A REPORT PRODUCED BY IPPR SCOTLAND FOR THE ROBERTSON TRUST

# Debt & Arrears in Scotland:

## Putting Money Owed to Public Bodies at the Forefront of the Cost-of-Living Crisis

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# Acknowledgements

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# Methodology

This report is based on data collected through expert interviews, polling, and freedom of information requests.

- We undertook a short high-level review of academic, grey and government sources to build on existing knowledge and research.

- We conducted semi-structured interviews with seven third and public sector stakeholders with expertise in issues of local government finance or low-income household finances. All interviews were conducted in November 2022.

- We analysed freedom of information requests to all 32 local authorities in Scotland, undertaken by Professor Morag Treanor as part of a previous Aberlour funded project, which provided information about council tax arrears, charges arising from falling behind on payments, and the collection methods used to recover debts.

- We also drew on separate freedom of information requests to the Department for Work and Pensions on social security deductions in local authority areas in Scotland.

Supporting this research, we also convened a roundtable discussion with key stakeholders - including social security and financial advisers, representative groups, subject experts - to test our emerging findings and initial policy recommendations.

Alongside this, Diffley Partnership were commissioned to undertake a poll of adults in Scotland on this topic with the results analysed and included throughout this report.

4,232 responses were collected through the online ScotPulse panel between 29 October-1 November. Respondents were also asked for their household income, and this was used to calculate equivalised income. The income definition includes earnings and benefits, as well as other income sources. These were then split into quintiles based on their equivalised income for analysis. The equivalence scales applied were consistent with the methodology used for measuring poverty in Scotland. Results are weighted to the Scottish population by age and gender.

# Summary

**While the effects of rising inflation are being seen by all, they are not felt equally. Coming off the back of more than a decade of austerity and a pandemic which hit the poorest hardest we now have inflation on a scale not seen for forty years, recession expected to last until the end of 2023, and real disposable household incomes expected to be dragged back to 2013 levels. Households already struggling on inadequate incomes risk being pushed into poverty and destitution.**

Even before the cost-of-living crisis, households in Scotland were facing a ticking bomb of debt, arrears and financial insecurity. The Scottish Government's Wealth in Scotland report shows how, in 2018-20, a third were estimated to be 'financially vulnerable' – those with savings which would cover less than one month of income at the poverty line. However, that increases among those most at-risk of poverty – in part defined by the 'priority groups' identified through the Scottish Government's Tackling Child Poverty Delivery Plan,[1] including: lone parents (64%); unemployed people (67%); social renters (63%); and disabled people (40%) (Scottish Government 2022a).

Our polling underlines just how vulnerable many households are in the face of increasing costs and mounting debt – 29% of households in the lowest two income deciles have some level of financial difficulty compared to 9% among the top six income deciles.

Public authorities who should be at the forefront of the fight against the crisis can instead actively compound it. That is particularly notable when polling shows how significant a factor public debt and arrears are in the financial worries households are facing.

[1] The Scottish Government's Tackling Child Poverty Delivery Plan targets six priority family groups at highest risk of poverty: lone parent families, minority ethnic families, families with a disabled adult or child, families with a younger mother (under 25), families with a child under one, and larger families (3+ children).

- More than four in ten households (42%) in the lowest two income quintiles are worried about meeting council tax payments and almost three in ten are worried about water and sewerage payments.

- More than one in ten households (12%) in the lowest income quintile are currently behind on their council tax bills in contrast to only one in a hundred of the highest earning income quintile.

Our polling also found that people with debt or arrears to public bodies are worryingly having to cut back on essentials. Looking at those in arrears on council tax, almost three quarters (71%) have avoided putting the heating on to save money, around half (51%) have had to cut down on meals/portion size to save money and more than two in five (42%) have skipped meals entirely to save money.

As the Scottish Parliament's recent inquiry into low income and debt found, in many instances the way debt and arrears are approached can simply 'rob Peter to pay Paul'. As just one example, the Scottish Government's own policy choices mean that council tax and water rates payments taken by one hand of the state could wipe out the value of the Scottish Child Payment given by another. We also found that collection methods by councils and other public bodies can lead to undue stress and risk the mental health of low-income families. Across 22 local authorities providing sufficient data through a freedom of information (FOI) request, at least 150,000 third party deductions for council tax arrears were applied to social security payments in 2021/22. There were a further 30,000 bank arrestments (across 20 local authorities) and 32,000 earnings arrestments (across 21 local authorities).

Tackling debt and arrears to public bodies in Scotland must be a shared issue across the public sector and come with a shared response: through increasing incomes, reducing costs, debt and arrears, and ensuring that 'dignity and respect' is more than a tagline. This report provides a blueprint for how they can deliver that, through a three-pronged approach:

**1. Supporting households already in debt and arrears:** Debt and arrears were a significant and growing issue even before the cost-of-living crisis. They can hold many households to financial hostage in circumstances outwith their control and trap them in a debt and arrears recovery system that risks entrenching hardship, reducing wellbeing and causing significant waste in chasing people for taxes, fees and charges they cannot afford. We set out how existing debts and arrears could be relieved, allowing households a clean slate and a clear route to greater financial security.

**2. Tackling the causes of debt:** Debt and arrears is ultimately an issue of insufficient incomes and insufficient help with costs – we set out how relatively quick reforms could boost finances, relieve some pressure, and protect against the future build-up of debt ending the practice of burdening low-income families with taxes, fees and charges we know they will be unable to pay.

