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Owing Everyone: Debt Advice in the UK's Time of Austerity

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ABSTRACT

Under UK austerity, people are obliged to pay up: either to the market (those with debt to commercial creditors) or the state (for those receiving welfare benefits – a person may owe the local council or tax office because she is in arrears or was ‘overpaid’). Seeking clarification or counsel from advisers means entering a world where payments often seem to be automated and where the state is ‘giving with one hand and taking away with the other’. Yet payments have a human, even moral/ethical aspect and must be negotiated. The adviser helps the debtor to close the flood gates through which these payments flow, or temporarily to reduce the cascade to a trickle. Under austerity, with legal aid and other funding withdrawn, the advice sector is performing the government’s work of care. Agencies must identify new wellsprings of care and concern, or intensify the demands placed upon existing ones.

KEYWORDS Advice; anthropology of the UK; austerity; debt; care

The topics of debt and indebtedness have been at the forefront of scholarly attention over the past few decades, and particularly since the global financial crisis of 2007/8. Critical analyses give compelling accounts of the intrinsic relationship between sovereign/public debt, overstretched consumers, and the accumulation of money by those on the receiving end of repayments (Bear 2015; Lazzarato & Jordan 2013). Day-to-day experiences recounted by ethnographers (eg Deville 2015; Han 2011, 2012) add nuance to what can otherwise be overly generalised laments about the damage debt can do. Yet many such accounts view debt exclusively through the lens of the market, presuming that it is commercial creditors that lie at its heart. Even when giving accounts of the human misery of indebtedness, debtors’ intertwined senses of entrapment, denial, and despair are assumed to be automatic follow-ons from the knowledge of not having enough money to pay (with interest) what is owed to these banks, credit card companies, and businesses.

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This paper, set in austerity Britain, adds an account of debt owed to the state into the mix; given funding cuts ‘it is less the bank, the building society or the high-cost lender’ than ‘governmental creditors enabled by new powers of enforcement’ that are of current concern (Kirwan 2018). The paper draws attention to the role of advisers in creating disconnects and discontinuities; and also in converting between monetary worth and other, non-commoditized values (Parry & Bloch 1989). Advisers stand between individual debtors and the impersonal world in which monetary owings and obligations often appear economised, technologized, almost like unstoppable juggernauts. Advisers work to disrupt money flows (Deville 2015). They do this as ‘street-level bureaucrats’ (Lipsky 1980) who master the necessary expertise in order to persuade creditors or government agencies to accept reduced payments or hold off on their demands. Using ‘emotional’ or ‘relational labour’ (Hochschild 1983; Kirwan 2016), they provide ‘ethical fixes’ (Bear 2015; Pia 2017) to help clients reconceptualize their predicaments. Care can, however, work in two ways: advisers can also be judgemental, issuing warnings, doling out suggestions or enjoining clients to behave more responsibly, or feeling let down when they fail to behave according to the counsel offered.

Authors like Lazarrato and Jordan (2013) and Bear (2015) show how, in austerity times, public or sovereign debt tracks its way through all levels of society, working down the system to extract repayments from the ordinary citizen. Their wide-ranging analyses illustrate the links between state debts and those owed to private creditors; the enforced repayment of public debt exploits those at the bottom of the pile, since it is repayments by the latter that ultimately serve to bail out the bankers and/or that find their way into the hands of financialised capital. In similar vein, Montgomerie claims ‘that debts are both public and private at the same time, transforming the household sector into the ultimate guarantor of continued financialised expansion’ (2016: 418).

These accounts, however, tell only half the story. Austerity regimes in Britain have introduced new complexities into the calculus. Incomes and expenditures simply do not match, often forcing people to borrow in order to pay rent and other crucial expenses (Davey 2017, Patrick 2017: 70–3); there has been ‘a decrease or stagnation in incomes ... at the bottom and the middle’, resulting in a widespread ‘reliance on credit to augment and/or replace the living wage or the government benefit cheque’ and turning the welfare state into the ‘debtfare state’ (Soederburg 2014: 3).¹ Under these circumstances, the obligation to repay state agencies has become equally, or even more, pressing than that to repay commercial creditors. Debts to the state, mainly in the form of the local authorities which administer some of the benefit system and collect council tax, have increased exponentially as enforcement powers have also intensified (Kirwan 2018). Those authorities, in turn, have been forced to tighten up on these benefits and to cut back on reductions in local taxes, since the austerity regime has cut their central government funding (Forbess and James 2017: 5–6; Hills 2015: 219, 258, 266; Patrick 2017: 51).

Under this double obligation – pinned at the point where obligations to repay private lenders intersect with those to fulfil payments to government agencies – clients are doubly in need of the work advisers do. But austerity cuts also mean withdrawal of some of the local authority funding that was previously available to pay for advice;

many agencies are battling to find other means to keep their doors open and to fund the means through which these complex debt problems were formerly tackled (Forbess and James 2017). They are driven to find extra funds elsewhere and their advisers must tap into new wellsprings of care and concern. Clients are given assistance via ‘novel hybrid forms of governmental-corporate bureaucracy’: newly-assembled arrangements that involve ‘convoluted ties’ between state and market (Stout 2016: 163) and are paid for by ‘patchworks’ of funding (Forbess & James 2017: 6). Withstanding these pressures, advisers exist within, and are helping to create, an arena in which to negotiate new ethical arrangements. It is an arena where ‘new ... values of fiscal discipline’ intersect with both ‘pragmatic decision-making’ and utopian ideals about the ‘new public good’ (Bear & Mathur 2015). Under conditions of austerity, with legal aid and other sources of funding withdrawn, the (now largely non-state funded) advice sector is, in effect, performing the work of care for which the government was formerly held responsible.

