

Shelter Cymru – additional evidence

Evidence on how we signpost people to our services:

- targeted social media ads
- press articles
- embedded workers
- email circulars to community groups and partner organisations
- AdviceLinkCymru and its electronic referral system Refernet
- Involvement in Regional Advice Network groups
- Website
- Posters

I have asked colleagues from the Housing Services team to add some more depth to these and can get this across to you ASAP, however colleagues are absolutely at capacity at present so please forgive the very high-level nature of this info at present.

Illegal Evictions:

- We have had continued correspondence with the Welsh Police Forces in the wake of the committee and are currently liaising with the Chair of the Chief Constables and with PCC's to arrange meetings to discuss the issues;
- We have around 15 cases across Wales of illegal eviction where there has been police involvement. Currently we are pulling this data together so that it may be shared in a sensitive manner to protect the identities of the people who reported these instances.

Lessons learned from the moratorium on evictions and debt collections:

- We saw some instances of really good practice from RSL's during the moratorium, being creative in how they engaged with tenants and supported them given that eviction was not an option. We published a paper on [ending evictions into homelessness from social housing](#) which contains lots of examples of practice and also transferrable practice to other areas;
- The WG's [Business Continuity Survey](#) reinforces these findings, showing that being unable to evict did not pose a business continuity concern for RSL's.

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Anfonwyd ar ran y Prif Swyddog Gweithredwr Ruth Power / Sent on behalf of Chief Executive

Officer Ruth Power

CYMRAEG ISOD

Dear Chief Constable XXX, / Dear Commissioner XXX,

Shelter Cymru is a registered charity and Wales' leading provider of independent housing advice, helping thousands of people each year who face homelessness or live in poor housing conditions across every police force and council area. We also campaign to end homelessness and improve the lives of people in housing need.

I'm writing to you to highlight a trend of incorrect police handling of illegal evictions, emerging in our casework during the pandemic. I am keen to discuss with you how we can work together to improve police awareness of the law so that officers have an accurate understanding of tenants' legal rights and know how to handle situations appropriately.

During the pandemic, cases of harassment and illegal eviction have been exceptionally high in our casework. By May last year cases had increased to more than double pre-Covid levels, and have remained elevated since. Police have a vital role not only to keep the peace but also to ensure that illegal evictions are treated as a criminal offence; however we have encountered examples of incorrect police handling of illegal evictions in every police force area across Wales.

In some cases police have incorrectly advised tenants that they lack tenancy rights; in some cases police have actively assisted illegal evictions by permitting landlords to remove tenants' property from the home; and we have come across cases where police have refused to view illegal eviction as a crime and record it as such.

Recently we have had productive discussions with Rent Smart Wales, the landlord and agent licensing body, as a result of which Rent Smart Wales has agreed to re-write the mandatory training for landlords and agents to be more specific about the types of behaviour that constitute harassment and illegal eviction. We are similarly keen to engage with you in order to ensure the police response is appropriate, that police give advice to the public that is legally accurate, and that the good practice that we've seen in some policing examples occurs in a more consistent way.

We can offer training to police on the law of harassment and illegal eviction, as well as training on tenancy rights. We have two eLearning courses which are free to access and a good starting point for officers: an [introductory](#) and [advanced](#) course which I would recommend to you. However, we can also offer bespoke live training which is the most effective learning method – something that you may wish to consider, given that as of spring 2022 the Renting Homes (Wales) Act 2016 will renew

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the whole of the Welsh tenancy law system. We would be pleased to train officers in the new Welsh tenancy framework while also providing training in harassment and illegal eviction.

We are happy to share some further detail of the cases we've seen in Wales if that would be helpful. We have raised similar concerns with Wales' police forces previously but have yet to adequately address this particular issue. We appreciate that you are large organisations with many urgent and competing priorities: our preference is to communicate directly with you and assist with our housing law knowledge, but we do reserve the right to raise our concerns more widely should we fail to draw your attention to this issue or make sufficient progress. Our priority is the protection of people's housing rights. I very much hope we can have a strategic discussion with you about the level of awareness among police, the amount of relevant and recent training they've received, and how we can work together cooperatively to ensure police take an active role in preventing illegal evictions and resultant homelessness.

I hope to hear from you in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ruth Power".

