



BRIEFING PAPER

Number 2989, 17 October 2017

Housing support for ex-offenders (England and Wales)

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Summary

Repeated studies have established that securing adequate housing for ex-offenders reduces rates of recidivism. Criticisms have been made about the level of statutory support available for prison leavers, and the lack of housing options available on release.

The Transforming Rehabilitation reforms between 2014 and 2016 split the delivery of probation services between a new National Probation Service, supervising high risk offenders, and new, largely private sector, Community Rehabilitation Companies (CRCs) supervising the rest. The reforms also extended probation supervision to those serving prison sentences of less than 12 months. For those serving these short sentences before the reforms, prisons did not need to go much further than mandatory housing needs assessments and general advice.

To date there is little evidence of a positive impact. The Government argues that the reforms need time to 'bed in'. It is also the case that the underlying lack of housing options can stymie efforts by prison or probation services to assist prison leavers. Nonetheless, some commentators are critical, identifying issues with the quality of housing support pre-release, and ineffective monitoring of housing needs after release.

In November 2016, the Government announced further reform in its White Paper, [Prison Safety and Reform](#). The Government intends to better monitor ex-offenders' accommodation status after release, and make the quality of housing support a means of evaluating the performance of more empowered prison governors.

Currently, if a prisoner is homeless on release a local authority *may* have a statutory duty to assist. Local authorities in England must secure accommodation if the ex-offender is in priority need (for instance if they are deemed vulnerable due to their custodial sentence).

However, local authorities in England generally have regard to 'intentionality' and may judge an ex-offender to have made themselves homeless if losing their home was a likely outcome of committing a crime.

Even if they are not entitled to assistance with accommodation, a local authority must provide advice. This duty is being strengthened by the *Homelessness Reduction Act 2017*. The Act will also introduce a duty for public authorities to notify a local authority if they believe a person to be at risk of homelessness. As ex-offenders leave prison, this may well place such duties on prison or probation services.

An ex-offender may apply on a council housing register. However, changes introduced by the *Localism Act 2011* mean that authorities in England have more discretion to exclude certain applicants from their housing registers, including ex-offenders.

Currently, those subject to a sentence of 13 weeks or less may be able to claim Housing Benefit to secure their accommodation during the period they are held. For those held on remand, Housing Benefit can be paid for 52 weeks. Under Universal Credit, prisoners who are unlikely to spend longer than 6 months in prison may be entitled to housing assistance regardless of whether they are on remand or convicted.

Additional information and advice on securing housing for ex-offenders can be found on [Shelter's](#) website. [Nacro](#) is a national charity for ex-offenders and can provide advice in many areas, including housing. Most prisons also employ specialist housing advisors to provide help with securing housing prior to release.

1. Housing and the prevention of re-offending

1.1 Problems finding accommodation

Many people released from prison have difficulties finding housing. As explained by St Mungo's, the homelessness charity:

Having been in custody, individuals may struggle to provide the references, bank statements, deposit and rent in advance required by private landlords. Even when these are available landlords may be unwilling to let their property to people who have recently been in prison. Previous offences, including arson, the possession of weapons and drug dealing, restrict the private rented, social and supported accommodation which can be accessed. Direct payments of Universal Credit to claimants may make landlords even less willing to let to ex-offenders who are claiming benefits.¹

Local authorities may also restrict access to their housing registers where applicants have a criminal record.²

Some reports have suggested that two-thirds of prisoners need help to find accommodation when approaching a release date, or probation.³ As such, ex-offenders may find themselves homeless, or in temporary and unstable homes.

Indeed, several studies and surveys have found a high proportion of those rough sleeping or the 'hidden homeless' has spent time in jail. For instance, in 2011 Crisis reported that, of the hidden homeless they had talked to, 33% had spent time in prison.⁴ Using national statistics and surveys with staff who work with the homeless, Homelink found that nearly 1 in 5 single homeless/couples without dependents had spent time in prison.⁵ The Combined Homelessness and Information Network (CHAIN) reports on people seen rough sleeping in Greater London by outreach teams. According to the 2016/17 CHAIN annual report, 1,856 people seen sleeping rough in that year had spent time in prison – 23% of all people seen sleeping rough in that year. 86 individuals had prison as their last settled base before starting to sleep rough.⁶

1.2 Links to re-offending

It is well-established that having a stable home after release from prison can help reduce the likelihood of recidivism (re-offending).