**3. Reforming the system:** We demonstrate the inherent failings within the current system which can exist across different public bodies, and even within the same authority, and set out fundamental reforms to make it fairer and put dignity and respect at its heart.

To support this approach, our research leads to six key actions that public authorities should work together to deliver, in the immediate- and long-term.

**Additional funding should be provided through the forthcoming Scottish budget to:**

I. Support a moratorium on public debt recovery to be put in place until at least April 2023 – mirroring the existing rent freeze and evictions ban. This will give households breathing space and allow for reassessment of ability to repay debt and arrears.

II. Provide funding and flexibilities for local authorities to write-off existing debt liabilities for low-income households, providing them with a clean slate. This should include writing-off any debt or arrears built up by families with pre-school and primary school aged children not yet receiving free school meals.

III. Remove all low-income families in receipt of Universal Credit from paying council tax – ensuring it passports to full council tax reduction in the same way as legacy benefits.

IV. Align Water Charges Reduction and Council Tax Reduction (CTR) – ensuring low-income households who get 100% CTR also get 100% water rates reduction.

V. Provide school meals that are offered free at the point of use with upfront fees banned.

**These should in turn be the first steps to creating an approach to debt and arrears grounded in dignity and respect and to allow time for longer-term reform, including:**

VI. The Scottish Government and public bodies should urgently work together to establish common, Scotland-wide standards on debt, arrears, and recovery – centred on the principles of dignity, respect and human rights.

# Debt and arrears in Scotland

Our polling evidence reveals the financial pressures households in Scotland are facing, particularly those in poverty and most at-risk of poverty, along with how public charges and debt are a key factor in that.

## Polling on debt and arrears

It is well understood that everyone is feeling the effects of the cost crisis - but those effects aren't being felt equally. As Table 1 shows, households already at the greatest risk of poverty are experiencing financial pressure at concerning rates.

**Table 1 - Proportion of respondents in financial difficulty (excluding "don't know")[2]**

*Proportion of survey respondents describing their financial situation as "don't manage very well", "some financial difficulties", or "in deep financial trouble"*

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[2] In this and other tables in this report, household composition is defined as follows:

- Disability: any adults in the household with a physical or mental health condition or illness lasting or expected to last 12 months or more.
- Children: any children in the household up to the age of 18
- Single parent: respondents who are single parents.

Household income categories are based on equivalised household income as set out in the research methodology. Lowest 20% refers to the 20% of respondents (unweighted) with the lowest equivalised incomes in the survey sample. The lowest 20% is a broad proxy for households in poverty, and the lowest 40% for households in or at risk of poverty.

| Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|
| Disabled adult(s) | Child or children up to the age of 18 | Single Parent | Lowest 20% | Lowest 40% | Highest 60% | |
| 21% | 20% | *44%* | 29% | 22% | 9% | 15% |

***Source***: *Diffley Partnership poll of Scottish adults commissioned for this report (see research methodology)*

***Note***: *Figures in italics are based on small sample size and should be treated as indicative only.*

While 15% of the overall population reported some level of financial difficulty, it was higher among lower income households (22%) than for households in the 60 per cent highest income households (9%). Worryingly, more than four in ten single parent respondents reported financial difficulties.

Polling also found that 5% of those paying council tax have already fallen behind on payments (see table 5). Those already behind in arrears on a public sector charge were in turn more likely to report facing some level of financial difficulty – as shown in Table 2.

**Table 2: People already behind on a public authority bill are experiencing financial distress**
*Proportion of survey respondents behind on a public authority bill describing their financial situation as "don't manage very well", "some financial difficulties", or "in deep financial trouble"*

| Bill household is behind on | | | |
|---|---|---|---|
| Council tax | Water | Local authority fee or fine | School meals |
| 61% | *51%* | *53%* | *56%* |

***Source***: *poll of Scottish adults commissioned for this report (see research methodology)*

**Note**: *figures in italics are based on a small sample size and should be treated as indicative only*

Given the pressures facing those households, we wanted to consider how they were responding and whether they had been forced to cut back on the things many of us take for granted.

Table 3 shows that lower income families, families with children, single parents and households with a disabled adult or child are forgoing essentials to make ends meet - taking drastic measures like skipping meals but also cutting back on the smaller things which play a part in a fulfilling life. The data also shows households in the lowest 20 per cent and lowest 40 per cent are cutting back at similar rates, illustrating the broadening of financial difficulties across the population.

**Table 3 - Families are struggling to maintain decent standards of living**
*Proportion of groups selecting actions when asked "Which of the following actions, if any, has your household taken in response to being in any debt either now or in the past 12 months?"*

