You must include the following information with your response:

Your response is (public/anonymous/confidential): Public

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Location: England

Role: Debt and Benefits Adviser

Job title: Benefits, Debt and Money Adviser

Organisation: Royal British Legion

Are you responding on behalf of your organisation? No

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Your experience and awareness of enforcement

1) Which enforcement methods do you have experience of, if any?

Warrants of Control, Writs of Control, Attachments to Earnings, limited experience of Charging Orders, Deductions from Benefits

2) Are there any barriers you have experienced in seeking to enforce or satisfy a judgment and, if so, what were they?

Have been advising the debtor so wasn't the one seeking to enforce the judgment.

The main barriers my clients have experienced in paying them have been low income, poor mental health, poor budgeting skills and lack of awareness of options, in particular the option to pay in instalments.

3) Which of the attached enforcement mechanisms do you find to be most effective in obtaining a resolution, and why?

Deductions from benefits or attachments to earnings, in that payments cannot be avoided, **however,** attachments to earnings invariably create disproportional harm to the debtor, especially when it is Council tax being collected (other judgments can be varied). I have worked with three clients who have experienced life-altering mental breakdowns as a direct consequence of such Attachments, either because they have attempted to make up for the loss of earnings by increasing their hours, not realising this was futile, or because of the additional financial pressure that was caused because they were unable to meet their essential needs. One client was working 66 hours per week whilst recovering from cancer (which ultimately reappeared); for the final 20 hours

that he worked per week he was just £14 better off. All three can no longer work. Every client who has had an Attachment of Earnings who I have advised has fallen further into debt as a consequence. Several would have lost their homes as a direct consequence if we had not been available to advise. It is my view that there should be mandatory warnings in place before AofE can be imposed, with clear information on how to vary/challenge, and explicit warnings that increasing earnings will not leave a person better off.

There are of course many people who are neither in employment nor on benefits, normally because they are self-employed, but I have come across a situation where a person was paid in cash, therefore not "on the system." In this situation an attachment to a bank account may be more effective.

4) Which of the attached enforcement mechanisms do you find to be least effective in obtaining a resolution, and why?

Warrants of Control – although these are effective in encouraging people to seek debt advice, nonetheless, either:

- people allow entry but don't have goods or the means to pay,

- they have a vehicle which is used for commuting, which is then removed and the person's source of income (and ability to pay the debt) is removed, or

- they don't allow entry, in which case hundreds of pounds are fruitlessly added to the debt, and a debt that could have been paid in instalments doesn't get paid at all

Furthermore, they can exacerbate existing mental health issues and impede recovery where a debtor may otherwise have been able to return to work.

Enforcement Agents are rarely willing to accept an instalment plan that is affordable for the client, and never until after they have visited the property and that fee has become payable. There is therefore an inherent conflict of interest built into the fee structure. Contrary to the National Standards, it appears to be routine for Enforcement Agents to pressure debtors to borrow to pay the debt; this is either unaffordable high cost short term borrowing, or from friends and family, at which point the debtor feels undue pressure to prioritise repayment of that new debt over other essential bills and other creditors, perpetuating the cycle, and affecting future insolvency options. I once had a bailiff suggest to me that I should be advising my client to borrow money to pay him. I didn't.

5) Do you consider any of the attached enforcement mechanisms should be promoted as being more effective than others?

I don't have any experience of Third Party Debt Orders but it seems like if appropriate safeguards were in place, these could be effective.

6) Are there any enforcement mechanisms that you consider should be amended or varied to make them more appropriate for modern litigation from the perspective of either the creditor or the debtor?

There needs to be a consistent way of determining affordability and allowance for essential living costs across all sectors including the courts, debt collection and debt advice. This should be based on independent academic research. There should be a prohibition on certain enforcement methods where a person's income will fall below this threshold.