¹ [Written evidence to Work and Pensions Committee inquiry on Support for ex-offenders](#), St Mungo's, April 2016

² [Court makes it clear – spent convictions shouldn't be taken into account for housing applications](#), InfoHub by Unlock, December 2016

³ This is a figure for those serving sentences less than 12 months. For more information, see in [An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, October 2016

⁴ [The hidden truth about homelessness](#), Crisis, May 2011

⁵ [Survey of needs and provision 2013](#), Homelink, March 2013

⁶ [CHAIN Annual Report April 2016](#), Greater London Authority, March 2016

In a 2012 survey of 3,849 prisoners commissioned by the Ministry of Justice, the authors found that unstable accommodation before imprisonment was common:

- Fifteen percent of prisoners in the sample reported being homeless before custody. Three and a half percent of the general population reported having ever been homeless.
- Over two in five prisoners (44%) reported being in their accommodation prior to custody for less than a year. Twenty-eight percent of the sample reported living in their accommodation for less than six months.
- Nearly two in five prisoners (37%) stated that they would need help finding a place to live when they were released. Of these, 84% reported needing a lot of help.
- Prisoners who had been sentenced to prison, probation or community orders before were more likely to report needing help finding accommodation when they were released from prison, than those who had not been sentenced before. They were also more likely to have been homeless before entering prison.
- Prisoners who reported needing help with a drug or alcohol problem were also more likely to report needing help finding a place to live when they leave prison, compared with those who did not report needing help with a drug or alcohol problem.
- Three-fifths (60%) of prisoners believed that having a place to live was important in stopping them from reoffending in the future.
- More than three-quarters of prisoners (79%) who reported being homeless before custody were reconvicted in the first year after release, compared with less than half (47%) of those who did not report being homeless before custody.⁷

The authors conclude that:

Many SPCR [Surveying Prisoner Crime Reduction] prisoners reported problems with accommodation prior to custody and accommodation needs on release. This report has demonstrated that these problems can be associated with reconviction – particularly as prisoners who stated that they would need help finding somewhere to live when released were more likely to be reconvicted, as were previously homeless prisoners.⁸

The link to recidivism and importance of housing support for rehabilitation has been shown in previous studies. A survey of 175 prisoners carried out by the Centre for Housing Policy at York University in 1996 concluded that ex-prisoners were more likely to re-offend if they did not find satisfactory accommodation on release.⁹ The 2002 Social Exclusion Unit (SEU) Report, [Reducing Re-offending by Ex-prisoners](#), found that stable accommodation reduced the risk of re-

⁷ Kim Williams, Jennifer Poyser, and Kathryn Hopkins, [Accommodation, homelessness and reoffending of prisoners: Results from the Surveying Prisoner Crime Reduction \(SPCR\) survey](#), Ministry of Justice, 2012

⁸ Kim Williams, Jennifer Poyser, and Kathryn Hopkins, [Accommodation, homelessness and reoffending of prisoners: Results from the Surveying Prisoner Crime Reduction \(SPCR\) survey](#), Ministry of Justice, 2012

⁹ [The Housing Needs of Ex-prisoners](#), JRF Housing Findings 178, April 1996

offending by around 20%.¹⁰ The Rough Sleepers Unit report, [Helping Rough Sleepers off the Street](#) (June 2002), found that housing and employment were fundamental to re-establishing a life in the community, addressing specific problems and avoiding re-offending.¹¹

1.3 Housing support for prison leavers pre-2014

Before the Transforming Rehabilitation reforms of 2014-16 (see below), all prisons had dedicated housing advisors. Probationary resettlement (rehabilitation) services were only provided to those who served sentences of 12 months or more. Probation trusts handled offenders following their release.

