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Maeve: I'm Maeve McClenaghan and this is *The Tip Off*. On this episode, something a bit more personal than usual... I want to talk you through an investigation that I led recently.

Back when the pandemic first hit, I was somewhat distracted. I was heavily pregnant and was about to move house and to complete the ultimate stress trifecta I was also due to publish my first book, *No Fixed Abode*, which charts homelessness and housing issues in the UK. So I was trying to process all that, all those personal logistics while also thinking about the UK housing situation. And every night, the news was blaring out horrifying warnings.

TV news presenter: Doctors in Wuhan were warning that the mystery virus they were seeing in people connected to the market was similar to SARS

Boris Johnson: a critical thing we must do is stop the disease spreading between households.

TV news presenter 2: The Department of Health has announced in the last half hour that 14 more people across Britain have died after testing positive for Coronavirus. It brings the total number of deaths here in the UK so far to 35.

Maeve: The horrendous impact of COVID-19 on people's health and well being was all too clear to see. But I started to think about the other implications, the things that might be going on unseen. If people were losing their jobs, or were unable to work because of illness or bereavement, how would that affect their ability to pay their rent or their mortgage? It was an idea that just kept coming back to me.

The government kept telling us...

Boris Johnson: By staying at home, we can protect our NHS and save lives.

Maeve: But what if your home was at risk? The housing secretary had tweeted "no one should lose their home as a result of Coronavirus", could that be right? I started searching online in the few spare moments I got here and there. It turned out that possession courts, the places where landlords or mortgage providers asked the judge whether they can evict people, had been temporarily closed during the lockdown. But they were due to open soon. This would be the place where we would see the immediate fallout of COVID-19 on people's housing.

So despite being on maternity leave, and trying to work out how to look after a two month old baby while suffering excruciating sleep deprivation, I emailed my then-editor Megan. I wrote "An idea I was musing over for a feature morphed into a possible mini investigation that might be of interest to the Bureau of Investigative Journalism. (I know I have a problem, can't stop pitching ideas! But see what you think.) I was thinking it would be interesting to do a feature about a snapshot day in a possessions court. Once the ban on evictions is lifted the fear is that there could be an onslaught of evictions, now people have lost jobs or fallen behind on rent, etc. This would show what that looks like on the ground.

Not surprisingly, my editor told me to calm down, that the fallout will likely be seen in the months to come. So I put the idea to one side and got on with raising a small baby. But when I returned to work after my maternity leave, I brought the idea with me. The possession courts had reopened, but a ban on bailiff led evictions remained, which meant judges could rule that people should be evicted, but those evictions couldn't be enforced. But that ban was going to lift in the coming months. So now was the time to watch what was going on. Now was the time to act.

So I decided I wanted to look at which cases were going through the possession courts. I wanted to know how many had been COVID marked. That means officials had logged whether the pandemic had played some role in the case. So I fired off a Freedom of Information request to the Ministry of Justice and waited. But the response came back.

MoJ spokesperson (read by actor): The Ministry of Justice does not hold any information in the scope of your request. This is because there is no legal or business requirement for the Ministry of Justice to do so.

Maeve: A dead end. I was stuck. If the Ministry of Justice wasn't collecting this data, then how on earth was I going to get to the truth? And then it hit me. If the data didn't exist, then I needed to collect it. I'd need to go into the courts, sit through hearings and log who it was being evicted and the circumstances that had brought them there. It was a solid idea with one major flaw: I was just one person... to get anywhere near a useful amount of data I would need to watch hundreds of court cases. And so me and my colleagues made a plan...

Emiliano: Yeah, so like you say, there was so many courts we're going to cover that it wasn't just that one person or two people couldn't do it. You really needed around 20 reporters across the country to cover all these courts, to get a significant amount of data.

Maeve: That's Emiliano Mellino, he's a Community Organiser at the Bureau of Investigative Journalism. He and I, along with our colleagues, Eve Livingston, and Emily Wilson, started getting journalists on board.

Emiliano: I mean, we had people from across the country. We had Finn up in St. Helens, down in the south coast we had Ben in Portsmouth, you know, it wasn't just an England thing in Wales, we had Siriol. There were people all over England and Wales.