I believe there should be greater incentive to provide information and support available to help people provide the information needed, as many would struggle. The process should be amended to be more of a positive experience; a way of ensuring people protect income necessary for basic living costs – if it were seen as a way of protecting oneself against the harsher enforcement methods people may be more eager to engage. I understand that for some people however it may still be necessary to retain the threat of arrest for nonengagement. This needs to be balanced against privacy rights but with appropriate sanctions for

There may be some merit in increasing the range of debts that can be recovered via Attachments to Benefits, provided this is kept to the 5% maximum of the Personal Allowance, and that there are strict maximums set on the total amount that can be deducted. With UC in particular, many people are unaware of how to access information on deductions within their accounts and even less aware they can ask for some deductions to be reduced by contacting DWP Debt Management.

<u>Warrant/Writ of Control:</u>

- National Standards should be legally binding
- Legally binding consideration of ability to pay using standardised method
- Legally binding procedures for dealing with vulnerability that are universally applicable and not dependent on agreements with individual creditors.

There need to be more robust processes for ensuring creditors comply with Breathing Space. At present they get sent a reminder of their obligations. If they choose to ignore said obligations there is no consequence; rather the debtor has to find the money to challenge the enforcement through the courts.

Allowing County Court judgements to be enforced through the High Court is very confusing for people as to who they need to contact regarding their debt. It should be possible to stay enforcement, vary and set aside judgements using the same point of contact, and information should be provided on how to do so whenever an enforcement method is used.

7) Do you consider that there should be further measures attached to any of the current enforcement mechanisms to ensure greater fairness and/or protections for debtors?

Attachments to Earnings:

- Should be mandatory to send out a simply-worded information sheet warning that the process is being considered, that the person can apply to suspend or vary (and how), and warnings that working longer hours and increasing earnings will not result in significantly increased take home pay.
- On only one occasion have I seen court forms sent to the client providing any opportunity for suspension.

Warrants/Writs of Control:

- Have obligatory wording on Notices of Enforcement that explains people have the option to vary the Judgment or apply to have it set aside in some circumstances. I regularly advise people, who may have changed address a lot, or who may have mental health conditions whereby they don't open their post, and the first they hear of the debt (or certainly the judgment) is when Enforcement Agents show up at their property. On one occasion, an energy supplier, who supplied both the old and new properties of a client, sent the court papers to the old property in full knowledge that they had moved. Furthermore, they were fully aware that the amount of the debt was disputed but had ignored the repeated attempts of the debtor to resolve the issue. The debtor's earnings are just above the threshold where help with fees is available, and they have needed to find over £300 to apply to set the judgment aside, plus fees to apply to stay the enforcement. The matter is still ongoing so it is not known whether these costs will be recovered. The Civil Procedure rules governing such a situation are also intimidatingly complex and would rarely be navigated by a layperson without advice.
- People who are hospitalised under the Mental Health Act should automatically be excluded from this method of enforcement for 60 days after they return home
- Should have standardised procedures concerning vulnerability – existing standards are vague and easily ignored with no consequences for enforcements
- Limits on value of exempt vehicle necessary for work should be increased
- Vehicle should be exempt if necessary for commuting, not just for trade
- Vehicles should be exempt if used by anybody with a disability, not just if they have a blue badge – many people are awarded PIP mobility due to difficulties following journeys and inability to use public transport due to overwhelming psychological distress but wouldn't qualify for a blue badge. Exemption should include motorcycles as well as cars.
- Vehicles should be exempt if necessary to perform caring duties

- At the moment all legislation and guidance focusses exclusively on the debtor, there is nothing that protects other vulnerable members of the household – it is as though they are guilty by association and have no vehicle or rights to challenge what is happening.
- There needs to be a means of protecting families of those serving in the armed forces. I worked with a family where the debt was in the man's name; enforcement continued throughout the 6 month period he was posted abroad even though the debt was in his name only and evidence had been provided. Members of the family were vulnerable but had no inherent rights to challenge enforcement. The Enforcement Agents had the right to continue enforcement because the property was still his main or last known address.

8) Do you have experience of the court enforcement mechanisms interacting with debt collection standards and practices outside the court system?

