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Evaluation of homelessness services to adults in the secure estate: Background paper

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Evaluation of homelessness services to adults in the secure estate:
Background paper

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Views expressed in this report are those of the researchers and not necessarily those of the Welsh Government

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Abbreviations and Glossary

- **Annex 8.** The housing referral/application form completed on prison leavers and intended to be sent to providers of probation services and then housing departments 66 days before a prison leaver is released from custody.
- **Annex 9.** The housing risk assessment which should be completed by providers of probation services and then sent, along with the annex 8, to local authority housing departments.
- **AP (Approved Premises).** Hostels managed by the NPS and which primarily accommodate High Risk offenders who have been released from custody.
- **BASS (Bail Accommodation and Support Service).** The BASS commenced in June 2007 to provide a source of accommodation and/or support for those who would otherwise be held in prison. The service is specifically for defendants who can be bailed and offenders who can be released on HDC or who are subject to an intensive community order with a Residence Requirement (sex offenders and high risk offenders are currently excluded).
- **BCS1 (Basic Custody Screening 1).** An Assessment completed by Prison Service staff on all prisoners within 3 days of reception into prison.
- **BCS2 (Basic Custody Screening 2).** A Resettlement Plan which details activities to be undertaken to promote rehabilitation and resettlement after a custodial sentence is passed. This is completed within 5 working days of the BCS1 by TTG staff.
- **CRCs (Community Rehabilitation Companies).** Providers of Probation Services to medium and low risk cases.
- **Intentionality.** Term used where housing support is restricted due to a local authority decision that an individual deliberately did something, or failed to do something, which resulted in the loss of their accommodation (s77 Housing (Wales) Act 2014).
- **IOM (Integrated Offender Management).** IOM brings a cross-agency response to the crime and reoffending threats faced by local communities. The most persistent and problematic offenders are identified and managed jointly by partner agencies working together.

- **Local Connection:** A person may have a local connection with the area of a local housing authority if the person is living or has lived there, is working in the area, because of family reasons or because of special circumstances.
- **MAPPA nominal (Multi-Agency Public Protection Arrangement: nominal).** A MAPPA nominal refers to three categories offenders who are eligible to be managed at either Level 1, Level 2 or Level 3 under Multi-Agency Public Protection Arrangements. The three categories are: Category 1: Sex Offenders; Category 2: violent offenders and other sex offenders sentenced to 12 months or more in custody. Category 3: Others.
- **MAPPP (Multi-Agency Public Protection Panel).** This term refers to those offenders managed at level 2 and level 3 under MAPPA and therefore subject to discussion and management at regular multi-agency panel meetings.
- **NPS (National Probation Service).** Since 2015 responsible only for producing court reports and supervising high risk offenders, all sex offenders and MAPPA eligible offenders.
- **OAsys (Offender Assessment System).** The assessment instrument used to assess and plan for meeting the needs of offenders under supervision. An OAsys explores 13 areas of need: Current Offence, Past Offending, Accommodation, Education and Training, Finances, Family and Personal relationships, Health, Emotional and Mental health, Lifestyle and Associates, Substance Use, Thinking and Behaviour, Attitudes and Risk.
- **OM (Offender Manager).** OM is a term in common usage to describe a prisoner's Responsible Officer
- **OMU (Offender Management Unit).** The OMU is a team within a prison comprising uniformed prison staff, CRC and NPS staff. They engage in sentence planning with prisoners and promote engagement with purposeful activity and rehabilitation whilst the person is in custody.
- **OS (Offender Supervisors).** OSs are CRC and uniformed prison staff responsible for the supervision of medium and low risk offenders serving sentence of over 12 months in custody
- **ORA (Offender Rehabilitation Act).** An Act which extended supervision arrangements to include all prison leavers and paved the way for probation services to be divided between NPS and CRCs.

- **PARWG (Prisoner Accommodation Resettlement Working Group).** PARWG was set up to explore the possibilities of developing processes to ensure prison leavers' needs were addressed.
- **PHP (Personal Housing Plans).** PHPs are usually developed between local authority housing options staff and the service user. Such plans outline the 'reasonable steps' each party might undertake to prevent homelessness or help to secure accommodation.
- **PLC (Prison Link Cymru).** This is a service funded by Welsh Government to address accommodation needs of prisoners on reception into custody.
- **Priority Need:** Section 70 of the Housing (Wales) Act identifies those persons/ households who should be considered in priority need (NB: there is discretion to exclude).
- **Prison Resettlement Officer.** A member of local authority homelessness team who focuses on supporting those due to leave custody.
- **RO (Responsible Officers).** This is the generic name for the professional responsible for an offender's supervision. The Responsible Officer may be from the NPS or CRC.
- **Risk:** Considerable confusion is associated with the word 'risk' primarily because it affords a number of interpretations. An offender may be deemed high risk of reoffending, high risk of harm to self, high risk of absconding on bail etc. In the criminal justice system the term is normally reserved to describe offenders assessed as being "High Risk of Serious Harm to others".
- **SEU: (Social Exclusion Unit)** A Government department.
- **SPOC (Single Point of Contact).** This refers to arrangements whereby (usually) a single named individual is a point of contact in relation to an issue or type of service user.
- **SP (Supporting People).** The 'Supporting People' programme was introduced in 2003 and funds services to a diverse range of socially excluded groups including people with learning difficulties and people with mental health difficulties. The programme is the primary funding source for the majority of accommodation based services for homeless people with additional support needs. From April 2011 onwards, in England, the Supporting People allocation was subsumed into the Formula Grant paid to

local authorities, so the allocation was no longer separately identified. It remains, however, a separately identified funding stream in Wales.

- **TTG (Through the Gate).** The generic name for services aimed at helping prison leavers resettle in the community. CRCs are responsible for providing 'Through the Gate' Services but for the most part have sub contracted that element of the work.
- **Vulnerability:** The Court of Appeal, in *Pereira v Camden Council*, held that a homeless person is vulnerable if their circumstances are such that they would suffer more when homeless than 'the ordinary homeless person'.
- **WG (Welsh Government).** Housing is devolved to Wales and the Welsh Government is responsible for legislation associated with the supply and choice of housing, improving the quality of housing and the provision of social housing and accommodation for the homeless. The operation of the criminal justice system is not devolved to Wales and remains the responsibility of the UK Government (largely through the Home Office and Ministry of Justice). There are, however, significant overlaps with areas of Welsh Government responsibility including health, education, housing and social care support.
- **Working Links:** The CRC for Wales.

