

December 2019



HM Inspectorate of Probation's thematic inspection of probation work on accommodation services for people in contact with the criminal justice system

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 13,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

Clinks manages the National Criminal Justice Arts Alliance, a national network of over 900 artists, arts organisations and criminal justice practitioners, using creative approaches to reduce reoffending. We also support a network of women's centres and specialist women's services working in the CJS.

Clinks is a member of the Making Every Adult Coalition (MEAM) alongside Homeless Link, Mind and associate member Collective Voice. Together MEAM represents over 1,300 frontline organisations across England. Working together we support local areas across the country to develop effective, coordinated services that directly improve the lives of people facing multiple disadvantage. We use our shared knowledge and practical experience from this work to influence policy at the national and local level.

About this response

Clinks welcomes the opportunity to respond to this consultation. Unfortunately, due to timescales for the response we have been unable to facilitate a specific event to consult our members, but we have used the following sources to inform our response:

- Evidence collected for our recently published *The state of the sector 2019*, itself based on the insights of 245 voluntary organisations in the CJS¹
- Insights of eight members providing accommodation services to people in contact with the CJS working across England and Wales, specifically engaged for this consultation
- Insights from people working across eight local MEAM areas in England
- Findings from the Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group into accommodation, made up of 14 openly recruited experts from the voluntary sector.²

We have focused our response on the questions that are of most relevance to the work of our members.

Summary of recommendations

We reiterate a number of recommendations made by the RR3 Special Interest Group:

- The Ministry of Justice (MoJ) should develop and lead a cross-departmental accommodation strategy
- Opportunities for early intervention and prevention should be capitalised on; every time someone has contact with criminal justice agencies their accommodation needs should be identified and addressed
- Key stakeholders including prisons and probation providers should be routinely required to record and publish both the accommodation needs and long term outcomes of people in contact with the CJS
- Accommodation advice and support services should be commissioned and delivered from a range of providers, including small and specialist organisations to ensure the needs of people with protected characteristics can be met.

We have made a series of recommendations for criminal justice partners, for which we seek endorsement from HM Inspectorate of Probation:

- Adequate time and resource should be allocated for the completion of pre-sentence reports and proactive steps taken to ensure voluntary organisations with expertise in supporting people in contact with the CJS are engaged in this process.
- The MoJ should develop, in partnership with voluntary organisations and people with lived experience, guides that clearly detail what each national and local agency is responsible for.
- The Ministry for Housing, Communities and Local Government (MHCLG) should develop training to support housing officers to utilise the information in the *Homelessness guide for local authorities* which includes details of how the intentionality test should be used for people who have an offending history.
- The 'intentionality' element in 1996 Housing Act should be redefined to ensure people cannot be deemed as being intentionally homeless because they have committed an offence.
- Local connection criteria in the Housing Act 1996 should be relaxed or redefined for people in contact with the CJS to take into account maximal potential for successful rehabilitation.

- The Criminal Justice Act 1961 section 23 should be amended to ensure people due for release on a Friday are released earlier in the week.
- The accommodation strategy currently being developed by HM Prison and Probation Service (HMPPS) should make specific reference to meeting the accommodation needs of older prisoners.
- Approved Premises should proactively work to implement the key elements of RECOOPs good practice guide for working with older people.
- To encourage market diversity and enable voluntary sector involvement, the Ministry of Justice should ensure any procurement processes used to commission accommodation services are proportionate to the scale of the services being commissioned, and wherever possible large contracts are broken up into smaller lots. The Ministry of Justice should also promote the use of long-term grant funding.
- MHCLG should develop and published improved guidance provided locally so that agencies are clear what their duties are under the Homelessness Reduction Act and what constitutes those duties being appropriately discharged.
- We recommend that the numbers of referrals made by the public bodies set out in the Homeless Reduction Act should be recorded and published locally.
- We support Crisis' recommendation that to support the monitoring of the effectiveness of the Duty to Refer, that data should be captured showing the outcome of referrals made from different public bodies, including how many were owed a duty, and which duties were owed.

And we make two specific recommendations for the inspectorate themselves:

- HM Inspectorate of Probation should seek for probation providers to record and publish the accommodation outcomes of the people they are supervising and hold them to account if the data demonstrates poor outcomes
- The Inspectorate needs to proactively work to ensure all inspections including questions specific to organisations working in Wales to ensure their views and experiences can be represented.

Question 1:

What problems do people on community sentences and those released from prison experience in finding, securing and maintaining settled and suitable accommodation?

Accessing secure, stable and appropriate accommodation has become even more challenging for people in contact with the CJS in recent years. As HM Inspectorate of Probation's 2019 annual report demonstrates, accommodation is the most pressing need for people transitioning from prison into the community but in 2017, "about one in seven short-term prisoners and one in ten longer-term prisoners released without knowing where they were going to sleep that night ... since then, the position appears to have worsened."³ Indeed, aggregate data for routine inspections of Community Rehabilitation Companies (CRCs) shows that one in five people are released from prison with no fixed abode. There are a many different reasons as to why this is taking place, which we detail below.

Opportunities for early intervention and prevention are missed

As soon as someone comes into contact with the CJS there is an opportunity to determine whether they have any accommodation needs, with proactive steps taken to remedy them. But too often this does not take place.



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Clinks provides the chair and secretariat for the RR3, a voluntary sector advisory group to the MoJ and HM Prison and Probation Service (HMPSS). In September 2017, the RR3 convened a Special Interest Group (SIG) into accommodation, made up of 14 openly recruited experts from the voluntary sector. People who have lived experience of the CJS, told the SIG that they were often not asked about their accommodation needs at the earliest point of contact with the CJS, and were unaware of where to go for support or information.

Focusing resources on preventative interventions can not only lead to an increase in positive accommodation outcomes for people by, for example, enabling time for tenancy rescue, but will also likely lead to long term savings for the MoJ and other government departments.

We therefore reiterate the SIG's recommendation that opportunities for early intervention and prevention are capitalised on; every time someone has contact with criminal justice agencies their accommodation needs should be identified and addressed.

Lack of pre-sentence reports

Pre-sentence reports (PSRs) include important contextual information about an individual, to support sentencers to give sentences that are most appropriate. This information should include any additional or specific needs someone may have, including those relating to accommodation.

Recent analysis by the Centre for Justice Innovation has found that between 2012/13 and 2016/17 there was a 22% decrease in the number of new PSRs delivered to courts and an increasing proportion of PSRs being delivered orally rather than in writing.

Not only are the numbers of complete PSRs declining, but those that are being completed are increasingly being rushed. The pressure placed on courts to speed-up the rate at which cases are dealt with, in the drive towards 'speedy justice', acts as a severe limitation to the provision and quality of PSRs, and has also meant that voluntary organisations supporting people in the CJS are often unable to contribute to pre-sentence reports or are given insufficient time to do so.

This means organisations cannot provide vital knowledge and understanding of service users' needs in court and early opportunities to determine whether someone has an accommodation need is lost.

We therefore recommend that adequate time and resource is allocated for the completion of pre-sentence reports and proactive steps taken to ensure voluntary organisations with expertise in supporting people in contact with the CJS are engaged in this process.

Confusion about roles and responsibilities

Meeting the accommodation needs of people in contact with the CJS requires collaborative and cross-departmental working, both nationally and locally as there is not one single agency or organisation with this responsibility. Many frontline agencies, including prisons and probation providers lack clarity about their role and responsibilities with regards to meeting the accommodation needs of people they work with. This can therefore mean that people fall through the gaps in provision.

The Homelessness Reduction Act (2017) should have gone some way to address this issue, yet engagement with our members demonstrates that its implementation has been

inconsistent (see our answer to question 6 for more information) and in some areas there has been little improvement in the referral rates for people in contact with the CJS.

We welcome the development of the HMPPS accommodation strategy which, when published, should help facilitate local partnership working by mapping out the responsibilities of different agencies, to ensure the accommodation needs of people in contact with the CJS can be met.

To support this further, we reiterate the SIG's recommendation that the MoJ develops and leads a cross-departmental accommodation strategy.

The strategy will need to clearly define roles and responsibilities of each government department and agency at a national, regional and local level. This must be reinforced with clear and available accountability structures. It is also important that any accommodation strategy compliments and joins up with existing government strategies and priorities, including those being taken forward separately by the Ministry for Housing, Communities and Local Government (MHCLG) and the Department of Work and Pensions (DWP), as well as joint partnership agreements such as that recently developed between the MoJ and DWP.⁴

As well as facilitating cross departmental working, we recommend that the MoJ develops, in partnership with voluntary organisation and people with lived experience, guides that clearly detail what each national and local agency is responsible for.

Significant barriers accessing the rental market

Many people in contact with the CJS are unable to afford a rental deposit. But for those who can, they may not have the skills needed to access and maintain a tenancy. Further to this, some landlords have negative attitudes towards people with convictions and refuse to take them on as tenants. This is particularly the case for some people with certain convictions including sexual offences and arson (see our answer to question 3 for more information).

During a consultation to inform the SIG paper, people with lived experience of the CJS told us that agencies could help challenge perceptions of landlords through training and support for landlords, by providing character references, and providing support for people to maintain their tenancy.

Further, voluntary organisations have developed solutions to support their clients to access accommodation in the private rented sector. For example, Nacro Homes Agency (NHA) is a social lettings agency and works to positively intervene in the private rented sector. The NHA specialises in supporting and securing homes for people who are homeless or experiencing insecure housing. The agency lease properties from private landlords and offer residents quality housing with rent and tenure suited to their circumstances. The organisation offers a personalised system of support and coaching to help residents maintain their tenancies and prepare for a planned move into accommodation.

The intentionality test

During consultation with our members they told us that people in contact with the CJS are still being found intentionally homeless – both when they apply for accommodation with the local authority housing options team, and when they are in custody (or even on remand) due to them committing crime. Being defined as having made themselves intentionally homeless can prevent them accessing new accommodation or lead to them losing their existing accommodation.

To address this, Clinks recommends that MHCLG develop training to support Housing Officers utilise the information in the *Homelessness guide for local authorities* which includes details of how the intentionality test should be used for people who have an offending history.

We further recommend that the 'intentionality' element in the Housing Act 1996 is redefined to ensure people cannot be deemed as being intentionally homeless because they have committed an offence.

Lack of resettlement planning

The resettlement of people from custody into the community is often poorly managed. In our consultation with the voluntary sector to inform MoJ's *Strengthening Probation, Building Confidence* process, Through the Gate services delivered by CRCs were often described as 'to the gate' rather than 'through the gate'. Services received considerable criticism for being disjointed, leading to individuals falling through the gaps created by the confusion around responsibilities of different agencies and a lack of communication between them. This is supported by the RR3 SIG which raised concerns that in some cases, accommodation issues are not identified through the Basic Custody Screening Tools one and two, and even where issues are identified the level of detail is insufficient. The SIG also raised concerns that information was not responded to by prison and probation services promptly, and information was not shared effectively between relevant partners.

Since the RR3 SIG made its recommendations an enhanced Through the Gate model has been implemented. The experience of this has varied across the voluntary sector and across CRCs. One voluntary organisation has suggested that under the provision of the new enhanced Through the Gate model there has been a significant improvement around secured accommodation for prison releases; specifically the proactive work by resettlement staff to obtain housing prior to release rather than relying on a duty to refer referral to the local housing authority on day of release.

We welcome this positive signal, but are also conscious that this impact is not consistent across the country and as a new probation model is rolled out from spring 2021, there will be a challenge to ensure services support people in a coordinated way. The new resettlement model in the reformed probation model is likely to remove Through the Gate as a separate function (though not immediately), making resettlement tasks – including pre-release assessment and sentence planning – the responsibility of the Responsible Officer in the community for those with ten months or less left to serve.⁵ For those with more than ten months to serve, resettlement and rehabilitation will be the responsibility of the prison through the Offender Manager in Custody model (OMiC). This model is designed to ensure continuity of responsible officer through the gate, however there is some concern that it could undermine the positive impact that the current Through the Gate model has had on the coordination and thus continuity of resettlement and rehabilitation services delivered by voluntary sector organisations to prisoners prior to and after their release.

It is essential that as the reforms are embedded, accommodation needs are not only identified as early as possible but are responded to, so that people are able to access appropriate accommodation on release.

Local connection

For many people to receive support from Housing Options teams they will often require a local connection to that area. For some people in contact with the CJS, being housed or resettled in an area where they have a local connection could have a detrimental impact on their desistance journey and make it more likely that they will reoffend. They would therefore choose to be resettled 'out of area' to somewhere where they do not have a local connection. However, in our member's experience, if people are resettled to areas where they have no local connection they will have no housing options available to them. One of our members told us that recent closure of rural probation offices and inadequate housing assessment at sentencing can result in people being allocated probation supervision in areas where they have no local connection, which means they will have no housing options.

It is not only important that people on their desistance journey have autonomy and are able to make choices to support their rehabilitation, but when they do this they are able to access safe, stable and appropriate housing.

Clinks recommends that the local connection criteria in the Housing Act 1996 is relaxed or redefined for people in contact with the CJS to take into account maximal potential for successful rehabilitation.

Friday prison releases

National statistics, as well data from Nacro services, show that more than a third of custody leavers are released on a Friday.⁶ Nacro have recently highlighted the issues people face when released from prison on a Friday, and these concerns were mirrored in the feedback we received from voluntary organisations to this consultation.

People released from prison on a Friday can struggle to arrange accommodation before the weekend, when many services close, particularly if they have to travel and have other appointments to keep. This leaves them at increased risk of homelessness over the weekend and beyond. One organisation said that their staff often attend housing options with women who have been released from a short prison sentence on a Friday, and have to wait with their clients late into the evening for emergency housing to be secured.

Clinks supports Nacro's campaign to end Friday releases,⁷ including the four key asks:

- Make more use of Release on Temporary Licence to release someone at least a day earlier
- Increase use of Home Detention Curfew and ensure that where it is utilised, release is never on a Friday
- For a determinate/extended sentence early release or recall, the Parole Board to use their discretion to avoid Friday releases
- For 'executive release' (usually of those recalled to prison from licence) the Secretary of State to use their discretion to avoid Friday releases.

We further recommend that the Criminal Justice Act 1961 section 23 is amended to ensure people due for release on a Friday are released earlier in the week.

Question 2:

What changes have occurred in the provision of accommodation and accommodation services for offenders in the past five years? Why have these occurred?

Changes in national policy

The past five years has seen many changes in the provision of accommodation and accommodation services for people in contact with the CJS. Many of these changes have occurred through changes to housing and criminal justice policy, such as:

- The implementation of the Housing (Wales) Act 2014 and the Homelessness Reduction Act 2017 (discussed further in answer to question 6)
- The implementation of a new probation model (including Through the Gate services) which created confusion about different organisations roles and responsibilities, and the decision to end and reform that model (discussed further in answer to question four)
- The implementation of the Rough Sleeping Strategy⁸
- The continuing impact of welfare reform and austerity, including housing benefits and local authorities' ability to provide appropriate accommodation.

Many people leaving prison also struggle to access timely Universal Credit payments on release due to structural barriers including:⁹

- All claims need to be made via an online portal, but many people in prison lack access to digital technology.
- Appointments at the job centre cannot be made until someone is released, which delays payments. A new claim can take in excess of 6 weeks to process.
- All the above changes and their impact are addressed fully throughout relevant sections of this response.

A lack of transparent data

As the SIG outlined in 2017, it is challenging to determine the true scale of the problem of housing for people in contact with the CJS and the extent to which things are worsening, due to the lack of robust and transparent data about the accommodation needs and outcomes for people serving a community penalty and on release from prison.

Clinks therefore reiterates the SIG's recommendation that this is swiftly addressed, with key stakeholders including prisons and probation providers being routinely required to record and publish both the accommodation needs and long term outcomes of people in contact with the CJS.

HM Inspectorate of Probation should seek for probation providers to record and publish the accommodation outcomes of the people they are supervising and hold them to account if the data demonstrates poor outcomes.

This needs to move beyond just accommodation outcomes immediately on release and include longitudinal outcomes. This data should be matched with data collected by other local and national stakeholders, such as that collected through joint strategic needs assessments conducted by clinical commissioning groups and supported housing strategic plans for example.

Lack of appropriate accommodation

There is simply not enough accommodation for people in contact with the CJS. Since the financial year 2008/09 we have seen a significant decline in the number of commissioned homelessness services.¹⁰ In 2017/18 nearly £1 billion less was spent on Supporting People services compared to 2008/9, and spending on homelessness services by local authorities has shrunk by 27% in the same period. Research from Homeless Link shows that over the last 10 years there has been a 20% reduction in the provision of bed spaces for single homeless people.¹¹

As budgets have reduced, and ring-fenced local authority funding for homelessness services removed, we have seen a reduction in the availability of appropriate accommodation for people in contact with the CJS. The impact of this has been keenly felt by organisations working in criminal justice and their service users as they report that more people are rough sleeping and waiting lists for housing have become longer as local authorities struggle to meet demand.

Our annual *The state of the sector* report analyses the most important trends for voluntary sector organisations working in the CJS. Our most recent report was published in November 2019 and is based on the direct insights of 245 voluntary organisations.¹²

For the third consecutive year, respondents told us that service user need is becoming more complex (72%) and more urgent (71%). Organisations describe how welfare reforms and cuts to statutory services are underlying this trend, but also link this trend to a severe and worsening crisis in the provision of housing, and the lack of safe, secure and appropriate accommodation for people in contact with the CJS. This reinforces last year's findings and continues a trend identified in previous *The state of the sector* reports, that accommodation for people in contact with the CJS is worsening, particularly for those leaving prison.

Organisations told us they are seeing more people rough sleeping and an increase in people needing emergency accommodation (including families), whilst waiting lists for accommodation are rising. People are finding it increasingly challenging to access accommodation on release from prison and organisations have therefore seen more people being released without accommodation in place for them.

Approved Premises house people released from prison who are deemed of high risk of harm to others, and provide intensive support to enable someone to reintegrate back into their community. The 2017 thematic inspection into Approved Premises raised concerns that despite generally performing well and protecting the public, they had high occupancy rates and were oversubscribed.¹³ The report goes on to outline that the uneven distribution of this accommodation across the country, alongside both a lack of bed spaces and a drive to achieve high occupancy levels, were having a detrimental impact on the extent to which Approved Premises can positively contribute to resettlement and rehabilitation.

These concerns from 2017 have been echoed by organisations responding to our call for evidence. In Cambridgeshire for example, there is only one Approved Premise and that is in Peterborough. In West Berkshire, the nearest approved premise is in Reading, which is a different local authority. If people access this accommodation they may lose their local connection and therefore access to other services (including long term housing options).

We received feedback from two accommodation services working in Wales to inform this response, both expressed similar concerns that there is simultaneously an increased number of people who need appropriate accommodation, but a lack of appropriate accommodation and accommodation support.

These organisations expressed frustration that funding for certain services has been cut or withdrawn entirely in recent years. For example, following the implementation of the Housing (Wales) Act 2014, transition funding was given to local authorities to support people resettling from custody, but this funding has stopped. Night shelters at Rhyl and Holywell have shut down despite a high demand for their services, and the CAIS Doorstop service in Wrexham was withdrawn due to lack of funding. As a result, many people do not have direct access to temporary accommodation that has been available in the past.

Question 3:

Are there any particular gaps in provision for specific groups?

As many people in contact with the CJS have protected characteristics or are from equalities groups, services need to be provided that work to meet their specific needs. For instance a recent report published by Muslim Hands on Muslim women in prison highlights the need for culturally competent housing for Muslim women including hostels and temporary housing post release.

Similarly during the SIG's consultation with experts by experience, participants raised the issue of services and agencies that did not recognise the importance of their cultural or ethnic background and how experiences relating to this might impact their resettlement.

It is therefore important that the provision of accommodation advice and support services are commissioned from a range of providers to ensure the distinct needs of people in contact with the CJS can be met. However, there is currently a lack of provision for certain groups – we have focused the following on women, people deemed of high risk of harm to others, people facing multiple disadvantage and young people.