I have worked with a couple who initially had three separate Enforcement Agencies chasing for payment at the same time as an Attachment to Earnings and deductions from benefits. He had a serious physical condition, she was agoraphobic, being a survivor of rape and severe domestic abuse. They were then fined by the Council for not having dealt with the ivy around their porch, with further costs added when this was not paid. She lived with a condition which meant her hands would become numb and unusable if they got too cold, so they had high heating costs which left them living on a food budget of £15 per week between them, having got rid of their broadband, and sharing one mobile between them. Their pleas for leniency and attempts to explain their situation were ignored. By the time we were able explain their situation and get them their full benefit entitlement (which enabled them to deal with their debts easily), they were both effectively housebound and she had become seriously malnourished.

One major barrier to a joined-up system is that local authorities appear to be able to function as a law unto themselves. It's about time Council Tax enforcement was brought within the County Court system along with traffic penalties, which cannot be varied or paid in instalments as other judgments can. If these processes were brought in line with enforcement for other debts, I firmly believe many would be able to meet their obligations and not fall into debt in the first place.

Another client had multiple priority debts, intervention from several EAs, and sanctions to Universal Credit as a consequence of missed appointments due to poor mental health. She had recently completed training that would have enabled her to enter a very lucrative profession, however, having fallen behind with her insurance (choosing instead to feed the children) she was fined and her vehicle impounded. She could not afford to pay the charges to release the vehicle so this was crushed. She is now trapped in a cycle of worklessness, unable to obtain finance or save up for a vehicle that would allow her to work.

9) Do you consider that the court enforcement mechanisms need to take into account debt collection standards and practices outside the court system and, if so, in what circumstances and in what ways?

I believe attempts should be made to gather a holistic picture of a person's circumstances at every stage prior to judgement and prior to enforcement. There is so little awareness around the current court process and the forms are so poorly worded that even the current systems for achieving this are massively under-utilised.

It would be very helpful if the court were to accept the Standard Financial Statement so that information does not need to be repeated onto court forms.

There should be a mechanism that limits the number of active Warrants or Writs of Control to 1 or at most 2, or 0 where there is an existing Attachment to Earnings, and measures employed by local authorities need to be brought within this.

There should be a maximum percentage of someone's income that can be demanded from all sources, or alternatively, a minimum amount that a person is left with.

Child maintenance payments and in particular arrears should be taken into account when calculating this as the amount payable (up to 24% of a person's income if their income has reduced since it was calculated) can be crippling in itself.

There should be a hierarchy of measures taken with a clear progression in severity.

10) If court enforcement is to take into account debt collection outside the court system, what practical steps do you consider should be undertaken?

Checks with DWP Debt Management and CSA

Register available to the courts of all active writs and warrants and a limit on the maximum that can be in force at one time

Clear invitation on court forms for clients to disclose any debts or payment arrangements for arrears relating to their home

Supply of information about potential judgment debtors

11) What steps, if any, do you consider the court could and should undertake to encourage greater engagement of potential judgment debtors (given the high number of default judgments)? [NB the Civil Justice Council (CJC) is reporting separately on pre-action protocols (PAP) including the debt protocol and the PAP is therefore not addressed in this list of questions.]

Plain wording of court forms and separate information sheet setting out their options – 99% of those I advise who are receiving court forms for the first time have no idea that they have the option to pay by instalments, or even to ask for more time (even after reading the forms!). By the time debtors have had a quick glance through form 9A and

been asked what level of judge the hearing would need and how long they expect it to take, they have decided the process is too difficult to engage with. The expenditure form omits several basic types of expenditure and hasn't even been updated to include Universal Credit as a source of income. They assume that a hearing will be required in all situations – it needs to be explained clearly that when they admit the debt and ask for time to pay a hearing would not be required unless there is a dispute.

An option to complete the information online would be helpful for some people but cannot be the only option as this would exclude a very large proportion of people.