Maeve: Our group included people with various levels of court reporting experience. But barely anyone had been in a possession court before

Emiliano: because this was so new. Possession courts only became public a few years ago. Because this was a data gathering project we built a booklet where reporters could note down what they were seeing in the courtroom. And the booklet also had very specific questions, so that we could really gather data effectively. So there was consistency in the answers from different reporters, we could then gather data and see these trends.

Maeve: We thought it would be simple enough to point our reporters to the courts we had identified and just let them get going. But it turned out to be a lot more tricky than that.

Emiliano: You know, we didn't know beforehand, when the courts would sit, how many hearings they would have each day. And so we had to, effectively, call every court and ask them to tell us, you know, the days that they would sit that, when they would have hearings. They didn't really have a sense of how busy they'd be until, normally until the afternoon before. So in the afternoon, before we might be able to get the list of what hearings were happening the next day. And then there'd be a huge surprise. Oh, actually, you know what, there's only one hearing happening in this court, which we thought would be busy... and is it really worth that reporter travelling an hour to get there, when there's only going to be one hearing that's going to last five minutes?! So we had to adapt and be like, okay, that reporter is not going to go to that court, let's see if we can find another court for that reporter that will be busier. So there was a lot of reacting, there was a lot of late afternoon frantic phone calls coordinating between chords, reporters, the team and so on!

Maeve: While Emiliano was doing all that, I was spending my days in the possession court in Manchester: a stuffy room in this huge glass fronted courthouse. I was watching how these hearings went and making a list of the things we could ask our reporters to log.

It should all be plain sailing, because in 2019, a few years earlier, there had been a change in the rules around possession hearings, moving them from private sessions to public. Anyone, including journalists, should be allowed to attend.

And soon, it was time, we were ready to head out to the courts. But almost immediately, we hit problems.

Tom Fair: Hello, I'm Tom Fair covering possessions at Birmingham county court.

Maeve: Tom had gone to the Birmingham court, but had been turned away.

Tom Fair: I've just spent two and a half hours there and I wasn't able to get into any of the hearings because the rooms that they were using had a maximum occupancy of

three people plus the judge due to COVID. I tried to speak to the judge about this to see if there's any reasonable arrangements that can be made, but they were too busy to see me and the ushers couldn't do anything about it. The court also haven't answered any of my enquiries or my calls, emails. So my arrival this morning seemed to catch everyone off guard a bit too.

Maeve: Meanwhile, David, another one of our local reporters, was due to attend hearings in Milton Keynes.

David Landau: Today I'd like to talk about technical difficulties, because it's been a WFH day: working from home. Thanks to the so-called remote or video hearings in Milton Keynes. It's certainly better than negotiating one's way around the multiple roundabouts there and the labyrinthine parking system, but not if you can't attend the first hearing because you haven't been furnished with the link in time. The second case was swiftly moved to a BT phone hearing due to both parties having terrible internet connections. And I got excluded from that because the judge didn't have my phone number to dial before she disappeared into the ether.

Maeve: Some courts had pivoted to working remotely using various technologies to let defendants and claimants dial in. But that didn't bode well for open justice. How could journalists or members of the public watch?

And even I was having issues. This was despite the fact that I'd been to court in Manchester many times before. And yet one day...

(audio recorded outside the court) I'm stood outside Manchester court on a boiling hot Tuesday morning and I'm pretty annoyed because the judge just said I wasn't allowed in. They're citing guidance that says they think it should be all private. I've been into this court before, I've sat in the exact same courtroom I was in on possession hearings, so this doesn't make any sense. It's very frustrating. And it's clear proof that the new rules aren't understood by all judges. So open justice it is not today. A wasted trip.

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In fact, time after time, judges told our reporters that we weren't allowed into any of the sessions. That all possession hearings were private... but that simply wasn't true.

After some frantic calls and emails to top judges across the country, we were finally allowed in and we started to see some really worrying cases. This is our reporter Michelle in the Wandsworth court.

