

Justice Committee on Women in Prison

Supplementary Written Evidence from Mayor's Office for Policing and Crime

Housing & Accommodation

The Mayor of London is responsible for: setting the strategic direction for policing in London; agreeing the annual police budget; overseeing the performance of the Metropolitan Police Service on behalf of Londoners; appointing the Commissioner with the Home Secretary; and commissioning key crime reduction projects and services for victims of crime.

Established in 2012, the Mayor's Office for Policing and Crime (MOPAC) supports the Mayor in delivering these responsibilities, providing specialist expertise on commissioning, community engagement, professional standards and police complaints, governance and oversight, finance, audit, statistics and research, and policy and communications. The Mayor can appoint a Deputy Mayor for Policing and Crime (DMPC), to whom the Mayor can delegate many of their powers.

Introduction

Earlier this year we responded to this Justice Committee Inquiry on Women in Prison. That response concentrated on reducing the number of women in prison through alternatives to prison custody.

We have since been informed that this Justice Committee is inviting evidence on the housing and accommodation needs of women involved in the Criminal Justice System, including those in the prison estate. Set out below is our supplementary written evidence on this issue.

Rather than basing this response on individual Justice Committee questions, we highlight the housing issues that we feel need consideration by the Justice Committee and warrant action by Government. This response is based on the views of our partners that have shaped the development of London's Blueprint for a Whole Systems Approach to Women in Contact with the Criminal Justice System ('Blueprint').

Data & Definitions of Women's Housing Status

MOPAC is concerned that there are wide discrepancies in the published data on women's housing status when released from prison. This makes it impossible to effectively monitor women's housing outcomes, draw comparisons or accurately evaluate different approaches.

The widely publicised Resettlement report of the Independent Monitoring Boards (August 2020) found that nearly 60% of women were released without settled accommodation (45% homeless, 14% to temporary accommodation) while the Government's own data reports

18% of women being released homeless. The former involved asking women themselves about their housing position, the latter is a larger scale database drawn from prison records.

MOPAC, therefore, supports the call to develop and apply in all criminal justice settings a consistent and agreed definition of 'released homeless' or 'released to settled accommodation'. Even if the lower estimate were accurate, it still suggests too many women are being released homeless and vulnerable to abuse, exploitation and reoffending.

Furthermore, we are concerned that there is an emphasis on 'street homelessness' in definitions or understandings of homelessness, as well as in initiatives purporting to address homelessness. Indeed, our Blueprint partners have pointed out that women are more likely to be 'sofa surfing' or returning to abusive domestic violent relationships.

Whilst the outcome measure in Expectation 90 of HMIP Expectations for Women's Prisons is helpful in setting out elements of a positive housing outcome, we believe that this does not go far enough. There remains an urgent need for an improved and consistent housing outcome measure for women, as a key element of resettlement on release from prison.

MOPAC welcomed the Government's Female Offender Strategy, which highlighted the need for gender-specific approaches. It is, therefore, disappointing that there are no gender specific commitments in the HMPPS Action Plan submitted in August 2020 to HM Inspectorates of Prisons and Probation in response to their critical "Report on accommodation for adult offenders in the community and on release from prison". For example, HMPPS commits to introducing "a metric concerning settled accommodation for all service users under supervision" but does not indicate that it will be gender specific. MOPAC is minded that without a specific gender commitment, the new metric is likely to fail many women. It is critical that women themselves should be asked and encouraged to disclose their housing situation so that the necessary help can be given.

Gender Disparities in Service Provision

MOPAC has jointly commissioned with the MOJ/HMPPS a Pan London Female Offender Service aimed at meeting a range of women's rehabilitative needs. It will be used to scale up best practice and expand the existing footprint of women's support services across all London's 32 boroughs.

However, it has come to our attention that the new probation reunification commissioning framework is flawed in that it has allowed gender disparity in the application of service provision to occur. For example, we have been made aware that in the male prison estate in London, accommodation specialist providers including St Mungo's, amongst others, have been commissioned by the MoJ/HMPPS to assist men with accommodation pre-release. Conversely, there is no such housing specialist equivalent provision in the women's estate.

Already HMP Bronzefield has made representation to MOPAC that there has been a 25% decline in accommodation outcomes for women since Probation reunification. This is directly attributed to the impact of the removal of the specialist housing services in its women prison establishments - with homelessness rates up on this time last year.

The MoJ and Probation have listened to concerns and as a result have provided additional funding for a Housing Advocate, initially to be based in HMP Bronzefield. Learning from this will be used to explore models for HMP Downview and Send, which are prisons that together serve the majority of London's remand and convicted women prisoners. We welcome this, but do not want it to be an interim sticking plaster. MOPAC advocates that for the next MoJ/Probation commissioning round that women's prisons be automatically afforded specialist accommodation or housing services, commensurate with those in male prisons.

