

CORPORATE DEBT RECOVERY POLICY 2024

1.0 EXECUTIVE SUMMARY

- 1.1 This report introduces an update to the Council's Corporate Debt Recovery Policy. The existing policy was last considered in 2017 and is in need of an update as identified during a recent audit of the Sundry Debt Recovery process.
- 1.2 The policy applies to various types of council debt, including Council Tax, Housing Benefit Overpayments, Non-Domestic Rates, and Sundry Debtor accounts. Key objectives include fair debt recovery, early debt resolution, and support for customers facing financial difficulty. It also aims to balance effective debt collection with sensitivity to customers' financial circumstances.
- 1.3 The governance structure, roles, and responsibilities are clearly defined, emphasising equitable treatment and compliance with legal obligations. Plans for regular policy review ensures alignment with organisational goals and evolving needs.
- 1.4 Policy and Resources Committee are asked to consider this report and the updated Policy outlined in Appendix 1. They are also asked to review Appendix 2 which outlines the vulnerability and hardship protocol to be considered by Debt Recovery staff when dealing with vulnerable customers in hardship.

CORPORATE DEBT RECOVERY POLICY 2024

2.0 INTRODUCTION

- 2.1 The Corporate Debt Policy of Argyll and Bute Council represents a pivotal framework governing the billing, collection, and recovery of council debt from customers. This policy underscores the council's commitment to efficient and compassionate debt management, emphasising equitable treatment and proactive engagement with customers facing financial challenges.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Policy and Resources Committee approve:
- (a) the updated Corporate Debt Recovery Policy detailed at Appendix 1.
 - (b) the Vulnerability and Hardship Protocol detailed at Appendix 2.

4.0 DETAIL

Policy Scope

- 4.1 The policies in Appendix 1 and 2 encompass various aspects of debt recovery, including Council Tax, Housing Benefit overpayments, Non-Domestic Rates, and Sundry Debtor accounts. It applies across all service units of the Council, aiming to balance effective revenue collection with sensitivity to customers' financial circumstances

Aims and Objectives

- 4.2 Aligned with the Council's vision for a successful and vibrant Argyll and Bute, the Corporate Debt Policy prioritises effective debt collection while ensuring fairness and equitability, supported by the Vulnerability and Hardship Protocol. Key objectives include fair debt recovery, early intervention to prevent arrears, and partnership with customers to agree on realistic payment plans based on individual circumstances.
- 4.3 Issues with performance within the recovery of Sundry Debt in particular were picked up by external consultancy during a Business Process Review in 2023 and by our Internal Audit team. Since then Legal Services and Financial Services have been working together to make improvements across Sundry Debt recovery.

- 4.4 Improvements include identifying Departmental Debt Co-ordinators in areas where we have a higher value of overall arrears to assist Financial and Legal Services to recover the debt. A new, proposed Data Dashboard will be used to support the debt co-ordinators.
- 4.5 Two temporary staff have been engaged in proactive Sundry Debt recovery for some months now, significantly reducing the level of outstanding arrears. Since 1 October 2023, they have successfully collected over £1.233 million in debt that had been referred for recovery action. This amount represents debt that was already accounted for, not new funds available for spending.
- 4.6 Recovery performance in the areas of Council Tax, Non-Domestic Rates and Housing Benefit Overpayment debt is considered to be strong, however there is an understanding that more needs to be done in the area of protecting vulnerable people from the standard Council Tax recovery process in general.
- 4.7 We have recently entered into an arrangement with Argyll and Bute Citizens Advice Bureau (ABCAB) where we are able to cross refer potentially vulnerable people, this has gone well to date and we may roll this out to other advice agencies such as Bute Advice Centre in the future.
- 4.8 Our aim here is to protect in particular, people who are suffering some form of mental health vulnerability, who are not protected or covered by existing Council Tax regulations, discounts or exemptions but who need a little “breathing space” to get back on their feet and deal with their statutory obligations to pay the tax.
- 4.9 These individuals will be given a 3 month moratorium from standard Council Tax recovery processes where this has been identified as an issue. This gives the opportunity for advice agencies to meet with the people and support them, providing us with information to understand what sort of payment plan is realistic for them in terms of their ability to pay. This process is in line with the Improvement Services report “Collaborative Council Tax Collection” seen [here](#).