Introduction

1. Homelessness and Crime

1.1 Homelessness

- 1.1.1 The purpose of this background paper is to provide some understanding of the policy and practice context for the development and implementation of the National Pathway for Homelessness Services to Adults in the Secure Estate. It is primarily based on searches for evidence using the keywords 'homelessness', 'prisoners', 'accommodation' and 'prison leavers' on a platform known as Primo which is Wrexham Glyndwr University's full-text academic journal and database search tool.
- 1.1.2 Homelessness has been defined by the United Nations as the absence of permanent shelter which requires individuals to carry their possessions with them and take shelter where they are able (United Nations, 2004). However, elsewhere it has been argued that there is a continuum of homelessness, with rough sleeping at one extreme and being in possession of temporary, insecure or inadequate housing conditions on the other (Watson and Austerberry 1986; Mackie 2015).
- 1.1.3 The precise relationship between homelessness and crime is complex because homelessness may occur with a number of factors. Studies in the USA suggest, for example, that around a third of homeless people meet the diagnostic criteria for major mental illness and if substance misuse is added then that number may be as high as 75% (Markowitz 2011). A Prison Health Needs Assessment undertaken by Public Health Wales (2013) suggested that of the 3,300 adult males held in prisons across Wales, 92% showed signs of some sort of mental health problem prior to entry into custody. Commonly found amongst the population were symptoms consistent with personality disorder, functional psychosis, neurotic disorders, alcohol problems and drug use.
- 1.1.4 As Gibbons (1971) states, homelessness may cause crime. That is to say homelessness may compel otherwise unmotivated offenders to commit crime. Gibbons (1971) found in research with homeless people that involvement in crime did not appear to be due to the direct effects of any

background variable such as age, class or gender but was related to survival necessities.

- 1.1.5 Alternatively homelessness may be linked to crime because it increases exposure to policing activities. In England and Wales, the Anti-Social Behaviour, Crime and Policing Act 2011 introduced Public Space Protection Orders which guarantees the street homeless more contact with the police (O'Brien 2016). More recently in the U.K., a concern over street crime, public displays of intoxication and anti-social behaviour (which by definition occurs in public) has served to focus attention on what happens 'in public' and fortified perceptions of a link between social disorder, crime and the homeless.
- 1.1.6 Homelessness increases the likelihood of an individual ending up in custody and then staying there longer. The Bail Act 1976 determines that decisions regarding pre-trial imprisonment rest upon an assessment of the person's likelihood of 'failing to surrender to custody'. Being homeless may be considered a risk factor in terms of failing to surrender to custody (Cooper and Sim, 2013). At the other end of a prison sentence, homeless people may be less likely to meet the demands required to benefit from early release arrangements (Home Detention Curfews).
- 1.1.7 Much of the research on the link between crime and homelessness has explored the relationship between homelessness and imprisonment. This takes the form of studies which explore the number of people in prison classed as homeless, or alternatively the number of people who are classed as homeless who have been to prison.
- 1.1.8 The Surveying Prisoner Crime Reduction study (SPCR) found that 15% of a sample of 1435 prisoners sentenced in 2005/2006 were homeless before custody (Ministry of Justice 2012). Some studies find that about a third of offenders are without a home before imprisonment (Social exclusion Unit 2002; Criminal Justice Joint Inspection, 2014; Gojkovic et al 2012). A third of prisoners report losing their housing directly as a result of imprisonment (Shelter, 2008). A similar proportion (amounting to around 30,000 people a year) report being homeless on release from prison.

- 1.1.9 Conversely, around 40% of rough sleepers are recent prison leavers (SEU 2002). Data from 2014/2015 suggests that 32% of rough sleepers in London had been to prison at some point (Clinks Briefing 2017).
- 1.1.10 There are two key reasons why prisoners may lose their housing while in prison and might be homeless on release. First, they may fail to communicate with their landlord or bank and this often leads to the loss of their tenancy or mortgage. Second, under housing benefit rules, rent is paid when a property is unoccupied as a result of a prison sentence only for 13 weeks¹.
- 1.1.11 Homeless prisoners may then be poorly placed to source alternative accommodation on release. Prisoners are amongst the most disadvantaged and lowest skilled in the population. Research conducted by the Offenders' Learning and Skills Service (OLASS) in 2015 found that 46% of people entering the prison system were functionally illiterate, compared with 15% of the general population. It was also found that almost a third of prisoners self-reported having a learning difficulty or disability (OLASS, 2015). It is suggested that 24% of adult prisoners report having been in care at some stage in their lives, compared to an estimated 2% of the general population (Coates, 2016). Albeit the precise estimation varies according to the diagnostic criteria adopted, mental disorder and substance misuse, as already noted, is prevalent across the prison population (Nacro, 2016)
- 1.1.12 Addressing homelessness amongst prison leavers promotes rehabilitation. In 2002 the SEU suggested housing prisoners could reduce reoffending by 20%. People who have accommodation arranged on release are four times more likely to have employment, education and training arranged than those who do not (Niven and Stewart, 2005). In the SPCR study of 2012, the link between accommodation, homelessness

¹ In some local authority areas it may be paid for up to 52 weeks for an individual who is not sentenced / on remand. Payment, however, is at the allowed (LHA) rate (see later) so would not cover any additional 'top up' payment normally made by a tenant. When Universal Credit (UC) is rolled out (expected to be complete by 2022) claimants will continue to receive the housing element of the UC for six months when they are in prison and are not expected to be absent from their home for longer than that period. For those serving a sentence, this is higher than the 13 weeks allowed under the Housing Benefit Regulations. However for those on remand, this is less generous than under the current system.

and reoffending was explored. More than three-quarters of prisoners (79%) who reported being homeless before custody were reconvicted in the first year after release, compared with about half (47%) of those who did not report being homeless before custody.

