

Factsheet Harassment

It is often difficult to know what to do when you feel a creditor is not dealing with your account fairly. Harassment of people in debt by creditors or their agents is a **criminal offence** under the **Administration of Justice Act 1970**.

Harassment can include:

- ✓ contacting you too frequently;
 - ✓ letters that look like court claims;
 - ✓ claiming to work for the court or be a bailiff;
 - ✓ contacting you at unreasonable times even when asked not to;
 - ✓ asking you to contact them on premium rate phone numbers.
 - ✓ implying action can be taken that is not legally possible such as implying they could take your property;
 - ✓ implying not paying your debt is a criminal offence;
 - ✓ pressuring you to pay in full or in large instalments you cannot afford;
 - ✓ trying to embarrass you in public or threatening to tell a third party such as a neighbour or your family about your debts.
 - ✓ not accepting reasonable offers or passing on payments you make;
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- collectors should explain the reason for any visit and give you notice of the time and date they will call;
 - they should not visit if they know you are ill or vulnerable and if they find you are unwell or distressed they should leave;
 - they should not come in if you do not want them to and should leave when you ask them to;
 - they should not visit you at work or somewhere like a hospital.

HOW TO DEAL WITH HARASSMENT BY YOUR CREDITORS

The first step is to write to a creditor and outline your concerns about the company's behaviour. Inform them that you are familiar with the terms of **Section 40 of the Administration of Justice Act** and ask that the creditor takes steps to avoid similar occurrences in the future. Tell your creditors how you would prefer to be contacted and ask that they confirm their agreement to this. A letter at this stage may avoid the need to take further action against the company.

- Tell them you are aware of the **OFT Debt Collection Guidance** and that you will consider making a complaint about their behaviour under the guidance.
- **Keep a diary of telephone calls, letters, visits etc. It is helpful if another person can confirm what happened, for example, when the creditor called at your home.**

IF THE HARASSMENT CONTINUES PLEASE COME BACK INTO THE BUREAU