KENT ACCOMMODATION PROTOCOL FOR
RESETTLEMENT & HOUSING OF OFFENDERS

Joint Policy and Planning Board (Housing)
Working with Partners across Kent

Kent Housing Group
The Voice of Housing in Kent
1. Introduction

The availability of good quality accommodation and related support services for offenders is vital. Offenders 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.

2. Purpose of this Protocol

This can be summarised as follows. To:

• improve the information about housing and housing options available to offenders
• improve communication between the partner agencies (listed below)
• improve awareness and understanding of the housing and related support needs of offenders amongst partner agency staff.

Its main objective can be summarised as:

• 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 achieve this objective in an effective manner it's increasingly understood that close linkage and collaboration is required between relevant agencies e.g. the partner agencies to this Protocol.

There is also a far 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 Protocol.

At the same time the Protocol importantly enables accommodation expectations to be realistically managed.

3. Partners to this Protocol

• Kent Housing Group
• Joint Policy & Planning Board for Kent (Housing)
• Kent Probation
• HM Prison Service (Kent & Sussex Region).
4. Scope of this Protocol

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

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

with each of the following distinct categories of offenders included in its remit:

- short-term prisoners - serving custodial sentences of less than 12 mths (i.e. often in practice 2-3 mths)
- long-term prisoners - serving custodial sentences of more than 12 mths, released under Licence Conditions
- long-term prisoners completing their full term in custody, so not released under Licence Conditions
- offenders sentenced to non-custodial Community and Suspended Sentence Orders.

5. Background to this Protocol

Key points of reference for this Protocol are:

(a) Kent Probation's Accommodation Strategy
(b) Kent Probation's offender accommodation Need Assessment.

(a) Kent Probation Accommodation Strategy

This reflects the finding that offenders who are homeless are more likely to re-offend. Stable accommodation makes a difference of over 20% in reducing reconviction rates, but up to ⅓ of offenders sentenced to custody lose their accommodation whilst in prison.

(Source: 2002 Social Exclusion Unit Report)

A key element of the Strategy is to collaborate with key partners when addressing the accommodation needs of offenders to reduce re-offending and promote public protection.

The absence of suitable accommodation impacts on the risk of reoffending in various ways e.g. making it harder to find employment, reduce dependency on alcohol or drugs, access appropriate support services or register with a GP.

(b) Kent Probation Offender Accommodation Need Assessment

Accommodation need when linked to Risk of Re-offending is evidenced in almost 35% of the caseload i.e. affecting nearly 2000 offenders out of an assessed caseload of around 5500, with this need spread evenly across all Districts of Kent and Medway.

The 'tiering' in the Table below refers to Risk of Harm.

<table>
<thead>
<tr>
<th>Total caseload 5418</th>
<th>Tier 2 1788</th>
<th>Tier 3 3461</th>
<th>Tier 4 869</th>
</tr>
</thead>
<tbody>
<tr>
<td>no</td>
<td>%</td>
<td>no</td>
<td>%</td>
</tr>
<tr>
<td>linked to risk of re-offending 1834</td>
<td>315</td>
<td>17.6%</td>
<td>1060</td>
</tr>
</tbody>
</table>
6. Context of this Protocol

Typically for the South East the shortage of available affordable accommodation generally is high but particularly for low-income groups such as offenders and subsequently a key issue for each of the Partners to this Protocol in the collective effort to reduce re-offending.

Pressures on the housing market and the ongoing credit squeeze mean that the average age of first-time owner-occupiers is now 37 and rising. It’s also widely recognised that the ongoing economic recession and unintended consequences of Welfare Reform represents an additional significant threat of increased homelessness amongst low income groups such as offenders.

There are currently around 45000 applicants for social housing on Local Authority Housing Registers across Kent & Medway. Demand far exceeds supply. Whilst Local Authorities have a statutory duty to provide immediate accommodation in response to homelessness this is only to those assessed as being in ‘priority’ need.

It’s important for all parties to appreciate that simply being an offender or discharged prisoner does not by itself meet the strict eligibility criteria for being in ‘priority’ homelessness need.

This distinction between -

(a) making an application for housing when homeless due to 'accommodation need', and
(b) making a homelessness application when homeless due to 'priority need'

is consequently a crucial aspect of this Protocol.

Further elaboration of this important distinction is provided below.

(a) Housing application due to ‘accommodation need’:

Applying for social housing due to non-priority accommodation need follows the following process. An application is made on a housing register application form to the relevant Local Authority. All of the Kent Local Authorities use a choice-based lettings system called Kent Homechoice. Whilst each Local Authority in Kent has its own housing register and its own allocations policy, in essence the applicant will be allocated to a 'band' or awarded 'points' which will determine where he/she is placed on the housing register and the type of property that he/she can 'bid' for. It’s important to appreciate that an offender does not have to be literally homeless in order to be in housing need. He/she may be living in poor or unsettled accommodation, need to move on from supported accommodation, be living with family members, or have other reasons why he/she needs different or more suitable accommodation.

It’s equally important to appreciate that, depending upon which band the applicant is placed in, or the number of points allocated, there may be a lengthy period of time before he/she acquires social housing. In the meantime, many applicants on a Local Authority housing register find alternative accommodation in the private-rented sector. That said, there is considerable merit in registering accommodation need in this way so that the extent of need is more fully recorded and incorporated into each Local Authority’s accommodation strategy.

NB - If successful when bidding for a property under choice-based lettings, the applicant must be in a position where he/she can view the property and take up the tenancy almost immediately.

In summary, for all offenders either homeless or at risk of being homeless, the main point to make is the importance of registering accommodation need as soon as practicable.
(b) Homelessness application due to ‘priority need’:

An offender can be considered to be threatened with homelessness if due to be discharged from custody within 28 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.

This means that having been in custody, even serving a long sentence, does not in itself mean that the Local Authority is obliged to treat him/her as vulnerable on discharged from custody and in ‘priority need’ with regard to being homeless.

There is case law which applies regarding considerations of vulnerability, referred to as the ‘Pereira test.’ In essence, the offender-applicant needs to show, on a case-by-case basis, that particular factors make him/her more vulnerable than an ‘ordinary’ homeless person.

In order to manage expectation, it’s important for all parties to appreciate therefore that simply being an offender or ex-prisoner does not by itself meet the strict eligibility criteria that apply to qualify for immediate Local Authority accommodation (‘council housing’) or other social housing.

In addition, the Coalition Government is now allowing Local Authorities to discharge their homeless duty via access to the private rented sector, although the accommodation offered still has to be suitable and for a minimum 12 month period.

This means that if a homelessness application is accepted by the Local Authority, it has to offer you settled accommodation and can now offer a tenancy with a private landlord, but the housing has to be suitable. If an applicant refuses an offer of suitable housing, the Local Authority will not be obliged to provide any further help with housing.

Both of the above applications are dealt with by the Local Authority housing options/needs team who have a duty to provide advice and assistance with regard to accessing accommodation. This may be a list of landlords, bed and breakfast or hostels, or assistance provided via a rent deposit bond. A contact list for all Kent & Medway Local Authority housing options/needs teams is provided in Appendix A.

Offenders with children

Particular consideration needs to be given to homeless offenders with children and related family issues regarding parental responsibility. The majority of such cases apply to women, and n such cases the impact of homelessness has a wider social impact.

Whilst the majority of women sent to prison serve only a short-term sentence of 6 months or less, 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.

During custodial sentences, for both male offenders 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 children’s Social 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.

Within this context:

- around ⅔ of women prisoners have dependent children under the age of 18
- around ⅓ are lone parents
- over ⅓ of women prisoners have experienced domestic violence or other abuse
- ⅔ of women received help for a mental/ emotional problem in the year prior to prison and a significant proportion of women in prison self-harm
- ⅔ of women prisoners have substance-misuse issues

7. Implementing the Protocol

For the purpose of implementing the protocol the appropriate Lead Professional will lead on the actions. Lead Professionals can be any of the following:

- Offender Manager
- Offender Supervisor
- Nominated Prison Officer with a resettlement remit
- Accommodation Key Worker/ Peer Adviser

NB: The offender should also be involved in all steps wherever possible.

7.1 Prior to Sentence

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Lead Professional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assess current accommodation status and extent of accommodation need within Pre-Sentence Report (PSR) - via use of Offender Assessment System (OASys/or equivalent).</td>
<td>Pre-Sentence Report writer</td>
</tr>
<tr>
<td>Provide leaflet with housing advice providing information regarding the protection of any existing accommodation in the event of a custodial sentence or remanded in custody.</td>
<td></td>
</tr>
<tr>
<td>(see Appendix B)</td>
<td></td>
</tr>
<tr>
<td>Encourage nomination of an appropriate family member or friend or support agency to look after offender’s interests, including any property and possessions 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) and Housing Benefit (HB) departments on their behalf to establish which benefits will continue and to avoid overpayments.</td>
<td></td>
</tr>
<tr>
<td>In particular, provide assistance to sort out the offender’s housing benefit which can be paid for up to 13 weeks whilst someone is in prison. If the offender loses their accommodation at this point, he/she may receive limited assistance on release and may be found to be intentionally homeless.</td>
<td></td>
</tr>
<tr>
<td><strong>NB</strong> - Where an existing tenancy needs to be terminated this should be done as quickly as possible to avoid the accumulation of rent arrears.</td>
<td></td>
</tr>
</tbody>
</table>

**Note on Sentencing**

The way in which the Court will deal with a defendant may vary i.e. there may be a period in the cells after sentencing or taken immediately into custody, granted Bail, or sentenced to a Community or Suspended Sentence Order and supervised by Kent Probation.

Which ever of the above it will be the responsibility of the appropriate Lead Professional to continue to assess accommodation need and undertake the required action during subsequent stages of the sentencing process.
### 7.2 On reception in custody

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Lead Professional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assess accommodation status and identify actions to preserve or terminate any</td>
<td>Offender Supervisor / Nominated Prison Officer</td>
</tr>
<tr>
<td>existing tenancy and make arrangements regarding any existing mortgage</td>
<td></td>
</tr>
<tr>
<td>payments.</td>
<td></td>
</tr>
<tr>
<td>It is important for the Offender Supervisor/prison officer to ensure that the</td>
<td></td>
</tr>
<tr>
<td>offender’s landlord is contacted at an early stage. This will enable joint</td>
<td></td>
</tr>
<tr>
<td>working in relation to their accommodation status and ensure the best outcomes.</td>
<td></td>
</tr>
<tr>
<td>Establish whether a particular agency or anyone in the community is supporting</td>
<td></td>
</tr>
<tr>
<td>the offender and if so contact them.</td>
<td></td>
</tr>
<tr>
<td>Provide appropriate advice to ensure offender is kept informed about their</td>
<td></td>
</tr>
<tr>
<td>sentencing outcome and specifically, the impact this will have on any existing</td>
<td></td>
</tr>
<tr>
<td>and future accommodation.</td>
<td></td>
</tr>
<tr>
<td>The advice to include:</td>
<td></td>
</tr>
<tr>
<td>• Whether current landlord is able to provide alternative accommodation on</td>
<td></td>
</tr>
<tr>
<td>release from custody</td>
<td></td>
</tr>
<tr>
<td>• Who to nominate to contact landlord to maintain accommodation and protect</td>
<td></td>
</tr>
<tr>
<td>possessions or to assist with termination of lease</td>
<td></td>
</tr>
<tr>
<td><strong>NB</strong> Landlords will usually continue to charge rent until all possessions</td>
<td></td>
</tr>
<tr>
<td>are removed and keys returned with vacant possession</td>
<td></td>
</tr>
<tr>
<td>• Commence action to secure or replace identity documents.</td>
<td></td>
</tr>
<tr>
<td><em>(See check list Appendix C)</em></td>
<td></td>
</tr>
</tbody>
</table>
7.3 During Custody

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 length of sentence and the extent and complexity of accommodation need.

This support to include any on-going activity required regarding tenancy closure or protection.

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Lead Professional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirm that any previous accommodation, possessions and interests in any existing property have been satisfactorily dealt with. (see check list Appendix C)</td>
<td>Offender Supervisor / Nominated Prison Officer / Peer Advisor / Offender Manager</td>
</tr>
<tr>
<td>Ensure that future housing needs are fully assessed and that the offender 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 13 weeks beforehand.</td>
<td></td>
</tr>
<tr>
<td>As sentence nears completion ensure that, if appropriate, offender completes a housing register application form for the relevant Local 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.</td>
<td></td>
</tr>
<tr>
<td><strong>If the offender 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 approximately 56 days prior but no less than 28 days prior to release and should include risk assessments and any other relevant documentation.</strong></td>
<td></td>
</tr>
<tr>
<td>Consider using the Kent Agency Assessment tool for high priority cases (see below).*</td>
<td></td>
</tr>
<tr>
<td>Consideration to be given for use of DVD link or telephone facilities where available. (NB - this Application may not be activated until a release date is notified**)</td>
<td></td>
</tr>
<tr>
<td>Ensure that all necessary ID documentation is available as required for applying for housing and relevant welfare benefits.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>Note: If the offender is bidding for a property under Choice Based Lettings, he/she must be in a position to view the property and take up the tenancy as soon as bid is successful.</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Kent Agency Assessment is available for use by statutory partner agencies where a service-user requires housing due to a high health/social care need. This can be completed by the Offender Manager. Contact the local Housing Authority for advice (Appendix A).

The form is available on JPPB website - www.kentjppbhousing.org
7.4 On release from custody - under Licence Conditions

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Lead Professional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to address accommodation need and seek to ensure that appropriate accommodation and/or accommodation-related support is available.</td>
<td>Offender Manager</td>
</tr>
<tr>
<td>Where independent accommodation is available refer into Floating Support if appropriate as soon as possible.</td>
<td></td>
</tr>
<tr>
<td>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:</td>
<td></td>
</tr>
<tr>
<td>Signpost offender to organisations who may have direct access hostels in the region.</td>
<td></td>
</tr>
<tr>
<td>Provide advice and information regarding Local Authority housing application as appropriate / direct to Local Authority or to the relevant Gateway services (Housing Option teams) for housing advice and assistance. A copy of the offender’s licence conditions must be provided to the local housing authority with the housing application form.</td>
<td></td>
</tr>
<tr>
<td><strong>NB Section 5</strong></td>
<td></td>
</tr>
<tr>
<td>Refer / signpost to other appropriate agencies.</td>
<td></td>
</tr>
<tr>
<td>Refer into Supported Accommodation where appropriate.</td>
<td></td>
</tr>
<tr>
<td>Where released into Supported Accommodation - continue to closely liaise with accommodation provider.</td>
<td></td>
</tr>
<tr>
<td>Where an offender 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 should be considered. 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 it’s individual merit.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
### 7.5 Serving sentences in the community
(Community and Suspended Sentence Orders)

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address accommodation need and seek to ensure that appropriate accommodation and/or accommodation-related support is available.</td>
<td>Offender Manager</td>
</tr>
<tr>
<td>Where independent accommodation is available refer into Floating Support if appropriate.</td>
<td></td>
</tr>
<tr>
<td>Provide advice and information regarding a local housing authority housing application as appropriate / direct to Local Authority Gateway services (Housing Option teams).</td>
<td></td>
</tr>
<tr>
<td><strong>NB Section 5</strong></td>
<td></td>
</tr>
<tr>
<td>Refer / signpost to other appropriate agencies and support services as appropriate for help with debt, housing benefit, substance misuse and health needs.</td>
<td></td>
</tr>
<tr>
<td>Refer into Supported Accommodation where appropriate.</td>
<td></td>
</tr>
<tr>
<td>Assist in obtaining or replacing required ID documentation as required.</td>
<td></td>
</tr>
<tr>
<td>Facilitate contact with family members and friends regarding accommodation as appropriate.</td>
<td></td>
</tr>
</tbody>
</table>
8. Welfare Reform

The Coalition Government is introducing a series of welfare reforms which will impact on benefit entitlement in relation to this Protocol. Some present and future reforms are explained in brief below.

8.1 Under 35 yr olds claiming Local Housing Allowance / Housing Benefit

Before January 2012, the shared accommodation rate only applied to people under 25, but from 1st January 2012, most single young people aged under 35 are only entitled to Local Housing Allowance (LHA) at what is called the 'shared accommodation rate’ - the rate paid to cover the cost of a single room in shared accommodation. The shared accommodation rate is set by local rent officers - the maximum amount is based on the typical cost of a single room in a shared house in each area.

These rules for LHA however don't apply to Local Authority and Housing Association tenants or to people in some types of Supported Accommodation - rules for Housing Benefit apply instead. These include 2 particular exceptions to this new age restriction.

If the following criteria apply, applicants aged 25 to 34 won’t be affected by the new rules and may be entitled to the rate for self-contained accommodation instead:

(a) the applicant has lived in hostels for homeless people, domestic violence refuges or drug rehabilitation hostels for 3 months or more before moving to the private rented sector - the 3 months does not have to be continuous, can be in any number of hostels and did not have to be immediately before claiming Housing Benefit. The applicant must also have been offered and received resettlement support.

(b) an applicant who has been discharged from custody and his/her housing has been arranged under the Multi Agency Public Protection Arrangements (MAPPA, Level 2 and above) for managing the risk posed by sexual and violent offenders.

8.2 Community Care Grants and Crisis Loans

Community Care Grants and Crisis Loans for general living expenses (including rent in advance) will be abolished from April 2013 and replaced by new local provision. The new provision will be administered by Local Authorities. In Kent, this will be administered by Kent County Council (KCC) and will be called Kent Support and Assistance Service.

8.3 Crisis Loan Alignment Payments

From April 2013 Crisis Loan alignment payments and other Crisis Loans paid due to issues with benefit will be replaced by a new national scheme of Short Term Advances. This will be administered by the Department for Work and Pensions (DWP).

8.4 Budgeting Loans

Budgeting Loans will continue to be available until Universal Credit is fully rolled out. As claimants migrate across to Universal Credit they will have access to a new system of Budgeting Advances that will replace Budgeting Loans for Universal Credit recipients.
APPENDIX A

Local Housing Authority contact details:

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Contact Details</th>
</tr>
</thead>
</table>
| Ashford Borough Council | Housing Services Team  
Ashford Borough Council  
Civic Centre  
Tannery Lane  
ASHFORD  
TN23 1PL  
Phone: 01233 330 688  
Fax: 01233 330 425 |
| Canterbury City Council | Housing Options Team  
Canterbury City Council  
Military Road  
CANTERBURY  
CT1 1YW  
Phone: 01227 862 142  
Fax: 01227 453 780 |
| Canterbury City Council | Housing Options Team  
Canterbury City Council  
Military Road  
CANTERBURY  
CT1 1YW  
Phone: 01227 862 142  
Fax: 01227 453 780 |
| Dartford Borough Council | Dartford Housing Services  
Civic Centre  
Home Gardens  
DARTFORD  
DA1 1DR  
Phone: 01322 343 822  
Fax: 01322 343 084 |
| Dover District Council | Housing Needs Section  
Dover District Council  
White Cliffs Business Park  
DOVER  
CT16 3PQ  
Phone: 01304 872 265  
Fax: 01304 872 316 |
| Dover District Council | Housing Needs Section  
Dover District Council  
White Cliffs Business Park  
DOVER  
CT16 3PQ  
Phone: 01304 872 265  
Fax: 01304 872 316 |
| Gravesham Borough Council | Housing Needs Team  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
GRAVESEND  
DA12 1AU  
Phone: 01474 337 366  
Fax: 01474 33 7762 |
| Maidstone Borough Council | Housing Options Team  
Maidstone Borough Council  
Maidstone House  
Kings Street  
MAIDSTONE  
ME15 6JQ  
Phone: 01622 602 440  
Fax: 01622 602 976 |
| Maidstone Borough Council | Housing Options Team  
Maidstone Borough Council  
Maidstone House  
Kings Street  
MAIDSTONE  
ME15 6JQ  
Phone: 01622 602 440  
Fax: 01622 602 976 |
| Sevenoaks District Council | Social Housing  
Sevenoaks District Council  
Council Offices  
Argyle Road  
SEVENOAKS  
TN13 1HG  
Phone: 01732 227 000  
Ask for Social Housing |
| Shepway District Council | Housing Options Team  
Civic Centre  
Castle Hill Avenue  
FOLKESTONE  
CT20 2QY  
Phone: 01303 853 300  
Fax: 01303 853 502 |
| Shepway District Council | Housing Options Team  
Civic Centre  
Castle Hill Avenue  
FOLKESTONE  
CT20 2QY  
Phone: 01303 853 300  
Fax: 01303 853 502 |
| Medway Council | Housing Options Team  
Gun Wharf  
Dock Road  
CHATHAM  
ME4 4TR  
Phone: 01634 333600 |
| Thanet District Council | Housing Options Section  
Thanet District Council  
P O Box 9  
Cecil Street  
MARGATE  
CT12 1XZ  
Phone: 01843 577 277  
Fax: 01843 290 906 |
| Tunbridge Wells | Borough Council  
Housing Needs Team  
Tunbridge Wells BC  
Town Hall  
ROYAL TUNBRIDGE WELLS  
TN1 1RS  
Phone: 01892 526121  
Fax: 01892 548 053 |
| Tonbridge & Malling Borough Council | Housing Options Team  
Tonbridge and Malling Borough Council  
Gibson Building  
Gibson Drive  
Kings Hill  
WEST MALLING  
ME19 4LZ  
Phone: 01732 876 067  
Fax: 01732 876 202 |
APPENDIX B

Housing and Accommodation

Information and advice if you have been given a Community Sentence or are released on licence from prison.

What can the Probation Service do?

Make sure you speak to your Offender Manager about your housing either before you are sentenced or as quickly as possible after sentence. Although Offender Managers are not housing specialists, they will be able to offer some support in contacting other agencies and organisations who will be able to offer further support.

Do not automatically give up your accommodation if you think you are going to prison. You may be able to claim some Housing Benefit or support with mortgage repayments to keep your home if you are in prison on remand or serving a short sentence.

If you need specialist support and advice you may also want to contact:

- Housing Options Team within the Local Authority (each Local Authority has a Housing Options Team to offer advice and guidance about your situation)
- Local Citizens Advice Bureau (C.A.B.) to discuss your rights and options.

Advice is also available from:

- Shelter in Kent Ring 0808 800 4444
  8am-8pm Monday-Friday
  8am-5pm Saturday-Sunday

- Shelter in Medway 0844 515 1740

In addition web based advice information and downloadable leaflets will also be available at www.shelter.org.uk.
Housing and Accommodation

Information and Advice if you have been given, or are likely to receive, a prison sentence.

What can the Probation Service do?

Make sure you speak to your Offender Manager about your housing either before you are sentenced or as quickly as possible after sentence. Although Offender Managers are not housing specialists, they will be able to offer some support in contacting other agencies and organisations who will be able to offer further support.

With the right advice it may be possible to find a way to maintain your home whilst in prison, so therefore do not automatically give up your accommodation if you think you are going to prison. You may be able to claim some Housing Benefit or support with mortgage repayments to keep your home if you are in prison on remand or serving a short sentence. Make sure you keep speaking to your Offender Manager about your housing options and don’t ignore any letters from your housing providers. If you lose your accommodation through rent arrears it may be more difficult to get rehoused on release, so it is important to keep both your housing provider and your Offender Manager informed of your situation and your plans to resolve any issues.

Benefits available

- Should you be looking at a remand in custody, you may claim Housing Benefit for up to 52 weeks whilst on remand
- In the event of a custodial sentence Housing Benefit will be paid for a period of up to 13 weeks
- If you have a mortgage you may be able to claim some support towards the interest after 13 weeks if you are on remand.

If you need specialist support and advice you may also want to contact:

- Local Housing Options Team within the Local Authority (each Local Authority has a Housing Options Team to offer advice and guidance about your situation)
- Local Citizens Advice Bureau (C.A.B.) to discuss your rights and options.

Advice is also available from:

- Shelter in Kent 0844 515 1444
- Shelter in Medway 0844 515 1740

Contact the numbers above to find out the date and times of their housing advice clinic in your area.

Are you on bail to the Court and waiting for a Pre-Sentence Report?

The Offender Manager will want to know about your housing situation as it may have a bearing on their recommendations. Speak to the Offender Manager about your housing options in light of their recommendations. Prepare for any prison sentence by trying to sort out your current housing situation before you go to prison; get some specialist advice as to whether or not you are eligible for Housing Benefit or mortgage support. If you decide to give up your accommodation, make arrangements to give up the tenancy, and clear the property of your belongings. Keep on good terms with the landlord as much as possible, as you may need to return to that landlord for accommodation after your sentence. Try to avoid leaving with any arrears as this will affect your chances of finding accommodation on release.
Are you remanded in custody?

You need to contact Probation staff inside the prison as soon as possible. You may need to make an application through the internal application process in prison, or speak with your Personal Officer or Wing Staff about getting an appointment quickly. You need to make fresh applications for Housing Benefit or mortgage support, as your circumstances will have changed. Do not assume that any existing Housing Benefit claims will continue to get paid. Do not assume that any existing Housing Benefit claims will continue to get paid. Speak with the Offender Manager about your options. You may be able to claim housing benefit for up to 52 weeks on remand.

