

Written evidence from London Assembly Housing Committee

Women in prison inquiry

In response to the Justice Committee's inquiry into women in prison, I am writing to you in my capacity as Chair of the London Assembly Housing Committee to submit evidence for your consideration. The Housing Committee examines and reports on matters relating to housing in London, and leads on the scrutiny of the Mayor's housing responsibilities.

Prior to the London Assembly elections earlier this year, the Housing Committee initiated an investigation into London boroughs' experiences of the 'Duty to Refer' process under the Homelessness Act 2017. The Housing Committee, now appointed with new membership, is continuing this work. The Act places a duty upon the Prison Service to refer prison leavers to the relevant local authority where they are at risk of homelessness. This enables the local authority to fulfil their own housing duties. Our findings may be particularly useful in providing evidence for the questions outlined in your call for evidence: "What support is available to ensure that women are successfully resettled into the community upon release and reduce reoffending? Are there any barriers to effective resettlement, and reduced reoffending?"

Our work was prompted by the 'Safe Homes for Women Leaving Prison' report, from St Martin in the Fields, London Prisons Mission and the Prison Reform Trust, published in October 2020. That report highlighted a range of challenges and inconsistencies in supporting women leaving prison into safe accommodation; and indicated that a proportion of women are continuing to leave prison with no fixed abode.

In February 2021, on behalf of the Committee, my predecessor as Housing Committee Chair wrote to all London boroughs to invite them to set out their approach to providing safe and secure accommodation for vulnerable women released from prison, particularly following a referral under the 2017 Act. We received 19 responses from local authorities. Below we have set out a summary of what we heard.

Housing processes

Many boroughs commented that the duty-to-refer system was useful; some told us that it had facilitated constructive multi-agency partnership working and, importantly, enabled the identification of clients that may otherwise slip through the net. However, for most, the benefits were tempered by some specific shortcomings in the duty-to-refer process, many of which chimed closely with the findings of the 2020 'Safe Homes' report.

We asked boroughs about their processes for responding to referrals under the duty from the Prison Service. We found that a reasonably standard approach is in place across boroughs, although there is a variation in the time councils take to respond to referrals, from one day, up to a week. For most councils, a full needs assessment of the prison leaver is not normally possible until the day of their release from prison. The predominant emphasis by most local authority housing services is upon identifying an interim housing solution - particularly for those assessed as at-priority risk, although one borough emphasised its focus on securing long-term accommodation from the start.

Effectiveness of the duty-to-refer system

We asked boroughs about their opinion of the effectiveness of the ‘duty to refer’ process. The lack of ability to engage with clients in prison, together with the short notice about a forthcoming release, and limited advance information prior to release were common criticisms made by many boroughs. It was also noted by more than one council that the Prison Service takes an inconsistent approach to the duty to refer, and one borough stated it would prefer a stronger duty to ‘prevent’ homelessness to be in place – including access to information about whether the woman concerned had a tenancy prior to incarceration, so that the local authority can look at options for maintaining this. This chimes with some of the issues highlighted by the 2020 ‘Safe Homes’ report.

We also heard about issues that were administrative in nature. One council stated that referrals were being provided without contact details for the client, and another cited a lack of access to computers for people in prison, meaning they cannot fill in the appropriate forms before release.

Clearly the lack of timeliness for councils to be able to assess and respond to the needs of women leaving prison creates a potential pressure point for councils in responding effectively. This potentially increases the risk that some women may obtain accommodation that does not meet their needs, which may then increase the further risk of their subsequent homelessness and potential for reoffending.

As a result of our findings, we support the calls for a review of the duty to refer, as outlined in the 2020 ‘Safe Homes’ report.

In the short term, we also support a review of administrative processes to ensure that referrals to local authorities are timely, accurate and informative, and to provide women with the facilities (including computers and phone calls) they need to engage with local authorities prior to release. We have recommended that the Mayor takes leadership on this in London.

Vulnerable women leaving prison

We asked boroughs to tell us if they give priority to vulnerable prison leavers, such as those with complex needs or at risk of domestic abuse. Many boroughs emphasised the importance of partnership-working with other services in supporting vulnerable clients; some referred to having access to independent domestic violence advisers. There did not appear to be dedicated services for prison leavers at risk of domestic violence, but services were available for all women at risk of abuse. A small number of boroughs highlighted they had developed or engage with a range of local initiatives supporting female survivors of domestic abuse.

