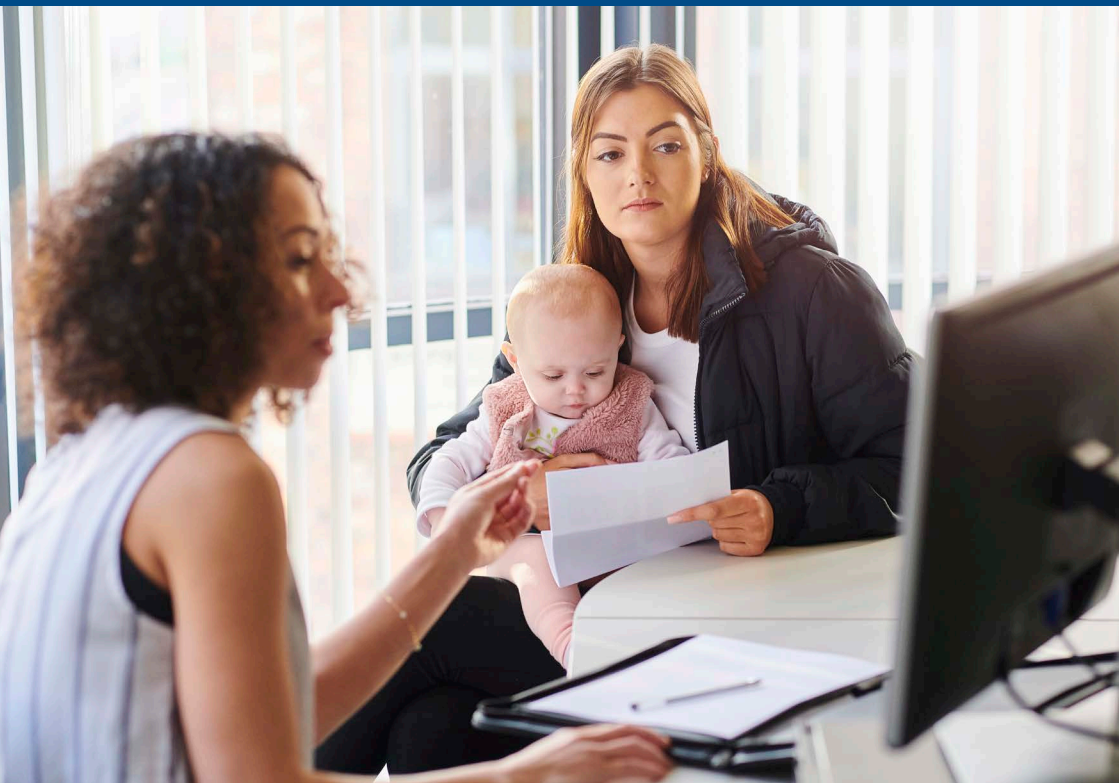


citizens  
advice

Copeland

# Debt Advice

*Information on our debt advice services and how you can access them. Wherever you are.*



# We are Citizens Advice Copeland

We provide ***Free, Independent, Confidential*** and ***Impartial advice*** to everyone on their rights and responsibilities for the problems they face, no matter what they may be. We value diversity, promote equality and challenge discrimination.

**We're here to help you with a range of issues such as:**

- Managing debt
- Benefits
- Household bills
- Energy advice
- Housing problems
- Understanding rights at work
- Family/relationships breakdown
- Consumer issues
- Immigration



# Find the advice you need in the best way for you

Our advice can be accessed by telephone, email or online

## Telephone For telephone advice call 01946 693321



This line is open:

***Monday to Thursday (9am – 4pm)***

## Email



If you prefer to email us please send details of your enquiry and how we can contact you to ***advice@cacopeland.org***

***When you contact us we will take some initial details and depending on your enquiry you will be added to our call back list. One of our team will contact you back within 3-5 working days. To maintain confidentiality when we contact you our number will show as withheld or from a 0808 number.***

## Online



**Visit our website** [citizensadvicecopeland.org.uk](https://citizensadvicecopeland.org.uk)  
for the most up to date information and updates



Visit our  
website



**or visit our  
social media:**



## Outreach



We host several Copeland-area outreaches where you can chat with our team about your query.