12) Should the court require details of a defendant at the commencement of proceedings in order to ascertain whether a defendant could satisfy a potential judgment? (For example, by specific questions being including in the Directions Questionnaire, including details of any debts being enforced outside the court system);

I believe this should be invited and strongly encouraged and incentivised (e.g. by ensuring essential expenses disclosed are protected), but not required. In particular where clients are personally known to each other, proceedings could be brought that have no prospect of success mere as a means of finding out personal details regarding the other person, then dropped once this is disclosed.

I do not believe it is in the interests of justice or consistent with the human right to privacy for a person to be obliged to disclose such private information to either the court or the other party before it has been determined that there is even a debt owed.

Some of this information is already asked for to a degree, but for the reasons I've explained under Q11, many don't engage with this as they don't see the benefit and because they struggle to fill out the forms. Furthermore, the form only gives space for two or three debts (clients I work with have up to 20.) Also, as detailed above, many people are not aware how to find details of their UC deductions (they know their payment is lower but don't know why and just assume it's part of the system that their payment varies).

13) If information about the means of a potential debtor is sought early in proceedings, what information would you consider to be helpful?

The information asked for on the admission form, with amendments.

Presently, there would be no reason for someone to complete the admission form if they challenge the debt – it would be preferable if wording was changed to encourage the form to be completed even where the debt is defended, especially if this were only shared with the creditor where a judgment is made.

14) What experience, if any, have you had with making use of the provisions of CPR part 71 (orders to obtain information from judgment debtors)?

I have only assisted one client who had received one. The creditor was an individual and it was a personal injury case. It was so unusual that the debt advisor assumed that the person was misreading the form where it said that they could be arrested if they didn't fill it in. In that particular case, the debtor had so many other debts that only a token offer was made, therefore it will have taken around 5.5 years for the creditor to recover the fees they spent on issuing it. Nonetheless, it will conversely have prevented them spending a greater amount on enforcement that would not have been effective.

15) If you have used the provisions of part 71 to obtain information about a judgment debtor's means, have you found the process effective?

I have not used this.

16) If not effective, why not, and what changes would you make to the provisions relating to obtaining information from judgment debtors and does there need to be an amendment to part 71?

17) What would you consider to be an appropriate sanction/appropriate sanctions for a judgment debtor who fails to provide information to questions raised by the court?

Depends on the reasons why they failed to provide the information. Many would struggle to provide it without support and advice, but contempt of court or a fine could be appropriate where there has been wilful refusal.

18) If judgment is obtained, should the court provide details of the judgment debtor with the claimant at the time of judgment and, if so, what details should be provided (if any)?

Information that has been provided by the defendant

19) What safeguards should be put in place with respect to any data sharing to ensure that it is reasonable and proportionate and not unfairly detrimental to the debtor?

My view as a debt advisor is that people's situations are rarely simple. A form that would capture them adequately to determine what is fair in terms of enforcement would take hours to fill in. A form that could adequately capture not just income and expenditure, but mental health needs, budgeting capability, recent bereavement, volatility of employment vs straightforward overspending on non-essentials, or having plenty of excess income but merely not wanting to pay out of spite does not exist, and I don't believe owing what could be a very small amount of money to a creditor should force disclosure of incredibly personal information that many struggle to disclose even to a trusted advisor.

20) Should the court have a role, independent of any applications made by any creditor, in obtaining details of the debtor?

I believe this would an unnecessary burden on the court where some may pay without any further intervention or enforcement. However, the court offers helpful protection to

debtors through the current avenues to vary or suspend judgements, in that the court can allow affordable payments to be made where a creditor would apply undue pressure to pay at an unaffordable rate. Where a client has nothing (one of my clients had sold her curtains and light fittings so as to have something to give to enforcement agents), being perpetually harassed by people you cannot pay just brings shame and despair, which in my experience can go on for years before people finally seek advice and find a way out. Therefore, having a court take a birdseye view which is fair both to the debtor and the creditor is extremely useful

21) Should the court and/or the judgment creditor be given access to information held by HMCTS and the DWP (or other government departments or agencies) to gather financial information on the judgment debtor?

