

Independent Sentencing and Penal Policy Commission
Call for Evidence



Response from Crisis

May 2025

Crisis is the national charity for people facing homelessness. We draw on over 50 years of supporting people experiencing homelessness across Great Britain including via our Skylight service operating in Edinburgh and the Lothians, to campaign for the policy and practice changes we need to build a future free from homelessness.

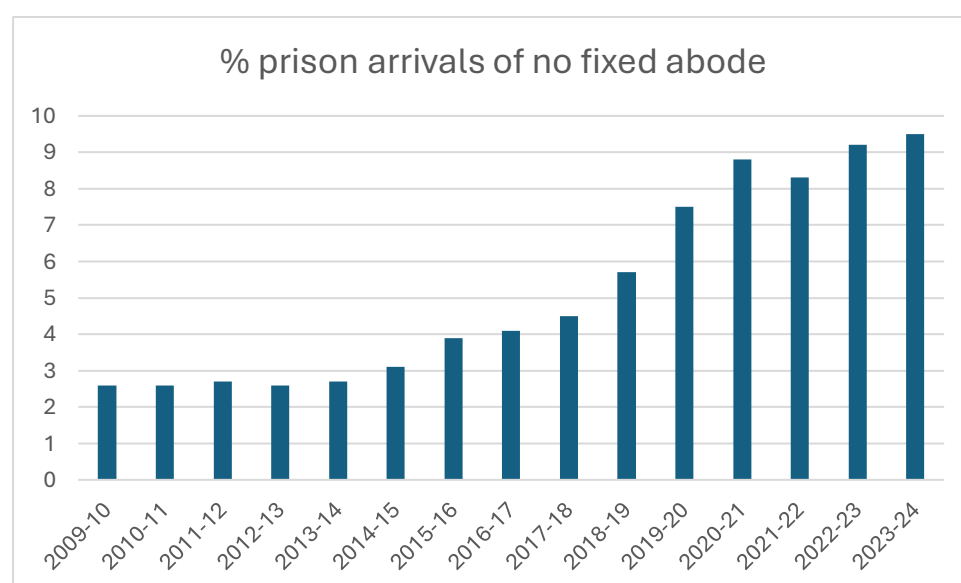
Crisis welcomes the opportunity to respond to this call for evidence. Our Skylight coaches work regularly with people on release from prison who may face homelessness.

Relationship between homelessness and offending

There is a reciprocal relationship between insecure housing and offending, where a prison sentence can lead to homelessness and homelessness can lead to offending. Some people can get caught in a cycle of repeat homelessness and repeat offending.

Spending time in prison increases the risk of homelessness, and lack of stable accommodation can increase the risk of (re-)offending. This can lead to a self-perpetuating negative cycle, with repeated episodes of homelessness and imprisonment.

The proportion of the prison population identifying as having no address on arrival in prison has increased significantly over recent years (see chart). Furthermore, a 2017 survey by Scottish Prison Service showed that 49% of prisoners reported losing their accommodation while in prison.



Source: Scottish Government (2024) Scottish prison statistics 2023-24

This is consistent with other research, suggesting both pre- and post-release support for prisoners to be far from perfect, with many people still being released straight into homelessness.

In 2023-24, 1 in 25 homeless households listed the place they became homeless from as prison, making up over 1400 households¹. As a proportion this has remained relatively static for the past 20 years. It is likely that this does not represent the full scale of the issue, as some people may find interim accommodation such as staying with friends or family before declaring themselves homeless.

Previous recommendations and implementation: New requirements for homelessness prevention by the criminal justice

The housing bill currently at stage 2 in Parliament contains measures to significantly increase the focus on preventing homelessness across a wide range of public bodies, including for people on remand and leaving prison. These are based on the proposals of the Homelessness Prevention Review Group (HPRG)².

When passed the Housing Bill will require Police Scotland, prisons, young offenders institutions and a range of other public bodies to have regard to the need to prevent homelessness, ask individuals about any risk of homelessness and act within their powers to mitigate this risk. Where appropriate they will also refer cases to the relevant local authority housing and homelessness service for assistance. These duties will build on the SHORE standards, recognised internationally as good practice³. Scottish Government have commissioned pilots to start later in 2025 which will test how these public bodies can work most effectively, and whether there is further need to enshrine more details in regulation and / or guidance. The duties are expected to commence towards the end of 2028.

