

Expert Review Panel on Homelessness Briefing for Meeting 8: Criminal Justice and Homelessness

April 2023

This briefing is intended to provide background and a contextual outline for the Expert Review Panel's discussion on criminal justice and homelessness.

This briefing paper should be read in conjunction with the Cymorth Cymru Experts by Experience paper and the Crisis paper summarising feedback from stakeholder engagement in this area.

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1. Introduction

The criminal justice system, including legal jurisdiction of England and Wales is a non-devolved area. Because of this, criminal justice in Wales, including responsibility for the police, courts, prisons and probation in Wales rests with the UK Parliament and

Government. However, the Welsh Parliament and Welsh Government has several powers that overlap with the delivery of the justice system. Included in these are safeguarding, mental health and substance misuse services, education and skills training relating to the rehabilitation of offenders, and the provision of housing to offenders being resettled in the community.¹

Only a minority of homeless people will become involved in offending, but spending time in prison increases the risk of homelessness and a lack of stable accommodation can also increase the risk of (re-)offending. This can lead to a self-perpetuating negative cycle, with repeated episodes of homelessness and imprisonment.

Prison leavers can be particularly susceptible to homelessness for a variety of reasons. These might include a break-down of previous relationships and lack of support network, difficulties in accessing housing due to certain policies, limitations on where they are able to be accommodated given the nature of crimes committed or probation requirements, financial difficulties and a lack of employment upon leaving prison. In addition, prison leavers may have particular support needs in accessing or sustaining tenancies in light of past trauma or as part of moving on with life after prison.

While finding and sustaining accommodation can be problematic for anyone leaving prison, evidence has highlighted four groups that face particular barriers²: remand prisoners and those on very short-term sentences,³ women,⁴ young people,⁵ and those who were homeless on entering prison.⁶

As well as prison leavers being at higher risk of homelessness, it is important to note that homelessness itself, in the form of rough sleeping, is criminalised via the Vagrancy Act.

2. Statistics

Given that criminal justice is non-devolved in Wales, statistics on criminal justice and homelessness specific to Wales alone are scarce.

In 2021, the Ministry of Justice reported that 15% of people in prison in England and Wales had been homeless prior to entering custody⁷ and people who are released from prison without somewhere safe to stay are around 50% more likely to reoffend.⁸ The data also showed that between April 2020 and March 2021, more than half of prison leavers were

¹ See [Offending & Justice - Wales Safer Communities](#)

² Dore, E (2015) *Insight: Prison Leavers and Homelessness*, online: IRISS.

³ Loucks (2007). Gojkovic D, Mills A and Meek R (2012) *Accommodation for ex-offenders: Third sector housing advice and provision*, Southampton: Third Sector Research Centre

⁴ *Commission on Women Offenders (2012) Final report*, Edinburgh: Scottish Government

⁵ Glover J and Clewett N (2011) *No fixed abode: The housing struggle for young people leaving custody in England*, Essex: Barnardo's. Gojkovic et al. (2012).

⁶ Williams K, Poyser J and Hopkins K (2012) *Accommodation, homelessness and re-offending of prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey*, Ministry of Justice research summary 3/12, London: Ministry of Justice.

⁷ Nacro presentation, [Is the Government's rough sleeping target on track](#), published 31st May 2022

⁸ Ministry of Justice press release, [£70 million to keep prison leavers off the streets and cut crime](#), published 29th January 2021

released without settled accommodation (20,191 people out of 32,941) and 3,194 people across England and Wales were released homeless.⁹

Women Reform Trust reported more than a third of women in England and Wales (36%) left prison in the year to March 2021 without settled accommodation, more than one in six were homeless and nearly one in 20 were sleeping rough on release.¹⁰

The Ministry of Justice also publishes the percentage of prison leavers who are considered to have accommodation for their first night upon release.¹¹ Across prisons in Wales, the following percentages of prison leavers were recorded as having accommodation for the first night of their release during 2021-22:

- Berwyn Prison in Wrexham, 91.5%
- Usk Prison in Monmouthshire, 94.2%
- Prescoed Prison in Bridgend 94.6%
- Cardiff Prison, 77.3%
- Parc Prison in Bridgend, 86%
- Swansea Prison, 83.8%

Whilst these statistics do not provide detailed information about the nature of this accommodation, such as whether it is permanent or temporary or if the accommodation was for more than just one night, they do indicate that around 12% of prison leavers in Wales were homeless upon release in this time period.

Although not Wales-specific, the annual Scottish Prisoners Survey provides some useful data on criminal justice and homelessness. Its findings consistently suggest that around half of prisoners lose their home when they enter custody. Around a third say they don't know where they'll stay on release.¹²

2. Current legislation on criminal justice across the UK

Homelessness legislation in England, Scotland and Wales all recognise additional vulnerability and risk of homelessness for prison-leavers.

a. Relevant legislation in Wales

Offender Rehabilitation Act 2014

The Offender Rehabilitation Act 2014 replaced all Probation Trusts in England and Wales with the National Probation Service and 21 Community Rehabilitation Companies (CRCs). There is one CRC covering the whole of Wales.

