



Policy name: The Homelessness Reduction Act 2017: Duty to Refer (England only)

Reference: N/A

Re-Issue Date: 11 October 2023 **Implementation Date:** 1 July 2021

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: N/A

Introduces amendments to the following documents: N/A

Action required by:

	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons		Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	The Probation Service
	Under 18 Young Offender Institutions	<input checked="" type="checkbox"/>	Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: Governors and Regional Probation Directors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Section 4 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 3 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

In this document the term Governor also applies to Directors of Contracted Prisons

How will this Policy Framework be audited or monitored: Monitoring arrangements are already in place following the commencement of the process in October 2018.

Resource Impact: The Duty to Refer (England only) commenced in October 2018 and resource implications were considered and addressed in advance of commencement then. This framework migrates the information from the previous guidance and it is therefore not expected that there will be any resource impact to an existing service.

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Approved by OPS for publication: Sarah Coccia (Executive Director Prison) and Ian Barrow (Executive Director Probation), Chairs of Operational Policy Sub-board, August 2023

Revisions

Date	Revision
30 November 2021	Amendments to reflect the unified probation service References to NPS & CRC replaced with Probation Service. References to the DTR 11-12-2018 NSI Advice Note with the current instruction References to service user replaced with person on probation/person in prison.
11 October 2023	Amendments to clarify: <ul style="list-style-type: none">• Who may carry out a DtR referral, including Commissioned Resettlement Service (CRS) providers where appropriate• The preferred approach to Foreign Nationals and• The role of Bail Information Officers at Courts and in prisons Some additions made to guidance in the Appendices to assist staff with operational process and engagement with Local Housing Authorities.

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1. Purpose

- 1.1 Since 1st October 2018 specified public sector bodies, including all Prisons and Probation services, in England have been subject to the “Duty to Refer” (under section 213B of the Housing Act 1996, as amended by section 10 of the Homelessness Reduction Act 2017). They are required to refer anyone who is homeless or at risk of becoming homeless to a Local Housing Authority (LHA) of the person in prison/ on probation’s choice.
- 1.2 This updated policy framework sets out how those bodies must comply with their statutory responsibilities and sets out a referral process that should be followed when complying with this duty. Prisons, Probation services and LHAs must work together to ensure these processes work locally and adapt as necessary.
- 1.3 In Wales an ‘Application for Assistance’ (AFA) process is in place, which mirrors the Duty to Refer process in England and forms part of the Offender Pathway. Whilst this policy framework focuses on England the core principles are also fundamental to outcomes for prison leavers and people on probation in Wales. The full process to be followed in Wales can be found at Appendix 5.

Overview of the legislation

- 1.4 The Homelessness Reduction Act (HRA) 2017 amended Part 7 of the Housing Act 1996. It significantly reformed England’s homelessness legislation by placing duties on LHAs in England to intervene at earlier stages to prevent homelessness in their areas.
- 1.5 It also required LHA’s in England to provide new homelessness services, including providing more meaningful assistance to all people who are eligible and homeless or threatened with homelessness, irrespective of their priority need status (see Appendix 1 for more detail).
- 1.6 As part of this, LHA’s in England are required to ensure advisory services are designed to meet the specific needs of vulnerable groups, including persons released from prison or youth detention accommodation.
- 1.7 The Act was designed to support the good practice that already exists in local areas across England and help services in working together to prevent homelessness.

What is meant by homeless?

- 1.8 Section 175 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, provides that a person is threatened with homelessness if it is likely that they will become homeless within 56 days; or if a valid notice has been given to the person under section 21 of the Housing Act 1988 in respect of the only accommodation available for their occupation and that notice will expire within 56 days.
- 1.9 This means that individuals supported by Prison or Probation, at risk of being homeless and under consideration for referral include, but are not limited to, those who are:

- | | |
|--|--|
| <ul style="list-style-type: none">• Temporarily residing with family or friends (‘sofa surfing’)• Rough sleeping• Residing in a squat• No fixed abode | <ul style="list-style-type: none">• Transient short-term accommodation, including CAS2, CAS3 and Approved Premises, with no identified move-on provision• A prisoner to be released within 56 days and likely to be homeless.• likely to be living in the previous-listed situations, or in any event likely to become homeless, within 56 days. |
|--|--|

- 1.10 Foreign National Offenders (FNOs) held in custody by HMPPS, including those who are 'of interest' to Home Office Immigration Enforcement, should still be included in this process. It is the responsibility of the LHA to ascertain if an individual's immigration status affects their entitlement to be supported through the referral process.
- 1.11 Further information on homelessness and the support provided by LHAs in England, can be found in the Homelessness Code of Guidance for Local Authorities and the Duty to Refer: Guide for Public Authorities. Chapter 23 of the Homelessness Code of Guidance is devoted to people with an offending history. Additional information and answers to Frequently Answered Questions, including those on what referrers can expect in response from the LHA, can be found in Appendix 7.
- 1.12 The Homelessness Code of Guidance for Local Authorities has been updated and reissued, and it provides information on how local authorities should exercise their homelessness functions in accordance with the Homelessness Reduction Act 2017. Local housing and social services authorities must have regard to this guidance when exercising their functions relating to people who are homeless or at risk of homelessness. The relevant chapters of the guidance can be found in Appendix 1.

What are the duties?

- 1.13 The duties that the HRA places upon LHAs in England require them to provide advice, make an assessment, provide planning and prevention proposals for individuals; they do not guarantee LHA accommodation. More detail can be found in Appendix 1.
- 1.14 This framework sets out a referral process to follow when complying with this duty. Prisons, probation services and local authorities must work together to ensure these processes work locally and adapt as necessary.
- 1.15 Although the legal requirement only applies in England, the principles of early engagement and collaborative working between HMPPS and Local Authorities applies equally in Wales. Details of the operational process for supporting those at risk of homelessness in Wales can be found in Appendix 5.

2. Outcomes

- 2.1 Rough sleeping will be prevented wherever possible, and when it does occur, it will be rare, brief and non-recurrent.
- 2.2 Prisons and Probation contribute towards the Government's aim to:
- Eliminate rough sleeping by the end of the current Parliament (2023/24);
 - Ensure that 90% of individuals are in accommodation upon release from custody, and
 - Ensure that 80% of individuals are in settled accommodation, three months after their release or 3 months after the commencement of a community-based sentence.
- 2.3 Prisons and Probation meet their statutory obligation to refer individuals in England who are homeless or at risk of homelessness.
- 2.4 LHAs in England are provided with the minimum information they need to meet their statutory obligation.
- 2.5 Individuals who are managed by the prison and probation service, are supported by a clear resettlement plan that enables accommodation and should not be homeless.

- 2.6 Adopt collaborative working relationships, at a Regional and local level, between Prisons, Probation, Homelessness Prevention Teams, Commissioned Rehabilitative Service (CRS) providers, Strategic Housing Specialists, Local Authorities, women's services, and voluntary sector housing providers.

3. Requirements

- 3.1 Under section 213B of the Housing Act 1996 Prisons and Probation have a statutory responsibility to refer to a LHA in England anyone who is homeless or who is at risk of becoming homeless in the next 56 days. A referral must be made using the nationally agreed standard referral form at Appendix 4. In some areas the LHA may request practitioners use the 'Jigsaw' portal (<https://live.housingjigsaw.co.uk/alert/duty-to-refer>), and this is a valid alternative referral avenue.
- 3.2 All referral details must be entered into the appropriate prison and probation recording systems to ensure that HMPPS records are maintained accurately. This ensures that we can accurately monitor the level of referrals across the system and provide robust information and data to inform policy development and resource analysis. Details regarding the process for recording referrals on NDELIUS can be found in Appendix 6.

4. Guidance

Making a Referral under the Duty to Refer

- 4.1 **Prisons and Probation in England must refer those who they have identified as being at risk of homelessness to an LHA.** Whilst the DtR obligation falls predominantly on probation practitioners the obligation **can be initiated by any prison or probation member of staff, depending on which point the duty becomes necessary.** This guidance provides clear information about making referrals at various stages of a person's journey through the criminal justice process, including appearance at Court. CRS providers are also able to make a referral, as delegated by the Community Offender Manager (COM) probation practitioner, where local contract arrangements with the provider allow for this. Throughout this document the term 'Prison and Probation staff or CRS provider' is used to reflect this.
- 4.2 In all circumstances, and whichever process is adopted locally, **those making referrals should ensure that the probation practitioner (COM) is clearly listed as the contact point for LHAs to ensure continuity of care** and that it is clear to the relevant LHA that the referral is made on behalf of Prisons, Probation or HMPPS. In all cases the referral must be recorded on the relevant prison or probation case recording system.
- 4.3 The individual must give their consent to making the referral (either in writing or orally) and they can identify any LHA of their choice. They may also be referred to more than one LHA. Without consent, a referral cannot be made and staff carrying out the referral should make this clear to the individual at the outset. It should be emphasised that without a DtR referral the individual's chance of finding suitable accommodation on release will be adversely impacted and they will not be eligible for housing in the HMPPS transitional accommodation scheme known as Community Accommodation Services Tier 3 (CAS3). If the individual decides not to give consent to a DtR referral, staff should still continue with all other routine accommodation resettlement activity, including CRS referral work.
- 4.4 If there is a concern about the individuals' cognitive abilities, then Prisons and Probation should ensure that the process is communicated in clearly understood language. Prisons and Probation should ensure that referrals are made at the earliest possible opportunity, to

ensure that an LHA has adequate time to action the referral. Arrangements should also be made where an individual's first language is not English, or where they are visually or aurally impaired, to ensure that the referral process is effectively explained to them.

- 4.5 If it is unclear from the individual's case information if they have a "local connection" with the chosen LHA (meaning they have links based on: living or working in the area, close family in the area, other special reasons), then you should consider confirming this with the individual, highlighting the potential risk that the LHA might not find them long-term accommodation, because they don't have any connection to the area. Further information on local connection can be found at:

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-10-local-connection-and-referrals-to-another-housing-authority>

- 4.6 A referral may be made using the nationally agreed standard referral form which is available via NDelius (Advice Note: 20201103 Duty to Refer – Threatened with Homelessness) and P-NOMIS (or see Appendix 4). Where an LHA uses the 'Jigsaw' portal (<https://live.housingjigsaw.co.uk/alert/duty-to-refer>), this is a valid alternative referral avenue.
- 4.7 The referral to a housing authority must include the individual's name and contact details and the agreed reason for referral (e.g. that the individual is homeless or at risk of homelessness). The standard referral form provides LHAs with the necessary required information detailed within the legislation and should be accepted once referred. Some LHAs might require additional information to supplement the referral form, and this should be agreed at a local level. However, LHAs should not reject the standard referral form as a result of non-provision of that additional data. Additionally, **OASys reports, or information contained therein must not be provided to LHAs**. In those instances where an LHA rejects the standard referral form and indicates that they will not undertake any further action, then this information must be escalated through the Homelessness Prevention Teams.
- 4.8 Those making a referral should consider including in section 8 (Additional Information), details relating to any exclusion zones, addresses of any victims where an individual should not be housed near to, narrative description of the individual's risk assessment or any other conditions of release licence. They should also include any assessment of vulnerabilities, gender-specific needs or trauma histories that may not have already been specified in section 6 of the template referral form.
- 4.9 Prisons and Probation making referrals **may not share any information about a spent conviction, any behaviour that led to a spent conviction or any other circumstances relating to a spent conviction with a Duty to Co-operate agency or any other agency, organisation or individual**. This includes information in risk assessments and discussions at MAPPA meetings.
- 4.10 Whatever method is used to communicate the referral to the LHA the details must be entered into the NDELIUS or P-NOMIS database to ensure that HMPPS records are maintained accurately. Capturing this information is essential. For audit trail purposes, a screenshot of the referral should be added to NDELIUS/PNOMIS where a referral has been made online. There is dedicated process guidance to support database input.
- 4.11 It is important to also record in NDELIUS/PNOMIS where an individual refuses to give consent for the referral.
- 4.12 Actions recommended of an LHA after receiving a referral are set out in the Homelessness Code of Guidance for Local Authorities. It is good practice for the LHA to provide you with a receipt of referral, which may be in the form of an automatic email reply. You are advised to

contact the LHA if you do not receive this. Neither Prisons or Probation can influence whether a Local Housing Authority will action a referral or where the individual is housed.

- 4.13 The Code of Guidance addresses the issue of 'Intentional homelessness' and provides advice for LHAs on this issue. The guidance states that "The prevention and relief duties owed to applicants who are eligible for assistance and homeless, or threatened with homelessness, apply irrespective of whether or not they may be considered to be homeless intentionally'. In addition, Chapter 23 (People with an offending history), paragraph 23.21 covers intentional homelessness; paragraph 23.23 concerns local connection.
- 4.14 LHAs should include information about how they will respond where a referral indicates that an applicant is at risk of, or is already, sleeping rough. If, following a referral, an LHA requires further relevant information about an individual, then that individual's consent will be needed before it can be provided.
- 4.15 The LHA will then contact the individual using the contact details provided. If someone is in custody, the LHA will be advised to do this via the Prison Offender Manager (POM) or probation practitioner in the community (COM).
- 4.16 Public authorities should consider provision of information relating to an individuals' protected characteristics or personal circumstances, where relevant and consent has been given, to an LHA. LHAs should include information about how they will respond where a referral indicates that an applicant is at risk of, or is already, sleeping rough. Additional information and answers to Frequently Answered Questions, and answers on what referrers can expect in response from the LHA, can be found in Appendix 7.
- 4.17 Advice from the Department of Levelling Up, Housing and Communities (DLUHC) is clear that LHAs should always respond to any referral received. This advice includes guidance that the LHA should provide information to referring Agencies on accessing advice and assistance including the LHAs website, opening hours, address, and 24-hour contact details.
- 4.18 LHAs have been encouraged to establish arrangements with partners that go beyond referral procedures, aiming to maximise the impact of shared efforts on positive outcomes for individuals who may have multiple needs. Prison and Probation should engage closely with this collaborative approach, and where necessarily take pro-active measures to ensure regular communication with LHAs and other key delivery partners. Such arrangements can advance the objectives of partner agencies and deliver efficiencies for the public purse.