The Homelessness Prevention Review Group (HPRG) was an independent expert group established by Scottish Government to make recommendations for changes to the law to ensure every opportunity is maximised to prevent homelessness, by strengthening legal responsibility across public services to prevent homelessness. Crisis provided the secretariat. It carried out extensive stakeholder consultation and published recommendations in February 2021. In regard to the criminal justice system, the Group made recommendations for changes to the law relating to the following areas:

Prisons

- Prisoners should be asked about their housing situation as soon as reasonably possible on going into prison
- If a prisoner is likely to need assistance to find housing for when they leave prison, a referral is made as soon as possible in the final six months of the sentence to the local authority identified by the prisoner for homelessness assistance

¹ Scottish Government (2025) Homelessness in Scotland 2023-24

² Reid, B (2021) Preventing Homelessness in Scotland: Recommendations for legal duties to prevent homelessness: A report from the Prevention Review Group
<https://www.crisis.org.uk/media/244558/preventing-homelessness-in-scotland.pdf>

³ Scottish Prison Service (n.d.) Sustainable Housing on Release for Everyone
<https://www.sps.gov.uk/sites/default/files/2024-11/SHORE%20STANDARDS.pdf>

- Where housing issues are identified, prisons work with partners including housing options and housing associations to address the issues.

Other partners

- Local authorities to be under a statutory duty to respond to referrals for homelessness assistance and assist anyone likely to be homeless within the next six months (including referrals from prisons and youth detention accommodation)
- By working with other partners, local authorities must ensure that the services for prevention and alleviation of homelessness is designed to meet the needs of people leaving prison or youth detention accommodation, 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.
- Local Housing Options services should work with the Courts service to ensure housing options advice is easily accessible within a court setting.
- Social landlords should have in place protocols to address relevant circumstances and mitigate risk of homelessness at an early stage, including protocols relating to where tenants face court proceedings.

People with complex needs

- For people with complex needs requiring input from two or more public services to support their health or wellbeing, or to facilitate community safety, a case co-ordination should be put in place.

In addition to the above formal recommendations, the following points were identified during stakeholder consultation for the HPRG work:

- Arrest and custody are key points where there are opportunities for identifying risk of homelessness. There is a risk assessment process, which currently often focuses on addiction but not usually on housing. Requirements to check on the housing situation and refer to appropriate services could be beneficial.
- The police will send a report to the court, which will include information on whether they assess that it would be appropriate for someone to return home until a decision is made about a court hearing. This will therefore contain information about someone's housing situation, and there may be an opportunity to make a referral to housing services at this point, if one has not already been made.
- People on community-based sentences may have a particular risk of homelessness, for example due to debt, domestic abuse or tenancy management issues. Services delivering community-based sentences and community payback schemes have consistent contact with people which provides an opportunity to identify issues which can put people at risk of homelessness, and provide support or signpost elsewhere.
- Historically bail checks have provided an opportunity to check individuals' housing situations, and thus identify risk of homelessness. These have generally ceased due to lack of time or capacity, which represents a missed opportunity.
- Good housing advice is essential for people on remand, as there may be options available which are not immediately obvious, such as a family member paying rent and preventing arrears. It may be that people who are already homeless are more likely to be put on remand because the court feels that they are less likely to turn up to court or engage with criminal justice social work. Greater provision for supported bail might assist with this.

- It was noted that the Prisoners (Control of Release) (Scotland) Act 2015, which allows most prisoners to be released up to two days earlier to support reintegration, is underused. There may be opportunities for greater use of this to prevent homelessness, especially where there is improved co-ordination between prisons and local authorities.

Beyond the statutory framework being created through the Housing Bill, there is still opportunity for this learning and the HPRG's recommendations to be more fully developed as the new framework is implemented over time.

In your view what are the priority issues affecting bail and remand? In Scotland, what needs to change and why?

Crisis believes that reducing reliance on short term prison sentences and remand is likely to mean fewer people lose their homes while in prison and may help to break the cycle of homelessness and imprisonment, and we welcome the focus on this through Scottish Government policy.

Crisis welcomes an approach to bail which focuses on public safety. Housing issues, including lack of a fixed address, may impact on people's ability to comply with bail conditions, and mean that people who have already experienced the trauma and indignity of homelessness, may then face remand rather than bail because of their housing circumstances. Where housing problems are identified assistance should be put in place, for example through a referral to appropriate support, to address this, so that housing issues do not drive grounds for refusing bail. This is in line with the recommendations of the HPRG.

***Case study:** Crisis Skylight Edinburgh worked with an elderly man who became homeless as a result of being on remand. He had previously had a stable social tenancy, but was placed in custody on remand for a considerable length of time. At trial, he was found not guilty and released. The result of this period of remand was that he lost his home of 30 years and became homeless. His support worker says "He had no support or advice around this and has lost his entire life".*

Criminal justice social workers have been identified as having a key role in assisting individuals facing multiple disadvantage, and in carrying out risk assessments around vulnerability which may be used during sentencing. Housing information will often be gathered during this process, but we believe that it is not recorded or taken forward consistently. Therefore it would be valuable for information from criminal justice social workers to be considered routinely by the court. Again there may be opportunities here to give consideration to housing issues both in relation to remand decisions and sentencing, and also to ensure relevant advice and assistance is available to the individual and, where appropriate, their family.