Michelle Ferguson: Today I heard a case brought against a man who has been unable to work due to COVID and issues with immigration. He's living in a one bedroom flat with his wife and five children and has been in arrears since the start of the pandemic, so 17 months. He was ordered to vacate the property and pay over £20,000 in the next 14 days. Another case involved a construction worker who was made redundant and has been unable to find regular work since March 2020. He's a vulnerable person and was told to shield by the NHS due to a past brain injury and history of epilepsy. The man has already vacated the property but was ordered to pay arrears of over £14,000. Outside the courtroom he told me it would take him four to five years to get out of debt, which only occurred because of COVID

Maeve: and here's David again, for Milton Keynes.

David Landau: One was a private landlord, who the judge said had lost half of her working hours, is in a worse financial position than her tenant, and is therefore looking to reposess. Another woman with three children has been left in limbo, because her landlord and the mortgagee have been fighting it out for ownership. She says she needs more time to find a suitable property for her family. And another is a man who's been in and out of secure mental health units recently, and the local authority wants to evict him from his home, as the property is not his main abode.

Maeve: Beyond the individual cases, we were beginning to notice trends too - not least how fast some of these cases whizzed through the courts, here is Ruth Bushi in Newcastle:

Ruth Bushi: Both yesterday and today, what struck me really is the speed of hearings, with cases heard and decided really quickly. Today, the fastest was decided within 60 seconds. Many of them are decided without the defendants, without the tenants, being there at all.

Maeve: And judges kept talking about how their hands were tied, how even if someone had really compelling reasons as to why the pandemic meant they couldn't pay their rent, there was nothing the judge could do. The legislation was so strict that it

meant that missing just two months of rent, meant that the judge had to order an eviction.

I also started doing more interviews with people who were facing evictions for one reason or another. People like Lisa, whose parents had both died of COVID, she was given a section 21 or no fault eviction. Or Rudy, who lost his job at the very start of the pandemic...

Rudy Bozart: I was working in the media, as a production assistant. And it basically just closed down

Maeve: On a crackling phone call, Rudy laid out how he had been struggling to find work as the economy fell apart.

Rudy Bozart: So for a couple of weeks, I was like really, really job hunting, which as you can imagine, during the first lockdown, it was a no go. Nobody was hiring. Nobody was looking for anybody. But eventually, I decided, well, it's probably time to get something anyway. So I went to be a carer.

Maeve: The carer job didn't go anywhere. So he tried working as a delivery driver.

Rudy Bozart: So I was sitting here at home slowly building up, you know, every single debt that you can ever imagine, eventually settling to start doing, you know, food delivery, you know, get into one of these on demand services like Deliveroo or UberEATS. And, and start doing that to try to survive like that. I never had any issue with credit. I never had the issue with debts or anything like that. But in one year, one total year period, it financially destroyed me. I tried to plan ahead, but I don't know how would you be able to plan ahead for a pandemic like this?

Maeve: Rudy had fallen behind on rent by thousands of pounds, and the landlord had got annoyed. He was demanding Rudy pay the rent. But Rudy couldn't give what he didn't have. Eventually the landlord served him with a notice: he was taking Rudy to possession court.

Rudy Bozart: We don't know what's going to happen, like, what happens after the hearing? No, nobody knows.

Maeve: Back in the courts, and we were surprised by what we were seeing. It wasn't just private landlords. We saw more banks than we'd expected. They were bringing mortgage holders to court for defaulting on their mortgage payments. But then the lawyers representing those banks started complaining. Here's our reporter Finn Oldfield, in St. Helens.

Finn Oldfield: Today I sat in a lot of repossession hearings, particularly mortgage cases. It's worth noting that a legal representative of one bank attempted to have me removed from the courtroom as there was "private financial information being discussed". The judge refused, and instead, we agreed to a recital, whereupon I wouldn't print any names or figures discussed. But to me, this opposition seems larger than just one case. It seems that banks in particular have prior knowledge of our investigative project, as they have provided their legal reps with a statement to refuse journalists entry, and to provide the judge with a written document of the specifics of rent arrears, so none of it could be read aloud and heard by someone like me, a member of the public. Today, none of the tenants of the six cases I sat in turned up, and five of them lost their homes.

Maeve: And my colleague Emiliano, again, who'd gone to report from the Portsmouth county court

Emiliano: I was given two reporting restrictions on two separate cases. A representative of the banks in the case said that his firm had gotten a standard instruction from a number of lenders to ask for these restrictions and that they were aware of the reporting project.