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| Borrowed money from family and/or friends to cover higher prices | 13% | 14% | *24%* | 17% | 13% | 7% | 9% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | **Disabled adult(s)** | **Child / children up to 18** | **Single parent** | **Lowest 20%** | **Lowest 40%** | **Highest 60%** | |
| Taken out a payday loan to cover higher prices | 1% | 1% | *2%* | 1% | 1% | 1% | 1% |
| Paid for certain purchases using a credit card when you would otherwise not have done | 22% | 32% | *40%* | 19% | 21% | 25% | 22% |
| Use a 'buy now pay later' payment plan (e.g. Klarna) when you would otherwise not have done | 13% | 16% | *26%* | 11% | 12% | 11% | 10% |
| Deferred certain payments until next month due | 7% | 10% | *11%* | 8% | 7% | 5% | 5% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | **Disabled adult(s)** | **Child / children up to 18** | **Single parent** | **Lowest 20%** | **Lowest 40%** | **Highest 60%** | |
| to higher prices | | | | | | | |
| Taken money out of my savings to cover higher costs | 36% | 42% | *45%* | 34% | 37% | 33% | 34% |
| Put less money than usual into savings (to cover higher outgoings now) | 40% | 50% | *38%* | 31% | 36% | 44% | 39% |
| Cut down on leisure activities (e.g. going out for a meal, or going to the cinema) | 55% | 64% | *83%* | 59% | 58% | 50% | 52% |
| Cut down on non-essential purchases (e.g. clothing) | 58% | 67% | *73%* | 62% | 61% | 55% | 56% |

| | **Household composition** | | | **Equivalised household income** | | | **All households** |
|---|---|---|---|---|---|---|---|
| | **Disabled adult(s)** | **Child / children up to 18** | **Single parent** | **Lowest 20%** | **Lowest 40%** | **Highest 60%** | |
| Entered/returned to work to earn more money (having been out of work prior to the cost-of-living crisis) | 4% | 4% | *5%* | 7% | 6% | 1% | 3% |
| Taken on more hours/paid work to earn more money | 13% | 23% | *24%* | 11% | 12% | 17% | 14% |
| Tried, unsuccessfully, to take on more hours/paid work | 5% | 4% | *8%* | 5% | 5% | 3% | 4% |
| Changed or looked at changing jobs to earn more money | 13% | 18% | *17%* | 9% | 11% | 13% | 11% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | **Disabled adult(s)** | **Child / children up to 18** | **Single parent** | **Lowest 20%** | **Lowest 40%** | **Highest 60%** | |
| Asked my utilities providers for advice and/or a payment plan | 4% | 5% | *5%* | 4% | 4% | 1% | 3% |
| Asked for a pay-rise from my employer | 7% | 10% | *4%* | 2% | 5% | 8% | 6% |
| Skipped meals to save money | 18% | 14% | *41%* | 25% | 21% | 7% | 12% |
| Cut down on meal/portion sizes to save money | 26% | 20% | *47%* | 36% | 31% | 12% | 18% |
| Used a foodbank | 4% | 3% | *7%* | 6% | 5% | 0% | 2% |
| Children going without leisure/social | 6% | 20% | *39%* | 6% | 6% | 3% | 5% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| activities | | | | | | | |
| Not put the heating on to save money when you otherwise would have done | 58% | 56% | *69%* | 59% | 58% | 47% | 51% |

***Source***: *poll of Scottish adults commissioned for this report (see research methodology)*

***Note***: *figures in italics are based on a small sample size and should be treated as indicative only. See table 1 for detailed definitions of household composition and income range.*

When households are potentially being faced with the choice of heating or eating, or sometimes neither, the risks of falling into financial distress, compounded by existing debt, are obvious.

## The role of the public sector

In the face of these figures, and while inflation continues to erode household incomes, the role of debt is often overlooked. Many public authorities continue to make charges to low-income families that in many cases they cannot pay. Missed payments can result in added charges and a further hit on incomes. And aggressive debt and arrears collection methods add further financial and mental stress.

Measures to boost incomes can still leave families in financial distress if these are not accompanied by easing the pressure of existing debt and arrears, stopping new debts and arrears being built up, and ensuring robust, dignified, systems of support and collection are in place. This is particularly the case as inadequate Universal Credit levels are being held constant in real terms and lump sum cash support ignores different household needs, particularly large families.

We risk seeing the income crisis compounded by a debt and arrears crisis, particularly as debt relief continues to be a critical missing component of governments' policy responses. While debt and arrears go far beyond the public sector, it should be at the forefront of addressing its impacts - but also debt and arrears to public bodies can often have some of the greatest negative impacts.

In the course of our interviews, we heard reports from money advisors that, over the last decade, council tax arrears have grown to become the single most common reason households reach out for help. Our polling also shows high levels of concern about council tax bills, particularly among low income or vulnerable households for whom it can be more worrying than housing costs.

## COUNCIL TAX AND WATER RATES EXPLAINER

Within one single bill, households will be billed for council tax, collected by and for authorities, and water and sewerage rates which are collected on behalf of Scottish Water by local authorities.

Local authorities are responsible for setting council tax rates, though in previous years changes were frozen by the Scottish Government (with funding provided to local authorities to compensate them). The rate is set against the value of a property - with these values then banded - though valuations are based on those taken in 1991.

Progressively higher charges are then applied to each band.
Various discounts and exemptions are available through Council Tax Reduction (CTR). Some eligibility criteria (including being in receipt of certain benefits, excluding Universal Credit) will secure a 100% reduction while this tapers away for other households based on income.

Households eligible for CTR in Scotland may also be eligible for a water rates reduction through the water charges reduction scheme, but reductions on water rates are capped at 35% of water and sewerage charges (even for a household receiving 100% CTR). This means households deemed to not have sufficient income to pay any council tax will still have to pay a minimum of 65% of water charges.

Where households fall behind on council tax or water payments, the penalties can include demand for immediate repayment of the remaining year’s debt, the imposition of a 10% surcharge, deductions from social security payments, earnings or bank balance arrestments, and additional fees charged by Sheriff Officers. While the default parameters for the process of public authorities’ debt recovery are set out in statute, there is flexibility available for each local authority.