In addition, Crisis would strongly welcome additional support for those released direct from court, specifically in relation to housing. People on remand may have accumulated housing issues such as rent arrears, losing their benefits, or losing their housing while in prison, and unplanned release can be particularly difficult to manage. Assistance should be available for those released direct from court to address any issues that have arisen. This may be through having housing advisors or housing options advice connected with the court. This may be provided by the local authority or appropriate third sector organisations, similar to CAB in-court advisors.

In your view, what are the priority issues affecting release from prison custody? In Scotland, what needs to change and why?

Research has established that securing adequate housing for prison leavers can significantly reduce re-offending. While finding and sustaining accommodation can be problematic for anyone leaving prison, evidence has highlighted four groups that face particular barriers: remand prisoners and those on very short-term sentences, women, young people, and those who were homeless on entering prison.

Planning for the release of a prisoner should start from the very beginning of a prison sentence or period of remand, as there may be opportunities to intervene in housing at that point, which could ensure housing remains available upon release.

In line with the recommendations of the HPRG there should be a specific requirement on those providing homelessness and housing assistance (in most cases local authorities) to engage with pre-release planning. This would be complementary to new requirements for such services to provide assistance to anyone likely to become homeless in the next six months. For those being released with housing needs who also have health and / or social care needs, relevant health and social care services such as the Health and Social Care Partnership should also be required to engage with pre-release planning.

Through the Housing Bill, prisons and young offenders will be required to ask prisoners about their risk of homelessness and act on this. Details still have to be worked out about how and when this would happen, but are likely to build on the SHORE standards. However implementation of these standards has been patchy, especially since the reduction in throughcare support not long after the standards were developed.

People may be released from prison to a wide range of local authority areas with different arrangements. We strongly welcome the arrangements developed between local authorities and the Scottish Prison Service to share information on people being released from prison imminently. To work alongside the 6 month homelessness prevention proposals, this information will need to be shared at an earlier stage, and we recommend that there is clear guidance on how to develop joint planning arrangements across prison and other services for individuals requiring a range of inputs.

Throughcare is a vital service for those leaving custody. It is particularly for those on short terms sentences and remand, who often do not access this support. Therefore we would welcome measures to strengthen access to throughcare support. It is also necessary that such services are effectively resourced to provide a service to all who need it.

Good practice in preventing homelessness for prisoners: Ayr Housing Aid Centre

Ayr Housing Aid Centre provides outreach advice in HMP Kilmarnock, HMP Barlinnie and HMP Greenock. The service is jointly commissioned by South and East Ayrshire Councils. It is especially well embedded at HMP Kilmarnock where strong relationships with prison officers and links centre staff have been forged. Housing advisers attend prisoner inductions, ensuring their faces are seen and their names known. Housing is part of core screening for all new people entering prison, with appointments made at the Links Centre (remotely during the pandemic) if they have a housing issue.

Advisers open a case when they meet a prisoner on entry, and don't close it until that person is liberated. Everyone is automatically booked an appointment two months before release to discuss housing and benefit needs, aspirations and expectations. Many request additional appointments if their circumstances change, or if they have complex issues to sort out. Workers give impartial advice

on housing rights, explaining and exploring all possible options. They highlight the pros, cons and impact of different courses of action, with the aim of avoiding homelessness. However, at times, tenants serving long sentences choose to terminate where they have no way to meet their rental charges.

Advisers liaise and advocate with landlords and benefits agencies. They explore assignment, sub-letting and rent payment via grants, help from family/friends or prisoners paying direct from custody. Most people in prison with a tenancy have a social landlord, but advisers also liaise with private landlords where relevant. If a person will be homeless on release, workers ensure housing and homelessness applications are made, with onward housing arranged in advance if needed. This tends to be temporary accommodation in South Ayrshire. In East Ayrshire, release straight to a settled tenancy is at times possible. Advisers also refer direct into rent deposit schemes and external housing support services.

The outcome

Two Ayr Housing Aid advisers supported 439 prisoners in 2019-20 (90% in HMP Kilmarnock) through 935 appointments. 82% of appointments made were attended. Homelessness was prevented for 221 people, from 383 cases closed in 2019-20 (some cases opened the previous year). This gives a 58% prevention rate, bearing in mind some people were already homeless on entry to prison.

Advisers dealt with a wide range of queries, including 369 contacts with landlords and 184 with benefit agencies. By far the majority of tenancies protected were in social housing: a total of 121 last year.

Key insights

- establishing strong relationships with prison and Links Centre staff and becoming well known within the prison helps maximise the number of people who engage with the service
- more bespoke support (i.e. grants, funds) to address arrears for prisoners could reduce the proportion who feel their only choice is to terminate a tenancy, inevitably leading to homelessness on release
- length of sentence (and lack of other justice disposals i.e. tags, home detention curfews) is one of the main barriers to preventing homelessness, which often leads to further offending

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