Maeve: Then one day, I opened my inbox to find someone had forwarded me an email. It wasn't meant for me. It was from people at UK finance, a trade body for the finance and banking industry, who had written to a senior judge asking why Bureau reporters were attending possession hearings. In that email, UK Finance said, "media attention on possession cases causes nervousness amongst mortgage lenders, given the reputational risks". Later, I asked them why they'd taken this step. UK Finance told the bureau, "UK Finance did not object to journalists attending court proceedings, nor did we ever seek to have them excluded from court". They did not respond to a question about what it meant by the "reputational risks" to banks of reporters scrutinising these hearings.

Now, while we've been attending court, my colleague, Charles Boutaud has been busy writing code to pull in and analyse the daily court lists that were published each day.

Charles Boutaud: Frustratingly, some courts did not mark possession cases, but still, we managed to log nearly 4000 hearings this way. We then ran the names of those bring people to court against lists of social housing providers or mortgage lenders. And when it comes to mortgages, one name kept coming up again, and again...

Maeve: Lloyds Banking Group- which brings together several brands, including Lloyds, Bank of Scotland and Halifax. They made up 38% of all mortgage hearings listed from those courts. That's much more than their share of the mortgage market, suggesting they were bringing a disproportionate amount of cases. And the vast majority of them came from one bank: Bank of Scotland.

When we put that to Lloyds Banking Group, they said they would expect to have a higher proportion of cases because they were the UK's biggest lender. A spokesperson from Lloyds group told the Bureau "We will do everything we reasonably can to support our customers. And only after we've exhausted all other options, would we seek a possession order. We firmly believe repossession is a last resort."

After two months, I sat back. Together, our group of local reporters had logged the details of nearly 700 court cases. Now came the tricky part... time to analyse. So I spent weeks combing through the data, cleaning it, coding it until I was ready to run my analysis. And then I had it...

We revealed some people were being evicted for owing less than £300. That despite the Conservative government's pledge to scrap Section 21 No Fault evictions, they were still being used in one out of five hearings. That in the vast majority of cases, rigid legislation meant judges had no discretion as to whether to evict tenants or not. And that COVID-19 was mentioned explicitly in 1/3 of all hearings.

And there was more about who was up for eviction: in one in five rental cases, the tenants had mentioned having children. We also saw time and time again, how the pandemic had impacted mortgage holders, including a farmer, whose earnings from renting out cottages had disappeared during a pandemic, and a diabetic taxi driver, who found himself earning just £17 in an eight hour shift. Behind the data were the

stories of hundreds of people who lost their homes at the most vulnerable of times. It was time to open up to our local reporters.

Emiliano: And we put all the information into what we call a reporting recipe.

Maeve: Here's Community Organiser Emiliano, again,

Emiliano: which is effectively: the main stories, the main human stories, the main data points, all the background, important legal background, especially in situations such as this... and that is used as a guide by the local reporters to write their stories. Obviously, the local reporters that were working with us were already gathering a lot of data, they had already spoken to a lot of people that were affected by this and had really powerful accounts of what was going on in their local areas. And so everybody worked towards a joint embargo, a joint deadline, when we would all publish together both the national partners and the local partners.

Maeve: Our local reporters produced dozens of amazing stories, including front page splashes. The work went out on the BBC too, running across their news bulletins all day. They highlighted the case of Joanne, Marshall and their young son. Marshall had lost work because of the pandemic and they were struggling to pay their bills,

BBC correspondent - Michael Buchanan: bills racked up, they owed the landlord £4000 pounds, and have been saddled with an eviction notice.

Joanne: It's not how it was supposed to be, you know what I mean? And that just makes me feel a bit sick. Like we both grew up coming from poverty so we tried our best to get out of that, you know, we've always been working people we wanted to like change the tide and things like that, and it's not easy to get off. And, and then I just feel like obviously Roman just been born into the exact same situation. It, it's not nice to feel like, it's embarrassing.

BBC correspondent - Michael Buchanan: county courts have been inundated with landlords seeking to remove tenants since the ban on evictions was lifted in the summer. Of the 270 possession orders analysed by the Bureau of Investigative Journalism, a third of them, 88 cases, explicitly cited COVID as a reason that rent arrears had risen.