Women

Many women in contact with the CJS have experienced trauma and abuse and require a distinct, gender specific response to ensure their needs are met by criminal justice agencies. Due to their needs, it is important that women are able to access women-only accommodation to ensure they are and feel safe. However, there is a lack of provision of specialist accommodation for women – with only 7% of accommodation projects women-only in 2017, down from 13% in 2013.¹⁴ In the absence of such spaces, voluntary organisations have told us it is common practice for women to be moved into mixed-gender setting hostels, which are often wholly inappropriate.

As was outlined by the Female Offender Strategy in 2018, some women are held on remand due to a lack of availability of appropriate accommodation, rather than because their risk profile or offence type means they need to be held in prison. The strategy goes on to outline that almost 9 in 10 women held on remand are low to medium risk of harm. However, for women who are deemed to be high risk there is also a lack of appropriate accommodation. The HM Inspectorate of Probation 2017 thematic inspection into Approved Premises demonstrated there are only six Approved Premises for women in England, with none in London or Wales.¹⁵ This means that women are either unable to access Approved Premises or are held considerable distances from the community where they will be resettled to, which is likely to have a negative impact on their resettlement.

Organisations with expertise of supporting women facing multiple disadvantage expressed concern that women at risk of homelessness on leaving custody will often only get support if they are known to homelessness services prior to entering

prison. One organisation also told us that refuge space is notoriously difficult to access for women with multiple convictions due to their complexities, and refuges having very limited if any space for women facing multiple disadvantage.

We have also been told by voluntary organisations that different groups of women face different barriers. For example, single women without children in their custody can be deemed to not be a priority and therefore unable to access accommodation. This is even in cases where women were primary carers of children before entering prison and require appropriate accommodation to regain custody of them.

People facing multiple disadvantage

People facing multiple disadvantage experience a combination of problems including homelessness, substance misuse, contact with the CJS and mental ill health. They fall through the gaps between services and systems, making it harder for them to address the challenges they face and lead fulfilling lives. It is estimated that 58,000 people face homelessness, substance misuse and offending in any one year.¹⁶ Within this group, a majority will have experienced mental health problems.

Clinks is a member of the Making Every Adult Coalition (MEAM) alongside Homeless Link, Mind and associate member Collective Voice. MEAM supports 39 partnerships across the country to develop effective, coordinated approaches to multiple disadvantage that can increase wellbeing, reduce costs to public services and improve people's lives.

We received feedback from eight areas on their experience of the provision of accommodation and accommodation services for people facing multiple disadvantage. Though pockets of good practice were identified, organisations told us that accommodation provision for people facing multiple disadvantage is sparse and has worsened in recent years. There were many reasons given for this, including communication between probation services and local authorities being poor, particularly amongst CRCs, a paucity of specific and specialised options for people facing multiple disadvantage and a reduction in funding including from the Supporting People programme.

People deemed of high risk of harm to others

Organisations told us that people convicted of a sexual offence faced particular difficulties in accessing accommodation after being released from prison. There is a severe shortage of Approved Premises, and very few move-on options for those that can access temporary accommodation in an Approved Premise – creating long-term blockages in the system. Many hostels will not accommodate people in this cohort and there are many people that can't be accommodated with women due to the risk they pose (an additional knock-on impact of the scarcity of women specific provision). General floating services can't offer support to this group due to lone working restrictions – so this group need specific provision which can understand and take into account the particular needs of this group.

Similarly, we were told that the likelihood of getting any sort of settled accommodation is challenging for people who are deemed to be high risk, have committed certain offences or are under Multi-Agency Public Protection Arrangements (MAPPA), as private landlords are often unlikely to accommodate them, even with the offer of a deposit guarantee. Voluntary organisations told us that most landlords will not house people with convictions for arson as their insurance can be invalid should a fire be started by the individual. Consequently, there are virtually no options of accommodation for people with an arson offence.

Older people

Older people are the fastest growing age group in the prison population. There are triple the number of people aged 60 and over in prison than there were 16 years ago, and one in six people in prison (16%) are aged 50 and over. The number of people aged over 50 in prison is projected to rise by 3% by 2022 and the number of people aged over 70 is projected to increase by 19%.¹⁷

The most common offence for older men in prison, including in historic cases, are sexual offences. 45% of men imprisoned aged over 50 have been convicted of sexual offences, with the next highest offence category being violence against the person (23%) followed by drug offences (9%).¹⁸ The nature of the offending profile of older people significantly increases the challenge of meeting their needs.

As Clinks and Recoop highlight in our response to the Justice Select Committee's recent enquiry into the ageing prison population, there is a lack of appropriate accommodation in the community for older people, who are often likely to have significant health and social care needs. This is leading to bed blocking and in some cases delaying release, having a detrimental impact on people's resettlement.

We recommend the accommodation strategy currently being developed by HMPPS makes specific reference to meeting the accommodation needs of older prisoners.

Due to the nature of their offence, many older people leaving prison are required to live in Approved Premises on release. As highlighted by RECOOP, these referrals are rising and some Approved Premises are struggling to respond to the unique needs of this cohort.¹⁹

We recommend Approved Premises proactively work to implement the key elements of RECOOP's good practice guide for working with older people.

Young adults

Young adults, aged 18-25, make up less than 10% of the general population, but account for more than a third of the probation service's caseload and a third of those sentenced to prison every year. It is important to define young adults as a distinct group, as reaching adulthood is a process rather than a one off event and as evidence demonstrates, many young adults are still maturing. Indeed, as highlighted by the Justice Select Committee,²⁰ "those parts of the brain influencing maturity that are the last to develop are responsible for controlling how individuals weigh long-term gains and costs against short-term rewards." This then has an impact on how young adults judge situations and can impact their ability to regulate any 'reward seeking' behaviour.

There is a lack of appropriate accommodation for this age group, who can often be perceived as being too risky to house in terms of safeguarding, but are often vulnerable themselves. As the Chief Inspector of Prisons outlined in his annual report, those that remain in custody are "some of the most vulnerable, troubled young adults."²¹ This vulnerability is caused by a variety of factors including poor mental health, problematic substance use, challenging family relationships or experiences of care.²² In many cases, their perceived risk trumps their vulnerability meaning they are unable to access accommodation.

As Nacro and Centre Point outline, young adults have lower entitlements to benefits, making it more challenging for those leaving custody to access accommodation.²³ The Shared Accommodation Rate (SAR) limits affordable accommodation available for young adults and can also force custody leavers into shared housing which may not be appropriate for them.

Organisations told us that young adults on MAPPA who are deemed lower risk (level one) are not entitled to the one-bed self-contained LHA rate. This excludes many people with a violent and sexual history from accessing 1 bed flats, and who find it very hard to be housed elsewhere as landlords can be unwilling to house them in shared accommodation. Further, other organisations expressed serious concerns about how important information regarding people on MAPPA is rarely shared with housing providers.

Question 4:

How effective is the commissioning of accommodation and accommodation services for offenders?

Clinks have welcomed a number of government initiatives, pilots and strategies in recent years related to providing accommodation to people in contact with the CJS. This includes the accommodation pilots announced through the Ministry of Housing Communities and Local Government's Rough Sleeping Strategy.²⁴ These pilots, delivered by voluntary organisations, aim to give accommodation and support over two years to a number of people released from Leeds, Pentonville and Bristol prisons deemed to be at risk of rough sleeping.

Unfortunately the commissioning process created challenges for potential providers as there was no stakeholder engagement prior to the announcement of the tender opportunity, either with local authorities, housing providers or the voluntary sector – meaning fundamental concerns regarding scope, size and eligibility could not be discussed prior to the procurement process going live. This not only caused significant concern amongst the sector, but potentially prevented a better service being designed with the aid of existing local expertise. The commissioning process was also short – once the tender was launched, organisations had only a month to respond.

As set out in the RR3 SIG paper, we recommend accommodation advice and support services are commissioned and delivered from a range of providers, including small and specialist organisations to ensure the needs of people with protected characteristics can be met.

In order to achieve this, we again recommend that that the Ministry of Justice adopts flexible funding models to encourage voluntary sector involvement.

The voluntary sector has a vast amount of knowledge and experience in working to meet the accommodation needs of people in contact with the CJS. Many voluntary organisations are small, community based and rely heavily on grant funding to meet the needs of their service users.

To encourage market diversity and enable voluntary sector involvement, the Ministry of Justice should ensure any procurement processes used to commission accommodation services are proportionate to the scale of the services being commissioned, and wherever possible large contracts are broken up into smaller lots.

The Ministry of Justice should also promote the use of long-term grant funding. Further to this, the life-cycle of any commissioning process should be clearly communicated in advance and be long enough to ensure organisations are able to strategically plan their future.

Transforming Rehabilitation

Between 2015 and 2018, Clinks, in partnership with the National Council for Voluntary Organisations, Third Sector Research Centre and others, undertook in-depth research into the voluntary organisations' experience of the changes to probation services brought about by the Transforming Rehabilitation reforms. The final report showed:²⁵

- The voluntary sector is under represented, under pressure and under resourced in the current probation model
- Many charities received referrals from the probation service but no funding to deliver services
- Charities that did receive funding through the National Probation Service (NPS) or CRCs were often forced to subsidise services with their own reserves or with other funding sources
- Smaller voluntary organisations were particularly excluded from the commissioning process
- Organisations said the model has had a negative impact on their service users.

The research also highlighted how accommodation services particularly struggled under the reforms and that impactful accommodation support and housing advice services were often being delivered outside TR supply chains. Organisations said TR had a particularly negative impact on homeless people in contact with the CJS – 63% of respondents said services had worsened for homeless people under TR, compared to just 14% of respondents who said they had improved. An organisation told us for this response that TR has led to the closure of many smaller projects with a strong track-record of quality provision, leading to an overall loss of local knowledge, experience and expertise and strong relationships amongst local partners that had developed with time.

Clinks welcomed the decision made this year to terminate CRC contracts and reform probation services under a reunified NPS model. Since then, the pace of change has been swift and the nature of the government's engagement with voluntary organisations has been challenging and often at very short notice.

In the draft operating blueprint for the new probation model (due to be in place by spring 2021), accommodation support services are to be commissioned through the Dynamic Framework.²⁶ We have some concerns that in the push to have services operational from day one of the new model, services may be commissioned at a very large scale, to cover the whole of the newly mapped 12 NPS areas – which would not be in line with our principles of good commission. This blueprint was however published in June 2019, and we await further and firmer details of the government's plans to commission accommodation services in the new model.

Clinks recently supplied information to the MoJ and HMPPS detailing the key commissioning principles that would enable the voluntary sector to better deliver services in the future probation model.²⁷

We highlight the need for flexible and proportionate commissioning and recommend an increased use of grants and adherence to the principles of good grant giving; and using the smallest appropriate contract lots to ensure local voluntary organisations can compete for services.

Question 6:

How well is the Duty to Refer to local housing authorities of those likely to become homeless under the 2017 Homelessness Reduction Act working?

Inconsistency in approach

MEAM recently responded to the MHCLG's call for evidence into the implementation and effectiveness of the Homelessness Reduction Act 2017.²⁸ Our response focussed on how effective the Homelessness Reduction Act 2017 had been in improving outcomes for people facing multiple disadvantage, and was based on survey responses and in-depth interviews conducted with local programme leads and front line staff across the 39 MEAM areas.

Our response did find that some prisons are now referring people to local authorities when they would not have done so in the past – but again that this was highly inconsistent, and several local areas reported that prisons are failing to refer 'practically anyone at all', despite their statutory duty to do so. We found that people are still being released in a very concerning and dangerous way from prisons, often with no effort to refer their housing needs to local authorities.

In response to this consultation, we were told that even in areas where duty to refer cases are brought before the council housing team, local authorities have few options to house people, especially for people with certain types of convictions. The council can, for example, refer someone direct to a hostel, or temporary accommodation, but often there is a waiting list, they may book someone into a B&B if there looks to be a Duty to Investigate a homeless application. If the offences however are of concern, for shared accommodation, then the person is unlikely to be offered a B&B, Temporary accommodation or a hostel. Whilst it is everyone's right to approach the council for assistance when homeless or faced with homelessness, the reality is that if someone approaches for help, the type of conviction can decrease their opportunity of accessing accommodation.

Failure to clarify roles and responsibilities

There are likely to be various factors leading to inconsistency of implementation of the Homelessness Reduction Act 2017, but engagement with our members suggests the source of much frustration stems from a lack of clarity amongst many front line agencies about the respective roles and responsibilities of local authorities, housing providers, prisons and probation providers when meeting the accommodation needs of people in their care/under their supervision.

Meeting the accommodation needs of people in contact with the CJS requires collaborative and cross-departmental working, both nationally and locally, as there is not one single agency or organisation with this overall responsibility (as emphasised in our response to question 1). A Clinks member who works for an accommodation provider told us that the duty to refer under the Homeless Reduction Act 2017 generates a large amount of work without outcomes, due to poor communication and collaboration between local authorities and the CJS. We were told there is limited communication of contact details and limited access from local authorities to people while still in custody, leading people to fall through the gaps.

MHCLG needs to develop and publish improved guidance provided locally so that agencies are clear what their duties are under the Act and what constitutes those duties being appropriately discharged. There should be improved promotion of best practice of prisons, hospitals and other local agencies complying with the duty to refer. More should be done to demonstrate the benefits for these referring agencies.

It is worth noting that cross-departmental collaboration and working can only go so far in addressing the fundamental problems outlined in our response to questions one and two. There is a material gap in provision that cannot be bridged by collaborative working, most evidently through the lack of viable housing options local authorities have to meet the housing options for people being released from prison, especially those with no local connection or priority need.

Poor data

Though the insights of Clinks members and MEAM programme leads are invaluable, they do not offer us robust and transparent data from which we can identify particular parts of the system, and indeed specific prisons, that are struggling to discharge their duty to refer. We recognise that the Homeless Reduction Act 2017 came into force on 8th April 2018, and it is therefore difficult to gather data on the impacts of the legislation. It should however have had sufficient time to embed in agencies to be able to better measure the extent of its implementation and the extent to which referrals have increased.

We recommend that the numbers of referrals made by the public bodies set out in the legislation should be recorded and published locally. Although there should be local disparities, it will allow people to more easily see where specific prisons are failing in their statutory duty to refer people.

We support Crisis' recommendation that to support the monitoring of the effectiveness of the Duty to Refer, that data should be captured showing the outcome of referrals made from different public bodies, including how many were owed a duty, and which duties were owed.

Wales

Housing policy is devolved in Wales, therefore the Homelessness Reduction Act 2017 has no effect.

Clinks recommends the Inspectorate proactively works to ensure all inspections including questions specific to organisations working in Wales to ensure their views and experiences can be represented.

The relevant piece of Welsh legislation is the Housing (Wales) Act 2014 (HWA 2014). The HWA 2014 placed a number of new duties on local authorities to prevent homelessness for anyone who asks for help, and intervening early – within 56 days of homelessness – to prevent people's situations escalating. The act however removed the practice of automatically considering people who were homeless upon leaving custody as being in priority need. Since the implementation of the HWA 2014, prison leavers who are homeless only qualify as being in priority need if they are considered to be vulnerable as a result of time spent in custody. Organisations working in Wales said that the act does not work to prevent homelessness, and said the only way this could work for prison leavers was if much more work was carried out at an earlier stage in the prison, in cooperation with the local authority that person would resettle into after custody.

Organisations also questioned the value of the National Pathway for Homelessness.²⁹ Designed to bridge the gap between the HWA 2014 and the Offender Rehabilitation Act 2015, 'the pathway' aims to support local authorities, Youth Offending Teams and the Wales CRC to carry out their new responsibilities, joining up services to people due to leave the secure estate and supporting them to access appropriate accommodation on release. Although there were early successes with the Pathway, organisations working on the front line told us it is overcomplicated and professionals struggle to understand it.

Question 8:

What would encourage more quality provision?

Effective commissioning structures and processes would work to encourage more quality provision of accommodation for people in contact with the CJS.

To further support this, we reiterate our previous recommendation that the Ministry of Justice develops and leads a cross-departmental accommodation strategy.

The accommodation strategy needs to reflect and be based on existing evidence of what works to ensure people are able to access secure, stable accommodation. To support this, it should include clear outcome measurements and indicators of success, developed in partnership with voluntary organisations and people with lived experience. To ensure that the needs of people of this group are adequately addressed and do not fall through the gaps between departmental responsibilities, the strategy also needs to include clearly defined lines of accountability for this group of people.

Question 5:

What impact does your provision of offender accommodation services have on a) reducing reoffending, b) protecting the public from harm? Do you have any evidence or research to support these findings?

Question 9:

Please provide any examples of effective/promising practice in provision of accommodation and accommodation services for offenders in the community.

Clinks does not provide front line accommodation services, but supports, promotes and represents voluntary organisations that do. The voluntary sector provides a range of essential and specialist services to meet the accommodation needs of people in contact with the CJS, reduce reoffending and protect the public from harm. You can find case studies of such work in the RR3 SIG paper.³⁰

As well as specialist support, many other voluntary organisations that do not specialise in housing will, in any case, provide advice, support, and guidance to people regarding their accommodation. Women's centres for example will typically offer a wide range of

specialist interventions, advocacy and support for women dealing with any number of issues including debt, poverty, domestic violence, rape and housing. 32% of the 245 organisations that responded to our annual *The state of the sector* survey considered housing as their primary area of work, but 53% of those that responded said they work with people who are homeless.³¹ Many organisations responding to *The state of the sector* described their experience of supporting people amidst a worsening crisis in the provision of housing, and the lack of safe, secure and appropriate accommodation for people in contact with the CJS.

The remainder of this response outlines additional examples of promising practice identified by organisations informing this response, in provision of accommodation and accommodation services for people in contact with the criminal justice system.

Housing First

There has been some provision of accommodation with intensive support established in a number of areas across the country using the Housing First model. Housing First is an approach which gives people who have experienced homelessness and other complex issues a home from which to rebuild their lives. Alongside the physical property, the model generally provides intensive, person-centred, holistic support that is open-ended and places no conditions on individuals receiving the support.

The actual volume of Housing First services remains very low and is usually aimed at a people facing multiple disadvantage more broadly, rather than specifically those who are in contact with the CJS. While this model is also only relevant to a relatively small cohort of people, and won't be suitable for the many people in contact with CJS with relatively low needs beyond stable and secure accommodation, organisations told us it is a very viable solution for this group, and would like to see more specific funding aimed at increasing the number of Housing First options.

Joined up, multi-agency support

Organisations told us the key to accessing accommodation is joined up and continuous support prior to, and after release. This is often achieved through embedding local specialists within multi-disciplinary teams. Although we were told that good examples of this approach locally were lost with Transforming Rehabilitation, there have recently been more encouraging steps in that direction.

One example given was new navigator posts in Exeter that will provide specialist housing options services in prison and the community and will follow particular individuals, rather than be attached to a particular service. This should allow for more one-to-one and personalised support. These navigators have been recruited by Exeter City Council and funded by MHCLG through their Rapid Rehousing funding stream.

Organisations told us of some further positive work taking place in the North East. Durham County Council Housing Solutions has established a Strategic and Commissioning Group for Housing and Offenders to ensure that there is a coordinated approach to projects and commissioning linked to housing and offenders. Further to this, another organisation praised the Housing Options team in Stockton-on-Tees Borough Council for demonstrating effective, proactive and solution orientated practice especially in cases of people going through a 'revolving door'.

Impact of a key proactive stakeholder

A key criminal justice stakeholder proactively working to address the accommodation needs of people in contact the CJS can have marked impact on people's outcomes.



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One participant we spoke to praised the work from the Office of the Surrey Police and Crime Commissioner who has commissioned and co-commissioned accommodation services and support for people in contact with the CJS. Details of this work include:

- Two four bedroom supported houses for people with convictions who are homeless and part of Integrated Offender Management. This service is co-commissioned with Kent, Surrey and Sussex CRC.
- Accommodation for people with substance misuse transitioning through the prison gate and resettling to Surrey. Individuals receive ongoing support from Forward Trust workers and a peer mentor in accommodation in the private rented sector. 10 people were supported last year and there are plans to support up to eighteen more over the next 12 months.
- Three different outreach services across Surrey for people who are street homeless.
- Three beds with the Amber Foundation delivering intensive support for young people aged 17 to 30 who are homeless and part of Integrated Offender Management (where they meet the acceptance criteria).

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CLINKS

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