Ruth Power

CEO, Shelter Cymru

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Annwyl Brif Gwnstabl / Annwyl Gomisiynydd

Mae Shelter Cymru yn elusen gofrestredig ac yn brif ddarparwr Cymru o ran cyngor annibynnol ar gartrefedd, gan helpu miloedd o bobl bob blwyddyn sy'n wynebu digartrefedd neu sy'n byw mewn amodau tai gwael ar draws pob ardal heddlu a chynghorau. Rydym hefyd yn ymgyrchu i ddod â digartrefedd i ben ac i wella bywydau pobl mewn angen tai.

Ysgrifennaf atoch i dynnu sylw at ffyrdd anghywir o drin achosion o droi allan yn anghyfreithlon gan yr heddlu, a ddaeth i'r amlwg yn ein gwaith achos yn ystod y pandemig. Rydw i'n awyddus i drafod gyda chi sut y gallwn gydweithio i wella ymwybyddiaeth yr heddlu o'r gyfraith fel bod gan swyddogion ddealltwriaeth gywir o hawliau cyfreithiol tenantiaid, a sut i drin sefyllfaoedd fel hyn yn briodol.

Yn ystod y pandemig, roedd achosion o aflonyddu a throi allan anghyfreithlon yn ein gwaith achos yn eithriadol o uchel. Erbyn mis Mai llynedd roedd achosion wedi cynyddu mwy na dwywaith y lefelau cyn Covid, ac maent wedi aros yn uchel ers hynny. Mae gan yr heddlu rôl allweddol i'w chwarae nid yn unig wrth gadw'r heddwch ond hefyd wrth sicrhau bod troi allan anghyfreithlon yn drosedd; fodd bynnag rydym wedi dod ar draws enghreifftiau o heddlu yn trin troi allan anghyfreithlon yn anghywir ar draws pob ardal heddlu yng Nghymru.

Mewn rhai achosion, mae'r heddlu wedi cynghori tenantiaid yn anghywir nad oes ganddynt hawliau tenantiaeth; mewn rhai achosion mae'r heddlu wedi helpu i droi pobl allan yn anghyfreithlon drwy ganiatáu i landlordiaid i symud eiddo tenantiaid o'r cartref; a rydym wedi dod ar draws achosion lle mae'r heddlu wedi gwrthod ystyried troi allan anghyfreithlon fel trosedd, na'i gofnodi fel un.

Yn ddiweddar cawsom drafodaethau gadarnahol iawn gyda Rhentu Doeth Cymru, y corff trwyddeddig ar gyfer landlordiaid ac asiantaethau, ac o ganlyniad i hyn mae Rhentu Doeth Cymru wedi cytuno i ail-lunio'r hyfforddiant gorfodol i landlordiaid ac asiantaethau i fod yn fwy penodol ynghylch y math o ymddygiad sy'n diffinio 'aflonyddu' a 'throi allan yn anghyfreithlon'. Rydym yr un mor awyddus i ymgysylltu â chi er mwyn sicrhau bod ymateb yr heddlu yn briodol, bod yr heddlu yn rhoi cyngor sy'n gyfreithiol gywir, a bod yr arfer da rydym wedi ei weld mewn rhai enghreifftiau o du'r heddlu yn digwydd mewn ffordd mwy cyson.

Gallwn gynnig hyfforddiant i'r heddlu ar y gyfraith o safbwynt aflonyddu a throi allan yn anghyfreithlon, yn ogystal ag hyfforddiant ar hawliau tenantiaid. Mae gennym ddau gwrs eDdysgu sydd am ddim ac sy'n bwynt cychwynnol da i swyddogion: cwrs [cyflwyniad](#) ac [uwch](#) y byddwn yn eu hargymell i chi. Fodd bynnag, gallwn gynnig cwrs wedi'i deilwra yn arbennig sef y dull mwyaf effeithiol o ddysgu – rhywbeth efallai y byddech yn barod i'w ystyried, o gofio bod Deddf Rhentu Tai (Cymru) 2016 yn adnewyddu'r holl system gyfreithiol o safbwynt tenantiaeth Cymru. Byddem yn fwy na hapus i hyfforddi swyddogion yn y fframwaith tenantiaeth newydd o ran Cymru tra ar yr un pryd yn darparu hyfforddiant mewn aflonyddu a throi allan yn anghyfreithlon.

