



HM Government

# Prison Release Protocol Guidance

Research report



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If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: 030 3444 0000

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## **Acknowledgement**

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Jenny Jackman, MHCLG

# Executive Summary

The Ministry of Housing Communities and Local Government (MHCLG) and The Ministry of Justice (MOJ) are committed to reducing homelessness and reoffending. This document provides recommendations to local government and public authorities to support the development and implementation of prison release protocols in their area(s) in line with the Homelessness Reduction Act 2017 Duty to Refer. The recommendations are based on findings from interviews with national stakeholders and local stakeholders with prison release protocols in place ahead of the Duty to Refer coming in to force. This document should be read in conjunction with other Duty to Refer guidance documents<sup>1</sup>.

## Methodology

Social researchers at MHCLG and MOJ conducted 18 semi-structured interviews with participants in 7 case study areas. These case studies were chosen as areas where prison release protocols had been implemented or were being developed prior to the introduction of the Duty to Refer. Where possible the views of a range of stakeholders across a range of different roles in each case study were sought. These interviews took place between May and August 2018

## Recommendations

Every local authority context is different and there will not be a one-size fits all approach to prison protocols. This advice provides a starting point to facilitate the development of protocols that will suit the local context. These recommendations are based on the interviews that took place prior to the introduction of the Duty to Refer but have been updated to reflect the Duty to Refer being in place. The research has led to recommendations based around the following key themes.

### Developing the protocols

Through the research it has been possible to identify the key questions that should be asked as part of the development process, covering who should be involved, and lead on the protocol development; and the remit and use of the protocol. As the protocol is being developed, several key questions should be answered to ensure that is fit for purpose within the context in which it will operate. These are:

- What is the remit of the protocol?
- Who should be involved in development?
- Who should lead the development of the protocol?
- Who should be involved in its implementation?
- How will these protocols be used?

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<sup>1</sup> <https://www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer>

- How will the protocol fit within reducing reoffending and homelessness strategies?

### *Suggestions*

- At an early stage of development, consider holding a practitioners' workshop to engage key stakeholders in the process, highlight where barriers lie and build relationships.
- Ensure the protocol is seen by every stakeholder and ask them to sign it off. This will ensure that each party is aware of the processes, their role within it and increase the likelihood that the protocol is workable for each stakeholder.
- Include a directory of services with their roles, and relationship to other services explained, and all the relevant contact details.
- Consider the range of offenders' support needs, it may be useful to account for specific characteristics / demographics when developing protocols.

## **Protocol Structure**

Protocols can be structured in many ways, but should detail the process for each of the following stages in the offenders' pathway:

1. ENTRY: Pre-conviction, remand and reception into prison
2. STAY: Duration of the stay in prison and preparation for release
3. EXIT: In the community following release from prison

### *Suggestions:*

Consider including a checklist or a flow-chart at each stage to cover each of the following:

- Who is responsible?
- What activities should be taking place?
- When should the activities be taking place?
- Why do the activities need to take place?
- How should the activities take place?

## **Protocol Content**

### Entry

Preventing the accrual of rent or mortgage arrears for any accommodation held prior to an offender's entry into custody is a key issue. The protocol should include steps to help offenders maintain or release any accommodation prior to or on entry to custody.

### Stay

There are practical issues around ensuring services are accessible to offenders whilst they're in prison and ahead of their release. Protocols should align with the Duty to Refer and cover the process for Community Rehabilitation Companies to engage with housing

services or third sector providers to go into prisons, to enable them to work with offenders as soon as they are identified as at risk of homelessness upon release.

Ways of facilitating the process of making a homelessness application whilst in custody should also be covered by the protocol. Now that prisons and Community Rehabilitation Companies have a statutory Duty to Refer, arrangements could be put in place to facilitate more effective referrals. For example, could referrals be managed by a nominated representative or through the local housing authority running surgeries in prisons? Processes should ensure that applications are taken prior to release so that plans can be put in place, rather than any action being deferred until the offender presents at the local housing authority upon their release.

## Exit

The actual day of release is a critical intervention point, where small changes could potentially make a big difference to someone's housing outcome. Protocols must acknowledge the various obligations on an offender on their day of release so that accommodation needs can fit in alongside these.

The protocol should address offender accommodation needs where Friday and late afternoon releases cannot be avoided to reduce the risk that offenders will have to wait over night or the weekend for local housing authority offices to reopen. For example, consider running joint meetings on day of release with the local housing authority and probation or have set appointment times for meetings with the local housing authority to minimise uncertainty and time spent waiting.

## **Making the Protocols Work**

It is imperative to consider what is needed to ensure all steps listed in a protocol can happen, and continue to happen. Appropriate and secure information sharing is critical to this.

### *Suggestions:*

- While developing protocols, make arrangements for data sharing agreements to ensure that it is possible to share the relevant information.
- Consider holding multi-agency meetings to discuss offenders prior to their release, for example a few weeks before the release date. This could be subsumed into already existing groups or a new group could be established.
- Ensure all partners, including third sector organisations have secure emails to receive sensitive information

## **Review**

Integrating a review process into the protocols helps ensure it is kept up to date, the steps continue to be followed and its use promoted.

*Suggestions:*

- Integrate a regular biannual review process to allow any learning that happens through the implementation of the protocol to be incorporated.

Brief case studies of each of the areas are found in Annex A.

Two examples of prison release protocols are included in Annex B. The first protocol is draft and has been revised to reflect changes following the introduction of the Duty to Refer.



# Prison release protocol research

## Introduction

MHCLG and MOJ are committed to reducing homelessness and reoffending. This document provides recommendations to local government and public authorities to develop prison release protocols in their area(s) in line with the Homelessness Reduction Act 2018 Duty to Refer.

The Homelessness Reduction Act introduced a duty on specified public authorities to refer service users who they think may be homeless or threatened with homelessness to local authority homelessness/housing options teams. This duty came into effect on 1 October 2018 when the list of public authorities comes into force. Prison release protocols aim to document the activities undertaken by public authorities to reduce this risk of homelessness for offenders when released from prison. In practice this can include activities undertaken upon entry into prison as well as in the lead up to, and at the point of, the offenders' release back into the community.

Included in the public authorities with a duty are:

- Prisons;
- Young offender institutions;
- Secure training centres;
- Secure colleges;
- Youth offending teams;
- Probation services (including community rehabilitation companies);
- Jobcentre Plus;
- Social service authorities;
- Emergency departments;
- Urgent treatment centres;
- Hospitals in their function of providing inpatient care;

- Secretary of State for defence in relation to members of the regular armed forces.<sup>2</sup>

The Duty to Refer only applies to the specified public authorities in England and individuals can only be referred to a local housing authority in England.

This report should be read in conjunction with Duty to Refer guidance<sup>3</sup>.

MHCLG and MOJ analysts undertook qualitative research in 7 case study areas that had developed prison release protocols and with national stakeholders to explore the key issues in protocol development and the release of offenders from custody. As every local authority context is different, there is unlikely to be a one-size fits all approach to prison release protocols. This report therefore aims to provide a summary of the learning from across the case study areas that can be applied to different local contexts.

## Methods

Social researchers at the Ministry of Housing, Communities and Local Government and the Ministry of Justice conducted 18 semi-structured interviews with participants in 7 case study areas. These case studies were chosen as areas where prison release protocols had been implemented or were being developed. Where possible the views of a range of stakeholders across a range of different roles in each case study were sought. These interviews took place between May and August 2018.