The research for this project utilised diverse methods and was conducted at a range of scales. Situated in London, it began with a series of interviews to establish the shape and diverse nature of the advice sector. In addition to attending meetings where charitable organisations discussed funding and policy issues, and shadowing generalist advice sessions in a range of advice charities over a longer (five-year) period (see Forbess & James 2014, 2017), I also sat in on debt advice sessions conducted by five specialist advisers – who were employed by Citizens Advice (CA), Fair Finance, and Social Action for Health – during 2016–17. (Advisers and clients’ names have been changed in the interests of confidentiality). Doing archival research in *Quarterly Account*, the periodical of the Institute of Money Advisers, then enabled me to contextualise and cross-check my ethnographic findings by comparing them with advisers’ accounts drawn from their work both in London and elsewhere. Contributors’ discussions based on actual cases, and the professional/expert debates in which they engage based on these, make the magazine an excellent source of material that, albeit at one remove, is nonetheless ethnographic.

Advisers and Clients: Trust and Compliance

The debt advisers employed through the amalgamated arrangements described above, rather than fitting the image of the ‘twin-set and pearls’ middle-class volunteer ‘delivering advice with little or no training’ (Treloar 2011, cited in Kirwan 2016), hail from a variety of class and ethnic backgrounds, and are professionals who have attended courses and acquired qualifications. Their expertise comes not only from formal training, it is also gained from documents and information websites generated by the big charities like Citizens Advice, inter-agency workshops held with government authorities, and the ‘Bible’ – the comprehensive and annually-updated CPAG (Child Poverty Action Group) Handbook (Kirwan 2016: 470). Because of constant changes in the regulations their knowledge must be continually updated through ongoing training sessions, or augmented by the knowhow of more experienced supervisors or ‘specialist advisers’ higher up the chain of command.

Advisers need expert knowledge, in addition, because of the diverse and complex difficulties – known in the literature as ‘problem clusters’ (Moorhead & Robinson 2006) – with which client/advisees present. Adkins notes that ‘wages, health care, education, housing, standards of living and economic survival are all thoroughly entangled with – and impossible to separate out from – debt and indebtedness’ (2017:3; see Kirwan 2018). As low-paid workers and welfare dependants shared their complex conundrums with counsellors in the course of their appointments, common themes emerged, but idiosyncrasies and unique experiences were also evident. Commonalities (deriving from the online documentation advisers must fill in to comply with funders’ audit requirements) were gathered by the policy wing of organisations like Citizens Advice and reported upon (Lane et al. 2018; Hardy 2018), while particularities were blended and homogenised to yield statistics.

The advice sessions I shadowed featured both male and female clients from a range of national, ethnic and class backgrounds. They ranged from a middle-class British man with mental health problems to an Afro-Caribbean pensioner who had worked in a car plant for 50 years; they included members of ethnic minorities from Britain’s former colonies with property and family members overseas, and single men from the EU who had lived on the streets for several years. Many of them relied on benefits of one form or another, and many – already vulnerable and marginalised – had been further affected by the ‘welfare reforms’ introduced under the austerity regime of the Coalition and Conservative Governments (Kirwan et al. 2016: 6; Koch 2018; McKenzie 2013; Patrick 2017). Not all those seeking help were fully welfare- dependent; an increasing number of people were working part time, self-employed but not earning enough, or on zero-hours contracts.

Advisers are required to make the seemingly chaotic world of a client intelligible – to that client herself, to her creditors, and to the funders and policy makers who are increasingly checking value for money and/or looking to identify key trends. Conversely, when laying out a course of action on which both client and creditors can agree, they find themselves charged with making the impenetrable world of legal bureaucracy and regulation intelligible to that client (Clarke 2017: 159-60; McDermont 2013).² Much of their work involves an intensive sifting through of the evidence – bank accounts, official letters, credit checks – and a concerted cross-questioning of the client. This enables them to separate the client’s debts into discrete strands of payment, making it possible to manage or query them, or persuade creditors to postpone their demands or accept reduced payments. Ultimately, this rigorous work helps clients reconceptualize the extent of their indebtedness, and – at least to some small degree – feel as though they are more ‘in control’ of their lives.

To this end, Bilal, an adviser who works at the CAB in Newham, spends a long time working on Common Financial Statements (CFS),³ often requesting clients to come for follow-up appointments and to bring him missing documents by way of evidence. During one advice session I attended, he took the client through a list of budget items, inquiring and then documenting how much she spent on rent, groceries, utilities, telephone contracts, and the like, and working out how much was left over. He slipped in sage pieces of counsel as he went through the questions, using himself as a model. ‘I

don't have one single credit card' and 'I just have a SIM and a pay-as-you-go mobile phone contract', he told her. Many of her debts were 'unsecured' – incurred by taking out high-cost payday loans or others for which there is no substantial property as collateral – and Bilal was trying to work out a schema of acceptable payments he might offer to the various creditors who were demanding their money back with interest, while still retaining sufficient income for his client's well-being.

Such demands for repayment by commercial lenders must also be contextualised in relation – among other things – to clients' receipt of state welfare. In another of Bilal's advice sessions, the client had stopped working because of ill-health and was now receiving one of the array of payments through which welfare benefits are delivered – the ESA (Employment Support Allowance).⁴ It was because of this change of circumstances, Bilal worked out after detailed questioning, that the client was 'short of £60 every month'. 'While you are off work and on benefits' he told her,

I am going to offer the creditors a token amount. We distribute the money equally between the creditors on a *pro rata* basis, so one won't get more than others. You still have to pay something – this shows your willingness to pay back. And it will stop them from worrying you.

