

# Good practice: briefing Barred from housing

A discussion of the barriers faced by prisoners in accessing accommodation on release

## Summary

Housing can play a critical role in reducing reoffending, yet prisoners face substantial barriers to accessing suitable accommodation and support on release. This briefing examines these barriers and provides recommendations for addressing them.

The Social Exclusion Unit (SEU) highlighted the key role housing can play in reducing reoffending and increasing stability for ex-offenders in its 2002 report, *Reducing re-offending by ex-prisoners*. Although public policy has increased its focus on this area since then, and there have been some real improvements in resettlement services both in and out of custody, prisoners still experience substantial barriers to accessing suitable housing and support for their release. The key barriers facing prisoners are summarised below.

- The sheer volume of housing problems experienced by prisoners, together with the limited resources available in many prisons to meet this demand, results in some prisoners not receiving the help they need with their housing.
- The inconsistency in the way different housing providers deal with applications from prisoners creates difficulties for housing advisers and prisoners.
- Many accommodation providers are unwilling or unable to accept homelessness or housing applications from prisoners before release.
- The extension of the priority need categories for homeless applicants to include vulnerable ex-prisoners has had little impact.
- Where housing has not been secured in advance of release, prisoners often experience disrupted resettlement support on discharge. This particularly affects short-sentenced prisoners, who do not have statutory rights to National Probation Service support and supervision on release.

## Strategy context

In its 2002 report the SEU identified a number of factors as contributors to reoffending, including housing.<sup>1</sup> The report highlighted many of the housing difficulties experienced by prisoners, including:

- homelessness before sentence
- loss of housing while in prison, and
- homelessness on release.

The report also stated that stable accommodation for prisoners on release could reduce reoffending by up to 20 per cent.

In 2002 the categories of homeless applicants who qualify as having a priority need for housing were extended.<sup>2</sup> In England these include those deemed 'vulnerable as a result of' having been remanded or having served time in custody. In Wales there is no need to demonstrate vulnerability: being detained in custody is sufficient to merit priority need status.

In 2003 the Supporting People programme was launched to provide an integrated funding stream for housing-related support. Ex-offenders and people who have been homeless are among the client groups provided for by the programme.

The 2002 SEU report prompted the development of a national resettlement strategy for prisoners. This culminated in a national action plan to reduce reoffending, published in 2004.<sup>3</sup> The plan, which sees housing as 'the foundation of successful rehabilitation [for ex-offenders] and management of risk of harm to others', is implemented by the National Offender Management Service (NOMS) and its regional counterparts. A key theme within the plan is the need for effective and integrated joint working across relevant strategy areas and service provision.

In 2005 the Prison Service introduced a key performance indicator (KPI) for the number of prisoners who have housing available on release. Subsequently, targets have also been set for housing assessments for prisoners on reception into custody. NOMS is also developing a Housing and Housing Support Framework. This was circulated for consultation in May 2006 and was due for release at the time of publication.

In June 2006 the Department for Communities and Local Government (DCLG) published a good practice guide on homelessness prevention, including a chapter on preventing homelessness among ex-offenders.<sup>4</sup>

## Problems in custody

The increased focus on resettlement programmes within prisons, backed by performance targets and indicators, has certainly achieved improvements in housing assessment and advice for prisoners. However, the demand for advice and assistance often far exceeds the availability of these services. Furthermore, the current KPI for prisoners who have housing available on release is not linked to the suitability of that housing. As a result, it fails to ensure that prisoners' housing needs have been assessed or met.

Housing advice is a complex and specialised discipline, and giving effective advice takes time. Improvements have been made in the early assessment of prisoners' housing problems in custody, maximising time for interventions, but there is still a real danger that lack of time and resources could result in prisoners' problems not being followed up, and more complex issues remaining unresolved.

The prison environment itself is not always conducive to providing housing and resettlement assistance. Prisoners' movements are restricted, which limits the access that advisers have to them. Availability and access to IT resources and telephones can also be restricted. Visiting arrangements for outside agencies (such as housing providers) are often complicated and time consuming, which exacerbates the difficulties in carrying out assessments before release.

Resettlement aims also have to compete with other key priorities, not least the availability of spaces in prisons and security considerations. Many prisoners are transferred to different prisons during their sentence, sometimes at a distance from the area to which they will be returning. The receiving prison may have few contacts with the returning area, and resettlement work commenced at the previous prison may not always be followed at the new prison.

Although not all of these issues can be remedied easily or quickly, more consistency in practice between prisons, supported by sufficient resources, could achieve significant improvements.

Some prisons, such as Wormwood Scrubs, have developed dedicated resettlement units within the prison. Arrangements have been developed with eight London boroughs and prisoners with a connection to these boroughs can be returned to Wormwood Scrubs from other prisons for the final months of their sentence. This facilitates better, integrated links to local community services.

1 SEU, *Reducing re-offending by ex-prisoners*, ODPM, 2002.

2 The Homelessness (Priority Need for Accommodation) (England) Order 2002; SI 2002/2051.

3 Home Office, *Reducing Reoffending National Action Plan*, 2004.

4 DCLG, *Homelessness prevention: a guide to good practice*, 2006.

Other prisons have successfully conducted assessment interviews by video link or telephone, or used the release on temporary licence scheme for housing assessments and viewings.

Although improvements within prisons must continue, the housing needs of prisoners can only be met with the full engagement of services outside prison.

## Problems outside prison

An overriding barrier to resolving prisoners' housing problems is the insufficient availability of suitable accommodation for those who need it. Shelter continues to campaign for the provision of more social rented homes, additional supported accommodation, and support services for those who need them. However, if such initiatives are to benefit prisoners fully, the barriers and exclusions they often face with housing providers need to be overcome.

There is significant inconsistency in the way that different housing providers deal with applications from prisoners. Providers may each have their own unique application process and many may not even accept applications from prisoners before release. Even those that do accept pre-release applications often suspend the application and only action it just before their release. This prevents prisoners from accruing waiting time (and therefore increased priority) on rehousing lists.

There are also discrepancies in terms of the information different housing providers require to process applications, such as proof of identification, references, previous housing history, and information relating to risk, for example previous convictions. Some providers even request that applicants obtain a full list of their previous convictions from the police before their application can be assessed. Although joint-working protocols have been established that include information-sharing arrangements between criminal justice agencies and housing providers, such as Housing and Returning Prisoners (HARP)<sup>5</sup> and other regional variations, some providers continue to operate outside these protocols.

Although total consistency may not be appropriate or achievable across all regions, much more needs to be done to improve the current situation and streamline procedures for processing housing applications from prisoners.

The extension of priority need categories for homeless applicants to include vulnerable ex-prisoners appears to have had limited impact. The number of applicants in England accepted as being in this priority need group fell by almost 50 per cent between 2003/04 and 2005/06 (1,092 and 580 respectively).<sup>6</sup> Should this trend continue, numbers will soon fall to the equivalent of fewer than one applicant per authority per year.

Even where applicants have been given priority need status, they can still be deemed intentionally homeless, thus limiting further the number to whom a full housing duty is owed. Although the revised Homelessness Code of Guidance<sup>7</sup> acknowledges such issues, the benefits of the 2002 legislation remain limited.

Many local authorities unlawfully refuse to accept homelessness applications from prisoners prior to release, even when they have less than 28 days to serve (and therefore may fall within the statutory definition of threatened homelessness). Where assessments are carried out before release, there are often delays in the decision-making process. Although some authorities have a dedicated officer to deal with such applications, who is able to commence applications early and visit prisoners when required, such services are exceptional.

Providers of supported accommodation are often unwilling or unable to assess prisoners' applications or visit them prior to release. Although the visiting procedures within prisons can be complicated and time consuming, and agencies may not have sufficient staff for this, pre-release visits should be encouraged where possible, or alternative procedures developed.

## Short-sentenced prisoners

Prisoners sentenced to fewer than 12 months, who account for the majority of prison releases, often experience the barriers highlighted in this briefing most acutely. They are not subject to statutory support and supervision from the National Probation Service on release. This was due to change in November 2006 with the introduction of the Custody Plus scheme, but that has now been postponed. The specific issues relating to this group will be covered in full in a forthcoming Shelter report in 2007.

5 Home Office (NOMS), *The HARP protocol: housing and returning prisoners*, 2006; available from [www.noms.homeoffice.gov.uk](http://www.noms.homeoffice.gov.uk)

6 DCLG, *Homelessness Statistics 2003–06*.

7 DCLG, *Homelessness Code of Guidance for Local Authorities*, 2006.

## Conclusion

In his foreword to the 2002 SEU report, the Prime Minister stated, 'Public safety is not safeguarded when prisoners are released into homelessness, with no prospect of employment.' Despite real improvements in housing advice and assistance for prisoners, there are still some substantial barriers that must be overcome if prisoners are to have access to suitable accommodation and support on release.

It is hoped that this paper and the recommendations below will contribute to ongoing developments to reduce homelessness and reoffending among ex-prisoners.

In light of the issues identified in this briefing, Shelter has developed key recommendations to build on work already done and overcome the barriers still faced by prisoners in accessing housing and support. These are outlined below.

## Recommendations

- Housing advice, and resettlement support more generally, needs to be seen as 'core work' for prisons. Clearly identified funding streams should provide resources to meet the current demand and for the continuation and further development of this work.
  - Further development of dedicated resettlement units and processes within prisons, informed by the experience of those already in existence, would enable timely assessments for all prisoners and better links to local communities. This would also inform improvements in follow-up procedures should prisoners be transferred to other prisons.
  - Further guidance is needed for housing providers on good practice relating to the rehousing of prisoners. This should encourage more consistency among providers, and emphasise the benefits of appropriate housing and support in assessing and managing risk, and of reducing reoffending, antisocial behaviour, homelessness and rough sleeping.
  - Homelessness applications should be commenced as early as possible, and at least 28 days before release.
- Decisions on applications should give more regard to the cumulative effects on prisoners of the experience of prison, institutionalisation and repeated homelessness, combined with other factors common among prisoners such as substance use and physical and mental health problems.
- Consistency should be achieved in procedures for rehousing prisoners across all accommodation providers. These should be incorporated in regional joint-working protocols and include information-sharing agreements that are reviewed regularly.
  - Systems should be developed within regions to monitor outcomes of housing applications from prisoners. These should be overseen by the regional offender manager and informed by agreed priorities. This would help identify, and address, problems. It may also encourage better co-operation by housing providers.
  - These issues should be fully integrated across key strategy areas including homelessness and housing, criminal justice, and Supporting People.

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