Some of the areas were initially approached as they had received funding from MHCLG to undertake work which involved the criminal justice system, and initial scoping calls at an early stage of the research found the areas to have already developed or be currently developing protocols. Other areas were approached through snowball sampling, where the areas were referred on, as they were known to the initial case study areas to be progressing with similar work.

While some protocols have been developed by third sector parties and then adopted by the local authority, others have been instigated by the local authority or by the Community Rehabilitation Company. The geographies of the protocols have varied across the case studies. While in one area, the aim is for the protocol to be agreed and in operation across multiple regions; the protocol in another case study area operates on a much smaller scale in one borough council only.

Staff working in local housing authorities, prisons resettlement teams, the Community Rehabilitation Company and probation, as well as third sector organisations, were interviewed<sup>4</sup>. In addition, the views of a number of national stakeholders with expertise in homelessness and criminal justice system were sought. The goal was to provide more

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<sup>2</sup> The Homelessness (Review Procedure etc.) Regulations 2018  
(<http://www.legislation.gov.uk/uksi/2018/223/made>)

<sup>3</sup> <https://www.gov.uk/government/publications/homelessness-duty-to-refer/a-guide-to-the-duty-to-refer>

<sup>4</sup> Roles include Housing and Welfare Managers, housing solutions leads, prison and community caseworkers. It is acknowledged that this does not reflect an exhaustive list of stakeholders who can be involved in developing or implementing prison release protocols. The number of interviews reflects what was achievable within time and resource constraints.

context of the national landscape, and understand the differences between local and national issues.

Interviews were thematically analysed, a structural coding framework was developed based on the interview guide and all interviews were coded accordingly, quotes have been used to illustrate the findings. External researchers and stakeholders were consulted to review an earlier iteration of this research report, and their feedback on the recommendations were incorporated.

## Findings

The learning in this report comes from the reflections of those involved in developing and implementing prison release protocols. It focuses on the process of developing the protocol as well as what needs to be considered and included in the document. As the research took place prior to the Duty to Refer coming into effect, a few recommendations have been updated to reflect its introduction.

The protocols reviewed in the research began and were developed in different ways, but all were produced for the same purpose: to reduce offender homelessness and reoffending.

### Developing the Protocol

Through the research it has been possible to identify the key questions that should be asked as part of the protocol development process, covering who should be involved, and lead on the protocol development; and the remit and use of the protocol.

#### **Who should be involved and who should lead the development process?**

In each area a variety of partners were involved in the development and implementation of protocols, including:

- Local Housing Authority Managers
- Community Resettlement Company managers covering local prison(s)
- National Probation Service covering local prison(s)
- Resettlement teams
- Offender Manager
- Adult social services
- Health representatives – drug and alcohol staff, and health staff in custody and the community
- Police
- Police and Crime Commissioners
- Job Centre Plus
- Community Safety Boards
- Relevant third sector organisations

This is not a definitive list, but illustrates the actors it can be useful to engage with in this work. It was felt across areas that more multi-agency engagement with this work led to smoother and better working practices, but it was acknowledged that engaging with some

agencies could be harder than others. A common acknowledgement across all the case studies was the need to secure the buy-in from other agencies and actors to ensure the processes are followed consistently over time and each actor knows their own, and others', roles and responsibilities.

In many of the case study areas partners became involved in the process of establishing protocols through a combination of pre-established relationships built through other similar or related processes and new partnerships formed specifically for the purpose. In some areas protocol development was subsumed within the remit of an existing group and in others a new group was created to take on this work. It is important to consider the pros and cons of each of these approaches in light of the areas' context.

Interviewees stressed the importance of sharing the protocols with every stakeholder. For example, one area held a practitioners workshop at an early stage in the development. This enabled them to engage key stakeholders in the process, highlight any barriers to cooperation and develop understanding of the roles and aims of each party.

Suggestion 1: Hold a workshop at an early stage in the process of protocol development with practitioners and managers

It was also seen as important to ensure all partners agree that the protocols are achievable and useful for them. It was suggested that, if necessary, this can help with accountability, particularly if key personnel change over time. A recurrent theme in the research was the improved clarity of roles and responsibilities that either occurred or was expected to occur as a result of developing and implementing protocols.

*“One of the key things we’ve found is a lack of understanding on key roles and responsibilities ... We found a lack of understanding on what CRCs [Community Rehabilitation Companies] deliver and in some cases LAs [have] held back assuming [the Community Rehabilitation Company would] provide bricks and mortar but they’re only there to do sign posting.” National Stakeholder*

Part of this may reflect the changes of key personnel over time.

*“It’s a bit of a tricky picture... where there used to be good relationships locally, because of changes, and [where] people have moved around, those local relationships changed and it’s made a difference. ... it reflect[s] that locally it’s important to have clear boundaries on who does what.” National Provider*

Suggestion 2: Ensure the protocol is seen by every stakeholder and ask them to sign it off. This will ensure that each party is aware of the processes, their role within it and increase the likelihood that the protocol is workable for each stakeholder.

In practice, areas which have developed protocols have varied regarding who has led this work – for example, it has been led by Community Rehabilitation Companies, by LHAs, task finish groups led by OPPC or by third sector providers. The case studies in Annex A provide more information about this.

Some areas reported that the involvement and leadership of the Office of the Police and Crime Commissioner has been helpful to ensure that actors from across multiple sectors are engaged in this work.

*“You’ve got PCCs now who are in that fortunate position to be able to look across the system and ask the questions about how it’s happening. So as well as putting the protocol in place we will make sure there are mechanisms in place to make sure this kind of thing is happening.” Local Authority*

### **What is the remit of the protocol and how is it going to be used?**

Interviews highlighted that protocols can be successfully developed at a city, district or borough council level, or at county or cross-regional level. In the case study areas, it was recognised that the geography of prisons, Community Rehabilitation Companies and National Probation Service boundaries do not match with local housing authority boundaries. This was a challenge that was considered when deciding the remit of a protocol for any of the case study areas. For example, the Community Rehabilitation Company in one area decided to operate a protocol across the local authorities in all the four regions, to establish a consistent approach across all the prisons it operates in.

It is important to consider that prisons may resettle offenders to multiple local authorities and could foreseeably be involved in multiple prison release protocols.

*“We have one protocol in all the prisons. We can’t have 26 different protocols. We need one universal protocol that works for all. I don’t know if it’s been implemented in all prisons we work with- we’re trying to [achieve that].” Local Housing Authority*

Many of the areas felt that the advantage of the protocols was that it made referral processes clear, especially when merging the justice and local authority boundaries. In some areas, the protocols were being used as practical reference documents during the referral process to identify who to contact at appropriate times. It was felt to be important to provide named contacts (as well as clear timescales and detail on which agency is responsible for which stage of the process), particularly when working across a large number of areas.

*“I work across the whole region, so work with councils that have a protocol and those that don’t, and it’s just so much easier if you have named people that you can contact so that you can get the ball rolling quickly for someone coming out of custody.” Community Rehabilitation Company Prison and Community Housing and Welfare Manager*

*“I think one of the issues for prison officers and for support workers ...is that they are often discharging people across a dozen two dozen LAs, and the other problem is that we have three or four prisons discharging to [x] city, ... a directory of services so you know if you are discharging into an area you can find the appropriate services to get in contact with, it gives you easy access to the information, so you can know what’s there.” Local Housing Authority*

Suggestion 3: Include a directory of services with their roles, and relationship to other services explained, and all the relevant contact details.