By telephoning the creditors, he also secured a promise from them to 'hold off sending her anything for 30 days', thus giving her some breathing space. 'She is happy to pay something at least,' he promised the creditors. 'She will be paying directly, once you've accepted the Financial Statement. She will make a direct debit'. Turning to the client, he told her reassuringly that 'after 4–5 months of no payment, they are still being helpful ... But at some stage you have to start paying back'.

Showing copious expressions of gratitude and often invoking heavenly blessings on those who help them, clients leave their sessions with a palpable sense of relief and restored control. 'Thank God – I am happy!' said one woman, on being told that her debts were smaller than those of many other clients, and that the money owed to the gas company had long been repaid. 'I can't believe I'm laughing – I am happy that that one is clear'. As indicated in a longitudinal study of the positive effects of debt advice, 'The value of simply having someone to talk to about their problems, including those not directly related to debt, was considerable' (Atfield et al. 2016: 11). While lending a sympathetic ear, debt advisers like Bilal must also remain conscious, however, of those on both sides of the borrower/lender divide. They are obliged to calculate a fine balance between their clients' interests and those of creditors: between turning on the tap to allow payments to flow through the system in the interests of the latter, and disrupting that flow and reducing it to a trickle in the interests of the former.

The client must be enjoined, on the one hand, not to withhold any information or overestimate her expenses, since a failure of credibility leads creditors to reject the payments offered. Accurately assessing the amount spent on food and other consumables, in particular, often involves dogged detective work. One adviser found it hard to believe that her client spent only £15 a week, but it later became clear that this was supplemented by gifts in kind and social invitations from friends and family. Another was told by a client that she spent 'nothing' on food but later discovered that the

client routinely used her credit card for her grocery bills and had forgotten to factor this in. Individual creditors must not be seen, on the other hand, to try to push their own claims so insistently that they leave other lenders out of pocket.

Expectations of good faith are involved on either side, necessary to counter the obvious (and justified) suspicion that might otherwise prevail. Provided Bilal can get his clients to comply, he can stand shoulder-to-shoulder with them and put up a united front against the creditor. Conversely, if he can win the trust of creditors, he can convince them that he will be able to keep the client on the straight and narrow and ensure the delivery of the necessary payments. But advisers are able to do this only with the compliance of the lender and the willing collaboration of the client. 'I have never offered more than £10 monthly to any creditor', Bilal later told me, 'and no creditor has ever disputed or queried this. They trust me'.

In this case, the adviser, having proved himself to be an 'honest broker' in the eyes of the commercial creditor, had successfully persuaded that creditor to hold off on repayment demands given the client's (hopefully temporary) loss of income. Not all creditors, however, prove to be so understanding. Neither do all debtors prove reliable in keeping up repayments.

'Unscrupulous Operators': Rogue Debt-collectors, Recalcitrant Clients

Greater regulation does need to be enforced to squeeze any unscrupulous operators out of the fold (Adviser).⁵

It is the commercial credit sector whose reputation, especially with the onset of securitised credit in the era of financialisation, has been criticised most robustly by social scientists (Adkins 2017, Lazzarato & Jordan 2013; Soederberg 2014). Its persuasive marketing and aggressive debt-collection techniques are also well-known both within and beyond the debt advice sector. Slogans are developed and disseminated to warn clients against the 'loan shark' (see Figure 1) or its modern-day variant, the payday lender.⁶ Less familiar than either of these, but reputed for their unscrupulous behaviour and key amongst those from whom debtors seek protection from advisers, are the agencies to whom debts (both private and state) are sold on by various creditors and the debt management companies approached by indebted people – often in ignorance



Figure 1. Loan Shark warning poster from *Quarterly Account* (permission being sought).

of alternatives – in the hope of bringing their state of indebtedness under control (see Deville 2015). When debtors eventually turn to advice agencies for help in fending off demands from such companies, the possibility of insolvency presents itself as a welcome alternative. A set of longer-term solutions devised over the past few decades ranges from DROs (debt relief orders), for those with a relatively low level of debt who have few assets and thus applicable to the majority of low-income clients I met during fieldwork, to IVAs (individual voluntary agreements) for those with higher levels of debt who are legally obliged to pay their creditors a certain amount monthly.

To understand the complex calculus faced by both advisers and their clients, we must examine some of the ‘unscrupulous practices’ referred to in the quote above against which they are battling. These are integrally linked with securitised debt (Adkins 2017). Bilal, whose encounter with clients is described above, was dealing not with the original creditors from which his client had borrowed money, but with those to whom the debt had been sold. After a cursory look at the jumbled pile of documents the client had brought in, he said with some frustration, ‘... you are not sure how much debt you have.’

You have a loan with Barclays, you missed payments ... your debt was also transferred to Lotus Credit. It's been transferred 3 or 4 times to different collection companies. Barclays—we talked to them on 9 September about the £9000—and they stopped collecting. Daily Loans—I called, and talked to Mr Peters at that time. The total debt with them was £2890. So, if I ask today again, you are not clear about how many debts you have, and who you owe the money to.