1.1.13 Notwithstanding these types of findings, it is apposite to note that it is not clear how having accommodation leads to reduced reoffending (Bowpitt 2015). The desistance literature explores offender accounts of 'giving up' crime. It suggests that changes in 'personal narratives' (often attendant on developing social bonds with pro-social others) are as important as changes in personal circumstances in motivating people away from crime. Thus overcoming social problems e.g. homelessness, may be insufficient on its own to promote desistance (Farrall et al., 2010). It may, however, be a necessary first step. In that regard, the way accommodation comes to be provided may be important. Maguire and Raynor (2001, p.147) suggest recidivists tend to experience themselves as powerless over their lives whereas desisters tend to believe they are in control. Thus being an active participant as opposed to passive recipient of assistance may be important.

1.1.14 In the context that prisoners are likely to struggle to find, maintain and keep tenancies, a 'Housing First' model is sometimes contrasted with a 'Staircase' model for meeting need. Housing First models focus on accommodating people quickly and then supporting them in that accommodation. Conversely the more commonly deployed 'Staircase Model' proposes that living skills should be progressively developed and individuals moved to conditions of increasing independence. The 'Housing First' approach to working with chronically homeless people was pioneered in New York during the early 1990s and has been widely adopted with considerable success in countries including the UK (Johnsen and Teixeira, 2010; Pleace and Bretherton, 2013; Bowpitt 2014). Thus Shelter have argued:

There is evidence to suggest that Housing First is a highly cost-effective approach, especially when cost savings are compared to traditional supported accommodation, homeless shelters, or possible prison and hospital stays (Shelter 2015a, p.5).

1.2 Housing Policy in Perspective

1.2.1 For most of the last 40 years, assistance to prisoners on release from prison in England and Wales has been provided under the authority of the Housing (Homeless Persons) Act 1977. According to Mackie (2014, p 1) this legislation was “highly regarded across the world for the right to settled accommodation which is bestowed”. Under this Act four tests applied to people presenting as homeless and each had to be passed for a local authority to accept a duty to house them. Local authorities were required to provide settled accommodation for an individual (or household) if they:

- were threatened with homelessness in the next 28 days (or who were actually homeless)
- in priority need
- not intentionally homeless
- had a local connection.

1.2.2 Individuals or households identified as having ‘priority need’ could be placed in ‘temporary accommodation’ whilst efforts were made to find them more permanent accommodation. They could also be given reasonable preference when it came to local authority housing allocations. Priority need status was conferred upon some individuals or households automatically (e.g. those with dependent children) and on others if they were vulnerable.

1.2.3 The test commonly used to establish if someone was vulnerable and, therefore, in priority need became known as the Pereira test. The Court of Appeal, in *Pereira v Camden Council*, held that a person is vulnerable if

their circumstances are such that they would suffer more when homeless than ‘the ordinary homeless person’.

- 1.2.4 In 2002, the Labour Government made changes in terms of local authorities’ duties towards ex-offenders through The Homelessness (Priority Need for Accommodation) (England) Order 2002. It extended section 189 of the 1996 Housing Act to include as a ‘priority need’ group people who were vulnerable because they had served a custodial sentence or been on remand. Priority need status, however, was conferred on all prison leavers in Wales after the Homeless Persons (Priority Need) Order 2001.
- 1.2.5 Prisoner accommodation rose to greater prominence in penal policy as a result of a report on reoffending by the SEU (2002). In this report, as previously highlighted, stable accommodation was recognised as one of the key factors that can reduce re-offending. Thereafter helping prison leavers find shelter became one of the seven pathways to Reducing Re-Offending established by the Government’s Reducing Re-offending National Action Plan (Home Office, 2004).
- 1.2.6 In April 2005 Prison Service Order (PSO) 2350 was introduced. This order required a housing needs assessment to be carried out ‘as soon as possible’ on all new prison receptions. In relation to the accommodation pathway in Wales, the subsequent Housing and Ex-Offenders Risk Management: Link Protocol Wales (2006) provided an overarching model for addressing homelessness at both reception and resettlement stages of a prison sentence.
- 1.2.7 Be that as it may, across England and Wales, a survey of 680 prisoners in 2010 found that only 21% reported being aware of any housing provision in their prison and only 4% had engaged with such provision (Gojkovic et al. 2012).
- 1.2.8 In addition Harding and Harding (2006) and Cooper (2016) suggest prison leavers and (ex) offenders were poorly served by the legislation. This was because they could be readily classified as ‘intentionally homeless’ (and thereby excluded from housing services) by virtue of the fact they had

committed a crime in the first place. The shortage of temporary accommodation could also mean that prison leavers were often housed in bed and breakfast accommodation far away from their local areas and without support (Humphreys and Sterling 2008). Although there was a steady increase in the number of prison leavers 'accepted' for temporary accommodation in Wales after 2001 many then seemed to drop out of the system. Bibbings (2012) found that of all ex-offenders leaving temporary accommodation in 13 Wales local authority areas in 2010/11, only 39% moved on to more settled housing. This compared with 62% of all other households leaving temporary accommodation. Overall, ex-prisoners were around one and a half times more likely to drop out of temporary accommodation than others.

- 1.2.9 Some local authorities in Wales, however, were noted as achieving move on rates for prison leavers from temporary accommodation that were comparable with those for the general population. Where this was so, this was linked to the nature of the actual support offered to ex-offenders before and after release. Reflecting on this in 2015, Shelter commented:

A range of studies emphasise the importance of effective multi-agency partnership work in meeting prison leavers' support needs. The consensus view is that mistakes may have been made in the past by assuming that providing settled housing will by itself solve all the problems of a person leaving prison. (Shelter, 2015a, p.10)

1.3 The Housing (Wales) Act 2014

- 1.3.1 From 2009 onwards the Welsh Government began reviewing its approach to supporting people experiencing or at risk of homelessness in Wales (Welsh Government, 2009). A series of reports explored international policy in the area and Stakeholder views were sought about the adequacy of the existing legislative framework (Mackie and Hoffman, 2011; Fitzpatrick et al., 2012, Mackie et al., 2012a, 2012b, 2012c).
- 1.3.2 Subsequent engagement and consultation with a range of stakeholders identified broad support for an increased focus on preventative activities. Such a focus was enshrined in Homes for Wales: A White Paper for

Better Lives and Communities published in 2012 and thereafter, from April 2015 onwards, The Housing (Wales) Act introduced major changes to the way homelessness would be tackled in Wales.