⁹ See <https://www.swlondoner.co.uk/news/26082021-thousands-of-prisoners-released-homeless-during-pandemic-ministry-of-justice-data-shows>

¹⁰ Women Reform Trust (2021), *Why focus on reducing women's imprisonment?*

¹¹ See [Accommodation on the first night following release - Justice Data](#)

¹² Surveys accessible at: [Publications \(sps.gov.uk\)](https://publications.sps.gov.uk)

The Wales CRC is responsible for the management of low to medium-risk offenders and the resettlement planning of all prisoners returning to Wales on release. Adult offenders are provided with resettlement support and prisoners whose offence was committed after 1 February 2015 can be supervised on release for a period of at least 12 months.

Housing Wales Act 2014

Section 52 includes a duty on Local Authorities to ensure their homelessness strategy includes specific action to address the needs of those held in custody.

Section 55 includes the meaning of homeless and threatened with homelessness. To note, as a prison cell is not regarded as settled accommodation, anyone held in custody who meets the criteria for threatened with homelessness or homelessness is legally eligible for the duties contained within the Housing (Wales) Act 2014.

Section 60 contains a duty to ensure a Local Authority's information, advice and assistance services meet the needs of groups at particular risk of homelessness. This includes people leaving prison or youth detention accommodation.

Section 66 – the prevention duty means that local authorities have a duty to work with people at risk of homelessness prior to their release from prison.

The Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness states that to prevent homelessness amongst prison leavers, prior to release, local authorities can utilise the National Pathway for Homelessness Services to Children, Young People and Adults (see below) in the Secure Estate to work proactively with partners such as the Prison, National Probation Service in Wales and the Wales Community Rehabilitation Company along with Local Health Boards, third sector organisations, Local Authority Social Services and private landlords to help prisoners to either secure accommodation upon release or help them to retain existing accommodation.

Priority need

An applicant for housing and homelessness support is categorised as priority need if they are 'vulnerable as a result of spending time in custody'.

A person will be in priority need under this section if they have a local connection to the area of the local authority and are vulnerable as a result of:

- i. having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000
- ii. having been remanded in or committed to custody by an order of the court, or
- iii. having been remanded in youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.¹¹

The Code of Guidance¹³ sets out factors that local authorities should consider when making their determination as to whether a person is vulnerable as a result of time spent in custody. This includes taking into account all relevant factors such as:

- the length of time spent in custody or detention;
- whether the person is suffering the effects of any traumatic episode when in custody or detention;
- whether the person is receiving supervision from a criminal justice agency (e.g., probation).

¹³ See [allocation-of-accommodation-and-homelessness-guidance-for-local-authorities.pdf \(gov.wales\)](#)

- whether the person has existing support networks;
- whether the person has had an assessment and is in receipt of care; and whether the person is in receipt of services under the Mental Health Measure 2010.

Local connection

The Code of Guidance states that ‘residence in prison does not in itself establish a local connection with an area’ but also explains that prison leavers may have particular reasons for wishing to be re-housed out of area, for example distancing themselves from known associates. They may also be prevented from returning to their home area due to the terms of their license.

Intentionality

The Code of Guidance includes thorough advice for a local authority’s assessment of whether a prison leaver is intentionally homeless or not. The Guidance states that the actions that caused the person to be imprisoned ought not be automatically considered as grounds for regarding them intentionally homeless. However, if the offence which resulted in the prison sentence was a direct cause of the homelessness, for example breach of a tenancy agreement which led to repossession of the property, then it may be reasonable to consider whether that person was homeless intentionally.

National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate

This Pathway provides guidance for agencies involved in the resettlement planning for those in custody from their reception to their release. It is a joint approach between the National Probation Service, the Wales CRC and Local Authorities to bridge the gap between the Offender Rehabilitation Act 2014 and the Housing Wales Act 2014.

The table below provides a basic overview of how the Pathway integrates with the Housing Wales Act 2014.¹⁴

When?	What?	Who?
Reception into custody	Screen for housing needs Retain existing accommodation where viable	CRC/NPS Prison Link Cymru
12-week resettlement window	Support to retain or obtain accommodation	CRC
66 days prior to release	Refer to local authority for an assessment under Section 62 if housing issue not resolved. If Section 66 or 73 duty owed, local authority to take reasonable steps to help	CRC Local authority

¹⁴ ‘Homelessness: The Law in Wales’, Section: Prisoners and homelessness pp.44, see <https://www.lawworks.org.uk/sites/default/files/files/An-Intro-to-Homelessness-Housing-%28Wales%29-Act-Part-2-Delegates-notes-Jan2019.pdf>

On release	Continue with reasonable steps under Section 66 or 73 as applicable & review assessment as appropriate. If Section 73 duty ended prior to release, carry out further assessment under Section 62 on release. If applicable (reason to believe homeless, eligible for help and in priority need) provide interim accommodation under Section 68.	Local authority Local authority Local authority
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The pathway also states that local authorities should work with a range of statutory and non-statutory partners including Reintegration and Resettlement Partnership Boards, Youth Offending Teams, Community Safety Partnerships and others.

Social Services and Wellbeing Act Wales 2014

Sections 185-188 of Part 11 of the Social Services and Wellbeing Act make provision in relation to adults with care and support needs in prison, approved premises and bail accommodation, and children with care and support needs in youth detention accommodation.

Section 187 (3) states that a prisoner cannot express preference for accommodation while they are detained in prison, youth detention or approved premises but that prisoners will be able to express a preference for accommodation when they are making plans for their accommodation on release.

Section 187 (4) states that a prisoner cannot have their property protected by the local authority while they are in prison, youth detention or approved premises.