At the end of the advice session, his client, although experiencing a palpable sense of relief, still seemed to be confused about how what she owed. Belying Bilal's expectation – one echoed by advocates of financial literacy – that she learn to ‘take control’ of her finances, she left it to him to communicate with her diverse creditors. Perhaps because the agents from these various debt collection companies ‘trusted him’ (as he put it) in turn, they were willing, on this occasion, to agree to the list of minimal payments they were being offered. But he later told me that this was not the first time he had had to make telephone calls on her behalf in order to re-arrange repayments. Neither, in all likelihood, would it be the last time, since on previous occasions the promises had not been kept: a situation frequently faced by debt advisers with which they often express frustration.

A client hailing from a better-off background than most of Bilal's advisees took independent steps to end his situation of indebtedness by approaching one of the many private companies that offers ‘debt management’. Debt adviser Aaminah told me that this client had a debt of £27,000 which he had transferred to the company and he had been repaying (as he thought) at a rate of £200 monthly. By the time he approached her for advice he was supposed to have been helped by the company to instigate an Individual Voluntary Arrangement (IVA): an agreement with creditors – via the company – to pay all or part of his debts. But ‘they took £250 as a management fee, and only distributed £50. He paid for 3 years – then he stopped paying, and realised that he had more debts than he began with.’⁷

Making an approach to a similar company was another of Aaminah's clients. A minicab driver working part-time and hence one of the increasing number earning their living

in the so-called ‘gig economy’, he had incurred numerous credit card debts, in part through a failed small business venture. He approached a company called EuroDebt-Recovery. ‘He paid them £218 a month for years’ Aaminah, the adviser, told me. This was later reduced to £88. But they didn’t freeze the interest, and they barely repaid any of his debts’. After he had cancelled the arrangement with this company, his debts were resold to a variety of debt-collecting agencies, one of whom had just taken out a County Court Judgement against him. This would entitle the agency ‘to send in the bailiffs – which have a higher power than a debt collection agency. EuroDebt-Recovery was supposed to be free, but he paid £2500 in 3 instalments – they take a monthly management fee – even though they claim to be a free management agency. This is very unfair’, said Aaminah. In consultation with Aaminah, this client, owing less than the one who was seeking an IVA, decided to opt for a low-cost bankruptcy option: a Debt Relief Order.⁸ He had held out against this, having ‘hoped that something might change - but 9 years down the line, he realised that nothing would’. After his visit to Aaminah, he, like Bilal’s client discussed earlier, expressed a profound sense of relief.

In discussing the selling on of debt in cases similar to those above, and in criticising the borderline legality of the practices of those to whom it is sold, practitioners often speak of a kind of arms race (see Eule, this issue). In what resembles a ‘war of attrition’, advisers are continually struggling to keep ahead of those against whose practices they are seeking to defend their clients. Creditors often play fast and loose with the rules, noted one adviser in a 2008 article in *Quarterly Account*: they are ‘aggressive in their approach to debtors’, fail to accept ‘the intervention of an adviser from an accredited advice agency’ and harass debtors ‘who are unable to meet creditors’ demands for repayment.’ Advisers and debtors alike often find themselves unable to speak to anyone in the agency ‘who has the authority to negotiate and is prepared to consider each debtor’s case according to their individual circumstances’ or

communicate with someone who is aware of ... any previous communication or arrangements. Although most call centre staff will have information on their computer screens, advisers and clients rarely speak to the same person twice which can lead to miscommunication and difficulties when negotiating repayments.⁹

Compounding the problem, collection agencies often ‘failed to inform advisers whether they have bought the debt or are acting on behalf of the original creditor’ (ibid.). Echoing this point, and complaining further about the notorious debt collection industry and its ignoring of guidelines, even its downright illegality, another commentator spoke of ‘lawlessness’.¹⁰ Only in those few cases where ‘misbehaving creditors/collectors’ were subjected to ‘threats of complaints and related media publicity’ did they ever comply. Creditors’ bad behaviour included the following:

they still too often contact my clients and not me; don’t reply to our correspondence; put pressure on clients to borrow money to clear their debts; refer to claim numbers when no judgement exists..

They were also inclined to bluff or ‘blur’ the truth, making clients fear bailiffs or attachment of earnings when no court action had yet been taken.¹¹

By 2008 there were in excess of 500 debt collection companies ‘and growing – it’s one of the boom bits of the economy’. One local authority officer wrote of it as a ‘competitive market, with the pressure it generates causing operators to routinely indulge in what we would regard as inappropriate behaviour’.¹² It is not only in the world of debt collection that new ‘sub-prime markets’ have sprung up – they have done so in the debt advice sector as well. In 2009, John Fairhurst of Payplan spoke of how, as more people become over-indebted and need help, ‘aggressive advertising campaigns funded by increasing the charges made to consumers’ would likely emerge, with demand met by ‘fee charging providers’ of advice (see Davey 2017 and this volume; Tuckett this volume).¹³ What these discussions indicate is not only that many companies offering credit are ‘unscrupulous’ in their reluctance to abide by codes of practice, but also that each successive wave of credit demand has seen the birth of a new crop of companies taking advantage of fresh opportunities, and these in turn require ever more expert advice and vigilant surveillance by those in the sector. The flip side – the renegeing of clients on repayment plans within a month or two – is likewise well-documented. Advisers feel disappointed in such cases. This is not necessarily because clients have failed to be moulded into obedient and responsabilized citizens; it may instead be about reckoning the value of one’s own ‘care’ labour as adviser, knowing the precarious and ever-more threatened funding arrangements which underpin that labour (see Forbess & James 2017). It can also be about resenting the fact that the hour spent with the debtor has failed to be converted into meaningful improvement in the client’s life (and into the restoring of the debtor/creditor balance) because of debtor failure to keep up with payments.