What type of accommodation do you have at the moment?

1. Living in bed and breakfast
If your rent and service charges are fully paid and up to date, that's great, but make sure you inform the owner/manager that you may not be returning. If your bed and breakfast placement was arranged by the Local Authority and you now have rent or service charge arrears, you must inform the Local Authority as well as your landlord of any change in circumstances. Not doing so may result in you being declared intentionally homeless and you may not receive any priority on housing waiting lists in the future.

2. Living in rented or mortgaged
If the tenancy is in your own name, ensure the rent is paid up-to-date and you have made arrangements with the landlord to reduce any rent arrears. You may be entitled to claim benefits towards your rent if you are remanded in custody - please seek specialist advice via your Offender Manager. You may be entitled to benefits if you receive a short prison sentence - please seek specialist advice via your Offender Manager. You may be entitled to some help with your mortgage interests payments - please seek specialist advice via your Offender Manager and always keep your mortgage lender informed of your change in circumstances.

What should you do if you have rent or mortgage arrears?

• **Act now!** Don't ignore the letters / don't ignore the situation. Speak with your Offender Manager and/or a specialist housing agency, landlord or mortgage company. Make arrangements about arrears re payment schedules that are sensible and realistic.

• **Act now!** If you decide after getting advice that giving up your accommodation is your best option, make sure you give notice to your landlord; this will be in your tenancy agreement. Keep in touch with your landlord; try to avoid them taking you to Court to get back the property as they will then add Court costs to your arrears bill.

• **Act now!** If you do decide to give up your property, make arrangements for your personal belongings to be moved.

• **Act now!** If you are unable to keep up your mortgage payments, please make sure that you contact the mortgage lender immediately.

• **Act now!** If you want someone else to deal with these issues on your behalf whilst you are in prison or on bail, you can appoint someone you trust to speak to people on your behalf. You will just need to sign a letter of authorisation which gives them permission to act.

• **Act now!** Ask someone you trust to take care of your personal property

If you do nothing, you are likely to lose your accommodation and you may be declared intentionally homeless, which will be problematic when trying to get new accommodation and housing in the future.
**APPENDIX C - CHECKLISTS**

**NB:** Ensure offender has housing information leaflet at all stages

<table>
<thead>
<tr>
<th>Prior to sentence</th>
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<tr>
<td>1.</td>
<td>Ensure accommodation status is considered within the pre-sentence report and use of OASys or equivalent.</td>
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<tr>
<td>2.</td>
<td>Provide housing advice leaflet containing information on the implications for the protection of any existing accommodation (if individual is sentenced or held on remand). Advise offender to keep housing information leaflet for future use.</td>
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<tr>
<td>3.</td>
<td>Encourage nomination of an appropriate family member or friend to look after the individual’s interests, including property and possessions, should they be sentenced or remanded in custody and to liaise with landlord to maintain accommodation or terminate tenancy – whichever is necessary. <strong>N.B</strong> In particular, provide assistance to sort out housing benefit which can currently be paid for up to 13 weeks whilst someone is in prison.</td>
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<tr>
<td>4.</td>
<td>Obtain written permission to enable an appropriate family member or friend to contact Department of Work and Pensions and Housing Benefit Departments on their behalf to identify which benefits will continue and to avoid overpayments.</td>
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<tr>
<td>5.</td>
<td>Support individual to ensure official documents, eg driving licence, birth certificate, passport, etc are stored securely for future access.</td>
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<tr>
<th>On reception in custody</th>
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<tr>
<td>1.</td>
<td>Establish accommodation status and identify actions to secure and preserve or terminate any tenancy and made arrangements regarding any mortgage payments where appropriate.</td>
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<tr>
<td>2.</td>
<td>Establish if anyone is supporting the offender in the community and if so, ensure contact is made.</td>
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<td>3.</td>
<td>Ensure offender is made aware of their sentencing outcome and the impact this will have on any existing and future accommodation.</td>
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<td>4.</td>
<td>Establish who the offender can nominate to act as caretaker to maintain accommodation and contact the landlord on the prisoner’s behalf to inform about status and make interventions regarding property and possessions, especially ensuring that personal possessions and ID are safe. (<em>Landlords will usually continue to charge rent until all possessions are removed and the keys returned with vacant possession</em>).</td>
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During Custody