**Find our upcoming  
outreaches on our  
website:**



# How does our money advice work?

## What you can expect from Citizens Advice...

A Citizens Advice debt adviser will help you understand your rights and responsibilities and those of your creditors. Our debt advice service is free, confidential and impartial. If you wish to cancel advice you can do so at no cost to you.

## Confidentiality and Consent

The records we keep are for the use of Citizens Advice only. We will not tell anyone about your enquiry and we will not pass any information to any third party without your permission.

## Your adviser will:

- Help you to explore your debt problem
- Look for ways to increase your income and reduce your outgoings
- Explain the debt options you have and how they will affect you
- Keep you informed about any action we take and the progress of your enquiry



## **In return, we ask that you:**

- Attend all appointments we arrange for you (or let us know asap if you can't)
- Let us know if there is a change in your circumstances that may affect your case (such as a birth of a child, an increase or reduction in your income etc).
- Provide all the information and the evidence your adviser asks for. e.g. evidence of your income, spending and debts. Failure to tell us everything may mean our advice is not correct
- Do not negotiate directly with creditors before discussing it with your adviser.
- Do not borrow more money or enter into a new credit agreement.

## **Please note: -**

Wherever possible we will give you the information and resources you need to resolve your own debt problem. If the complexity of the problem, or your personal situation, mean this is not possible, we may be able to provide a casework service.

## **Trusted Partners....**

In some circumstances we may refer you to a trusted partner for further help. This may be within the Citizens Advice service or outside of it. We regularly review all our trusted partners to ensure they meet the highest standards of customer service and quality advice.

## **Financial Conduct Authority and Complaints**

Our debt advice service is authorised and regulated by the Financial Conduct Authority (FCA). If you are not happy with the service provided to you, please follow our complaints procedure. If you are not happy with our final response you can take your complaint to the Financial Ombudsman Service.

**Further information can be found at:**



***<https://www.financial-ombudsman.org.uk/>***

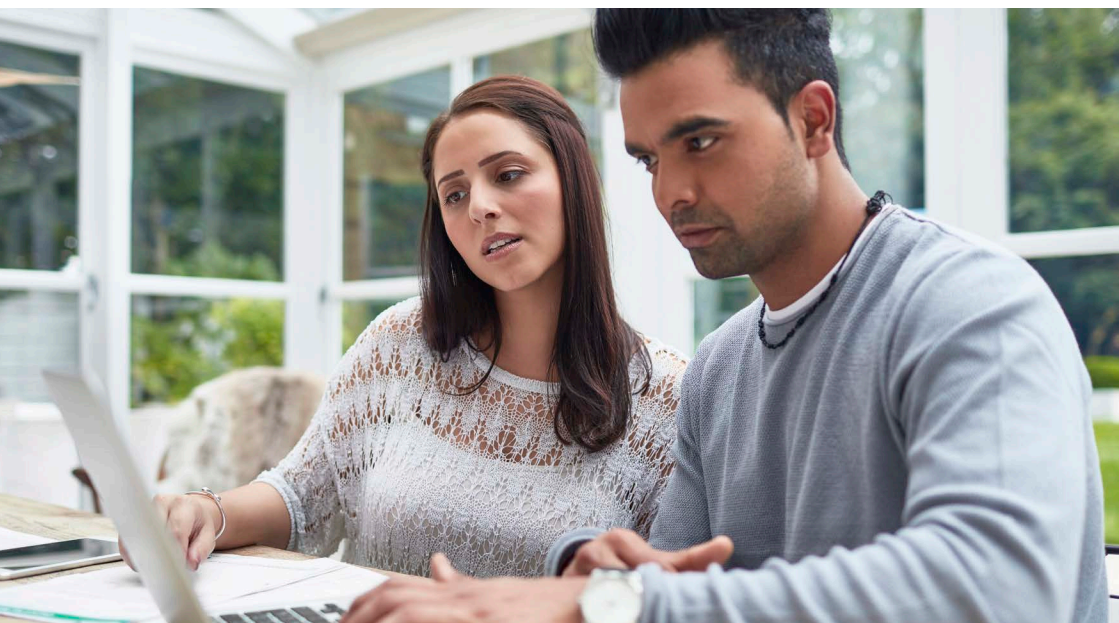
## Extra help

Do you need any extra help, for example, sign language, large print or interpreter service? If so, please let your adviser know. If you have any questions about the content of this information sheet, please speak to your adviser.