Perhaps because of this, or perhaps despite it, advisers are often wary of setting up repayment schemas – akin to those that Bilal negotiated – that ‘condemn debtors to a lifetime of repayment’. Debating this point in *Quarterly Account*, those speaking from the creditors’ point of view pleaded for the importance of striking ‘a balance between the debtor’s needs and their responsibility to repay their debt’, and of determining a ‘middle ground’ between them, thus respecting both ‘the rights of creditors to receive what they are owed’ and ‘the rights of consumers for forgiveness when they are faced with significant debt and require relief’.¹⁴ Stressing the need to maintain such a balance between debtor and creditor, however, is somewhat disingenuous given the manifest power difference between debtors on low incomes and those who make fortunes by lending money at interest. Countering such well-worn sentiments about the profligacy of debtors and the failure to take responsibility for their actions – ‘allowing someone to borrow money knowing full well that they will be able to avoid full payments sets a very dangerous precedent’ – many advisers demonstrated more sympathy for the debtor’s point of view and pointed, instead, to the shortcomings of lenders. ‘In calculating repayments and, especially, in offering token payments for clients on low incomes,’ said adviser John Kruse in 2008,

I would in many cases be committing individuals to repayment schedules stretching over 10 years or longer ... creditors nowadays do not accept payments on an open-ended basis. Instead they contact clients to review and increase payments on a 3 or 6 monthly basis. The extended repayment plan is therefore a guarantee of extended hassle by letter and by phone

and, almost inevitably, of an inexorable increase in levels of payments. Under constant pressure from creditors and their agents, clients will be persuaded to increase the instalments; this will rarely be done with any reference to a budget sheet or after an overall review and recalculation ... Rather, each creditor will agree the largest sum they can obtain at that time. Interest is often reinstituted and the client situation reverts to the chaos that characterized their finances before they sought advice.

For these reasons, he claimed, he has ‘increasingly favoured forms of insolvency as an alternative’ to the kinds of ‘extended repayment plan’ described earlier. He prefers these on the grounds that

the ability to get rid of the burden of debt (and the implicit guarantee of constant pressure from creditors and their agents) is ... worth ... the possible ‘disabilities’ that bankruptcy brings. ... For those on fixed or low incomes, giving light at the end of the tunnel is one of our most important functions.¹⁵

However much trust might have been built up with both clients and creditors, the adviser is thus operating in a world where ‘sharp practice’ is acknowledged to be common. He may operate in good faith, offering affordable repayments – as in the case of Bilal, above – and yet see his efforts come to naught, because many creditors – especially those to whom credit has been sold on once or twice – do not always behave as they ought.

It was during the decade since these accounts of ‘unscrupulous operators’ were published that a new worry came to the fore. Agencies experienced a steep increase in ‘debts-to-government’, which became the new and ‘defining debt issue faced by advice clients’ (Kirwan 2018).

Tax Collectors for the State?

Far less familiar than the egregious cases of debt-buying and collecting outlined above are those involving debts incurred to the state. These do not, of course, exist in an entirely discrete realm; they, too, can be sold on to collection agencies. This was the case for a man from a middle-class background who was suffering from mental health problems. He arrived at the CA in a quandary because, having owed £1800 to HMRC (the taxman), he was now getting letters from the debt collection company CCS Collect to which the debt had been sold. He was advised to write to them explaining – and providing proof – of his diagnosis. In his case, as in many others, such a diagnosis (while of course the condition made his life difficult) counted in his favour. His adviser told him that, provided he gave sufficient evidence of his condition, the collection agency would likely ‘send it off to another debt collector. You need a letter that states and summarises what medications you are on – from your doctor’.

However, not all debts to the state can be so easily dealt with. They differ in important respects from those to private creditors, and the kind of advice they require is also distinctive to some degree. In the case of the man above, the readiness of CCS to sell his debt on rather than getting a court judgment against him, said Jennifer, was because his was a ‘priority debt’. Understanding the nature of and reason why this debt is

considered to have ‘priority’ status is key to grasping the flows of debt repayment in austerity regimes (see the Introduction to this volume).

The stipulations of funders often mean that boundaries are drawn between types of advice (debt or welfare), and sometimes clients are referred to specific officers depending on which of these is at issue. Although these areas intersect (Moorhead & Robinson 2006) and the boundaries between them are blurred, debt advice in some cases reinforces the boundaries. But some advisers disparage the drawing of such distinctions. In Jennifer’s view, cases involving rental arrears to the council should *not* be seen as separate from those which concern money owed to commercial creditors. To draw a sharp distinction – ‘oh no, that’s benefits!’ – is short-sighted. Nonetheless, several advisers perceived a general trend occurring in the two years leading up to 2016 (see Lane et al. 2018; Hardy 2018; Kirwan 2018). Where clients formerly arrived with debts to credit cards, store cards and pay-day lenders,¹⁶ they were now mainly concerned about being behind with their rent, electricity bills, or council tax payments. These are known as ‘priority debts’ because the consequences of non-repayment – such as eviction – are more serious than those of failures to pay creditors. (While failure to pay a private lender can result in a court order enabling bailiffs to enter one’s dwelling to repossess property, failure to pay priority debt can result in eviction from that dwelling.) And many of these, especially in the cases of those partly or wholly dependent on benefits, are debts owed to the state.

