term)
 - The recently bereaved
 - Pregnant women (or those who have recently given birth)
 - Recently unemployed people
 - Those who have obvious difficulty in understanding, speaking, or reading English
 - Anyone suffering severe hardship

Guidance

The Council will use all the information available including council tax and council tax support records to identify vulnerability. Other Council departments may also be contacted such as Housing.

Where a person is in receipt of Income Support, income-based Jobseekers' Allowance or Employment Support Allowance or Universal Credit, a deduction from benefits will be considered in preference to other methods of recovery. Where employment details are known an attachment to earnings will be considered (over enforcement agent action) although the viability of this will depend on the size of the debt and the amount likely to be recovered under the attachment.

If a person is vulnerable before or during the compliance stage, additional efforts will be made to establish contact with the individual before advancing to the next stage. This may include a visit to the customer in their home or the offer of an appointment to discuss the situation.

If a person is found to be vulnerable during the enforcement stage and the vulnerability of the person (or the extent of it) was not previously known, the Enforcement Agent will refer the case back to the Council Tax Service for further review as indicated above. The enforcement fees may be withdrawn, depending on the outcome of the review.

Where it has been established that the person is vulnerable but, after reasonable attempts to resolve the situation by other means, it is still necessary to proceed to the enforcement stage, authorisation will be sought from the Local Taxation Manager or Revenues and Benefits Service Manager before further action is taken.

Consideration may also be given to other methods of recovery such as charging order, bankruptcy, or committal to prison but in each case, careful consideration will be given to any vulnerability and guidance contained in this document.