Women on Remand

MOPAC also wishes to draw the Justice Committee attention to the fact that under the new commissioning arrangements, remanded women fall out of scope for these services. Remanded women can sometimes spend a lengthy period in prison custody either awaiting trial or sentencing. During that period their housing situation, may become precarious, with the loss of accommodation or tenancy. HMP & YOI Bronzefield have highlighted that 40% of its prison population at any one time is on remand. These women are often the most complex and vulnerable chaotic population who require additional support of statutory services, whilst in prison.

Too often women are unnecessarily remanded into custody – almost two-thirds of women remanded to prison by magistrates are either found not guilty or are given a community outcome. The vast majority of women remanded to prison to await trial or sentence could safely be released on bail, to the advantage of their families, their communities and the wider criminal justice system. Being remanded to prison is a particularly devastating and punitive experience for women, and it is damaging to any children who depend on them. We are also concerned that many of these women become homeless whilst on remand in prison custody.

MOPAC, therefore, recommends that the Justice Committee consider the use of Bail Information Schemes (BIS), operated by the Probation Service, being made available in courts to put forward packages of bail conditions (and accommodation if needed) to meet the prosecution's objections to bail, where that is appropriate.

MOPAC also supports the call for the repeal of the Bail Act 1976, whereby courts can remand a woman for her own 'protection', without her being convicted or sentenced, and when the criminal charge she faces is unlikely to, or even cannot, result in a prison sentence. As a matter of principle, it is wrong to use imprisonment, to make up for failings in care and protection in the community. Prisons should never be used as a place of safety for women in distress or for welfare purposes. It is disconcerting that scrutiny and transparency is virtually non-existent, as the government does not collect data about how often this group of women are detained.

MOPAC would like the Justice Committee on Women in Prisons to consider and make recommendations to Government on the repeal of this Act.

Universal Credit

MOPAC is concerned that neither the DWP nor the MoJ have enabled Universal Credit claims to be made from within prison before a woman's release date. Where she is released homeless, the process for applying for Universal Credit is even more challenging. It is complicated, and time-consuming for those women who lack identification documentation, a bank account, an email address and the skills to apply for benefits online.

The DWP must work with the MoJ and HMPPS to ensure that women can set up benefit claims, including for Universal Credit, prior to release from prison and to address other barriers to this income support. It can't be right that some women continue to be released from prison homeless with only the discharge grant of £76 to survive on. Those leaving prison after a period of recall do not even receive this amount.

Foreign National Women Offenders & No Recourse to Public Funds

Foreign National women offenders and practitioners (such as Hibiscus) have made representation, that the 'No Recourse to Public Funds' condition, which prevents access to housing, is the single biggest obstacle to resettlement and has overwhelming detrimental impact on every aspect of these women's lives.

Having 'No Recourse to Public Funds', particularly in relation to housing, has meant that these women are left vulnerable, when they are forced to stay in abusive or unsafe living situations for lack of an alternative. Some experience prolonged periods of sofa surfing with family and friends, never able to settle anywhere for longer than a few days; and others experience sustained periods of rough sleeping, leaving them open to exploitation. Some Foreign National women, having been made destitute, are relieved at being recalled to prison, to get access to a bed and food.

MOPAC recommends that the Justice Committee consider the urgent needs of Foreign National women released from prison. In so doing, the Justice Committee should explore the development of housing pathways for Foreign National Women who do not qualify for National Asylum Support Services; the provision of additional refuge and emergency space for this cohort of women; and other alternative housing options such as hosting programmes available for refugees and asylum seekers. The committee should also review the compliance to the High Court Ruling that the Government's respective 'Hostile Environment Policy' and 'No Recourse to Public Funds' conditions, breaches Article 3 of the European Court of Human Rights, which prohibits inhuman and degrading treatment of children, whose parents are denied access to essential state support, such as Child Benefit and Universal Credit, inclusive of Housing Benefits.

Prison Release Protocol for London

As part of the Blueprint for London Delivery Group, you will be aware that the Safe Homes for Women Leaving Prison are nearing completion of a Women's Prison Release Protocol for London, worked up in consultation with both Lambeth and Southwark Councils, who are recognised as having an effective system in place, and HMP Bronzefield. The Safe Homes

for Women Leaving Prison drew your attention to this in its written submission to your Justice Committee. Oral evidence was also given by them.

The Prison Release Protocol will outline the essential features for provision of appropriate services including accommodation for women with complex needs that are leaving prison. We see merit in this approach and will consider the protocol once it is drafted, and I am sure will be of interest to the Committee in case there are good practice elements that can be applied nationally

Finally, MOPAC believes that it would be prudent that the Justice Select Committee on Women in Prisons invite all Heads of Reducing Reoffending across the prison custodial estate to provide operational evidence. This would be invaluable in reflecting the reality and ensuring there aren't gaps between policy and implementation.