Governance: Roles and Responsibilities

- 4.10 The Corporate Debt Recovery policy delineates clear roles and responsibilities, with the Chief Financial Officer overseeing financial arrangements and operational debt collection, and the Head of Financial Services managing uncollected debt. Service departments are responsible for rendering accounts and resolving disputes promptly, while nominated debt co-ordinators act as single points of contact for debt management within their respective services.

Equal Opportunities and Data Sharing

- 4.11 The Council is committed to delivering services in line with equal opportunities legislation, ensuring consistent and fair treatment of customers. Data sharing is facilitated to streamline debt recovery processes while adhering to Data Protection legislation, ensuring customers are pursued by one body for all council debts.

Communications and Sanctions

- 4.12 The Council emphasises proactive communication with customers, providing clear information on payment obligations and available support services. Sanctions, including appropriate fees and interest charges, are employed to encourage prompt debt repayment.

Policy Review

- 4.13 Regular policy review ensures alignment with organisational goals and legislative requirements, with revisions submitted to elected members for approval. Changes to detailed procedures are approved by officers in line with good practice, ensuring policy effectiveness and responsiveness to evolving needs.

5.0 CONCLUSION

- 5.1 The Corporate Debt Policy of Argyll and Bute Council reflects a commitment to responsible debt management, customer support, and organisational effectiveness. By adhering to the outlined principles and recommendations, the Council can ensure equitable treatment of customers, maximise debt recovery, and uphold its financial obligations while considering individual circumstances. Regular review and adaptation of the policy will be essential to address emerging challenges and align with organisational goals and legislative requirements.

6.0 IMPLICATIONS

- 6.1 Policy: Updated Policy for the Recovery of Corporate Debt and a Vulnerability and Hardship Protocol
- 6.2 Financial; Aim is to maximise income due to the Council and minimise bad and doubtful debt.
- 6.3 Legal: All Debt Recovery activities will be undertaken in line with current legislation under the Council Tax Administration and Enforcement Scotland Regulations 1992 as amended, the Bankruptcy and Diligence Act Scotland 2017 as amended and regulations related to debt prescription.
- 6.4 HR: Two temporary Sundry Debt Recovery Officers are in post for 18 months to work through the backlog of uncollected Sundry Debt and proactively recover new debt,
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities – EqSEIA complete and available on the website at [Equality and Socio-Economic Impact Assessments | Argyll and Bute Council \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk/equality-and-socio-economic-impact-assessments)
 - 6.5.2 Socio-economic EqSEIA complete and available on the website at [Equality and Socio-Economic Impact Assessments | Argyll and Bute Council \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk/equality-and-socio-economic-impact-assessments)
 - 6.5.3 Islands, EqSEIA complete and available on the website at [Equality and Socio-Economic Impact Assessments | Argyll and Bute Council \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk/equality-and-socio-economic-impact-assessments)
- 6.6 Climate Change: None
- 6.7 Risk: First time we will be proactively engaged in the recovery of Social Care debt. This will be tackled sensitively but there is a risk that some vulnerable

citizens may be impacted. We will always seek details of support workers, power of attorney etc where appropriate and necessary.

- 6.8 Customer Service: More protection for vulnerable customers than in the past from standard Debt Recovery activity in relation to Council Tax through joined up working with Argyll and Bute Citizens Advice Bureau and Bute Advice Centre.
- 6.9 The Rights of the Child (UNCRC): None

Executive Director/Section 95 Officer – Kirsty Flanagan
9 July 2024

Policy Lead for Finance and Commercial Services - Councillor Ross Moreland

APPENDICES

Appendix 1 – Corporate Debt Recovery Policy

Appendix 2 – Argyll and Bute Council Vulnerability and Hardship

For further information contact:

Anne Blue, Head of Financial Services

Anne.Blue@argyll-bute.gov.uk

Fergus Walker, Revenues and Benefits Manager

Fergus.Walker@argyll-bute.gov.uk

APPENDIX 1 – CORPORATE DEBT RECOVERY POLICY



ARGYLL AND BUTE COUNCIL

CORPORATE DEBT POLICY

Paragraph	Table of Contents	Page
1	Introduction	3
3	Policy Scope	3
	Aims and Objectives	3
7	Policy Vision	3
8	Policy Objectives	4
	Governance	
9	Roles and Responsibilities	4
17	Equal Opportunities	6
19	Data Sharing	6
21	Write-offs	6
28	Communications	7
30	Sanctions	8
32	Policy Review	8
	Version Control	8