The Code of Practice¹⁵ cross references the Code of Guidance for Local Authorities Allocation of Accommodation and Homelessness, alongside an assertion that local authorities need to be aware of the requirements under the Housing Act 2014 to help those returning to Wales in the secure estate, threatened with homelessness, to find suitable accommodation upon release and being involved in the planning for release process as early as possible.

The Code of Practice also outlines guidance for both Multi Agency Public Protection Arrangements (MAPPA) and Multi Agency Risk Assessment Conference (MARAC). MAPPA in England and Wales are the way in which responsible authorities manage registered sex offenders, violent and other types of sexual offenders and offenders who pose a serious risk of harm to the public. MAPPA include the NPS in Wales, HM Prison Service and police forces in Wales. Local authorities have a duty to co-operate and may need to respond to MAPPA timescales and requirements (six months prior to release) when planning for an offender's release.

¹⁵ See [141027pt11annexden.pdf \(gov.wales\)](#)

A MARAC (Multi Agency Risk Assessment Conference) is the way in which agencies co-operate to protect victims of domestic abuse who are assessed as being at high risk of being harmed or murdered. Local authorities are key partners in these arrangements and domestic abuse cases will often have stringent conditions applied which may need to be reflected in a care and support plan, particularly in relation to accommodation and placement post release where the perpetrator is subject to criminal charge or bail.

The Homelessness (Suitability of Accommodation) (Wales) Order 2015

This order requires a Local Authority to take into consideration the proximity of alleged perpetrators or victims of domestic abuse when supporting an applicant under the Housing (Wales) Act 2014. Resettlement Officers must also take this into account for all those who are not referred to Local Authorities and ensure specialist support services are consulted with.¹⁶

b. Relevant legislation in England

Priority Need

In England people are only entitled to the full homelessness duty if they are considered to be in priority need. A person may be found to be in priority need if they are considered to be vulnerable as a result of having:

- served a custodial sentence.
- been committed for contempt of court or a similar offence.
- been remanded in custody.

This does not mean that everyone who has spent time in prison will be considered vulnerable, and therefore be entitled to the full housing duty, including interim accommodation and an offer of settled accommodation.

The [Homelessness Code of Guidance](#) states that when deciding whether the person is vulnerable a local authority might wish to consider:

- the length of time spent in prison or custody.
- whether the applicant is receiving probation service supervision
- the time that has passed since the applicant was released from prison or custody, and whether the applicant has been able to obtain and maintain accommodation during that period.
- whether the applicant has any existing support networks, such as family or friends.

Homelessness Reduction Act

In April 2018 the Homelessness Reduction Act extended the support available to people who do not have a priority need.

¹⁶ See [27291 Homelessness Pathway for Prisoner \(gov.wales\)](#), page 21

The Act also introduced a duty to refer for specified public bodies, which requires these services to identify and refer people who are homeless or threatened with homelessness to a local housing authority. This duty applies to prisons, young offender institutions, youth offending teams and probation services.

c. Relevant legislation and policy in Scotland

Housing Act Scotland 2014

In addition to the general statutory duties owed by a local authority to anybody threatened with homelessness, prison leavers are recognised as a particularly vulnerable group. Both the Code of Guidance on Homelessness 2005 and the Prevention of Homelessness Guidance 2009 mention this as a specific area for attention, recommending developing specialist staff knowledge about the issue, close joint working and building communication between prisons and local authorities.

Sustainable Housing on Release for Everyone

The 'Sustainable Housing on Release for Everyone' (SHORE) standards were published in December 2017.¹⁷ These were co-signed by the Cabinet Secretary for Justice and the Minister for Local Government and Housing. However, they are currently aspirational guidelines, not statutory requirements.

The standards follow the stages that individuals follow through the justice system - On Imprisonment, During Sentence, Prior to Release and Following Release. They provide a comprehensive, practical set of standards, building on the extensive cumulative experience of those that contributed to them.

However, the consensus amongst key informants for the Homeless Monitor Scotland in 2019 was that the SHORE standards presented positive principles but there was a long way to go on implementation.¹⁸

The Scottish Government is currently conducting a review of the implementation of the SHORE standards.

Prevention Review Group recommendations

The Homelessness Prevention Review Group (PRG) considered the role of criminal justice partners in ending and preventing homelessness. It produced its final recommendations in February 2021,¹⁹ and Scottish Government has committed to bringing legislation to parliament in 2023 which meets the principles of the PRG.

The Group recommended **police** should:

- Make a referral to the local authority where they identify a risk of homelessness (with a corresponding responsibility on the authority to act on the referral)

¹⁷ Scottish Prison Service (2017) *Scottish Quality Standards: Housing Advice, Information and Support for People In and Leaving Prison*. Online: Scottish Prison Service. See <https://www.sps.gov.uk/Corporate/Publications/Publication-5363.aspx>

¹⁸ Fitzpatrick, S., Pawson, H., Bramley, G., Wilcox, S., Watts, B., Wood, J., Stephens, M. & Blenkinsopp, J. (2019) *The Homelessness Monitor: Scotland 2019*, London: Crisis.

¹⁹ Reid, B. (2021) [Preventing Homelessness in Scotland: Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group.](#)

- Ask about an individual’s housing circumstances where there is a reasonable belief someone may be homeless. Specific circumstances may be identified in appropriate regulations or guidance, including someone rough sleeping, cases of domestic abuse or a household dispute leading to possible homelessness.