Areas reported less supported housing available for women, and similarly, the smaller number of female prisons can mean that resettlement and probation staff may work with a wider geographical spread of local authorities.

*“With regard to women a lack of suitable accommodation can be a problem. .... You can be such a long distance from where you’ve originated from due to a lack of provision”*

Suggestion 4: Consider the range of offenders’ health and support needs, it may be useful to account for specific characteristics / demographics when developing protocols

One or two areas could see these protocols being used as a training tool for new staff, and alternatively the protocols could be used as a reference document for handling each case. Consideration of the target audience was of key importance to ensure that it is accessible and easy to understand.

In one of the areas, an interviewee with lived experience acknowledged that there is very little information shared with offenders about the process for release. It is worth considering whether the protocol (or a modified version) could be shared with offenders, and whether it will be published online<sup>5</sup>.

## Protocol Content

In some of the protocols the processes were clearly separated into different stages. Some included checklists to help ensure all steps are correctly followed. These stages included:

1. Entry: Pre-conviction, remand and reception into prison
2. Stay: The duration of the stay in prison and preparation for release
3. Exit: In the community following release from prison

Each stage should detail:

- Who is responsible?
- What activities should be taking place?
- When should the activities be taking place?
- Why do the activities need to take place?
- How should the activities take place?

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<sup>5</sup> Please see part 23.8 in the Homelessness Reduction Act Code of Guidance  
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-23-people-with-an-offending-history>

Please see part 3.5 in the Homelessness Reduction Act Code of Guidance  
<https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-3-advice-and-information-about-homelessness-and-the-prevention-of-homelessness>

Suggestion 5: Account for all stages of the offenders' pathway through entry, stay and exit from prison. Record what, when and how activities should be undertaken in each stage and who is responsible.

Suggestion 6: When deciding how to structure the protocol consider including a checklist at each stage while noting who is responsible for each step or a visual flow chart of the process.

The following sections highlight some of the key learning from the research on each of the four stages.

### **Entry: Pre-conviction, remand and reception into prison**

When considering what action needs to occur pre-conviction, on reception into prison or while someone is on remand, the length of their sentence is of key importance. For people with short-sentences, early intervention is critical, with a particular focus on maintaining existing properties wherever possible, but also on preventing the accrual of arrears.

#### *Sentence length*

Short sentences create a lot of issues because of the difficulty intervening early enough to create an effective housing pathway, and service providers find they are working against the clock to find accommodation upon release.

*“If someone has a very, very short term sentence in some cases that can be more difficult because it means that there is less time for the prison staff and us to speak to each other and make sure they are supported by the protocol.” Local Housing Authority*

One of the key messages from the interviews was that early intervention is crucial to helping offenders or people on remand.

#### *Preventing loss of existing home*

Several case study areas emphasised the importance of working with offenders to keep, release or offer advice regarding any property they held prior to entering custody.

*“Without support in custody, offenders' access and communication with the outside world is quite restricted. [Therefore it's] hard to complete tasks [they may] need to do e.g. contact landlords. So [the offenders] need the support service to help them maintain a tenancy.” National Provider*

This should still be considered one part of a prison release protocol as otherwise, as many interviewees mentioned, offenders can rack up rent arrears which prevent them finding housing after release.

*“[We need to consider accommodation prior to custody.] Sometimes the person will sub-let their property [and]... their friends may not live in [it] properly (drugs den). So it’s making sure that the person going into prison, we should be providing advice to them about their rights to maintain their tenancy or [whether they] may wish to terminate their tenancy. That person needs to be aware of decisions they are making. When a person is going to prison, they don’t tend to know what to do so we should be giving advice and signposting them about their tenancy.” Local Housing Authority*

Suggestion 7: A protocol should factor in, at an early stage in an offender’s sentence, steps to help them keep or release any accommodation held by offenders prior to entering custody.

Suggestion 8: A protocol should factor in, at an early stage, steps to help someone on remand keep or release any accommodation prior to the trial taking place

### **Stay: The duration of the stay in prison and preparation for release**

Interviewees identified practical issues that need to be considered when working with offenders, particularly around ensuring services are accessible to prisoners. It was also recognised that longer sentences presented more opportunities for engagement, and that a prisoner’s plans/circumstances could change over the duration of their sentence.

#### *Access whilst in prison*

Offenders cannot always be dealt with in the same way as other individuals attending their local housing authority. For example, offenders in prison will not be able to receive emails or phone calls easily.

*“Practical issues to overcome [for example]... Prisoners don’t have email addresses a lot of the time, the things we take for granted on the outside aren’t there ... these [are] practicalities that need to be overcome.” Local Housing Authority*

Some of the areas reported that allowing housing services or third-sector organisations in to prisons and giving them access to offenders allowed housing needs to be addressed more efficiently. As mentioned above, early intervention is recognised as key to reducing offender homelessness upon release.

*“It’s about those services being accessible. [So that] as soon as [an offender wants to access a service] there they are” Local Housing Authority*



Suggestion 9: Community Rehabilitation Companies should work with housing or third sector services to engage with offenders as soon as they are identified as at risk of homelessness upon release. Community Rehabilitation Companies should reach out to, and support, the relevant Local Housing Authority and third sector providers, who go into prisons to work with offenders where possible.

Suggestion 10: The process of making a homelessness referral and meeting the requirements of the Duty to Refer, should be covered by the protocol. Consideration should be given to making referrals through a nominated representative or through surgeries run by the local housing authority in prisons. It should not be the case that applications are deferred until the offender presents at the local housing authority upon their release.

Suggestion 11: The Local Housing Authority should work with the prison offender manager or probation officer to ensure the personalised housing plans complement and support the resettlement and rehabilitation of the offender.

### *Changing homelessness risk and sentence length*

The extent to which an offender will need support can vary depending on how long their custodial sentence is. The majority of areas reported that the length of an offender's sentence will have an effect on their release and accommodation pathway.

Longer sentences make it harder for an offender to maintain the accommodation they held prior to their sentence, but may provide more opportunity to work with offenders to change behaviours.

*"[While in custody] is the best opportunity to work with [offenders]. They're out of chaos, they're stable, and some want to make a change. And with as many as you can... that's your opportunity." Local Housing Authority*

Particularly with longer sentences, circumstances can change and risk of homelessness may increase. It is essential that the accommodation status is monitored throughout an offenders' time in prison. Offenders may enter prison with the expectation to return to stay with family or friends', but this may change over time.

*"For longer sentences, [with] the [potentially high] likelihood of family ties breaking down, the likelihood of their having stable accommodation to go out to really decreases" Prison Service Provider*

### *Preparation for release*

Preparation for release should start as early as possible and is practical. One interviewee described holding monthly surgeries during which people due to be released shortly, are identified:

*"We hold surgeries once a month with [the transitions worker from a voluntary provider]... They identify those cases due to be released NFA [No Fixed Abode] and the worker will come in [to the prison] and start [the offender's] paper work prior to release and then we'll*

*send the official referral to the [housing team] worker. That's the only council that does that and I think that's a very good idea." Community Rehabilitation Company Prison and Community Housing and Welfare Manager*

However, interviewees identified the actual day of release as a critical intervention point, where small changes could potentially make a big difference to someone's housing outcome. This included better planning related to the time of their release to take into account the number of appointments they need to attend and being met at the gate.