As noted earlier, this trend gives us an important insight into the character of sovereign debt under austerity regimes (Lazzarato & Jordan 2013; Bear 2015). Working under the assumption that public debt in austerity times works its way down the system to extract repayments from the ordinary man in the street and eventually finds its way into the hands of financialised capital or bail out the bankers, it could be claimed that the very definition of a ‘priority debt’, in which precedence is given to taxes owed to local councils, the national revenue office, or the government’s welfare agencies over monies owed to credit card companies and the like, serves to enable such flows of extraction. One adviser claimed, indeed, that he had become nothing better than a government tax collector.¹⁷ The way debt advisers channel and dam up the flow of money, however, challenges this view. Instead of serving (to use a hydraulic metaphor) as a kind of one-way valve facilitating the extraction and accumulation of wealth by creditors or the state, advisers are continually toggling the faucet this way and then that, endeavouring to divert moneys permanently into backwaters and eddies or allow them temporarily to be kept aside from the flow of the current.

Debtors as Resource Conduits

The UK’s social security system, in a poorly coordinated manner, combines a range of funds: Council Tax Benefit, Child Tax Credits, Working Tax Credits, Housing Benefit, Income Support, Disability Living Allowance and Jobseeker’s Allowance.¹⁸ State agencies from which these benefits can be claimed include local authority-run departments responsible for housing, social services, and council tax collection, and national

ones such as the Department of Work and Pensions (including its Jobcentre Plus and other agencies); and the Inland Revenue (HMRC) (Forbess & James 2014). Local authorities, however, often have agendas that differ from those of central government. Despite harsh austerity cuts undertaken by central government in an attempt to rationalise advice or cut it back altogether, these authorities – charged with the provision of certain key services that are partly funded by local rates and taxes – often continue to pay for advice *as part of* that mission. Local authorities squeezed by draconian funding cuts have, in other words, tried to maximise their income by drawing as much as possible from the coffers of that central government (Forbess & James 2017). They do so not only because clients' wellbeing is of key importance but also because they will place a burden on the council if they are evicted or suffer major disadvantage. By (part-) funding advisors who will phone the Department of Works and Pensions to chase up any outstanding benefits applications or payments or contact HMRC to correct official errors in giving out 'tax credits', the council tries to make sure the client has as much 'income' as she can legitimately claim. Against that income from the centralised benefits system, efforts can be made to repay whatever debts she has: both to the council and to private creditors, but with the 'priority debt' classification privileging the former (James & Kirwan 2019). This approach serves both to help and support the recipient of welfare benefits and to ensure that rent arrears do not accumulate and leave the council out of pocket. The client becomes, in effect, a conduit for these redistributive processes.

How do advisers mediate the otherwise automatic stream of repayments through which public debt in austerity times recoups money from those at the bottom of the pile? Advisers do, in some sense, serve as 'tax collectors' for the local state, which in turn is under increased pressure because of austerity cuts. As the following cases illustrate, however, other aspects of their role belie this view which emphasises too strongly the function they serve in extraction.

'Overpayments'

They will start recovering the overpayment from his new payment. They are giving with one hand and taking away with the other ... (Adviser)

In those parts of the world where welfare is only newly being rolled out, it has taken the form of cash transfers combined with credit (Diz 2016; Ferguson 2015; Lavinias 2018). But in those like the UK where welfare provision – including health care, education and the like – was more comprehensively introduced in the post-war period, austerity regimes are now cutting it back, together with the advice necessary to gain access to it. The ebb and flow of moneys paid by the state is now increasingly mediated through demands to have these 'overpaid' benefits recast as debts, and repaid to the state (Hills 2015:263; Kirwan 2018).

While it has been possible for the state to recover overpayments since the passing of the Social Security act of 1992, it was an innovation of the 1997 New Labour Government – designed to replace the earlier system of means-tested benefits – that introduced

a definitive change. This was coupled with a new system of tax credits, introduced with the intention of responding to the increasing flexibility of working patterns (Hills 2015: 2). Although this system had progressive aims, it introduced further complexity into benefits arrangements by adding the tax office, HMRC, to the list of authorities to which welfare beneficiaries are obliged to report and which can reclaim overpayments.

How do these paybacks present as debts? Under austerity welfare 'reforms', recipients are obliged to keep authorities up-to-date on the composition and income of households (see Koch 2015), meaning that fluctuating circumstances must be reported immediately. Outsourcing the onus to claimants to report their circumstances, rather than checking people's eligibility in advance, involves a bizarre back-loading process. The retrospective discovery that too many benefits have been allocated triggers an 'overpayment' demand, with the sudden suspension of one benefit becoming a penalty for not fulfilling the increased conditionalities attached to another (Patrick 2017: 43-4). Such a suspension – achieved via automated deduction from the recipient's bank account – may go unnoticed for a while if recipients are not diligent and proactive in dealing with their mail.¹⁹

Thus, for example, a Job Seekers Allowance paid by DWP may be stopped because a person has found temporary work or has an irregular routine on a 'zero hours contract' and in a given period has earned too much to qualify for a particular benefit. Because the weekly wage earned by those on such contracts can vary so widely, these workers are more liable than their exclusively welfare-dependant counterparts to being 'overpaid'. In the process of trying to switch from dependence on benefits to work, such workers' benefits are continually readjusted because the number of hours worked is inconstant. In one case, a woman decided against taking part-time work; benefits were providing only just enough to survive on, but they were predictable, and a wavering income would upset these delicate arrangements. Similar demands for reporting are required, and continual readjustments made, by the revenue office, HMRC; it, too, makes deductions for tax credits which – it claims – were overpaid because it was not informed of a change in working hours and other circumstances.