Women leaving prison may have a mix of vulnerabilities that puts them at heightened risk of abusive relationships and/or homelessness; and access to safe and secure homes is a key aspect of rehabilitation following release from prison.

Barriers to housing for women leaving prison

As commented above, many boroughs indicated to us that the time frame in which they were notified of a prison release was a barrier to being able to effectively respond to housing needs; they also noted an insufficiency of timely information about needs. We heard that the time

pressures are particularly acute for women leaving prison, as they typically receive short sentences.

In line with this, the ‘Safe Homes for Women Leaving Prison’ report made a recommendation that the Ministry of Justice should review the purpose and use of short prison sentences for female offenders, as these sentences do not provide opportunities for rehabilitation and often result in loss of tenancies, interruptions to the care of dependent children and a high risk of reoffending. Additionally, in 2018, the London Assembly’s Police and Crime Committee released a report on improving London’s response to women in the criminal justice system. A key finding was that short prison sentences are unhelpful in preventing reoffending, as the system cannot deliver an effective package of provision in that time and it can worsen complex issues.

In addition, the challenge of responding to complex client needs, which may put clients at risk of homelessness or situations that risk reoffending or a return to abusive relationships, was also seen as a challenging dimension for councils. The costs of providing housing support, particularly in relation to the private housing market, was also seen by some boroughs as a barrier.

We would like to see Government undertake a review of sentencing for women, with particular emphasis on implementing alternatives to short-term sentences.

In the absence of changes to short sentences, we would support the Prison Service to introduce a process to refer women at risk of homelessness on short sentences to local authorities at the commencement of their sentence, or as soon as possible after they enter prison. This would better enable the local authority to conduct a needs assessment and identify suitable accommodation for the day of release.

Good practice

Finally, we asked boroughs to tell us about any good practice they had experienced. The main examples of good practice referred to by many boroughs were partnership-working and data-sharing agreements with other agencies and services, including third-sector support agencies, mental health services and probation services. This collaboration is particularly beneficial if undertaken as early as possible. In addition, the development of ‘wrap around’ or ‘holistic’ support services that take account of the range of situational, social and health needs of the client was referred to by several boroughs as beneficial. Pre-release engagement with the prison leaver directly, or indirectly via the Prison Service, was mentioned by several boroughs as something they would like in place.

We look forward to the findings of your inquiry and hope the above evidence will be of use. I would be happy to meet with you to discuss further, should that be of interest.

Yours,

Sian Berry AM
Chair of the Housing Committee

Women leaving prison and ‘Duty to Refer’: analysis of borough responses to information-gathering

In March 2021, London boroughs were invited by the Housing Committee to set out their approaches to providing safe and secure accommodation for vulnerable women released from prison, particularly relating to the ‘duty to refer’ obligation under the Homelessness Reduction Act 2017. Nineteen London borough councils responded to the request for feedback.

This was requested in response to six key points, and a summary of feedback by each point is set out below.

Note: within some of the responses, reference was made to the ‘duty’ upon public authorities to notify local housing authorities about persons they consider will be homeless or threatened with homelessness within 56 days. The duty to refer is set out under the Homelessness (Review Procedure etc.) Regulations 2018 made under the Homelessness Reduction Act 2017, both of which entered into force in April 2018.¹ Feedback from the boroughs, as summarised below, implies that within the 56-day window, during which a referral may be made under the regulations, there is a variable amount of notice provided to local authority housing services about the housing needs of women prison leavers.

1. The processes applied by your authority from the day on which a prison officer, or responsible agency, contacts you in respect of a female prison leaver who claims or seeks secure accommodation on release.

- Normally contact with the local authority housing service is made via a dedicated duty-to-refer email address or completion of an online form (external referral form); or referrals may come via another housing service-related email address (e.g. a generic housing service email).
- Councils respond to the referrer within a variable time frame in advance of a client’s release from prison. Examples provided generally ranged from within 24 to 48 hours. One borough said they aim to review referrals within 72 hours, and another that they respond within five days of receiving a duty-to-refer form.
- In some boroughs cases are handled by a housing officer, and in others an officer specialising in supporting ex-offenders. One borough is currently piloting a ‘Prison Release Navigator’ post.
- Some boroughs indicated there is sometimes minimal, if any, information shared before release; some boroughs may conduct a ‘provisional’ or initial needs assessment via the referrer in advance of release.
- Advance information is not always sufficient to enable a full needs assessment of the client, and it appears that there is not normally direct engagement with the client until they are released from prison. However, one borough described holding three-way telephone

¹ [Policy Fact Sheet: Duty to refer specified public authorities](#), the Ministry of Housing, Communities and Local Government (now the Department for Levelling Up, Housing and Communities), 2018

meetings, including the client, while they are still in custody; and another was exploring piloting video contact.

