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# Understanding Social Housing Evictions in Wales

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# Understanding Social Housing Evictions in Wales

## Report by Opinion Research Services

Views expressed in this report are those of the researcher and not necessarily those of the Welsh Government

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## Glossary of acronyms

<b>Acronym</b>	<b>Full Name / definition</b>
ACEs	Adverse Childhood Experiences
ASB	Antisocial Behaviour
ASIST	Applied Suicide Intervention Skills Training
APA	Alternative Payment Arrangement
CAB	Citizens Advice Bureau.
CIH	The Chartered Institute of Housing
DHP	Discretionary Housing Payment
DWP	Department for Work and Pensions
HQN	Housing Quality Network
LA	Local Authority
LHA cap	Local Housing Allowance cap
LSVT	Large Scale Voluntary Transfer
NoSP	Notice seeking possession
PATH training	'Prevention, ACE's, Trauma-informed Homelessness'; Supports the prevention of homelessness through trauma-informed approaches to meet people's housing and support needs
PIE approaches	Psychologically Informed Environment approaches
RSL	Registered Social Landlord
Section 8 Notice	A notice used to serve notice on a tenant. The Section 8 notice needs to show that the tenant has breached the conditions of the tenancy agreement, any term or condition of the tenancy agreement that is seen to have been broken constitutes a breach.
Section 21 Notice	A notice used to serve notice on a tenant. The Section 21 notice can be used to evict tenants either: after a fixed term tenancy ends - if there's a written contract and during a tenancy with no fixed end date - known as a 'periodic' tenancy. Section 21 gives a landlord an automatic right of possession without having to give any grounds (reasons) once the fixed term has expired)

SPOA team	Single Point of Access team (provided via local authority Housing Options Team)
Tenancy Support	Assistance, funded via the Welsh Governments Supporting People Programme, to people in their home, helping them to maintain their independence.
UC	Universal Credit
WLGA	Welsh Local Government Association

### Other useful terminology

Acronym	Full Name / definition
County lines	County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas (within the UK), using dedicated mobile phone lines or other form of 'deal line'. They are likely to exploit children and vulnerable adults to move (and store) the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) or weapons
Cuckooing	A form of crime in which drug dealers take over the home of a vulnerable or young person in order to use it as a base for drug dealing
The Citizens Advice Bureau (CAB)	The Citizens Advice Bureau is an independent charity that offers a wide range of advice to clients and this advice includes getting support to stay in their homes for clients with physical disabilities and mental health problems, getting repairs done, neighbourhood disputes and anti-social behaviour and debt work involving rent arrears and other debts
Community Housing Cymru (CHC)	CHC represents more than 70 not-for-profit housing associations and community mutuals in Wales. CHC has a Board and a Senior Management Group, supported by specialist teams. CHC campaigns and lobbies on behalf of, and with, members to promote social housing and related services in Wales

<p>The Chartered Institute of Housing (CIH)</p>	<p>The Chartered Institute of Housing (Cymru) are the independent voice of housing and the home of professional standards in Wales. The aims of CIH Cymru are to equip housing professionals with the knowledge, skills and ethical grounding to deliver a safe, secure and affordable home for everyone</p>
<p>Cymorth Cymru</p>	<p>Cymorth Cymru is the umbrella body for providers of homelessness, housing related support and social care services in Wales</p>
<p>Shelter Cymru</p>	<p>Shelter Cymru is an independent charity who provide free confidential housing advice to people in housing need or threatened with homelessness and the homeless. Shelter Cymru advise about 20,000 people a year and operate across all 22 local authorities in Wales</p>
<p>WLGA</p>	<p>The Welsh Local Government Association are a representative body that represent the interests of the 22 local authorities across Wales and they do the bulk of their housing work with local authorities in terms of both their landlord role and strategic housing role.</p>

# 1. Introduction/Background

## Background

- 1.1 The Welsh Government register suggests that in March 2018, there were 36 RSLs and 11 local authorities who provided social housing across Wales. This accounts for just over 230,000 housing units, of which 62% were owned by RSLs and the remaining 38% by local authorities.
- 1.2 The Housing (Wales) Act 2014 came into effect in April 2015 and demonstrated the commitment of the Welsh Government to strengthen homelessness legislation with the aim of “*fewer households experiencing the trauma of homelessness*”.
- 1.3 The Welsh Government ceased routine eviction data collection in 2010/11, although social eviction data is still collected by the Ministry of Justice<sup>1</sup>. Shelter recently produced a report<sup>2</sup> acknowledging there is good practice within the sector, but it is not consistent across all social landlords. Moreover, a report undertaken by the Housing Quality Network (HQN) (commissioned by CHC, WLGA and the City and County of Swansea) contains a range of recommendations on tenancy sustainment for landlords and local authorities, however it appears to have had limited impact<sup>3</sup>.

## Commission

- 1.4 Opinion Research Services (ORS) was commissioned by Welsh Government in December 2018 to undertake quantitative and qualitative research to understand the processes which lead to eviction, as well as the support provided by social landlords to prevent evictions across Wales.
- 1.5 The aim of the research is to understand:
  - Current rates of social housing evictions and reasons for evictions;
  - Current practice within social landlords as regards to social housing evictions (what are the criteria/processes that lead to eviction);

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<sup>1</sup> Ministry of Justice. (2018). [Mortgage and landlord possession statistics](#).

<sup>2</sup> Shelter Cymru. (2016). [Accessing and sustaining social tenancies: exploring barriers to homelessness prevention](#).

<sup>3</sup>Community Housing Cymru (2018). [Assessing affordability and barriers to accessing social housing in Wales](#).



- What steps are undertaken/support provided before eviction action is taken to prevent reaching crisis point; and
- To provide the Welsh Government with robust evidence to inform policy development and regulatory administration.

1.6 This involved ORS undertaking:

- An online survey to collect possession order, eviction warrant and eviction data for each social landlord in Wales;
- Follow-up in-depth telephone interviews with social landlords; and
- In-depth telephone interviews with key housing and homelessness stakeholder organisations in Wales.

1.7 Recommendations from this work will contribute to Welsh Government's future policy development around the effective and consistent use of preventative actions with the aim of reducing evictions from social housing in Wales.

## 2. Methodology

### Quantitative Survey

#### *Data collection*

- 2.1 In order to collect eviction data, ORS hosted a quantitative online survey which Welsh social landlords (local authorities, LSVTs and RSLs) were invited to complete. ORS, working collaboratively with Welsh Government to develop the questions, created the survey in their online CAWI system.
- 2.2 Contact details were provided by the Welsh Government, and the questionnaire was emailed to the 47 main contacts on 25<sup>th</sup> February 2019 and the survey was closed on Friday 3<sup>rd</sup> May 2019. Reminders were emailed to non-responders on a weekly basis throughout the fieldwork period.
- 2.3 The questionnaire sought information about the organisation (e.g. the size of its stock and demographic information about its tenants); the numbers of possession orders, eviction warrants and tenants leaving the property between 1st January 2018 and 31st December 2018 for general and sheltered housing (supported housing scheme data was not included); information about the types of support offered to tenants, and the processes used; and, finally, views about the main risk factors that contribute to evictions and the types of pressures faced by landlords in this area.
- 2.4 33 respondents completed the online questionnaire. A further five submitted information in an alternative format; this information has been amalgamated with the questionnaire where possible. The total of 38 responses represents 7 local authorities and 31 RSLs (including 10 large scale voluntary transfer organisations (LSVT)).
- 2.5 Although the results are not representative of every social housing provider in Wales, the high response rate provides a robust reflection of the eviction landscape across Welsh social housing.

## *Data analysis*

- 2.6 It became clear throughout the exercise that the IT systems and the type of information collected about tenants differs among organisations. The online survey was a complex data collection exercise which for some organisations involved a considerable amount of work between different departments to collate. In turn, a proportion of social landlords could not access the specific information required or explained that it is not collected by their organisation. This meant some surveys were only partially completed and complete datasets were not always submitted. ORS contacted landlords who had left certain sections blank and where possible was able to gather the missing information.
- 2.7 In addition to the data processing, during the data analysis it became clear that, in some cases, there were discrepancies or inconsistencies in the information provided. These were identified by quality control checks on the data carried out internally by ORS. ORS attempted to contact landlords to verify and query such inconsistencies and corrected the data where possible.
- 2.8 Due to the issues around not being able to access specific information, 18 landlords partially completed the online survey. This mainly affected information around overall tenant demographics, although, 10 landlords where unable to submit full data around the three stages of eviction (possession claims, warrants and evictions).
- 2.9 In the course of the research, it has also become apparent that there may be small ambiguities in the way certain terms such as 'evictions' or 'tenants' can be understood or defined. For example, when asked to provide details on the number of tenants, there were inconsistencies in terms of whether organisations included joint tenants, and some gave information on all occupants currently housed. Moreover, there are variations in the approaches different organisations (across the whole estate) use to collect and extract data about their housing stock and tenancies, which affected the consistency of the information provided.

- 2.10 As such, the data is not necessarily definitive; however it does give an indication of the types of providers that may be more or less likely to evict tenants, as well as an overview of the main types of support offered and views on the main causes of evictions.

### **Qualitative interviews**

- 2.11 Qualitative in-depth telephone interviews were undertaken with 24 social landlords who took part in the online data collection survey. The in-depth interviews explored in more detail the eviction processes, the key issues, the best practice, and the support provided to avoid tenants losing their homes. In order to capture a range of views, a diverse group of landlords (RSLs, LSVTs and local authorities) of different sizes and with varying possession order, warrant and eviction rates across Wales were interviewed.
- 2.12 In addition, nine in-depth telephone interviews were undertaken with key stakeholders and organisations who work across the Welsh housing and homelessness sector. This was in order to gain strategic insight into reasons for eviction, eviction processes and how risks are mitigated. The key stakeholders included: Citizen's Advice Cymru (CAB); Community Housing Cymru (CHC); The Chartered Institute of Housing (CIH) Cymru; Cymorth Cymru; Shelter Cymru; Welsh Local Government Association (WLGA); a Housing Solutions Team; a social landlord board member; and a Shelter court representative.
- 2.13 The interviews took place between March and April 2019; each interview lasted between 45-60 minutes and was undertaken by ORS' qualitative research team. Interviewees were assured of complete confidentiality and they were free to be as open and as honest as they wished insofar as they would not be named in this report. Names, specific organisations and identifying comments have been removed from the verbatim comments to ensure anonymity.
- 2.14 The in-depth interviews reported here gave a high proportion of social landlords the opportunity to be involved, although it should be noted that qualitative approaches cannot be certified as statistically representative samples of public opinion. The outcomes reported in this report are,

therefore, reliable as examples of the reflections and opinions of a range of informed people on social housing evictions.

- 2.15 The views expressed by participants might or might not be supported by available evidence; that is, they may or may not be accurate as accounts of the facts. ORS cannot arbitrate on the correctness or otherwise of people's views when reporting them. This should be borne in mind when considering the findings. Where possible any such issues are flagged up in the report.
- 2.16 Verbatim quotations are used throughout, in indented italics, for their vividness in capturing points of view. ORS reports the opinions as given and does not endorse the opinions in question.

### **3. Findings: Eviction rates & reasons, processes & challenges**

#### **Introduction**

- 3.1 Chapters 3 and 4 present the combined findings from the online data collection survey and qualitative in-depth interviews.
- 3.2 The tables and charts are based on the survey data provided by the social housing providers as part of their responses to an online questionnaire setup and hosted by ORS.
- 3.3 The in-depth interviews conducted with Welsh social landlords and key stakeholders considered a wide range of important issues that are reported fully and structured to address each of the areas of discussion in some detail. The views of interviewees have been merged to give an overall report of findings – but significant differences in views have been drawn out where appropriate.

#### **Rates of possession orders, eviction warrants and evictions**

- 3.4 Each housing provider who took part in the data collection survey was asked to provide information about the numbers of possession orders and evictions warrants they had issued. They were also asked to state the actual number of evictions that had resulted from these warrants.
- 3.5 The results have been summarised in the table below and overleaf. The volume of each provider's housing stock has been used along with the other data supplied, to calculate the rate of possession orders, warrants and evictions per 1,000 units (i.e. so that any comparisons take into account that the different organisations vary significantly in size).