In some situations, some information is already available to creditors, in that they can see what CCJs a person has. If a judgment is already a matter of public record, the outstanding value of an existing judgment could be shared. I believe it would also be beneficial to have a register of active enforcement, so that it is possible to see where other measures are active. This would not paint a full picture of circumstances; it is not possible for example to see that a person's partner also has an attachment to earnings and other enforcement; but if, for example there are already four live warrants of control and 2 attachments of earnings, the creditor would have an idea of their chances of successful enforcement.

22) What safeguards should be put in place to protect the individual with respect to financial information held by HMCTS and the DWP (or other government departments or agencies) and their privacy?

Payments made for personal injury or criminal compensation should not be disclosed.

As a minimum it would need to be an offense to disclose information that had been discovered in this way, though that would be extremely difficult to police.

Many elements of Universal Credit relate to the health or disability of a person or a member of their and household I do not believe it would be possible to disclose this without disclosing protected health data.

Information on expenditure may also indirectly point at health costs; high toiletries expenditure due to incontinence, high expenditure on heating or water because of a condition, high expenditure on groceries due to intolerances, etc. For that reason I don't believe it should be automatic, and for me, the best safeguard against violating the right to privacy is to make disclosure voluntary. If particular expenditure were ringfenced, there would be an incentive to disclose it.

Sanctions may also be applied to UC where a person other than the debtor was at fault, which could lead to false assumptions on the part of the creditor; this would be more of an issue where the claimants are known to each other personally.

Again, the proceedings could be open to abuse, for example used as a means to find details of a person's income prior to a divorce, or to find grounds to challenge a Child Maintenance decision.

23) Should the court and/or the judgment creditor be given access to information held by third parties, such as banks and credit agencies, to gather financial information on judgment debtors?

It may be helpful for this to be available to the court, but for the reasons detailed above, it provides only a very small snapshot of what is always a more complex situation. Two people with the same income and household composition can have wildly different circumstances and levels of disposable income.

One client, when I began working with him, was spending twice his rent on cannabis, having used it to self-medicate for his physical and mental health issues for decades. He had a number of priority and non-priority debts, which had been enforced through various means with varying degrees of effectiveness (generally quite low, for obvious reasons.) He had had an extremely negative experience with courts and tribunals, especially the family court, and was of the view that nobody wanted to help him or treat him fairly. Through the non-judgmental support that we provided, he began to have hope that things could change, and agreed to engage with a fantastic local service that supported with his substance abuse as well as wider social issues. Although he had various setbacks not of his own making, he has made excellent progress toward a fresh start that would never have been achieved through a merely punitive approach.

24) What safeguards should be put in place to protect the individual with respect to financial information held by third parties, such as banks and credit agencies, and their privacy?

As with question 22, I believe the process is open to abuse, and it should be an offense to disclose the information or use it for any other purpose.

Payments made for personal injury or criminal compensation should not be disclosed.

I also believe certain health and disability-related income should be protected from disclosure.

A tremendous amount of information needs to be disclosed in order to calculate affordability.

In my view, the safest way to achieve this would be to have an independent or semi-independent service attached to the which creates something akin to a Financial

Statement using a standardised process but also taking into account information that the debtor would not wish to disclose to the creditor and releasing only headline information.

25) Would you welcome a change to legislation to allow either (17) or (19) above, which would include safeguards suggested under (18) and (20) above?

No, the risks are too high, and once privacy is taken away it is rarely given back and will lead to a culture of expectation of disclosure which I do not believe is healthy or positive for society as a whole.

26) What other protections do you consider should be available to the judgment debtor to prohibit all, or some, financial information being available either to the court or to the judgment creditor?

Protections for joint account-holders who are not the debtor

Adequate opportunity to make representations

Huge extension of time limits and means by which judgments can be challenged retrospectively. Often by the time debtors find out a judgment exists and learn that they could have asked for it to be set aside it is far too late to do so because they only seek advice when they reach a point of crisis.