In relation to **prisons** the PRG recommended:

- Amendments to prison rules, so prisoners are asked about their housing situation as soon as reasonably possible on going into prison, and referrals are made to the local authority identified by the prisoner for homelessness assistance as soon as possible.
- Where housing issues are identified, prisons should work with partners, including housing options services and RSLs, to address the issues.
- Local authorities must ensure that the service for prevention and alleviation of homelessness is designed to meet the needs of people leaving prison or youth detention, and anyone at risk of homelessness due to impending court proceedings. Relevant partners should include the Scottish Prison Service and the Scottish Courts and Tribunal Service.

In relation to the **courts**, the Group recommended:

- Local housing options services work with the courts service to ensure housing options advice is easily accessible within a court setting.

d. The Vagrancy Act

Since 1824, the Vagrancy Act has made it a crime to sleep rough or beg in England and Wales. People sleeping rough could face police action and a fine of up to £1,000. Following the ‘Scrap the Act’²⁰ Campaign, in February 2022 the UK government committed to a repeal of the Vagrancy Act as a matter of law.²¹ However, the Act is still on the statute books with no date set for repeal, which could be introduced through a Statutory Instrument or as an amendment to laws passing through UK Parliament. The UK Government also has the power to replace it with new legislation and has consulted on proposals which campaigning organisations fear could further criminalise homelessness.²²

3. Policy context in Wales

Ending Homelessness Action Plan

The Welsh Government Ending Homelessness Action Plan’s targeted prevention measures include a commitment to develop, revise or improve implementation of pathways with tailored support, appropriate interventions and housing solutions for groups at risk of harm, including people leaving prison.

²⁰ See <https://www.crisis.org.uk/get-involved/campaign/scrap-the-vagrancy-act/>

²¹ See <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/repeal-of-the-vagrancy-act-1824-police-crime-sentencing-and-courts-act-2022-factsheet>

²² See <https://www.crisis.org.uk/about-us/the-crisis-blog/is-it-scraped-yet-an-update-on-our-campaign-to-repeal-the-vagrancy-act/>

Delivering Justice for Wales

In their report, *Delivering Justice for Wales*, the Welsh Government outline that devolved areas such as housing, substance misuse and mental health are crucial in allowing Welsh citizens to live healthy, crime-free lives. The report makes specific reference to the Youth Justice and Women's Justice Blueprints, as well as joint working on Violence Against Women, Domestic Abuse and Sexual Violence, where the Government feels it has had specific impact.²³

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Accommodation Pathway Co-ordinators

HMPPS and the Welsh Government have jointly funded Accommodation Pathway Co-ordinators (APCs), who are allocated to each Probation Delivery Unit across Wales, providing an integral role in supporting Probation Practitioners where People on Probation are experiencing accommodation issues.

Community Accommodation Services

The UK Government rolled out a new tiered Community Accommodation Services (CAS) framework across England and Wales in December 2022. This added a new tier, CAS3, to HMPPS' existing accommodation structure for people in contact with the criminal justice system, which would provide transitional accommodation for up to 12 weeks for people leaving prison at risk of homelessness.⁸ This adds to the accommodation already provided for the highest risk prisoners and for people released on bail or under licence conditions who meet the necessary eligibility criteria.

The CAS3 framework only provides accommodation for the 84 days post-release and, whilst welcome, conflicts with the rapid rehousing ambitions of the Welsh Government. During the next phase of examining the service criteria it is hoped that changes can be made which mean the framework can be better incorporated into a rapid rehousing approach.

Women's Justice Blueprint

This Blueprint, also known as the Female Offending Blueprint, sets out the ambition to accelerate the transformation of services to create a fairer, more equal society with better outcomes and justice for all. It aims to create sustainable community-based solutions to keep women and communities safe and free from criminal behaviour.

The aspects of the blueprint most relevant to homelessness and housing are intentions to:

²³ See [delivering-justice-for-wales-may-2022-v2.pdf \(gov.wales\)](#)

- Explore a range of options for secure, safe and reliable accommodation for women in Wales.
- Develop women-focused services, including meaningful working relationships with a trusted key professional, building strengths and recognising the trauma or adverse events women may have experienced, understanding and addressing how this relates to their offending behaviour.
- Embed clear referral pathways and individualised, sequenced plans for vulnerable women in the community to provide interventions, by fully trained, skilled professionals in a timely manner.
- Work with rehabilitative services to deliver effective pre- and post-release interventions in prisons where women from Wales are located.

The blueprint states that part of ‘what success looks like’ is: ‘women and children will live in a safe and secure home and as a result will be less likely to commit crime.’

In July 2021, the Blueprint used Welsh Government funding to commission an independent research project by The Social Inclusion Research Institute at Wrexham Glyndŵr University in collaboration with Llamau, to better understand the accommodation needs and barriers of women from Wales at different points in the criminal justice journey. The research drew on a multi-agency survey, interviews with key stakeholders and feedback from women with lived experience. It will inform the design, development and testing of a potential new housing solution model. The report is not in the public domain yet but discussions with key partners considering the findings are ongoing and will inform future policy delivery.

