



House of Commons
Justice Committee

**Transforming
Rehabilitation: Follow-
up: Government
Response to the
Committee's
Nineteenth Report of
Session 2017–19**

**Third Special Report of Session
2019–21**

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are Nony Ardill (Legal Specialist), Seb Newman (Second Clerk), Su Panchanathan (Committee Assistant), Liz Parratt (Committee Media Officer), Christine Randall (Senior Committee Assistant), Holly Tremain (Committee Specialist), and David Weir (Clerk).

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Third Special Report

We have received a Government response to the previous Justice Committee's Nineteenth Report of Session 2017–19, *Transforming Rehabilitation: Follow-up*, HC 2526. The Government had previously responded to most of the recommendations contained in that Report, which we published as our First Special Report of Session 2019, HC 189, on 25 October 2019.

The further response came in a letter dated 27 January 2020 from the Minister of State for Justice, Lucy Frazer QC MP. In the absence of a Committee until 2 March 2020, we have been unable to formally receive and to publish the response until now, and do so as an Appendix to this Special Report.

Appendix: Government Response

Thank you for your recent report *Transforming Rehabilitation: Follow Up* and the recommendations contained within it. I write to respond to the two recommendations (number 5 and 12) I have not previously responded to.

We remain grateful for the Justice Select Committee's continued scrutiny of our work and look forward to further engagement with the Committee as our plans for future arrangements for probation progress.

Please see the Department's responses set out on the attached memorandum.

Yours sincerely

LUCY FRAZER QC

Recommendation 5

We are disappointed that the Government rejected our recommendation to publish an accommodation strategy and action plan for prisoners on release, given the serious problems we have identified. Ex-prisoners are a distinct group, and it is vital that their specific needs are not lost in the MHCLG-owned Rough Sleeping Strategy and Delivery plan. In addition, ex-prisoner accommodation needs go much wider than rough sleeping alone: there is a diverse range of needs in the ex-prisoner cohort, including people with mental health and social care needs, as well as offenders convicted of sexual offences.

The MOJ should update us by December 2019 on their work the national working group around the Homelessness Act. This update should set out both actions taken and outcomes.

It is not completely correct to say that we rejected your recommendation relating to the development of a distinct accommodation strategy to support those with a history of offending. While it is recognised that offenders have unique challenges, which make securing or maintaining accommodation for them often problematic, these are often challenges where the MoJ does not have direct control and as such it is essential that we work collaboratively with other CJS partners. To that end, it was felt beneficial to work with colleagues at MHCLG, to ensure that the issue of homeless offenders was seen

as an integral aspect of the published Rough Sleeping Strategy; a key outcome of that collaborative approach, has been the commencement of the Offender Accommodation pilot, which commenced operation in August.

Accommodation is one of a number of issues where it is necessary to work in partnership across the public sector to ensure that the needs of offenders are properly addressed. We have been working across Government on a 'Prison Leavers' project which brings together public and third sector teams, including, but not limited to, NHS England, MHCLG, DWP and Local Authorities. The project is looking at how we can better work together both nationally and locally to address the needs of prison leavers such as access to sustainable employment; engagement with families and access to healthcare and treatments.

Officials continue to promote the Duty to Refer, while also listening to the views of practitioners on any issues that have arisen, through engagement with governors, Prison Group Directors and probation senior managers. We are undertaking a refresh of the Homelessness Reduction Act Duty to Refer guidance, a year on from the first referrals. This builds on feedback sought from operational staff over the summer. Policy and operational staff are working closely together to monitor the referrals being made, improve the quality of data recording and to review the guidance to staff considering experience to date.

In Wales, a key priority for HMPPS and the Welsh Government in tackling rough sleeping is ensuring effective transition from prison back into the community and that nobody is released from the secure estate homeless. The Accommodating Offenders in Wales: Strategic Framework, sets out the collaborative strategic approach HMPPS in Wales and the Welsh Government are taking to prevent and address homelessness for all Welsh offenders. It sets out Wales' key aspirations and vision for providing housing solutions to all offenders in the Welsh criminal justice system.