In 1996, the Joseph Rowntree Foundation found evidence that the general level of housing assistance prisoners received was 'inadequate:'

Although many prisoners had been inadequately housed before going to prison, the great majority wanted to retain their original homes. On release, however, less than half were able to return to their previous home.

Three factors were instrumental in determining whether ex-prisoners succeeded in retaining their homes: the quality of family relationships, the availability of housing benefit, and their financial status.

Housing information in prisons was designed both to help prisoners retain their previous accommodation and enable them to find new accommodation where necessary. However, the provision of information varied widely in the four prisons studied. Many prisoners were disinclined to ask for help and there was confusion about responsibilities among staff. No written guidance or procedures relating to housing advice were located.

Problems faced in re-housing prisoners include:

- Access to independent, mainstream accommodation is increasingly difficult.
- Arranging accommodation other than in hostels prior to release is very difficult.
- Very few ex-prisoners agree to live in a hostel; they are concerned at being drawn into re-offending by contact with other ex-offenders.¹²

From April 2005, prison housing advisors had to carry out housing needs assessments for prisoners. The Government was monitoring the numbers of prisoners leaving prison with a confirmed address to go to, but did not monitor the housing status of prison leavers after their release date.¹³

¹⁰ [Reducing re-offending by ex-prisoners: Summary of the Social Exclusion Unit report](#), Social Exclusion Unit, 2002

¹¹ [Helping rough sleepers off the streets](#), ODPM: Homelessness Directorate, June 2002.

¹² [The Housing Needs of Ex-prisoners](#), JRF Housing Findings 178, April 1996

¹³ This followed a Government response ([Cm 6490](#)) to an inquiry from the Office of the Deputy Prime Minister on Homelessness. See HC 61-I, Third Report of Session 2004-05, [Homelessness](#).

In February 2011 Barnardo's published [No Fixed abode – the housing struggle for young people leaving custody in England](#) in which it concluded that children as young as 13 were being released from custody without a safe place to live and were at risk of a repeat cycle of homelessness and reoffending. Barnardo's called for improved support for this group of ex-offenders which, it argued, could save £67,000 per individual over a three year period:

Cross-Government action is needed to make sure that all teenagers leaving custody have somewhere safe and suitable to live where they can turn their lives around. Barnardo's is calling for a comprehensive statutory package of support for all under 18-year-olds leaving custody.¹⁴

In September 2014, a review of probation services was carried out by HM Inspectorate of Prisons and HM Inspectorate of Probation and Ofsted. This was based on a survey of 80 prisoners, based in 8 different prisons. It was highly critical of the system in operation at that time:

We found that contact between offenders and offender supervisors or managers varied considerably and even where there was good contact, this had little impact on accommodation and ETE [employment, training and education] outcomes at the point of release, although contacts were more effective post-release. Sentence planning and oversight were weak and resettlement work in prisons was insufficiently informed either by an individual assessment of the offender concerned or a strategic assessment of what opportunities would be available to offenders on release, with input from relevant organisations and employers. Information sharing across prison departments was poor overall but better in open prisons and those preparing long-term offenders for release.¹⁵

54% of offenders organised their own accommodation post-release; 21% were helped by the in-house offender manager; and 6% were helped by third parties based in the prison, such as charities. In 19% of the cases studied, some prisoners were unsure of their living arrangement immediately before their release.¹⁶

Normally, those about to be released had four options:

- For high-risk offenders, they had to stay in 'Approved premises', where the occupants are closely monitored by staff. Some of those moving to approved premises had fears about their safety and the possible availability of drugs.
- For lesser risk offenders:
 - Most prisoners organised a stay with family or friends. This was often the preferred option while they looked for their own home, and indeed the authors of the review highlight the vital role that families play in supporting rehabilitation.