### *Day of release*

Interviewees reported that due to the demands on offenders on their day of release e.g. contacting probation and collecting any necessary prescriptions, the process of accessing accommodation is not always the first priority. Therefore, it was recognised that where possible, Friday and late afternoon releases should be avoided, in order to maximise the time that offenders have on their day of release to address their accommodation needs. This will reduce the risk that offenders will have to wait over night or the weekend for Local Housing Authority offices to reopen. This was an issue that was identified throughout our interviews, for example:

*"There were structural barriers such as someone being released on a Friday and the local authority offices were closed" National Provider*

Suggestion 11: Protocols must acknowledge the various obligations on an offender on their day of release so that accommodation needs can fit in alongside these

Suggestion 12: Where possible Friday and late afternoon releases should be avoided to maximise the time that offenders have on their day of release to address their accommodation needs and to reduce the risk that offenders will have to wait over night or the weekend for local housing authority offices to reopen.

It was felt that running joint meetings, for example with the Local Housing Authority and probation together; or providing set appointments so there is less waiting around without knowing when they will be seen, helped avoid problems on day of release.

Suggestion 13: Run joint meetings on day of release, for example combining meetings with the local housing authority and probation.

Suggestion 14: Provide set appointment times for meetings with the local housing authority to minimise uncertainty and time spent waiting.

One or two case study areas reported informal arrangements to meet offenders at the gate upon release, but this was not widespread. In particular, where at-risk groups are concerned, it was thought that this would help to reduce people being met at the gate by '*undesirable influences*'.

*“The simplest thing like meeting someone at the gate can make a difference. We can take them to probation officers, other meetings.” Local Voluntary Provider*

This may be a particular issue for female offenders.

*“It is essential that they get support at the gate and getting that assistance to get to appointments is paramount. This can be particularly important for women who may have been in destructive relationships – they can be met by pimps or drug dealers.” National Provider*

Other practical suggestions highlight some key considerations for release. Ensuring the offender has the correct ID, bank account details, any other necessary documentation prepared ahead of release will help to streamline applications and meetings. This can be more challenging for the offenders with shorter sentences.

### **Exit: In the community following release from prison**

It is important to note that accommodation needs generally do not occur in isolation and appropriate support to address other needs (such as physical or mental health or substance misuse needs) must be considered too, and that the appropriate support should be in place upon entering and when they're released from prison.

*“Healthcare needs of the individuals must be included in the protocols” Community Public Health*

*“You need a reception and a resettlement protocol, which would include a subset in mental health and substance misuse treatments.” Local Provider*

*“We know a lot of people have got substance misuses issues, alcohol issues, problems that they may have maybe been taking some steps towards addressing whilst they've been in prison so I think we need to be ... and show them that this kind of whole pathway from prison to community is recovery friendly” Local Authority*

It was also acknowledged by some interviewees that offenders can face challenges, especially after long sentences, in maintaining accommodation. They may need support to learn skills such as paying bills and managing money.

*“They need to have budgeting skills, they need to have finance, they need to be in reasonable health, mental health so they can do what they need to do to keep their accommodation..... they need to be free from drugs and alcohol... need to have their friends and family” Prison Resettlement Team*

### **Making the Protocols Work**

In addition to clearly setting out who should be involved, when, and what activities should be undertaken in each stage of the offenders' pathways, is also imperative to consider what is needed to ensure all these things can happen, and continue to happen. Appropriate and secure information sharing as well as building in a review process is critical to this.

While important throughout the process, it's important that services work together. The protocol development may help make the informal and formal connections across agencies to facilitate this work.

### *Secure information sharing*

Information sharing was a key issue raised by many areas. In particular, areas reported difficulty sharing and receiving information across agencies, with specific barriers reported around sharing information about offenders' health and other known support needs into and out of prisons.

*"It's about sharing information of health with the teams [in prisons], as there's a perfect opportunity to work with them, but they're not aware of the issues. [The prison staff] might not be aware that they're known to adult social care when they go in, because there's no link between prison and the adult social care team" Local Provider*

Sharing relevant information about support needs with LHAs will help to ensure appropriate housing can be found and offenders will be supported. It also prevents offenders being asked the same questions repeatedly.

Suggestion 15: Hold multi-agency meetings to discuss offenders prior to their release

Interviewees were clear that information, for example those pertaining to safety risks, will need to be shared as these are related to particular restrictions on where they can be housed. However, it was also suggested that some actors often ask for more information than is strictly necessary. Reluctance to share this information can be a barrier to accessing housing.

*"We are quietly campaigning across LAs, Housing Associations and voluntary organisations to question why they ask for so much information about individuals. Small voluntary organisations and LAs ask for reams of information – often that we are not able to give them about the client and that is a barrier to them being housed. It is for their risk assessment process, but often legally we can't provide the information. The risk assessment needs to be appropriate to the referral. But they often won't take the referral if we don't provide this information." National Provider*

Suggestion 16: Establish data sharing agreements to ensure it is possible to share and hold (the relevant) information securely with all partners.

A common issue raised by areas was that not all actors hold secure emails, and a lack of a secure email address may create barriers or delays to securing accommodation for offenders. The recently implemented Data Protection Act 2018 requires strict data protection compliance, and secure email is one component. For example:

*"Having protocols in place where people understand where they fall into that. Simple things like we can only exchange information over secure email systems, and have to have '.gov', '.gsi', '.gcsn'. A lot of providers even at LA level don't realise that their*

*systems they may not be MOJ security compliant. Having protocols pushes these things to happen as well” Local Offender Management Provider (11)*

*“There are problems related to the transfer of information relating to a risk assessment. They want information sent through but they don’t have a secure email address.” Local Authority*

Suggestion 17: Ensure all partners, including third sector organisations working with offenders have secure emails, to improve information sharing.

### *The Review Process*

Integrating a review process into the protocols helps ensure it is kept up to date and its use promoted.

This could take the form of six-monthly or yearly meetings with the agencies involved which can flag where processes do not work as expected, and what changes might need to be made. These can be incorporated into already established review processes, for example in one local authority:

*“In the past we’ve built that into our work program for the year for those groups like a housing group with joint planning and policy board and that’s how we’ve kept them alive” Local Authority*

A review process will allow any learning that happens through the implementation of the protocol to be incorporated and ensure that the protocol remains appropriate as the systems in which they operate and the personnel that use them change.

Suggestion 18: Integrate a review process to allow any learning that happens through the implementation of the protocol to be incorporated.

Suggestion 19: This could be in the form of biannual meetings with the agencies involved in order to flag where processes do not work as expected, and what changes might need to be made.

## Conclusion

The research has shown that there is not one way to develop prison release protocols. However, there are important factors to consider during the development process – most critically who should be involved (and how), and reaching agreement on the remit and use of the protocols.

The content of the protocols can helpfully be structured in line with the offender journey i.e. pre-conviction/remand/entry into prison, duration of the prison stay, preparation for release and post release. It is important to consider what should happen at each stage and document who is responsible for doing what. Additionally, the research has identified

issues that should be considered at each stage, for example, the importance of maintaining existing properties upon entry into prison, the need to make services accessible to people despite the fact they are in prison, the need to take into account the numerous appointments people may need to attend upon release and how to make that process manageable and the importance of ensuring people subsequently have the appropriate support in the community.

Last but not least, the research has demonstrated the importance of focusing on making the protocols work and enabling them to continue to work. Secure information sharing, relationships and a robust review process is all part of this.