In recognition of problems already arising from these new arrangements, the system was tweaked in 2008: 'If you fulfil all your responsibilities,' it was announced, 'we won't ask you to pay back all of the overpayment arising from our failure'.²⁰ Clients faced with demands for such repayments, however, need as much or more help with re-negotiating such deductions than they do when commercial creditors ask for debts to be repaid. I often observed advisers searching for the one detail (more frequently resulting from official 'failure' than from the much-touted 'benefits fraud' by claimants²¹) that, if left undetected, would undermine the fine balance between a client's constantly-readjusted sets of incomes and outgoings. Finding and acting upon that single, all-important mistake can make all the difference, as the following case demonstrates.

Fuad arrived at the Hammersmith and Fulham CAB. He was a man in his thirties who seemed to know his way around the law better than some. But he still needed help to untangle his present predicament. Bureaucratic error, combined with family obligation, had put him deep into debt which, in this case, took the form of both rental arrears and monies owed to the council.

Married, with two children, he worked 30 h per week. He was receiving child benefit, child tax credit, working tax credit and housing benefit. When he came in to the offices of CA, to consult a 'welfare' rather than a 'debt' adviser, he had recently received a letter from the council reclaiming for three instances of a benefit that had been 'overpaid'. As he put it 'they are taking back their housing benefit'. The amounts were backdated over a three year period. Invoice 1 demanded money be paid back because the client's brother, together with his wife and two children, had moved in to stay: as a result the client was now being charged £93 per week, backdated for the full period. (He had informed the council that his brother's family had come to stay, but the council had omitted to do the recalculation and to reduce the housing benefit payment). Invoice 2 demanded £1344 repayment in light of the fact that his wages after a given date were higher than he had originally claimed. (Again, he had proof that he had informed the council of the increase in his wages – but they had not implemented any change in the housing benefit, instead paying him and his family the higher rate for the whole year.) Invoice 3 was from an earlier date, several years back, when his wages – similarly – had gone up: something of which the council claimed not to have been informed. (The client said he had informed them, but had not kept proof of this.) In total he now owed £3000 which he was unable to pay. As a council tenant, he was also now in arrears with his rent to the tune of £800.

What had sent him to the CAB in search of advice was the complexity of this nexus of debts, arrears, overpayments and repayments. 'Trust me, if I show you these letters, they are very confusing', he said. 'They send you one letter and then two weeks later they send a different letter saying something else.' 'That's what they do,' said Julie, the adviser. 'They wait till it all builds up and then send all the bills together. You still have to pay back, that's what they're saying.' Fuad replied 'I wanted to sort it out face-to-face, but they said 'you have to write it down'.

Julie separated the issues that had all been bundled together into distinct strands. The client was advised to put in for a review for Invoice 1 on the grounds that he *had* informed the council of his brother's family's sojourn but that the information had not been logged. There had been an 'official error'. The other 2 invoices, for 'overpaid' housing benefit owed to the relevant arm of the council, *would* likely need to be repaid. In addition, the rental arrears owed to the council – 'priority debt' – would also, urgently, require repayment. Fuad would need the help of a specialist debt adviser to negotiate an affordable repayment plan with the council, in order to avoid getting further into rental arrears. While waiting for the appointment, Fuad was advised to phone the council (i.e. his landlord) and tell them he was seeking advice from CA. He was also advised to put in a fresh claim for housing benefit which would help him to clear the arrears.

I'm not really good at writing, that's why I came to you. [The council official] said that I need to write to the benefits team regarding a reassessment letter. That I am to say that I am not appealing the amount, but it is not my fault I was charged.

At the end of the session, Julie summarised what was needed:

The claim for housing benefit has to go out today. Write a letter and send it off today. Contact housing benefit to say you've been to CA. You are applying for housing benefit and that will cover the rent arrears. It's a simple matter, but you need to communicate with them. These two unfortunately you may have to pay back. That's why we need to get you an adviser. The adviser can negotiate on your behalf and you won't have to pay more than you can afford. As it stands now, these two claims [Invoices 2 and 3] you will have to pay back. Try to get this one [Invoice 1] waived.

Welfare beneficiaries like Fuad, once again, have become conduits through which state payments flow. The implication that he failed to act as a responsibilized citizen, accurately reporting his changed circumstances, proved unfounded in at least two of the three overpayment claims. What exacerbates such situations is that 'state creditors do not follow established practice, developed between the advice and lending sectors, for establishing affordable repayments through the "Common Financial Statement"' (Kirwan 2018). Despite these difficulties, Julie was using her knowledge of the law and the ever-changing regulations to parse and analyse the state's demands, challenging some of them while temporarily halting the payment flow in others. This allowed Fuad some time to breathe, take stock, and draw on all available advice resources to keep state creditors at bay.

Conclusion

Debt, and the repayments that people are persuaded to make by debt advisers, are part of a wider system of payments or flows of value. These range from transfers reckoned in money or quasi-money (payments serving private accumulation or facilitating resource flows in the name of state redistribution) to those reckoned via solidarity and obligation (such as empathy, care, unpaid labour, charitable philanthropy). Sometimes there are scales and forms of conversion between these (Forbess, this volume), at other times they are packaged off into separate domains and rendered non-commensurable.