¹⁴ Barnardo's, [No Fixed abode – the housing struggle for young people leaving custody in England](#), February 2011

¹⁵ [Resettlement provision for adult offenders: Accommodation and education, training and employment](#), HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, September 2014

¹⁶ [Resettlement provision for adult offenders: Accommodation and education, training and employment](#), HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, September 2014

However the report also highlighted that the longer this situation lasted, the greater the strain on the various relationships involved and there was little work done by prisons and probation officers to help support these relationships.

- Staying in a privately owned or rented home: again this was mainly organised via the individual and helped via support from family and friends.
- Supported accommodation or emergency homeless accommodation organised often by prison/third party services.¹⁷

The authors of the report felt that in many cases, prison staff merely 'signposted' options, rather than providing full support. Sometimes referrals would be sent to hostels and other accommodation providers but this was not usually prepared in advance of release. If an offender was going to stay with family or friends, the suitability and stability of this arrangement was investigated, but once approved, there was little monitoring of whether the arrangement had fallen through either before or after release.¹⁸

The report also criticised the overall lack of monitoring after release to see if accommodation was suitable or sustainable.¹⁹

Furthermore, some commentators suggested that it was difficult for third party organisations to assist prisoners. The Third Sector Research Centre published [Accommodation for ex-offenders: Third sector housing advice and provision](#) in March 2012. This paper examined the role of the third sector in assisting offenders and ex-offenders to find suitable accommodation. The summary identified some positive developments alongside "numerous barriers":

The results show that there have been several positive developments in the last ten years, with many prisons now having a dedicated housing advisor and important links with TSOs and housing providers. There remain, however, numerous barriers to effective housing advice and provision. Factors include: lack of available housing stock; difficulties of partnership working, where partners differ on whether they view housing for ex-offenders with urgency; restrictions on the types of offenders likely to be prioritised and local exclusion policies. The paper also discusses the limitations of recent policies to increase the use of the private rented sector in housing homeless people, and the limitations of Social Impact bonds and Payment by Results. It emphasises the need for a more transparent housing priority assessment system in increasing housing opportunities for marginalised groups, such as short-sentenced prisoners and young offenders, but notes that provisions for greater flexibility, discretion and conditionality in

¹⁷ [Resettlement provision for adult offenders: Accommodation and education, training and employment](#), HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, September 2014

¹⁸ [Resettlement provision for adult offenders: Accommodation and education, training and employment](#), HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, September 2014

¹⁹ [Resettlement provision for adult offenders: Accommodation and education, training and employment](#), HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, September 2014

social housing lettings following the Localism Act move things in precisely the opposite direction.²⁰

²⁰ Third Sector Research Centre, Working Paper 77, [*Accommodation for ex-offenders: Third sector housing advice and provision*](#), March 2012

2. Transforming Rehabilitation programme

In 2013, the Coalition Government set out to reform probation services in England, a programme known as 'Transforming Rehabilitation'. The aim was to reduce persistently high reoffending rates. The then Government also believed that there should be much more collaboration between public, private, and voluntary sector organisations. The [Transforming Rehabilitation](#) consultation paper was published in early 2013 and a [Government response to the consultation](#) was published in May that year.

Many of the changes did not need primary legislation. However, the [Offender Rehabilitation Act 2014](#) brought in probation supervision for prisoners with short sentences.

In sum, the Transforming Rehabilitation programme carried out a number of significant reforms between 2014 and 2016, including:

- Expansion of resettlement support to those serving less than 12 months
- Making provision for 'Through the Gate' services: support from the moment prisoners enter prison
- Abolishing probation trusts and replacing them with:
 - Community Rehabilitation Companies (CRCs), private and third sector organisations which would manage low to medium risk offenders (the bulk of rehabilitation services). These would be monitored and incentivised on a Payment by Results system.
 - The National Probation Service (NPS), a public sector organisation to manage high risk offenders (approximately 20% of probation work)²¹

You can read more about these reforms on the Government's website, [2010 to 2015 government policy: reoffending and rehabilitation](#). For more analysis on these reforms, see the Library briefing paper [Contracting out of probation services: 2013-2016](#). It also considers some of the evaluation and comments made about the Transforming Rehabilitation programme after its implementation. The 28 October 2015 [Westminster Hall debate on Transforming Rehabilitation](#) outlines some of the criticism levelled against the reforms.