# Annex A: Case Studies

## **Cambridgeshire and Peterborough Case Study**

A group in Cambridgeshire and Peterborough, led by the Office of the Police and Crime Commissioner and the Cambridgeshire and Peterborough Trailblazer Project is currently reviewing and developing a new protocol. The group involves the local housing and social care teams, local prison, the Community Rehabilitation Company and second tier provider involved in the Through the Gate services - St Giles Trust, National Probation Service, DWP Job Centre Plus. The aim is to establish a consistent process that is agreed and signed up to by all the different relevant agencies – including, crucially, the local prisons and probation services.

The new protocol will include summaries of what each service provides. The group wish to be able to give anyone picking up and reading the protocol a basic background of what each service is and what they provide as well as a more specific list of services that each agency provides. Whilst recognising that this won't deal with a key issue of housing supply, it is hoped that enabling effective joint working will help them to make better use of existing resources. The group also want to help practitioners gain a better understanding of what being at risk of homelessness looks like. It is not just being released to 'no fixed abode', but in line with the Homelessness Reduction Act, risk of homelessness should also take into consideration how stable or appropriate accommodation upon release is likely to be.

To ensure the protocol is implemented appropriately and kept current, an action plan and outcome monitoring process will be put in place.

## **Charnwood Borough Council Case Study**

The Councils' Homelessness Strategy 2013-2018 identified the need to develop a Prison Pathway. As part of the development of this Pathway a working group of the Council and partners The Bridge, DLNR Community Rehabilitation Company, Falcon Support Services and Exaireo Trust was set up to produce a Protocol. The partners who were involved in the development of the Protocol deliver a number of specialist housing related advice, support, and assistance services and accommodation options to homeless and vulnerable people across the Borough.

The Protocol was developed as there had been a number of people leaving prison and presenting to the Council, giving them very little time to sort any accommodation other than a Bed and Breakfast. The Protocol provides a planned approach to avoid the challenge of rapidly finding accommodation for offenders.

The Protocol provides services to those being released into the Borough who are over the age of 18, Charnwood and Harborough are now working together to update the Protocol to meet the requirements of the Homelessness Reduction Act and for the Protocol to be implemented across the County as a lot of support services are shared across the region and all the Boroughs and Districts interact with the same prisons. The revised protocol, which is not fully signed off at this stage, is included in Annex B as an example.

## **Derby**

The protocols were developed across the four regions of Derbyshire, Leicestershire, Nottinghamshire and Rutland (DLNR), and instigated by the manager of the Community Rehabilitation Centre which operates across these four regions.

The Community Rehabilitation Company instigated the development of the protocols, partly inspired by the development of the protocols in Charnwood, Leicestershire. The Community Rehabilitation Company officers, which sit both within prisons and the community were finding that too many offenders were not accessing housing support pre-release, offenders were often presenting to local authorities on their day of release, this caused a lot of anxiety and was not conducive to resolving housing issues.

The protocol aimed to get local authorities to work more closely with the Community Rehabilitation Company, so as soon as the Community Rehabilitation Company could identify someone at risk of homelessness pre-release, there would be an opportunity to start work to prevent or resolve the risk.

At the time of the fieldwork, the Community Rehabilitation Company were having individual conversations with local authorities and having meetings with both city and district councils in order to facilitate the roll out of the protocol across the region. The main focus was on urban authorities, which was a pragmatic approach given the variance in people being released from prison into the 21 local authorities that are part of the regions. However, the aim was to get sign off across all local authorities, and to establish a process, that at minimum, would be standardised across the areas within which the Community Rehabilitation Company operates.



The local housing team suggested that while the protocol needs to be high level to fit across the four regions, their city council may develop an additional document to complement this protocol that can go into more detail about their LA context.

## **Kent**

The development of a protocol was originally initiated in 2013 by the Joint Policy and Planning Board for Housing.

The protocol was updated in 2018 in order to ensure it appropriately reflected the changed landscape – particularly the introduction of the Community Rehabilitation Companies and the Homelessness Reduction Act – and incorporated up to date contacts.

The Kent Housing Group which is made up of 30 housing associations and Kent's 12 districts, instigated the update, which also involved Kent Probation, the Community Rehabilitation Company and, one (Sheppey) prison – female prisoners from a nearby open prisoners on a voluntary work placement with the LHA were also involved, *“providing a reality check”*.

The protocol's remit is defined by county boundaries rather than covering specific prisons

*“The protocol is to cover all of Kent district councils and we work with our local prisons but [we realise] that people get placed all over the country... Similarly the prisons in Kent are not only for people in Kent, so [the protocols are] just meant to be there to work with anyone that's working within that environment.”*

## **Southwark Case Study**

The protocols were developed from the Trailblazer funding Southwark Borough Council received as an early adopter of the Homelessness Reduction Act.

The development of the protocols was led by the Housing Solutions team, and prison, probation and DePaul were involved. Liaising with, and embedding the protocol within prisons, and getting access to offenders prior to their release, has been challenging and is seen as an area to improve. In addition, attempts to engage people with lived experience of prison to help develop protocols were not successful.

It is envisioned that the protocol should be used by prison service, probation, the local housing authority, and the commissioned providers St Mungos and DePaul on a daily basis.

The protocol was implemented in January 2017, and it's felt that it has helped improve partnership working. It was introduced in a forum involving 50 agencies, where the council discussed what each organisation can do if someone is at risk of homelessness, or has 'slipped through the net', and the process detailed in the document.

Southwark attempted to roll out the protocol across south east London partnership, but found other council's did not have the resources to expand it.



# Annex B: Example Protocols

## **Homeless Prison Release Protocol for Leicestershire**

**DRAFT**

March 2019

## **1. Scope**

According to the Homelessness Code of Guidance for Local Authorities, People with an offending history are over represented amongst single people who are homeless and sleep rough, and a lack of accommodation is likely to have a negative impact on prospects for successful resettlement and rehabilitation. Female offenders often have complex needs which affect their access to suitable and sustainable accommodation on release from custody.

Housing Authorities are required to work with prisons, probation services, community rehabilitation companies and youth offending services to prevent individuals leaving custody from becoming homeless.

The duty to refer introduced through the 2017 Homelessness Reduction Act provides an impetus to develop effective referral arrangements and accommodation pathways that involve all relevant agencies to provide appropriate jointly planned help and support to prevent homelessness.

Some service users, who are threatened with homelessness or are homeless, such as prisoners, may come into contact with a range of different public authorities. While it is clearly desirable to minimise duplication, the priority should be to ensure that service users are being referred so they can receive the right support at an early stage from local housing authorities.

## **2. Purpose**

By creating this protocol, it should create a smooth and effective process for the Local Authorities and offender management services to work together and prevent homelessness, as well as preventing repeat homelessness in the future.

The Local Authorities should work with these services, as well as supporting agencies and voluntary sector organisations, to ensure their clients access suitable accommodation.

## **3. Key Partners**

- 1) Leicestershire's 7 Housing District and Boroughs:
  - I. Blaby District Council
  - II. North West Leicestershire District Council
  - III. Charnwood Borough Council
  - IV. Melton Borough Council
  - V. Oadby and Wigston Borough Council
  - VI. Harborough District Council
  - VII. Hinckley and Bosworth Borough Council
- 2) Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company (DLNR)
- 3) National Probation Service Midlands (NPS)

## **4. Partner Responsibilities within the Protocol**

Prisons, young applicant institutes, secure training centres, secure colleges, youth offending teams and probation services (including community rehabilitation companies) have a duty to refer anyone over the age of 18 who is homeless or at risk of becoming homeless within the next 56 days under section 213B of the Housing Act 1996 as amended by the Homeless Reduction Act 2017.