Behind this overall response, however, the polling shows that households already at the greatest risk of poverty were those most concerned about payments - as shown in Table 4 – including families with a disabled adult, households with children, or whose income puts them in the bottom four deciles.

**Table 4 - Households are increasingly worried about making payments**

*Proportion of respondents expressing a level of worry of seven or above when asked "On a scale of 0-10 with 0 being 'not worried at all' and 10 being 'extremely worried', how worried are you about your household being able to make payments on the following?" (excluding N/A and "don't know" responses).*

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child/ children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| Energy bill | 59% | 57% | *75%* | 66% | 62% | 41% | 48% |
| Council Tax Bill | 34% | 31% | *41%* | 45% | 42% | 20% | 28% |
| Water Rates Bill | 22% | 19% | *24%* | 30% | 28% | 13% | 19% |
| Fees or fines owed to local authority | 12% | 10% | *15%* | 14% | 15% | 4% | 9% |
| School lunch cost fees | 10% | 13% | *29%* | 11% | 14% | 5% | 8% |

***Source****: poll of Scottish adults commissioned for this report (see research methodology)*

***Note**: figures in italics are based on a small sample size and should be treated as indicative only. See table 1 for detailed definitions of household composition and income range.*

Paying bills associated with housing is also creating worry for people, among those buying with a mortgage, two in five (41%) express worry about paying this bill.  Similarly, two in five private renters (40%) and social renters (38%) are worried about paying their rent.

This concern can then become a harsh reality, and again especially for those already facing the greatest financial risk. Table 5 shows the proportion of polling respondents reporting being behind on scheduled payments. Across all types of payments, arrears are more common among disabled people, single and couple parents, and those in the lowest income brackets.

**Table 5 - Lower income and at-risk households are more likely to have fallen behind on payments than higher income households**
*Households reporting being behind on payments as a share of households with some liability or debt in each category.*

| | **Household composition** | | | **Equivalised household income** | | | **All households** |
|---|---|---|---|---|---|---|---|
| | **Disabled adult(s)** | **Child / children** | **Single parent** | **Lowest 20%** | **Lowest 40%** | **Highest 60%** | |
| Energy bill | 10% | 9% | *14%* | 10% | 8% | 4% | 6% |
| Council Tax bill | 9% | 7% | *15%* | 12% | 8% | 2% | 5% |
| Water Rates bill | 6% | 4% | *9%* | 7% | 4% | 1% | 3% |
| Fees or fines owed to local authority | 11% | 8% | *17%* | 11% | 11% | 3% | 7% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| School meal fees | 4% | 4% | *5%* | 7% | 5% | 4% | 4% |

***Source**: poll of Scottish adults commissioned for this report (see research methodology)*

***Note**: figures in italics are based on a small sample size and should be treated as indicative only. See table 1 for detailed definitions of household composition and income range.*

While the majority of households reported being up to date on their council tax (95%), falling behind is far more common among lower income households (12% in the lowest income quintile) than for those with higher income (2% in the highest 60% of incomes and just 1% in the highest 20%).

Alongside council tax arrears, smaller debts to public authorities can also be a source of distress. This is particularly acute in the case of school meals debt where young people can face the double hit of being stigmatised, and not having access to a meal. Where local authorities choose to pursue families, this can worsen the difficulties faced by households – Professor Treanor's original research found that just £1 million of school meal debt is owed in total, but public bodies are pursuing amounts as little as £10 (Treanor 2022b).

Returning to our polling – if we further analyse the responses of actions households have taken in response to their financial situation, just looking at those already behind on a payment, we again find that people with debts or arrears owed to public authorities report higher incidences of taking drastic action – as shown in Table 6.

**Table 6: People behind on a public authority bill have already cut back to deal with debts**

*Proportion of group selecting actions when asked "Which of the following actions, if any, has your household taken in response to being in any debt either now or in the past 12 months?"*

| | **Bill household is behind on** | | | | **All households** |
|---|---|---|---|---|---|
| | **Council tax** | **Water** | **Local authority fee or fine** | **School meals** | |
| Borrowed money from family and/or friends to cover higher prices | 37% | *34%* | *47%* | *43%* | 9% |
| Taken out a payday loan to cover higher prices | 11% | *11%* | *10%* | *16%* | 1% |
| Paid for certain purchases using a credit card when you would otherwise not have done | 29% | *26%* | *34%* | *45%* | 22% |
| Use a 'buy now pay later' payment plan (e.g. Klarna) when you would otherwise not have done | 27% | *29%* | *26%* | *36%* | 10% |

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Deferred certain payments until next month due to higher prices | 26% | *34%* | *36%* | *47%* | 5% |
| Taken money out of my savings to cover higher costs | 45% | *46%* | *61%* | *29%* | 34% |
| Put less money than usual into savings (to cover higher outgoings now) | 44% | *51%* | *53%* | *35%* | 39% |
| Cut down on leisure activities (e.g. going out for a meal, or going to the cinema) | 75% | *80%* | *69%* | *74%* | 52% |
| Cut down on non-essential purchases (e.g. clothing) | 77% | *77%* | *75%* | *66%* | 56% |