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Rydym yn hapus i rannu manylion pellach o'r achosion a welwyd yng Nghymru os byddai hynny o fudd i chi. Rydym wedi codi pryderon tebyg gyda heddluoedd Cymru yn y gorffennol ond rydym heb ddelio'n ddigonol â'r mater arbennig hwn. Rydym yn gwerthfawrogi'r ffaith eich bod yn sefydliadau mawr gyda nifer o flaenoriaethau brys: mae'n well gennym ni gyfathrebu yn uniongyrchol gyda chi a'ch helpu gyda'n gwybodaeth o gyfraith tai, ond rydym hefyd yn teimlo bod gennym yr hawl petai angen i rannu'n pryderon yn ehangach os na lwyddwn i dynnu eich sylw at y mater hwn neu os na lwyddwn i wneud cynnydd yn y maes. Ein blaenoriaeth ni yw amddiffyn hawliau tai pobl. Gobeithiaf yn fawr y gallwn gael trafodaeth strategol gyda chi ynghylch y lefel o ymwybyddiaeth ymhlith swyddogion yr heddlu, faint o hyfforddiant perthnasol diweddar maent wedi'i dderbyn, a sut y gallwn gydweithio'n effeithiol i sicrhau bod yr heddlu yn chwarae rhan flaenllaw wrth atal troi allan yn anghyfreithlon a'r digartrefedd sy'n deillio o hynny.

Gobeithiaf glywed wrthyich yn fuan

Yn ddiffuant

A handwritten signature in black ink, appearing to read "Ruth Power".

Ruth Power

CEO, Shelter Cymru

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Shelter Cymru Report on Police Assistance/Inaction in Illegal Eviction & Harassment

October 2021

Introduction

Shelter Cymru supported a number of people¹ accessing our advice services who were being harassed and/or illegally evicted by their landlord. In some instances, we noticed that across Wales, **police forces had failed to prevent or actively assisted in the illegal eviction and/or harassment of tenants**. Since noticing this trend, we have kept limited data on these occurrences with a view to working with police forces, PCCs and other relevant stakeholders to help mitigate against these instances happening in future.

Wales is currently in the midst of a housing emergency², which impacts on 1 in 3 people across the nation. We have seen elevated numbers of people pushed into homelessness living in temporary accommodation across Wales and an increase in the number of people forced to sleep rough³.

While instances of police inaction/assistance in illegal eviction may seem small, **the impact on individuals and communities is often vast, causing immense stress to individuals and placing undue pressure on homelessness services**. Without a safe place to call home, it is impossible for people to lead healthy, happy and productive lives. Additionally, police inaction/assistance in illegal evictions actively perpetuate and often exacerbate criminal offences and criminal conduct.

Unlawful eviction is a criminal offence⁴ as well as a civil matter and police do have the powers to prosecute landlords. If convicted, landlords can be fined and/or imprisoned.

Tenants can only be evicted by landlords if they follow the correct procedure. Landlords must first serve a valid written notice, successfully apply for a possession order from the County Court and then apply for a warrant to set a date for a bailiff to evict the tenant⁵.

Landlord harassment is a criminal offence. Instances above, such as restricting/cutting off utility supplies, visiting tenants' homes regularly without warning and threatening tenants all constitute harassment⁶.

¹ <https://whq.org.uk/the-magazine/issue/120/alarming-trends/>

² <https://www.thenational.wales/news/19327973.shelter-cymru-survey-reveals-housing-emergency-wales/>

³ <https://gov.wales/homelessness-accommodation-provision-and-rough-sleeping-july-2021>

⁴ <https://www.legislation.gov.uk/ukpga/1977/43/part/I/enacted>

⁵ <https://sheltercymru.org.uk/wp-content/uploads/2020/11/Illegal-Eviction-factsheet-2020.pdf>

⁶ <https://sheltercymru.org.uk/get-advice/eviction/harassment-and-illegal- eviction/what-counts-as-harassment/>

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Breakdown by Welsh Police Force Area

| Police Force Area | Number of Cases Reported |
|-------------------|--------------------------|
| North Wales | 2 |
| Dyfed Powys | 1 |
| South Wales | 8 |
| Gwent | 3 |

The above table shows 14 instances of police assistance/inaction in illegal eviction or harassment that have been highlighted by our caseworkers 2020. It is important to note that numbers are likely to be higher, given that not every instance of illegal eviction in our casework may have been highlighted in this data-gathering exercise. Furthermore, some tenants may not have sought help from our advice services.