Further services for women leaving prison in Wales

- One Women’s Centre at Eastwood Park with a Women’s Community Centre at the site. Nelson Trust is the prime provider, with services subcontracted to Safer Wales and Pobl. The centre provides a single, holistic service for all women up to 12 months prior to release and their transition into the community.
- Safer Wales Independent Domestic Sexual Violence Advisors in HMP Eastwood Park and HMP Styal provide support to Welsh women resettling back to Wales. The advisors receive referrals from offender managers, Resettlement Team, and the One Women’s Centre.
- Prison Link Cymru South (POBL), work with Welsh women to support all aspects of accommodation needs. Currently this offer is for all women held on remand, and those with 12 months left to serve of their sentence, whereafter, at the 6 months pre-release stage.
- Prison Link Cymru North (Shelter Cymru) works with Welsh women. This project is primarily distance support.

Youth Justice Blueprint

This Blueprint sets out the ambition for a rights-based and trauma-informed system which will support services to deliver positive outcomes for children in Wales.

The section of the blueprint most relevant to homelessness and housing is the resettlement and transition section below.

‘Resettlement is most effective when there is multi-disciplinary, collaborative working between agencies providing support in custody and the community. We will consider how:

- A ‘Constructive Resettlement’ approach can be adopted, so work with children is constructive, co-created, customised, consistent and co-ordinated.
- Resettlement practice can be broadened to encompass family-focused work to prepare the home environment for the child’s return, improving reintegration.
- Multi-agency responses to reintegration and resettlement can be further strengthened.
- Transition arrangements to adult criminal justice services other adult services such as mental health, substance misuse can be improved.’

4. Barriers and solutions

a. Criminalisation of homelessness

The criminalisation of homelessness, and more specifically rough sleeping, through the Vagrancy Act (and potential replacement legislation) is a barrier to people successfully ending their homelessness. In 2023 Freedom of Information responses from 29 police forces across England and Wales show officers have arrested 1,173 people since 2021 for offences under the Vagrancy Act.²⁴

Research by Crisis with people with lived experience of homelessness found that often trust had broken down between the police and people who were homeless as a result of being moved on or fined using powers in the Vagrancy Act. This resulted in people reluctant to ask for help when they were victims of crime or engaging in support services that the police could link them into.²⁵

b. Data collection on criminal justice and homelessness

It is likely that the paucity of data and the superficiality of the data that is available on homelessness for people in prison and/or prison leavers leads to an underestimation of the full scale of the problem.

Individuals may choose not to cite leaving prison as their reason for homelessness, fearing discrimination or worrying that this could weaken their homelessness application. Whilst a prison leaver may not be homeless on release, living arrangements may break down within a few weeks of release, leading to a delayed homeless presentation. Furthermore, not all those who are homeless will approach a local authority or be offered a homelessness assessment. Statistics also do not tell us how many people became homeless during and/or

²⁴See <https://www.gov.uk/government/publications/biometrics-and-surveillance-camera-commissioner-foi-responses-2023/bssc-foi-0423-th-police-force-compliance-visits#annex-b--reports-letters-sent-to-forces-following-compliance-visits>

²⁵ See https://www.crisis.org.uk/media/240604/crj0220_vagrancyact_report_aw_web.pdf

because of their imprisonment, much less how frequently that outcome may have been preventable.

In 2019 the Commission on Justice in Wales recommended that Wales-specific data should be collected and published on a sufficient scale to enable disaggregation, with a view to proper evidence-based policy development and as a basis for research.

c. Devolved and reserved powers

Although the Delivering Justice for Wales Report makes it clear that the Welsh Government is committed to working with non-devolved bodies to secure a smooth delivery of justice across Wales, a recent Senedd research report has found concerns have been raised that devolved and reserved bodies are not working effectively together to deliver justice in Wales.²⁶ The report recommends that the Welsh Government need to establish ‘clear and accountable leadership’ on justice by giving a single Minister or Deputy Minister oversight of all justice matters. It also said that the Senedd needed to take a more proactive approach to scrutinising what the Welsh Government was doing.

In 2019 the Commission on Justice in Wales published a review of the operation of the justice system in Wales.²⁷ Evidence received by the commission suggested the current devolution scheme has created problems in terms of providing health services for prisoners, and for providing housing necessary for rehabilitation on release.

d. Housing support and planning in prison

Our stakeholder engagement sessions emphasised that whilst a person is in prison, they should be better supported to understand their rights and to access the help that they need. There is a need for more consistent use of early planning processes and needs assessments to ensure accommodation is in place upon release.

An evaluation of the adult Pathway was conducted in 2018 by Wrexham Glyndŵr University and the University of Salford²⁸ found issues with communication and information sharing.

The report recommended that local authority housing teams should move beyond a procedural and administrative approach and engage more assertively with prison leavers to help them secure accommodation. However, local authorities who were trying to work in a preventative way ahead of a person being released found they often didn’t have access to the necessary information.