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Entered/returned to work to earn more money (having been out of work prior to the cost-of-living crisis) | 6% | *4%* | *9%* | *3%* | 3% |
| Taken on more hours/paid work to earn more money | 25% | *40%* | *56%* | *31%* | 14% |
| Tried, unsuccessfully, to take on more hours/paid work | 16% | *16%* | *21%* | *7%* | 4% |
| Changed or looked at changing jobs to earn more money | 24% | *28%* | *44%* | *36%* | 11% |
| Asked my utilities providers for advice and/or a payment plan | 19% | *22%* | *34%* | *3%* | 3% |

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Asked for a pay-rise from my employer | 13% | *26%* | *33%* | *23%* | 6% |
| Skipped meals to save money | 42% | *45%* | *59%* | *17%* | 12% |
| Cut down on meal/portion sizes to save money | 51% | *60%* | *60%* | *37%* | 18% |
| Used a foodbank | 15% | *23%* | *34%* | *10%* | 2% |
| Children going without leisure/social activities | 16% | *7%* | *19%* | *44%* | 5% |
| Not put the heating on to save money when you otherwise would have done | 71% | *70%* | *67%* | *58%* | 51% |

***Source**: poll of Scottish adults commissioned for this report (see research methodology)*

***Note**: figures in italics are based on a small sample size and should be treated as indicative only.*

The pursuit of debts is not only draining to households' finances but can cause mental strain for everyone in the household, with the stress associated with amassing debts and arrears shown to negatively affect people's mental health (Andelic and Feeney 2022; Mental Health Foundation 2022). This is particularly acute at a time when we expect to see more and more households, many who have never been in debt before, falling behind on payments and into financial insecurity.

### "Robbing Peter to Pay Paul"

Earlier this year, the Scottish Parliament's Social Justice and Social Security Committee investigated the low-income debt trap (Social Justice and Social Security Committee 2022). The Committee took evidence on the management and recovery of public debt and arrears and its report, "Robbing Peter to Pay Paul," shows the concern it found with a system that can give with one hand and take with the other.

The Committee found that many people in Scotland are in a cycle of financial crisis, exacerbated by the inadequacies and complexities of the benefits system. With little access to affordable credit, people can turn to higher interest lending. The Committee argued the public sector should handle debt and arrears in a fairer and more considerate way, learning lessons from the regulation of private creditors.

The Committee made several recommendations, including advocating for a greater partnership approach between local and national government. This would include adoption of national standards, supported by legislation, to promote financial support, identify households who may need support (including use of data sharing), flexible payment methods, ongoing negotiation with households to identify reasonable and realistic repayment plans and agreed parameters for proportionate enforcement action and consideration of individual debt write-off.

In its response to the Committee's recommendations, the Scottish Government agreed that public sector debts and arrears are having a growing impact on low-income households (Scottish Government 2022b). However, it offered little action beyond encouraging local authorities to adopt best practice. The Scottish Government did not accept the recommendation to work with local government and directly rejected legislation, instead pointing to the flexibility local government has through existing legislation and arguing that council tax is “key to delivering administrative and financial accountability to individual councils”.

Set against this is the overarching financial position of local government which is increasingly under strain. While some councils have written-off small debts (notably for school meals) others have explicitly rejected that. The councillors we interviewed indicated protection of reserve funds as the reason for rejection. More broadly, interviewees told us councils have responded to more than a decade of budgetary pressure by replacing internal staff capacity with increasingly automated systems.

While councils formally have the freedom to adopt a more flexible approach to debt and arrears, in practice they lack the resources needed to be able to scale this up, and quickly. Worryingly, during interviews we heard of some councils whose revenue collection departments have become financially dependent on the ten per cent surcharge added to outstanding council tax when a summary warrant is issued. There is a real risk the system creates perverse incentives and transmits financial pressures from local authority budgets onto households.

The contribution of public debt and arrears to wider financial insecurity is revealed by freedom of information returns from local authorities and DWP, undertaken as part of Professor Treanor’s original research. Key findings include:

- Across 22 local authorities providing sufficient data, at least 150,000 third party deductions for council tax arrears were applied to social security payments in 2021/22.

- There were a further 30,000 bank arrestments (across 20 local authorities) and 32,000 earnings arrestments (across 21 local authorities).

- Returns indicate Sheriff Officers charges to households for debt recovery activities can be equivalent to around 10 to 20% of the total value of arrears recovered.

- Across 2021 as many as 80,000 families in Scotland in a given month had deductions taken from their DWP-administered benefits, averaging between £73 and £96 per month.

- These deductions represented an average of 10 to 12% of benefit entitlements (with DWP's response confirming a maximum deduction of 25%).

The last of these findings further reinforces the 'robbing Peter to pay Paul' dynamic within public debt: these deductions could wipe out the Scottish Child Payment (SCP) which, at the time, was just over £40 per month. Even with the increased level of just over £100 per month, social security deductions triggered by council tax arrears could take most, if not all, of a family's SCP support.

## Confidence in the future

Even before the cost-of-living emergency, money advisers were increasingly dealing with households falling behind on payments due to their incomes being lower than necessary outgoings, rather than poor household budgeting. The scale of this problem only stands to get worse, as increasing costs causes significant damage to the financial resilience of households, and with it, confidence of a better future.

This is reflected in our polling, with generally fewer low income or vulnerable households having confidence they can improve their financial situation over the next 12 months - shown in Table 7.