## External assessment

As an organisation, we are committed to achieving the best possible outcome for all individuals who seek our assistance. We strive to maintain the highest possible levels of quality across our service delivery and as such, may seek external endorsement on the quality of our work through the achievement of publicly recognisable quality standards. As part of this external assessment, we are required to make a sample of client files available to an independent Assessor for them to verify the quality of our advice and file management.

External Assessors are required to maintain confidentiality in relation to your file and it is important to note that they are assessing us as an organisation and not you as an Individual. If you would prefer that your file did not form part of this independent assessment, please notify your Adviser of your preference in writing.



# How we use your personal information

We collect and use information about you to help solve your problems, improve our services and tackle wider issues in society that affect people's lives.

We always let you decide what you're comfortable telling us, explain why we need your information and keep it confidential.

## When we keep something you tell us, we:

- only access it when we have a good reason
- only share what is necessary and relevant
- don't sell it to commercial organisations

## How will you use my data?

First and foremost your information will be used to provide you with advice. We also use information in a way that doesn't directly identify you to understand how different problems are affecting society and to take action to tackle these problems. As this is used for research it is kept separate from your case record.

Where you have given us your permission and contact details, we, or in some instances a trusted research partner, may contact you to ask you for feedback on the service you received and your overall experience of Citizens Advice.

## Do I have to give my consent for you to use information about me?

You can decide exactly what information you are happy to tell us. We'll use the information because we have a 'legitimate interest' to do so for the purpose of providing you with advice and carrying out research.

When we ask for more private information about you, like any health conditions or ethnicity, we will need to get your consent. This is because this information is treated in a special way by the law. You can always withdraw this consent and request we remove what you told us.



Some of our specialist services, such as our Money Advice service, are provided on the basis of your consent. We will ask your consent to use your personal information with these services.

### **Where will you store my data?**

The record of your case will be stored securely in an electronic case management system used jointly by all of the Citizens Advice service. We are all responsible for keeping it safe. As part of solving your problem, we might also make written notes, download copies of your case or send emails containing your information. We will make sure any information is stored securely and only accessed when there's a good reason by staff and volunteers of the Citizens Advice service.

### **How long do you keep records for?**

We keep records for 6 years. We may keep records for 16 years if the advice given could have serious consequences if it was not stored for a longer period.

Why might you share my information? Who will you share it with? We will generally not share information without your permission, unless required to do so by law or in some very limited situations, like to protect you or someone else from serious harm. If a particular service involves sharing your information without permission, we will always let you know upfront that it isn't confidential.

### **What if I have a question about how my information has been used? You can contact us and ask us:**

- what information we've stored about you and get a copy to keep
- to change or update your information
- to delete your information from our records or withdraw your consent
- to stop using your information



If you have any questions about how your information is collected or used, you can contact us at Citizens Advice Copeland, Phoenix House, 3-5 Jackrees Road, Cleator Moor, CA25 5BD.

You can read more detailed information about how some of our services use information on our national site:

 [\*\*\*citizensadvice.org.uk/privacy-policy\*\*\*](https://citizensadvice.org.uk/privacy-policy)

If you're not happy with how we have used your information, you can contact us at:

 [\*\*\*www.citizensadvice.org.uk/about-us/contact-us/Contact-us-form\*\*\*](https://www.citizensadvice.org.uk/about-us/contact-us/Contact-us-form)

You can also contact the Information Commissioner's Office to raise a concern about how we have used your information.

 [\*\*\*ico.org.uk\*\*\*](https://ico.org.uk)

**0303 123 1113**



## Don't ignore your creditors

**It's important to read letters from your creditors so you know what they're going to do.** They are less likely to take action if you get in touch with them.

*If you've had no contact with your creditors for a few years,* please let your adviser know so they can check whether any time limits may apply

## Priority and non priority debts

The action a creditor can take depends on the type of money that's owed.

Debts are usually split into two categories; **priority** and **non-priority**.

A debt is a **priority debt** if the creditor can take particularly serious action, such as taking possession of your home, disconnecting essential services or having you sent to prison.