Prison based stakeholders reported that activity to prevent homelessness usually took the form of helping new prisoners apply for housing benefit or close down tenancies if they were going to be in custody for longer than the benefit could be paid. The report made very few references to prison-based staff engaging in more varied preventative practices such as mediation with local authorities, families, private landlords or hostel staff about maintaining

²⁶ Senedd Research (2021) *Justice in Wales: Oversight and accountability*

²⁷ Commission on Justice in Wales (2019) *Justice in Wales for the People of Wales*

²⁸ Madoc-Jones, I., Hughes, C., Dubberley, S., Gorden, C., Washington-Dyer, K., Wilson, F., Ahmed, A., Lockwood, K., Wilding, M (2018) *Evaluation of homelessness services to adults in the secure estate*

tenancies or accessing discretionary payments where a housing benefit shortfall might occur.

e. Unsuitability of temporary accommodation

Our stakeholder engagement sessions highlighted that many prison leavers move into temporary accommodation which is not helpful for their rehabilitation. The chaotic nature of some temporary accommodation in particular can exacerbate pre-existing problems and create new ones, for example if people with dependency on alcohol and drugs are living with people in recovery or without dependency.

f. Access to support

Local connection

Local connection can be a barrier for prison leavers looking to access housing support. Many prison leavers wish to move to a new area to break connections with the area in which they committed an offence.

Although the Code of Guidance advises use of flexibility on the local connection test for prison leavers, stakeholder engagement has suggested that it continues to be a barrier.

Vulnerability

An evaluation of the adult Pathway conducted in 2018²⁹ reports that local authorities see making judgements on vulnerability as problematic.

Assessments often make connections between serving a lengthy sentence, institutionalisation and subsequent vulnerability, despite many of the prison leaver respondents interviewed serving shorter sentences and presenting to researchers as being institutionalised and physically frail, mentally disturbed or substance dependent.

Very few of these prisoners suggested that they had been given priority need status. Local authority stakeholders suggested that being designated 'vulnerable' primarily rested on the ability to provide written medical evidence of physical or mental ill-health. This is despite the fact part 7 of the National Pathway places expectations that undiagnosed as well as diagnosed mental and physical health needs are taken into account when considering post release services. However, local authorities also described difficulties in accessing the appropriate information to make a judgement on vulnerability.

g. Access to and sustainment of tenancies

The Welsh Government's Delivering Justice for Wales Report outlines the 'myriad of challenges'³⁰ some people face upon release from prison including the ability to meet a landlord's requirements. These could include references, bank statements, identification, excessive deposits or rent in advance.

²⁹ Madoc-Jones, I., Hughes, C., Dubberley, S., Gorden, C., Washington-Dyer, K., Wilson, F., Ahmed, A., Lockwood, K., Wilding, M (2018) *Evaluation of homelessness services to adults in the secure estate*

³⁰ Welsh Government (2022) *Delivering Justice for Wales*, pp.86

It can be difficult to access the private rented sector because landlords may be unwilling to let their properties to people with previous criminal convictions and/or those who suffer from medical conditions or substance or alcohol misuse.

Older prison leavers may also need specific and additional support to find appropriate housing when they are released, particularly if they have health and care needs that require specific adaptations to properties. These challenges are consistent with what people working across housing and criminal justice sectors reported through recent Crisis engagement events.

Other barriers to accessing tenancies that were highlighted included allocation policies and landlord insurance policies (for example, insurance policies that do not cover where tenants have been convicted of arson), a lack of guarantor and history of rent arrears. It was also noted that prison leavers may have particular difficulty sustaining a tenancy.

h. Barriers for specific groups

Women

There are no women's prisons in Wales and Welsh women are sent most often to HMP Eastwood Park in Gloucestershire. It is argued that this arrangement causes additional stress and trauma as women are removed from their families and support networks.³¹ The Welsh Government is not supportive of having a prison in Wales, and instead advocates for alternatives to custodial sentences such as accommodation for vulnerable women.³²

In 2018 research was published exploring the impact of the Housing (Wales) Act 2014 on women involved in the criminal justice system.³³ Informed by interviews with 32 stakeholders, including women in prison who are homeless or at risk of homelessness and practitioners working with them, including those responsible for implementing the Act.

The report argues that there needs to be particular consideration given to this group who may be at higher risk of experiencing homelessness following release from prison. From the interviews conducted with women with prison experience it was suggested that the removal of priority need amongst prison leavers potentially increases women's risk of street homelessness, sex working, reoffending, and poor living conditions. The report also recognises that some of the barriers highlighted in this research which women face when leaving the criminal justice system may also be affecting men in similar situations. The report also acknowledges that recourse and capacity issues play a part in local authorities being unable to fully implement the preventative aims of the Housing (Wales) Act 2014.

Included in the report's recommendations were:

³¹ See [Further funding for project helping women in prison keep in touch with their children | GOV.WALES](#)

³² See [Further funding for project helping women in prison keep in touch with their children | GOV.WALES](#)

³³ Moore, A. The Griffin Society (2018) *Exploring the impact of the Housing (Wales) Act 2014 on women involved in the criminal justice system.*

- Regular multi-agency meetings or conference calls between housing and probation to discuss referrals, assessments and pre-release planning for women who are homeless or at risk of homelessness. This should be followed up with routine meetings or video conferences with women in prison to discuss next steps and options (for women assessed as priority need and women who are non-priority need yet at risk of homelessness)
- Routine training for PRS landlords around issues such as domestic abuse, mental health issues and substance use. Importantly, local authorities should combine this with practical measures around how PRS landlords can be supported if they accept tenants involved in the CJS.
- Targeted support and advice for women involved in the CJS around how they can access the PRS.
- Meetings with women involved in the CJS should take place in private rooms, not open plan offices.