**Table 7 - Households have little confidence they can improve their financial situation over the next 12 months.**
*Responses to question: "Looking ahead, how confident are you that the following would help improve your household's financial situation over the next 12 months?" Proportion responding "Very confident" or "somewhat confident", excluding "n/a" responses.*

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| Increase current job hours | 40% | 41% | *24%* | 37% | 38% | 46% | 43% |
| Get a new job | 33% | 31% | *12%* | 35% | 30% | 36% | 35% |
| Cut back on living costs | 51% | 56% | *36%* | 45% | 49% | 66% | 59% |
| Cut back on non - essential spending | 61% | 65% | *47%* | 58% | 58% | 74% | 67% |
| Receiving the UK Government help with energy bills | 53% | 45% | *42%* | 54% | 53% | 56% | 54% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| Additional support through UK Government benefit payments | 32% | 28% | *34%* | 36% | 33% | 27% | 30% |
| Additional support through Scottish Government social security payments | 41% | 36% | *42%* | 41% | 40% | 37% | 38% |
| Access existing savings | 42% | 39% | *17%* | 36% | 37% | 55% | 48% |
| Borrow money | 12% | 13% | *9%* | 14% | 11% | 17% | 14% |

| | Household composition | | | Equivalised household income | | | All households |
|---|---|---|---|---|---|---|---|
| | Disabled adult(s) | Child / children up to 18 | Single parent | Lowest 20% | Lowest 40% | Highest 60% | |
| Seeking to have debt/arrears written-off | 21% | 19% | *18%* | 27% | 22% | 18% | 19% |
| Seeking agreement to be able to pay debt/arrears off more slowly | 22% | 24% | *18%* | 29% | 23% | 21% | 22% |

***Source***: *poll of Scottish adults commissioned for this report (see research methodology)*

***Note***: *figures in italics are based on a small sample size and should be treated as indicative only. See table 1 for detailed definitions of household composition and income range*

Strikingly, fewer than half of lower income households (45%) have confidence that cutting back on living costs could help, compared to two thirds (66%) of the highest income 60%. There are also similarities between the bottom 20 and bottom 40% of households – showing how, as the cost crisis continues, a growing number of households will come under financial strain with limited or no options to release the pressure. Importantly, work-related measures – such as more hours or better pay – also had minority confidence among key groups, perhaps underlining the impact insecure and/or low paid work continues to have, particularly for households at-risk of poverty.

Where households are already in arrears to public authorities, their scope to cut back expenditure is even more constrained, with particularly low proportions expressing confidence that reducing expenditure will help with their financial situation relative to all households – as shown in Table 8. Looking beneath this, around a fifth of households behind on council tax payments are confident a debt write off would improve their financial situation.

**Table 8 – Households already behind on bills have relatively low confidence that cutting back could alleviate their financial difficulties**

*Responses to question: "Looking ahead, how confident are you that the following would help improve your household's financial situation over the next 12 months?" Proportion responding "Very confident" or "somewhat confident", excluding "n/a" responses.*

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Increase current job hours | 38% | *26%* | *17%* | *32%* | 43% |
| Get a new job | 31% | *14%* | *2%* | *14%* | 35% |
| Cut back on living costs | 36% | *30%* | *17%* | *34%* | 59% |

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Cut back on non - essential spending | 45% | *43%* | *32%* | *34%* | 67% |
| Receiving the UK Government help with energy bills | 34% | *31%* | *23%* | *7%* | 54% |
| Additional support through UK Government benefit payments | 27% | *25%* | *9%* | *23%* | 30% |
| Additional support through Scottish Government social security payments | 29% | *25%* | *30%* | *32%* | 38% |
| Access existing savings | 13% | *11%* | *18%* | *15%* | 48% |
| Borrow money | 10% | *7%* | *6%* | *15%* | 14% |

| | Bill household is behind on | | | | All households |
|---|---|---|---|---|---|
| | Council tax | Water | Local authority fee or fine | School meals | |
| Seeking to have debt/arrears written-off | 22% | *19%* | *14%* | *15%* | 19% |
| Seeking agreement to be able to pay debt/arrears off more slowly | 24% | *18%* | *10%* | *5%* | 22% |

***Source***: *poll of Scottish adults commissioned for this report (see research methodology)*

***Note***: *figures in italics are based on a small sample size and should be treated as indicative only. See table 1 for detailed definitions of household composition and income range*

Ultimately, low-income households falling into arrears to councils are on the receiving end of a multi-organisational system – and often multi-organisational failure. A meaningful response to the pressure public debt and arrears threatens to place on low-income families, particularly in the near term, demands a concerted effort across public authorities.

This report proposes practical steps that can be taken, not only to relieve or eliminate the additional pressure public sector debt places on low-income families, but to take the opportunity to extend support to households whose difficulties keeping up with payments are symptoms of financial distress.

To be effective, however, the problem of public authority debt and arrears needs to be recognised as a shared problem - and one which can bring long-term consequences impacting on wider shared priorities, including tackling poverty and improving mental wellbeing. Ultimately, current policy choices mean many households are facing charges they cannot afford in the first place, leading to aggressive debt collection practices, and undermining their financial resilience and mental health.

Given the rising tide of poverty the current crisis risks, the Scottish Government and local authorities should feel a duty to take action to respond with the urgency required of the emergency facing households across Scotland and to meet the targets set in the Child Poverty (Scotland) Act 2017 – but their inaction around the debt and arrears levers they hold could undermine this.

# Actions

## Supporting households already in arrears

As more and more households fall into financial difficulty, the case for government to step in to allow a reset in households finances, grows stronger. In this section we set out how that should be delivered through a pause in public debt enforcement.