Introduction

1. This corporate debt policy defines the principles that will be adopted when undertaking the billing, collection and recovery of council debt from customers in Argyll and Bute. It provides a framework to collect council debt effectively and efficiently, but also with sensitivity to the circumstances of our individual customers. In this respect, the policy aims to balance the conflicting priorities of delivering high levels of collection in tandem with the provision of appropriate advice and support to those who may be experiencing financial difficulty.
2. For those who can pay, we want them to be in no doubt that we will take all reasonable measures to recover what is owed. For those in financial difficulty, we want them to know that our action will always be proportionate, compassionate and where appropriate tailored to their individual income and expenditure circumstances.

Policy Scope

3. Argyll and Bute Council raises charges for a wide range of services that it provides, as well as collecting local taxes. There are different systems and methods used for billing, collection and recovery of a wide range of debts. This corporate debt policy is over-arching and establishes general principles to be applied consistently in relation to debt recovery.
4. For the purposes of the corporate debt policy, council debt is defined as:
 - Council Tax
 - Housing Benefit overpayments
 - Non Domestic Rates
 - Sundry Debtor accounts (which cover all other amounts due to the Council)
5. The policy applies to all service units of the Council. It focuses on collecting the sums due. The Council's ability to deliver services which meet the needs of our customers depends heavily on its success in collecting revenues. However, ability to pay is an important concern when undertaking debt recovery.
6. This policy is supported by separate and specific recovery procedures for each individual debt type.

Aims and Objectives

Policy Vision

7. Our Corporate Debt Policy is aligned to the Council's Vision for a successful, vibrant Argyll and Bute with a growing population and a thriving economy. A place where people want to come to live, to work and to do business. In

particular, our policy has effective and efficient debt collection at its core but alongside equitability.

Policy Objectives

8. The Council has a legal duty to ensure cost effective billing, collection and recovery of all sums due to the Council. The Council is committed to delivering the highest level of customer service and supporting citizens and businesses as much as we can. Within this context, the key policy objectives that will guide the Corporate Debt Policy are:
 - to operate in a fair and equal way when recovering debt;
 - to seek to address debt issues as early as possible with a strong emphasis on arrears prevention in order to minimise overall indebtedness and improve collection rates across all debt categories;
 - to ensure that customers have a clear understanding of their responsibility to pay and the associated consequences of deliberate non-payment especially when they are able to pay;
 - to work in partnership with customers and their representatives to agree realistic payments based on their circumstances;
 - to ensure that all council staff and council appointed debt collection agents and sheriff officers work together efficiently and effectively and provide a single co-ordinated approach in dealing with council debtors;
 - to support debtors in becoming reliable payers in the future through referral to appropriate advice agencies;
 - to ensure that all debtor accounts are accurate
 - where appropriate debtors will be advised of relevant benefit entitlements or tax and business rates reductions
 - to ensure that all customer engagements are in accordance with the timescales within the Council's Customer Charter.

Governance

Roles and Responsibilities

9. The corporate debt policy is governed by the Council's Financial and Security Regulations and in particular regulations 7.39 to 7.47 under the heading of "Income". This sets out the responsibilities of both the Chief Financial Officer and the Executive Director with responsibility for Legal and Regulatory Support. The former is responsible for the overall financial arrangements of the council including the operational debt collection of all taxes, billing arrangements and

income recording. The latter is responsible for the discharge of uncollected debt. [Argyll and Bute Council constitution \(argyll-bute.gov.uk\)](http://argyll-bute.gov.uk) .