Maeve: Amazingly, following that story on the BBC, several people got in touch offering financial help to the young family.

We follow that up with an article in the Daily Mail about the mortgage providers. The work was brought up in Parliament, time and time again. Here's MP Kieran Mullen putting it to the Lord Chief Justice.

Kieran Mullan: So I'll just read you some evidence from the Bureau of Investigative Journalism. They said: "our reporters attempted to attend they had possession court hearings on 110 occasions over two months, but on six different days we returned to a by judges who told us all possession hearings were held in private"

Lord Chief Justice - Right Honourable The Lord Burnett of Maldon:

Well I'm... possession hearings are public hearings. And so I'm disturbed to hear that those problems were encountered.

Maeve: And here MP Ian Byrne putting a question to the Secretary of State for Housing, Michael Gove.

Ian Byrne MP: The Bureau [of Investigative Journalism] reports that one in five cases involved the controversial Section 21 No Fault eviction notice. Given the repeated commitments to end Section 21 evictions and reform Ground 8 evictions, why has your department now announced a delay to the Renters' Reform Act?

Michael Gove: Well, again, we're not intending to punt it into the long grass. For all of the issues that you mentioned, one of the things that I want to do is to make sure is that we take the right approach towards the private rented sector.

Maeve: A month after our story came out, the government announced a £65 million pot of funding to support renters who had fallen into problems because of the pandemic.

And one of the most senior judges in the land put out a reminder to all courts, telling them that journalists and members of the public should be allowed into possession hearings.

But as we wound up the project, Rudy was still waiting for his day in court. So recently, I gave him a call to find out where things were at.

Rudy Bozart: And I wasn't really able to make a deal with the landlord, so he accelerated the process. And now I have a court hearing on the 23rd of May.

Maeve: So it's been a really long time with this hanging over you. How is that? How has that been? Are you still in the same... still living in that property, and what's it been like with it hanging over you?

Rudy Bozart: It's, it's just terrifying, is still very much terrifying, because you don't know what letter is going to come through the mail. And which one is going to tell you that a decision was made, etc, etc.

Maeve: He's still struggling to find a job, and the amount he owes to the landlord just keeps getting bigger and bigger.

Rudy Bozart: Yeah, it's around three and a half grand.

Maeve: Now, ideally, Rudy would move to another flat, somewhere cheaper. But rents have been shooting up all across the country. And any property that Rudy could afford, asks for a huge deposit, sometimes for six months rent in advance. He just doesn't have that. Plus, thanks to losing his job in the pandemic, he fails every credit check the estate agents do. And that pot of money that the government had offered, £65 million to support renters like Rudy, who'd fallen into hard times... it wasn't helping.

Rudy Bozart: No, because I haven't seen a penny of it. I tried applying five times, I have all the five letters of rejection.

Maeve: Meanwhile, as the COVID-19 restriction start to lift, the narrative seems to be that the worst of the pandemic is over. But for people like Rudy, the long term effects are still all too real.

Rudy Bozart: It's still going on strong. It is not something that you can just recover within two or three months. People like myself who really fell between between the bars and just aren't able to climb out of it, those people are still in it. The housing is still

a nightmare to deal with. And the opportunities out there are still limited, despite what everybody is trying to say.

Maeve: So he's left waiting for the 23rd May, when he will finally get his day in court. But isn't looking good. Rudy is trying to prepare himself for what happens if the judge rules that the landlord can evict him

Rudy Bozart: then I guess the panic starts hitting it Because... because I don't know. It honestly, depends how much time will I be granted, which at this point is questionable... because I honestly don't know... that that is the big unknown.

Maeve: That's all for this episode. I'll put links to our stories in the show notes. Our fantastic group of reporters all across England and Wales were Emma Bartholemew, Nathalie Raffray, Sabah Hussain, Tom Fair, Sam Baker, Reece Stafferton, Ruth Bushi, Shahed Ezaydi, Tommy Greene, Alexandria Slater, John Brace, Finn Oldfield, Patrick Ferrity, Michelle Ferguson, David Landau, Fatima Hudoon, Ben Fishwick, Rebecca Speare-Cole, Siriol Griffiths, Nick Thomas and Jacob Moreton.

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