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Homelessness prevention and meeting housing need
for (ex)offenders
A guide to practice

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The findings and recommendations in this report are those of the authors and do not necessarily represent the views of the Department for Communities and Local Government.

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National Centre for Social Research (NatCen), Centre for Housing Policy (University of York) and Nacro

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Section 1

Introduction

This guide to practice in homelessness prevention and meeting housing need for (ex) offenders was commissioned by Communities and Local Government and overseen by a steering group including representatives from the Ministry of Justice (MoJ), Home Office and Youth Justice Board (YJB). It is based on research undertaken by the National Centre for Social Research (NatCen) in collaboration with Nacro and the Centre for Housing Policy (University of York). The guide is intended to help local authorities and their local partners address the housing needs and prevent homelessness of (ex)offenders.

This guide should be read alongside the *Homelessness Code of Guidance for Local Authorities* (Communities and Local Government, 2006a) issued by the Secretaries of State, which local authorities must have regard to by law when exercising their homelessness functions, and *Homelessness Prevention: A Guide to Good Practice* (Communities and Local Government, 2006b) which provides non-statutory, good practice guidance for preventing homelessness through a range of activities commonly operated by local authorities. Also of relevance to this guide is non-statutory guidance published by Communities and Local Government and the Department for Children, Schools and Families (DCSF), *Joint working between Housing and Children's Services: Preventing homelessness and tackling its effects on children and young people* (Communities and Local Government & DCSF, 2008). This includes specific guidance on joint working to prevent and tackle homelessness for 16 and 17 year olds and young people leaving care.

This guide is intended to complement existing guidance by providing further detail on promising practice relating to assistance for (ex)offenders.

This introductory chapter provides:

- a brief overview of the policy **context** for the research
- a description of the research **methodology**
- an outline of the **structure of the guide**

1.1 Context

The homelessness legislation (Part 7 of the Housing Act 1996) places a range of duties and powers on local authorities to assist people who are homeless or likely to become homeless within 28 days. For example, local authorities have a duty to secure accommodation for households who are eligible for assistance, homeless through no fault of their own and

have a priority need for accommodation. The priority need categories set out in the 1996 Act (and extended by Order in 2002) include:

- a person with whom dependent children reside or might reasonably be expected to reside
- a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989
- a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18
- a person who is vulnerable as a result of having served a custodial sentence, having been committed for contempt of court or having been remanded in custody
- a person who is vulnerable as a result of old age, mental illness or handicap or other special reason.

With regard to vulnerability, paragraph 10.13 of the *Homelessness Code of Guidance* (Communities and Local Government, 2006a) states that 'it is a matter of judgement whether the applicant's circumstances make him or her vulnerable'. The key test of vulnerability is set out in the case of *R v Camden LBC ex parte Pereira [1998] 30 HLR 317* as follows: 'Whether the applicant when homeless is less likely to fend for himself than an ordinary homeless person so that injury or detriment to him will result when a less vulnerable person would be able to cope without harmful effect.' Where a local authority finds an applicant eligible, homeless but not in priority need, the authority must ensure that the applicant receives advice and assistance to help the applicant find accommodation for him or herself.

Under the *Homelessness Act 2002*, housing authorities must also have a strategy for preventing homelessness and ensuring that accommodation and support will be available for people in their district who are homeless or at risk of homelessness. These strategies must be based on a review of homelessness in the district. One effect of the 2002 Act is that both the statutory and voluntary sectors are now directing more resources into the prevention of homelessness and repeat homelessness rather than focusing mainly on crisis intervention. *Homes for the future: more affordable, more sustainable* (Communities and Local Government, 2007) also calls on local authorities to play a stronger role in addressing the housing needs of all residents¹. As part of this, authorities are expected to assess and plan for the current and future housing needs of all local people, including vulnerable groups such as (ex)offenders.

¹ The statutory guidance, *Creating Strong, Safe and Prosperous Communities*, published by HM Government on 9 July 2008, reaffirms that, where possible, housing strategies and homelessness strategies should be incorporated within Sustainable Community Strategies, whilst allowing local authorities discretion about how this should be achieved.