10. The Chief Financial Officer is responsible for offering an appropriate range of payment mechanisms to the council's customers.
11. All cashiers are responsible for ensuring that receipts are posted accurately and on a daily basis, and with the appropriate reference number so that it can be matched to the relevant council tax, non-domestic rates, housing benefit overpayment or sundry debtor liability.
12. Where debts are not paid promptly, the Chief Financial Officer is responsible for ensuring that payment is pursued promptly, and where necessary, that the debt is passed for appropriate action by the council's in-house legal services, sheriff officers or debt collection agents.
13. As a general principle no unpaid or dormant debt will go longer than 42 days without engagement with the debtor.
14. Responsibility is delegated to service directors to render accounts for all work done, goods supplied, services provided and all other amounts due and service staff have direct access to the sundry debtors system to enable them to do this.
15. Service departments are responsible for ensuring that any disputes in relation to debts are resolved as soon as possible with relevant credit notes being authorised and processed as appropriate. Whilst disputes are unresolved, accounts will be suspended from follow-up.
16. Each service department will have a nominated debt co-ordinator who will act as single point of contact (SPOC) for their service in respect of the its debt. They will:
 - Be the recipient of monthly debt performance reports issued by the corporate debt team with details of all debt outstanding for their service and set against agreed performance targets
 - Be the first point of contact for the corporate debt team and legal services team when they require information from the service to support attempts to recover debt
 - Liaise with colleagues about problem debts with a view to gathering information and sharing it with legal services and the corporate debt team
 - Be the first point of contact and liaison point on all inter-service processes, procedures or systems issues, with a view to contributing positively to a

high-quality, fast learning and continuously improving corporate debt management service.

Equal Opportunities

17. Argyll and Bute Council is fully committed to delivering services in line with equal opportunities legislation and policy. The Council will treat customers consistently and fairly regardless of age, race, religion, gender, disability and sexual orientation.
18. Customers will be treated as individuals taking into account, wherever possible and appropriate, their known personal circumstances.

Data Sharing

19. The Council will adopt a corporate approach to sharing information where a customer has multiple debts owing to the Council. This will be co-ordinated through the Corporate Debt Recovery Team paying due regard to Data Protection legislation. The information shared will only be used to ensure that the customer will, so far as is possible, only be pursued by one body in relation to all council debts.
20. The Council will optimise its debt recovery performance by participating positively in all existing and emerging cross-government data sharing initiatives.

Write-offs

21. The Head of Financial Services is responsible for ensuring that all write-offs are fully compliant with our Financial Regulations. In this respect the Head of Financial Services, or their deputy should they chose one, is responsible for authorising all debts submitted for write-off to the Executive Director with responsibility for Legal and Regulatory Services. They are also responsible for ensuring that there is a clear audit trail to support all debts submitted for write-off.
22. Separate from this policy, there will be maintained detailed procedures for writing off Council Tax Debt, NDR Debt, Sundry Debt as well as debt arising from outstanding Housing Benefit Overpayments. However, it would normally be expected that debts to be written off would be:
 - Cumulative debts under £50, where no payment has been received within six months of sending the final demand
 - All debts where the Head of Financial Services or their deputy advises the debt is irrecoverable or that legal action is unlikely to be cost effective
 - Gone aways, unable to trace
 - Deceased debtors with no estate

- Accounts in liquidation or sequestration
- Prescribed debt of time barred accounts
- Miscellaneous category covering any other case where there are good reasons for doing so having regard to the relative level of the debt and the prospects and costs with securing payment.

23. Once appropriate authorisation has been received, the write offs should be returned to the Corporate Debt Team, who will ensure that the relevant systems are updated and accounts adjusted for write-off.

24. The debtor remains liable to pay. Therefore, if the debt has been written off and a further instalment is received, the income must be re-credited to the appropriate income code.

Bad Debt Provision

25. The provision will be calculated using historical Council data, knowledge, and experience, while considering relevant industry guidelines and Codes of Practice that support the process.

26. Specific debts may be incorporated within the Provision at the recommendation of the Revenues and Benefits Manager

27. Consideration must be given annually to the individual nature and collectability of all large debts. However, the following can be used as guidance when reviewing the necessary level of bad debt provision from year to year:

- All accounts with a credit balance to be written off
- All debt that has security attached to be fully provided for
- The value of all accounts that are subject to any form of third party action to be fully provided for.

28. The overall provision levels must be reviewed annually by the Revenues and Benefits Manager and updated recommendations made as appropriate to the Head of Financial Services.

Communications

29. Individual and business customers or their representative will be encouraged to contact the Council as soon as they encounter payment difficulties.