**Table 1: Rates of possession orders, eviction warrants and evictions (per thousand units), by provider**

	SIZE (nearest 100)	POSSESSION ORDERS	EVICTON WARRANTS	EVICTIONS
	No. of units	Rate per 1,000 units	Rate per 1,000 units	Rate per 1,000 units
Local Authority A	13,500	26.1	26.0	7.5
Local Authority B	13,500	9.4	6.5	1.9
Local Authority C	10,700	19.2	12.0	2.0
RSL A	10,400	1.7	1.3	1.3
RSL B	10,200	8.1	2.8	2.4
LSVT A	10,200	23.0	16.0	6.7
LSVT B	9,000	6.1	4.3	3.0
LSVT C	8,900	14.2	7.0	4.1
LSVT D	7,900	19.0	17.9	5.6
LSVT E	6,300	unknown	4.3	2.2
LSVT F	6,100	11.2	2.1	2.1
Local Authority D	5,700	unknown	unknown	6.4
RSL C	5,600	unknown	unknown	3.6
Local Authority E	5,300	11.0	3.7	2.8
RSL D	4,600	12.7	Unknown	3.2
LSVT G	4,100	9.8	2.4	2.2
RSL E	3,900	21.8	12.7	9.9
Local Authority F	3,800	21.9	Unknown	2.1
RSL F	3,800	7.9	5.0	1.8
Local Authority G	3,800	Unknown	2.6	0.0
LSVT H	3,500	5.5	3.5	1.4
RSL G	3,200	7.4	1.5	1.5
RSL H	3,200	7.0	1.9	1.3
RSL I	3,100	12.4	9.8	1.9
RSL J	2,900	19.8	6.9	4.2
RSL K	2,800	8.6	2.5	2.5
RSL L	2,700	10.6	2.2	1.5
RSL M	2,300	9.0	3.0	2.6
LSVT I	2,300	11.6	2.6	2.6
RSL N	2,200	20.9	7.7	3.2
RSL O	1,800	9.3	2.7	2.2
RSL P	1,700	82.1	6.9	3.5
RSL Q	1,600	20.7	6.1	3.6
RSL R	1,400	4.4	3.7	3.0
RSL S	1,200	10.9	4.2	2.5
RSL T	1,100	32.1	14.7	4.6
RSL U	900	14.8	4.6	4.6
RSL V	250	24.4	0.0	0.0

- 3.6 Each organisation has also been ranked based on their rate of possession orders, eviction warrants and evictions per thousand units, which has been presented in Table 2 overleaf. In Table 2, Red shading indicates that an organisation is among the ten highest in terms of its rate; green shading indicates that it is among the ten lowest.
- 3.7 Table 2 shows that some organisations (e.g. Local Authority A, LSVT A, RSL E) were consistently in the highest ten across all three measures, while a number of others were consistently low.
- 3.8 However, others presented a more mixed picture (e.g. a couple of organisations ranked highly in terms of the numbers of possession orders issued relative to the size of the organisation, but very low in terms of the actual number of evictions that resulted).
- 3.9 Findings from the qualitative interviews suggested that social landlords who have a high number of possession orders compared to actual evictions often used the order as a tool to engage with the tenant. Indeed, it was explained that repayment plans and other types of support have successfully been put in place as a result, which has ultimately saved the tenancy. However, other social landlords are reportedly focussing on improving engagement as a way to prevent NoSPs and possession orders, which is discussed in detail in chapter 4.

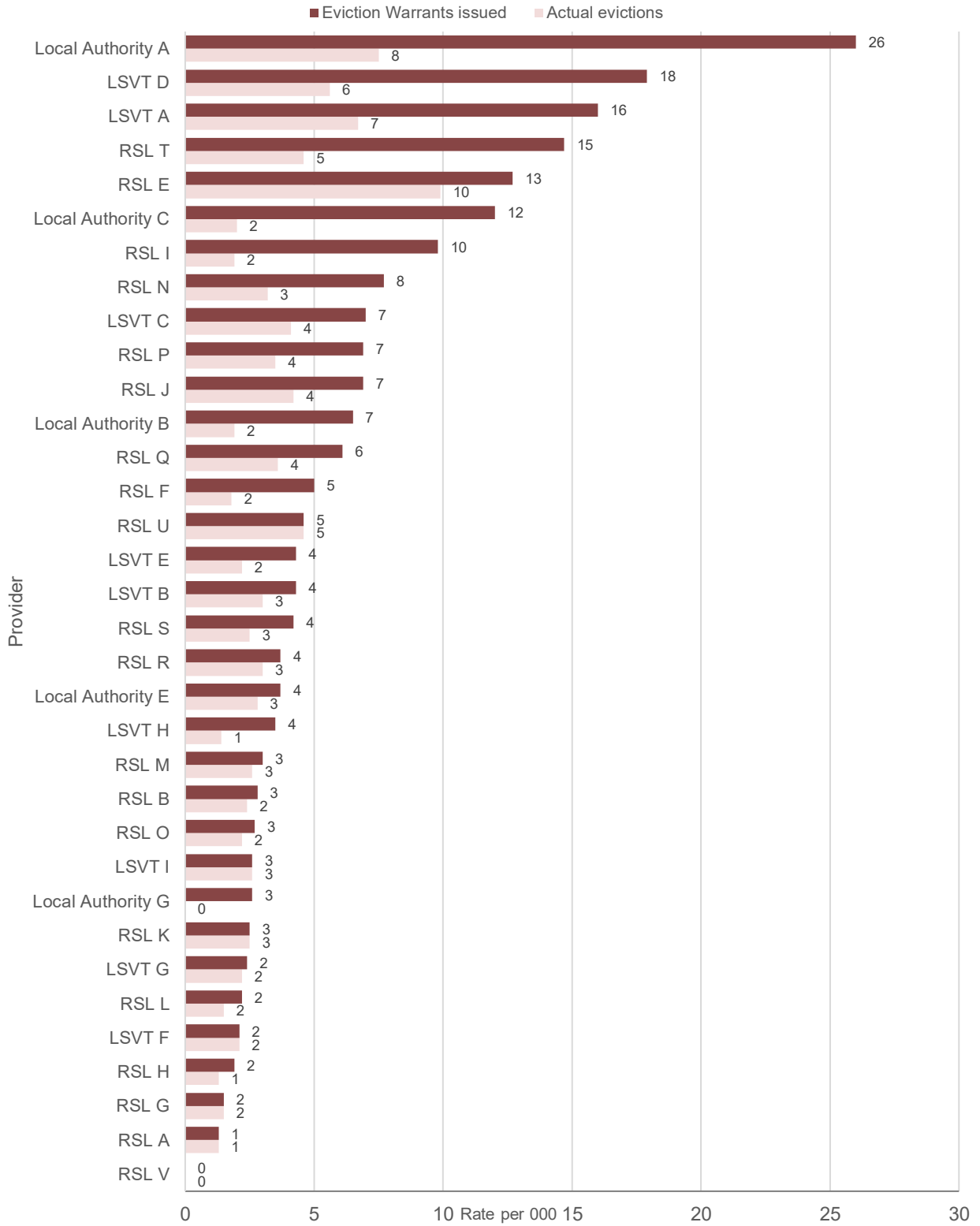


**Table 2: Ranked rates of possession orders, eviction warrants and evictions (per thousand units), by provider**

	SIZE (high to low)	POSSESSION ORDERS	EVICTION WARRANTS	EVICTIONS (Q15)
	No. of units	Rank (1=highest)	Rank (1=highest)	Rank (1=highest)
Local Authority A	13,500	4	1	2
Local Authority B	13,500	24	12	29
Local Authority C	10,700	12	6	28
RSL A	10,400	35	33	35
RSL B	10,200	28	23	22
LSVT A	10,200	6	3	3
LSVT B	9,000	32	16	15
LSVT C	8,900	15	9	9
LSVT D	7,900	13	2	5
LSVT E	6,300	N/A	17	23
LSVT F	6,100	19	30	26
Local Authority D	5,700	N/A	N/A	4
RSL C	5,600	N/A	N/A	11
Local Authority E	5,300	20	19	17
RSL D	4,600	16	N/A	13
LSVT G	4,100	23	28	24
RSL E	3,900	8	5	1
Local Authority F	3,800	7	N/A	27
RSL F	3,800	29	14	31
Local Authority G	3,800	1	25	38
LSVT H	3,500	33	21	34
RSL G	3,200	30	32	32
RSL H	3,200	31	31	36
RSL I	3,100	17	7	30
RSL J	2,900	11	10	8
RSL K	2,800	27	27	21
RSL L	2,700	22	29	33
RSL M	2,300	26	22	19
LSVT I	2,300	18	26	18
RSL N	2,200	9	8	14
RSL O	1,800	25	24	25
RSL P	1,700	2	11	12
RSL Q	1,600	10	13	10
RSL R	1,400	34	20	16
RSL S	1,200	21	18	20
RSL T	1,100	3	4	6
RSL U	900	14	15	7
RSL V	250	5	34	37

- 3.10 This is further illustrated by figure 1, which shows that some providers issue many more eviction warrants in relation to the number of actual evictions, whereas for other providers there is very little difference between the number of warrants and the number of eventual evictions.
- 3.11 It was suggested by a key stakeholder, who took part in a qualitative interview, that although some social landlords do a lot of work around preventing possession orders, once it is breached, a warrant is often sought 'straight away'. This led them to suggest that a 'Pre-Action Protocol for Warrants' should be introduced.

**Figure 1: Rates of eviction warrants and evictions (per thousand) by provider**



Source: ORS online questionnaire

- 3.12 Table 3 below compares some key information for the ten organisations with the highest and lowest eviction rates.
- 3.13 The table suggests a link between the eviction rate and the size of the organisation: many of those with a high eviction rate tended to be either quite large (6,000+ units) or fairly small (< 3,000 units) in terms of the size of their housing stock. On the other hand, seven out of ten of those with the lowest eviction rates were broadly medium sized (i.e. between 3,000 and 6,000 units).
- 3.14 It may also be worth noting that four of the five providers with the highest eviction rates are either local authorities or LSVTs, whereas RSLs appear more prominently among organisations with the lowest eviction rates.
- 3.15 The organisation with the highest rate of evictions also ranked highest in terms of the proportion of tenants that are in receipt of Universal Credit; moreover the third and seventh ranked also had particularly high proportions of tenants being in receipt of Housing Benefit (full or partial). However, this pattern was not borne out across the whole of the sample: other providers with high levels of tenants receiving Universal Credit or Housing Benefit reported relatively few evictions, or even none at all.

**Table 3: Organisations with the ten highest and ten lowest eviction rates: further details**

	Rate per 1,000	No. units <sup>4</sup>	Type of housing teams <sup>5</sup>	% in receipt of UC	% in receipt of Housing Benefit
<b>Highest rates per thousand</b>					
RSL E	9.9	3,000-6,000	Specialist	15-20%	40-50%
Local Authority A	7.5	6,000+	Specialist	10-15%	50-60%
LSVT A	6.7	6,000+	Both	<5%	70-80%
Local Authority D	6.4	3,000-6,000	unknown	unknown	unknown
LSVT D	5.6	6,000+	unknown	unknown	unknown
RSL T	4.6	< 3,000	Both	unknown	unknown
RSL U	4.6	< 3,000	Generic	<5%	70-80%
RSL J	4.2	< 3,000	unknown	10-15%	40-50%
LSVT C	4.1	6,000+	Specialist	10-15%	30-40%
RSL Q	3.6	< 3,000	Specialist	<5%	40-50%
<b>Lowest rates per thousand</b>					
Local Authority B	1.9	6,000+	Both	10-15%	60-70%
RSL I	1.9	3,000-6,000	Both	10-15%	unknown
RSL F	1.8	3,000-6,000	Generic	5-10%	50-60%
RSL G	1.5	3,000-6,000	Generic	5-10%	50-60%
RSL L	1.5	< 3,000	Both	<5%	50-60%
LSVT H	1.4	3,000-6,000	Both	5-10%	unknown
RSL A	1.3	6,000+	Both	unknown	unknown
RSL H	1.3	3,000-6,000	Specialist	15-20%	50-60%
RSL V	0.0	< 3,000	Generic	5-10%	60-70%
Local Authority G	0.0	3,000-6,000	Specialist	<5%	70-80%

3.16 Participants who also took part in the in-depth interviews were asked about the data their organisation supplied for the online survey around possession orders, eviction warrants and actual evictions. The general consensus was the figures were low or around average – even among

<sup>4</sup> Grouped into bands based on the number of units (< 3,000, 3,000-6000 and 6,000+) to give some loose sense of the organisation’s size (i.e. whether it is smaller, medium, or larger).

<sup>5</sup> Specialist housing teams: housing officers who particularly focus on certain elements of the tenancy. Generic housing teams: housing officers who offer a single point of contact to the tenant. The housing officer deals with lettings, income collection, repairs, ASB, and other tenancy management tasks etc. Both housing teams: generic housing officers but also specific teams for certain types of support, such as budgeting

those who reported higher numbers of evictions and/or legal action in comparison to the rest of the sample.

- 3.17 Moreover, the majority said their organisation's levels of eviction and threat of eviction has either stayed the same or decreased in recent years, mainly because of the increased time, effort and resourcing put into prevention and sustainable tenancies. A stakeholder from WLGA argued that given the effect of austerity on finances, then it could be considered a success that eviction levels have remained constant. However, a minority of landlords explained that possession orders have gone up, mainly due to increasing issues around rent arrears. Eviction rates and the reasons behind them are discussed in more detail later on in the chapter.
- 3.18 Every social landlord who undertook an in-depth interview explained their organisational policy and ethos is that evictions are the 'last resort' and keeping people in their homes is an 'absolute priority'. Moreover, they were confident every other route is explored and attempted before it gets to that point. Some landlords even went as far to say evictions were considered a failure, while others described having any evictions at all (no matter how small the number) as greatly disappointing.
- 3.19 However, a small number of participating landlords argued that a long-term aim of undertaking no evictions at all is unrealistic and explained sometimes it is a sanction which has to be used. It was also reasoned an eviction is not necessarily a failure if the landlord has tried everything it can to save the tenancy.