The referring agency must gain the consent of the applicant to make the referral. It is the referrer's responsibility to ensure that the information contained within the referral is accurate and includes the minimum information required by law.

All named organisations will commit to sharing all relevant information to assist in preventing homelessness. The Local Authority must take reasonable steps to prevent and relieve an eligible applicant's homelessness.

### **4.1 Offenders who are currently in custody: Prevention Duty**

While in custody an offender's housing situation is assessed and, if they have suitable accommodation to return to upon release, necessary support can be provided to ensure that the accommodation remains available during the custodial sentence.

Where the offender does not have accommodation to return to after release a referral should be made to the Local Authority in line with the Duty to Refer.

If the resettlement team completes a housing action plan or support plan and risk assessment, these documents should be shared as part of the referral where appropriate. A referral shall be made within 56 days of release date to the local authority that the offender (hereby referred to as the applicant) chooses. However, when discussing the referral and offering guidance to the applicant, it is important to be aware that local housing authorities owe more duties towards homeless applicants (at the relief stage) who have a local connection with their area.

In general, an applicant 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, an applicant should not be referred to an area where they would be at risk of violence.

For individuals leaving prison without any settled accommodation the responsibility for sharing information and communicating updates will pass from the prison resettlement team to the community based Housing and Welfare team for CRC supervised offenders, to the designated applicant manager for NPS supervised offenders.

The Local Authority shall establish a Personal Housing Plan (PHP) to be agreed with the applicant to help prevent homelessness at the end of the custodial sentence. This is likely to include reasonable steps for both the referring agency and the Local Authority, which highlights the need for timely information sharing.

If there are other support services available, a referral can be made to them by either the housing authority or the offending services, to ensure that the applicant receives all suitable support to gain accommodation on their release.

#### **4.2 Offenders who have been released from custody: Relief Duty**

When the applicant becomes homeless following a custodial sentence the Local Authority and the applicant will have joint responsibilities outlined in the agreed Personal Housing Plan (PHP). The Local Authority is obliged to take reasonable steps to help the applicant secure suitable accommodation. This obligation will continue for 56 days from the date of homelessness unless the duty is brought to an end before this time.

If the Local Authority in receipt of the Duty to Refer referral considers that the conditions are met for referral to another housing authority in England (not Scotland or Wales) they have the discretion to notify that housing authority of their opinion under section 198(A1) of the Act.

At the point of the applicant becoming homeless from custody the Local Authority shall consider if there is a need to provide interim temporary accommodation. This highlights the importance of providing notice to the authority before the date that the applicant is released from custody.

#### **5. Criteria For Referral**

Certain requirements must be fulfilled in order for a referral to be made:

- The applicant must be homeless currently, or at risk of becoming homeless within the next 56 days (they will have no fixed abode upon release from prison);
- The applicant must have given consent to the referral;
- The applicant must have identified the local authority in England which they would like the notification to be made to;
- The applicant must be 18 years of age or over.

The applicant has a right within the Act to choose where a section 213B referral is made. If an applicant is referred to an authority where they have no local connection, but they meet the conditions for referral to an area where they do have a local connection, then a section 198 referral shall be completed at the time of relief. However, the onus is on the referring authority to provide interim accommodation if necessary.

Information should be shared countywide within Leicestershire to ensure that prompt response to referrals is completed.

The referring body should offer the applicant practical advice on local connection to reduce the need for this additional step where possible and avoid time being wasted unnecessarily for the applicant.

#### **6. Referral Process**

See Appendix 1 for a flowchart outlining the applicant's journey.

The referral agency will complete the Duty to Refer (section 213B) process as specified by each local authority (see Appendix 2).

The referral should provide as much detail as possible, information may include:

- When they are going to become homeless;
- Risk assessment information, considering risks to the individual and to others;
- The housing support plan;
- Key medical information, where relevant; □ Any other pertinent information known.

It is the referring agency's responsibility to get consent to share any personal or sensitive information.

In case of emergency, where early notification has not been possible, for example due to an unexpected release, the referring body has a duty to notify the Housing Options team at the earliest opportunity. This would consist of the usual section 213 referral followed up with a telephone call to alert the housing team of the situation.

## **7. Applicant Consent**

The referring agency must obtain consent for the referral to be made from the applicant. When an applicant refuses permission (under section 213B) and if they state that they do not wish to receive any help from the local authority it is recommended that the referring agency notify the local authority (in the public interest and in the interest of the individual) that the applicant is to be released with no fixed abode and may present as homeless in the future.

## **8. Recalls to Custody**

With regard to cases within the relief period, where the offender has left prison and is now being supervised, there are instances where they may be recalled to custody.

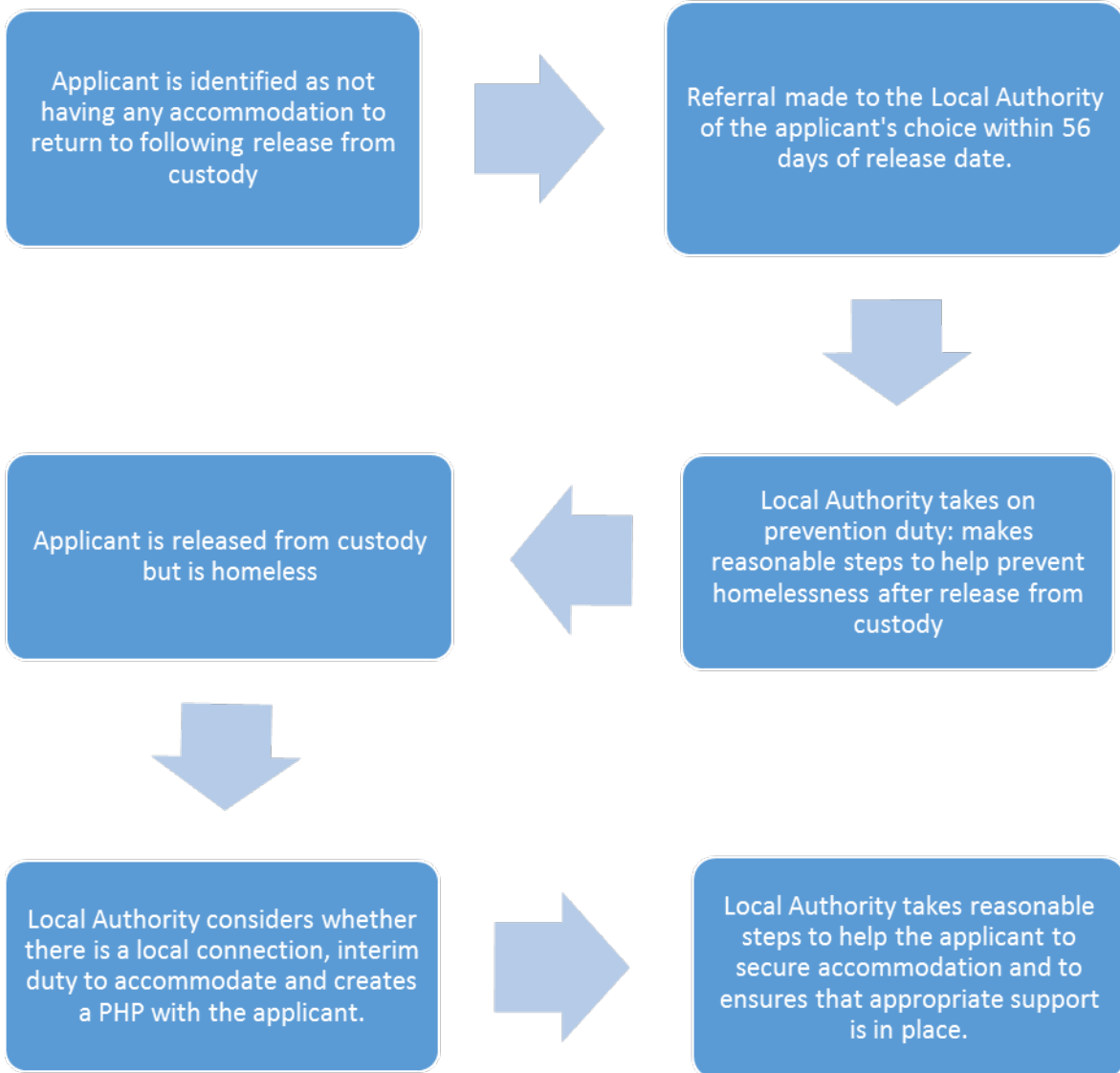
For standard recalls to custody the Offender Manager should notify the Local Authority of the recall. The Local Authority will then make relevant records and place the case on hold until notified of release.