It should be possible, cheap and straightforward to suspend such orders based on keeping to payments that are either agreed by the creditor or determined independently (e.g. by the court or semi-independent process).

27) Are you aware of any support or information provided to debtors following a judgment?

Very little

28) If so, what is that support or information?

Besides telling them to pay within 30 days it does not appear very much information is provided.

29) What, if any, (additional) information and support do you consider should be made available to debtors and at what stage?

There should be a large awareness-raising campaign about the avenue of admission and payment by instalments prior to a judgement, and the options to vary and set aside judgments afterward.

Furthermore, many people don’t understand the allowances judges make for lay people and believe they would need lawyers before they could defend a claim. A lot of people

have perfectly valid defenses to claims such as private parking tickets but never challenge.

They are sometimes also confused about how to defend but to offer instalments if the claim goes against them, and I advised one person who was attempting to do this but inadvertently admitted the claim.

At all stages information signposting to free, impartial debt advice should be included, and there should be a (limited) mechanism for adjourning proceedings to allow for this.

30) Are there any particularly vulnerable debtors who you consider need additional support. If so, how are those vulnerable debtors identified and what support do you consider is required?

Yes, but the process is presently so obscure and complex that even those who aren't particularly vulnerable need additional support.

The most vulnerable will likely be the ones who never engage, who may never even know they have a judgement against them because they are too anxious to open their post, answer their door or even open their curtains because there could be a bailiff outside.

Yet I believe that if the process was simplified, if people genuinely believed that there was something to be gained from engagement with the process, if options were understood and it were known that support was easily accessible, I believe those people would make themselves known.

A very large number will need help filling out an income and expenditure form, and even finding out what their income is and what they owe. Many will need a third party to approach authorities on their behalf to find this out for them, for a number of reasons, which could include:

-poor literacy

- language barriers

- learning difficulties

- poor mental health

- neurodivergence

- sensory issues

- physical disabilities

- digital exclusion

For many, phone support may suffice, others would need face to face help.

A lot of people aren't even aware of how much things cost or how much they spend.

31) What do you consider the most efficient and effective ways of disseminating information to debtors?

i) through court documentation at the commencement of the action;

ii) through court documentation at time of judgment;

iii) through bailiffs or enforcement officers;

iv) all the above?

v) any further means of communication?

All of the above, plus mainstream and social media.

However, the entire process is in need of drastic simplification if people are going to feel confident to engage with it as presently the vast majority of people need advice before they can do so, which isn't readily available.

32) If the defendant engages with the court process, should the court be proactive in providing a telephone advice service, or other access to free advice through third parties, in order to potentially facilitate early resolution?

Yes!

If this could be integrated with the changes around ADR this would be even more effective.

Any proposed improvements

33) Do you consider there should be any changes to the system of enforcing judgments, or should the status quo be maintained?

Large changes needed, both to the court process and enforcement.

34) If you consider there should be changes, what changes do you feel should be made to make to enforcement more accessible, fair and efficient?

As detailed above.

Plus, bring all types of debt under the one system, especially local authority debt, but also where civil processes are replacing magistrates courts. Even the array of processes for dealing with different types of fixed penalty notices is mind boggling.

It would be fairer to other lenders if deductions from benefits could be available as a method of enforcement to them. This would avoid the huge charges that are added within the Warrant of Control process and there are built-in limits that protect the recipient of the benefits.

35) Whether you consider there should be changes or not, what, if any, additional safeguards and advice should be given to debtors?

There could be a duty to take reasonable steps to determine if a client is vulnerable.

There should be a duty to record if a client discloses vulnerability.

Several clients I have spoken to state that they disclosed their mental health issues to enforcement agencies, both agents and offices, providing evidence, on multiple occasions, only for that information not to be recorded at all, or for it to be ignored, or they are told it makes no difference at all.

36) Whether you consider there should be changes or not, what, if any, additional information should be given to creditors about methods of enforcement?

I think it would be beneficial to promote third party debt orders as a method of enforcement.