- In one example, earlier awareness of release has been received, although this knowledge was facilitated by the borough's participation in professional networks or local homelessness projects. Another borough is piloting early intervention approaches with the Probation Service.
- An interview and/or fuller assessment is normally made directly with the client on the day of release from prison. At this point, the client may be required to fill in a homelessness application form.

In summary, a reasonably standard approach in responding to requests for support from housing services is in place across London. Most boroughs clearly highlighted that the process is initiated upon their receipt of a duty-to-REFER notification – such as an email or online form. There are variable response times in place, however, and full assessment of client need is not normally possible until the day of release. This is when the client would attend an assessment interview with the council, which could be in person or by phone. A small number of boroughs have highlighted they already have, or are piloting, methods to support clients in advance of release through closer partnership-working with projects and agencies.

2. Precisely when your authority commences enquiries into the expected accommodation status of female prison leavers, before they are released from prison, and what processes are used.

- Boroughs mostly highlighted that they commence enquiries immediately on receipt of a duty-to-REFER form, or within one to three days. However, the form may be received very close to the release date, or on the day of release itself.
- One council said it commences enquiries 'within a few days' of receipt and another within five days. Two highlighted that a response can commence once consent forms are received.
- One borough highlighted that it normally gets duty-to-REFER forms 56 days before release; and another said it does not insist on 56 days' notice, as it understands that a definitive timeline is not always available.
- Another borough highlighted that some enquiries can be made by the council via the Prison Service in advance of the client leaving custody. However, contact with the client may be restricted, or prison facilities may not be available for clients to use while still in custody. Another emphasised the importance of partnership-working with other agencies, such as the Probation Service, to facilitate information-gathering and support.
- Similar to point 1, above, boroughs emphasised that fuller information-gathering and needs assessments are mainly done on the day of release.
- Several boroughs stressed a focus on finding temporary accommodation for those in priority need. However, one said interim accommodation could not be guaranteed, but did not specify what happens in those circumstances. Another said it prefers to secure permanent accommodation upon on release.
- One borough said that where it doesn't have conclusive evidence of vulnerability, the decision to prioritise for accommodation on the day of release will be taken based on information gathered from officer enquiries on a case – noting that Community Safety Partnerships have a statutory duty, under the Crime and Disorder Act 1998, to work together to: reduce reoffending; tackle crime and disorder; tackle anti-social behaviour;

tackle alcohol and substance misuse; and tackle any behaviour that has a negative impact on the local environment.

In summary, there is evidence of a variable but short time frame from referral receipt to response by the council, which appears to extend from one day to a week. The predominant emphasis from services seems to be upon identifying an interim housing solution, particularly for those assessed as at-priority risk – although one borough emphasised focusing on securing permanent accommodation from the start.

3. Whether your housing processes give any priority to vulnerable prison leavers, and other women with complex needs, such as victims of domestic abuse.

- Most councils emphasised the focus on providing temporary accommodation initially based on priority need – including domestic abuse – which, for some clients with complex needs, may give more time to complete a fuller needs assessment.
- A small number of boroughs referred to the availability of women-only bed services and women's hostels, although these are not specifically for prison leavers.
- Several boroughs highlighted that their housing teams have developed or engage with wider projects or council services to support women at risk of, or victims of, domestic abuse.
- One council indicated that it does not have separate processes for clients who are leaving prison – rather, they follow the same process for all vulnerable clients. One borough has a Violence Against Women and Girls team.
- Some councils referred to their access to specialist officers, such as independent domestic violence advisers/advocates (IDVAs), and one referenced having a vulnerable adult pathway. Another highlighted having an ex-offenders referrals and complex needs coordinator.
- Several boroughs described working in partnership with other agencies to support vulnerable people, such as with the Probation Service, social care or mental health services. One borough has signed a service-level agreement with a cross-London single homelessness initiative.