In these cases, it is important the communication is kept open between the two agencies. In the event that the recall is expected to be for more than 3 months, the Offender Manager should make this clear to the Local Authority and include new address details. The case will be closed, and the process would re-start when a future referral is made. The applicant will be advised by formal written notification from the Local Authority.

## **9. Review**

This Protocol will be reviewed annually, in line with changes to legislation and relevant guidance. Smaller aspects within the protocol such as changes in key contacts will be managed between stakeholders.

**Appendix 1:**





## Appendix 2: The Section 213B Referral

Each Local Authority has its own preferred referral method as outlined here:

- Blaby District Council –  
Email: [dutytorefer@blaby.gcsx.gov.uk.cjcm.net](mailto:dutytorefer@blaby.gcsx.gov.uk.cjcm.net)  
[live.housingjigsaw.co.uk/alert/duty-to-refer](http://live.housingjigsaw.co.uk/alert/duty-to-refer)
- Charnwood Borough Council - 01509 634 567 Email: [dutytorefer@charnwood.gov.uk](mailto:dutytorefer@charnwood.gov.uk)  
[www.charnwood.gov.uk/pages/homelessness](http://www.charnwood.gov.uk/pages/homelessness)
- Harborough District Council – 01858 821 019 Email: [dutytorefer@harborough.gov.uk](mailto:dutytorefer@harborough.gov.uk)  
[www.harboroughhomes.org/homelessness](http://www.harboroughhomes.org/homelessness)
- Hinckley and Bosworth Borough Council - 01455 238 141
- North West Leicestershire District Council - 0800 952 0079  
[www.nwleics.gov.uk/pages/homelessreferrals](http://www.nwleics.gov.uk/pages/homelessreferrals)
- Oadby & Wigston Borough Council - 0116 288 8961 [www.oadby-wigston.gov.uk/pages/homelessness\\_duty\\_to\\_refer](http://www.oadby-wigston.gov.uk/pages/homelessness_duty_to_refer)
- Melton Borough Council - 01164 502 502  
Email: [dutytorefer@melton.gov.uk](mailto:dutytorefer@melton.gov.uk)

**Signatories:**

**Hinckley and Bosworth Borough Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Charnwood Borough Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Oadby and Wigston Borough Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Blaby District Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Harborough District Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**North West Leicestershire District Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Melton Borough Council**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company (DLNR)**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

**National Probation Service Midlands (NPS)**

|          |           |
|----------|-----------|
| Name     | Signature |
| Position | Date      |

### **CRIMINAL JUSTICE SYSTEM SERVICE USER HOUSING PATHWAY**

**Note: The term service user in this document refers only to those service users of the Criminal Justice System (CJS)**

#### **1. Introduction**

The availability of good quality accommodation and related support services for offenders is vital. Criminal Justice System service users who are unable to access appropriate accommodation and support and rehabilitation are more likely to re-offend. A failure to provide the appropriate accommodation and support for high risk of harm offenders can also present significant public safety issues within the community.

KSS Community Rehabilitation Company commission a housing brokerage service delivered by NACRO in Kent who will offer a range of options including tenancy ready training, accessing relevant documentation, referral to supported housing, identifying independent accommodation.

#### **2. Purpose of this document:**

This can be summarised as follows, to:

- improve the information about housing and housing options available to offenders
- improve communication between the partner agencies
- improve awareness and understanding of the housing and related support needs of offenders amongst partner agency staff

#### **3. The main objective of this document is:**

- To enable offenders to access appropriate accommodation and related support, both on release from custody, and whilst serving non-custodial Community and Suspended Sentence Orders
- To require that close linkage and collaboration is made between relevant agencies e.g. the partner agencies to this document
- To enable a greater chance of preventing and thereby reducing re-offending within our communities, and enhancing public safety, by adopting the co-ordinated approach to improving access to settled accommodation for this client group outlined in this pathway. At the same time the pathway importantly enables accommodation expectations to be realistically managed

#### **4. The Homelessness Reduction Act 2017**

4.1 The Homelessness Reduction Act came into force in April 2018. The Act modifies and extends existing homelessness protection in a number of key ways such as:

4.2 The period during which a local housing authority (LHA) should treat someone as threatened with homelessness is extended from 28 to 56 days. This increases the chances of that early help being successful. If someone is homeless or threatened with homelessness there is a duty to provide real help – ‘the reasonable steps’ – real help that is ‘blind’ to whether they are or may be owed a main duty.

4.3 The right to real help must be set out in a personal plan that has been developed to reflect that applicant’s needs and circumstances and a family or individual can only be intentionally homeless if the duty to help them find somewhere to live fails. The extra rights are balanced by understanding that although the response to homelessness would be served best by long term social housing this is not realistic given the housing pressures therefore any suitable accommodation secured of any tenure, with a reasonable prospect of being available for 6 months or more, ends the Council’s duties.

4.4 There is also the provision for the LHA to serve a notice on the applicant where it is considered they have deliberately and unreasonably refused to cooperate with the authority to help prevent their homelessness.

## **5. Duty to refer**

5.1 The duty to refer will commence from October 2018. This new duty applies to all public authorities specified in the regulations to refer cases to the LHA if they consider that a person in England, to whom they exercise functions, may be homeless or is at risk of homelessness. If a named public authority is dealing with a person who may be homeless or at risk of homelessness they must seek their consent to refer the case to an authority of the person’s choice. Housing authorities are responsible for setting up local procedures for managing referrals and it is recommended that housing authorities set up a single point of contact which public authorities can use for submitting referrals.

## **6. Service users of the CJS**

6.1 A service user can be considered to be threatened with homelessness if due to be discharged from custody within 56 days and will have nowhere to live, but will only be considered by a Local Authority to be in ‘priority need’ in very particular circumstances. Essentially, the Local Authority will consider whether he/she should be considered ‘vulnerable’. This has a particular meaning for homelessness applications and is not the same as being considered ‘vulnerable’ whilst in custody. In addition, if the Local Housing Authority (LHA) is satisfied the applicant is eligible and homeless, LHAs can discharge their homeless duty via access to the private rented sector, although the accommodation offered still has to be suitable and for a minimum 6 month period.