Pre-Sentence: Probation Service Courts Teams

- 4.19 Where an individual is homeless or at risk of homelessness, either at pre-sentence or at point of sentence, the Probation Service Court Team should take steps to ensure that a referral to an LHA is undertaken. This responsibility applies whether the court hearing is virtual or in person. The individual must give their consent to making the referral (either in writing or orally). There are two routes open to Probation Service Courts teams in making a referral.
- 4.20 In Courts where they are available, Bail Information Officers (BIO) can undertake referral action in line with this policy.

Referral Action

- 4.21 It is the responsibility of the Probation Service Court Officers to make a direct referral to an LHA as a priority action only in the very small number of cases where the following criteria apply:

- An immediate custodial sentence is imposed; **however**, because of the period that the individual has been remanded in custody, they are deemed to have already served their sentence and are released immediately
- Where the sentence imposed does NOT involve immediate custody (irrespective of whether the offender has been allocated to probation)

Notification Action

4.22 In all other instances, it is the responsibility of the Probation Service Court Officers to simply notify the specific community Probation team that a referral to an LHA under the Duty to Refer is required; however, there is no requirement to complete the referral form as this will be completed by the community team. This applies:

- In all instances where a Duty to Refer (either homeless or at risk of being homeless) applies but where referral action does not apply.
- Where Probation is or will be involved.
- Where an individual has been acquitted but remains under probation supervision on other matters.

4.23 Examples of this could be where an individual is sentenced to immediate custody where a duty to refer has already been made; or where an offender is sentenced without a PSR, but where information is available to indicate a duty to refer has already been made.

4.24 By notifying the community Probation team that an LHA referral is required, the Probation Service Court Officer has enabled probation to be aware of the completion of a referral.

Completing the referral

4.25 If Referral Action is applicable, then the following details the steps to be undertaken by the Probation Service Court Based Officer and their support team to make a referral under the Duty to Refer.

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made**. Prison and Probation staff must ensure that the person in prison/ on probation understands the process.

- Ask them to identify the relevant LHAs taking into account local connection considerations.

- Complete the standard referral form, available through N-DELIUS (also at Appendix 4). Or you may make a referral through the Jigsaw portal if requested. Provide, where relevant and consent has been given, information relating to an individuals' protected characteristics or personal circumstances to the relevant LHA.
- Refer by submitting the form to the identified LHA within 24 hours of the imposition of the sentence. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA).
- Record referral on NDELIUS.
- Confirm to the LHA at the time of referral, contact details for the relevant community probation team who will be managing the individual during the period of supervision. This will mean that the correct team receives the confirmation from the LHA.
- Update NDELIUS

- Notify Probation that a referral has been made;
- The LHA will provide confirmation that they have received and actioned the referral and Probation should ensure that this is recorded on NDELIUS.

Custody

- 4.26 Prison Governors must ensure that Reception Staff and OMU staff (POMs) are aware of their duties under Part 7 of the Housing Act 1996 (as introduced by the Homelessness Reduction Act (Duty to Refer)) and that processes are in place to make effective referrals and share relevant information. This applies to everyone leaving custody, even in circumstances where there is limited planning opportunity such as release on appeal and those who have been acquitted following a period on remand.
- 4.27 In prisons which have a BIO it may be they are the most appropriate member of staff to undertake the referral for those who are unsentenced.

Reception

- 4.28 Upon arrival at reception, prison staff at reception must ensure that all relevant information regarding the prisoner is recorded in the appropriate system and information forwarded to other key leads, including external organisations (in accordance with Prison Service Instruction 07/2015 (PI 06/2015)). This could include issues regarding an individual's accommodation needs/status and could include notification of a need to make a referral by a Probation Service Court Officer.
- 4.29 If upon receipt into the establishment, staff identify that there is a risk of an individual being released within seven days as homeless, then reception staff must complete the standard referral form. If an individual is due to be released imminently then a speedy referral to the LHA is even more important.
- 4.30 If there is no risk of homelessness identified, or the individual will be released in more than seven days' time, or if a referral has already been made and noted on PNOMIS, then reception staff do not need to complete the referral form. Reception staff should notify the relevant OMU where appropriate.
- 4.31 If no previous referral has been made, and the individual will be released in less than seven days' time (this will be especially pertinent for those on either 14 or 28 day recall) and there is a risk that the individual will be released as homeless, then the following actions must be followed:

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made.** Prison and Probation staff must ensure that the **person in prison/ on probation** understands the process. Ask them to identify the relevant LHA
- Complete the standard referral form, available through P-NOMIS (also at Appendix 4) or Jigsaw where appropriate. Provide, where relevant and consent has been given, information relating to an individual's protected characteristics or personal circumstances to the relevant LHA
- The referral should be made to the identified LHA within 72 hours of the prisoner's details being entered onto P-NOMIS. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA). Record referral on P-NOMIS
- The probation practitioner (COM) should be informed that a referral has been made and should be recorded as the appropriate contact. This will mean that the correct agency receives the confirmation from the LHA

- The LHA will provide confirmation that they have received and actioned the referral and this should be recorded on P-NOMIS.

First Night and beyond

- 4.32 As highlighted in paragraph 4.1 probation regions and local delivery units can arrange processes that best suit their own needs to ensure an effective and efficient process. Some regions have already adopted processes whereby CRS accommodation specialist staff are responsible for initiating referrals.
- 4.33 The Probation Pre-Release Teams (PRT) must complete Part 2 of the BCST within five business days of receiving the completed BCST Part 1 and arising from that create a resettlement plan. This will include consideration of an individual's accommodation circumstances, both upon entry to custody and likely circumstances upon release. Where they are in post, the embedded pre-release team will support the Probation Practitioner (COM) by identifying the need for a referral and confirm location and connection to local area. The description of the role of the PRT can be found in the Pre-Release and Resettlement Policy Framework.
- 4.34 If there is no risk of homelessness identified, or the individual will be released in more than 18 weeks' time, then staff do not need to complete the referral form at this point.
- 4.35 If it is decided that a referral form must be completed then, before completion of the form, Probation or CRS provider should check if a referral has already been made. If one has been completed, then no further action is required.
- 4.36 If a previous referral has been made, then Prison and Probation staff or CRS provider should contact the identified LHA to ensure that the referral has been actioned and provide their contact details, together with those of the Prison Offender Manager (if applicable) and/or probation practitioner (COM). Prison and Probation staff or CRS provider should ensure that the confirmation from the LHA is received by them and recorded on P-NOMIS.
- 4.37 If a referral has not previously been completed, then Prison and Probation staff or CRS provider must make a referral within five business days of receipt of BCST1 using the standard form (Appendix 4). At all stages the relevant fields in P-NOMIS must be completed.
- 4.38 If no previous referral has been made, then the following actions must be followed:

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made**. Prison and Probation staff or CRS provider must ensure that the **person in prison/ on probation** understands the process.
- Ask them to identify the relevant LHA
- Complete the standard referral form, available through P-NOMIS (also at Appendix 4) or Jigsaw, if requested. Provide, where relevant and consent has been given, information relating to an individuals' protected characteristics or personal circumstances to the relevant LHA.
- The referral must be made to the identified LHA within 72 hours of BCST2. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA).
- Record referral on P-NOMIS.
- Prison and Probation staff or CRS provider should ensure that the engagement with the LHA and the risk of the individual being released homeless is factored into the design and implementation of any subsequent resettlement plan.

- The probation practitioner (COM) should be recorded as the appropriate contact, so that they can receive the confirmation from the LHA. Ensure that the Probation Practitioner (COM) is informed.
- The LHA will provide confirmation that they have received and actioned the referral and this should be recorded on P-NOMIS.

4.39 An individual's circumstances can change at any point of their sentence, and it is important that Key Workers, Prison Offender Managers and probation practitioners (COM), proactively monitor changes in circumstances and that effective processes are in place to enable Prison and Probation staff or CRS provider to make a referral. For example, further consideration should be given to those who indicate that they will be residing with family or friends, as these might be temporary forms of accommodation and could lead to future instances of homelessness.

4.40 As part of the support role provided through key work sessions, there is a weekly/fortnightly meeting with individual prisoners to develop an effective relationship, helping to facilitate exactly the rehabilitative objectives needed to support the individual prisoner. During these discussions, the Key Workers should ensure that an individual's accommodation concerns are flagged to the OMU in the first instance, who in turn will consider whether to consult the probation practitioner (COM) and CRS provider about making a referral to an LHA, if there is a risk of homelessness upon release.

4.41 In those instances, where after an individual is released from custody following an appeal (either against their conviction or sentence) and they are homeless or at risk of becoming homeless, then Prison and Probation staff should make a referral as soon as they are aware that the individual has been released by the Court.

Pre-release preparation

4.42 As part of any pre-release planning, PRTs, probation staff (COM) and CRS providers (where applicable) should ascertain whether the individual is at risk of becoming homeless upon release and if any previous referrals have been made. If so, probation staff or CRS providers (where applicable) must contact the relevant LHA to ensure that the personalised plan is in place to support the individual.

4.43 If, however, no previous referral has been made, and the individual is at risk of becoming homeless within 56 days, then Prison and Probation staff must complete the referral form (Appendix 4) and the following actions followed:

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made.** Prison and Probation staff must ensure that the person in prison understands the process.
- Ask them to identify the relevant LHA
- Complete the standard referral form, available through P-NOMIS (also at Appendix 4) or Jigsaw if necessary. Provide, where relevant and consent has been given, information relating to an individual's protected characteristics or personal circumstances to the relevant LHA.
- The referral must be made to the identified LHA within 72 hours of the pre-release planning meeting. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA).
- Record referral on P-NOMIS.
- The responsible probation practitioner (COM) who will be managing the individual in the community should be informed that a referral has been made.

- The LHA will provide confirmation that they have received and actioned the referral and this should be recorded on P-NOMIS.

- 4.44 The probation practitioner (COM) should consider arranging a conference call or meeting with the relevant LHA to ensure the necessary actions are in place; It is good practice to undertake ongoing engagement with the relevant LHA during the pre-release period wherever possible.
- 4.45 As part of the continuity of support, the probation practitioner (COM) could consider arranging a conference call/meeting with the LHA, and the Prison Offender Manager, between ten and five days before the individual's release. There may be a Local Authority Pre-release Panel for the respective Local Authority. The probation practitioner (COM) should contribute to these. Panel attendees vary by region, but core membership includes:
- Local authority Housing Options Service, Homeless Prevention Teams (HPT)
 - Probation representation such as local accommodation SPOC,
 - Strategic Housing Specialist,
 - CRS Accommodation advisers
- 4.46 Panels help to identify the most appropriate accommodation pathway for each individual discussed. For example, consideration should be given to referring the individual to CAS3 temporary accommodation, if the service is provided in the relevant probation region. Referrals can be made via the Homelessness Prevention Team in each region.

Community (including on licence and post sentence-supervision)

- 4.47 Probation staff must undertake an assessment of an individual's case to determine their overall resettlement and rehabilitative needs. An integral aspect of this is to understand their accommodation needs. It is therefore at this point that an officer will be able to determine whether someone is homeless or at risk of becoming homeless within 56 days.
- 4.48 If at the point of assessment, the probation practitioner (COM) identifies that there is an issue with accommodation and that the individual is homeless or at risk of being homeless within 56 days, then the officer should check if they have been notified that a referral has previously been made. The probation practitioner should also consider making a referral, if circumstances might apply, for those individuals subject to a period of 14 or 28 day recall and whether as a result the individual would be at risk of losing their accommodation during the period of recall.
- 4.49 If a referral has previously been made, then the probation practitioner (COM) should contact the relevant LHA to discuss the personalised plan and to provide them with their contact details. The probation practitioner (COM) should also consider arranging a meeting with the relevant LHA Officer to discuss the application of the plan and ongoing support. If circumstances have changed and a referral needs to be made to a new LHA then a new referral process would need to be followed.
- 4.50 If, however, no previous referral has been made, and the individual is homeless or at risk of becoming homeless within 56 days, then the probation practitioner (COM) must complete the referral form and submit to the identified LHA within 24 working hours. The process in these instances is as follows:

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made.** Prison and Probation staff must ensure that the **person in prison/ on probation** understands the process.
- Ask them to identify the relevant LHA

- Complete the standard referral form, available through NDELIUS (also at Appendix 4). Or you may make a referral through the Jigsaw portal if requested and possible. Provide, where relevant and consent has been given, information relating to an individual's protected characteristics or personal circumstances to the relevant LHA.
- The referral must be made to the identified LHA within 24 working hours of the assessment of an individual's case. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA).
- Record referral on NDELIUS.
- The LHA will provide confirmation that they have received and actioned the referral and this should be recorded on NDELIUS.

4.51 Probation practitioners (COM) should consider arranging regular meetings with the LHA Officer handling the individual's case. This is to ensure ongoing engagement and to address any changes in the individual offender's circumstances during the period of licenced supervision.

4.52 In accordance with the requirements introduced by the Offender Rehabilitation Act 2014, certain offenders will be subject to post sentence supervision. Those individuals subject to these licence periods, are also covered by the duty to refer and Probation must ensure that an individual's accommodation status is monitored during this period and referrals made if an individual is at risk of homelessness.

Community Accommodation Services (CAS) Tier 1, 2 and 3

4.53 HMPPS Community Accommodation Services (CAS) offers a 3-tier structure of support for people on probation who will be or are at risk of being homeless or who need to be placed in a specific setting for public protection reasons. HMPPS CAS provision does not provide permanent, settled, accommodation. When a person on probation or prison leaver is being considered for residing in any of CAS 1,2 or 3 the need to make a referral should be considered by the probation practitioner at the outset of the placement.

4.54 If a referral has previously been made, then the probation practitioner (COM) should contact the relevant LHA to discuss the personalised plan and to provide them with their contact details. The probation practitioner (COM) should also consider arranging a meeting with the relevant LHA Officer to discuss the application of the plan and ongoing support. For CAS2 cases, if at the point of assessment, the probation practitioner (COM) identifies that there is not an identified accommodation solution at the completion of Home Detention Curfew (HDC) licence within 56 days of the expiry of the HDC licence, then they must work with the supplier to determine the move on plan and whether a referral has previously been made or now needs to be made.

4.55 For people residing in all CAS tiers those making a referral should consider including in section 8 (Additional Information) of the referral form, details relating to any exclusion zones, addresses of any victims where an individual should not be housed near to or any other conditions of release licence, including those relating to an individual's offending history.