Young people

Researchers at USW, in partnership with Shelter Cymru, were commissioned to evaluate the National Pathway for Homelessness Services to Children and Young People in the Secure Estate.³⁴

The report found that while there are low numbers of young people being released with housing issues in Wales, that some did not feel they were involved in decisions being made about their accommodation, and a small number did not know where they could live upon release. Recommendations from this research include increased awareness of the Pathway, including clarification of organisations' responsibilities relating to housing young people, and an increased availability of supported accommodation that provides specialist help for young people with complex needs.

People on remand

People being held on remand are at particularly high risk of becoming homeless.³⁵ Being remanded in custody can cause significant disruption and uncertainty regarding housing, even though someone may be later acquitted. Particularly with a private sector tenancy there is the risk that they may be put under pressure to relinquish the tenancy even if they have pleaded not guilty and are hoping to return home. If someone was claiming Universal Credit prior to going into custody they can continue to get assistance with housing costs for up to six months, as long as the time in custody is expected to be six months or less, including time on remand.

i. Critical Time Intervention

Critical Time Intervention (CTI) is a time limited support intervention which helps people experiencing some vulnerabilities during a period of transition in their lives. CTI has been widely adopted in the USA, and in various European contexts for prison leavers. In Denmark the success rate for service users who 'have been housed and maintained housing' is 95%.

³⁴ Harriet Pierpoint and Jenny Hoolachan, (2019) *Evaluation of homelessness services to young people in the secure estate*

³⁵ Loucks N (2007) *Housing needs of offenders and ex-offenders, Glasgow: The Robertson Trust.*

CTI is a housing-led approach providing rapid access to housing. It also features an intensive case management approach to address the particular needs of people once they have security of accommodation.

The CTI model is based on moving through clear, time-limited phases that are agreed and appropriate for the programme of support. A case manager will start to build a relationship while the individual is still in the institution, for example prison. At the point of transition into the community there are three distinct phases that are followed:

Transition

This is the most intensive support phase. The case manager makes sure the practicalities of moving into accommodation run smoothly, including setting up utilities, bills, and support to furnish a property. Emotional support is often also important, applying psychologically informed techniques to help someone stay motivated, and to avoid isolation. The case manager will often also act as a negotiator or mediator with neighbours, or with a landlord, helping to overcome any conflicts during the transition.

Try-out

At this stage, the case manager works less intensively with individuals, while still 'on call' to step back in should a crisis arise. This stage may still involve daily visits, but could be less intense, based on the needs of the individual. This period allows the case manager to assess how the person is settling into their accommodation and local community. Careful attention is paid to helping them access mainstream support services, such as drug and alcohol treatment and regular health appointments.

Transfer

The final stage is the transfer of care into the support systems that have been created. During this phase, there will be an explicit set of activities that solidify the support system that is in place. There should be a final meeting with all parties to allow reflection and ensure there is a planned ending to the client-worker relationship.

The charity Crisis is currently running 2 CTI Programmes with offenders leaving prison in Liverpool and Swansea. These services are part of a pilot randomised controlled trial of a CTI to prevent the homelessness and improve the health of prison leavers being released into the Swansea and Liverpool local authority areas and have a local connection there. The pilot is being coordinated by the Centre for Trials Research (CTR), Cardiff University, a Clinical Research Collaboration (UKCRC) registered trials unit. It is still at the beginning stages and referrals into the service will start in the coming weeks.

6. Approaches across the globe

Linking health and criminal justice to prevent homelessness

The Queen's Nurses institute has issued specific guidance for community nurses that shows how to help people who are homeless and in contact with the criminal justice system. There is evidence to show that people who experience homelessness after release from prison become 'revolving door prisoners', as they find they have better safety and stability in

custody so will commit low-level crimes.³⁶ People in a cycle of homelessness and prison often only access healthcare when they are in custody. This means that the time spent in custody is often crucial in addressing any acute and chronic healthcare needs. There are pilot services being developed across England working to offer Improving Access to Psychological Therapies as an Alternative to Custody. In February 2010 a local audit in Gloucestershire showed that 56% of the male population accessing the Homeless Healthcare Team, were revolving door, short term prisoners, some with as many as 4-5 sentences per year. Nationally a survey carried out by St Mungo's in 2010, shows that 48% of clients were ex-offenders or had been in prison.³⁷

As referenced as good practice in the guidance, some prisons in England seek to run a pre-release clinic whereby the Healthcare staff attend weekly or two weekly clinics for offenders who are due to be released in the following 6 weeks. The staff will ensure that any follow up appointments are made and given to the offender. They will arrange a GP if needed or give the offender names and addresses of local GP's where they can register on release, or they will refer them to the Homeless Healthcare Teams where available.

Supporting people with severe and multiple disadvantage

The Hard Edges Scotland research found evidence of around 5,700 people in Scotland experiencing a combination of offending, substance misuse and homelessness within one year, whilst another 28,800 experience a combination of two of these disadvantages.³⁸ The offending 'domain' involved the smallest numbers of people but also the highest proportion of cases with 'overlapping' forms of current Severe and Multiple Disadvantage, indicating people with experience of the criminal justice system are likely to be facing multiple challenges, of which homelessness is just one. For example, in a study of transitional support services for prisoners in Scotland, housing was identified as one of the main challenges encountered by those with drug problems on release, and the lack of stable housing also made it more likely that they would resume drug misuse.³⁹ Those with complex needs are at serious risk of falling through the cracks in mainstream service provision, including accessing normal housing options/ homelessness services.⁴⁰ The role played by Criminal Justice Social Workers in Scotland has been found to play a positive role, offering assertive, holistic, tailored, 'sticky' support, which is a highly appropriate model for people with complex needs.⁴¹

Different approaches to social housing following release from prison

A Canadian approach

In Canada, supported housing practice is based around two key avenues of support:

³⁶ Interventions Alliance (2021) *Breaking the cycle of homelessness and reoffending*.