1.3.3 Changes to the homelessness legislation in Part 2 of the Housing (Wales) Act sought to focus services around preventing homelessness and providing assistance to all eligible applicants:

- Section 62 of the Act placed a duty on local authorities to carry out an assessment in all new cases where an eligible person/household has applied to them for accommodation or help in obtaining accommodation and where that person/household is homeless or threatened with homelessness in the next 56 days.
- Section 66 introduced the duty to ‘help to prevent’ such an eligible person/household from becoming homeless.
- Where such an eligible person/household is homeless and might be in a ‘priority need’ category Section 68 placed an ‘interim duty’ on local authorities to place such a person/household in temporary accommodation whilst further enquiries are made.
- Section 73 placed a duty on local authorities to provide ‘help to secure’ accommodation where a person/household is eligible for help and is homeless. The duty to help to secure accommodation runs for 56 days but can end earlier in a number of specified circumstances.
- Section 75 of the Act imposed a Final duty on local authorities to secure accommodation for persons/households in priority need who have a local connection. The previous requirement to screen for ‘intentional homelessness’ was changed from a duty to a power
- The Housing (Wales) Act 2014 empowered local authorities to discharge their duties through the private rented sector as well as the social rented sector.

- Section 70 of the Housing (Wales) Act identified those persons/ households who should be considered in priority need (NB: there is discretion to exclude):
 - Pregnant women.
 - Persons/Households with dependent children.
 - Persons/Households who are vulnerable for special reasons.
 - Persons/Households experiencing an emergency arising from fire or flood
 - Persons/Households experiencing domestic abuse.
 - Single persons aged 16-17.
 - 18-21 year olds at risk of Child Sexual Exploitation
 - 18-21 year olds who have previously been 'Looked after Children'.
 - Individuals homeless on discharge from the armed services.
 - A person who is vulnerable as a result of custody.

1.3.4 The Act sought to support practices that empowered people to design solutions to their housing problems which might be through jointly developed 'Personal Housing Plans' (PHP) which would address not only immediate housing problems but, where relevant, issues underlying homelessness. To this end the Act emphasised joint working between health, criminal justice and social care agencies to better meet housing related needs. Thus, as Shelter point out that the Act sought to embed a new philosophy into practice:

The philosophy of this new approach is based on partnership working with other agencies and with people facing homelessness. The aim is to involve people in designing their own solutions, looking not just at immediate housing problems but also at any underlying issues, intervening early wherever possible to prevent people's situations escalating out of hand (Shelter 2015b).

- 1.3.5 As a result of the new focus on prevention activity it was anticipated that more people would become eligible for assistance than had previously been the case. In addition, it was expected local authorities would seek to discharge more of their homelessness duties by making an offer of accommodation in the private sector.
- 1.3.6 The Housing (Wales) Act removed the automatic priority need status previously conferred on all prison leavers in Wales. Priority need status, however, was still conferred upon those prison leavers deemed to be “vulnerable as a result of their time in custody” or those who met any of the other criteria for being in priority need. It was anticipated that approximately 70% of those prisoners who had previously been entitled to a housing duty would no longer be eligible for those duties (Welsh Local Government Association, 2014).
- 1.3.7 As a result of concerns about the potential effects of this change which were expressed during scrutiny sessions for the Act (e.g. Shelter, 2013), the then Minister for Housing and Regeneration established the Prisoner Accommodation Resettlement Working Group (PARWG) to explore processes to ensure prison leavers' needs would still be adequately addressed. The need for such processes was given more urgency by parallel changes in how prisoners were to be managed following on from the Offender Rehabilitation Act 2014.

1.4 The Offender Rehabilitation Act 2014

- 1.4.1 The 2010 Green Paper, *Breaking the Cycle*, (Ministry of Justice, 2010) introduced a new approach to tackling re-offending. It included a commitment to tackle what were considered to be barriers to rehabilitation and led to the development of *Transforming Rehabilitation: A Strategy for Reform* (Ministry of Justice, 2013b) and *The Offender Rehabilitation Act 2014* (ORA 2014).
- 1.4.2 The ORA 2014 led to changes in the way offenders would be supervised in custody and in the community. In June 2014 the Ministry of Justice split the existing 35 Probation Trusts into a public sector National Probation Service (NPS) and 21 new Community Rehabilitation Companies (CRCs). The NPS responsibilities were redefined so that its staff would advise courts on sentencing and manage those offenders who present a high risk of serious harm to others (or were MAPPA nominals). CRCs would supervise all other offenders who were assessed as being at low or medium risk of harm to others.
- 1.4.3 CRCs were in public ownership until February 2015 when, following a procurement exercise, they were transferred to eight private sector providers working under contract to the National Offender Management Service. In Wales, the contract to deliver CRC services was awarded to Working Links.
- 1.4.4 Whereas prior to the ORA 2014 prisoners sentenced to under 12 months in custody were not eligible for post-release supervision, the Act extended such supervision to those serving sentences of over one day. This increased by an estimated 45,000 offenders per year, the numbers of prison leavers eligible for post release supervision (House of Commons, 2016).
- 1.4.5 CRCs were also contracted to undertake resettlement work at prisons within their catchment areas. To facilitate such “Through the Gate” (TTG) services, 70 of the 123 prisons in England and Wales were designated as resettlement prisons. The intention was that in the last three months before release, prisoners would be transferred to the resettlement prison in their local area and post-release support and supervision arrangements

would be developed from there (HMIP, 2017). Most CRCs sub contracted TTG services. For example The Working Links, the Wales CRC, subcontracted TTG services in HMP Cardiff to St Giles' Trust. However, it retained responsibility for TTG work in HMP and YOI Parc.