Further Detail on Cases

We are currently working to obtain consent from people we have supported in these instances to share more than the detail we are currently able to. Until this is or is not given, we must ensure that the data we present is done so in a sensitive manner and cannot be used to identify individuals.

| Police Force Area | Date | Case Detail |
|-------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North Wales | April 2020 | The police refused to record the eviction and assault of our client, were reportedly unprofessional with our client calling them "childish names" and then falsely believed the client was back in the property due to information provided by the landlord the landlord, despite this not being the case. |
| | August 2020 | Landlord had told our client they needed to leave the property and had stopped the heating and were harassing the tenant. The police told our client that this is a "civil matter" which is unfortunately not the case. |
| Dyfed Powys | June 2020 | Our client was being harassed by their landlord and when this was reported to the police, they were told this is a "civil matter" which is incorrect. |
| South Wales | June 2019/May 2020 | Client contacted police to report that their landlord had changed the locks to the property and was advised that this was a "civil matter" and signposted to Citizens' Advice Bureau. The same client then suffered harassment in May 2020 and |

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| | | |
|-------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | was incorrectly informed by police that the landlord can “do as he pleases” due to owning the property. |
| | October 2020 | The police attended an eviction and advised that the landlord was able to evict without a Court Order, which is incorrect. |
| | October 2020 | Our client phoned the police who incorrectly informed them that the landlord was free to evict without a court order. |
| | April 2021 | Police attended an unlawful eviction and failed to prevent our client from being evicted. |
| | July 2021 | Police attended an eviction and let the landlords’ friends take the client’s belongings out of the property. Police “asked the landlord to get client a taxi” despite there being no notice, no possession order granted by the court and no bailiff’s warrant. Clients were physically detained by the landlord and their friends and advised that this was a “civil matter” incorrectly. |
| | August 2021 | Shelter Cymru advisors prevented an unlawful eviction, but the landlord harassed tenants and cut off their electricity supply over a weekend period. Police advised that this isn’t a criminal offence and were unable to do anything. |
| | May 2020 | Police attended and “bullied” our client into leaving their home when the landlord arrived to unlawfully evict them, before the possession hearing and despite a restriction on warrant being in place. |
| | October 2021 | Our client was served an eviction notice and was then subject to harassment by the former landlord (who had recently changed the Rent Smart Wales record). The client reported this harassment – with evidence – to the police who advised that the former LL was not breaking the law by being on the property (without notice), used words to the effect of “what can an 80 year old man do?” and said it is a “civil matter” incorrectly. |
| Gwent | May 2021 | Client was in temporary accommodation, had a Notice To Quit but not expired and no court order and S75 duty was owed. There was an incident with another resident and police attended. Police were told Notice To Quit was served and removed client from the property. |
| | July 2021 | Landlord changed the locks on the property, put most of the client’s belongings outside and refused to allow access to valuables inside the property. Police were refused access and then took no further action. |
| | August 2021 | Relationship breakdown, client returned home from cancer treatment to recover. While in bed, family members removed him from his home, he returned but police were called and he was told to leave. He then slept rough, was picked up and returned to the property by police, who were then called to remove him again. Client is now in temporary accommodation. |

Shelter Cymru’s Engagement with Rent Smart Wales

In the early stages of the pandemic we carried out a review of case files on harassment and illegal eviction which found that 36 per cent of landlords exhibiting these behaviours were fully compliant with Rent Smart Wales, the licensing regime. We regularly liaise and meet with Rent Smart Wales and cooperate on a range of areas. Following our case file review, we secured a commitment from Rent Smart Wales to re-write their compulsory landlord training, including

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re-licensing training⁷. This means that all new and re-licensed landlords in Wales will have to complete training which ensures they will understand and hopefully avoid behaviour and practice which leads to illegal eviction and harassment. Over time we anticipate that this will lead to improvements in practice among landlords.

Next Steps

We wrote to the Chief Constables and Police and Crime Commissioners for all Welsh Police Forces on the 6th September 2021 asking to discuss the issues seen above. We have received correspondence back from each of the Chief Constables and are liaising with the Chair of the Chief Constables to arrange a meeting. We are due to meet with Andy Dunbobbin, PCC for North Wales shortly.

Shelter Cymru provides training to a range of stakeholders, including professional organisations related to the housing sector and we host online training on our website.⁸ We successfully applied for funding to create two eLearning courses on how to address harassment and illegal eviction. These courses are free and were written with professionals, including police officers, in mind. We suggest that police officers are required to complete relevant training on homelessness law and tenancy law in Wales, so as to mitigate against instances noted above reoccurring, causing despair and disruption to more people and perpetuating our shared housing emergency.

⁷ Ibid

⁸ <https://training.sheltercymru.org.uk/>