4.56 If, however no previous referral has been made, and the individual is homeless or at risk of becoming homeless within 56 days, then the probation practitioner (COM) must complete the referral form and submit to the identified LHA by no later than 72 hours of an individual's arrival within a CAS-managed property; timely referrals significantly increase the chances of the LHA being able to effectively support the person in prison or on probation into stable accommodation. The process in these instances is as follows:

- Secure the consent of the individual (written or oral) to make the referral; **without consent, a referral cannot be made**. Prison and Probation staff must ensure that the **person in prison/ on probation** understands the process.
- Ask them to identify the relevant LHA.
- Complete the standard referral form, available through NDELIUS (also at Appendix 4). Or you may make a referral through the Jigsaw portal if requested and possible. Provide, where relevant and consent has been given, information relating to an individuals' protected characteristics or personal circumstances to the relevant LHA.
- The referral must be made to the identified LHA within 72 hours of the assessment of an individual's case. Referrals can be sent to dutytorefer@insertlocalauthorityname.gov.uk (remember to insert LHA).
- Record referral on NDELIUS.
- The responsible probation practitioner (COM) who will be managing the individual in the community should be informed that a referral has been made.
- The LHA will provide confirmation that they have received and actioned the referral and this should be recorded on NDELIUS.

Post Referral (what to expect from the LHA)

- 4.57 Once the LHA has agreed that the individual is eligible for assistance (based on their immigration status) and that they are homeless or threatened with homelessness, they will work with the applicant to:
- Assess circumstances and needs, including support needs
 - Agree a personalised Housing Plan with the applicant intended to prevent or relieve homelessness for them. This should identify the reasonable steps that the individual and the LHA will take to ensure the individual has and is able to retain suitable accommodation. If someone is homeless and is in priority need, the LHA should provide the applicant with interim accommodation.
 - There is no requirement for the LHA to share the personal housing plan with the offender manager, but it is good practice to do so. The individual is entitled to a copy.
- 4.58 If the individual is not eligible for support under the Housing Act 1996, they will still be able to receive free information and advice from the LHA.
- 4.59 The Duty to Refer does not require the LHA to tell you, as the notifying public authority, about the outcome of the referral. If the individual consents for the LHA to notify you of the outcome of the referral then they may but there is no legal duty for them to do so. Neither Prisons or Probation can influence whether a Local Authority will take action or where the individual is housed. Where it is felt necessary to check on the progress of a referral this can also be undertaken by CRS providers.
- 4.60 In the case of those individuals who have been referred, either by Prison Service or Probation Service, then Prison and Probation staff or CRS provider should ensure that there is regular engagement and contact with the LHA, especially for people in prison whose release is imminent, i.e. within 12 weeks.
- 4.61 When you have sent your referral, the LHA should provide you with a receipt of referral, which may be in the form of an automatic email reply. You are advised to contact the LHA if you do not receive this. If you do not think your referral has been acted upon you are advised to get in touch with the LHA.

Appendix 1 - Contacts and further reference material

Local Housing Authorities have been asked to provide a standard email address that Duty to Refer referrals can be sent to (dutytorefer@insertlocalauthorityname.gov.uk). Further information on contact details for local housing authorities can be found at: www.gov.uk/homelessness-help-from-council.

Further Reference Material

The following guidance and information is available to Prisons and Probation to facilitate the effective application of the Duty to Refer.

Legislation

Homelessness Reduction Act 2017 -

<http://www.legislation.gov.uk/ukpga/2017/13/contents/enacted>

The Homelessness (Review Procedure etc.) Regulations 2018 -

<http://www.legislation.gov.uk/uksi/2018/223/contents/made>

Guidance from Ministry for Housing Communities and Local Government and Local Government Association

Homelessness code of guidance for local authorities (2018) -

<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities>

Policy Fact Sheet: Duty to refer specified public authorities (2018) -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682995/Final_Duty_to_refer_policy_factsheet.pdf

Guidance from Voluntary Sector

Chartered Institute of Housing (2018) -

<http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/What%20you%20need%20to%20know%20Homelessness%20Reduction%20Act%202017.pdf>

Shelter (2018) -

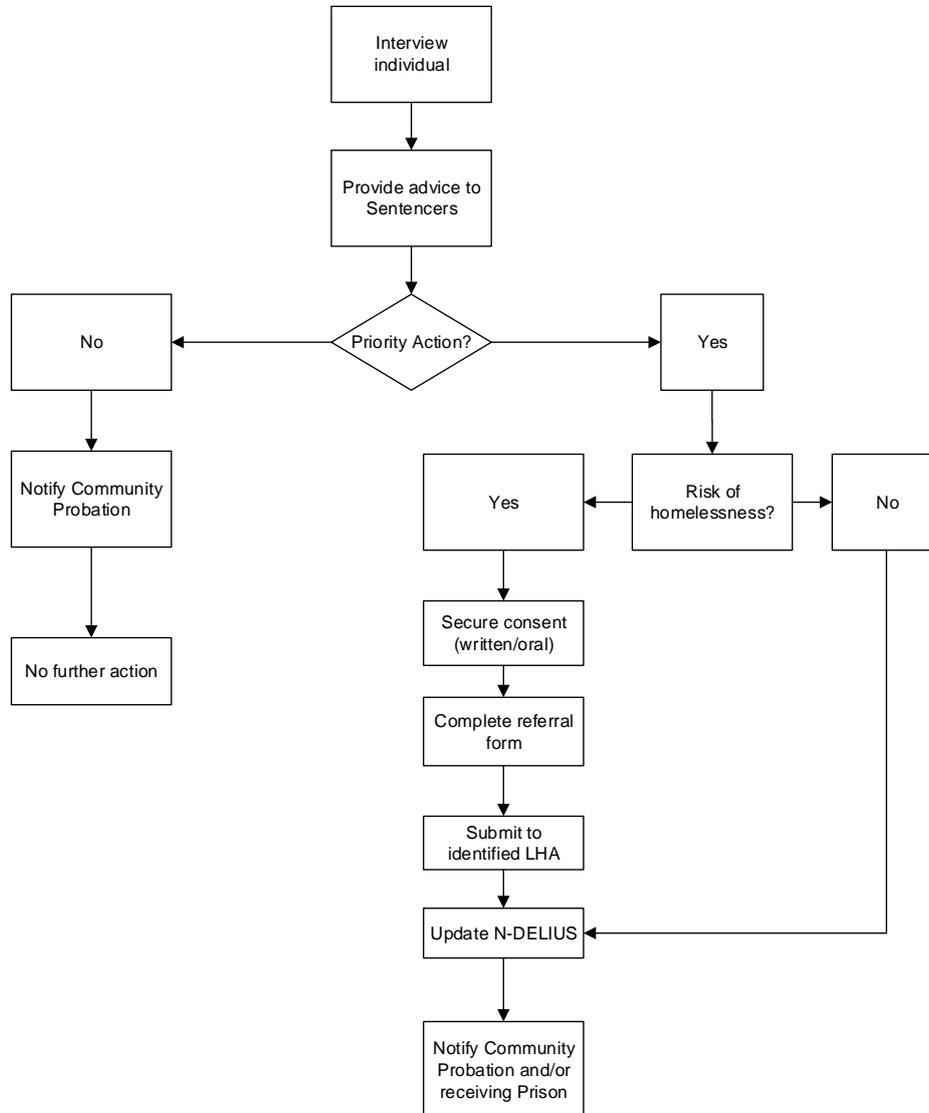
http://england.shelter.org.uk/legal/homelessness_applications/applying_as_homeless/duty_of_public_authority_to_refer

Homeless Link (2018) - <https://www.homeless.org.uk/webinar-homelessness-reduction-act>

Appendix 2 - Process Flowchart

Pre-Sentence

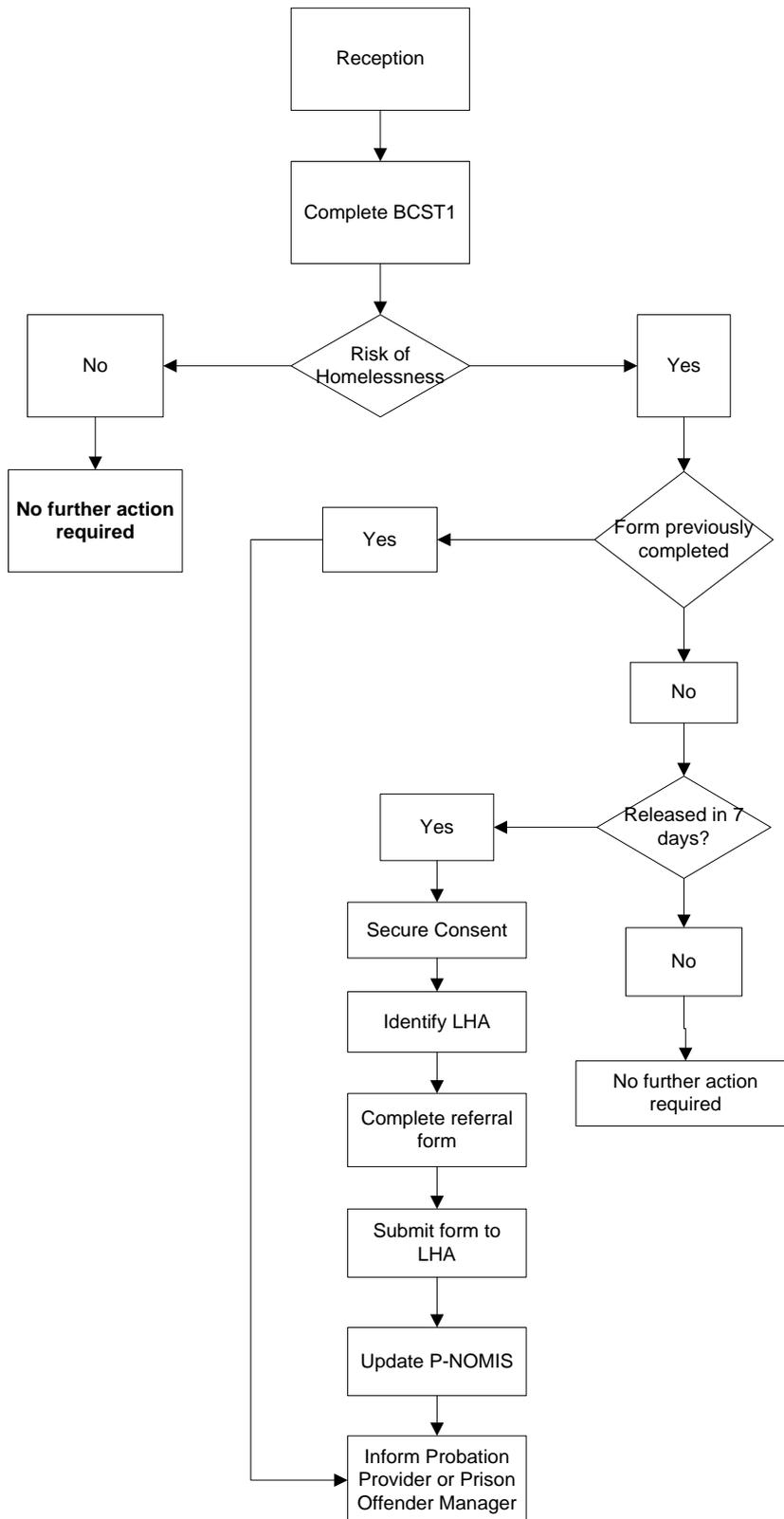
Court Probation [overall timelines may vary depending on individual case factors, as outlined in para 4 of Policy Framework]



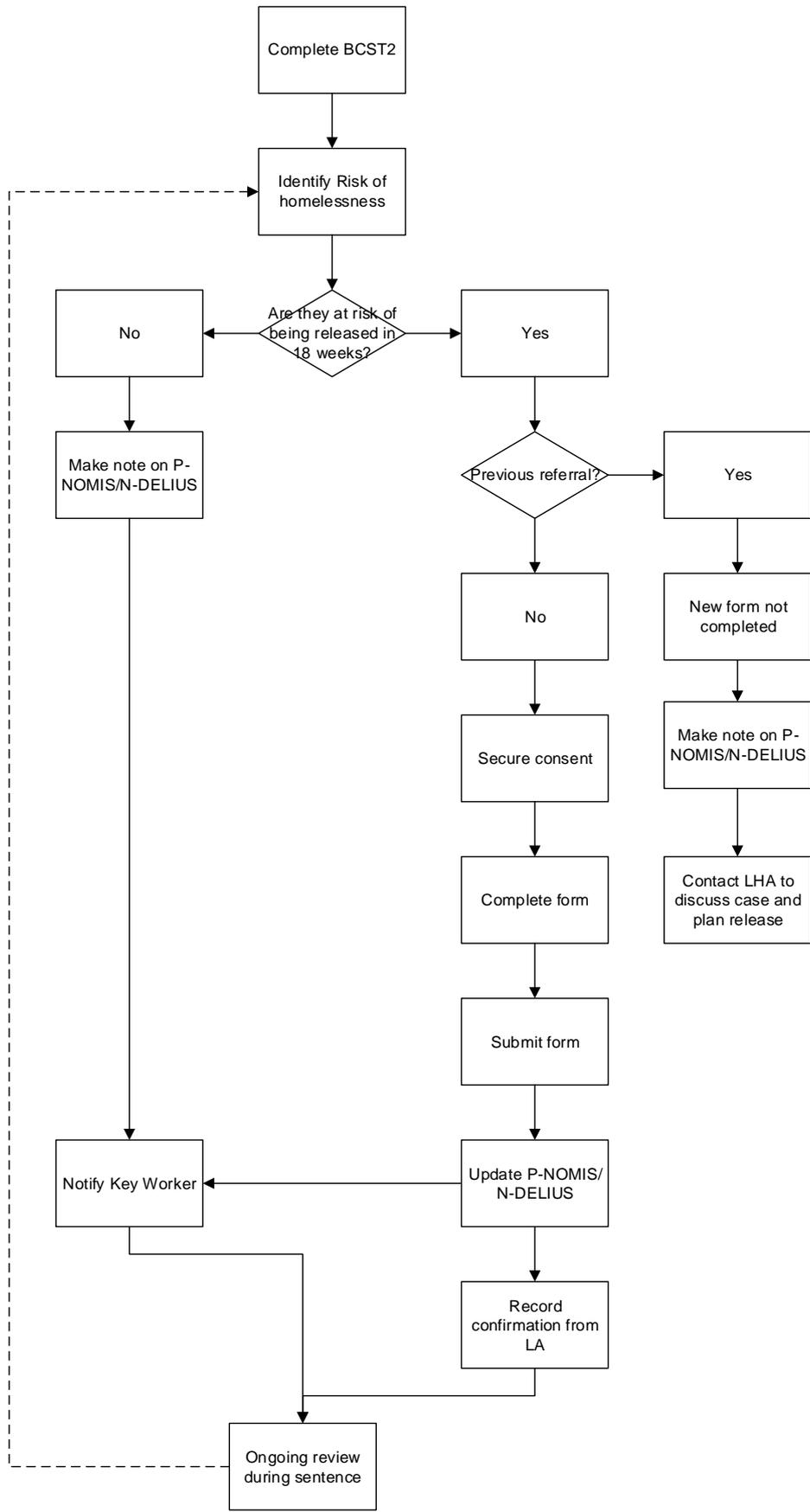
(All activities to be undertaken by court-based Probation Service team)