I. **The Scottish Government should work with local authorities to put in place an immediate moratorium on the recovery of debt and arrears – giving households breathing space and allowing for reassessment of ability to repay debt and arrears.**

The pandemic response set a precedent for a moratorium on debt and arrears collection, and this has been extended further in some ways by the Scottish Government in response to the current cost of living crisis, including recently legislating for a rent freeze and evictions ban (Scottish Government, 2022).

The Scottish Government should now go further in its approach and introduce a moratorium on action against households in relation to their debt and arrears owed to public bodies. While families wait for April's UK-wide benefit uprating many will find themselves struggling with energy bills - local authorities should not then be taking money from households who have already fallen behind. This must include suspending benefit deductions (via the Department for Work and Pensions) and bank/earnings arrestments (via Sheriff Officers).

Any moratorium should be put in place until at least April 2023, with the potential to extend this dependent on the economic conditions. This would in turn provide the Scottish Government and public authorities the opportunity to implement wider, positive reforms (detailed later in this report) and provide those suffering the most a chance to reset.

II. **The Scottish Government's forthcoming budget should provide additional funding and flexibilities to support local authorities to ease existing debt burdens.**

As our research has shown, low-income households are the least likely to think that cutting back on essentials will help their financial situation – perhaps indicating that they do not feel that there is room for cutting back or it represents a tiny proportion of the burden they face. Ultimately, for many, they will need a fresh start which should begin with writing-off existing debt and arrears.

This should be in place for all low-income families and those in financial difficulty with a presumption that families in receipt of UC should not see collection and enforcement until at least after April 2023. Scottish Government funding and flexibilities could be provided through the forthcoming budget to compensate local authorities at least in part. Local authorities could utilise existing data to identify those households in debt and arrears and in turn any relevant qualifying criteria (for example, where a household is in receipt of a low-income benefit).

One area where some local authorities have already established precedent for writing-off debt and arrears is school meals. For families with primary aged children, the Scottish Government previously committed to expand free school meal eligibility to all primary pupils by August 2022 (Scottish Government 2022d) - however, this was never delivered. While a write-off policy as set out above should capture many of these families, to ensure no one falls through the gaps – and given the promises made – any debt or arrears accrued by them for school meals should be written-off.

While debt and arrears write-off for the lowest-income households would go a significant way towards helping them gain a firmer financial footing, those not captured may still be left at the precipice of financial insecurity. As such, low-cost lending should be expanded for households who may not have their debt written-off.  Again, there is precedence here through the Scottish Government's Community Lenders Fund which could be expanded further and/or providing additional capital funding to extend the Fair by Design no interest loan scheme in Scotland.[3]

## Tackling the causes of debt

In addition to steps to relieve the pressure of arrears, local and national government should work together to prevent households falling into arrears. These recommendations could be taken forward quickly and would deliver significant impacts for those closest to the edge of financial insecurity.

### III. Council tax reduction should be provided to all low-income families in receipt of Universal Credit

Under current Council Tax Reduction (CTR) rules, a household in receipt of Universal Credit will often also face an income test when their reduction is being calculated – with 'excess' income over a personal allowance being considered and the reduction tapering away, but this allowance being as low as £59.20 a week for a young, single applicant. People in receipt of a 'legacy benefit' (which Universal Credit is replacing), however, are essentially passported to full CTR. This means a household that is transferred from legacy benefits to Universal Credit could also lose their full reduction.

Instead, Universal Credit should also act as a passport to full CTR. Again, there is strong precedence here, as a family will be eligible for the Scottish Child Payment whether they are in receipt of Universal Credit or a legacy benefit – no income test is applied.

Choosing to align eligibility between Universal Credit and full CTR would ensure more eligible households are able to benefit from increased incomes, as well as create greater certainty and simplicity for households, in turn boosting take-up. It would also support far greater automation of benefits and payments (a stated aim of Scottish Government) and

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[3] For further information on Fair by Design, see: https://fairbydesign.com/no-interest-loan-scheme/

also once again ensure the 'robbing Peter to pay Paul' issue is mitigated – currently a household receiving Scottish Child Payment (passported from Universal Credit) could see its value reduced through a sub-100% council tax reduction.

### IV. The discount for water rates should be aligned to the discounts available through Council Tax Reduction – up to 100%.

We heard in interviews how people in receipt of Council Tax Reduction (CTR) often assume the reduction carries over into water and sewerage payments. However, even on full CTR entitlement, recipients must pay at least 65% of their water and sewerage bills. These bills can then go unpaid, and arrears accrue – but with a fundamental question of why a full discount is provided for only one of them.

The simplest solution, for local authorities and households, would be for water and sewerage rates to align 100% with CTR moving forward. We estimate the cost of this would be in the region of £100 million.[4] Aligning eligibility would not only reduce financial insecurity for households, but also boost the simplicity within the system and ensure there was a guarantee of support. It would also save families significant stress, alongside administration costs within councils, in no longer attempting to collect charges that we know many families simply cannot afford to pay. This move could be paid for, at least in part, by reforming the ratios used to set water charge bills in line with the ratios used for council tax[5].

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[4] Annual water charges (before reduction) to the 460k households receiving CTR in 2022 amounts to around £200m (based on Scottish Government tables in "Council Tax Reduction in Scotland: 2021-2022"). Scaling this to the proportion receiving full CTR and assuming these households currently receive 35% discount establishes lower bound of this cost around £100m.