HMPPS in Wales and the Welsh Government are working with statutory, arm's length, private and third sector partners and organisations, to improve housing outcomes for offenders, with particular focus on prison leavers and the resettlement journey. The strategic framework ensures there is collaboration between HMPPS in Wales and the Welsh and UK Governments, and that policy differences specific to Wales do not affect prisoners' housing outcomes on release. This collaboration also supports the cross-government/multi-agency, joined-up response that is required to tackle this issue. The implementation plan sets out the role that other areas of Government and other organisations will need to take to prevent offender homelessness in Wales.

HMPPS in Wales launched a small rapid rehousing project in October 2019 which specifically targets those leaving custody with a housing need and a history of both homelessness and reoffending. An evaluation of this project will be undertaken.

An in-depth audit looking into all aspects of accommodation and resettlement relating to offenders has been developed and will be undertaken in February 2020 along with a project specifically focussing on improving the data quality relating to first night of release in order to allow a better understanding of which areas require action.

MoJ will continue to work with HMPPS in Wales and the Welsh Government over the coming months to share best practice and consider and develop options to support those

with a history of offending in Wales who are at risk of homelessness. Colleagues in England are looking closely at this work, as we recognise the importance of learning lessons from the successes in Wales. This will then help to inform future plans across England.

MoJ also published data in July 2019 on offenders' accommodation status on release from custody and at the start of community sentences, covering the period 2017/18 to 2018/19 (available at <https://www.gov.uk/government/statistics/community-performance-quarterly-update-to-march-2019>). We are committed to driving improved offender outcomes through both prison and probation performance frameworks and introduced a new measure on the percentage of offenders housed on first night of release to the 2019/20 prison framework. We intend to introduce complementary measures to the future probation framework addressing the need for housing on the first night of release and settled accommodation at 3 months post release.

The most recent Homelessness Reduction Act, Duty to Refer statistics were published by MHCLG on 18th December 2019. Between April and June 2019, there were a total of 4,340 referrals made (an increase of 600 on the previous quarter). The NPS made 650 referrals (the second highest number - Children's Social Services made 740) and overall the NPS, CRCs and prisons accounted for 1160 of the total. We are refreshing our guidance to staff and expect to see recording improve further.

HMPPS has recognised the importance of corralling all community-based accommodation activity in one place. We are now developing an operational accommodation strategy supported by a toolkit that sets out our responsibilities, our partners' responsibilities and a framework for how we can build on our successes and work together to ensure that offenders are able to access and maintain settled accommodation.

I would also like to take this opportunity to clarify a comment from the recent hearing which covered this topic. There is not a specific working group looking at the Homelessness Act. Instead all issues relating to the Duty to Refer are governed through the HMPPS National Accommodation Leads group.

Please see below the action plan for refreshing the Duty to Refer guidance.

Target Date	Action
Mid-November 2019	Analyse responses from HMPPS staff on issues relating to operation of Duty to Refer and published guidance (complete)
Mid-December 2019	Updated Operational guidance on Duty to Refer issued for review and clearance by HMPPS National Accommodation Leads (complete)
w/c 6 January 2020	Updated operational guidance on Duty to Refer published on HMPPS Intranet
w/c 6 January 2020	Commence three-month communications strategy to promote new guidance, via all internal networks.
April 2020	Complete review of the updated guidance and process, in conjunction with HMPPS National Accommodation Leads.

Recommendation 12

We also note that HMPPS publishes a cost per prisoner per year; the MOJ should consider publishing per-head costs of offender probation support, broken down by CRCs and the NPS.

The Department will consider publishing an average cost of supervision per offender in the community. However, given that offenders in the community are a less homogenous group than offenders in custody, with more complex funding arrangements, we will need some time to consider this recommendation thoroughly. The Department will come to a decision on publication by April 2020.