The following sections outline the housing support provided by these organisations following the reforms.

2.1 Housing support after Transforming Rehabilitation

The Transforming Rehabilitation reforms aimed to improve general resettlement services by contracting out probation services for low and

²¹ [Transforming Rehabilitation](#), National Audit Office, April 2016

medium risk offenders to Community Rehabilitation Companies (CRCs). These companies are incentivised by a Payment by Results system. This system requires the effectiveness of rehabilitation work to be monitored. Finding accommodation for prison leavers is one of the metrics against which the CRCs' performance is measured.²²

The reforms are primarily focused on the advice, coaching and liaison services provided by offender managers, as Andrew Selous, the Parliamentary Under-Secretary for Justice said in April 2016:

As part of our probation reforms we now provide unprecedented support for offenders to make sure all receive support on release, including those sentenced to less than 12 months.

While we work extremely closely with each offender before and after release to give them the support they need to find accommodation, the responsibility for making sure there is housing available ultimately lies with the local authority.

All prisoners meet regularly with their offender manager after release, and efforts are made to help find emergency accommodation where needed.

All prisoners receive a resettlement plan, including help to find somewhere to live following release, and any specialist referrals required.²³

The reforms did not introduce new measures specifically aimed at improving housing availability for prisoners, and as the Public Account Committee highlights in its 2016 report on Transforming Rehabilitation:

One of the biggest challenges in delivering successful probation and resettlement services in custody and the community is giving offenders access to services beyond the direct control of the justice system. Accessing services such as housing, education and employment requires the NPS and CRCs to work with, and influence, local and health authorities, police forces and other crucial providers. For example, the NPS finds it can be acutely challenging to find housing for sex offenders near their families, as local communities would rather they were placed elsewhere in the country.²⁴

Similarly, in the Work and Pensions Committee Report, [Support for Ex-Offenders](#) (2016) the Committee emphasised that:

[...] uncertainties about the future and availability of supported housing were raised by many stakeholders. There are also questions about the impact of wider benefit changes on the ability of low-earners and vulnerable people to find affordable housing.²⁵

²² [Transforming Rehabilitation](#), National Audit Office, April 2016

²³ [PQ35826](#) [Offenders: Homelessness], 5 May 2016

²⁴ [Transforming Rehabilitation](#), HC484, Public Account Committee, September 2016

²⁵ [Support for Ex-Offenders](#), Work and Pensions Committee, 19 December 2016

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Difficulties in accessing private and social housing still remain. Some studies have found that people being released from prison often have negative opinions of the housing support they have been provided with under the new system.

For instance, in April 2016, the National Audit Office (NAO) published its report into the Transforming Rehabilitation programme. Although the NAO highlighted that services in general had been maintained through the reorganisation of probation services, housing support was singled out as having one of the highest dissatisfaction rates.²⁶ The Public Accounts Committee report on [Transforming Rehabilitation](#) addressed concerns about housing support, in particular:

While the CRCs' contracts incentivise them to find accommodation for offenders, we heard that the offender housing problem is deteriorating, with 42% of service users participating in research carried out for the NAO feeling that help with housing has got worse since the probation reforms.²⁷

Some commentators have gone further to suggest that even the guidance provided was not enough, regardless of the availability of housing. For instance, Crisis, the homelessness charity, in their submission to the Work and Pensions Committee's 2016 report on Support for Ex-Offenders, said:

Crisis is concerned about the lack of financial or practical support to find accommodation for those leaving prison, as well as the lack of support to find move-on accommodation for those initially housed in Approved Premises. Our clients are typically sofa-surfing or rough sleeping on release. Resettlement teams rarely check whether the address a prisoner is being released to is suitable, meaning sofa surfing arrangements often involve staying with friends or family members from the individual's criminal past, with significant implications for reoffending.²⁸

Crisis does, however, acknowledge a few cases of good practice.