[5] Water charges are set using the same house bands as for council tax (Band A – H). While the ratios used to set council tax bills were reformed in 2017/18 to see higher bands pay higher levels of council tax relative to the rest, the same changes to ratios were not implemented for water charges.

Where a household is not liable for these charges, or in the same way – for example, households with a sceptic tank – the Scottish Government and Scottish Water would need to consider how equivalent support could be given to CTR beneficiaries in these situations.

This could then be the first step towards aligning eligibility across all relevant, devolved, low-income benefits and payments – where some passport directly from Universal Credit (UC) but others apply an income test - providing certainty and a realistic route towards automation of payments and support.

### V. School meals should be provided free at the point of use with upfront fees banned.

School meal debt can open the door to many low-income families falling into debt and arrears, and for pupils bring heightened stigma and food insecurity. Our research found that some schools use dehumanising processes to allocate free meals, for example vouchers or reduced menus, making visible which young people have arrears. Equally, electronic payment methods can lead to some pupils 'self-disconnecting' being unable to access any food during the school day without credit in their account to do so. In some cases, young people depend on classmates to share food or forgo meals altogether (Treanor 2022b).

While research has shown that there are pockets of good practice (Ibid), that still leaves young people at the whim of local policy – but inability to pay for school meals, or repay school meal debt and arrears, should never be a barrier to a young person accessing one. Instead, they should be provided free at the point of use to ensure no child goes hungry within school. Billing should be done after the fact based on the meals taken, with no upfront payment or need to exchange a voucher.

While this could be done by schools there is a strong argument that billing should be taken out of schools altogether - they are not businesses and should not act as debt collectors or, at times, actively create stigma among pupils. Charges for school meals could instead be collected with council tax bills and responsibility for billing and debt transferred to local authorities.

## Reforming the system

While the preceding section focussed on those recommendations which can alleviate the immediate pressures facing households and boost incomes to mitigate against future debt build ups, it is inescapable that debt and arrears will remain in some form. That necessitates using the time and space afforded by other recommendations in this paper – including a debt and arrears moratorium – to take forward more fundamental reform of the system to put dignity and respect at its heart.

### VI. Scottish Government and public bodies should urgently work together to establish common, Scotland-wide standards on debt, arrears, and recovery – centred on the principles of dignity, respect and human rights.

Throughout this research we have heard how differing approaches towards various types of debt not only creates confusion for households, and can embed stigma, it can also create a 'postcode lottery'. Some people are referred to a sheriff officer for trivial amounts, local authorities apply the 10% surcharge on council tax debt in different ways, some choose to ignore certain debts or not apply surcharges, and others are less flexible on when it is possible to open debt negotiations.

While the autonomy of councils is important, there is no justification for 32 different approaches around an issue which can cause major financial hardship. Instead, it should be treated as a shared problem on a partnership approach – with a minimum standard of approach people can expect in all areas. Again, there is precedence for national and local government working together to establish common levels of support on issues like this through the establishment of the national minimum school clothing grant – support provided to low-income families which used to be set locally.

The Improvement Service has published voluntary guidelines that are a good starting point (Improvement Service 2022), but to be effective they need to be adopted, resourced, and enforced. The Scottish Government and local authorities should work together to establish a set of common standards on debt and arrears which would apply nationally. This work should start immediately in collaboration with key stakeholders and, given many of the principles already exist, standards should then be agreed and put in place by March 2023, ahead of the next financial year.

These standards should include:

- ***Reduced time limit for recovery****: Currently, the time limit for recovery of council tax debt is 20 years in Scotland compared to six years in England and five years for other debts in Scotland. This should be aligned to five years in Scotland.*

- ***Establish minimum amounts for referral to a sheriff****: We have heard through this research about households being pursued for debts as low as £10. A much higher agreed floor should be established before a local authority refers it on for collection to ensure families are not facing the costs, stress and insecurity for what could be relatively trivial amounts.*

- ***Principle of no recovery on the basis of affordability****: As well as minimum amounts for recovery being established, there should be a clear principle of the amounts being collected to not exceed a percentage of disposable income – set with reference not just to payments taken by Scottish public authorities but also those taken by DWP.*

- ***Keeping debt recovery 'in-house':*** *Even with minimum amounts and proportionate collection, referral to a sheriff should only ever be a last resort for councils. Instead, there should be a default expectation of keeping it in-house and only after clear steps around intervention, money and debt advice, and income maximisation had been taken.*

- ***A duty on local authorities to ensure timely support and advice is put in place, including the option of third-party money advice, for every household being pursued for debt*** *- to ensure they have the necessary information around process and options, and to aid with income maximisation.*

- ***A single debt recovery process across public bodies:*** *While even a single debt or arrears should be indicative of financial strain, households with one debt to their local authority will often have multiple other debts owed to different departments (Citizens*

*Advice Scotland 2022) - but with each bit of the system only talking to itself. Sharing data across public bodies, local authorities – and, over time, developing new partnerships with the private sector in relation to data sharing - should introduce a single debt recovery mechanism, with the 'most important' debts, such as ongoing liabilities, paid before arrears, while ensuring the total payment is affordable. This would also minimise the mental strain placed on families in debt and arrears who at the moment could face threats of multiple enforcement processes, potentially overwhelming people, causing undue stress and risking their mental health.*

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