## **Eviction Processes**

### *What triggers a Notice of Seeking Possession (NoSP)*

- 3.20 In general, social landlords who undertook the in-depth interviews reported that a NoSP is usually triggered when rent payments are missed. Most organisations do not have a fixed number of missed weeks rent or level of arrears which trigger a NoSP. However, it was reported that housing officers will usually be prompted to look at cases where there are between £350- £450 of arrears or 4 – 6 weeks of non-payment of rent. Moreover, most organisations do not automatically send out

NoSP's and housing officers instead review cases on an individual basis and circumstances when deciding what action to take.

- 3.21 That said, two qualitative interviewees – both RSLs – have stricter procedures in place. One explained that housing officers will automatically be prompted to issue a NoSP at a specific level of rent arrears. The other said their organisation have a set procedure of serving a notice after four weeks of non-payment of rent. However, it was stressed this notice is mainly put in place as a means of engaging with the tenant and to put appropriate agreements in place to avoid court action.

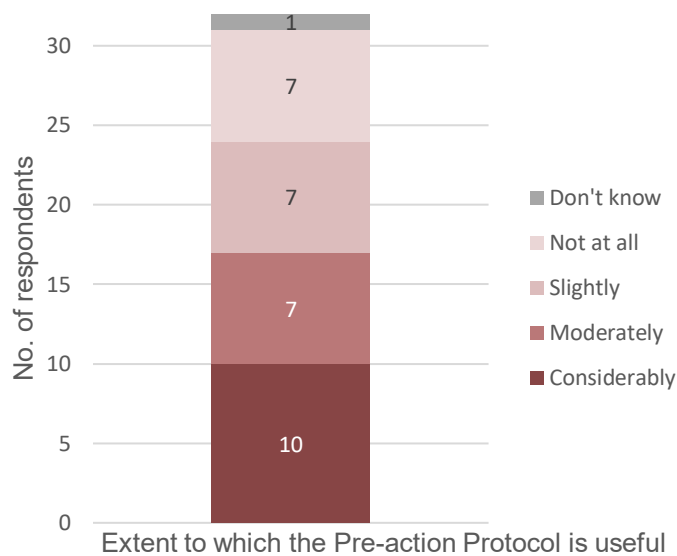
*Views on the pre-action protocol for possession claims*

- 3.22 Organisations who took part in the survey were asked whether, and if so how often, they use the Pre-Action Protocol for Possession Claims<sup>6</sup>. All thirty-three of the organisations who responded indicated they always use the Protocol.
- 3.23 However, there was some difference of opinion as to how far the Protocol has helped to reduce the number of possession claims issued. While around half (17 of 32 organisations) felt it had helped at least moderately, nearly as many (14 of 32 respondents) felt that that it had only helped slightly or had not helped at all.

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<sup>6</sup> The [Pre-Action Protocol](#) sets out a code of good practice on claims for rent arrears.

**Figure 2: Extent to which providers find the Pre-action Protocol for processing claims useful (counts of providers)**



Source: ORS online questionnaire (n=32)

- 3.24 Views on the Protocol were further explored during the in-depth interviews. Those who thought utilising the Protocol was useful in reducing possession claims argued it provides further accountability to housing officers' decisions and provides assurance that tenants have been treated fairly. It was also deemed important because it provides an objective, consistent procedure for social landlords to follow, ensuring every organisation follows to a similar standard, while still allowing flexibility.
- 3.25 However, the majority explained their organisation would follow the procedures set out in the Protocol anyway or criticised it for being out of date. Specifically, it was felt the current Protocol is not in line with changes to Welfare Reform – especially Universal Credit – nor with the way landlords want to engage with their tenants. Furthermore, it was suggested social landlords should be involved in developing an updated version of the Protocol.
- 3.26 Despite social landlords reporting otherwise, a participating court representative for Shelter Cymru said they regularly witness the Protocol not being adhered to. They went on to explain they try to raise breaches of the Protocol but very often the judges will side with the landlord over the tenant. They suggested the current Welsh policy should be changed

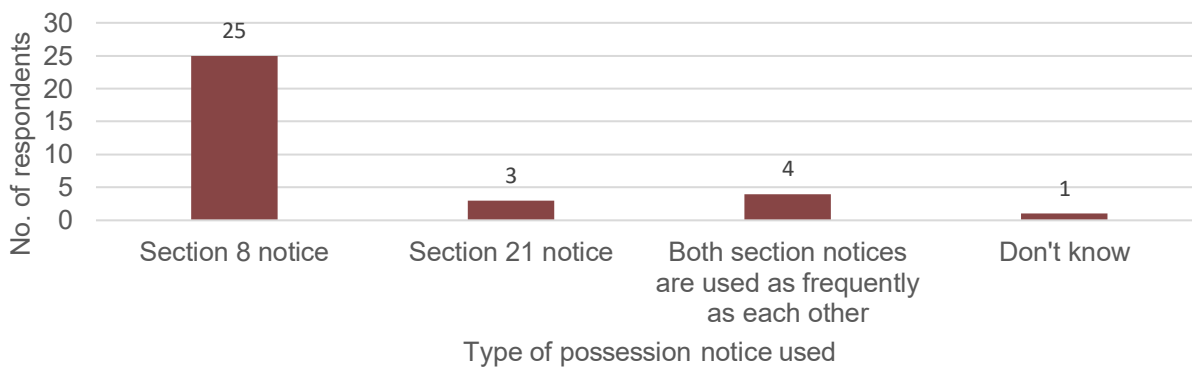


to follow a model similar to what is undertaken in Scotland, where the Protocol has been replaced by 'pre-action requirements'. They argued this would result in more actions being thrown out of court if all of the steps are not followed by social landlords.

### *Types of possession notices used*

3.27 In terms of the types of possession notices used, Section 8 notices are the more widely used by 25 out of 33 online survey respondents, whereas only 3 organisations use Section 21 notices most often. A further four organisations use both types of section notice as frequently as each other.

**Figure 3: Types of possession notice used most frequently in 2018**



Source: ORS online questionnaire (n=33)

3.28 Social landlords who took part in an in-depth interview explained their organisation usually serves a Section 8 notice when terms of the tenancy have been breached, which is in the main due to rent arrears, rather than a Section 21 notice. In fact, it was reported that Section 21 notices are very rarely used and if they are the decision '*is not taken lightly.*'

3.29 However, there was concern among a handful of in-depth interviewees about Section 21 notices potentially being abolished within Welsh social housing. Specifically, having the option of serving a Section 21 was reported as being useful for dealing with serious ASB issues, which, it was explained, often involve long, drawn out court cases, resulting in victims facing months of difficulties.

- 3.30 However, a key stakeholder from Shelter Cymru reported they are seeing quite a few RSLs using Section 21 notices in court, which are very difficult to defend against because it is a no-fault action. Moreover, the participant said there was concern that Section 21 notices are being used because they are cheap, an easy solution for the landlord and masks bad practice, and as such Shelter Cymru are campaigning for them to be abolished in social housing.

#### *Accountability when undertaking eviction processes*

- 3.31 Although eviction criteria and procedures differ between social landlords, there was agreement among those who took part in the in-depth interviews that it is a lengthy process, where a lot of time is spent reviewing and discussing individual cases. Indeed, everyone reported the decision needs to be fully evidenced and scrutinised so the landlord can prove it has done everything it can at every stage to help the tenant.
- 3.32 There was variety in who actually makes the decisions around individual cases. For some social landlords, decisions around whether court action is sought are made by a panel who collaboratively approve or reject requests. For others, decisions need to be approved by the Chair of the Board, Chief Executive, Head of Service, or someone at a high managerial level. However, all decisions are also usually checked to ensure they comply with the Pre-action Protocol for Possession Claims, along with other organisational policies and procedures.
- 3.33 Overall, all in-depth interview participants considered their organisation's eviction processes to be fair and felt tenants are given many opportunities, over a long period of time, to save their tenancy and get the support they need. However, one participating RSL said it is largely up to each individual organisation to make sure their eviction process is fair. They went on to explain some housing associations are largely 'profit-driven' which can lead to their internal criteria and procedures not being as fair and understanding on tenants as they could be. This may explain why the data from the survey shows some social landlords have higher numbers of possession claims, warrants and actual evictions.

## **Court processes**

### *Impact of going to court on social landlords and tenants*

- 3.34 When qualitative interviewees were asked about the financial impacts (on their organisation) of taking a tenant to court, the majority of social landlords said their main concern is for the tenant. It was explained that court costs are passed onto tenants, who are usually already struggling with finances, and the court costs add even more debt to their accounts. Indeed, it was reported the court application fee usually costs around £300 and deemed too expensive for tenants to pay. Moreover, a participating court representative from Shelter Cymru said recent cuts in funding have led to court closures and tenants having to travel long distances for court appearances, which can cause further stress and reduce attendance.
- 3.35 It was argued by some that the cost of eviction is not something which social landlords should be concerned with (tenants' need to always be the priority). However, the money and resourcing involved in actually evicting a tenant was considered to be a huge financial burden. Some local authority landlords also explained that when they evict someone, they are creating workload and costs for other parts of their services in terms of sorting out temporary accommodation and homelessness services.
- 3.36 A stakeholder from the WLGA said Shelter estimated it costs £26,000 per eviction but often the landlord only pays £6,000-7,000 of those costs. It was suggested that there needs to be some push back against landlords (by organisations/services who are absorbing these costs instead), which may alter the landlords' thinking if they stand to lose more money from an eviction.

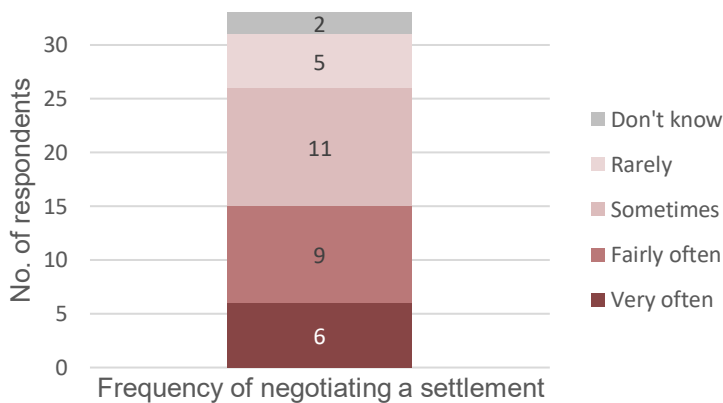
### *Negotiating a settlement before court*

- 3.37 Social landlords reported they make a lot of effort to make and maintain contact with tenants throughout the court process and strive to make an agreement to stop the legal action from going any further.
- 3.38 However, despite these efforts, just under half of the online survey respondents (15 of 33) said their organisation was able to negotiate

settlement before court either very or fairly often in 2018; while a third felt this had happened sometimes. No organisations said they had never been able to negotiate a settlement prior to court, with five respondents acknowledging this was rare.

3.39 Qualitative interviewees explained it is usually a complete lack of tenant engagement and efforts to repay rent often results in the court process moving forward. However, a third sector court representative reported that from their experience, most landlords are completely unaware of tenants' issues when they meet in court.

**Figure 4: How often providers were able to negotiate a settlement before court in 2018**



Source: ORS online questionnaire (n=33)

*Support provided for social housing tenants around court*

3.40 Participants from third sector services (Shelter and CAB) discussed the support they offer to tenants during their in-depth interviews, such as: free court representation and advice; help with understanding the court process; and making referrals to specialist services. Shelter Cymru get paid a fixed fee from legal aid for this service and there are no income requirements to use this service.

3.41 Overall, a participating court representative thought social housing tenants are well supported in court and the process is clearly explained to them - even by the judges in the court room. However, they have found that often fewer than half of the cases on the list turn up to court. They explained by not turning up to court, tenants cannot receive the

right support. The stakeholder also said there is some anecdotal evidence suggesting that landlords are making the situation worse by advising tenants not to attend court and not following the pre-action protocol.

- 3.42 Moreover, a stakeholder from CAB said most social housing tenants do not understand the difference between the different types of warning notices, the possession hearing, the eviction or the suspended possession and thus tenants tend to get in touch with CAB '*at the last minute in a panic.*' They also explained help is mostly sought by vulnerable people who are seen at the end of the process when eviction is most imminent.

#### *Additional issues around court and court processes*

- 3.43 There were also some issues identified around the timeliness of the court process, which was criticised for being too lengthy. One RSL explained it takes action a little earlier than is ideal because '*it's going to take eight weeks to get a court date and then by the time you get the order, then it will be a 56 day order and it will be another month after that.*' Others said this was particularly an issue when dealing with very serious issues outside of rent arrears, such as ASB. However, a local authority landlord said their organisation uses Possession Claims Online which speeds up the process of being given a court date.

