




## Bailiff

When enforcement action is required to recover child maintenance arrears, the Child Maintenance Group (CMG) will apply for a liability order (LO) which will enable a range of enforcement actions to be carried out. For more information refer to [Enforcement Action – Consider \(E and W\)](#), [Enforcement Action – Consider \(NI\)](#) and [Enforcement Action – Consider \(Scotland\)](#).

The purpose of this activity is for an enforcement case manager to send a bailiff referral to the CMG's bailiff service provider and monitor its progress until an outcome has been reached.

The objective of bailiff action is to gain full payment from the paying parent or an agreement to pay. When this fails, the bailiff will attempt to visit the paying parent to take possession of any goods which could be sold to recover some or all of the debt owed. 

The case manager will make a referral to the bailiff service provider electronically, detailing the amount of arrears to be collected including any costs awarded by the courts and providing information about the paying parent and their assets.

When a referral is being made, there will be times when a photograph of the client can be obtained from the driver validation service (DVS). This will aid the bailiff in identifying the client. Any request for a photograph from the DVS can only be requested and sent to the bailiff by CMS Bailiff SPOC using secure email (SEM).


While the case is with the bailiff, the paying parent will pay any regular child maintenance and arrears not included in the bailiff referral, directly to the CMG.

Bailiff action is successful when payment is received in full, either by the paying parent making payments direct or by the Bailiff receiving payment by selling goods at auction.

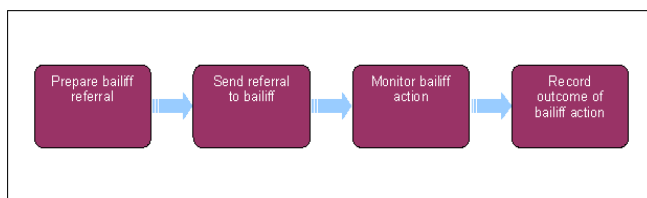
Bailiff action is unsuccessful/partially unsuccessful when payment is not received and there are no goods to levy, or the Bailiff has been unable to levy.

If the bailiff is unable to locate the paying parent after attempted visits, the case manager will start trace action to locate the paying parent.

 Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [Bailiff](#)

 Please be aware not to divulge third party information from the bailiff to clients. This may result in a breach of data protection.

For more information refer to the Policy, Law and Decision Making Guidance 



 When speaking to clients always use the new terminology - for more information refer to **Terminology Changes** in related items.

 This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

## Prepare bailiff referral



Some actions may require an up front payment to the service provider (eg Courts). This payment will be made using the government procurement card (GPC), for more information refer to [Admin Account - Add To](#).

1. Create the following service request (SR):

- **Process = Enforcement**
- **Area = Take Enforcement Action**
- **Sub Area = Bailiff**



Where multiple LO's are being referred for Bailiff action at the same time, individual Bailiff SR's must be raised for each LO. This will ensure separate outcomes can be recorded correctly when returned.

2. Check the paying parent's address. Ensure that the paying parent lives within the jurisdiction of England or Wales and that the paying parent's address is confident. For more information on jurisdiction refer to Policy, Law and Decision Making Guidance



Cases are prepared prior to bailiff action. For more information refer to [Enforcement Action – Consider \(E and W\)](#) and [Enforcement Action – Consider \(NI\)](#).

3. Set the **Status** to **In Progress** and complete the steps in the activity plan.
4. Update the activity plan when you have completed the following validation steps:



When completing validation steps do not select 'Not Applicable' in the outcome field as this will close the SR.

- Check the Liability order arrears balance
- Add/validate LO – go to **step 5**
- Add/validate asset bailiff – go to **step 6**
- Notify PWC of bailiff action – go to **step 8**
- Consider the welfare of the child – go to **step 9**
- Decide next step - Continue



Where multiple LO's are being referred for Bailiff action at the same time ensure activity plans are completed for all **Bailiff SR's** raised.

5. Associate the relevant LO to the **Bailiff SR**. Go to **Enforcement Actions** view and select **Enforcement Orders** to see any LOs granted against the paying parent. To associate the LO, select **Add**. Then select the LO with the debt that needs to be collected.



When a case has transitioned from the CSA, and bailiff action was already ongoing, set the manual allocation flag and contact the bailiff to ensure that they have the correct LO reference number and SCIN number. For more information refer to [Manual Allocation Flag - Set Up](#).

6. When adding an asset use the **Asset view** to record assets on the system. When recording assets, only use the data fields under the applet name. Do not use the menu next to **Asset Type**.
7. To associate an asset to the **Bailiff SR** navigate to **Assets** tab and create a new asset as **Other**. Associate this to the **Bailiff SR** and continue.



If the asset is not associated to the **Bailiff SR** the SR will automatically close. Always associate an asset.

8. Send CMEL8011 to the receiving parent to tell them the case is being referred for bailiff action. Call the receiving parent to explain the action being taken. Be clear and realistic about how long the action could take (minimum of 90 days).