Custody

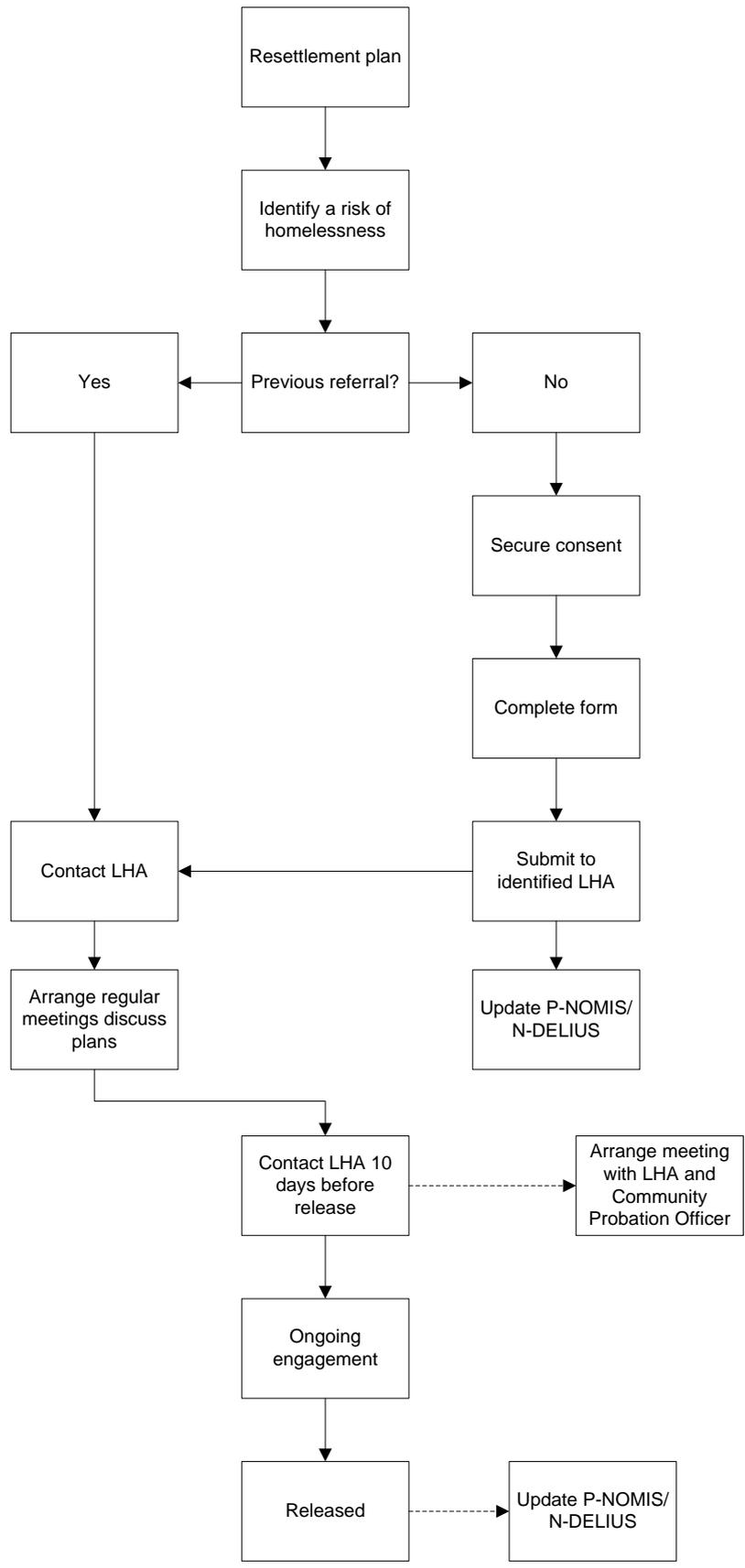
Reception [overall timelines may vary depending on individual case factors, as outlined in para 4 of Policy Framework]



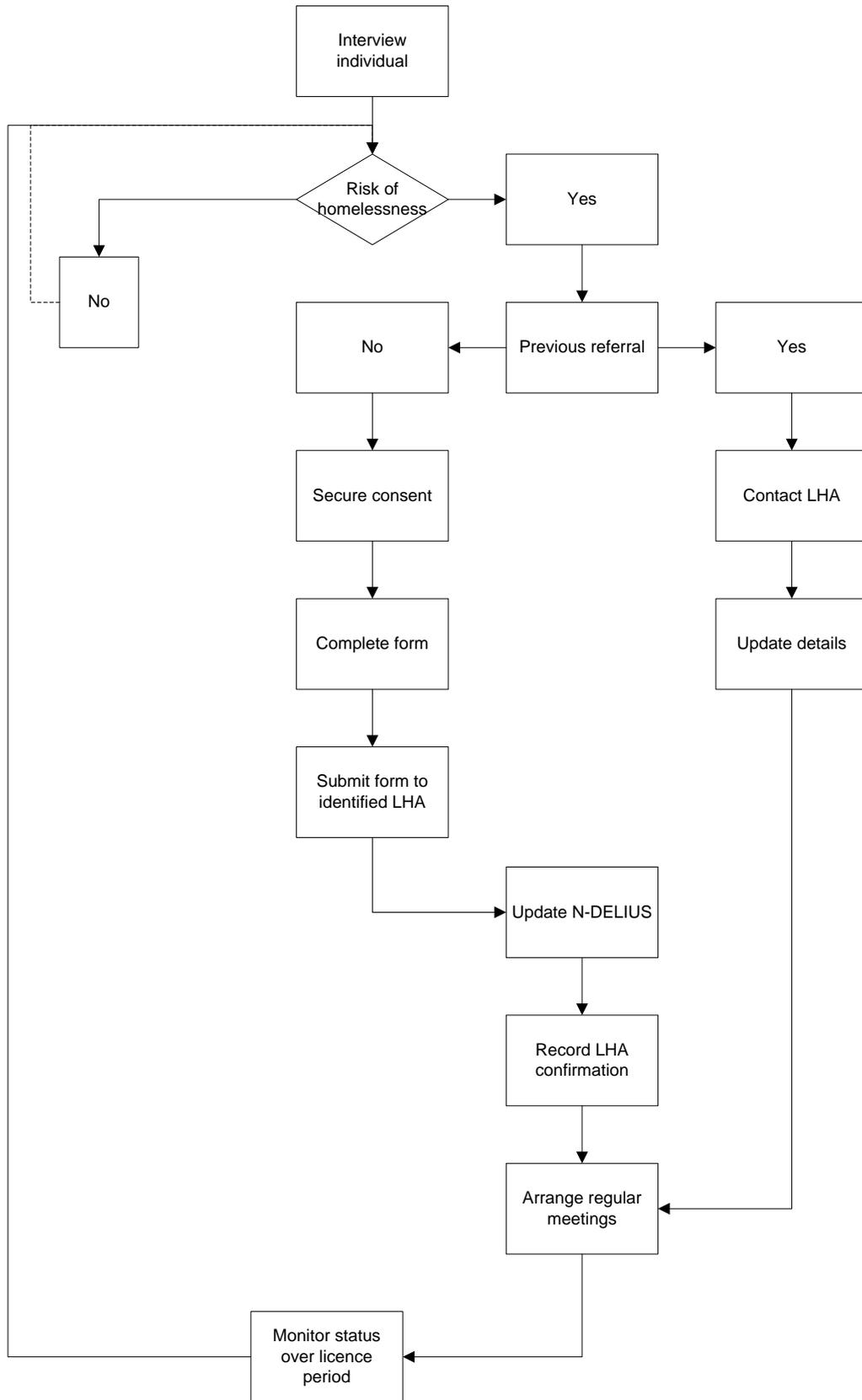
First Night and beyond [overarching legal requirement is 56 days]



Pre-release – [overarching legal requirement is 56 days]



Community (including on licence, CAS three-tier provision, and post-supervision)



(All activities to be undertaken by probation practitioner (COM) and wider support team)

1. The Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) places duties on LHAs to take reasonable steps to prevent and relieve an eligible applicant's homelessness.
2. Once the LHA has agreed that the applicant is eligible for assistance (based on their immigration status) and that they are homeless or threatened with homelessness, they will work with the applicant to develop a Personalised Housing Plan, which identifies the reasonable steps that the service user and the LHA will take to ensure the applicant has and is able to retain suitable accommodation.
3. In the case of people in prison/ on probation who have been referred, either by the prison service or probation, then the LHA should ensure that they engage with the named contact (either Prison Offender Manager or probation practitioner (Community Offender Manager)), to ensure that the Personalised Housing Plan supports the person in prison/ on probation's plan to support their resettlement and rehabilitation.
4. The following provide information on the other duties introduced through the Homelessness Reduction Act:

Section 2 – Duty to provide advisory services

- Under the HRA, LHAs are required to provide or secure the provision of free services to give people in their area information and advice on: preventing homelessness; securing accommodation if homeless; the rights of people who are homeless or threatened with homelessness, and any help that is available for people who are homeless or likely to become homeless as well as how to access that help.
- LHAs are now required to ensure services are designed to meet the needs of groups that are at increased risk of becoming homeless including (but not limited to); care leavers, people leaving prison, people who have left the regular armed forces, victims of domestic abuse, people leaving hospital and people suffering from a mental illness or impairment.

Section 3 – Duty to assess all eligible applicants' cases and agree a plan:

- LHAs have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This will identify what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need to be able to secure and retain accommodation. Following this assessment, the LHA should work with the person to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness.

Section 4 - Duty in cases of threatened homelessness:

LHAs have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become homeless. The prevention duty continues for 56 days unless an event ends it, such as

accommodation being secured for the person, or by their becoming homeless. Section 5 - Duties owed to those who are homeless:

- If the eligible applicant is already homeless, or becomes homeless despite activity during the prevention stage, the reasonable steps will be focused on helping the applicant to secure accommodation for at least 6 months. This relief duty lasts for 56 days unless ended in another way. If the LHA has reason to believe a homeless applicant may be eligible for assistance and have a priority need (because, for example, they are pregnant or have dependent children) they should be provided with interim accommodation.
- LHAs should take 'reasonable steps' – with reference to the applicant's assessment – to help all homeless eligible applicants to secure accommodation for at least six months unless the applicant is referred to another local authority due to having no local connection to the authority they have applied to. While the LHA undertakes the reasonable steps, eligible applicants in priority need should be placed in interim accommodation.
- If LHAs secure accommodation following either the duty to take "reasonable steps" to help a homeless eligible applicant to secure accommodation for at least 6 months, unless referred to another LHA (section 5) or the duty to prevent an eligible person threatened with homelessness not to become homeless (section 4), provisions in the Housing Act 1996 apply, for example, notifying the other local authority if accommodation is secured for the applicant in that district.

1. The following is the standard referral form, which Prisons, Probation and Youth Services are expected to complete.

<p>Please insert the name of the Local Housing Authority that the person in prison/ on probation is being referred to.</p>
<p>NOTE: People in prison/ on probation can choose which Local Housing Authority they wish to be referred to. However, it is advisable for them to choose a Local Authority with which they have a local connection. In general, a person in prison/ on probation is likely to have a local connection to an area if they live or have lived there, work there or have a close family connection. However, a person in prison/ on probation should not be referred to an area where they would be at risk of violence. A guide to the duty to refer includes advice on the duty to refer and local connection.</p>
<p>(1A) Written Consent to share information</p> <p>I agree to the information on this form being shared with _____ Council. I understand that the Council may use this information to contact me, and to help assess my needs for assistance with housing and that I am not making a homelessness application. I have read _____ privacy notice and understand how my data will be processed.</p> <p>Signed: _____ Date: _____</p> <p>NOTE: The person in prison/ on probation must give consent to the referral. Referrers are advised to obtain signed consent to the referral; however, oral consent can be provided. The referrer must therefore complete box 1B.</p>
<p>(1B) Oral Consent to share information</p> <p>Having discussed the accommodation status of _____ (<i>insert person in prison/person on probation's name</i>) the person in prison/on probation, I can confirm that they provided me with oral consent to refer their case to _____ Council. I explained to the person in prison/ on probation that the Council may use this information to contact them and to help assess their needs for assistance with housing and that this is not a homelessness application.</p>
<p>Signed:</p>
<p>Public authority:</p>
<p>Date:</p>
<p>Core information Please note that sections 2 – 4 <u>must</u> be filled in.</p>
<p>(2) About the referring professional (to be completed by the professional)</p>
<p>Public authority referring (e.g. prison, hospital, etc.):</p>
<p>Role of person referring (e.g. social worker):</p>
<p>Name of referrer:</p>
<p>Address of referrer:</p>
<p>Email address of referrer:</p>
<p>Phone number of referrer:</p>
<p>Name and contact details of any other person who could be contacted for further information, if not the referrer (e.g. a support provider)</p>

(3) Information and contact details for the person in prison/ on probation being referred	
Name	
Household composition (e.g. single person, couple, family with X children/X adults)	
Current address (if applicable)	
Home telephone number	
Mobile number	
Email address	
Gender	
Date of birth	
Language and communication needs (identify any assistance the person in prison/ on probation will need for an assessment to be completed)	
(4) Main reason for referral	
What is the main reason you are referring the individual?	I believe they are homeless / I believe they are threatened with homelessness
Please explain your answer (e.g. "they are facing eviction from their home")	
Additional information	
Please provide any additional information you are aware of which may help housing options officers support the individual.	
(5) Current accommodation	
What type of accommodation is the individual currently living in?	
If the person in prison/ on probation is threatened with homelessness, on what date are they likely to become homeless?	
If the person in prison/ on probation is due to leave prison or hospital, or is leaving the armed forces, with no accommodation available, please state when the release/ discharge will take place.	
(6) Are there any additional needs/risks to be aware of?	
Additional needs/risks might include: <ul style="list-style-type: none"> -previous history of sleeping rough -lack of support from family/friends -history of substance misuse -risk of domestic or other abuse 	

(7) Relevant medical information

Please provide information on any physical or mental health needs that the person in prison/ on probation has, and any treatment that they are receiving

(8) Other information

Please provide any additional information. In particular, are there any known risks to staff visiting the person in prison/ on probation at home or any other issues that we need to be aware of prior to initial contact?

2. Prisons and Probation making referrals may not share any information about a spent conviction, any behaviour that led to a spent conviction or any other circumstances relating to a spent conviction with a Duty to Co-operate agency or any other agency, organisation or individual. This includes information in risk assessments and discussions at MAPPA meetings.
3. Where an LHA uses the Jigsaw portal (<https://live.housingjigsaw.co.uk/alert/duty-to-refer>), which is a valid alternative referral avenue then staff need to be aware that Jigsaw only works using Firefox or Chrome and will not work with Internet Explorer.

National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate & The Housing (Wales) Act 2014

Purpose

1. In Wales, the Prison and Probation service, are required to meet their obligations under the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate by referring individuals to the appropriate Local Authority who are homeless or at risk of homelessness.
2. This policy framework sets out how the Prison and Probation service must comply with their statutory responsibilities and sets out a referral process that should be followed when complying with the Pathway and the requirements of the Housing (Wales) Act 2014. Prisons, Probation services and Local Authorities must work together to ensure these processes work locally and adapt as necessary.

Overview of the legislation

3. In April 2015 the Housing (Wales) Act 2014 placed a new duty on local authorities to carry out 'reasonable steps' to prevent or relieve homelessness for all eligible households. The Act created more flexibility in the range of councils' interventions and expanded the definition of 'threatened with homelessness' so that people are assisted when they are within 56 days of losing their home.
4. Chapter 2 of the Act places certain duties on local authorities to help people who are homeless or threatened with homelessness in certain circumstances. In assessing its duty, the local authority will have to take into account eligibility, homelessness, priority need, intentional homelessness and local connection.
5. Alongside the legislative changes the Welsh Government also encouraged a stronger more person-centred approach, so that people are closely involved in identifying and influencing the solutions to their housing problems. The aim is to create a system that's more effective at prevention, by intervening earlier in more focussed ways to address the root causes of people's homelessness situations.

What is meant by homeless?

6. Under S.55 of the Housing (Wales) Act 2014 a person is homeless if they have no accommodation which is available for their occupation or if they have no legal right of occupation. A person is also homeless if they have accommodation but cannot secure entry to it, or the accommodation is a moveable structure, vehicle or vessel or adapted for human habitation (such as a caravan or house boat) and there is no place where it can be placed in order to provide accommodation. A person who has accommodation is treated as homeless where it would not be reasonable for them to continue to occupy that accommodation.
7. Under S.55 of the Housing (Wales) Act 2014, a person is threatened with homelessness if they are likely to become homeless within 56 days. In practice, most applicants will be threatened with homelessness when they apply for help, rather than homeless.

8. From the perspective of individuals supported by Prison or Probation, those at risk of being homeless and who should be considered for a homelessness application include, but not limited to, those who are:

<ul style="list-style-type: none">• Temporarily residing with family or friends ('sofa surfing')• Rough sleeping• Residing in a squat• No fixed abode	<ul style="list-style-type: none">• Transient short-term accommodation, including CAS2 BASS and Approved Premises, with no identified move-on provision• A prisoner to be released within 56 days and likely to be homeless.• Where the person is likely to be living in the previous-listed situations, or in any event likely to become homeless, within 56 days.
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What are the duties under the Act?

9. Part 2 of the Housing (Wales) Act 2014 prescribes the homelessness rules for Wales. These provisions apply to homelessness applications made to local authorities in Wales on or after 27 April 2015.

10. With effect from 24 March 2016, a new statutory Code of Guidance for Local Authorities in Wales was issued. Part 2 provides guidance on exercising homelessness functions under the 2014 Act

11. A local authority had a duty to assess an applicant's case if the person has applied to the authority for accommodation or help in retaining or obtaining accommodation, and it appears to the authority that the person may be homeless or threatened with homelessness within 56 days.

12. 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 eligible for help. This is a homelessness prevention duty owed to all eligible applicants who are threatened with homelessness, regardless of priority need, intentionality or local connection.

13. A local authority has a duty to help the applicant to secure that suitable accommodation is available for her/his occupation, if it is satisfied that she/he is homeless, and eligible for help. This duty is described in the Code of Guidance as the 'relief duty'. It is owed to eligible applicants regardless of priority need or intentionality. However, it does not apply if the applicant is referred to another authority under the local connection provisions.

14. A local authority has a duty to provide suitable interim accommodation, if it has is reason to believe that the applicant may be homeless, eligible for help, and in priority need for accommodation. The authority does not need to be satisfied that applicants in apparent priority need are homeless and eligible before providing interim accommodation. It just needs to have *reason to believe* that they may be. Once the authority is satisfied as to homelessness and eligibility, then the interim accommodation duty will run concurrently with the 'help to secure' duty. This duty will also be owed to applicants who have been referred to a Welsh authority by an English authority under the local connection provisions.

15. The final duty is owed to certain homeless applicants in priority need who have been assisted under the 'help to secure' duty for up to 56 days but no suitable accommodation (other than interim accommodation) has been secured. A local authority has a duty to secure that suitable accommodation is available for occupation by the applicant and her/his household, if it is satisfied

that the applicant does not have suitable accommodation likely to last for at least six months and is eligible for help in priority need for accommodation, and not intentionally homeless (where the authority has chosen to have regard to intentionality) unless the applicant is owed the final duty despite being intentionally homeless.

Outcomes

16. Prisons and Probation contribute towards the UK Government's aim to:

- Eliminate rough sleeping by the end of the current Parliament (2023/24);
- Ensure that 90% of individuals are in accommodation upon release, and
- Ensure that 80% of individuals are in settled accommodation, either three months after their release or upon receipt of a community-based sentence.

17. Prison and Probation meet their obligations under the *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate* to refer individuals to the appropriate Local Authority who are homeless or at risk of homelessness.

18. Local Authorities are provided with the information they need to meet their statutory duties to provide advice, make an assessment, provide planning and prevention proposals for an individual referred to them under the Welsh legislation.

19. Individuals for whom Prisons and Probation manage, are supported by a clear resettlement plan that enables accommodation and should not be left homeless.

20. Engender a collaborative working relationship, at a regional and local level, between Prisons, Probation, Homelessness Prevention Taskforces, Local Authorities, housing providers and other partners to help achieve the prevention of homeless in line with the requirements of the 2014 Act.

Requirements

21. Prison and Probation services in Wales have an obligation to follow the Welsh Government's *Code of Guidance on the Allocation of Accommodation and Homelessness* and *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*. This requires them to make an application for help to a Local Authority for anyone who is homeless or who at risk of becoming homeless in the next 56 days. The individual must give their consent to making the application (either in writing or orally) to the relevant Local Authority and they can identify any Local Authority of their choice to undertake their assessment. Without consent, a referral cannot be made.

22. A referral may be made using the all Wales Prisoner Housing Needs form which should be accompanied by a Housing Risk Assessment form (See Annexes 1 & 2).

23. The details of both forms must be recorded into the NDELIUS or P-NOMIS database to ensure that HMPPS records are maintained accurately.

Guidance

Making a Homelessness Application

24. The implementation of the Housing (Wales) Act 2014 removed the automatic priority need status for prison leavers resettling in Wales, therefore on referral/presentation to a Local Authority they should receive exactly the same service as any other member of the public who is facing homelessness. The Act places more emphasis on preventing homelessness, with Local Authorities

in Wales taking responsibility for working with the person in prison/ on probation at the 56-day point before they potentially become homeless.

25. What this means to the prison leaver is that a referral to the Local Authority can be made at least 56 days prior to release. This is intended to prevent the person in prison having to report as No Fixed Abode on the day of release. (If the sentence is for a short a period, or, the prisoner is already within that 56-day period, then the referral should be made *immediately* to the LA).

26. The Through the Gate Team (TTG) play a key role in ensuring that prisoners' housing needs are supported and addressed by commencing the necessary referrals at key stages in the sentence.

27. If the prisoner is reporting as homeless, and has sufficient time to run on their sentence, then a homelessness application should be completed by the TTG and send to the appropriate LA 56 days before release. A copy of the application should also be sent to the OM who should complete a Housing Risk Assessment (HRA) within 5 working days of receipt and forward this to the Local Authority. The Local Authority can then use these two documents to undertake their assessment of housing need.

28. The Local Authority Housing Officer will work closely with the TTG team and the COM to put in place a Personal Housing Plan with the aim of arranging appropriate housing for the prisoner by the day of their release. The Local Authority Housing Officer should keep the OM and TTG team informed of progress so that this can be included in the prisoner's Resettlement Plan.

Pre-Sentence: Probation Service Courts Teams

29. Where an individual is homeless or at risk of homelessness, either at pre-sentence or at point of sentence, the Probation Service Court Team should take steps to ensure that Probation are notified of this information. The information should be recorded on NDelius to alert offender managers to take appropriate action and refer to the local authority where required.

Custody

30. Prison Governors must ensure that Reception and Probation staff are fully aware of their duties under the *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate* and that processes are in place to make effective referrals and share relevant information. This applies to everyone leaving custody.

Reception

31. Upon arrival at reception prison staff must ensure that all relevant information regarding the prisoner is recorded in the appropriate system and information forwarded to other key leads, including external organisations (in accordance with Prison Service Instruction 07/2015 (PI 06/2015)). This could include issues regarding an individual's accommodation needs/status and could include notification of a need to make a referral by an Probation Service Court Officer.

32. If upon receipt into the establishment, prison staff identify that there is a risk of individual being released within seven days as homeless, then reception staff must make the Through the Gate team immediately aware of this. The TTG team will then follow the homelessness application process for short term prisoners who are service less than 56 days.

33. If no previous application has been made, and the individual will be released in less than seven days' time and there is a risk that the individual will be released as homeless, then the following actions must be followed:

- Secure the consent of the individual (written or oral) to make the application; without consent, a referral cannot be made.

- Ask them to identify the relevant Local Authority to which they wish the application to be made. However, it should be noted that the applicant may stand a better chance of being housed if they apply to a Local Authority where they have a 'local connection'. A person has a local connection with the area of a local housing authority in Wales if the person has a connection with it:
 - a) because the person is, or in the past was, normally resident there, and that residence is or was of the person's own choice,
 - b) because the person is employed there,
 - c) because of family associations, or
 - d) because of special circumstances.
 - e) Residence in an area is not of a person's own choice if the person, or a person who might reasonably be expected to reside with that person, becomes resident there because the person is detained under the authority of an enactment.

34. It should be noted that residence in prison does not in itself establish a local connection with an area.

- Complete the Prisoner Housing Needs Form, the application should be made to the identified Local Authority in line with the guidance in the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate
- Note the application on P-NOMIS.
- The Prison Offender Manager should be informed that an application has been made and should be recorded as the appropriate contact.

35. To assist the Local Authorities, and to allow them to concentrate on pre-release resettlement planning, Welsh Government-funded supported services, such as Prison Link Cymru, can provide additional support to Prison, Probation and Through the Gate team. This will assist them to undertake this support role for those prisoners who do not immediately enter the 12-week resettlement planning process and who have an identified housing need. This will include, for example, providing advice on retaining the property or, where this is not possible, ending a tenancy or lease in a legitimate manner.

First Night and beyond

36. The National Probation Service has responsibility for the planning and management of a prisoner's resettlement. This planning will begin immediately at the reception stage and will include the preparation of an initial 'resettlement plan' based on the information contained in the BCST Part 2.

37. Once a housing need is identified, the Through the Gate team will be required to support the prisoner to help resolve the housing related issue on reception regardless of the length of their sentence.

38. The Through the Gate team must complete Part 2 of the BCST within five business days of receiving the completed BCST Part 1 and arising from that create a resettlement plan. This will include consideration of an individual's accommodation circumstances, both upon entry to custody and likely circumstances upon release.

39. An individual's circumstances can change at any point of their sentence and it is important that Key Workers, Probation and Prison Offender Managers proactively monitor changes in circumstances and that effective processes are in place to enable relevant staff to make an application if needed. For example, further consideration should be given to those who indicate

that they will be residing with family or friends, as these might be temporary forms of accommodation and could lead to future instances of homelessness.

40. As part of the support role provided by Key Workers, there is a weekly/fortnightly 45-minute meeting with individual prisoners to develop an effective relationship, helping to facilitate exactly the rehabilitative objectives needed to support the individual prisoner. During these discussions, the Key Workers should ensure that an individual's accommodation concerns are flagged to the Probation service, which in turn will consider whether to make an application to a Local Authority if there is a risk of homelessness upon release.

41. In those instances, where after an individual is released from custody following an appeal (either against their conviction or sentence) and they are homeless or at risk of becoming homeless, then either the Probation, Key Worker or Offender Manager must consider making an application to the Local Authority as soon as they are aware that the individual has been released by the Court.

Pre-release (The 12 Week Resettlement Window)

42. In addition to the reception activity, the TTG team is also required to review the 'resettlement plan' developed at reception approximately 12 weeks before the prisoner is due to be released.

43. Where a housing need has not been identified and an address has been provided and confirmed the COM, then the COM or the TTG team are encouraged to forward this address to the relevant Local Authority to seek comment on the validity and circumstances of the address provided.

44. Where a housing need was identified either in Part 2 (and hasn't been resolved or resulted in the release of accommodation) or during the initial resettlement planning process, the TTG team will have responsibility for supporting the prisoner to either retain accommodation or to source alternative accommodation in addition to supporting resettlement.