**Non-priority debts** are generally less serious. Creditors can take county court action to get a County Court Judgment (CCJ) that orders you to pay. In some cases, a non-priority debt might have unusually serious consequences for you, for example:

- if you're behind in your childcare costs
- if deductions from your benefits are unusually high
- you owe money to family or friends or there's a guarantor loan and this could cause you personal problems

*This information covers England and Wales and is up to date at December 2020. Version 1.6. For further information go to:*



<https://www.citizensadvice.org.uk/debt-and-money/>

**Please talk to your adviser as this could be given a higher priority than your other non priority debts.**

### **Priority debts - what your creditor can do**

<b>Mortgage or secured loan arrears</b> Take you to court to repossess your home. <b>Register default on your credit file.</b>	<b>Rent arrears</b> Take you to court to repossess your home. <b>Some landlords may register default on your credit file.</b>
<b>Council tax arrears</b> Take money from your benefits or wages. Use bailiffs to take your goods to sell. Secure the debt on your home. Make you bankrupt. <b>As a last resort, have you sent to prison (England only).</b>	<b>Gas and electricity arrears (current suppliers)</b> Deduct money from ongoing benefits. Install a prepayment meter. As a last resort, disconnect your supply. <b>Register default on your credit file.</b>
<b>Child support or child maintenance arrears</b> Take money from your benefits, wages or bank account without a court order. Get a liability order which allows them to: Use bailiffs to take your goods to sell. Use the county court to secure the debt on your home, this will affect your credit rating. Ask the magistrates' court to remove your driving license or passport. <b>As a last resort, have you sent to prison.</b>	<b>Income tax arrears, class 2 and class 4 NI contributions</b> Use bailiffs to take your goods without a court order. Take money from a bank account if you owe £1,000 or more. Adjust your tax code to recover from your wages. Apply to make you bankrupt. <b>As a last resort, have you sent to prison.</b>
<b>Telephone, mobile phone or telecom package arrears (essential services)</b> Disconnect the service. Take court action to recover the balance. <b>Register default on your credit file.</b>	<b>Hire purchase, Personal Contract Purchase (PCP) or conditional sale (essential goods)</b> Repossess the goods. If you've paid more than 1/3 of the total or the goods are on private property, they need a court order to do this. Register default on your credit file.
<b>Bill of Sale arrears (essential goods)</b> Repossess goods without a court order.	<b>TV license - if you don't have one or it's in arrears</b> Issue a fine - see <b>Magistrates' Court Fines</b>

<b>Magistrates' Court fines</b> Deduct money from your benefits or wages. Use bailiffs to take your goods. Make a clamping order. Make an order for supervision, short local detention or unpaid work. Recover in the high court or county court. As a last resort, have you sent to prison.	<b>Tax credit overpayments</b> Deduct money from your benefits or wages without a court order. Collect the money as a tax debt - see Income Tax. As a last resort have you sent to prison. If the HMRC have passed the debt to the DWP to collect, this will be treated as a benefit overpayment, see below.
<b>Fixed penalty notices for crimes like littering, speeding, or keeping an uninsured vehicle - this doesn't include parking penalties issued by a local authority</b> Prosecute you for the offence. In some cases register the fixed penalty notice as a fine - see <b>Magistrates' Court fine above</b> .	
<b>Non Priority debts - what your creditor can do</b> Most creditors will register default on your credit file making it harder to get credit	
<b>Credit cards, store cards and overdrafts</b> Take you to the County Court to get a CCJ.	<b>Unsecured, guarantor and payday loans</b> Take you to the County Court to get a CCJ. Where applicable, ask the guarantor to pay.
<b>Catalogues and mail order debts</b> Take you to the County Court to get a CCJ.	<b>Personal debts, eg friends and family</b> Take you to the County Court to get a CCJ.
<b>Benefit overpayments, social fund loan, Universal Credit Advance Payment</b> Deduct money from ongoing benefits or wages without a court order. If you're not working or receiving benefits, take you to the County Court to get a CCJ.	<b>Non criminal penalty charges like:</b> <ul style="list-style-type: none"> <li>• NHS penalties</li> <li>• parking penalties</li> <li>• penalty fares</li> </ul> (but not parking fines issued in the <b>Magistrates' Court</b> - these are priority debts) Take you to the County Court or Traffic Enforcement Centre (TEC) to get a CCJ.
<b>Water charge arrears</b> Deduct money from ongoing benefit. For UC deductions the arrears must be to your current supplier. For other benefits deductions can be made where 6 months arrears or more is due to current or previous supplier. Take you to the County Court to get a CCJ. Transfer to the High Court to ask High Court bailiffs to take your goods. High Court fees are higher than County Court fees.	<b>Non essential goods and services:</b> Hire purchase: Repossess the goods. If you've paid more than 1/3 of the total or the goods are on private property, they need a court order to do this.  Telephone, mobile phone or telecom package arrears: Disconnect the service. Take you to the County Court to get a CCJ for any money outstanding.