At a national level, the Socially Excluded Adults Public Service Agreement (PSA 16) and the Make Communities Safer Public Service Agreement (PSA 23) set out the Government's commitment to increase the proportion of socially excluded adults in settled accommodation and education, training and employment, and to reduce re-offending. The indicators for these PSAs form part of the single set of 196 national indicators (NIs). At a local level, Local Area Agreements (LAAs) set out the priorities for a local area agreed between central government and a local area, drawn from the single set of national indicators according to local needs and priorities. Addressing the accommodation needs of offenders is likely to help delivery of a range of these local agendas including preventing homelessness, reducing re-offending and improving community safety, and thereby help delivery of a range of national indicators, including:

NI18 – adult re-offending rates for those under probation supervision

NI19 – rate of proven re-offending by young offenders

NI 30 – re-offending rate of prolific and priority offenders

NI 38 – drug related (class A) offending rate

NI 40 – drug users in effective treatment

NI46 – young offenders access to suitable accommodation

NI 141 – number of vulnerable people achieving independent living

NI 142 – number of vulnerable people who are supported to maintain independent living

NI 143 – offenders under probation supervision living in settled and suitable accommodation at the end of their order or licence

Addressing the housing needs of offenders are also important parts of the National Offender Management Service (NOMS) *National Reducing Re-offending Delivery Plan* (NOMS, 2005), the *Five Year Strategy for Protecting the Public and Reducing Re-offending* (Home Office, 2006) and the Youth Justice Board (YJB) strategy to prevent homelessness among young people who have offended and to improve access to suitable accommodation (YJB, 2006). These strategies emphasise the importance of settled housing in contributing to reducing re-offending.

The prison service and probation service both have targets in respect of helping offenders into accommodation. NOMS (2008) sets out the following targets for the prison and probation services in 2008-09:

- 90 per cent of sentenced prisoners and those on remand in local prisons have an initial housing assessment, undertaken within four days of reception
- 80 per cent of offenders move into settled accommodation on release from custody
- 70 per cent of offenders at the end of their order/licence have an OASys assessment which shows them living in settled and suitable accommodation.

Specifically in relation to young offenders, the *Youth Crime Action Plan* (Home Office, 2008), which sets out the Government's plans to further tackle youth crime, includes commitments to improve resettlement through policies to:

- reinforce the role of Children's Services in overseeing resettlement provision
- develop a more comprehensive package of support for young people leaving custody
- ensure suitable accommodation for all young offenders leaving custody.

A range of reports and policy documents remark on the importance of effective multi-agency and partnership working in meeting the resettlement needs of (ex)offenders in the community (LGA, 2005; ODPM & Home Office, 2001; Stephenson, 2006). For example, the Local Government Association (LGA, 2005) report *Going Straight: Reducing re-offending in local communities* states that criminal justice agencies alone are not able to provide or guarantee effective resettlement for (ex)offenders and stresses the need for criminal justice agencies, local authorities and other housing providers to work effectively together to help (ex)offenders access and sustain accommodation. The role of the local authority is important in encouraging, coordinating and contributing to joint working with the probation service, the prison service, YOTs, and other local partners in providing a joined up multi-agency service (Alexander, 2000; Lewis et al, 2003).

The purpose of this guide is to provide clear and replicable examples of partnership working that are effective in preventing homelessness and meeting housing need for (ex) offenders and helping to reduce re-offending. This guide is not, however, exhaustive, and details of other relevant resources and guides to practice are provided in chapter 5.

1.2 Methodology

The programme of research undertaken to inform the development of this guide to practice involved three distinct phases:

- a literature review to map existing evidence on meeting the housing and related support needs of (ex)offenders
- case study research involving a range of multi-agency projects or initiatives aimed at homelessness prevention and meeting housing need for (ex)offenders
- strategic workshops bringing together housing and criminal justice practitioners to consider the research findings and assist the research team in prioritising and refining the key messages.

A total of 10 initiatives were included in the case study research. Figure 1 below provides a profile of the case study initiatives by their involvement at different stages in the criminal justice or housing process. Further details of the methodology for each phase of the research, and copies of research instruments used, are provided in the appendices (A to C).

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Figure 1: Profile of case studies by involvement at stages in the criminal justice/housing process

Case study	Pre-sentence	In custody	Following release	Move on
Yorkshire and Humberside Bail Support Scheme				
Erimus Housing (Middlesbrough)/Housing and Returning Prisoners Protocol (HARP)				
Newcastle Young Offenders Housing and Resettlement Protocol (YoHARP)				
Wiltshire Accommodation Support Scheme for Young People				
Housing Support and Advice Service in HMP Doncaster				
P3 Link Worker and Supported Housing Scheme (Derbyshire)				
Pyramid Project (DePaul Trust in the North East)				
Re-Unite (London)				
Avon and Somerset MAPP Dangerous Offenders Housing Protocol				
Stockport Floating Support Service For (Ex)offenders (Manchester Tenancy Support)				

* From short-term (eg supported housing) to longer-term independent settled accommodation

Caveats to findings

There are a number of caveats which should be taken into account when considering the findings presented. First and foremost, due to the lack of robust outcome evaluations in this area, this guide necessarily relies on literature and case study information which appear to provide consistent information that indicates what *might* be relevant to preventing homelessness and addressing housing need for (ex)offenders.