6.2 To deliver maximum effectiveness the pathway is designed to ensure appropriate action is taken at each of the stages of the sentencing process:

- prior to sentence
- on reception in custody
- during custody
- on release from custody - under Licence Conditions
- serving sentences in the community (Community and Suspended Sentence Orders)

6.3 Each of the following distinct categories of service users is included:

- short-term prisoners - serving custodial sentences of less than 12 months – released with licence and post sentence supervision
- long-term prisoners -serving custodial sentences of more than 12 months, released under Licence Conditions
- long-term prisoners completing their full term in custody, so not released under Licence Conditions
- life sentence prisoners including those service indeterminate sentences for public protection
- service users sentenced to non-custodial Community and Suspended Sentence Orders.

#### **7. At Pre-Sentencing Stage: Lead National Probation Service**

- Assess current accommodation status
- Encourage nomination of an appropriate family member/friend to look after service user's interests, including any property and possessions and particularly ID documents in the event of a custodial sentence or being remanded in custody

#### **8. On Reception or Recall To Custody: Lead Community Rehabilitation Company /Through The Gate Team**

8.1 This stage will require an on-going assessment of accommodation need and associated risks. The amount of contact and support provided will be largely determined by the needs of the client and the extent and complexity of accommodation need. This support to include any on-going activity required regarding tenancy closure or protection.

- Assess current accommodation status
- Encourage nomination of an appropriate family member/friend to look after service user's interests, including any property and possessions and particularly ID documents in the event of a custodial sentence or being remanded in custody
- This may involve giving written permission for a family member or friend or a support agency to contact Department of Work and Pensions (DWP) on their behalf to establish which benefits will continue and to avoid overpayments
- In particular, provide assistance to sort out the service user's housing costs which may be paid for up to 13 weeks whilst someone is in prison and who has received a sentence of 13 weeks or less.
- Commence action to secure or replace identity documents

- Ascertain whether current landlord is able to provide alternative accommodation on release from custody
- Who to nominate to contact landlord to maintain accommodation and protect possessions or to assist with termination of lease (NB Landlords will usually continue to charge rent until all possessions are removed and keys returned with vacant possession)

### **9. Pre-Release: Lead Community Rehabilitation Company/Through the Gate Team and NACRO**

- Confirm that any previous accommodation, possessions and interests in any existing property have been satisfactorily dealt with
- Ensure that future housing needs are fully assessed and that the service user considers all potential housing options, including those provided by supported accommodation providers. If likely to be homeless upon release, this process should be started approximately 12 weeks beforehand in line with resettlement planning by the Through the Gate team
- Preference is for a provider to interview the service user whilst still in custody dependent on available resources
- As release date approaches, ensure that, if appropriate, the service user completes a housing register application form for the relevant local housing authority and send with appropriate risk assessment and any other relevant supporting documentation and date of release from custody
- If to be released on licence, copy of licence conditions must be supplied to local housing authority
- If the service user is likely to be homeless upon release, ensure that the relevant local housing authority's housing options team is made aware of the release date. Contact should be made at least 56 days prior to release and should include risk assessments and any other relevant documentation (NB - this Application may not be activated until a release date is notified\*\*)
- Ensure that all necessary ID documentation is available as required for applying for housing and relevant welfare benefits.
- Support the service user with completing the actions set out by the LHA within the service user's Personalised Housing Plan
- Refer into Supported Accommodation and floating support if appropriate as soon as possible as emergency assistance may not be given by the local housing authority upon release

\*\*Note: If the service user is bidding for a property under Choice Based Lettings (Kent Homechoice), he/she must be in a position to view the property and take up the tenancy as soon as bid is successful. [Kent Homechoice](#)

### **10. On Release From Custody Under Supervision: National Probation Service Offender Manager/ Community Rehabilitation Company Responsible Officer**

- Continue to address accommodation need and seek to ensure that appropriate accommodation and/or accommodation-related support is available
- Support the service user with completing the actions set out by the LHA within the service user's Personalised Housing Plan
- Where independent accommodation is available refer into Floating Support if appropriate as soon as possible. [Floating Support Referral Form](#)

10.1 If no accommodation is secured after all of the above procedures have been exhausted, or because of unexpected early release, or because there is no suitable accommodation and there is no priority need then:

- Signpost service user to organisations who may have direct access hostels in the region
- Provide advice and information regarding local authority housing application as appropriate / direct to local housing authority for housing advice and assistance
- A copy of the service user's licence conditions must be provided to the local housing authority with the housing application form
- Refer / signpost to other appropriate agencies
- Refer into Supported Accommodation where appropriate
- Where released into Supported Accommodation - continue to closely liaise with accommodation provider

10.2 Where a service user may be in need of community care services on release from custody the Department of Health Guidance for Ordinary Residence April 2010 paragraphs 107- 111 - [Department of Health Guidance for Ordinary Residence](#)

should be considered. <sup>i</sup> The presumption should be that they remain ordinary resident in the area in which they were immediately before the start of their sentence. This may not always be practical for a number of reasons e.g. they may not be able to return to that area, may be restricted from returning, the length of their sentence may mean all ties have been broken, or they may have been of no fixed abode prior to sentence, so each case will be considered on its individual merit.

10.3 The duty to assess extends to people who are about to be in need of services in a local authority area it is therefore reasonable for Kent to assess the prisoner if s/he has expressed a wish to reside in Kent on release. The assessment will assist in determining ordinary residence if this is not already clear.

## **11. Serving Sentences In The Community (Community And Suspended Sentence Orders): National Probation Service Offender Manager/ Community Rehabilitation Company Responsible Officer**

- Address accommodation need and seek to ensure that appropriate accommodation and/or accommodation-related support is available
- Where independent accommodation is available refer into Floating Support if appropriate

- Provide advice and information regarding a local housing authority housing application as appropriate/direct to local housing authority.
- Support the service user with completing the actions set out by the LHA within the service user's Personalised Housing Plan
- Refer / signpost to other appropriate agencies and support services as appropriate for help with debt, housing benefit, substance misuse and health needs
- Refer into Supported Accommodation where appropriate
- Assist in obtaining or replacing required ID documentation as required
- Facilitate contact with family members and friends regarding accommodation as appropriate.

## **12. Service Users with Children**

12.1 Particular consideration needs to be given to homeless service users with children and related family issues regarding parental responsibility. The majority of such cases apply to women, and in such cases the impact of homelessness has a wider social impact. Although 70% of women entering prison in the year to December 2016 were serving six months or less,<sup>ii</sup> this nevertheless tends to have a huge impact on dependent children. Preventing housing loss prior to and during custody, and providing support in finding housing prior to discharge, are crucial elements in sustaining families.

12.2 During custodial sentences, for both male service users who may be single parents, but more typically for women, family members or friends may need to care for their children, sometimes with involvement from Specialist Children's Services, with some children placed in foster care. Without provision of appropriate accommodation following a custodial sentence the children will be unable to return to their parent. Ongoing liaison will be required with the allocated social worker in these instances.

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<sup>i</sup> National Guidance on Ordinary Residence was introduced by the Department of Health on 19 April 2010, updated in April 2013 and again in October 2013. The guidance applies to Social Services and sets out how to identify which Local Authority is responsible for funding/provision of care for people aged 18 and over who are assessed as needing care and support services. The duty to provide social care services rests with the local authority in whose area the person is "ordinarily resident". It is therefore important to establish where an individual is ordinarily resident.

<sup>ii</sup> Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice