



changing lives
reducing crime

Nacro's response to the proposal to amend the duty of a local authority to accommodate a former prisoner as a result of their priority need status

October 2013

Introduction

Nacro is the largest crime reduction charity in England and Wales. Our team of over 1,200 staff and volunteers work with more than 70,000 people in over 250 communities across England and Wales. Specifically in Wales, we have 70 staff members who support 593 people.

Nacro's mission to change lives and reduce crime is predicated on the conviction that we must reduce the devastating effects crime has on individual victims and on communities, using evidence-based practice to do what works to reduce crime and reoffending. Victims of crime have to live with the experience forever, whilst those who commit crime can find it hard to break the destructive cycle of offending. At Nacro we focus our work on:

- intervening early with people at risk of becoming involved in crime and antisocial behaviour to prevent crime happening in the first place
- working with people in prison or on a community sentence so they change their behaviour, take steps to repair the damage they have caused individual victims and communities, and move on from crime and offending, and
- resettling offenders after custody, helping them to find a home, a job, develop new skills, rebuild relationships and reintegrate into their community.

Nacro believes that stable and appropriate housing is integral to effective offender rehabilitation. Therefore, we are also a housing association which provides specialist supported housing to adults and young people (16-21) who have been in contact with the criminal justice system. This work is funded through Supporting People grants and rental income. We provide housing and support for a period of anything between three months to two years to vulnerable people. Many of the people who use our services have recently been released from prison or have served a community sentence, and often they have a range of complex support needs. The multiple risk factors commonly associated with our client group can frequently be addressed through the provision of stable accommodation and specialised support to tackle individual problems.

In Wales, Nacro manages 24 units of self-contained accommodation in Wrexham, Rhyl, Llandudno, Bangor and Holyhead. The support provided within these units covers areas such as claiming benefits, managing money, personal organisation, domestic routines, managing a tenancy, accessing services and other issues that affect independent living. The purpose of the service is to enable service users to develop the skills and confidence to live independently, maintain a tenancy, and live confidently and successfully within the community once the support has come to an end. Nacro is committed to ensuring that service users have as much respect, dignity, independence, choice and control over their own lives as possible. In the year 2012-2013, 84% of the tenants that moved on successfully completed their support plan and went on to independent living.

We therefore welcome the opportunity to provide evidence and information about the impact of the change to priority need status proposals for prison leavers and the impact on our mission to reduce crime and reoffending.

Consultation Response Form

Your name: Sally Benton

Organisation (if applicable): Nacro (www.nacro.org.uk)

Email/telephone number: sally.benton@nacro.org.uk / 020 7840 7215

Your address: Nacro (Head Office) Park Place, 10-12 Lawn Lane, London, SW8 1UD

Questions:

Question 1: Do you agree with the proposal to amend the priority need status for former prisoners?

Based on our wealth of experience in this area and work across Wales, Nacro has concerns in relation to the proposal to remove the priority needs status afforded to prisoners leaving custody, in particular substituting it for a generic category of vulnerability. With reference to our reasons explained in our answer to Q.2, we believe the introduction of this change in the context of limited social housing stock, a rise in the number of applications for social housing due to the recession, and diminishing local authority resources is likely to result in vulnerable prisoners being overlooked in favour of other vulnerable tenants deemed more worthy to live in that local authority's area. The adverse consequences of this will result in more prison leavers becoming homeless or inappropriately housed and risk a consequential impact on crime and reoffending rates in Wales. To illustrate this point, one of our Welsh service users, who has exercised his right under The Homeless Persons (Priority Need) (Wales) Order 2001, stated:

"I could not cope living on the streets or people's [*sic*] sofa's [*sic*] ... I can get out of prison and committ [*sic*] more crime just to go back to prison then at least I would have a roof over my head, be warm and safe and have food. I would most probley [*sic*] end up back on drugs and alcohol."

Both effects equate to increased costs for Welsh local authorities and the criminal justice system, while hampering the safety and security of these local communities.

Appropriate housing for offenders leaving prison is critical. Evidence clearly indicates the link between homelessness on release from prison, access to appropriate housing and reoffending. As the consultation document rightly cites, the Ministry of Justice's research shows that 79% of prisoners who reported being homeless before custody were reconvicted in the first year after release, compared with 47% of those who did not report being homeless before custody.¹

As with all rehabilitative interventions, empirical data on the causal link between housing and a reduction in reoffending is difficult to extrapolate; however the evidence is clear that housing is a critical component in concurrently addressing multi-criminogenic needs. McGuire argues that on average offenders have four separate needs and those with the most needs are also the most likely to reoffend.² The importance of housing alongside other

¹ Ministry of Justice (2012) *Research Summary 3/12: Accommodation, homelessness and reoffending of prisoners* London: Ministry of Justice

² McGuire J (2002) 'Integrating findings from research reviews' in McGuire, J. (Ed.) *Offender Rehabilitation and Treatment: Effective programme and policies to reduce reoffending* England: John Wiley & Sons

interventions is well established and evidenced by studies showing that rehabilitation models with a housing component are more effective than ones that do not have one.³

Whilst it cannot be said that housing in isolation will solve the reoffending dilemma, if employed as part of an intelligent and tailored package which addresses all of the offender's needs, housing can form solid foundations for change. Securing stable and suitable accommodation acts as a prerequisite for the implementation of other interventions such as employment. Citizens Advice research shows that almost a quarter of employers would not consider employing a homeless person.⁴ Furthermore, the oft-cited Social Exclusion Unit research⁵ and our own experience indicate that homelessness can prevent ex-offenders from accessing support services such as healthcare when the offender does not have an address for registration purposes, which is a particularly important component of rehabilitating offenders with mental health problems. Again, not being able to cite an address can create difficulties when trying to claim benefits, preventing the individual from being linked into the welfare system or from opening a bank account to pay in those benefits and thereby from gaining financial independence from criminal activity. Understanding the interrelated and interdependent nature of rehabilitative interventions also means acknowledging that limiting access to one inevitably impacts on the effectiveness of the others.

On this basis, the position outlined in the consultation questioning the evidence base connecting housing to reoffending is concerning. Given the multiple factors that impact on rehabilitation, the role of housing offenders in a complex multi-criminogenic response should not be dismissed.

Housing options for prison leavers

In 2002, the Social Exclusion Unit found that as many as a third of prisoners lose their housing on imprisonment.⁶ Such difficulties are compounded when those prisoners are released as there is a general lack of accommodation, which affects housing opportunities available to offenders. The Social Exclusion Unit also found that 35% of prisoners do not have access to accommodation on release.⁷ Furthermore, it is important to note that available accommodation without support is not always appropriate for offenders who have complex and multiple needs.

Many offenders are locked out of housing options: they may lose their housing benefit whilst in prison; their previous tenancy records (i.e. rent arrears or history of anti-social behaviour) may also act to bar them from social housing thus limiting this as a viable route. In our experience, many offenders lack the skills to manage their own money, which can be exacerbated by other issues in their life when they come out of prison such as a drug problem. This can lead to bad tenancy records which ultimately serve to prevent them from accessing social housing in the future.

Private rented accommodation may also prove to be a barrier as they may not have the means to pay deposits and rent upfront and a criminal record may again automatically exclude them from some private tenancies. Returning to the family home or 'couch surfing' may offer temporary relief, but in Nacro's experience such accommodation can bring its own problems putting a strain on relationships and rarely resulting in stable accommodation. Furthermore, research shows that unstable accommodation such as couch surfing has been linked to recidivism. Meredith's study in 2007 indicated that there was a 25% increase in the

³ Miller H and Miller J (2010) 'Community in-reach through jail re-entry: findings from a quasi-experimental design' *Justice Quarterly* vol. 27, 6, pp. 893-910

⁴ Citizens Advice (2007) *Locked Out: CAB evidence on prisoners and ex-offenders* London: Citizens Advice

⁵ Social Exclusion Unit (2002) *Reducing Reoffending by Ex-prisoners* London: Social Exclusion Unit

⁶ *ibid*

⁷ *ibid*

likelihood of arrest each time an individual on parole changed address.⁸ Similarly, Makarios et al. support this assertion in finding that a change of residence was a consistent predictor of reoffending, with each change in address resulting in a 70% increase in the risk of reoffending.⁹

It is likely that hostels will become the only option to house offenders who cannot access social housing; however, the majority of hostels in Wales are geographically concentrated around more populated areas such as Wrexham, Cardiff, Newport and Swansea. This may mean that for many Welsh prisoners, they will have to move away from established social and family networks. A saturation of offenders in these areas without adequate support for their specific needs may bring its own problems causing further issues in these areas which are already deprived.

Finally, as a result of the changes to the priority needs status for prisoners, it is probable that available accommodation for offenders will become oversubscribed, resulting in an increase in the number of prison leavers being at risk of street homelessness and this may potentially impact on an individual's likelihood of reoffending.

A smarter approach

To avoid the above situation arising, the Welsh Government should take a smarter approach to housing offenders and tackling reoffending in the form of diverting offenders with particular needs to specialised and supported housing like that offered by Nacro and ensuring that stable accommodation for prison leavers forms part of Welsh community safety planning.

The evidence shows that many offenders have complex and multiple needs. More than 70% of the prison population have two or more mental health disorders.¹⁰ It has been estimated that at any one time 10% of the prison population has a serious mental health problem.¹¹ A study indicated that 62% of men and 57% of women prisoners have a personality disorder.¹² Another study estimated that 7% of men and 14% of women prisoners have a psychotic disorder.¹³ Other mental health problems such as anxiety, depression and self-harm are also prevalent across prison populations.¹⁴ Yet on release, research by Melzer et al suggests that many prisoners with mental health problems leaving prisons are without supported housing and more than three quarters had not been given an appointment with outside service providers.¹⁵ In addition, 20-30% of prisoners have learning disabilities or difficulties which interfere with their ability to cope with the criminal justice system.¹⁶

Furthermore, between a third and a half of prisoners are estimated to be problem drug users¹⁷ and 52% of surveyed women and 40% of surveyed men stated that they used heroin, crack or cocaine in the four weeks prior to incarceration.¹⁸ Drug experimentation and dependency can begin and continue within prison.

⁸ Meredith T. (2007) 'Developing and implementing automated risk assessments in parole' *Justice and Policy Research* vol. 9, pp. 1-24

⁹ Makarios M, Steiner B and Travis L F (2010) 'Examining the predictors of recidivism among men and women released from prison in Ohio' *Criminal Justice and Behaviour* vol. 37, pp. 1337-77

¹⁰ Singleton N, Meltzer H, Gatward R, Coid J and Deasey D (1998) *Psychiatric Morbidity Among Prisoners in England and Wales* London: The Stationery Office

¹¹ Michael Spurr, Chief Operating Officer of the National Offender Management Service, speaking on the Today Programme, 2 September 2008

¹² Stewart D (2008) *The Problems and Needs of Newly Sentenced Prisoners: Results from a national survey* London: Ministry of Justice

¹³ Singleton, supra note 10

¹⁴ Ministry of Justice (2011) *Safety in Custody Statistics: Quarterly update to June 2012* London: Ministry of Justice

¹⁵ Melzer D, Tom BDM, Brugha T, Fryers T, Grounds A, Johnson A, Meltzer H and Singleton N (2002) 'Prisoners with psychosis in England and Wales: a one-year national follow-up study' *The Howard Journal*, vol 41, pp.1-131

¹⁶ Loucks N (2007) *No One Knows – Offenders with Learning Difficulties and Learning Disabilities: Review of prevalence and associated needs* London: Prison Reform Trust

¹⁷ UK Drug Policy Commission (2008) *Reducing Drug Use, Reducing Reoffending* London: UKDPC

¹⁸ Stewart D (2008) *The Problems and Needs of Newly Sentenced Prisoners: Results from a national survey* London: Ministry of Justice

To address these particular needs, it is imperative that offenders are linked into specialist housing and other services. This is particularly important in the early stages of release when motivation for change is at its highest but it is also when numerous challenges present themselves, including adjusting to life outside of prison. From this perspective the proposal to remove the priority status for prison leavers – at the very point such an intervention is likely to be at its most effective – risks a double negative, resulting in increased reoffending rates and residual costs to the taxpayer.¹⁹

Question 2: Do you feel the proposed amended priority need definition, combined with the proposed enhanced duties on local authorities to help everyone at risk of homelessness, could ensure appropriate support for vulnerable former prisoners?

Before the proposed amendments are discussed, we would like to highlight the specific legislation governing England which states within Part 7 of the Housing Act 1996, as amended by The Homelessness (Priority Need for Accommodation) (England) Order 2002, section 189 (e):

“a person ... is vulnerable as a result of:

- (i) Having served a custodial sentence,
- (ii) Having been committed for contempt of court or other kindred offence, or
- (iii) Having been remanded in custody.”

The key operative word within the subsection is “vulnerable”. Therefore this provision does not award all prisoners automatic priority status to access social housing but it does to those prisoners who are defined as being vulnerable. The version enacted within Wales omits this two-pronged test but seeks to introduce an overarching priority needs test of vulnerability.

The reasoning behind prescribing vulnerable prisoners as a specific category was to highlight to local authorities that vulnerable prisoners are as much entitled to social housing as they would be under section 189 (c). By prescribing this particular category alongside the Homelessness Code for Guidance for Local Authorities, it is recognised that specific vulnerabilities can arise from being incarcerated. In theory, the combined effect was to ensure that prisoners’ needs stemming from their vulnerability are not overshadowed by their offending.

However, in Nacro’s experience the test of vulnerability is not adequate to ensure that prisoners requiring support receive social housing. Practice across local authorities in England is inconsistent in applying the test, with some interpreting this concept narrowly. Nacro’s Resettlement Advice Service regularly receives calls from vulnerable prisoners with severe depression, autism, mental illness or significant learning difficulties attempting to access social housing on the basis of their priority need status and being informed that they do not qualify as they are not vulnerable. A common dismissal employed by local authority housing caseworkers is that there are others with similar conditions that can fend for themselves, therefore vulnerable prisoners are not any different. In the cases we have supported, case workers have only granted priority need status to those prisoners who present with a multitude of vulnerabilities which in combination are judged to meet the threshold of vulnerability. Furthermore, local authority housing caseworkers require documented evidence of that person’s vulnerability from a healthcare practitioner etc. If a prisoner does not have an address to register for healthcare, being able to provide such documentation can be more difficult.

¹⁹ A reoffending ex-prisoner is likely to be responsible for crime costing the criminal justice system an average of £65,000. Prolific offenders will cost even more. When reoffending leads to a further prison sentence, the costs soar: Social Exclusion Unit (2002) *Reducing Reoffending by Ex-prisoners* London: Social Exclusion Unit

In addition where vulnerability has been identified, in order to avert housing the prisoner some caseworkers have rejected the application on the basis that the prisoner has made themselves intentionally homeless by virtue of wilfully committing an offence, causing them to lose their housing or by failing to inform their landlord of their custodial sentence.²⁰ In our experience these practices appear to be increasing and are linked to pressure on local authority budgets and a growing need for social housing due to the effects of the recession.

It is therefore suggested that the vulnerability test and the discretion awarded to local authority housing staff give them the power to act as gatekeepers who choose which vulnerable people should be allocated accommodation. This may not ensure that prisoners will be housed or that they are housed appropriately, whether there is a single overarching category as proposed in the present consultation or whether the model adopted in England is followed. Furthermore, it fails to recognise the importance of stable accommodation for prison leavers in relation to community safety and crime reduction.

Nacro believes that the proposed enhanced duties on local authorities to take reasonable steps to help prevent or relieve homelessness for all households who are homeless or threatened with homelessness and extending the period of threatened homelessness from 28 days to 56 days will not ensure appropriate support for vulnerable former prisoners. Whilst this may create a more transparent system, this does not in itself guarantee that all households will be accommodated as there is limited social housing for all vulnerable housing applicants which encourages the practices outlined above. Moreover, increasing the period of time to 56 days may not prevent short-term prisoners from becoming homeless – the cohort which is responsible for the majority of reoffending.²¹ Release dates for those prisoners can be chaotic as they may be informed at short notice that they are about to be released which hinders their ability to apply within the period stipulated and to organise accommodation before they are released, thus increasing the risk of homelessness and reoffending if other alternatives cannot be found. Furthermore, in our experience some local authorities unlawfully refuse to accept applications before the prisoner is released.²² Typical reasons stated are that the applicant has to attend in person and that they need to see identification documents with the applicant present. Increased pressure on local authority staff means that pre-release visits are not the norm.

As the current regimes using vulnerability as their key criterion have proved ineffective for ensuring that vulnerable prisoners are housed by the local authority, Nacro suggests that the Welsh Government employs the smarter approach discussed above to effectively rehabilitate prisoners. This involves providing immediate, secure and appropriate housing which is supported by either specialist in-house support or through floating support for ex-offenders who have more complex and multiple needs than the wider community.

Question 3: How could local authorities, criminal justice and other partners support the implementation of this change by working better together to prevent homelessness amongst former prisoners?

It is important that planning a prisoner's release begins early on in a prisoner's sentence. Arrangements for appropriate housing and other provisions should be allocated before release dates to ensure they are reconnected to their local community and social networks. This approach prevents offenders applying for accommodation on release which increases

²⁰ Mills A, Gojkovic D, Meek M and Mullins D (2013) 'Housing ex-prisoners: the role of the third sector' *Safer Communities* vol. 12 no. 1 2013, pp. 38-49

²¹ Ministry of Justice (2013) *2013 Compendium of reoffending statistics and analysis: Ministry of Justice statistical bulletin* London: Ministry of Justice

²² This has also been reported in a good practice briefing by Shelter: Shelter (2007) *Barred from Housing: A discussion of the barriers faced by prisoners in accessing accommodation on release* [online] Available at: http://england.shelter.org.uk/_data/assets/pdf_file/0006/38715/Barred_from_Housing-A_Good_Practice_Briefing.pdf (last accessed 24 October 2013).

the likelihood of an offender being homeless on release. The Welsh Government should consider how local authority housing caseworkers can work more effectively with prison resettlement staff to ensure that housing applications are processed in a timely manner and that the applicant's housing needs are thoroughly assessed within a multi-disciplinary environment to ensure that unaddressed needs do not become predictors of reoffending rates.

An example of good practice regarding offenders being released from custody can be seen in areas where accommodation provision is provided especially for offenders and where there is support to provide a rapid move on to privately rented accommodation. In Birmingham and Telford there are offender specific programmes which work with prison resettlement teams prior to an offender's release from custody. The prison teams will refer to a number of supported or shared accommodation providers. If accommodation is not found within 28 days of an offender's release they will refer the individual to a hostel that provides a bed for a minimum of a month from release. During the individual's stay at the hostel they are given support to move on to private rented accommodation or, if this is not suitable, to alternative supported accommodation.

Question 4: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The consultation document considers the amount of money that prison leavers currently cost local authorities. As Birmingham City Council formulated, the cost of reoffending is greater than that of supported housing for offenders.²³ Nacro suggests that the Welsh Government follows suit and assesses the potential hidden costs to the public purse of reoffending if it adopts the proposed amendment and shifts to a focus on vulnerability which fails to incorporate a crime reduction approach.

Given the direction that the available evidence supports, it is vital that housing is provided to prison leavers from the outset, together with provisions such as co-ordinated and synchronised substance misuse programmes in order to harness the time period during which the offender is most motivated to change.

The renewed focus this consultation has given to the issue offers an opportunity for the Welsh Government to step out and trailblaze identified good practice within Wales. In doing so, the Welsh Government will move the rehabilitation debate forward by demonstrating the integral part housing plays in offender resettlement and rehabilitation, as well as the importance of joining up all interventions to successfully impact on reoffending.

Nacro welcomes the opportunity to discuss this consultation further with the Housing Minister, together with discussing at a strategic level how Nacro and others can assist in new housing services within Wales as we recognise that current access to social housing is very limited for all. For more information, please contact Sally Benton, Nacro's Head of Policy and Public Affairs, on 020 7840 7215 or at sally.benton@nacro.org.uk.

We are happy for Nacro's response to this consultation to be made public – either on the internet or in a report.

²³ Donath R (2013) 'Housing can eliminate the hidden costs of reoffending' *The Guardian* [online] Available at: www.theguardian.com/housing-network/2013/apr/04/housing-hidden-costs-reoffending [last accessed 25.10.2013]