#### **Challenges, issues and barriers faced by social landlords which can impact on sustainable tenancies and result in evictions**

- 3.44 Online survey respondents were asked to identify the main issues or pressures faced by their organisation which impact on or relate to eviction levels. Of those who answered, some two thirds (around 20 out of the 29 participants who answered the question) touched upon the impacts of Welfare Reform, particularly around the ongoing implementation of Universal Credit, but also around other changes in recent years such as the benefit cap and 'bedroom tax'. Moreover, there was a strong feeling among qualitative interviewees that Universal Credit has caused an increase of bad debt and rent arrears, resulting in social landlords having '*to pick up huge amount of costs.*'

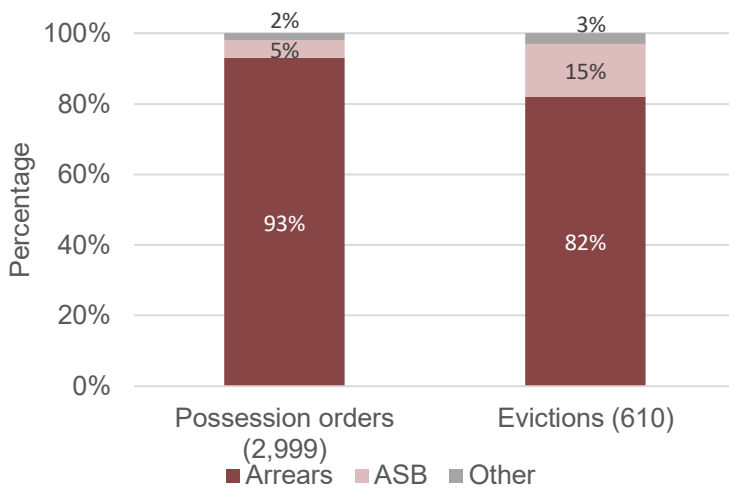
3.45 Other major issues which were put forward by both the online survey and in-depth interviews were around:

- The increasing demand for debt advice, welfare benefits and budgeting advice;
- Tenant non-engagement and refusal to receive help and support;
- Housing an increasing number of tenants with complex needs;
- Individuals' ability to meet housing costs without falling into arrears;
- Budgetary and financial pressures in the current economic climate, which impacts on maintaining affordable rents while sustaining sufficient income;
- The current supply of social housing is not meeting the level of demand, resulting in homelessness and people being housed in properties which are '*not the right fit for them*'; and
- Problems finding out information on a tenant's financial situation.

#### **Reasons for evictions: Rent arrears**

3.46 Based on the information provided in the survey, rent arrears is by far the most common reason for issuing a possession order (93%), as well as being the most common reason for ultimately evicting a tenant (82%). 'Other' reasons for eviction typically included tenancy infractions e.g. issues relating to the condition of the property or garden, fire risk etc; abandonment; failure to allow access; and trespass.

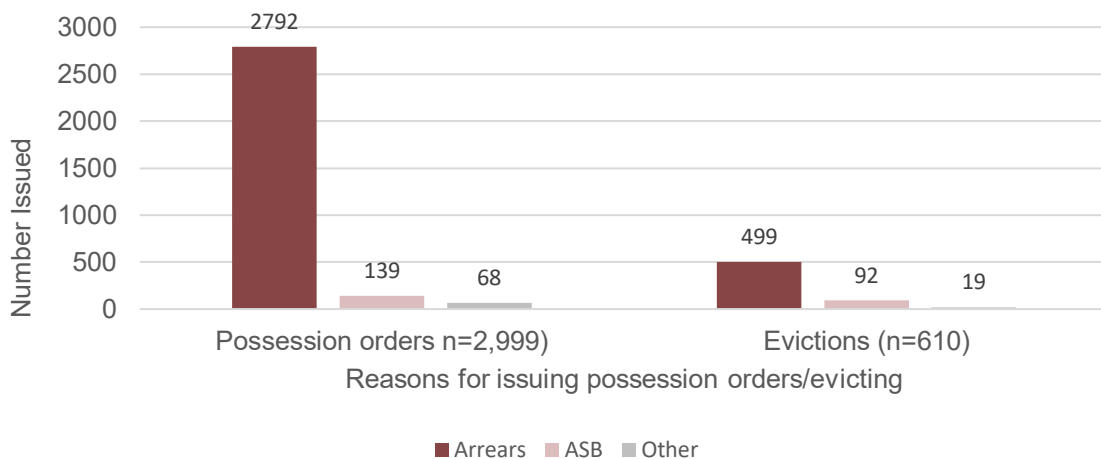
**Figure 5: Reasons for issuing possession orders/evicting tenants (percentages)**



Source: ORS online questionnaire

3.47 However, while there are very many possession orders for rent arrears, the data provided to the questionnaire suggests that relatively few of these ultimately lead to an eviction (around 18%), whereas for ASB there is far less of a difference between the number of possession orders issued and the ultimate number of evictions (around 66%). The implication of this is many possession orders do lead to some form of resolution in cases of rent arrears.

**Figure 6: Reasons for issuing possession orders/evicting tenants (Counts)**



Source: ORS online questionnaire

3.48 The in-depth interviews shed some light as to why this may be the case: it was reported most ASB cases involve low-level annoyances and complaints which do not warrant court action. However, a small number

of cases are classed as 'severe', such as drug use, prostitution and violence – and it is these types of cases which are more likely to result in eviction due to their seriousness and threat to public safety. It was also reported that ASB cases only go through the court process if there is a lot of evidence and certainty of a win.

- 3.49 However, it was reported in a high proportion of cases, threatening tenants who are in rent arrears with court action encourages them to engage, resulting in adjournment or possession orders and warrants being suspended. Others argued judges rarely allow evictions to go ahead, even if the landlord feels it has done everything possible to save the tenancy. Moreover, the majority of in-depth interviewees said their organisation always seeks to reach an agreement with tenants who are in rent arrears at all stages of the eviction process - right up until '*the eleventh hour*.'
- 3.50 Third sector key stakeholders noted more recently, evictions due to rent arrears have been going up because the judges are reluctant to let cases '*drag on*'. Moreover, it was also highlighted that if a tenant gets evicted for this reason, then it's very difficult to get another tenancy, and there has not been much scrutiny of this area of social housing policy.

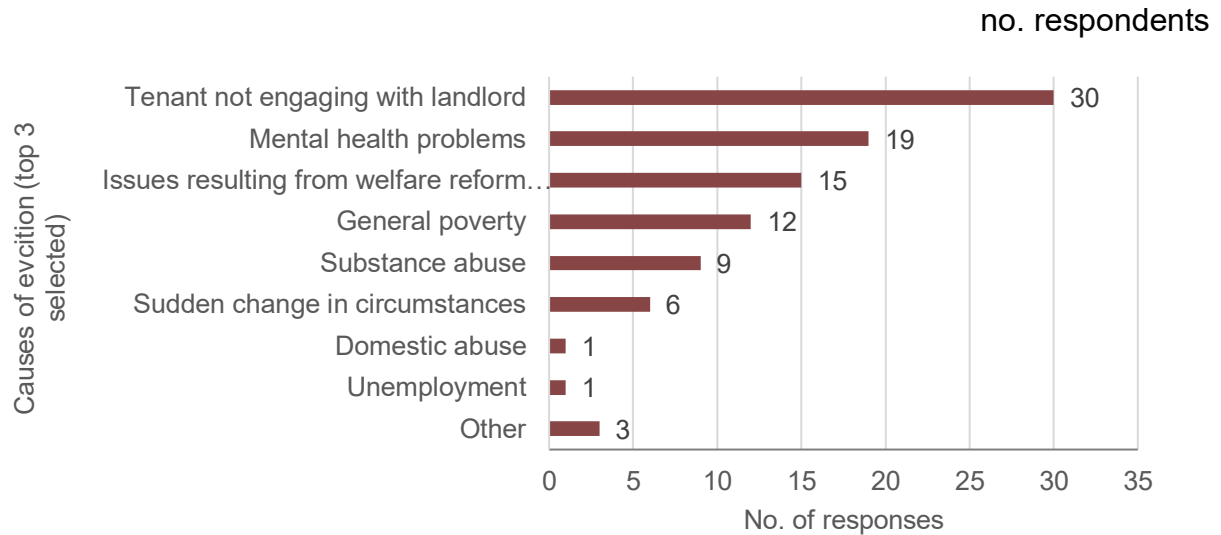
### **Underlying main causes of eviction: non-engagement, Welfare Reform, mental health issues & poverty**

- 3.51 Survey respondents were asked to identify what they felt were the three primary causes of evictions. Most organisations (30 out of 33) reported tenants not engaging with landlords, while a smaller majority (19 out of 33) identified mental health problems. Just under half (15 out of 33) identified issues resulting from Welfare Reform, with smaller numbers mentioning general poverty, substance misuse and sudden changes in the tenant's circumstances.
- 3.52 Three organisations mentioned 'other' reasons for evictions: two of these mentioned tenants not viewing the payment of rent as a priority and the remaining respondent mentioned abandonments. In addition, an in-depth interviewee described issues their housing association has encountered with tenants who are in and out of prison throughout their tenancy. They said that when the tenant is sent to prison, the landlord is rarely told and



only finds out after the rent payments stop. It also means while the tenant is in prison their benefits stop and it can be difficult to contact them to discuss their options going forward.

**Figure 7: Primary causes of evictions (based on respondents selecting their top three from a list)**



Source: ORS online questionnaire (n=33)

### *Tenant non-engagement*

3.53 Some 90% of survey participants said lack of tenant engagement was the primary cause of evictions within their organisation. Social landlords who took part in the in-depth interviews explained if the landlord has tried everything it can to support the tenant and they are continually refusing to accept any help, or communicate their struggles, there is often little other option than starting an eviction process.

3.54 It was deemed incredibly difficult to establish why a tenant is not engaging, but the main reasons behind it were identified as complex, multi-faceted issues such as mental health problems, addiction, domestic abuse and chaotic lifestyles. However, practical barriers were also reported, such as language barriers and illiteracy. It was reported others simply '*bury their hands in the sand*' or fear facing the consequences of the issues they face with their tenancy. A stakeholder from CAB confirmed they are often dealing with social housing tenants with language issues and those who are particularly vulnerable.

- 3.55 Most landlords suggested the majority of tenants are not refusing to engage because they do not want to, but because there are circumstances and underlying problems which are prohibiting them from doing so.

### *Welfare Reform*

- 3.56 45% of survey participants said a lack of tenant engagement was the primary cause of evictions within their organisation. It was argued, by some landlords who took part in the qualitative interviews, that Welfare Reform has '*hit the poorest and most vulnerable the hardest*' and exposes those with mental health issues and/or lacking the concept of money management. Indeed, participating social landlords explained an increasing number of their tenants have complex issues and are simply not able to cope. Moreover, Welfare Reform was identified as the major underlying contributing factor to the reported increase in rent arrears due to: the bedroom tax, the benefit cap, Universal Credit payments and benefit payment sanctions, which it was argued have all contributed '*to arrears on rent accounts that would otherwise have been clear.*'
- 3.57 Specifically, there was huge concern around Universal Credit among the qualitative interviewees. Indeed, the five-week waiting period to receive the first payment, the requirement for tenants to log everything in their journals digitally, and vulnerable people receiving money directly (and having the temptation to spend it) were identified as the main issues and causes of rising rent arrears. In addition, there was also reports of incorrect payments and delays in payments being made. Participating landlords said in general, they are now seeing increases in rent arrears for tenants they would not expect and 'low arrears levels' are increasing. A member of a local Housing Solutions Team and a representative from CAB also confirmed that demand for support as a result of Universal Credit has increased considerably.
- 3.58 Moreover, two landlords discussed Universal Credit entitlements for non-British tenants. They explained this sub-group are sometimes being refused Universal Credit because they have failed the habitual residency test. This has resulted in a small number of evictions in some cases because the tenant ultimately is receiving no income at all. Other tenants

have applied for a mandatory reconsideration request – although it was argued the outcome can take ‘*months and months*’, by which time arrears continue to accrue. Both landlords shared their concerns that similar cases will continue to increase as more tenants migrate onto Universal Credit.

- 3.59 A stakeholder from CHC also raised their concerns that the introduction of Universal Credit will put more pressure on tenants, resulting in a higher number in arrears and needing extra support. Moreover, they predicted the situation will worsen as full migration onto Universal Credit happens.
- 3.60 Although the full impact of introduction of Universal Credit remains to be seen for most landlords, it was predicted the numbers of possession claims, warrants and actual evictions will increase as a by-product of continuing Universal Credit migration and rising rent arrears – with the situation being described as ‘*unsustainable*’. Moreover, one housing association said their organisation was already taking more tenants to court as a direct result of Universal Credit.
- 3.61 Moreover, a stakeholder from CIH Cymru discussed its struggles to influence Welfare Reform because it is not a devolved matter. They raised concern that Welfare Reform is making social housing unaffordable, which is ‘*breaking*’ the sector.