30. The Council will be proactive in its communications with customers and this will be achieved as follows:

- All contact information will be made clear and understandable on all outgoing communications.
- All communications should be jargon free and in plain English where possible and help will also be provided where literacy issues exist.
- In particular, clear information will be provided detailing the customer's obligations to pay and the consequences of non-payment at each stage of the recovery process for each debt type.
- Available payment methods will be clearly outlined to customers.
- Access to money advice, debt counselling services and energy advice will be actively advertised, encouraged and facilitated.
- The Council will ask for and store customer telephone numbers and email addresses securely to facilitate effective and efficient ongoing dialogue.
- Services which deal with customer debt internally will work together in a joined up approach to avoid placing undue pressure on customers who are in debt.
- The Council will embrace new technology to contact or remind customers of outstanding amounts where possible e.g. text messaging and e-billing.
- Bills, invoices, benefit award notifications and recovery notices will be sent out promptly and in accordance with legal requirements.

Sanctions

31. To encourage prompt and full payment of debts from those who can pay, the Council reserves the right to charge appropriate fees to cover the cost of administering ongoing debt collection.

32. In the case of commercial debt, the council reserves the right to charge interest and fees on appropriate debt in line with legislation Late Payment of Commercial Debts (Interest) Act 1998.

Policy Review

33. This policy will be kept under regular review and in the event that there is a material change a revised version will be sent to elected members for approval.

34. For as long as any changes to the more detailed procedures do not materially affect the policy, they will simply be approved by officers in line with good practice.

Version v0C 8 th July 2024	Proposed By Fergus Walker	Revs and Bens Manager	Date: 8 th July 2024
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[Back to Contents](#)

APPENDIX 2 – ARGYLL AND BUTE COUNCIL VULNERABILITY AND HARDSHIP PROTOCOL



A Protocol for Considering Vulnerability and Hardship

*Version 0a
Date: June 2024
Approved By: Fergus Walker*

Introduction

This Hardship and Vulnerability Protocol is over-arching and outlines the general principles to be applied consistently in relation to debt recovery.

The Protocol applies to all service units of the Council and all types of debt.

The Council's ability to deliver services which meet the needs of our customers depends heavily on its success in collecting revenues. However, ability to pay is an important concern when undertaking debt recovery, particularly when there may be vulnerability or hardship. In such cases we should always take a more compassionate and proportionate approach and wherever it is possible seek to agree a special repayment arrangement.

Our challenge is to have a more consistent approach to considering whether or not and to what extent it is reasonable to agree a deferred or reduced recovery plan with a debtor, on the grounds that they might be vulnerable or might experience hardship with a standard repayment plan.

This vulnerability and hardship protocol sets out how we intend to approach this debt recovery challenge. It will apply to all our debtors.

Executive Summary

We currently have no written guidance to help staff make a fair, consistent and objective judgement when negotiating with a debtor, a reasonable amount and period for repayment. Instead staff currently use their experience, common sense and personal values, which can risk inconsistency.

In 2019 the UK government committed to and published guidance on giving debtors more [breathing space](#) so that they can take control of their finances and put them on a sustainable footing. Although highly informative, this guidance applies only to England and Wales. The Scottish Government is on a similar path and a Bankruptcy and Diligence (Scotland) Bill is progressing through parliament.

The absence of written staff guidance and the emerging breathing space-type initiatives have combined to drive forward the development of this vulnerability and hardship protocol.

Our protocol and the processes that support it are consistent with the *Breathing Space* approach as well as the important and clearly visible direction of travel in Scotland. They have also been influenced by our engagement and consultation with our third sector partners such as Argyll and Bute Citizen's Advice Bureau (ABCAB) and Bute Advice Centre (BAC) as well as our Sheriff Officer partners.

Given that our own money advisors and third sector partners have core specialist skills and experience in this area, they will play a key role in gathering information to help us decide a fair, proportionate and viable debt recovery rate.

The third sector money advice approach involves the completion of a Common Financial Tool/Common Financial Statement. This approach requires the debtor to complete a questionnaire which is extremely comprehensive and detailed with a full focus on holistic debt management. The data informs an assessment of income and expenditure.

For us the assessment of income and expenditure is often at the core of many debt recovery negotiations. This process can be complex and can take time, so we will only gather this information in circumstances in which the debtor may have difficulty agreeing to our preferred standard repayment amount and recovery period.

Our New Approach

Rather than engaging directly with the debtor on their specific income and expenditure we will instead direct them to a money advisor.

The incentive for the debtor will be that where it is required and reasonable, we will allow a 3 month moratorium on recovery action for all those who positively engage in seeking money advice.