Limitations associated with the literature review conducted for this guide include the following:

- most of the material reviewed that contained information about projects or services were articles in practitioner publications; these were mainly descriptive and provided very little detail about the interventions
- although research reports tended to provide more detail about interventions and processes, they generally lacked depth and tended to focus on the problems experienced by (ex)offenders rather than on practical examples of interventions and outcomes
- the remaining documents included protocols, good practice guides and various strategy and policy documents and it was not always clear to what extent these were evidence-based
- the information sourced tended to describe the work of a single agency, rather than a multi-agency approach, although the importance of effective multi-agency working was stressed in protocols, good practice guides and strategy and policy documents
- evidence concerning outcomes was limited: often only basic details of accommodation status following an intervention were recorded, and it was usually unclear what type of accommodation the individual had been helped to access and indeed whether they actually moved into the accommodation
- there was also a dearth of longitudinal research to measure outcomes
- evidence from the literature mainly relates to custody-based initiatives for homelessness prevention and meeting housing need because of a paucity of information in relation to community-based interventions.

With regard to the case study initiatives, although some had been evaluated (or were under evaluation at the time of fieldwork), such evaluations were usually short-term in scope, and therefore unable to provide evidence of long-term outcomes. Also, due to financial constraints, such evaluations were also often limited in their ability to provide robust measures of outcome (for example tracking clients to assess impacts of initiatives on offending behaviour). Where outcome data were available, information on outcomes is provided.

1.3 Structure of the guide

Through the literature review and case study research, three key activities have been identified which appear to constitute promising practice in relation to preventing homelessness and meeting housing need for (ex)offenders. These activities are:

- partnership working to increase capacity and diversity in housing provision for (ex)offenders
- multi-agency approaches to early assessment and planning
- the provision of comprehensive and continuing support.

The following chapters (2 to 4) discuss each of these activities in turn, presenting suggestions for practice based on evidence from the literature and case study research.

Finally, chapter 5 provides details of useful additional resources which can be accessed by practitioners and others involved in preventing homelessness and meeting housing need for (ex)offenders.

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Section 2

Partnership working to increase capacity and diversity in housing provision for (ex)offenders

A core element of practice to emerge from the literature review and case study research as being potentially promising in homelessness prevention and meeting housing need for (ex)offenders was partnership working to increase capacity and diversity in the housing options accessible to (ex)offenders. This chapter presents evidence from the literature review and case study research which highlights the importance of the development of strong links at a local level between criminal justice agencies, other agencies working with (ex)offenders (and people involved in the criminal justice system) and housing providers in order to increase capacity and diversity in housing provision for (ex)offenders.

2.1 Challenges and solutions: evidence from the literature

There is a considerable body of evidence that describes the challenges (ex)offenders face in accessing settled accommodation (eg Allender et al, 2005; CAB, 2007; Delamaide, 2006; James et al, 2004; Maguire et al, 2007; Rowlingson et al, 1997; Stothart, 2005). The literature sets out a range of structural, procedural, financial and attitudinal barriers to meeting housing need for (ex)offenders, including:

- a shortage of accommodation per se, with demand for social housing outweighing supply
- (ex)offenders not meeting the criteria to be owed the main duty under the homelessness legislation (for example, found not to be in priority need², or found to be intentionally homeless³)
- difficulties accessing private rented sector accommodation because of cost (for example, higher rents, requirement for rent deposits and rent in advance, inadequacy of the discharge grant and delays in receiving benefits for offenders released from prison, single room rents for under-25s)

² As outlined in chapter 1, the 'priority need' groups specified in the homelessness legislation include people vulnerable as a result of a custodial sentence. The local authority has to make a judgement and often those released from prison are found not to be vulnerable (James et al, 2004).

³ Where someone is found 'intentionally homeless' it means the local authority has determined that the person became homeless as a consequence of a deliberate act or omission on his or her part (which was not made in good faith in ignorance of a relevant fact). The duty owed to someone who is eligible for assistance, in priority need but intentionally homeless, is limited to securing accommodation for long enough to give the applicant a reasonable opportunity to secure accommodation for him or herself and ensuring he or she is provided with advice and assistance. (If such a person had been found unintentionally homeless, the duty would have been to ensure they had suitable accommodation until a settled home became available). The courts have held that where homelessness could reasonably have been foreseen to be the likely result of committing an offence, the local authority can take this into account when deciding whether an applicant is intentionally homeless. However, each case must be considered on its own merits.