#### *Mental health problems and other vulnerabilities*

- 3.62 58% and 27% of survey participants identified mental health and substance issues, respectively, as the main reason behind evictions taking place. Qualitative interviewees reported there are increasing numbers of tenants with unmet complex support needs, such as poor mental health, substance misuse issues, learning difficulties, offending and victims of domestic abuse. Indeed, participants spoke at length about the difficulties around accessing appropriate statutory and third sector one-to-one support for tenants across Wales and felt supply is not meeting the demand. It was argued vulnerable social housing tenants are not being protected as well as they should be and this issue is often pushed back onto landlords to deal with.

3.63 In turn, some landlords explained as an organisation they are not equipped to support tenants with multifaceted and complex vulnerabilities. Moreover, without the assistance of professional help, they said eviction action is sometimes the only option, despite not necessarily feeling it is the correct or fair route to take. Another RSL claimed social services are reluctant to take on referrals unless they have been served with a NoSP.

#### *General poverty*

3.64 36% of survey participants reported general poverty is the main reason for evictions taking place. Findings from the in-depth interviews suggested an increasing proportion of tenants are experiencing financial difficulties more generally. This was, in part, put down to unemployment, fluctuating incomes and zero-hour contracts, which were reported by respondents to be a particular issue in rural and deprived areas of Wales. It was also argued tenants are struggling with the affordability of housing costs and everyday living expenses, especially if there are children living in the household or adults who are non-dependants and are not contributing towards household bills. There were also reports of tenants increasingly relying on payday loans and having several other debts to juggle. It was explained these issues have led to conflicting priorities for tenants and ultimately paying their rent sometimes '*take the back seat.*'

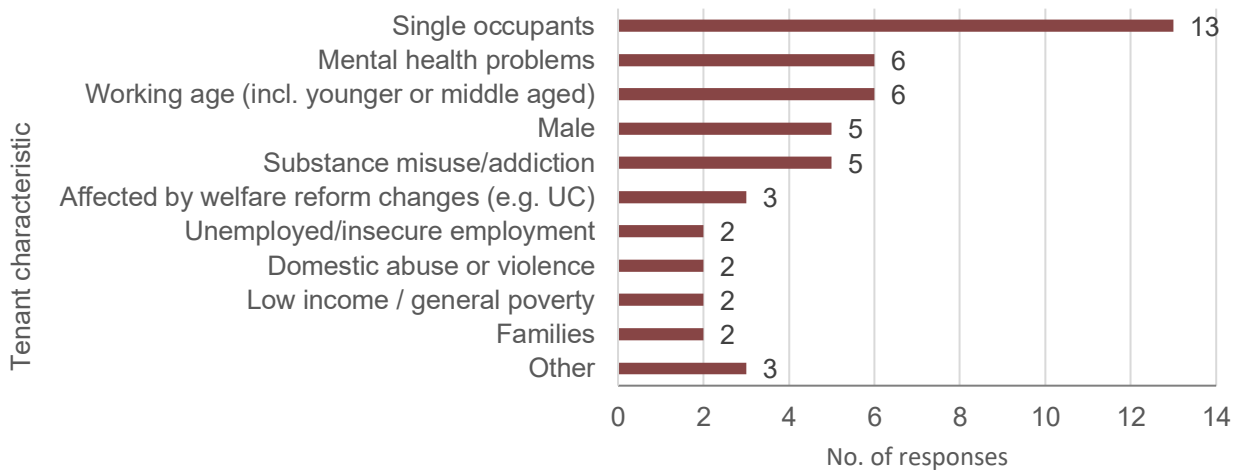
#### **Sub-groups of tenants most at risk of eviction: young people; single males; & those of working age**

3.65 Survey respondents were asked whether there are particular groups of tenants which may be at greater risk of eviction than others. Twenty answered 'yes', eleven answered 'no', and the remaining two did not know.

3.66 Among those who answered 'yes', being a single occupant was the most widely identified risk factor (65%). Other factors included a mental health problem (30%), being roughly of working age (although some specifically mentioned being middle aged, or under 40) (30%), being male (25%), and having an addiction or problem with substance misuse (25%).

3.67 Around half of respondents specifically identified particular combinations of risk factors which they felt were particularly key e.g. by referring specifically to ‘single males’ or ‘single occupants of working age’.

**Figure 8: Types of tenants at greater risk of eviction, as suggested by respondents**



Source: ORS online questionnaire ( a further 11 respondents did not think any types of tenant were at a particularly enhanced risk but are not shown in the chart)

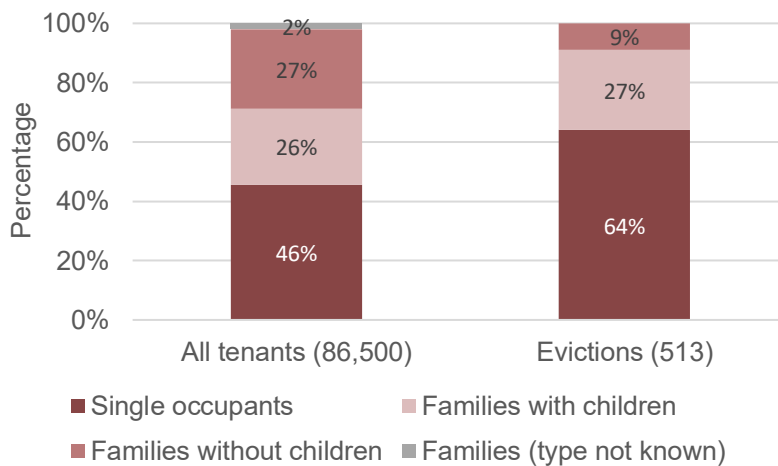
3.68 Furthermore, there was strong feeling among in-depth interview participants that young, single males are particularly vulnerable and discussed the reasons why they felt this is the case. It was reasoned they are not used to the independence and responsibility of paying rent and bills and hold differing perceptions of debt compared with more experienced tenants. It was also reported that a larger proportion of this cohort are coming into social housing through the homelessness system and struggle to maintain their tenancies due to issues around mental health and substance abuse. Moreover, they were described as being more likely to abandon the property, rather than ask for help or go through an eviction process. Another said there is a pattern in their organisation’s figures which suggests the eviction processes involving young, single males occur within the first two years of tenancy. This suggests there is a ‘critical’ time period where issues will arise.

3.69 The in-depth interviews suggested tenants of a working age are at greater risk of eviction due to a sudden change in circumstances whereby individuals are struggling due to unemployment and not knowing what to do about it. The fact that wages have not been

increasing for a large proportion of tenants, especially against the cost of living was also highlighted as an issue, as was the impact of Universal Credit.

- 3.70 This emphasis on single occupancy being a significant risk factor is borne out by data the organisations provided about the types of households they evicted in 2018 (where this data was available) – which suggests single occupants are disproportionately likely to be evicted.
- 3.71 Sixty-four per cent of evictions (for which details were available) involved a single occupant leaving the property; however, other data provided earlier in the questionnaire implied that less than half of all households fit this profile.

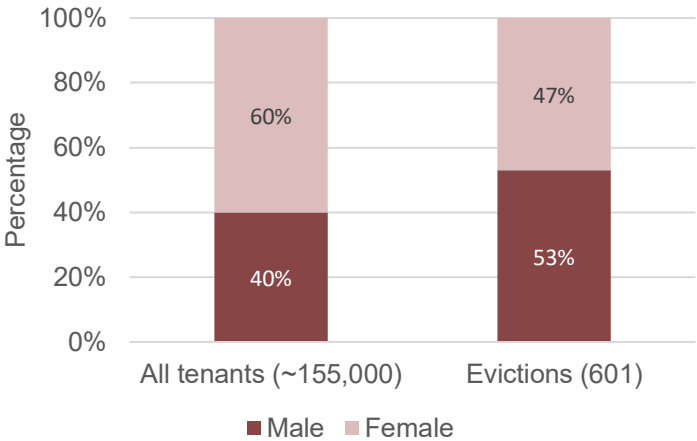
**Figure 9: Tenants and evictions: breakdown by household type (across all providers, where known)**



Source: ORS online questionnaire (n=29 for tenants, n=34 for evictions)

- 3.72 Although the profiling information provided by social landlords showed the overall number of tenants housed were female (60%), a higher proportion of males were evicted (53%), supporting the suggestion that males (especially younger males) are particularly at risk (shown in Figure 10 overleaf).

**Figure 10: Tenants and evictions: breakdown by gender (across all providers, where known)**



Source: ORS online questionnaire

## 4. Findings: mitigating against risk, eviction prevention, support provision & best practice

### How challenges and issues are mitigated

#### *Tackling non-engagement*

- 4.1 The consensus among in-depth interviewees was there is no one way to convince hard to reach tenants to engage with them and it usually involves a range of methods as well as creativity. Moreover, a large proportion of organisations reported having changed or modified their approach to engagement in recent years. These changes are part of a new approach being undertaken by social landlords around concentrating on building strong relationships with tenants right from the start of their tenancy, so that engagement is considered 'the norm' right from the outset.
- 4.2 Specifically, rather than sending out '*letter after letter*' – which are often ignored if the tenant cannot or will not engage – many social landlords now attempt to make contact via email, text, phone calls and door knocking at the property. Contact is also attempted at different times and days of the week to increase the chances of speaking to the tenant. Making home visits was considered to have been particularly useful for engaging with tenants who have issues with leaving their property, struggle with literacy and whose first language is not English or Welsh.
- 4.3 Some participants said their tenants are preferably assigned a main contact who builds a relationship with them from pre-tenancy stage and will keep in touch with them throughout the tenancy. Another landlord said they offer their tenants the choice of a female or male support worker, who they are given contact details for and pre-warn them if they are going to visit.
- 4.4 Furthermore, social landlords are reportedly attempting to be more approachable by involving tenants in discussions around how engagement can be improved and acting on feedback. Other organisations encourage money advisors or other team members to attempt to make contact with the tenant rather than rent officers because there is an inherent 'lack of trust' and fear in the latter, while another



landlord asks housing officers to dress more casually in order to reduce their sense of authority.

- 4.5 If engagement is still proving difficult, landlords reported a range of additional tactics such as:
- Arranging a multiagency meeting with key personnel who the tenant is known to, for example, social workers, support workers and team members from within the organisation to discuss whether they attempt to make contact;
  - Sending tenants a notification of forced entry for gas checks (and other mandatory safety checks), rather than triggering an eviction process; and/or
  - Undertaking 'tenancy rescue appointments' for tenants who are facing issues and possible court action but have not been engaging.

#### *Mitigating the negative impacts of Welfare Reform*

- 4.6 Responding to the impact of Welfare Reform was considered a huge challenge for social landlords. However, it was also seen by some as an opportunity to update and change their organisation's approaches, procedures and services. It was reported these changes have helped keep the number of evictions stable, while a few others felt evictions have decreased as a result.
- 4.7 In terms of technology, some landlords reported their housing management systems have been updated to easily monitor changes to tenants' accounts and to track Universal Credit claimants from the point of knowing there is a claim being made, through to payment and beyond. It was explained these systems enable landlords to start supporting tenants before they even make their claim and can also trigger automatic referrals to in-house money advice services or an appointment with a housing officer. It also allows landlords to work more closely with tenants affected by Universal Credit and to better understand their support needs.
- 4.8 A large proportion of social landlords have completely restructured their organisation and/or applied for funding to increase the number of specialist, in-house support services to help Universal Credit claimants,

such as: welfare liaison teams; digital support teams; employment teams; and in-house foodbanks.

- 4.9 More generally, some landlords have increased the numbers of housing officers across the organisation and reduced their patch sizes so there is more time and resourcing dedicated to Universal Credit claimants. Others now ask tenants to pay rent in advance so they have a 'buffer' which will reduce the likelihood of them falling behind. There were also reports of increased partnership working with external organisations to support tenants and explore how to target future resourcing. Some landlords also encourage the use of APAs (Alternative Payment Arrangement) and third-party deductions<sup>7</sup>, which they have found has reduced the number of tenants faced with legal action.
- 4.10 Ongoing staff training, in-house research and joined-up team working were also considered to be key aspects in continuing to reduce risk and support tenants impacted by Universal Credit. Indeed, it was deemed important for social landlords to continually modify and improve services in response to changes around Welfare Reform and Universal Credit.