We recognise that vulnerability is on a spectrum of risk. All customers are at risk of becoming vulnerable, but this risk is increased by having certain characteristics of vulnerability. These could be poor health, such as cognitive impairment, life events such as new caring responsibilities, low resilience to cope with financial or emotional shocks and low capability, such as poor literacy or numeracy skills.

Considering Vulnerability

There is no exhaustive or definitive list of vulnerability characteristics, but drawing on the guidance from the Financial Conduct Authority and the guidance in England and Wales given to enforcement agents, we would regard the following groups to be at some risk of vulnerability:

- the elderly (difficult to define, but we will broadly regard the over 75s as elderly);
- people with a disability;
- the seriously ill, both mental and physical;
- the recently bereaved;
- some single parent families;
- some pregnant women;
- some recently unemployed people; and,
- those who have obvious difficulty in understanding, speaking or reading English.

We will also regard the following groups to be at some risk of vulnerability, People with:

- chronic gambling problems,
- chronic alcohol or drug dependency issues
- significant other debts – Subject to the following [*Breathing Space*](#) exceptions below:
 - debts incurred as a result of fraudulent behaviour
 - fines imposed by a court, including criminal fine
 - confiscation order
 - child maintenance payments and debts that arise after an order made in family proceedings
 - any residual social fund loans
 - student loan
 - personal injury liabilities

We will keep this definition in view and review it when further guidance emerges from the Scottish Government.

Where the vulnerability is temporary, we will set a diary date to review the position.

Where the vulnerability is chronic and the customer would experience real, obvious and indefinite hardship repaying their debt we will consider how it might be written off.

With specific regard to Council Tax and Non-Domestic Rates (NDR), we will fully consider how liability might be exempted or reduced under the legislation.

With our own money advisors as well as our third sector partners, we will have a focus on income maximisation, particularly underlying entitlement to benefits, for all presenting debtors.

Considering Hardship

Not all vulnerable people will experience hardship paying their debt in good time.

The key to considering the issue of hardship for those customers vulnerable or otherwise, is to gather and analyse details of their income and expenditure.

If we cannot agree a reasonable rate of recovery as part of an early telephone call, we will ask the customer to seek advice and guidance from our own money advisors or third sector partners at Argyll and Bute Citizens Advice Bureau. In return and where appropriate there will be a 3 month moratorium on the debt. Money advisors will work with the debtor and help them make their best repayment plan offer to us.

If the customer is on a relevant DWP benefit, we will recover the debt directly from their benefits at the prescribed rate which is £4.55 per week for council tax debt and £13.65 per week for Housing Benefit Overpayments.

Should a customer's best repayment offer fall short of the recovery from ongoing benefit rate and their financial circumstances are such that there is no benefit

entitlement, we will seek, as an absolute minimum, to set the recovery at the prescribed recovery from benefit rate, in the interest of fairness.

Working Closely With Our Enforcement Partners

In its collaborative Council Tax Collection publication the Improvement Service states the following about Enforcement:

Enforcement action, in which diligence is a consideration, should always be proportionate, viewed as a last resort and never be batch-driven or viewed as a convenient means of cutting costs.

This protocol recognises this view in principle. However one of our difficulties is a product of customers ignoring our reminder notices and avoiding engagement. In such cases we often have no knowledge of potential vulnerability or hardship.

In reality there are occasions when vulnerability or hardship cases are routinely referred to the Sheriff Officer after Summary Warrant has been obtained from the sheriff court. In such cases the true status of the debtor might only become known as the Sheriff Officer goes through the diligence processes. When these situations arise we will liaise closely with the Sheriff Officer in setting the right course of action, which is likely to include the debt being returned to the council. In such cases we would wherever appropriate, seek to remove fees or charges placed on the debtor as part of the summary warrant and diligence processes.

In circumstances where it is known to us that the customer is vulnerable or experiencing hardship, we will not routinely seek Summary Warrant for the recovery of tax debt and transfer these debts to the Sheriff Officer. We will work closely with our own and third sector money advisors, to find a proportionate and fair solution which maximises debt recovery and simultaneously protects the debtor from the standard recovery process, additional fees and charges.

Fergus Walker
Revenues and Benefits Manager
June 2024

[Back to Contents](#)