- 1.4.6 From May 2015 onwards, some of the reception and pre-release practices in prisons were amended. Prison Governors were required to ensure that arrangements were in place to ensure a 'Basic Custody Screening Tool' was completed on all new prisoners within 72 hours of them being received into prison. Part 1 of this is completed by Prison Service staff. In section B3 of Part 1, an assessment of housing need is required (Ministry of Justice, 2014)
- 1.4.7 Part 2 of the BCS is a Resettlement Plan is completed by TTG staff. It requires TTG staff to identify the "actions required" to address the needs identified in the Part 1 assessment. The Targeted Operational Model for CRC providers requires that the Resettlement Plan (Part 2 of the BCS) should be completed within 5 days of Part 1 of the BCS being completed and then reviewed 12 weeks prior to release.
- 1.4.8 Responsible Officers (NPS or CRC staff who will supervise a prisoner on release in the community) have access to the completed BCS part 1 and 2. In turn, staff in prisons have access to completed OAsys assessments.
- 1.4.9 OAsys is the risk and needs assessment and planning tool used by professionals involved in case management in probation and prison settings. It covers areas of potential need associated with offending, accommodation, finances, employment, relationships, lifestyle and associates, drug use, alcohol use, attitudes, emotional mental health and wellbeing, thinking and behaviour, and physical health. OAsys also incorporates a risk assessment and once completed, a Sentence Plan and Risk Management Plan.
- 1.4.10 In all cases where an offender is assessed as being a high risk of serious harm to others and/or eligible for management under Multi-Agency Public Protection Arrangements (MAPPA), the OAsys should be completed, and the prisoner managed through the custodial experience, by NPS staff in

the community (who will liaise with staff in the prison Offender management Unit (OMU)). This NPS officer would be required to convene annual sentence planning meetings to discuss a prisoner's progress.

- 1.4.11 Medium and low risk prisoners serving 12 months or more are allocated an Offender Supervisor within the OMU. This individual, usually a uniformed member of prison staff or CRC worker, would be responsible for completing the OAsys and managing the prisoner's needs in custody. The Offender Supervisor would also be responsible for convening and chairing an annual sentence planning meeting to review the prisoner's progress.
- 1.4.12 For those sentenced to between 12 months and 2 years the OAsys has to be completed within 8 weeks of sentence. For those serving over 2 years, it has to be completed within 16 weeks of sentence. As noted an OAsys is usually reviewed annually²
- 1.4.13 In relation to offenders who are MAPPA eligible, their MAPPA management category would be clarified by the prison and NPS at the 6 month point prior to release. Those to be managed at Levels 2 or 3 would be subject to a pre-release Multi-Agency public Protection Panel (MAPPP) meeting.
- 1.4.14 Twelve weeks before a prisoner is due for release, it is expected they would be transferred to the resettlement prison for their home area, from which TTG staff would co-ordinate resettlement services.
- 1.4.15 Post release, prison leavers would normally be seen for the purposes of supervision no less frequently than monthly. In the case of prison leavers supervised by the CRC who are assessed as low risk of serious harm or low likelihood of reoffending, however, levels of contact could be scaled back so that they might only be contacted by telephone every 6 weeks

² It may be reviewed every three years in the case of offenders serving indeterminate sentences.

1.5 National Pathway for Homelessness Services to Adults in the Secure Estate

- 1.5.1 Cognisant of changes in Housing and Offender Rehabilitation law, PARWG developed the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate'. The National Pathway seeks to consolidate existing processes for providing services to prisoners with housing related needs and describes the systems for managing communication and relations between the agencies providing relevant services. Development and implementation of the National Pathway in relation to adults was led by Welsh Government but with significant engagement from the National Offender Management Service in Wales (now renamed HPPS Wales); the Welsh Local Government Association and 'Working Links'- the Wales Community Rehabilitation Company.
- 1.5.2 The [National Pathway](#) went live in December 2015 but operated in a shadow form from May 2015 onwards. Further details about the pathway are provided in the sections of this report focussing on three key points of intervention for those requiring housing related support (a) at reception; (b) at resettlement; and (c) Post-release.
- 1.5.3 Key aspects of the National Pathway include designated tasks allocated to particular agencies at key points in a prisoner's journey through custody and back into the community. These are presented on pages 16-17 of the National Pathway.
- 1.5.4 Welsh Government made funding available to support prison leavers during a 12 month transitional phase and whilst the National Pathway was being implemented (transitional funding is currently extended to 2018). This funding was intended to cover emergency support, including the cost of short term accommodation, for some prison leavers. It was also intended to provide further security of temporary accommodation for those who would not have had access to prevention services prior to the commencement of the Act and would have lost priority need – i.e. those released in the weeks after commencement.

2 The Implementation Context

2.1 Welfare Reform

- 2.1.1 There are challenges associated with preventing and addressing homelessness amongst prison leavers in Wales associated with the passing of The Welfare Reform and Work Act 2012. One of the key reforms affecting the housing sector was the introduction of the Social Sector Size Criteria (SSSC). The introduction of this so called 'Bedroom Tax' means that welfare claimants now have their housing benefit reduced by 14% if they have one spare room and 25% if they have two or more. This change rendered one/two bedroom properties more desirable than they once were, increasing competition for the spaces traditionally occupied by single males which, as Cooper (2016) indicates, the majority of prison leavers happen to be.
- 2.1.2 Single Accommodation Rates (SAR) were introduced in 1996 (Cooper, 2016). Initially this limited the Housing Benefit allowance for a person under the age of 25 to the average for a single person in shared accommodation in that particular local authority area. In 2012 this was revised upwards to cover people up to the age of 35 which, as Cooper (2016) also indicates, the majority of prison leavers happen to be.
- 2.1.3 The combined effect of the SSSC and SAR on single people under 35 who are reliant on Housing Benefit is that they are likely to have to seek shared housing which may or may not be in good supply in some areas. Conversely, such individuals may be more welcome in the homes of family and friends who might otherwise face reductions in their own welfare payments.
- 2.1.4 Data in relation to the Local Housing Allowance rates and the availability of property in Cardiff was accessed a part of the study. In that area the Local Housing Allowance for shared accommodation was £242.38 per calendar month. Of concern was that the number of properties available in that price range on the 13/10/17 was five.