The CMEL8011 must be sent after associating the LO to the Bailiff and recording the assets. Attempting to issue the CMEL8011 prior to this will mean the letter will have to be re-issued.

9. Record the decision in the Update Child Welfare Details field detailing whether the case is being referred for bailiff action. Include any relevant information to support the decision. For more information on the welfare of the child refer to the Law and Policy Handbook



The decision to use Bailiff Action is a discretionary decision, this includes making a Welfare of the Child Decision, for more information on discretionary decisions including a verbatim statement to record in **Notes** refer to Policy, Law and Decision Making Guidance . If your decision is not to apply for bailiff action, select Exit and close the SR after recording your decision.

### Send referral to bailiff

10. Prepare the bailiff referral by completing offline form CMEL8010, once you've completed it, save the form to your desktop as a Word document.

For multiple LO's complete a separate CMEL8010 for each LO. Complete the first CMEL8010 in full and any subsequent CMEL8010 should be completed with receiving parent and paying parent details, SCIN and also any differing information e.g. court details, LO details etc.

When completing CMEL8010 advise of any PV markers which are in place. CIS, the 2012 system and [DWP Staff Protection List Search Tool](#) can be checked to identify PV markers.

Each CMEL8010 must be completed in the order in which they are to be collected i.e. first LO has highest priority. CMS debt is prioritised for collection using the following hierarchy:

- CMS oldest LO moving towards most recent CMS LO
- CSA oldest LO moving towards most recent CSA LO



Ensure the number of LO's being sent at the same time are noted on each CMEL8010 e.g. 1 of 2, 2 of 3 etc.

11. Select **Update Form/Document** to access the **Enforce Form** and update the following fields:
- Bailiff Pack Prep
  - LO Current Arrears Bal – the total amount of the LO minus any payments made against it
  - Arrears Balance Against LO – duplicate field – record the same figure as LO Current Arrears Bal
  - Sum Applied For – the total amount of arrears and costs you are applying for
  - NRP Empl Status
12. Save the CMEL8010 into a Zip file, save the file as the clients SCIN and region (xxxxxxxxxxxxMidlands).
13. If the preparation of the bailiff pack is being put on hold, update the **On Hold Reason** in **Enforce Forms**. Record the reason in the Notes and set a suitable **Wait** period.
14. If you know or suspect that the paying parent has a driving licence the CMS Bailiff SPOC may request a photograph of the client from the driver validation service (DVS) at the request of the bailiff. To make a referral to DVS, go to **step 15**. If a DVS referral is not needed, go to **step 17**.
15. Complete CMSF5571 for the referral to DVS. Enter the following:
- Paying parent name and address
  - Vehicle registration number

16. Save the completed form in the Win Zip file. The Bailiff SPOC will access DVS to obtain the photograph and is responsible for sending the photograph to the bailiff, this should be sent within 24 hours of the referral being sent. The photograph should be sent as an email attachment, using Secure Email (SEM).
17. Send the Win Zip file to the Bailiff SPOC containing CMEL8010 and CMSF5571 (If required). In the activity plan update the reason field with notes confirming that you have completed form CMEL8010 and emailed this to the bailiff SPOC under SCIN and region. Record the outcome of the activity as **Not Applicable**.

Once the bailiff SPOC emails you confirming that this has been sent, select **Update Form/Document** to access the **Enforce Form** and complete the following fields:

- **Bailiff Proceed Date** – the date that bailiff action was decided
- **Bailiff Issue Date** – the date the pack was issued to the Bailiff
- **Bailiff Company**

In the activity plan step 2, update the reason field with notes to say **Referral sent to Bailiff on (Enter todays date)** and mark **File Prepared** as **Yes**.

18. Set a **Wait** period of 90 days in the SR to allow time for the bailiff to complete their action. Change the **Sub Status** to **Awaiting update from bailiff** and go to step **18**.

### Monitor bailiff action - case manager



19. The bailiff is now responsible for collecting the arrears on the LO/s included in the bailiff referral. If the paying parent calls to negotiate payment of these arrears, signpost the paying parent to the bailiff. When the bailiff has completed their action, go to **step 23**.




Note that where more than one LO is referred to the Bailiff, unless they are instructed otherwise they must action the earliest LO first and it is essential that they record the LO reference number for each payment they collect whether it is a full or partial payment.



If the paying parent has ongoing child maintenance or other arrears to pay, continue to negotiate with the paying parent. Before accepting payments ensure the paying parent understands that this will not clear any arrears on the bailiff referral. For more information refer to [Arrears Negotiation and Missed Payments](#).

- 20. On the due date set in the SR, check inbound correspondence on the case for an update from the bailiff. Also check the bailiff website, if there is no written contact, call the bailiff for an update.
- 21. If you need to hold bailiff action, update **On Hold Reason** in **Enforce Forms** and record the **Reason** in the **Notes**. Set a suitable **Wait** period no longer than 28 days. 
- 22.  Call the bailiff company if putting a hold on the case. Advise the bailiff when action is expected to resume and that you will contact them to resume action.