45. To allow for assessments to be completed (10 days) and the completion of the full relief duty (56 days), approximately 66 days prior to release, the TTG team will undertake a critical review of the accommodation element of the resettlement plan. Where the identified housing issue has not been resolved, they will submit an application to the relevant Local Authority to trigger an assessment under s.62 of the Housing (Wales) Act 2014. The referral will be via a Prisoner Housing Needs Form. This will be sent to both the Local Authority and the COM.

46. The COM will then complete a Housing Risk Assessment form to ensure the Local Authority is able to make decisions on suitability based on the full facts and risks of the individual. This should be completed within 5 working days of receipt of the Prisoner Housing Needs Form. Together, these documents become the application to the Local Authority.

47. Although an applicant can apply to any Local Authority for a homelessness assessment the Probation are asked to be cognisant of the benefit of a re-connection back to the area of origin and encourage the applicant to make the referral to the appropriate Local Authority with which they have the strongest local connection. Where this is not possible due to license restrictions, they should consider other familial connections before making a referral. It should not be the default position to refer to the nearest (i.e. 'host') Local Authority or to a Local Authority with more established services.

48. Special care should be given to those indicating that they will be residing with friends and family upon release, as these might be temporary forms of accommodation and could lead to

future instances of homelessness. Similarly, it is important to remember that CAS2 and Approved Premises are temporary arrangements.

49. The COM may consider arranging a telephone or conference call relevant Local Authority to ensure the necessary actions are in place; It is good practice to undertake ongoing engagement with the relevant Local Authority during the pre-release period wherever possible.

Process Summary:

50. Stage 1 – Prison Staff complete a Basic Custody Screening Tool (BCST)1 within 72 hours of reception in to prison.

51. Stage 2 – TTG staff complete a Basic Custody Screening Tool (BCST) 2 within 5 days of completion of the Part 1. This records the prisoner's housing status. A copy of the BCST 2 should be sent to the Community Offender Manager (COM) to check and return to the TTG.

52. At 12 Weeks from Release - Resettlement process starts. Prisoner's needs are reviewed to include alternatives to homelessness, including availability of family support where appropriate.

53. Between 56-66 days prior to release - Start the referral process. TTG team completes the homelessness application and sends a copy to the Local Authority and the COM. The applicant must give their consent to making the referral (either in writing or orally), without consent a referral cannot be made. OM completes Housing Risk Assessment and returns to LA within 5 working days. The Local Authority receives the completed documents and should confirm receipt with all parties. The Local Authority takes responsible steps to place the individual in appropriate housing.

54. 7 days prior to release - Pre-discharge meeting between Prisoner, TTG, COM (If practicable), TTG information including housing needs passed to COM in preparation for day of release.

55. Prison and Probation making homelessness applications must not share any information about a spent conviction, any behaviour that led to a spent conviction or any other circumstances relating to a spent conviction with any other agency, organisation or individual. This includes information in risk assessments and discussions at MAPPA meetings.

56. Regardless of how the referral is communicated to the Local Authority and Offender Manager, the details must be input into the NDELIUS or P-NOMIS database to ensure that HMPPS records are maintained accurately.

57. Although the legislation does not prescribe the process Local Authorities should adhere to upon receipt of a homelessness application, recommended actions are set out in the Welsh Government's *Code of Guidance on the Allocation of Accommodation and Homelessness* and *the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*. It is good practice for the Local Authority to provide the referrer with a receipt of referral, which may be in the form of an automatic email reply.

58. If, following a referral, a Local Authority requires any further relevant information about an individual then the Local Authority will usually contact the individual using the contact details provided. If someone is in custody, the Local Authority will be advised to do this via the Through the Gate team.

59. It is good practice for arrangements with the Local Authority to go beyond simple referral procedures and for there to be a culture of collaboration, communication and understanding at local level between organisations.

60. Co-operation between Local Authorities and their partners is a core theme of the Housing (Wales) Act 2014. The Act strengthens the duty to co-operate and is predicated upon highly

developed collaboration between Local Authorities and their partners to achieve its objectives on early intervention and assistance to find the best available solution as quickly as possible.

Community (including on licence and post-supervision)

61. Probation staff must undertake a review of an individual's case to determine their overall resettlement and rehabilitative needs. An integral aspect of this is to understand their accommodation needs. It is therefore at this point that a COM will be able to determine whether someone is homeless or at risk of becoming homeless within 56 days. This can be achieved by:

- Thoroughly reviewing and commenting on the BCST Part 2
- Thoroughly reviewing and commenting on the Housing Needs Assessment Form
- Completing a Housing Risk Assessment and sending this to the Local Authority

62. Once a Housing Needs Form and Housing Risk Assessment have been completed, the COM should contact the relevant Local Authority to discuss the personalised housing plan and to provide them with their contact details. The COM should also consider arranging a meeting or telephone/conference call with the relevant Local Authority to discuss the application and any ongoing support required.

63. Probation practitioner (Community Offender Managers – COM) should consider arranging regular meetings or having regular contact with the Local Authority officer handling the individual's case. This is to ensure ongoing engagement and to address any changes in the individual offender's circumstances during the period of licenced supervision.

64. In accordance with the Offender Rehabilitation Act 2014, certain offenders will be subject to post-supervision. Those individuals subject to these licence periods, are also subject to the duty to refer and Probation services must ensure that an individual's accommodation status is monitored during this period and referrals made if an individual is at risk of homelessness.

Approved Premises/Bail Accommodation Support Service (BASS)

65. Approved Premises are not an accommodation option but a short-term public protection placement and therefore an individual will still need to be referred to the Local Authority if they would be homeless or at risk of homeless at the end of their period accommodated there. Similarly, CAS2 is a temporary arrangement as residents may remain for up to 3 months.

66. If at the point of assessment, the COM identifies that there is not an identified accommodation solution at the completion of Home Detention Curfew (HDC) licence within 56 days of the expiry of the HDC licence, then the officer must work with the CAS2 supplier to determine the move on plan and whether a housing application has previously been made or now needs to be made.

67. If an application has previously been made, then the COM should contact the relevant Local Authority to discuss the reasonable steps they are taking to help prevent homelessness and secure housing. The COM may also consider arranging a meeting with the relevant Local Authority Officer to discuss the Personal Housing Plan and any ongoing support.

68. If no previous application has been made, and the individual is homeless or at risk of becoming homeless within 56 days, then the COM should complete a homelessness application using the Housing Needs Form and submit this to the identified Local Authority as soon as possible. The process in these instances is as follows:

- Secure the consent of the individual (written or oral) to make the application; without consent, an application cannot be made.

- Ask them to identify the relevant Local Authority (preferably one with which they have the strongest local connection)
- Complete the Housing Needs Form
- Complete the Housing Risk Assessment
- The application should be made to the identified Local Authority within 72 hours of the assessment of an individual's case
- Record referral on NDELIUS.

Post Referral (what to expect from the Local Authority)

69. Following a referral, the relevant Local Authority will need to decide whether the prospective applicant is owed a duty under the Housing (Wales) Act 2014. Details on undertaking an assessment and, where appropriate, making a referral to another Local Authority are contained in the *Code of Guidance for Local Authorities – Allocation of Accommodation and Homelessness*.

70. It is of paramount importance, and a key principle of the *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*, that a prisoner receives the same treatment as anyone else who approaches a Local Authority for assistance and will be subject to the same tests regarding the duty or duties owed. An offender or former offender should be treated with the same dignity and respect as any other person, and should not face discrimination during the determination of their rights under the Housing (Wales) Act 2014

71. Once a Local Authority has established whether the prisoner is owed a duty, they will take over responsibility for providing reasonable steps as per either the section 66 or section 73 duties of the Housing (Wales) Act 2014.

72. The Local Authority does not take over the delivery of all resettlement support and will only focus on steps which help to address accommodation on release. Probation retains responsibility for resettlement planning and will need to work closely with the relevant Local Authority to support the accommodation element. To ensure there is no duplication of services, a clear communication channel should be maintained between the Local Authority, the TTG team in prison and the COM.

73. A Local Authority must be aware of the possibility of challenge in relation to their support to a prisoner and it is recommended its officers ensure evidence of the steps taken is documented and retained. The use of the Personal Housing Plan will support this. The Personal Housing Plan should detail the applicant's desired outcome, the housing support needs of the applicant, the reasonable steps to be taken and an agreement on the actions the applicant and the Local Authority, or an organisation on behalf of the Local Authority. It is good practice for the Local Authority to share the Personal Housing Plan with the COM and the Through the Gate team.

74. Where a successful outcome has not been possible as a result of the service provided in prison, the Local Authority will take over sole responsibility for providing continued housing-related support via the duties under the Housing (Wales) Act 2014 upon release for those who remain eligible and either homeless or threatened with homelessness.

75. For those prisoners identified as priority need (under any of the ten categories), or likely to be priority need, the Local Authority would continue to have a duty to provide accommodation either under section 68 or section 75 depending on the individual circumstances.

76. For individuals for whom the duties owed have ended while in custody, release from custody will constitute a material change of circumstance and a new duty could be owed to the applicant on release, depending on the outcome of the new assessment.



Gwasanaeth Carchardai a
Phrawf EM yng Nghymru

HM Prison & Probation
Service in Wales

**All Wales Local Authority Application
Help with Housing for Prison Leavers**

Your application for help with housing will be sent to the Local Authority for assessment. You will be contacted to discuss your housing situation based on the information you provide on this application.

The Authority will try to prevent homelessness wherever possible or help with securing suitable accommodation.

We advise you to engage with Resettlement Services whilst you are still serving your sentence.

Title: Nationality:

First Name: Middle Name:

Surname

Aliases / Maiden Name:

Date of Birth: National Insurance No:

If you are completing this form on behalf of the applicant, please provide your details:

Name:

Relationship to Applicant:

Organisation/Agency:

Contact No:

DECLARATION

Notice under the Data Protection Act 2018 (DPA 2018) & General Data Protection Regulation (GDPR)
Any information provided by third parties will be kept confidential and used only for the purposes of processing an application for rehousing and checking the accuracy of details supplied by the applicant. The Council has a duty to detect and prevent fraud. The details you provide may be put on file or in the case of suspected fraud, passed to another Council Department or to the Police.

It is an offence for anyone seeking assistance to knowingly or recklessly give false information to the Authority or to knowingly withhold information, which the Authority has reasonably required to be given. A person found guilty of this offence is liable on summary conviction to a fine not exceeding Level 5 on the standard scale.

I _____ (Applicant's Name) hereby declare the information given on this form is true and accurate to the best of my knowledge and belief.

I understand the facts given are subject to verification and any misrepresentation or false statement made now, or subsequently, may lead to criminal proceedings, disqualification from the Housing Register or, if re-housed, to forfeiture of my tenancy.

I understand any information relating to this application for help with housing will be placed on the Authority's Housing Register and any participating agencies may see it.

Signature:

Date:

.....

Prison Establishment:

Prison Number:

Reception Date: Remand or Sentenced (Please circle)

Offence and summary:

.....
.....
.....
.....

Sentence:

MAPPA Nominal	
DA Marac involvement	
IOM Case	

RELEASE DATE:

Will you be going to a secured premise on release? (e.g. Mandeville House)YES / NO

Probation Officer:

Location of Office

Contact Telephone No:

Resettlement Officer:

Key Worker:

Which County are you applying to for housing?

Are you or any of those who would normally be expected to reside with you subject to any form of immigration control? YES / NO

If Yes, please give details:

.....
.....

We use this information to establish whether you have ever held your own tenancy, how long for and the type of tenancy you've held. We also use it to establish whether you have family or friends you can stay with, even temporarily on release.

If you cannot remember exact addresses or time-frames, please don't worry. Please give us as much information as you can.

SECTION B – HOUSING HISTORY

Please give details of your **last settled address** (e.g. your own room with family/friends, private rented/social housing tenancy)

Address:

.....

Tenure (e.g. private rented, family, owner):

Landlord/Agent/Family Member:

Contact No/Email:

Date In: Date Out:

Reason for Leaving:

Do You Owe Any Rent Arrears?

Please list **ALL** your previous addresses for the last 5 years, starting with your last known address, prior to custody, and working backwards.

IF YOU HAVE BEEN ROUGH SLEEPING, PLEASE TELL US WHERE YOU SLEPT ROUGH IN AND FOR HOW LONG. IF YOU HAVE BEEN SOFA SURFING, PLEASE PROVIDE ADDRESSES RATHER THAN NFA (NO FIXED ABODE).



Have you ever slept rough? YES p NO p

If so when was this, and how long for?

.....

.....

ADDRESS 1

.....

Tenure (e.g. private rented, family, owner):

Landlord/Agent/Family Member:

Contact No/Email:
Date In: Date Out:
Reason for Leaving:

ADDRESS 2

.....
.....
Tenure (e.g. private rented, family, owner):
Landlord/Agent/Family Member:
Contact No/Email:
Date In: Date Out:
Reason for Leaving:

ADDRESS 3

.....
.....
Tenure (e.g. private rented, family, owner):
Landlord/Agent/Family Member:
Contact No/Email:
Date In: Date Out:
Reason for Leaving:

ADDRESS 4

.....
.....
Tenure (e.g. private rented, family, owner):
Landlord/Agent/Family Member:
Contact No/Email:
Date In: Date Out:
Reason for Leaving:

Please give details of close relatives (e.g. mother, father, brother, sister) living in the county:

RELATIVE 1

Name:

Address:

.....

Contact No: Length of time in County:

Relationship to Applicant:

RELATIVE 2

Name:

Address:

.....

Contact No: Length of time in County:

Relationship to Applicant:

RELATIVE 3

Name:

Address:

.....

Contact No: Length of time in County:

Relationship to Applicant:

Where necessary, do you give consent for your relatives to be contacted: YES p NO p

If no, please provide your reasons for this:

.....

.....

.....

As part of establishing what housing options might be suitable for you, we require more information...

Have you lived alone?.....YES p NO p

Have you ever held a tenancy?YES p NO p

Have you previously set up/paid utilities? YES p NO p

Do you have an income?YES p NO p

If YES, what is your income?

Are you confident in managing your own income?YES p NO p

Do you have any previous rent arrears?YES p NO p

SECTION C – MEDICAL FACTORS

This information is important to us as we use it to establish any support needs you may have on release from prison, and to work with you to secure the most suitable accommodation on release from prison.