#### *Reducing and preventing rent arrears*

- 4.11 Although rent arrears were considered to be the main reason for undertaking eviction processes (93% of possession claims made in 2018 were due to rent arrears), it was reported the numbers of evictions taking place because of it have not gone up in response. The survey also showed proportionally, only around a fifth (18%) of possession orders made due to rent arrears resulted in actual eviction. Some landlords explained this is partly due to their organisation now only evicting at a much higher level of arrears than they did previously and are more likely to give tenants who have been affected by Welfare Reform the benefit of the doubt. Although the majority explained the increase in preventative and collaborative work they undertake with tenants has mitigated risk.
- 4.12 Importantly, the consensus was that the vast majority of tenants want to pay their rent. Therefore, landlords have acknowledged more support

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<sup>7</sup> In certain circumstances, when a claimant is struggling to manage their money and can no longer pay household bills, DWP can deduct money from their benefit and pay it to a creditor or supplier to clear a debt. The deductions are called 'third party deductions'

and services are needed to help tenants do so. For example, many organisations explained they are now working with tenants to reduce or at least manage their arrears, rather than automatically triggering a NoSP after so many weeks of non-payment (which reportedly used to be a popular approach among social landlords). This approach, in large, has been achieved through providing much more in-house, specialist services. It was felt these changes allow landlords to work with tenants directly, to have a better understanding of the support needed, and to have more control around making sure tenants are attending appointments.

- 4.13 Increases in joined-up working between different teams and with external organisations to help reduce rent arrears were also reported, such as: implementing an initiative called 'Rent First', which focuses on working with tenants who are neglecting their rent payments because they are being targeted by payday lenders or credit cards for debt repayment; working with local authorities to determine who cannot pay their rent versus who simply will not pay their rent; making referrals to housing options within the council; working with Money Saviour, a social enterprise which delivers financial wellbeing services to companies; and working with local homelessness prevention teams, which landlords can go through to apply for a funding relief order for tenants who are in financial difficulty.
- 4.14 Moreover, a key stakeholder from a Housing Solutions Team member said they work well with landlords and encourage notifications from them should a tenant start to accrue arrears or if court action is being explored. This allows a full housing and support needs assessment to be undertaken and the necessary pathways put in place to address these issues to try and prevent the loss of the home. This can include emails, multi-agency meetings etc. in order to discuss the issues and identify ways of overcoming the problems.
- 4.15 Another RSL discussed additional practical solutions which are undertaken within their organisation, such as moving tenants who are struggling to pay their rent to smaller, more affordable properties. They further explained if the tenant refuses to relocate or consider any other

alternative options, the eviction process is undertaken as quickly as possible to reduce the risk of spiralling debt, which may affect future tenancies.

### *Reducing and preventing ASB*

- 4.16 A reasonable proportion of landlords explained more recently, the majority of ASB cases have been dealt with and resolved via non-legal routes, which is reflecting in the survey data showing only 5% of possession orders made in 2018 were due to ASB. This has involved using practical tools such as CCTV and a 'noise APP' – both as deterrents and as a way of dealing with complaints before they escalate into more serious issues.
- 4.17 Others are taking an increasingly restorative approach to ASB which involves providing tenants with support to change their behaviour, such as:
- Multi-agency involvement with internal teams and external partners whereby 'problem-solving groups' are held with local authorities, police, ASB, community safety and income teams, GPs and support workers;
  - Offering mediation to resolve issues between tenants;
  - Making the effort to understand and address underlying root issues and vulnerabilities which may be causing the issue(s), including complex situations involving county lines and cuckooing;
  - Using the Welsh Landlord ASB forum to meet and discuss issues or queries with other landlords; and
  - Having a 'solution fund', which can be used to buy tenants materials to clean their properties up etc.
- 4.18 Moreover, a participating representative from Shelter Cymru discussed some of the projects they have been working on to reduce ASB, such as the 'Valleys Inclusion Project' based in Caerphilly. The stakeholder explained people evicted for ASB are likely to take their problems with them to their next location, but this approach - which involves the provision of support workers to support tenants - has led to a reduction in ASB and reduced evictions as a result.

- 4.19 That said, some social landlords reported using injunctions (which can moderate a person's behaviour without them losing their home) for serious cases because they are considered more effective than possession orders. However, others criticised this method for being costly and not as successful as they can be because the police are not always forthcoming with making arrests. This, in turn, has led to some landlords increasing the use of possession orders to respond to ASB issues, although it was reported the number of actual evictions undertaken has remained unaffected.
- 4.20 Another RSL said their organisation sometimes uses Ground 7A (a mandatory ASB ground<sup>8</sup>), because it allows them to take '*swift action*'. However, there was concern they may not be able to use this ground once the new legislation around rented homes comes in, which was described as being '*restrictive*' and '*not as victim-focussed*'.

#### *Identifying and working with vulnerable tenants*

- 4.21 Although the survey results showed around 58% of social landlords feels mental health problems are a primary cause of evictions, the qualitative research identified a lot of good work which is being undertaken around supporting tenants with these issues. This is mainly through early intervention and prevention. Specifically, housing officers have received training around identifying early warning signs and improving overall awareness of mental health issues. Moreover, vulnerable tenants are flagged on internal systems at pre-tenancy stage, and thus housing officers pay more attention to those accounts and make contact if a rent payment is missed or there is any concern around them. If the tenant is difficult to engage with, it was reported housing officers will also try to contact the tenants' friends and family (if they have been given prior authority by the tenant).
- 4.22 In addition, participating landlords explained a holistic, individual approach is taken towards supporting tenants who have mental health

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<sup>8</sup> Ground 7A came into force on 20 October 2014. In the legislation it is referred to as an 'absolute ground for possession'. The court must award possession if any one of the following five specified conditions is met and the landlord has served a notice of seeking possession: Conviction of serious offence; Breach of IPNA; Breach of a criminal behaviour order; Closure order; Noise nuisance. Social landlords should follow the Pre-action Protocol for Possession Cases by Social Landlords before pursuing possession proceedings.

problems insofar as *'one size does not fit all'*. It was explained this method also involves being prepared to listen to tenants as well as exhibiting flexibility and sensitivity.

4.23 Some social landlords have also heavily invested in internal support services for vulnerable tenants, such as the creation of tenancy coaches. Some organisations discussed funding received through the 'Supporting People' programme (provided by Welsh Government, via local authorities, which offers housing-related tenancy support to help vulnerable people to live as independently as possible)<sup>9</sup>. One RSL explained this involved a mental health worker from the charity 'Mind' working for them. They explained that although the funding has now stopped, the organisation has managed to build and maintain good links with the local 'Mind' charity, which are a huge source of support. Moreover, a local authority landlord said their organisation would not be able to prevent as many evictions as it does currently if it was not for Supporting People funding. However, despite Welsh Government investing £124.4m in the programme annually, a reasonable proportion of social landlords did not voluntarily mention using Supporting People in their prevention initiatives. Thus, it is possible that more joined-up working with local authorities that provide Supporting People funding is needed.

4.24 However, a stakeholder from CAB felt that from their experiences of working with social housing tenants, people are getting into problems with their tenancies because landlords are not appreciating how vulnerable tenants are and not enough is being done to engage with them.

#### *Identifying and working with sub-groups of tenants most at risk of eviction*

4.25 30% of survey participants reported being a single, young male puts a tenant at greater risk of eviction. The majority of in-depth interviewees who have experienced particular problems with this sub-group reported they have focussed on improving engagement, for example, making contact to ask how they are without 'too much prying to begin with' and

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<sup>9</sup> For more information about this programme please see the [Welsh Government's Supporting People webpages](#).

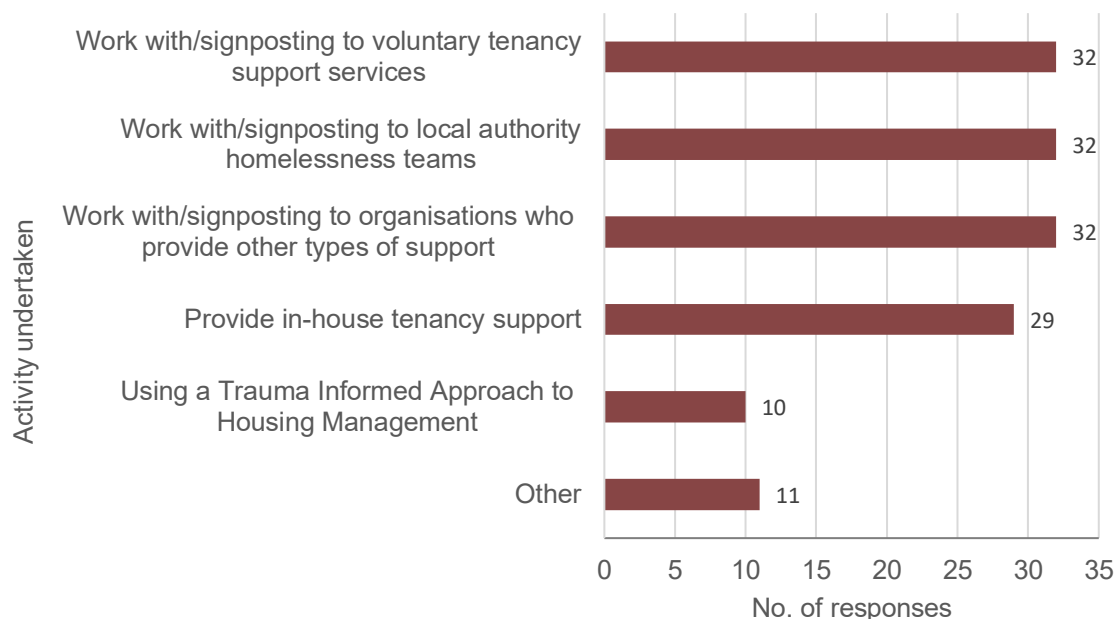
using modern methods of communication such as text and WhatsApp. They also work closely with local mental health and substance misuse services in the community to provide support for these tenants. A local authority landlord has been working in partnership with schools to develop education programmes around debt.

- 4.26 Social landlords also emphasised the importance of in-house service provision to help with in-work poverty and to support and educate tenants around preparing people for work.

### **Approaches to promoting sustainable tenancies and preventing evictions**

- 4.27 Housing providers who took part in the survey were asked about the types of support provided to help prevent evictions more generally. All but one of the organisations (32 out of 33) reported they work with or signpost to relevant services (e.g. Supporting People funded tenancy support services, local authority homelessness teams, and others) and a very high proportion provide in-house tenancy support.
- 4.28 Around a third of respondents (10 of 33) use a Trauma Informed Approach to Housing Management (and of these respondents, three are among the ten providers with lowest eviction rates). The main 'other' types of support included relevant in-house teams, such as those already described above.
- 4.29 In addition, qualitative interviewees discussed additional work they are undertaking to develop and maintain sustainable, successful tenancies more generally across the organisation, including:
- Implementing a systems-thinking approach;
  - Prevention and early intervention through pre-tenancy assessments, start of tenancy support, and ongoing tenancy work;
  - The use of specific housing model models (generic, specialist or both types of teams); and
  - Working with external organisations and services.
- 4.30 All of these approaches are discussed in more detail below.

**Figure 11: Counts of providers offering each type of support**



Source: ORS online questionnaire

**Systems-thinking approaches**

4.31 Some social landlords explained their organisation has undertaken a large-scale review of its systems in recent years which has led to a huge shift in culture and services. This involved internal evaluations led by staff and additionally listening to feedback from tenants themselves. Indeed, it was reported in response to the reviews, a tenant-led, restorative approach has been implemented which involves providing a service which matters and makes a difference to tenants, with less emphasis on rent collection, enforcement and using ‘targets’ to drive decisions. Moreover, it was explained the culture has shifted towards engagement, supporting tenants and finding ways to keep them in their homes, while attempting to avoid legal, punitive action altogether.

**Psychologically informed environment (PIE) and trauma-led approaches**

4.32 Perhaps the most widespread approach which social landlords are currently implementing to reduce threat of eviction and maintain successful tenancies are Psychologically Informed Environment (PIE) approaches. Participants were enthusiastic and passionate when discussing how these methods have overhauled their organisation’s culture and outlook. Participating key stakeholders also commended



these approaches and would like to see even more focus on them among social housing in the future.

- 4.33 Furthermore, a reasonable proportion of participants said they (and/or their colleagues) have specifically attended the Prevention, ACEs, Trauma-Informed and Homelessness training (abbreviated to PATH). PATH is a Welsh Government funded programme which aims to support the prevention of homelessness through PIE and trauma-informed approaches<sup>10</sup>. Those that had received the training were very enthusiastic and supportive of it, and keen to roll out the approach across the whole organisation, not just within specific teams. They explained it is helpful to identify underlying issues and root causes of problems in order to save tenancies, but an organisational change in culture has resulted in housing officers *wanting* to know their tenants better.
- 4.34 A stakeholder from Cymorth Cymru confirmed they had trained almost 1200 people in PATH last year. They explained the idea is to get local authority officers, housing provider practitioners (people working in hostels, night shelters, supported accommodation etc.), housing support officers and housing management officers all in the same room to learn about trauma informed practice. They said PATH training goes hand in hand with the Psychological Informed Environments approach. Although the stakeholder has not seen any official 'results' from the training, they have heard of practitioners working in different ways. Moreover, they felt this approach returns social housing to its moral purpose of providing a public service for the public good, as opposed to running a business similar to the private sector which aims to make a profit.
- 4.35 Indeed, landlords reported undertaking a focus on engagement techniques and relationship building with tenants to help them understand the root causes of issues. In turn, this knowledge has assisted in the development of tailored, holistic services which aim to support and empower tenants to make their own decisions and take back control of their lives (rather than 'hand-holding'). It was argued these developments help to remove the 'cycle' whereby possession orders and warrants are not granted, and housing officers simply keep sending the

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<sup>10</sup> Cymorth Cymru. [PATH Training Programme](#).

tenants back into court to start the process again. Further, it was explained implementing PIE approaches has increased social landlords' responsibility of keeping tenants in their homes, rather than moving the problem to elsewhere i.e. the homelessness sector.