- social and private landlords' perceptions of (ex)offenders as risky or undesirable tenants
- sometimes limited accommodation options for (ex)offenders with complex needs.

Overcoming these barriers requires the building of links between criminal justice agencies, other agencies working with (ex)offenders and housing providers from the social, voluntary and private sectors at a local level in order to increase capacity and diversity in the housing options accessible to (ex)offenders.

The NOMS *Reducing Re-offending Housing and Housing Support Resource Pack* (NOMS, 2008) emphasises that improving housing outcomes for offenders (with associated benefits in terms of reducing re-offending and enhancing public protection) can be achieved through the development of local partnerships and agreements between relevant stakeholders. The resource pack acknowledges the difficulty that housing advice workers within the criminal justice sector have in accessing settled accommodation for offenders, in many cases due to a shortage of available property. The resource pack also acknowledges that the diverse needs of offenders around ethnicity and gender, and the need to take into account risk of harm and community safety, may also impact on the availability of appropriate housing creating further challenges for advice workers.

Partnership working is assisted through recognition of challenges faced by all partners in meeting the housing needs of (ex)offenders and the development of strategies to help ameliorate these challenges. For example, research suggests that housing providers are willing to accept timely referrals and accommodate (ex)offenders if appropriate risk assessments have been made and if sufficient funding is made available to ensure adequate support and supervision (Adams, 2001; Atkinson et al, 2005; Maguire et al, 2007). Transparency and openness around information sharing and risk assessments to ensure the right level of support is in place leads to the building of trust between criminal justice agencies and housing providers. To this end, access to housing in either the social or private sectors is assisted by accurate risk assessments by the relevant agency, robust support and/or supervision arrangements, and information sharing between criminal justice agencies and other agencies and landlords (Pleace et al, 2007).

Agencies working with (ex)offenders (both statutory and non-statutory) need, therefore, to develop good communication with housing providers and demonstrate ongoing commitment and continued support when an (ex)offender is placed in housing. Additional strategies are required to encourage good quality private rented sector involvement. For example, Maguire et al (2007) suggest provision of the following:

- rent deposit and rent guarantee schemes
- guaranteed tenancies (including leasing arrangements)⁴

⁴ Ensuring properties are occupied by guaranteeing to find tenants for them, or having a leasing arrangement whereby rent is paid whether the property is occupied or not.

- support mechanisms for landlords if problems arise
- linking incentives for landlords to the meeting of defined standards of accommodation, security of tenure and property management practice.

Activities which increase capacity and diversity in housing provision are equally important at the move-on stage from short-term to longer-term settled housing to ensure that the 'silting up'⁵ of short-term accommodation is minimised. For example, tenancy support workers can establish relations with local housing providers and help negotiate access to independent settled housing. Once a client is re-housed they may continue to work with the client to maintain the tenancy and liaise between clients, housing providers and, for those under statutory supervision, the probation service (Allen & Barkley 2002; SEU 2002).

2.2 Promising practice: evidence from the case studies

Evidence from the case studies also suggests that, in order to overcome the barriers highlighted above, it is important that a range of housing options are available to (ex) offenders themselves and to the agencies involved in helping offenders to access housing. Key to achieving this was strengthening the links and developing relationships *at the local level* between criminal justice agencies and other agencies working with (ex)offenders to address housing need, and housing providers.

Key ways in which diversity and capacity were achieved in housing provision for (ex) offenders included:

- criminal justice agencies and other agencies working with (ex)offenders overcoming reluctance of housing providers to work with this client group by working in partnership with them, for example by managing tenancies or supporting (ex)offenders in managing their tenancies, in order to reduce anxieties about actual and perceived risks associated with housing this group
- development of move-on initiatives to ensure capacity in short-term supported housing
- criminal justice agencies helping landlords understand the local social benefits of engaging with (ex)offenders and the role they can play in reducing re-offending and ensuring community safety (for example, through housing potentially dangerous (ex)offenders)
- supporting housing providers in revising their evictions procedures to incorporate early alerting of relevant criminal justice and support agencies so that tenancies can be preserved if possible (considered especially important for assisting young (ex)offenders in sustaining tenancies)

⁵ 'Silting up' refers to the blocking of spaces/beds by clients who could be moved on from short-term accommodation (eg supported housing) into independent settled housing.