Are you registered with a GP in the community? YES p NO p

If YES, please provide contact details:

Do you have any medical condition(s)? * YES p NO p

*(Proof of medical conditions may be required at a later stage)

Medical Diagnosis:

.....

When were you diagnosed with your medical condition(s)?

.....

How does your medical condition(s) affect you?

.....

.....

What medication(s) / alternative therapies are you being prescribed:

.....

Were you being supported in the community prior to custody: *e.g. mental health services?*

.....

Have you received support whilst in custody? *e.g. ACCT document*

.....

Did you engage with services offered:?

Do you suffer with a disability? (e.g. learning, physical):

How are you affected by your disability:?

.....

.....

Do you use any walking aids or a wheelchair?

.....

Do you require any adaptations or any specialist equipment to aid you in accommodation? (*Would you need to be located on the ground floor for example?*)

.....

SECTION D – SUPPORT NEEDS

Are you receiving or have you received any support whilst in prison? YES p NO p

AGENCY 1

Name of Agency:

Reason for support:

AGENCY 2

Name of Agency:

Reason for support:

Below is a list of support needs that may or may not be relevant to you, please take a look and, where relevant, provide details and how the issue(s) affects you:

Domestic Abuse (this could be controlling behaviour, stalking, financial abuse): YES p
NO p

.....
.....

Are there any potential barriers to your learning? *e.g. Dyslexia:* YES p NO p

.....
.....

Can you read and write? YES p NO p

.....
.....

Have you previously had support with drug or alcohol dependencies? YES p NO p

.....
.....

Would you like drug or alcohol support? YES p NO p

.....
.....

Would you like help managing your money? YES p NO p

.....
.....

.....
Maintaining a tenancy: YES p NO p

.....
.....

Are there any barriers to education or employment? YES p NO p

.....
.....

Have you served in the Armed Forces? YES p NO p

If YES, please provide details (*e.g. dates, company, reason for discharge*).....

.....

From the list of support needs identified on this form, are you happy for a support referral to be made for support services to assist you upon release from prison?

YES p NO p

SECTION E – YOUR HOUSING OPTIONS

At the Housing Options Centre there are a range of Housing Options that may be available which include Council Housing, Housing Association, Local lettings Agencies and private rented sector. Housing Benefit and Universal Credit Housing Element is capped at your Local Housing Allowance rate. This changes, depending on your household size and your medical need. It's worth looking up now what you expect to be entitled to, to give you an idea of accommodation available to you. *e.g. If you are single and under 35 years old, you are likely to only be eligible for a shared-rate of housing allowance.*

What type of accommodation are you looking for?

.....
.....
.....

What areas do you wish to be considered for? *Please see Areas of Choice form.*

.....
.....
.....

Are there any areas that you cannot reside in for reasons of violence, harassment or licence conditions? *This can be completed on your Areas of Choice form on the first page.*

.....
.....
.....

SECTION F – EQUAL OPPORTUNITIES

The Local Authority is committed to providing equal opportunities to all, regardless of race, colour, religion, gender or disability. In order for the Authority monitor equal opportunities it would be helpful if you could complete the following questions. Please note that you do not have to answer these questions.

Are you male or female? MALE p FEMALE
p

Are you or a member of your household registered disabled? YES p NO p

How would you describe your ethnic origin?

- | | | | |
|-----------------|---|---------------|---|
| White British | p | Asian British | p |
| White Other | p | Indian | p |
| Black British | p | Pakistani | p |
| Black Caribbean | p | Bangladeshi | p |
| Black African | p | European | p |
| Black Other | p | Chinese | p |
| Asian British | p | Mixed Race | p |
| Irish Traveller | p | Romany Gypsy | p |
| Roma | p | | |

Other

What is your preferred language?

On release are you able to stay with family or friends whilst we continue to support you?

.....
.....
.....

If the answer to the above is no, please tell us why.

.....
.....
.....
.....

To secure accommodation on release from prison you may need a live benefit claim or another source of income such as employment, a bank account and an understanding of how to manage a tenancy. This will be covered in more detail in your action plan but if you haven't started to think about these things, it's a good place to start.

- On release will you have a live benefits claim?YES p NO p
- On release will you have a bank account?YES p NO p
- Have you completed any employment training?YES p NO p
- Have you completed any tenancy training?YES p NO p

SECTION H – ADDITIONAL INFORMATION

Please use this page to continue previous questions or to tell us any additional information you think may be relevant, including reasonable steps taken. You don't have to complete this, and it won't harm your application should you leave it blank, but if there is any other information, you'd like us to consider then please tell us below.

.....
.....
.....
.....

Do you consent to the information on this form being shared with agencies in relation to information you have provided on this form and who may be able to provide assistance/support upon your release?

YES p NO p

Signed: Date:

Do you consent to us asking for information from agencies which will help you to secure accommodation?

YES p NO p

Signed: Date:

Do you consent to the information on this form being shared with researchers working on behalf of the Welsh Government in order to improve services for prison leavers?

YES p NO p

Signed: Date:

Housing Risk Assessment		 Gwasanaeth Carchardai a Phrawf EM yng Nghymru HM Prison & Probation Service in Wales	
Name			
Address			
Mobile number			
D.O.B			
Gender			
Date of release			
Releasing Prison			
Receiving local authority			
Offender manager			
Current offence			
Current sentence			
<i>Please note start and end date.</i>			

Please indicate the risk of serious harm to others posed by the applicant in the most recent risk of harm assessment.

The definitions of the levels are:

- *Low – No significant current indicators of harm*
- *Medium – There are identifiable indicators of risk of harm. The offender has the potential to cause harm but is unlikely to do so unless there is a change in circumstances. For example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.*
- *High – There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious*
- *Very High – There is imminent risk of serious harm. The potential event is more likely than not to happen imminently, and the impact would be serious.*

	Children	Public	Known Adult	Staff
Very High				
High				
Medium				
Low				

Amongst the public or known adults are there any specific risk to the following?					
Young adults	Older people	Women	Any minority group	Neighbours	Other

Please provide a very brief summary of the type of risk posed to the identified group and the **context and triggers**.

Risk of Reoffending – please indicate the current risk and briefly describe the level of offending – for example – 7 offences over 4 years.

	Yes	No
Is the applicant subject to Multi Agency Public Protection Arrangements (MAPPA)?		
Please note MAPPA level currently managed at and date of last meeting if available		
Is the applicant being referred to an Approved Premises?		
If so, which one		
What are the expected arrival and departure dates? (if this information changes please notify the local authority Housing Options Team)	Arrival	Depart
Is the applicant managed through the Integrated Offender Management (IOM) or WISDOM team?		
Is the applicant subject to a Sex Offender Prevention Order (SOPO)?		
Has there been any current concerns in regard to arson or fire setting?		
Is the applicant subject to Multi Agency Risk Assessment Conference (MARAC) procedures?		
Victim?		
Perpetrator?		

Please provide a brief summary of the **context and triggers** such as alcohol, drugs, mental health against the following risks if any. No more than a few sentences or bullet points

Risk of Suicide

Risk of Self Harm

Coping

Vulnerability/ Exploitation

Antisocial Behaviour

--

Please provide a brief and succinct 'headline' summary of the **current** risks and related behaviours for applicants assessed as a medium, high or very high risk of serious harm. Consider offending patterns, context and triggers. This should not be a 're-telling' of the offence or related behaviours.

Please provide a brief and succinct 'headline' summary of **previous** relevant risks and related behaviours for applicants assessed as a medium, high or very high risk of serious harm. Consider offending patterns, context and triggers. This should not be a re-telling of the offences or behaviours.

Risk Management Plan
Length and type of supervision.
Licence conditions /court orders/ police notifications?
Who are the other agencies involved in the case? What is their role and how does it contribute to risk management?
How will securing accommodation contribute to the risk management plan?
What are the protective factors?
Is the victim location relevant? <i>Please detail any exclusion zones or area's that would not be suitable, proximity to schools or playgrounds etc?</i>
Are there types of accommodation that would not be suitable? <i>For example, shared access?</i>

Appendix 6 - Advice Note: 20201103; Duty to Refer – Threatened with Homelessness

1. This Advice Note provides all Probation Service Regions with guidance on process for completing the Duty to Refer – Threatened with Homelessness within National Delius and supersedes Advice Note 11-12-2018.
2. Since 1st October 2018 specified public sector bodies, including all Prisons and Probation services, in England have been subject to the “Duty to Refer” (under section 10 of the Homelessness Reduction Act 2017). They are required to refer anyone who is homeless or at risk of becoming homeless to a Local Housing Authority (LHA) of the person in prison/ on probation’s choice. This policy framework sets out how those bodies must comply with their statutory responsibilities and sets out a referral process that should be followed when complying with this duty. Prisons, Probation services and Local Authorities must work together to ensure these processes work locally and adapt as necessary.

What is meant by homeless?

3. Section 175 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, defines that a person is threatened with homelessness if it is likely that they will become homeless within 56 days; or if a valid notice has been given to the person under section 21 of the Housing Act 1988 in respect of the only accommodation available for their occupation and that notice will expire within 56 days.
4. From the perspective of individuals supported by Prison or Probation Providers, those at risk of being homeless and who should be considered for referral include, but not limited to, those who are:

<ul style="list-style-type: none">• Temporarily residing with family or friends ('sofa surfing')• Rough sleeping• Residing in a squat• No fixed abode	<ul style="list-style-type: none">• Transient short-term accommodation, including BASS and Approved Premises, with no identified move-on provision• A prisoner to be released within 56 days and likely to be homeless.• Where the person is likely to be living in the previous-listed situations, or in any event likely to become homeless, within 56 days.
--	--

5. Further information on homelessness and the support provided by LHAs, can be found in the Homelessness Code of Guidance for Local Authorities and the Duty to Refer: Guide for Public Authorities. Chapter 23 of the Homelessness Code of Guidance is devoted to people with an offending history. Additional information and answers to Frequently Answered Questions, including those on what referrers can expect in response from the LHA.
6. Prisons and Probation in England must refer those who they have identified as being at risk of homelessness to an LHA. The individual must give their consent to making the referral (either in writing or orally) and they can identify any LHA of their choice. Without consent, a referral cannot be made.
7. Community (including on licence and post-supervision) - Probation staff must undertake an assessment of an individual’s case to determine their overall resettlement and rehabilitative needs. An integral aspect of this is to understand their accommodation needs. It is therefore at this point that an officer will be able to determine whether someone is homeless or at risk of becoming homeless within 56 days

Making the referral within NDelius

1. Find Offender
2. Navigate to the Offender Index
3. Select 'Non-Statutory Interventions' option on Navigation Panel

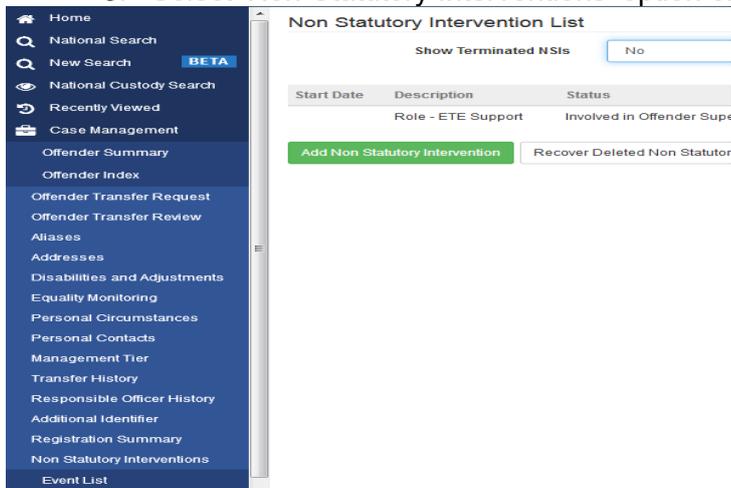


Figure 1 - Offender Level Navigation Pane

4. Select 'Add Non-Statutory Interventions' button
5. Select your home area in the NSI Provider (leave Establishment field blank)
6. Select 'Duty to Refer NSI Main type

The screenshot shows the 'Add Non Statutory Intervention' form. It has three dropdown menus: 'NSI Provider' (selected: NPS London), 'Establishment Provider' (selected: [Please Select]), and 'Non Statutory Intervention' (selected: Duty To Refer).

Figure 2 - Add Non-Statutory Intervention screen

7. Select the local authority area you are referring to as the NSI sub-type

The screenshot shows the 'Add Non Statutory Intervention' form with the 'Non Statutory Intervention Sub type' dropdown menu open. The dropdown list includes: '[Please Select]', 'Avon and Somerset', 'Bedfordshire', 'Cambridgeshire', and 'Cheshire'. The 'Referral Date' field is also visible, with a date picker icon.

Figure 3 - Add Non-Statutory Intervention screen

8. Enter 'Date of Referral'
9. Enter Status of "Initiated"
10. Enter Status Date and Time

Add Non Statutory Intervention

NSI Provider: ^ NPS London

Establishment Provider: ^ [Please Select]

Non Statutory Intervention: * Duty To Refer

Non Statutory Intervention Sub type: * Avon and Somerset

Referral Date: * 14/08/2020

Expected Start Date:

Actual Start Date:

Provider: * NPS London

Team: OMU A

Officer: Rhenal, Alfie ZZ (NPS - PO)

Status: * Initiated

Status Date: * 14/08/2020

Status Time: * 18:53

Figure 4 - Add Non-Statutory Intervention screen

11. Enter Notes where applicable
12. Click 'Update' button
13. Click 'Document' button
14. Click Ok on warning message

Using the National Referral Template – follow steps below:

1. Add the 'NAT Threatened with Homelessness' document option listed
2. Complete the referral form following normal IWP practice

Document List

Linked To: Referral

Document	Author	Date Created	Last Action By	Date Modified	WIP	
NAT Threatened with Homelessness Referral Form_24072019_094610_opsthree_d_E228208.DOC	Karen Baker	24/07/2019	Karen Baker	24/07/2019	N	view update delete lock

Template List: NAT Threatened with Homelessness Referral Form

[Create from Template](#) [Upload Document](#) [Close](#)

Figure 5 - Document List Screen

Using local authority forms – follow steps below

1. Click 'Upload Document' button

Figure 6 - Document List screen

2. Type the file name title
3. Click Browse – locate your referral - add

Figure 7 - Upload External Document Screen

4. Click 'Upload Document' button

Document	Author	Date Created	Last Action By	Date Modified	WIP
A&S Housing Referral.docx	N00Superuser002 N00Superuser002	14/08/2020	N00Superuser002 N00Superuser002	14/08/2020	N view unlock

Figure 8 - Document List screen

5. Close Document list screen
6. Update Status to "Referred" within the NSI Screen
7. Record in notes any progress as the referral progresses.
8. Save NSI

Referral Decision

8. The LHA will provide confirmation that they have received and actioned the referral and this must be recorded on NDelius via the NSI notes box.

9. On receipt of the decision the Referral Outcome should be updated from 'referred' to the decision provided by the LHA.

1. Find Offender
2. Navigate to referral on the offender level NSI
3. Select 'update' hyperlink against referral entry
4. Enter 'Actual End Date' – date decision was received
5. Record the NSI Outcome

Note – if you receive an updated referral form back from LHA this can be uploaded on the NSI.

Expected End Date:

Actual End Date:

Outcome:

Documents

Author	Date Modified	Date Modified
erral.docx	N00Superuser002 N00Superuser002	14/08/2020

Save Update Document Cancel

Figure 9 - Update NSI Screen

6. Save

10. This will terminate the NSI Duty to Refer referral.

Updating Offender Personal Circumstance

11. Once the case has been identified as being 'Threatened with Homelessness' an entry within the Offender Level Personal Circumstance should be recorded in addition to the referral

1. Find Offender
2. Navigate to Offender Index
3. Select 'Personal Circumstances' option from Navigation pane
4. Select 'Add' button
5. Select 'Offender Level Recording' option in Circumstance Type field
6. Select 'Threatened with Homelessness' in Sub type field.
7. Enter Start Date – date were informed
8. End Date = this can be left blank
9. Status Verified - completed as appropriate
10. Save

Contacts

12. For queries relating to the process described in this Advice Note please contact: NDeliusqueries@justice.gov.uk

Who has a Duty to Refer?

1. The specified public authorities that are subject to the duty to refer are:

- Prisons;
- Young offender institutions;
- Secure training centres;
- Secure colleges;
- Youth offending teams;
- Probation services
- Jobcentre Plus;
- Social service authorities Emergency departments;
- Urgent treatment centres, and
- Hospitals in their function of providing inpatient care.

2. The Secretary of State for Defence is also subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army and the Royal Air Force.

3. The duty to refer only applies to public authorities in England and individuals can only be referred to housing authorities in England.

What is the scope of the duty of a public authority to refer, as specified under the regulations?

4. The instances in which a service must make a referral are set out in the Housing Act 1996 and is based on if the public authority considers that a person is homeless or threatened with homelessness.

5. In practice, the discharge of the duty will vary upon service and it will land with the specified public authority to decide how to discharge their duties.

6. Public Authorities are expected to refer an individual who they consider is homeless or is at risk of homelessness to the LHA for assistance. This might arise if the person in prison/ on probation informs the Public Authority that they are homeless or at risk of homelessness; or it can arise through information provided by a third party or other assessments. In practice, the duty to refer could be built into existing safeguarding arrangements or release procedures.

What happens if an individual is at risk of becoming homeless at the point of entry to prison?

7. The duty to refer arises if the person is or may be homeless or threatened with homelessness within 56 days. In the prison context, the individual would normally be referred as being at risk of homeless 56 days prior to their release date. Therefore, both Prison and Probation will need to be cognisant of that individual's circumstances and release date as part of their own compliance with the duty to refer, in those circumstances when an individual is scheduled to be incarcerated for less than 56 days.

8. LHAs *can* accept a referral at any point, including before the 56 days prevention stage occurs (although they don't have to and so direct engagement with the LHA to highlight this would be advisable). The key to this legislation is prevention and early engagement is welcome.

How much information do I need to provide when I am referring someone?

9. Referrals to LHAs must include the person in prison/ on probation's name, contact details and the agreed reason for the person in prison/ on probation being referred to the LHA (i.e. the public authority considers that the person in prison/ on probation is either homeless or threatened

with homelessness). Prisons, Probation and Jobcentres. Prisons and Probation might wish to consider sharing information relating to an individual's protected characteristics or personal circumstances, where relevant and consent has been given, to support an effective referral.

The Local Housing Authority's referral form requires information I don't have; can I still make a referral?

10. Providing you have the person in prison/ on probation's name, contact details and the agreed reason for referral (e.g. the individual is homeless or at risk of homelessness) then you can still make a referral. You will always need the person in prison/ on probation's consent.

11. Prisons and Probation making referrals may not share any information about a spent conviction, any behaviour that led to a spent conviction or any other circumstances relating to a spent conviction with a Duty to Co-operate agency or any other agency, organisation or individual. This includes information in risk assessments and discussions at MAPPA meetings.

Is a referral an application?

12. People in prison/people on probation must still make an application in the usual way following a referral. However, we have set the expectation in the Homelessness Code of Guidance that LHAs should always respond to referrals by contacting the individual.

Are MoJ service providers now responsible for providing accommodation for offenders?

13. No. the statutory responsibility for providing accommodation for people in prison/ on probation's has not changed. LHAs remain statutorily responsible for ensuring that suitable accommodation is available for the applicant and their household.

14. The HMPPS CAS system offers a three-tier structure of temporary accommodation for people on probation, prison leavers or those on bail who require public protection measures or are at risk of being homeless.

15. All three provide a bridge back into the community, appropriate to the risk of harm presented but are not a permanent accommodation provision for people. They provide temporary accommodation to facilitate the eventual migration towards securing settled accommodation.

What are the consequences of not complying with the duty?

16. The HRA does not insert a new right to request a review of a public authority's decision to, or not to, refer a case to an LHA.

17. Therefore, someone seeking to challenge a specified public authority's failure to comply with this duty to refer may seek permission to bring a judicial review and/or a claim for breach of statutory duty.

Should I refer someone if they have been remanded into custody before the completion of their case?

18. Yes. the process for referrals must be the same as applied to an individual who is in receipt of a custodial sentence.

What about individuals who are held in an English Prison, but will be returning to Wales to live?

19. Rights and responsibilities in relation to housing for those living in Wales are devolved to the Welsh Government. The legislation underpinning this is the Housing Act (Wales) 2014, which includes a homelessness prevention duty and an absolute right for those who are homeless to receive assistance in helping them find a solution. The Act is supported by the National Pathway

for Homelessness Services for Children, Young People and Adults in the Secure Estate. This sets out a process for both devolved and non-devolved services to meet the needs of those leaving custody and resettling in Wales, whether they are from Welsh or English custodial establishments.

What constitutes 'consent'?

20. The legislation does not specify that the consent must be given in writing. It's simply about the person agreeing to the specified public authority making the notification that could be verbal or in writing or in some other way. There is nothing in the legislation to limit the form of the agreement. However, as the referral form contains personal information, the General Data Protection Regulation must also be complied with. This requires that consent must be freely given and that the ways that personal information is to be used are clearly explained. The public authority must be able to evidence that consent has been obtained.

21. Consideration should be given to ensuring that in those instances where a person in prison/ on probation either has known cognitive disabilities; or where English is not their first language; or where they are visually or aurally impaired, that the referral process is outlined in clear and plain language.

Which Local Housing Authority should someone be referred to?

22. The duty allows individuals who are being referred to choose which authority they are referred to. However, it is worth considering which local authority your client has a local connection to when advising which LHA to select. Local connection is a discretionary power which many local housing authorities use when deciding whether to give support to someone who is homeless. In general terms, it is best to refer someone to the LHA of which they are currently a resident, unless they are fleeing domestic violence. That said, when discussing with the LHA, you must also consider the practicalities of the referral – for instance, if you are referring someone you think is at risk of homelessness it is probably not practical to refer them to an authority in the North of England if they are currently based in the South.

23. It is worth noting that if the individual is a Care Leaver, they will have a local connection with the area of the LHA that looked after them, but, if they have been placed in accommodation in another area for at least two years, they will also have a local connection with that district until they are 21.

24. An individual can only be referred to one LHA at a time.

I am aware that a member of staff in another public authority has previously referred someone to the Local Housing Authority. Do I need to refer them as well?

25. Some individuals who are threatened with homelessness or are homeless, such as prisoners, may meet a range of different public authorities. While it is clearly desirable to minimise duplication, the priority must be to ensure that people in prison/ on probation's are being referred so they can receive the right support at an early stage from local housing authorities. Additionally, it should be noted that an individual's housing circumstances may have changed from the last time they were referred, which may require different support from an LHA. Therefore, the public authority must – with the individual's consent - make a referral to the LHA.

26. The Code of Guidance advises LHAs to agree arrangements with public authorities to consider the issues around multiple and repeat referrals. This may include providing information on systems to enable public authorities to check whether someone has been referred or is receiving support from LHA.

I would like to do a joint referral with a colleague. Is this possible, or do we need to complete separate referrals?

27. It is possible to complete a joint referral, if you submit the referral at the same time as your colleague and both sign and agree to the content provided within the referral.

Can we refer Foreign Nationals?

28. Yes. Where a foreign national is released from prison prior to service of the deportation order, they can access social support and may also need accommodation support. Once all appeal rights are exhausted, the deportation order is served which has the effect of revoking any leave held, of terminating or withdrawing any rights to remain, and the FNO is required to leave the UK. At this point immigration law-based controls on access to work, benefits, housing and other services take effect.

Can I share OASys reports?

29. No. OASys reports, or information contained therein must not be provided to LHAs. In those instances where an LHA rejects the standard referral form and indicates that they will not undertake any further action, then this information must be escalated through the Homelessness Prevention Teams.

30. In support of decisions relating to housing allocation, Local Authorities often request information relating to an individual's previous offending behaviour. A recent High Court ruling ([2016] EWHC 1850 (Admin)) found that Local Authorities must not take spent convictions into account when making decisions relating to housing allocations or entering an individual onto the housing register. Prison and Probation staff should therefore be aware, that they must not disclose details of an individual's spent convictions with local authorities or other Third party.

31. Similarly, information contained within OASys reports relating to spent convictions and circumstances relating to spent convictions contained in those reports must not be disclosed external to MOJ. Full or partial extracts of OASys reports must not be shared external to MOJ. If in doubt, staff should discuss how any information should be utilised and whether information should be shared, first with their Line Manager and then if required, with their Chief Officer or Deputy Governor. Senior Managers can secure additional advice on whether information relating to spent convictions from MoJ Legal, while information concerning Information Assurance should be directed towards HMPPS Information Assurance informationmgmtsecurity@justice.gov.uk; a response and advice will be issued within a maximum of three days.

What is meant by 'personal circumstances'?

32. These are matters relating to an individual that Prison and Probation staff might consider relevant to the LHA in reaching a decision. These could include whether the person in prison/ on probation has been a victim of domestic abuse or violence, whether they are a care leaver or had been a member of the Armed Services.

33. While neither Prison and Probation can influence whether an LHA actions a referral or where an individual is housed, Prison and Probation should consider providing information to an LHA in those instances where the person in prison/ on probation's recent offending behaviour is driven by their views towards individuals with specific protected characteristics.

What should local housing authorities do when they receive a referral under the Duty to Refer?

34. They should review the referral, provide receipt that it has been received and contact the individual being referred at the earliest opportunity.

35. When you have sent your referral, a local housing authority should provide you with a receipt of referral, which may be in the form of an automatic email reply. Once the local housing authority has agreed that the applicant is eligible for assistance (based on their immigration status) and that they are homeless or threatened with homelessness, they should work with the applicant to develop a personalised housing plan.

36. In the case of those applicants who have been referred, either by the prison or Probation Service, then the local housing authority should ensure that they engage with the named contact (either Prison Offender Manager or Probation Officer/Practitioner), to ensure that the personalised housing plan supports the service users plan to support their resettlement and rehabilitation. If the applicant is homeless during the 56-day relief stage and may have priority the local housing authority must provide them with temporary accommodation.

37. It is good practice for local housing authorities to go beyond referral procedures and work with other public authorities to prepare a comprehensive assessment of need for the service user. Local housing authorities and public authorities are encouraged to put arrangements in place to support these joint efforts.

Will I hear what happened to my referral?

38. When you have sent your referral, a local housing authority should provide you with a receipt of referral, which may be in the form of an automatic email reply. You are advised to contact the local housing authority if you do not receive this.

39. Ideally, you should also be kept informed of the outcome, because having procedures and mechanisms in place which support effective partnership working between the LHA and public bodies is recommended and encouraged under the Homelessness Code of Guidance for Local Authorities. However, the LHA is not statutorily obliged to keep the referring authority informed of the outcome of a referral.

40. The Homelessness code of guidance has recommended that local housing authorities set up local procedures which should be tailored to each public authority. The Code also recommends that housing authorities should include information about how they will respond where the referral indicates that an individual is at risk of sleeping rough or is already sleeping rough in their procedures for responding to referrals.

41. In the case of those who have been referred, either by the prison service or probation providers, then the Prison Offender Manager or Probation Officer, should ensure that there is regular engagement and contact with the local housing authority, especially for those service users who release from prison is imminent i.e., within 12 weeks.

What guidance is available for the processes that should be applied by LHAs if I have a query?

42. The following links set out the processes that should be applied by LHAs in the exercise of their duties; Prison and Probation staff should consider the content of the guidance if the issues are raised in response to a referral:

- Chapter 6: Homeless or threatened with homelessness Guidance on how to determine whether a person is homeless or threatened with homelessness according to legislation.
- Chapter 7: Eligibility for assistance Guidance on the provisions relating to an applicant's eligibility for homelessness services.
- Chapter 8: Priority need Guidance on the categories of applicant who have a priority need for accommodation if they become homeless.
- Chapter 9: Intentional homelessness Guidance on determining whether an applicant has become homeless intentionally under homelessness legislation.

- Chapter 10: Local connection and referrals to another housing authority Guidance on the provisions relating to an applicant's local connection with an area and explains the procedures for referring an applicant to another housing authority.
- Chapter 21: Domestic abuse Guidance on providing homelessness services to people who have experienced or are at risk of domestic violence or abuse.
- Chapter 22: Care leavers Guidance on providing homelessness services to care leavers.
- Chapter 23: People with an offending history Guidance on providing homelessness services to people with an offending history.
- Chapter 24: Former members of the armed forces Guidance on providing homelessness services to former members of the armed forces.