- 2.1.5 Historically Housing Benefit payments have been made directly to landlords. The introduction of Universal Credit under the Welfare Reform Act has been associated with claimants receiving all their benefits directly as one single payment. This may impact significantly on the willingness of landlords in the private and social sector to house individuals considered at higher risk of failing to pay rent.
- 2.1.6 Where individuals are in receipt of Jobseeker's Allowance (JSA), Employment and Support Allowance or Universal Credit, there are certain conditions and requirements attached. A new sanctions regime was introduced in 2012 which penalises those who do not actively seek work or take up opportunities for training which may disproportionately impact on the homeless. In England, Homelessness Watch suggest that on average 3% of JSA and 2.7% of ESA claimants receive a sanction, compared to a third of homeless people on JSA and a fifth of homeless people on ESA (Homeless Watch 2013).

2.2 Home Ownership

- 2.2.1 Additional challenges to housing prison leavers are associated with changes in housing supply over the last decade. Home ownership has been in decline for the last two decades in the UK and first time buyers have found themselves priced out of the market. The most dramatic falls in home ownership have been amongst younger households, falling by 20% points between 2003/04 and 2013/14 (Stephens and Stephenson, 2016). Some younger people have stayed in the family home but others have sought independence in the private rental market. In England the proportion of 25 to 34-year-olds renting privately has nearly doubled in 10 years from 2% in 2005-06 to 46% in 2015-16 (Hodgson, 2017). This has fuelled a 'buy to let' boom which has kept house prices high. Against a background of higher demand, employed young people may be the more attractive tenants. This is not least of all because the Welfare Reform and Work Act heralded a policy of a freezing housing benefit payments for four years starting 2016/2017.

- 2.2.2 Both the number and the percentage of vacant social housing stock decreased in Wales during 2015-16. At the 31st March 2016, a total of 4,340 social housing units (1.9 per cent of all social housing stock) were vacant, down by 4 per cent on the previous year.
- 2.2.3 Estimating the numbers of people sleeping rough is notoriously difficult but data published in 2016 suggested that the UK total was up by 55% since 2010 (Fitzpatrick et al. 2016). According to the National Audit Office (2017) the number of households living in temporary accommodation in the UK has increased by 58% since 2010/2011. They suggest the number of people sleeping rough has increased by 134% over the same time period. In November 2016 the Welsh Government conducted their second annual count of people sleeping rough across Wales and recorded a 72% rise compared to 2015 (Welsh Government, 2017).

2.3 Criminal Justice Reform

- 2.3.1 At 31st March 2017, the total prison population in England and Wales was 85,557 (Ministry of Justice 2017). There is a general underlying trend of an increasing number of people held in prison. The prison population of England & Wales rose by about 90% between 1990 and 2016 (House of Commons, 2017a). In total there were 88,400 remand or sentenced admissions in the 12 months to March 2017. There were 73,560 releases from custody in the same timeframe (Ministry of Justice, 2017b).
- 2.3.2 Ministry of Justice statistics suggest that each year the majority of sentenced prisoners serve under 12 months in custody. In the twelve months ending March 2015, for example, 51,686 (57%) prisoners were serving six months or less, and a further 6,055 (7%) were serving more than six months but less than twelve months. As women tend to commit less serious offences the proportion of women serving sentences of under six months is greater (Ministry of Justice, 2015).
- 2.3.3 According to the latest available data, the average cost of providing a prison place per year is £35,371. This equates to £680 per place per week (Ministry of Justice 2017c).

2.3.4 Over the last ten years the number of prisoners released but then recalled to custody in England and Wales has increased. There was a substantial increase after 2015:

Table 1: Number of Recalls into Custody 2007-2017

Year	Number of Recalls
2007/2008	13,252
2008/2009	13,467
2009/2010	15,004
2010/2011	15,631
2011/2012	16,591
2012/2013	16,307
2013/2014	17,515
2014/2015	17,701
2015/2016	22,412
2016/2017	21,721

Source: House of Commons (2017b)

2.3.5 The expectation would be that the number of recalls will increase over coming years given that before ORA, those sentenced to under 12 months in custody would not have been subject to any kind of enforceable supervision.

2.3.6 There are two types of recall. Fixed term recall is for a fixed period of 28 days. Early release arrangements would apply so a person returned to custody on a fixed recall would remain in custody for 14 days. A Standard recall applies to prisoners not eligible for a fixed recall (e.g. because they are serving a sentence for a violent or a sexual offence). This type of recall can result in the prisoner remaining in custody until the end of their

sentence or an indeterminate point until the parole board (following an oral hearing) deems them suitable for release.

- 2.3.7 Most prisons are overcrowded. As at the 30 December 2016, 69% (80) of prison establishments were overcrowded with two Welsh prisons, HMP Cardiff and HMP Altcourse in the top 20 most overcrowded prisons. There are 6000 less prisoner officer posts in England and Wales compared with 2010 (Taylor et al., 2016). This reduction in prison staff has coincided with the emergence of psychoactive substance use as a problem within custodial environments (Ralphs et al., 2017). Prisons have become more chaotic and violent places, so much so that the Chief Inspector of Prisons was recently prompted to describe them as ‘unacceptably violent and dangerous places’ (HMI Prisons, 2016: 8).
- 2.3.8 Recently the contractual arrangements associated with delivering TTG services have been criticised. Lower than expected numbers of people have been subject to CRC supervision and, because CRCs are funded on the basis of the numbers of people they supervise, this has impacted on their revenue streams. Reduced revenue has limited the ability and/or willingness of CRCs to invest and fund anything other than activities that enable them to meet their contractually obligated minimum standards (House of Commons 2016).
- 2.3.9 Innovation in TTG activity by CRCs was initially incentivised. This was because in addition to payments associated with contract compliance, additional ‘payment by results’ would follow where a CRC could show its activities had the effect of reducing reoffending. However, because revenue streams have reduced and proving impact in this area is difficult, TTG activities have been focussed on completing Resettlement Plans (BCS2) and referring prisoners onwards for services within prescribed timescales (Criminal Justice Joint Inspection, 2017).
- 2.3.10 In a report published in October 2016 and focusing on prisoners serving under 12 months (mainly CRC cases) HMI Probation and HMI Prison suggested that in relation to 4 prisons they inspected (one of which was Wales) not enough was being done to address accommodation needs. It was suggested:

Prisoners did not know who would help them, what that help would consist of, and when they would know what had been done. Many of the referrals made were standard applications to local housing departments. These had little likelihood of any accommodation being secured before release. Prisoners released to areas not covered by the specific CRC in the prison received even less help. We did not see any innovative work by CRCs to make access to accommodation easier. Some bids that CRCs made before getting their contracts proposed schemes such as funding rent deposits or other short-term assistance, but we did not see this in operation (Criminal Justice Joint Inspection, 2016, p.22).