4.36 However, an important piece of feedback about the PATH training was there are often not enough places available for all housing officers to attend. There were also reports that frontline officers are not always offered the opportunity to take part, although they work directly with tenants.

4.37 Implementing the PIE and restorative approaches was described as having required a lot of investment and additional training in order to 'upskill' staff, but was considered to be worth it to ensure tenants are being adequately supported and fewer people are facing legal action. It was also hoped the investment and hard work will save money in the long-term, because as one landlord reasoned, 'evicting people is a false economy.'

### **Pre-tenancy assessments**

4.38 The majority of participating landlords explained they undertake rigorous pre-tenancy work with prospective tenants – not to potentially refuse a tenancy or as an exclusion tool – but to thoroughly understand the support needs the tenant may require to ensure their tenancy is sustainable. This pre-tenancy process varied between organisations, but some often include in-depth interviews, financial assessments, medical questionnaires and using references from previous landlords. The Homelessness Monitor: Wales 2017 report observed that allocations of social housing to homeless households has been falling since 2013, which was suggested could be due to '*more restrictive affordability checks being imposed by certain social landlords.*'<sup>11</sup>

4.39 Moreover, a few landlords reported their pre-tenancy team's patch sizes have been reduced to allow them more time to carry out intensive work and relationship building with tenants from the very beginning. They explained anything the tenants disclose about themselves to the team

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<sup>11</sup> Crisis. (2017). [The Homelessness Monitor: Wales 2017](#).

which points to vulnerabilities (mental health issues, physical disability, and substance abuse problems) are added to the system (which are sometimes colour-coded by severity).

4.40 If affordability concerns are identified during the pre-tenancy process, rather than not grant the tenancy, landlords described a range of different options available to the tenant to support them. Indeed, it was acknowledged that refusing people on affordability would leave them with little option and one landlord argued they would *'not really be fulfilling our core purpose of providing accommodation for people on low incomes.'* Some of the methods and approaches landlords explore with prospective tenants who will struggle to pay their rent included:

- Different types and levels of rent. For example, one RSL has 'standard' and 'intermediate' rents;
- Looking to house them in a different size property (especially those who are single, working and above a benefit level of any entitlement);
- Putting reasonable, manageable payment plan in place if there have historic arrears; and
- Ask the local authority to work with the tenant to see if they can improve their financial circumstances e.g. it might be that they are not claiming all the benefits they are entitled to.

4.41 In summary, the vast majority of landlords confirmed they never refuse tenancies, and for those which do, it only happens on very rare occasions. However, one RSL admitted they have refused tenancies because the person simply could not afford it. Moreover, a local authority said *'depending on if there is a payment plan, if there is a large amount of arrears there and there has been no intent to pay then we might not consider that person for that tenancy if there is a poor payment history there'*. Another RSL explained they may refuse a tenancy in the first instance if the individual's debts are unmanageable, in which case they are often referred to a debt advice service and encouraged to re-apply at a later date.

### **Start of tenancy early intervention & prevention**

4.42 Social landlords also discussed the measures which are put in place at the start of tenancies in order to support sustainable tenancies. A large

proportion reported housing officers visit new tenants on a regular basis within the first few weeks of the tenancy to ensure the tenant is generally coping, the tenant is able to sort out their benefits and utilities etc. It is also an opportunity for housing officers to ensure that tenants have been referred to the appropriate in-house or external support services.

4.43 Some landlords have dedicated sustainability officers who are the first point of contact for tenants over the first 12 months and also offer visits over this time period (with the number depending on the amount support required by each individual). It was felt that providing such a service is important because the moving process can be stressful and provides tenants with a solid foundation to manage their tenancy. It was explained by one organisation this early support had reduced the overall number of new tenants needing referrals to other officers.

4.44 Additional support services provided to new tenants included:

- A 'smart start scheme' where starter equipment is bought for new tenants such as beds, microwaves etc.;
- Trained energy advisors who assess risk at the start of tenancy and advise on support needed; and
- 'A Tenancy Ready' project which helps tenants with budgeting, which was reported to be especially helpful for young people and those who have never had a tenancy before. As part of it, they do a budget plan, look at income etc.

### **Ongoing tenancy work to identify and support vulnerable tenants**

4.45 All participating social landlords discussed the ongoing support provided to reduce the risk of tenants facing issues with their tenancy, but also to ensure problems are identified and dealt with when they reach 'crisis point'. Indeed, there was acknowledgement that developing models around early intervention and tenancy sustainability is key and a central aspect of the social landlord role.

4.46 The types of approaches, initiatives and services being delivered varied among different organisations, but mainly included the creation of specialist in-house services (29 of 33 organisations who took part in the

survey reported they provide in-house tenancy support to prevent evictions), such as:

- The provision of in-house tenancy support teams which tenants are referred to as soon as issues are identified;
- Making referrals to the Housing SPOA team who respond through providing a relevant support worker for the individual;
- The creation of an in-house counselling service;
- The creation of a Sustainable Communities Team, an in-house tenancy support service heavily involved in providing financial and other related support;
- Targeting tenants who have never engaged with their landlord in order to 'get to know them' and explore the issues they are facing (if any);
- Community Development Team and 'Keep In Touch' visits;
- Topping up vulnerable tenants' gas and electricity;
- Improvements to technology so housing officers have remote access to tenant's accounts so staff can easily look up and add notes 'on the go'. It was explained information about the tenant is always up to date and ensures staff are aware of tenants' circumstances/issues;
- Building strong relationships between housing officers and tenants so the former can more easily pick up on potential issues;
- The implementation of a 'well services system' which uses the PIE approach to identify and understand the root causes of issues. Tenants are also regularly visited and categorised as 'green', 'amber' or 'red'; and
- An 'Early Intervention Toolkit', which is triggered by rent arrears.

## **Types of housing teams**

### *Views on specialist housing teams and preventing evictions*

- 4.47 Around 40% (13 of 33) of social landlords who took part in the survey reported their organisation has specialist housing teams. It was felt this is an advantageous model in helping to mitigate risk of eviction. Moreover, it was explained by some that their model has changed from generic to specialist in the last few years and this was usually in response to and in anticipation of Welfare Reform.
- 4.48 Specifically, it was argued that generic housing officers are often pulled in too many directions, leading them to mainly deal with 'reactive'

problems, rather than proactive work around reducing rent arrears for example. Thus, having specialist teams was said to allow important issues around tenancy sustainability to be focussed on and dealt with more efficiently. The use of specialist housing officers has also enabled the creation of increased in-house tenancy support. Moreover, some landlords reported arrears have reduced since implementing specialist housing teams.

#### *Views on generic housing teams and preventing evictions*

- 4.49 On the other hand, around 20% (7 of 33) of participating landlords said they have generic housing teams. One RSL said they had recently changed from specialist to generic, mainly because they wanted to change the way rent arrears were dealt with. It was explained specialist arrears team are purely focussed on one element of the tenancy, such as recovering rent, rather than building a relationship with the tenant and having 'an overall picture' – which was felt increased denial and tenants burying their heads in the sand.
- 4.50 However, the same participant was concerned if arrears increase by as much as 10%, which they feared might happen due to the impact of Universal Credit, then they may have to revert back to specialist teams.

#### *Views on mixed housing teams and preventing evictions*

- 4.51 A further 40% (13 of 33) of participants who completed the online survey said their organisation has both generic and specialist housing teams. The logic behind this model was that generic housing officers are important to build relationships with tenants, but in-house specialisms allow specific help to be provided '*at the right time.*'
- 4.52 However, it was acknowledged there is no one 'right way' to structure housing teams and there are arguments for '*both ways*'. Indeed, one landlord reasoned it is a case of finding what works best for each individual organisation.

## Working with other organisations and services

### Overview

- 4.53 Although the focus of discussion largely concentrated on the in-house services social landlords have developed and implemented to improve tenancy sustainment, the vast majority of participating landlords (32 out of 33 of survey participants) reportedly work as closely with a range of statutory and third sector organisations in order to make decisions and utilize as much support for tenants as possible. This includes signposting to local authority homelessness teams (presented in Figure 11 on page 42). It was also explained that external support providers can act as an intermediary between landlords and tenants. It is worth noting The Housing (Wales) Act 2014 states that a local authority has a duty to help an applicant avoid losing accommodation, if it is satisfied that the applicant is threatened with homelessness, within 56 days and RSLs have a duty to cooperate with local authorities.
- 4.54 A representative from CAB estimated about a third to a quarter of their clients are in social housing and this could increase to around 50%-70% in parts of the area which are targeted in the community outreach schemes. They confirmed CAB offer a wide range of advice to clients, which includes support around staying in their homes, especially for social housing tenants with physical disabilities and mental health problems, as well as those who need advice around getting repairs done, neighbourhood disputes and ASB, and debt (including rent arrears).
- 4.55 In addition, local authority landlords described having strong relationships with other areas of the organisation such as social services, housing benefit departments, DWP, community hubs and Partnership Liaison Groups. Another local authority landlord has a privacy statement in place with other local authority services so information can be shared. Moreover, RSLs also reported having good links to services within local authorities, especially among homelessness prevention teams (for arrears), which also have a homeless prevention fund which was described as particularly helpful. Indeed, all RSLs who took part in the survey reported they work with/signpost tenants to local authority homelessness prevention teams.

- 4.56 In addition, some landlords also work with and are members of professional bodies and networks to help them with tenancy sustainability, such as:
- CHC, who run a welfare strategic group and initiatives such as 'No Evictions into Homelessness (in collaboration with Shelter and Welsh Government). However, a local authority landlord said because they are not a housing association, they cannot get involved with CHC, but it is something they would like;
  - Chartered Institute of Housing, which runs projects such as Tyfu Tai Cymru and undertakes work around social housing waiting lists and holds regional events five or six times a year to generate topics of interest to feed into their work program; and
  - Belonging to Yammer (enterprise social network), where different organisations can come together to discuss different issues and ideas.
- 4.57 The WLGA explained part of their remit is to gather evidence of good practice from local authorities and look at the impact of policy proposals. The WLGA are involved in various networks in the housing sector which are involved in supporting homelessness. However, it reportedly does not have a network on housing management issues, which the stakeholder considered to be 'a gap' in the sector.

#### *Challenges with working with other organisations*

- 4.58 Significant challenges around working with external organisations were also reported by a large proportion of social landlords. Specifically, cutbacks within local authorities were identified as an issue, which has reportedly resulted in a reduction of available support for tenants to be referred to, such as homelessness, drug & alcohol, mental health services etc. Moreover, it was argued rural areas of Wales have been particularly affected compared with urban areas.
- 4.59 Statutory mental health teams were identified by social landlords as the most difficult sector to engage with, although wider issues have been experienced with some health authorities and health boards in terms of getting the right resources at the right time, which was described as an 'all-Wales issue'. Furthermore, despite the importance of health and housing having a joined-up approach, there was a general feeling



amongst social landlords that the housing sector is not always included as a 'partner' when it comes to supporting vulnerable people.

- 4.60 CIH Cymru felt social landlords have been good at brokering partnerships with third sector organisations and healthcare professionals in local authorities, but processes can be slowed down by bureaucracy within local authorities, sometimes resulting in promising projects falling by the wayside due to lengthy delays around meetings. Moreover, a CAB representative explained due to demand, some branches only tend to intervene with struggling social housing tenants at the last minute before an eviction is due to take place. They also reported although social services may be able to help with a disability, they may not offer support for other ancillary issues.
- 4.61 The CAB also pointed out there is a local area coordinator model in Swansea, which allows council and local authority workers to build relationships with people and make appropriate referrals but felt a lot of the voluntary agencies are struggling for funding and cannot always take on a client. The CAB will try every agency and will occasionally ask for a person to be reassessed by agencies if they are not being given the right support.
- 4.62 It was explained the increase in provision of in-house services has, in part, been a response to the lack of external support available. However, participating social landlords explained there is only so much in-house support they can provide, and some tenants need much more specialised support which is beyond their remit. Overall it was felt improved partnership working to aid landlords in supporting their tenants is needed across Wales.
- 4.63 On the other hand, a representative from Shelter Cymru said they have encountered difficulties in dealing with RSLs, especially around taking advice and recommendations on board. CIH Cymru agreed social landlords need to interact with the third sector but reported there can be a broad range of interactions ranging from very good relationships to squabbles over petty differences.