In summary, many boroughs showed the importance of partnership-working with other services and some referred to having access to an IDVA. There didn't appear to be dedicated services for prison leavers at risk of domestic violence, but services were available for all women at risk of abuse. A small number of boroughs highlighted that they had developed or engage with a range of local initiatives supporting survivors of domestic abuse.

4. The effectiveness of the duty-to-refer system for prison leavers at risk of homelessness within your authority.

- Numerous boroughs highlighted that the duty-to-refer system was useful, and some specified how it had facilitated constructive partnership-working and, importantly, enabled identification of clients that may otherwise slip through the net. However, for most, the benefits were tempered by some specific shortcomings.

- Significantly, many councils highlighted the lack of timeliness of referrals – exacerbated by the often-shorter sentences given to women, and typicality of Friday prison releases. This was added to, for some, by insufficiency of advance information prior to release. These factors reduce the available time for councils to respond to referrals and put pressure on their resources. One borough commented that in some instances, the short notice has meant it is too late to arrange accommodation in advance, or the person may already have been released to homelessness.
- A small number of boroughs specifically referred to the inability to contact clients in prison before release, and one said the duty-to-refer system does not support early intervention.
- Some boroughs also cited inconsistent use of the duty-to-refer process by the Prison Service, with one saying there needs to be more awareness-raising of it within the Prison Service.
- One council said they would prefer a ‘duty to prevent homelessness’ to be in place, rather than a duty to refer.

Predominantly, responses indicated shortcomings with the process, particularly relating to lack of timely information, although overall the duty-to-refer process was found to be useful. The lack of ability to engage with clients in prison, together with the short notice of release, clearly creates a potential pressure point for some councils in responding effectively to a client’s housing needs.

5. Any barriers to preventing vulnerable female prison leavers being released to homelessness within your authority.

- The main barrier to rehoming for councils was the challenge of responding to complex client needs, where behaviours or circumstances can lead them into homelessness despite accommodation having been provided, or into situations that risk reoffending or a return to abusive relationships. Some boroughs highlighted that clients may not always accept certain types accommodation offered, such as supported housing.
- Other dominant barriers were the lack of time between referrals and release, and the lack of information provided in advance of release, to give councils time to arrange appropriate accommodation for the release day.
- Two councils also stated they would like more opportunities to prevent homelessness by potentially maintaining accommodation where women had tenancies prior to incarceration. The cited barriers to this were: not being informed about this existing accommodation; and limited resources available to preserve the tenancy.
- Administrative barriers were also raised, including: a referral being provided without contact details for the client; and a lack of access to IT for prison leavers, so they cannot fill in the appropriate forms. Two councils commented on delays in the process caused by the lack of client identification documents.
- Several boroughs also referred to the costs of accommodation for clients within the private rental market. One particularly commented on a lack of available single-sex accommodation.
- Three boroughs out of the 19 that responded explicitly said they had experienced no barriers.

Overall, a mix of factors such as a lack of timely information – particularly in advance of release – and complex client needs may increase the risk of homelessness. Both of these factors may relate to a mismatch between the client needs and the accommodation offered, either because a full needs assessment may not have been undertaken at the point of providing housing, or because the available accommodation doesn't meet the client's sometimes very complex health, behavioural or social needs. Where boroughs said they had experienced no problems, this may be in areas where the duty-to-refer process is not used as frequently.

6. Any good practice you would recommend for replication throughout Greater London to provide appropriate accommodation for vulnerable women leaving prison and support their full rehabilitation.

- The main example of good practice referred to by many boroughs was partnership-working with other agencies and services – particularly at the earliest stages possible. Many boroughs value the multi-agency-working that is already in place.
- The development of wraparound or holistic support services that take account of the range of situational, social, health, etc, needs of the client was referred to by several boroughs as examples of existing good practice.
- Pre-release engagement with the client directly, or indirectly via the Prison Service, was mentioned by several boroughs as an example of good practice. However, in reality, for many this was something to be aspired to rather something that is already in place.
- Other examples provided relate to local innovations such as involvement of specialist workers; a defined support pathway; and, in one case, a bespoke risk assessment for women leaving prison.

In summary, the main themes drawn from responses were the importance of multi-agency partnership-working to facilitate information-gathering and service delivery; optimising the use of funding opportunities; and taking an holistic approach to supporting client needs. Furthermore, a mix of examples of good practice were highlighted, where some boroughs had developed processes based on local learning and demand levels.

3 November 2021