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<tbody>
<tr>
<td>1.</td>
<td>Confirm that any previous accommodation, possessions and interests have been satisfactorily dealt with and that landlord has been contacted.</td>
</tr>
<tr>
<td>2.</td>
<td>Ensure that offender’s future housing needs are properly assessed and work with offender to consider all potential housing options, including those provided by Supported Accommodation providers.</td>
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<tr>
<td>3.</td>
<td>(Towards end of sentence) Encourage offender to complete a Housing Register application form from the relevant Local Authority if necessary.</td>
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<td>4.</td>
<td>Forward completed Housing Register Application, risk assessments and other supporting documentation to appropriate local housing authority. (If the offender is bidding for a property under choice-based lettings he/she must be in a position to view the property and take up the tenancy as soon as the bid is successful).</td>
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<tr>
<td>5.</td>
<td><strong>Important</strong>: If offender is likely to be homeless upon release notify relevant Local Authority housing options team of release date <strong>at least 28 days prior to release</strong>.</td>
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<tr>
<td>6.</td>
<td>Provide local Housing Authority housing options team with risk assessments and other supporting documentation and for cases with high priority health/support needs, consider using Kent Agency Assessment. <a href="http://www.kentjppbhousing.org">www.kentjppbhousing.org</a></td>
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<tr>
<td>7.</td>
<td>Make use of any available video link or telephone facilities to enable communication with local housing authority housing options team regarding the provision of assistance.</td>
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<td>8.</td>
<td>Ensure offender has all necessary documentation such as ID, etc to enable him/her to apply for housing and claim all relevant benefits.</td>
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<td>9.</td>
<td>Make a floating support referral to Supporting People if need identified.</td>
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<tr>
<td>10.</td>
<td>If offender is the parent responsible for children, and does not have adequate accommodation, liaise with children’s Social Services and housing options team for both agencies to assess provision.</td>
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### On release from custody - under Licence Conditions

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<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Arrange for appropriate support to be made available where the offender is unable to return to their original address and is accommodated elsewhere.</td>
</tr>
<tr>
<td>2.</td>
<td>Where appropriate advise offender to complete a housing register application form and submit to local Housing Authority housing options team.</td>
</tr>
<tr>
<td>3.</td>
<td>In the event of no accommodation being available (e.g. early release) local Housing Authority housing options team to confirm the status of the offender and advise offender of what assistance may be available.</td>
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<tr>
<td>4.</td>
<td>Provide offender with contact details of local Housing Authority housing options team.</td>
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<tr>
<td>5.</td>
<td>Signpost offender to organisations that may have direct access hostels in the region. <a href="http://www.homelessuk.org/details.asp?id=LP124&amp;ds=1">http://www.homelessuk.org/details.asp?id=LP124&amp;ds=1</a>.</td>
</tr>
<tr>
<td>6.</td>
<td><strong>Where offender is moving to supported accommodation</strong> make arrangements for him/her to access the project and confirm arrangements with provider before release.</td>
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### Serving sentences in the community (Community and Suspended Sentence Orders)

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<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Establish offender’s current accommodation status and needs.</td>
</tr>
<tr>
<td>2.</td>
<td>Provide offender with information leaflet about housing options.</td>
</tr>
<tr>
<td>3.</td>
<td>Support offender to obtain or replace identity documents if necessary and to register with Department of Work and Pensions where appropriate.</td>
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<td>4.</td>
<td><strong>Where already in independent accommodation</strong> Refer to Supporting People for floating support (if appropriate).</td>
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<tr>
<td>5.</td>
<td>Signpost offender to services to help with arrears/debts, housing benefits, etc e.g. CAB.</td>
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<tr>
<td>6.</td>
<td>Make referrals to other support services as appropriate, e.g. substance misuse services, social services, health workers.</td>
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<tr>
<td>7.</td>
<td><strong>Where identified as No Fixed Abode (NFA) / Homeless</strong> Signpost to local Housing Authority housing options team for advice/assistance.</td>
</tr>
<tr>
<td>8.</td>
<td>Refer to Supported Accommodation providers.</td>
</tr>
<tr>
<td>9.</td>
<td>Support contact with family members and friends to provide accommodation.</td>
</tr>
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