## **Best practice around preventing evictions and sustaining successful tenancies**

*What are the main things social landlords should be doing to reduce threat of eviction?*

- 4.64 Social landlords who participated in qualitative interviews identified the need to change the culture in social housing so there is more focus on proactively helping tenants have successful, sustainable tenancies, rather than taking a reactive, enforcement-style approach. Indeed, a social landlord board member of an organisation which has been particularly successful in implementing such a culture change explained they are proud of what has been achieved and attributed it to a two-pronged approach pushed from board level where 'what matters to the resident' is the priority. However, a stakeholder from Cymorth Cymru anticipated this will take time and may be problematic, especially among landlords with very strict key performance indicators or targets.
- 4.65 Indeed, previous suggestions and points were reiterated, such as:
- Eradicating performance monitoring based on arrears (rent arrears does not necessarily reflect how successful you are at sustainable tenancies)
  - Providing support to tenants from the start to prevent issues developing;
  - Taking prompt action to support tenants as soon as an issue arises;
  - Understanding what has happened in tenants' lives and tailoring holistic support around individual circumstances;
  - Dealing with each case on an individual basis;
  - Providing a range of in-house, specialist teams – especially around budgeting and advice. However, it was reasoned these services are more sustainable if they aim to provide short-term support (rather than long-term) while tenants are waiting to be referred to external organisations;
  - Empowering and educating tenants, rather than 'hand-holding';
  - Moving beyond support to looking at how to engage through behavioural insights and positive messages;
  - Listening to and acting on tenant feedback through meetings, focus groups and surveys;

- Working with other organisation and services to provide a ‘bottom-up approach/process’; and
  - Always looking to the future and reviewing how processes, services etc. can be modified.
- 4.66 Stakeholders from Shelter Cymru, WLGA and Cymorth Cymru all said they have witnessed improvements in practice and innovative work undertaken around prevention, using PIE approaches and homeliness/eviction prevention in Welsh social housing, which they felt has resulted in a broader range of people receiving help.
- 4.67 That said, the Shelter Cymru stakeholder also reported good practice is not being observed across Wales. They said social landlords will often use the excuse that the tenant has not been engaging with them, whereas Shelter Cymru have found landlords are not always being proactive or sensitive enough in some cases. Similarly, to previous comments about the importance of culture, the stakeholder felt the differences in approaches is due to whether ‘social values’ and ‘social purpose’ are a key elements of organisational policy.
- 4.68 Moreover, WLGA discussed a report by the HQN (which was commissioned by themselves and CHC)<sup>12</sup> about good practice among social landlords. Although the stakeholder thought the report contained good proposals, they did not feel they have been implemented well enough and the impact of the research has not been maximised. Anecdotally, they felt a main reason as to why some social landlords have not taken up the good practice recommendations is because of a lack of understanding around trauma-informed approaches and adverse child experiences. Overall, they believed there needs to be more focus on helping the homeless as well as reducing the number of people in temporary accommodation, the time spent there and working with social landlords to identify the pathways which have led to these situations. It was suggested social landlords need to be incentivised to make the necessary changes, which could be achieved by making advantages (not

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<sup>12</sup> Community Housing Cymru (2018). [Accessing affordability and barriers to accessing social housing in Wales.](#)

just for tenants, but for organisations as well) of doing so clearer (e.g. saving money and resources in the long-term).

- 4.69 CIH Cymru reported they are seeing lots of inconsistencies across Wales in the sector. One example is around housing waiting lists, as each of the local authorities in Wales has its own rules about exclusions. The stakeholder also thought there needs to be an ongoing look at what organisations are facing from the benefit system, with a specific focus on smaller organisations with more traditional business models, because larger social landlords have more capacity to handle risks and may have diversified into other areas.

### *Useful training*

- 4.70 Along with training around PIE and trauma-informed approaches, participating landlords discussed a range of additional ongoing internal and external training which they have received and has helped their organisation better support tenants.
- 4.71 Most social housing staff said they receive external training from organisations such as CAB, CIH, Shelter, welfare benefits providers, health boards and local councils. However, a minority have also undertaken in-house training around mental health and associated issues, mainly because it is more cost effective. The types of areas of training housing staff have recently undertaken which they would recommend to other social landlords included:
- County lines
  - Sustaining tenancies
  - Early intervention
  - ASB training on equality and diversity
  - Cuckooing
  - Mediation
  - Introduction to autism
  - Housing law
  - Safeguarding
  - Domestic abuse
  - ASIST training
  - Mental health issues including personality disorders and substance misuse
  - Legal training via solicitors
  - Universal Credit
  - Phone coaching regarding conversations and wording. For example, one organisation now refers to rent arrears as 'debt' since attending the training
  - Tenancy management training
  - Resilience training.

- 4.72 It was explained that social housing staff need to be trained differently compared to how they used to be with more focus needed on how to up-skill housing officers to work more closely and intensively with tenants. A few landlords added much of their training was around how to modernise their systems in order to ‘free up’ housing officers’ time to spend on working more intensively with tenants.

*How can Welsh Government help with improving and encouraging best practice?*

- 4.73 The general consensus was that social landlords should be working more closely together to make sure that all have similar eviction prevention policies and procedures in place. It was suggested Welsh Government could help in promoting a more joined-up approach between statutory and third sector services as well as different types of landlord (i.e. local authorities and RSLs), which could be very useful in sharing best practice (especially between landlords with low levels of evictions and those with high levels). Furthermore, it was thought Welsh Government could assist with supporting social landlords in replicating the approaches which have been successfully embedded within specific organisations by overseeing a systems review.
- 4.74 It was also felt that it needs to be more widely recognised by Welsh Government that the support landscape across Wales is lacking and public authority funds are being cut – and thus social landlords ‘*can’t do it all themselves*’. Furthermore, one participant thought Welsh Government had taken a ‘*hands off approach*’ to Universal Credit, even though benefit payments are not devolved and social landlords have been ‘*left to pick up the pieces*’ even though it is in direct conflict with its homelessness prevention policy. A stakeholder from CHC suggested more resources should be made available by Welsh Government in order to fund projects around ASB, increase the number of housing officers and in-house services, and better equip landlords as Universal Credit is fully rolled out. However, it is worth noting that there is specific funding available for social landlords to apply for, such as the Supporting People programme, which has been sustained at £124 million – which some housing providers may not have considered as part of their preventative work it is attempting to undertake

- 4.75 Cymorth Cymru also mentioned concerns around the ring-fencing of money for the Supporting People programme for politically unpopular groups such as people leaving prison, fleeing domestic abuse and the homeless, which is apparently being threatened to be removed by Welsh Government. The stakeholder said this had happened in England and the average cuts to these services were 45%, with a worst-case scenario of 80%. Cymorth Cymru would therefore like a long-term commitment from Welsh Government to ring fence that funding and to roll out further work on developing the trauma-informed approach. More generally, a local authority landlord urged funding for the programme to be increased *'and not decreased as per austerity.'*
- 4.76 CIH Cymru would also like to look at housing as a legal right insofar as everyone in Wales has got the human right to an adequate and affordable home. It was acknowledged this may 'scare' government but argued it is the type of legislative commitment which would keep housing towards the top of the agenda over the coming years.
- 4.77 Finally, there was concern that the outcomes of this research may result in social landlords having to *'jump through more hoops and deal with more red tape and bureaucracy'* which will result in *'less time we've got to actually work with people.'*

## 5. Conclusions

- 5.1 Available data tells us the level of social housing evictions does vary between landlords although all the social housing landlords who took part in the in-depth interviews described evictions as an 'absolute last resort'. However, it is important to note the qualitative interviews were undertaken with one person from each social housing provider, thus their views may or may not reflect that of the organisation or other members of staff.
- 5.2 Some social landlords issue many possession claims and eviction warrants relative to the number of actual evictions, whereas for other providers there is little difference between the number of possession claims/warrants and the number of eventual evictions. The qualitative interviews indicated this may be because some social landlords use court action – especially possession orders - as a method of engaging with tenants, whereas others are making efforts to reduce overall threats of eviction.
- 5.3 Four of the five providers with the highest eviction rate are either Local Authorities or LSVTs, whereas RSLs appear more prominently among organisations with the lowest eviction rates.
- 5.4 Just under half of online survey respondents (15 of 33) said their organisation was able to negotiate settlement before court either very or fairly often. Key stakeholders also suggested more may need to be done by social landlords to improve engagement, support and communication with tenants who are going through court processes - despite social landlords reporting huge efforts are made to help tenants during this period.
- 5.5 It was indicated that in the main, eviction levels have remained stable over recent years, however, there was concern this may not last due to the long-term impacts of Universal Credit and projected increases in rent arrears.
- 5.6 Rent arrears is reported as the biggest reason for evictions and threat of, although in-depth interviewees explained there are usually complex issues underlying it, such as mental health problems, poverty, lack of

education around budgeting and the impacts of Universal Credit. Lack of tenant engagement was identified by landlords as a main cause of tenancies ultimately not being able to be saved. It was also noted by a key stakeholder that if a tenant gets evicted for this reason, then it's very difficult to get another tenancy, which may be an area of social housing policy which needs to be addressed.

- 5.7 Crucially, it was acknowledged the vast majority of tenants want to pay their rent and engage with their landlord, but for various reasons are not able to do so.
- 5.8 It was reported a large proportion of social housing landlords are moving towards more holistic models of working with tenants – based on systems-thinking and psychologically informed/trauma approaches. This involves providing more in-house services to deliver prevention, early intervention, and strong relationships with tenants, individualised support and understanding root causes to issues. It was explained these new models seek to improve tenant engagement, which was considered absolutely key in preventing evictions and homelessness.
- 5.9 Moreover, all social landlords discussed the efforts their organisation has made to mitigate the impacts of Universal Credit. As well as creating specific welfare teams, digital inclusion support and advice around employment, many organisations no longer automatically send out NoSPs. Instead, they now review arrears on a case-by-case basis and take the 5-week wait for tenants' first Universal Credit payment into account.
- 5.10 However, in-depth interviewees - particularly key stakeholders - felt that there is still bad practice in the sector and observed that NoSPs are sometimes served as a way of persuading tenants to engage with their landlord, rather than using PIE and trauma-led approaches to improve communication. They also identified a target driven approach to rent arrears is a key driver for bad practice and some social landlords can lose track of their social responsibilities of housing to some of the most vulnerable people in society.
- 5.11 Participating landlords thought overall their eviction processes are fair, accountable and the Pre-Action Protocol is followed. However, there was



a general feeling that the Protocol needs updating to better align it with recent changes, such as Universal Credit. Furthermore, it was suggested that social landlords should be involved in developing an updated version of the Protocol.

- 5.12 Participating key stakeholders, on the other hand, disagreed that the Protocol is being used as regularly as social landlords suggested, and that tenants are often appearing in court without the Protocol being followed, nor understanding the processes.
- 5.13 The project has identified the variation in eviction levels across Wales. Indeed, similarly to the Shelter report<sup>13</sup> and HQN report<sup>14</sup>, the current research has found that although there a lot of excellent, innovative work being undertaken in Welsh social housing, there is a discrepancy between current policy and what is happening ‘on the ground’ amongst some organisations. The Housing (Wales) Act 2014 has introduced a fundamental reform to homelessness legislation which focusses on preventing homelessness and reducing risk of people losing their homes, and it seems although some social housing providers have successfully designed and implemented early intervention and preventative services for their tenants, others have not been as successful.
- 5.14 The factors behind these inconsistencies could be due to a number of reasons. For example, it was clear from the qualitative research that organisations are at different stages of cultural change, which is imperative in changing the culture to a more holistic approach. Indeed, some housing providers are still struggling to engage with their tenants and identify potential vulnerabilities/issues early on, whilst others still regard their organisation as a business, rather than providing an affordable, supportive service. It could also be that some social housing landlords are struggling to make the necessary changes due to lack of external support from third sector organisations and money to provide in house support. There may also be a lack of understanding awareness

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<sup>13</sup> Shelter Cymru. (2016). [Accessing and sustaining social tenancies: exploring barriers to homelessness prevention.](#)

<sup>14</sup>Community Housing Cymru (2018). [Assessing affordability and barriers to accessing social housing in Wales.](#)

around trauma-informed approaches and available funding (e.g. such as the Supporting People programme).

- 5.15 There is a need for a consistent and reliable data set on eviction activity across social landlords in Wales.
- 5.16 It was felt consistency across Welsh social housing can be improved by sharing best practice and initiatives to encourage joined up working between different landlords and external organisations, which Welsh Government should take an active role in supporting. It was also felt better communication with social landlords around the advantages of prevention and early intervention and importance of trauma-informed approaches) in reducing evictions and homelessness is needed, including incentivisation (e.g. short-term costs for long-term savings). There may also be a need for social landlords to be held more to account around their approaches, eviction processes and rates of legal action.
- 5.17 It might also be prudent to follow up this research in the coming years to identify whether the new holistic approaches have been embedded within the housing sector and whether this has affected eviction levels in social housing. Further research would also determine the impact of Welfare Reform on evictions and whether the decline in available funds from austerity.