'Ethical fixes' (Bear 2015) – bureaucratic forms of agency 'that contrive temporary, ethically driven way outs of the conflicting priorities of the state policies and the local provision of public goods' (Pia 2017) – are more necessary than they were, to make up for the sustainable long-term solutions that advisers wish were possible. Under new conditions, the role of these advisers is to intervene in the financial infrastructures – such as persuasive letters from creditors, overpayment demands, direct debits and deductions – which would otherwise make possible streamlined/frictionless payments. In a manner suited more to war-time fiscal prudence than to an era of financialised capitalism twinned with austerity regimes, they must try to create a circumscribed sphere in which people conceptualise their finances as a wallet of money divided into discrete bits, each to be allocated to a particular target/use. This means, in effect, trying to square a circle, in order to bring the image of the financially literate debtor in line with the structural realities that render indebtedness a permanent condition. The fantasy is that of the self-reliant, self-motivated, prudent worker/consumer, who has taken charge of her own life and her own expenditure. The reality is that insecure

zero-hours jobs make for unpredictable incomes and result in debts unknowingly incurred to welfare agencies and the tax man, and that streamlined payment makes it possible for money to flow unnoticed into and out of clients' bank accounts.

It is the adviser's role to try to help the person close the flood gates through which these payments flow, or at least put a finger in the dyke, thereby reducing the cascade to a mere trickle. 'Common Financial Statements' provide an evidentiary locus around which private and state creditors may agree: either to reduce the debtor's weekly payments or, in the case of certain types of insolvency, cease them altogether. In such a case, at least for a while, the flood is not only reduced to a trickle – the flow is contained. Here, briefly, the fantasy subject/consumer is made real. But the broader structural conditions remain in place, thus systems of deduction and automated money flows will, in likelihood, again resume.

It is certainly the case, then, that our understanding of debt should be seen in terms of the broader flow of accumulation whereby public debt is being recouped in order to fund bank buyout (Bear 2015; 2017; Lazzarato & Jordan 2013). Likewise, as Montgomerie claims, 'debts are both public and private at the same time, transforming the household sector into the ultimate guarantor of continued financialised expansion' (2016: 418). But an ethnography of debt advice reveals that that is not the full story. 'It is important,' as Samuel Kirwan says in a similar study, 'to recognise the value of these minor victories to a broader politics critical of the neoliberal restructuring of the state' (2018). Debts are inflected through day-to-day interactions between those who owe money and those who advise them how best (and whether) to repay it. My paper has shown how the relations between individual debtors and their advisers factor into this larger picture, by illustrating that debt payment is a process mediated through advisers and the ethical work they engage in.

Notes

1. Household Debt Jubilee Campaign: Position Paper – New Economics Foundation.
2. My presentation of these interactions here attempts, much like the work of advisers themselves, to translate a set of seemingly incoherent and unrelated facts into something that a non-expert will understand.
3. The Common Financial Statement <http://www.cfs.moneyadvicetrust.org> is an Excel-based budget sheet that represented 'a uniform approach to ... financial statements ... to encourage consistent responses from creditors' and enable 'a fair resolution'. It has been replaced by the Standard Financial Statement.
4. This benefit for disabled people was introduced in 2008 by the New Labour government. It introduced a new regime of conditionality, requiring claimants to be tested for work-readiness or 'capability' and making their benefits contingent on the results (Patrick 2017:43-4).
5. Maxine Maybury, head of free advice services, Dawson White, providers of IDA's for the not-for-profit sector. *Quarterly Account* 8:22 (2008).
6. Countering this, in the recent proliferation of TV programmes like *The Sheriffs are Coming*, are images of bailiffs entering the homes of non-payers in order to repossess property from unreasonably evasive borrowers.
7. An IVA involves making regular payments to an insolvency practitioner or debt management company, who will divide this money between your creditors. It is suitable for people with

higher levels of debt and more assets, and gives debtors more control of their assets than other forms of bankruptcy.

8. A debt relief order is only available if the debtor owes less than £20,000 and lives in England, Wales or Northern Ireland. The debtor doesn't pay anything towards her debts for 12 months, after which they will be written off. But she may only have a 'basic bank account' and may not take out further loans.
9. Coles, S. 2007/2008. *Quarterly Account* 7, 10-12.
10. Russell Cavanagh, financial journalist and onetime free money adviser, *Quarterly Account* 10:18 (2008).
11. Ibid.
12. Steve Quinn, Salford City Council, *Quarterly Account* 10:18 (2008). For similar points see *Quarterly Account* 7:11, for a detailed account of this industry see Deville (2015).
13. *Quarterly Account* 15:21 (2009).
14. Mark Allen, Grant Thornton, *Quarterly Account* 5:15 (2007).
15. John Kruse, Redbridge Citizens Advice Bureau, *Quarterly Account* 8:21 (2008)
16. There has been much hand-wringing about these in the press and in policy circles.
17. Samuel Kirwan, personal communication.
18. These were intended to be replaced by a system of Universal Credit, administered centrally, intended to be more responsive to changing working patterns and easier for claimants to understand. Its introduction has however exacerbated the re-framing of welfare as debt. Rolled out in certain areas from 2012 onwards, recipients of the new benefit have been subject to a six-week waiting period before any payment is made and new sanctionable offences.
19. 'The "Direct Earnings Attachment", introduced in 2013', which is presented to an employer, allows for 'intrusion of debt recovery into spaces of work, previously only possible through Attachment of Earnings Orders served either by the County Court on the request from a creditor following a County Court Judgment, or to a Local Authority for Council Tax Arrears following a "liability order"' (Kirwan 2018)
20. *Quarterly Account* 5:21 (2007); 8:25 (2008); 66:15 (2002). The DWP itself estimated that 3.5 billion was overpaid in 2012-3 – combined 'fraud' and errors by administrators or claimants – and 2/3 of this because of 'error' (Hills 2015:263).
21. 'Total overpayments were 2.1 per cent of all benefits spending (excluding tax credits). However, two thirds of this total for fraud and error—often quoted as if it measured fraud—was said by the DWP to be due to error' (Hills 2015: 263)

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