- 2.3.11 In June 2017 HMI Probation and HMI Prison published the results of its inspection of TTG resettlement services for prisoners serving 12 months or more (mainly NPS cases). They found no reason to be more positive about the work completed as part of TTG provision than for shorter term prisoners. They suggested TTG providers were focussed more on quantity indicators associated with their contractual obligations. Quality meaningful work was not incentivised. 10% of the 98 prisoners in their sample were homeless on first night of release. Needs were not identified on the BCS1 on reception or were poorly recorded. BCS2 Resettlement Plans were completed but not in a timely way and the quality was poor. In relation to accommodation issues the report commented:

Too many prisoners (more than one in seven) were released not knowing where they would sleep that night. Only two prisoners were found accommodation via Through the Gate arrangements. Three more were placed in short-term accommodation provided by HMPPS for home detention curfew. Work that could and should have been done by Through the Gate services in prison was left for responsible officers to pick up after release...If TTG services were removed tomorrow, in our view the impact on the

resettlement of prisoners would be negligible (Criminal Justice Joint Inspection, 2017, p.3)

2.3.12 More recently it has been reported that Michael Spurr, Head of Her Majesty's Prison and Probation Services stated "CRCs are not working as we would have wanted them to work," and that for many prison leavers only a "basic resettlement service" was being provided.³ Due in part to evaluations such as this the House of Commons Justice Committee has launched an inquiry into the Government's Transforming Rehabilitation Programme. The inquiry will focus on how current Government measures are effectively addressing the challenges facing the probation services and what more needs to be done in the short-term to improve the probation system and how prisoners are supported and supervised on release from custody.

2.3.13 Conversely, in the last 24 months, HMI Prisons have referred more positively to the efforts made by prison staff and governors as well as the CRC in Wales to manage the housing needs of the prison population in HMP Cardiff, HMP and YOI Parc and HMP Swansea (Her Majesty's Inspectorate of Prisons 2016a, 2016b, 2017). In the inspection report on HMP Cardiff, it was commented that:

Prisoners with housing issues were dealt with quickly. Accommodation services were good and included maintaining and surrendering tenancies, housing benefit and applications for accommodation before release (Her Majesty's Inspectorate of Prisons, 2016a, p.16).

2.3.14 In relation to HMP and YOI Parc it was stated that:
Housing support for prisoners was reasonable. All new arrivals were seen and support was available to maintain tenancies and/or to manage housing debt. Recent analysis found that 96% of all prisoners were released into appropriate temporary or permanent accommodation (Her Majesty's Inspectorate of Prisons, 2016b, p.16)

³ Ex-prisoners lack support says probation Head <http://www.bbc.co.uk/news/uk-41595826>

- 2.3.15 In relation to Swansea, it was suggested that
Prisoners had reasonable access to a group of valued peer advisers. Peer advisers worked effectively to support prisoners towards resettlement, especially in signposting to housing and other services.... St Giles Trust workers undertook an appropriate range of accommodation support, including maintaining or surrendering tenancies and securing accommodation on release where possible. Nevertheless, the percentage of men leaving Swansea with no sustainable accommodation had increased significantly since the last inspection to a high 49% and was unacceptable. This increase in large part reflected the Welsh Assembly's removal of prisoners from the category of priority housing need (Her Majesty's Inspectorate of Prisons, 2017, p.50)
- 2.3.16 A significant development which may impact on homelessness services provided to adults leaving the secure estate in north Wales has been the opening, in March 2017, of HMP Berwyn in Wrexham. HMP Berwyn is a Category C male training and resettlement prison which will gradually build up to its full operational capacity of 2106 places.
- 2.3.17 Through the commencement of the Homelessness Reduction Act (2017), Prisons and Probation providers In England will soon be subject to a similar set of duties as apply in Wales to refer to the local housing authority someone who might be at risk of becoming homeless.

2.4 The Housing (Wales) Act 2014

- 2.4.1 The homeless statistics, which the Welsh Government collects from local authorities on a quarterly basis, are of limited use in identifying trends in how services for prison leavers have developed since the National Pathway was implemented. For the most part, direct comparisons of Pre- and Post-Act data is not possible due to changes in ways of working and collecting data. For example, prevention activities were not recorded prior to implementation of the Act.

- 2.4.2 Post-Act data has only recently been collected and there have been variations between local authorities in how this has been done. Given concerns over the quality of data returned to the Welsh Government under the Act, up until July 2017 the statistics were temporarily de-designated as National Statistics.
- 2.4.3 The available data notes that in the year ending August 2017 and across the 22 local authority areas:
- 159 households with a prison leaver in Wales were threatened with homelessness
 - 1,323 households with a prison leaver in Wales were found to be eligible and homeless and subject to s.73 'relief help to secure' accommodation
 - 273 households with a prison leaver in Wales were found to be eligible, homeless but not in priority need or eligible, homeless but intentionally homeless.
 - 144 households with a prison leaver in Wales were found to be eligible, in priority need and unintentionally homeless and owed a final duty under section 75⁴.
- 2.4.4 Welsh Government receives quarterly reports from IOM Cymru staff on how the National Pathway is operating at each of the prisons serving Wales. The reports seek to provide an overview of the accommodation status of a cohort of prisoners released from that prison and resettled in Wales during a particular month. The National Probation Service n-Delius case recording system is interrogated to identify the recorded accommodation status of the prison leaver on the day of and then one week after release. Local authority housing staff are then contacted for further information on each person who indicate they did not have accommodation to go to on release.