³⁷ Queen's Nurses Institute (2016) *Homelessness and the Criminal Justice System*

³⁸ Bramley et al. (2019) *Hard Edges Scotland: New conversations about severe and multiple disadvantage*

³⁹ MacRae R, McIvor G, Malloch M et al (2006) *Evaluation of the Scottish prison service transitional care initiative, Edinburgh: Scottish Executive Social Research*

⁴⁰ E.g., McDonagh, T (2011) *Tackling Homelessness and Exclusion: Understanding Complex Lives, York: Joseph Rowntree Foundation*

⁴¹ See Bramley et al. (2019)

- **Community-Based Residential Facilities**,⁴² sometimes referred to as ‘halfway houses’, are managed by the Correctional Service of Canada or non-government service providers.
- **Community Correctional Centres**⁴³ are minimum-security facilities operated directly by the Correctional Service of Canada

Community-Based Residential Facilities provide community-based residential accommodation for offenders serving part of their sentence through community-based supervision. Whilst Community Correctional Centres accommodate offenders on various forms of release, as well as offenders on full parole and certain long-term supervision orders with residency conditions.

Canada also has a National Housing Strategy initiative⁴⁴ with the goal of developing world-leading solutions to complex housing problems. The initiative has found that in Canada:

- Up to 30% of individuals incarcerated in Canada have no home to go to upon their release.
- Limited shelter beds and few resources increase the risk of homelessness for newly released ex-prisoners.
- A team of advocates, experts, and an ex-prisoner with lived experience, is working to change the trajectory for others at risk of homelessness.

Policy solutions currently under consideration of the initiative and its partners is the construction of tiny homes, with prisoners and ex-prisoners involved in the construction process. Other solutions include converting shipping containers to housing and repurposing disused buildings. All project participants have agreed on the ‘Housing First’ approach, which underpins the federal government’s homelessness strategy.

Germany, the Netherlands and Scandinavia

Germany, the Netherlands and Scandinavia have adopted a policy of ‘Normalisation’ where prison conditions should resemble common living situations.⁴⁵

Short-term or extended home leave to visit family or search for work and accommodation is routinely granted. The proportion of prisoners failing to return to prison from this leave is in the order of one percent.⁴⁶ In Germany there are specialised services for people being released from prison and for ex-prisoners in almost all large cities, most of them run by NGOs and paid for by the municipality. Sometimes they are part of the services for homeless people but often they operate separately from them.⁴⁷ It was reported that in the UK, around 60% of released inmates go on to reoffend within a two-year period. But in Norway the reoffending rate is only 20% after two years. Partly as a result, Norway has almost three

⁴² See [Community-based residential facilities \(CBRFs\) \(csc-scc.gc.ca\)](https://www.csc-scc.gc.ca)

⁴³ See [Facilities and security \(csc-scc.gc.ca\)](https://www.csc-scc.gc.ca)

⁴⁴ See [From Prison to Homelessness: Ending a Perilous Trajectory \(placetocallhome.ca\)](https://www.placetocallhome.ca)

⁴⁵ Riep, A. (2019) *The Effects of Culture and Punishment Philosophies on Recidivism: Comparing Prison Systems in the United States and Scandinavia*

⁴⁶ Willis, M. (2020) *Supported housing for prisoners returning to the community: A review of the literature.*

⁴⁷ Busch-Geertsema, V. & Fitzpatrick, S. (2008) *Effective Homelessness Prevention? Explaining Reductions in Homelessness in Germany and England*

times fewer inmates than the UK, with prisons operating at a capacity of 73%, as opposed to 104% in England and Wales.⁴⁸

8. Guiding questions for discussion

Core Housing legislation

- What can be done to strengthen pre-release homelessness prevention? E.g., A duty to carry out housing assessments a certain amount of time before release.
- The panel is minded to recommend the prevention duty is extended from 56 days to six months, are there any particular considerations needed for people in prison who are at risk of homelessness?
- Are there any changes needed to guidance around local connection to ensure this is working as it should for prison-leavers?
- Is the current National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate s effective in its aims? Is it still fit for purpose?

Wider duties

- Under the current ‘duty to refer’, prisons and probation services must refer a person in prison or on probation to a local authority if they are homeless or threatened with homelessness. Stakeholders have fed back that this is not working as it should – could this duty be amended or strengthened?
- Should there be consideration for the role of the police in prevention, for example following the recommendations of the Scottish Prevention Review Group for police to make referrals to the local authority in case of homelessness risk?
- Should there be a multi-agency expectation to cooperate and share information to ensure smooth transitions for people leaving prison? What would this look like? Are there specific considerations needed for women leaving prison and young people within this?
- How can access to the private rented sector be improved to support people leaving prison into private rent homes on release?
- How can Social Landlord allocation policies be strengthened so that people leaving prison are able to access social housing?
- The Scotland Prevention Review Group recommended that “*Local Housing Options services should work with the Courts service to ensure housing options advice is easily accessible within a court setting.*” Should the panel consider a similar recommendation for Wales?