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**CRIMINAL JUSTICE SYSTEM SERVICE USER HOUSING PATHWAY**

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

**1. Introduction**

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

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

**2. Purpose of this document:**

This can be summarised as follows, to:

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

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

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

**4. The Homelessness Reduction Act 2017 (HRA)**

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

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

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

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

**5. Duty to refer**

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

**6. Service users of the CJS**

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

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

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

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

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

**7. At Pre-Sentencing Stage: Lead** **National Probation Service (NPS)**

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

**8. On Reception or Recall To Custody: Lead CRC/Through The Gate Team**

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

* Assess current accommodation status
* Encourage nomination of an appropriate family member/friend to look after service user’s interests, including any property and possessions and particularly ID documents in the event of a custodial sentence or being remanded in custody
* This may involve giving written permission for a family member or friend or a support agency to contact Department of Work and Pensions (DWP) on their behalf to establish which benefits will continue and to avoid overpayments
* In particular, provide assistance to sort out the service user’s housing costs which may be paid for up to 13 weeks whilst someone is in prison and who has received a sentence of 13 weeks or less.
* Commence action to secure or replace identity documents
* Ascertain whether current landlord is able to provide alternative accommodation on release from custody
* Who to nominate to contact landlord to maintain accommodation and protect possessions or to assist with termination of lease (NB Landlords will usually continue to charge rent until all possessions are removed and keys returned with vacant possession)

**9. Pre-Release: Lead CRC/Through the Gate Team and NACRO**

* Confirm that any previous accommodation, possessions and interests in any existing property have been satisfactorily dealt with
* Ensure that future housing needs are fully assessed and that the service user considers all potential housing options, including those provided by

supported accommodation providers. If likely to be homeless upon release, this process should be started approximately 12 weeks beforehand in line with resettlement planning by the Through the Gate team

* Preference is for a provider to interview the service user whilst still in custody dependent on available resources
* As release date approaches, ensure that, if appropriate, the service user completes a housing register application form for the relevant local housing authority and send with appropriate risk assessment and any other relevant supporting documentation and date of release from custody
* If to be released on licence, copy of licence conditions must be supplied to local housing authority
* If the service user is likely to be homeless upon release, ensure that the relevant local housing authority’s housing options team is made aware of the release date. Contact should be made at least 56 days prior to release and should include risk assessments and any other relevant documentation (NB - this Application may not be activated until a release date is notified\*\*)
* Ensure that all necessary ID documentation is available as required for applying for housing and relevant welfare benefits.
* Support the service user with completing the actions set out by the LHA within the service user’s Personalised Housing Plan
* Refer into Supported Accommodation and floating support if appropriate as soon as possible as emergency assistance may not be given by the local

housing authority upon release

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

**10. On Release From Custody Under Supervision: NPS Offender Manager/CRC Responsible Officer**

* Continue to address accommodation need and seek to ensure that appropriate accommodation and/or accommodation-related support is available
* Support the service user with completing the actions set out by the LHA within the service user’s Personalised Housing Plan
* Where independent accommodation is available refer into Floating Support if appropriate as soon as possible. [Floating Support Referral Form](https://kentcc-self.achieveservice.com/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f2eca014-feaa-4d75-86fa-a428f080e786/AF-Stage6c84901d-c68d-49f2-aa5e-4e8381cf81d7/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen)

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

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

10.2 Where a service user may be in need of community care services on release from custody the Department of Health Guidance for Ordinary Residence April 2010 paragraphs 107- 111 - [Department of Health Guidance for Ordinary Residence](https://www.gov.uk/government/collections/ordinary-residence-pages)

should be considered. [[1]](#endnote-1) The presumption should be that they remain ordinary resident in the area in which they were immediately before the start of their sentence. This may not always be practical for a number of reasons e.g. they may not be able to return to that area, may be restricted from returning, the length of their sentence may mean all ties have been broken, or they may have been of no fixed abode prior to sentence, so each case will be considered on its individual merit.

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

**11. Serving Sentences In The Community (Community And Suspended Sentence Orders): NPS Offender Manager/CRC Responsible Officer**

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

**12. Service Users with Children**

12.1 Particular consideration needs to be given to homeless service users with children and related family issues regarding parental responsibility. The majority of such cases apply to women, and in such cases the impact of homelessness has a wider social impact. Although 70% of women entering prison in the year to December 2016 were serving six months or less, [[2]](#endnote-2) this nevertheless tends to have a huge impact on dependent children. Preventing housing loss prior to and during custody, and providing support in finding housing prior to discharge, are crucial elements in sustaining families.

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

1. National Guidance on Ordinary Residence was introduced by the Department of Health on 19 April 2010, updated in April 2013 and again in October 2013. The guidance

applies to Social Services and sets out how to identify which Local Authority is responsible for funding/provision of care for people aged 18 and over who are assessed as needing care and support services. The duty to provide social care services rests with the local authority in whose area the person is "ordinarily resident". It is therefore important to establish where an individual is ordinarily resident.

Ii Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice [↑](#endnote-ref-1)
2. May 2018 v.3 [↑](#endnote-ref-2)