### Record outcome of bailiff action

- 23. Record the final outcome of bailiff action in **Enforce Forms**:
  - **Bailiff Outcome Rcvd**
  - **Bailiff Outcome Date**
  - **Bailiff Outcome Type**
  - **Bailiff Reason Ret Code** - when Bailiff Outcome Type is Returned by Bailiff
  - **Bailiff Return Code** - when Bailiff Outcome Type is Recalled by CMEC
  - **Nulla Bona Receive / Nulla Bonna Rcvd Date** - when Bailiff Outcome Type is Returned by Bailiff and a Nulla Bona is received 
- 24. If the bailiff sends a nulla bonna form this must be scanned and linked to the SR. Refer to [Scanning - Local](#) for further guidance.
- 25. If the bailiff was unable to locate the paying parent, consider further trace action. For more information refer to [Confirm Current Location](#).
- 26. Record the outcome of bailiff action in the Activity Plan using the relevant option in the drop down menu:



Where multiple LO's have been referred for Bailiff action at the same time ensure the outcome is recorded for all **Bailiff SR's** raised.

Option	Action to take
Successful	Select successful when the bailiff has secured: <ul style="list-style-type: none"> <li>• Full payment of the arrears</li> <li>• Partial payment with an arrears agreement</li> <li>• An arrears agreement</li> </ul>
Not successful	Select not successful when the bailiff did not receive full payment due to insufficient goods to levy distress or when the paying parent refused entry.
NRP not located	Select NRP not located when the bailiff found no trace of the paying parent at the address provided.

- 27. Complete **step 28** if the bailiff has made an arrears agreement with the paying parent. For any other outcome, go to **step 29**.
- 28. Monitor the case for full payment of the arrears agreement made between the bailiff and the paying parent. Set a **Wait** period in the SR for seven days after the date of the final payment due.



The **Bailiff** SR will remain open until the CMG has received full payment of the arrears from the bailiff.

29. In some enforcement processes costs may be applicable. If you do need to apply costs select **Applied** in the activity plan line **Cost applied** and refer to the procedure for **Apply Costs** for further guidance. If you do not need to apply costs select **Not applied** in the activity plan and proceed to **Step 30**.



30. Send CMEL8039 and call the receiving parent to tell them the final outcome of the bailiff action. CMEL8039 is an off system letter. Please refer to the procedure for **Letters Outbound - Off System** for further guidance.:

- If bailiff action was successful, call the receiving parent to explain the successful outcome of the bailiff action.
- If bailiff action was unsuccessful, call the receiving parent to explain the unsuccessful outcome of the bailiff action and explain that we will look again to see what further action can be taken and that we will keep them updated. Bear in mind that the receiving parent may be struggling financially and may be disappointed with the outcome.

31. Update **Appeal Details** in **Enforce Forms** if the bailiff advises that the paying parent has appealed.

32. Consider other enforcement options if the liability order has not been paid in full. For more information refer to **Enforcement Action - Consider (E and W)** and **Enforcement Action - Consider (NI)**.

33. Update the **Status** of the SR to **Closed** and the **Sub Status** to **Complete**.



Where multiple LO's have been referred to Bailiff at the same time, ensure all **Bailiff SR's** are updated to closed and complete.

#### CMEL8010 Referral to bailiff

Referral to bailiff.

Under the heading "Additional information" enter free text providing any other useful information applicable.

All other fields in this letter are pre populated by the system. Once completed review the letter to ensure the correct information is provided.

#### CMEL8011 Your child maintenance update - bailiff action

Inform receiving parent of Bailiff action.

All fields in this letter are system generated, no manual intervention required.

#### CMEL8039 Receiving Parent Bailiff Outcome

Letter to inform the receiving parent the outcome of any bailiff action taken.

[Admin Account - Add To](#)

[Apply Costs](#)

[Arrears Negotiation and Missed Payments](#)

[Confirm Current Location](#)

[Enforcement Action - Consider \(E and W\)](#)

[Enforcement Action - Consider \(NI\)](#)

[Enforcement Action - Consider \(Scotland\)](#)

[Letters Outbound - Off System](#)

[Pretty Good Privacy \(PGP\)](#)

[Scanning - Local](#)

[Terminology Changes](#)

[Is it still possible to arrange for bailiffs to issue warrants for arrest or court summons under 2012 scheme?](#)

No, it is the courts that issue arrest warrants and the bailiffs execute the arrest warrants.

Are all arrears cases referred for bailiff action?

No, the decision to apply for bailiff action is a discretionary decision by enforcement case workers.

When a case is with the bailiffs does the paying parent continue to make payments to the Child Maintenance Group (CMG)

Yes, the paying parent will still be expected to pay any regular child maintenance and/or arrears that are not part of the bailiff action directly to the CMG.

How long will a case be out with the bailiffs on the 2012 scheme?

This is 90 days under the 2012 scheme.