# County Court Judgments (CCJs)

If a creditor gets a CCJ this could add extra courts costs to the debt. It also allows the creditor to take extra enforcement action, like using bailiffs or applying to court to take money from your wages or secure the debt on your house if you own your home.

## Don't ignore any court forms or letters from a court

If you receive any forms, notices or letters from a **Magistrates', County Court or High Court**, for example, a statutory demand, please contact your adviser immediately as there could be a time limit involved.

## Bailiffs

### Dealing with a letter saying bailiffs will visit

If you haven't paid a debt you might be sent a letter from bailiffs (also called 'enforcement agents') saying they will visit your home to collect payment.

Don't ignore the letter - this is called a 'notice of enforcement'. If you do the bailiffs can visit your home after 7 days. As well as collecting payment for the debt they can charge you fees so you could end up owing more money.

There are things you can do to stop them coming if you act quickly.

**Before you speak to bailiffs, check the extra rules they should follow if you:**

- are disabled or seriously ill
- are vulnerable because of covid
- have mental health problems

- have children or are pregnant
- are under 18 or over 65
- don't speak or read English well
- are in a stressful situation like recent bereavement or unemployment

You might be able to get more time to deal with the notice of enforcement.

## **Check if bailiffs can take property from your home**

If you let bailiffs into your home, they can take your property.

If you don't let them in, they can still:

- take your things from a road - like your car
- talk to you
- collect money
- give you documents

You don't have to let bailiffs into your home. They can't force their way in, but they can come in if you've left a door unlocked.

If bailiffs didn't follow the rules, you can check how to complain about bailiffs here:



**<https://www.citizensadvice.org.uk/debt-and-money/action-your-creditor-can-take/bailiffs/how-bailiffs-should-treat-you/complaining-about-bailiffs/>**

## **Stopping bailiffs at your door**

Bailiffs (also called 'enforcement agents') visiting your home can be a stressful experience but you have rights and you shouldn't be bullied. Bailiffs are only allowed to try to come into your home between 6am and 9pm.

**You shouldn't let a bailiff into your home** - it's always best to try to sort out your debt by keeping them outside and speaking through the door or over the phone.

**Make sure your doors are locked** - bailiffs are allowed to come in through unlocked doors. If you have a porch with a lockable door you should lock this too.

Depending on the kind of debt you owe, the bailiff will sometimes have the right to force entry by asking a locksmith to open your door if you won't let them in. This can include bailiffs collecting unpaid magistrates court fines and bailiffs collecting tax debts for HMRC. Bailiffs collecting council tax or CCJ debts can't force entry unless you've previously let them in, and you've then broken a signed controlled goods agreement.

It's very unlikely they'll do this - you should still have the chance to pay without them coming in.

**Bailiffs can clamp and/or remove your vehicle**, if it's parked on your drive or on the street or a car park. You can protect your vehicle by parking it in a locked garage. You can also move it to a friend or family member's driveway, if you have their permission.

**There are some situations where bailiffs can't take your vehicle, including:**

- if it's displaying a valid blue badge or it's a Motability vehicle
- you need it to work and it's worth less than £1,350
- it's also your main home - e.g a campervan.
- Vehicles on finance as they belong to the company until it is fully paid off



**<https://www.citizensadvice.org.uk/debt-and-money/action-your-creditor-can-take/bailiffs/what-bailiffs-can-take/stopping-bailiffs-taking-your-vehicle/>**

***Call 999 if you're being physically threatened by a bailiff - don't let them into your home.***

**If you need advice on how to deal with your debts contact us on 01946 693321 to make an appointment.**