⁴ Data retrieved from Stats Wales
<https://statswales.gov.wales/Catalogue/Housing/Homelessness/Statutory-Homelessness-Prevention-and-Relief>

- 2.4.5 In most of the reports the conclusions drawn from the data are that: Local authorities are working with most offenders prior to their release from custody to help them secure suitable accommodation (if they receive an Application for housing support); a minority of offenders still present on the day of release or the following day due to a last minute change in circumstances; those offenders who the local authority assessed as in 'priority need' are being provided with temporary accommodation.
- 2.4.6 Under the new arrangements for community supervision of offenders, a new performance framework was put into place for CRCs and the NPS. CRC assurance metric C relates to the percentage of prisoners released into settled accommodation. CRC quarterly performance data for this metric suggests Wales CRC performance is above average (but data is highly variable). Accommodation outcomes are recorded for 77% and 92% of all CRC cases in England and Wales respectively. Of these 77% go to settled accommodation in England and 82% in Wales. The 82% assurance metric for Working Links is bettered only by 4 of the other 20 CRCs.

3 National Pathway: Delivery Arrangements

3.1.1 The National Pathway for Adults in the Secure Estate (Wales) has relevance and applies to practice with prisoners at nine prisons that routinely accommodate prisoners from Wales.

3.1.2 In establishments catering for prisoners from Wales, services are sub-contracted as follows:

Table 2: Prison Service Delivery Arrangements October 2017

Prison Establishment	CRC for the contract package area	Through the Gate provider	Prison Link Cymru provider
HMP Altcourse	Purple Futures Merseyside	Shelter (England)	Shelter Cymru
HMP Berwyn	Working Links	Shelter Cymru	Shelter Cymru
HMP Cardiff	Working Links	St Giles Trust	Pobl
HMP Eastwood Park	Working Links	Safer Wales	Pobl
HMP and YOI Parc	Working Links	Working links	Pobl
HMP Stoke Health	The Reducing Reoffending Partnership	St Giles Trust	Shelter Cymru
HMP Styal	Purple Futures?	Safer Wales	Shelter Cymru
HMP Swansea	Working Links	St Giles Trust	Pobl
HMP Prescoed/ Usk	Working Links	St Giles Trust	Pobl

3.1.3 Whilst all the above prisons might receive prisoners at the point of sentence, for the most part male reception functions are undertaken in HMP Altcourse in north Wales and mid Wales, and HMP Cardiff or Swansea in south Wales. In the case of females such functions are discharged by HMP Styal in north Wales and HMP Eastwood Park in south Wales.

3.1.4 There are four approved premises in Wales capable of accommodating between 23-26 individuals. There are 32 separate Bail Accommodation spaces⁵

Table 3: Approved Premises Wales October 2017

Name	Type	Population	Local Authority
Quay House	Approved Premises	Males 18+	Swansea
Ty Newydd	Approved Premises	Males 18+	Gwynedd
Plas-y-Wern	Approved Premises	Males 18+	Wrexham
Manderville House	Approved Premises	Males 18+	Cardiff

Source: HMPPS Written Submission to the Equality, Local Government and Communities Committee: Inquiry into Rough Sleeping⁶

Table 4: BASS Places (Wales) October 2017

Type	Male/Female	Local Authority
Bail Accommodation	3 Male places	Bridgend
	4 Male places and 2 Female places	Cardiff
	3 Male places	Llanelli
	3 Female places	Merthyr Tydfil
	5 Male places	Newport
	6 Male Places	Swansea
	3 Male places and 3 Female places	Wrexham

Source: As Table 3

3.1.5 General practice in relation to addressing homelessness is discussed and developed in Wales under the auspices of separate quarterly 'Homelessness Network' and 'Supporting People Network' meetings. The former, the Homelessness Network, is attended by housing options staff

⁶ Available at: <http://senedd.assembly.wales/documents/s71737/ELGC5-05-18%20Paper%2013%20-%20Evidence%20from%20HMPPS%20Wales.pdf>

from the 22 Welsh local authorities. The latter, the Supporting People Network, is attended by the lead officer(s) from each local authority for commissioning and/or managing Supporting People funded projects and services.

- 3.1.6 Practice in relation to the Pathway is developed and facilitated under the auspices of three Regional Prisoner Resettlement Meetings (one in the north, one in the South East, one in the South West).
- 3.1.7 The Prison Link Cymru (PLC) service is funded by Welsh Government through the Homelessness Prevention Grant. The service meets housing related needs at the point of reception into prison. The service is provided by staff from Pobl in the south and by Shelter Cymru in the north.
- 3.1.8 In the National Pathway, PLC staff are described as having a role reserved for the reception phase of the custodial journey but, as a result of falling outside of the Wales CRC area of responsibility, this had been renegotiated at HMP Altcourse so that PLC staff undertake the resettlement work and the CRC staff undertake reception related work.
- 3.1.9 Most of the 22 local authorities receive housing referrals directly, but variations apply. In north Wales, four of the local authorities have used transitional funding to employ a 'Regional Prison Liaison officer' who receives all housing (Annex 8) referrals, makes assessments of which duty is owed, and completes a basic PHP and then passes the information to the relevant authority.
- 3.1.10 Most of the 22 local authority areas operate gateway services for Supporting People funded interventions.
- 3.1.11 The Prisoner Release Empowerment Project (PREP) operates across Monmouthshire, Blaenau Gwent, Torfaen, Bridgend and Newport. PREP provides support to homeless prisoners assessed as not being in a priority need category. The project works with prison leavers to find and maintain housing, and supports them to ensure a successful and positive transition into the community from prison.

- 3.1.12 The Prison Advice and Care Trust (PACT) operate a mentoring services across Wales. This service is presently more developed in parts of south Wales. The Pact service provides a pick-up and drop off service for those being released from custody and a longer term (three contacts) mentoring service. A PACT single point of contact (SPOC) is employed at HMP Cardiff and there is a worker in situ at HMP Eastwood Park. There are plans to develop the service at HMP Swansea and HMP Berwyn. The PACT service is provided to offenders under supervision to the CRC, but may be bought in by NPS at a fixed fee.
- 3.1.13 Justice Cymru is a Wales wide initiative which embeds housing workers within CRC teams. The Justice Cymru worker engages with offenders in the community and, where necessary, in custody to motivate and support them to engage with services. Justice Cymru staff may have their own links and contacts to providers of housing services. 'Justice Cymru' services are delivered by a consortium of providers and is contracted by the Wales CRC; Working Links. The service may be accessed by NPS staff through payment of a fixed fee.
- 3.1.14 A Women's Pathfinder project operates in Cardiff providing housing related advice and assistance to women prisoners as part of a multi-agency approach.

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