37) As the majority of debt judgments are judgments in default, what further steps do you consider could and/or should be taken to encourage defaulters (potential judgment debtors) to engage in the court process at an early, or any,stage?

As described above, make processes simpler or clear, less use of jargon, update forms to include current benefits, don't assume people have any knowledge of court processes. Certainly don't assume people read the CPR or even know that they exist to be read.

Make it so that certain expenditure that is disclosed is ringfenced and protected from enforcement by any means, then people have an incentive to disclose.

38) Are there any other areas of enforcement that you feel could be improved and in what way and by which method(s)?

Apply an automatic Mental Health Breathing Space when people are sectioned. It would be up to the person whether they choose to include any debts in it.

Enforcement needs to be limited by ability to pay. Further consultation is needed on how to do that and how to make it fair.

General

39) Please set out any additional comments you would like to make about the current system of enforcing money judgments in court. These comments can expand upon the questions raised above or raise new issues.

Idea: Rather than judgments piling up from all areas and spiralling until there appears to be no way out, it could be the case that once a certain number of unsettled judgements has been reached, and/or a certain period has elapsed without payment, attempts are

made by the court to contact the debtor to find out why. This could escalate to a summons, but essentially the aim would be a supportive face to face conversation to attempt to discern whether there are any obstacles and provide support; to offer debt advice and/or income maximisation advice as appropriate.

General comment: The single most effective tool at my disposal as a debt adviser for bringing about resolution of debts is income maximization advice. I was once able to increase a household's income by £33k per year in total. Most people I encounter at least start off wanting to pay their debts. The more support with budgeting and income max that can be offered at any stage, the more creditors will receive their payment.

Idea: Make it far easier for advisers to advise. Allow submission of court forms on clients behalf if they have signed an authority to act. Allow disclosure of judgment details to advisers on the same basis without them needing to be a legal representative. Have a role for representatives which is somewhere between a McKenzie friend and a legal representative, where an adviser can address the court and explain things on behalf of a client who is struggling. You could even have a live register of debt advisers so that creditors could choose to contact that person instead of the debtor with payment queries.

Make it clear in processes where notice is and isn't given and what that means. Even as an adviser I find it very difficult to find this information. A lot of technical knowledge is needed even to find out what application you need to make and how much it will cost and that needs to change.

It's very difficult to know what court you need to contact with queries especially where CNBC is concerned. Most people don't know whether there creditor used the online process or a paper form and having two different email addresses for queries is unacceptable. CNBC were also at one time taking about 4 months to respond to queries which impedes both advice and people being able to resolve their situations independently.

Idea: Introduce a system whereby third party debts can be recovered via a person's tax code. This could be a means of ensuring that those who are self-employed or who derive their income from non-employment sources do not escape recovery, but with safeguards in place could also offer a means of paying in affordable instalments. Where tax is not paid, all the means of enforcement available to HMRC would apply.

At all stages, wherever debt advice can be integrated this is likely to improve outcomes, though forcing people to go through it again and again against their will would not be productive.

40) Please set out any current difficulties that you identify with the system of enforcement and outline any potential improvements you consider appropriate for either the creditor or the debtor.

Protections within the Breathing Space scheme have been significantly watered down by caselaw. There are no sanctions for creditors who flout these and it is expensive for debtors to go through the court process to challenge breaches.

It is incredibly expensive and complicated for debtors to apply to set aside judgments that should never have been issued. The fact that some debts can be enforced in the High court further complicates this even for very able debtors. The timescale for doing this needs to be expanded to take account of the fact that most people don't know it's possible to do so.

I know changes are planned but it is extremely difficult to find information about CCJs.

The fact that local authority enforcement sits outside the system is completely unjustified. Applying even the current powers and safeguards that are in place for normal CCJs (e.g. to vary, set aside or suspend/stay enforcement) to local authority debts would make a tremendous difference. Local authority overuse of EAs and Attachments to Earnings is probably the single most frequent cause of unmanageable debt that I see.

There needs to be a consistent process for all creditors and courts, regardless of the type of debt, for approaching affordability.