HM Inspectorate of Probation, in their submission to the same inquiry, wrote that within CRCs,

Leaders and managers have generally been focused on planning and implementing change. As a result, there has been less quality assurance of the probation work done, and the quality of work has been variable.²⁹

Indeed, the strongest criticism has been levied at Community Rehabilitation Companies (CRCs). In June 2016, HM Inspectorate of Probation found that with the National Probation Service, "sufficient progress" had been made in almost 60% of cases, whereas with CRCs they found that:

[...] over two-thirds of offenders released from prison had not received enough help pre-release in relation to accommodation,

For more information about social housing and local authorities' duties to provide accommodation to ex-offenders, see section 4 below.

²⁶ [Transforming Rehabilitation](#), National Audit Office, April 2016

²⁷ [Transforming Rehabilitation](#), HC484, Public Account Committee, September 2016

²⁸ [Written evidence from Crisis for Work and Pension Committee Inquiry on Support for Ex-Offenders](#), Crisis, April 2016

²⁹ [Written evidence from HM Inspectorate of Probation to Work and Pensions Committee](#), HM Inspectorate of Probation, June 2016

employment or finances; in one-third the necessary work had not started within four weeks of sentence or release.³⁰

Later in 2016, HM Inspectorate of Probation also conducted a joint review with HM Inspectorate of Prisons which specifically looked at resettlement services for short-term prisoners; they analysed the experience of 86 prisoners in 4 prisons:

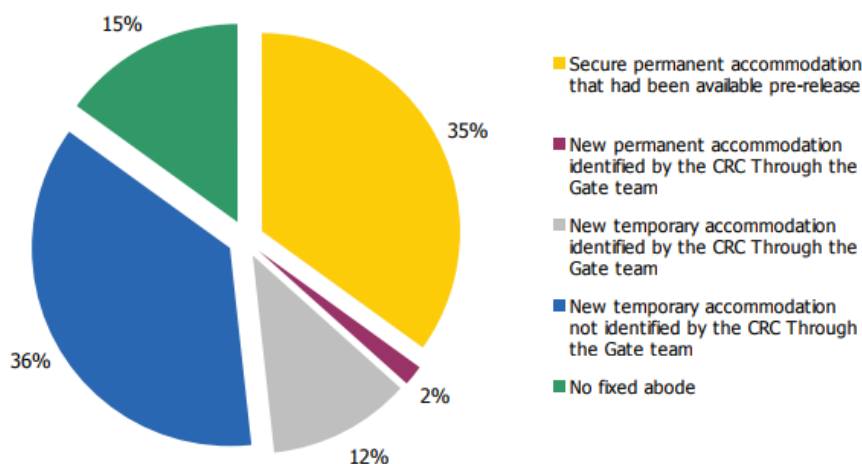
While we accepted that the reality of the situation was difficult, we did not find that enough was done to address accommodation needs. Prisoners did not know who would help them, what that help would consist of, and when they would know what had been done. Many of the referrals made were standard applications to local housing departments. These had little likelihood of any accommodation being secured before release. Prisoners released to areas not covered by the specific CRC in the prison received even less help.

We did not see any innovative work by CRCs to make access to accommodation easier. Some bids that CRCs made before getting their contracts proposed schemes such as funding rent deposits or other short-term assistance, but we did not see this in operation. If they had been available, it might have allayed some of the worries we heard from prisoners approaching release.

[...] Of the prisoners we spoke to, many told us that finding somewhere to live on release was their greatest worry. We found that too little assistance was given to prisoners who had nowhere to live on release. The majority of prisoners, who did not have accommodation to return to, were released to temporary addresses identified without the assistance of the Through the Gate team. Nine men and three women were released to no fixed abode.³¹

The charts below are taken from this report. They indicate the accommodation status of the sampled prisoners at the moment they were released:

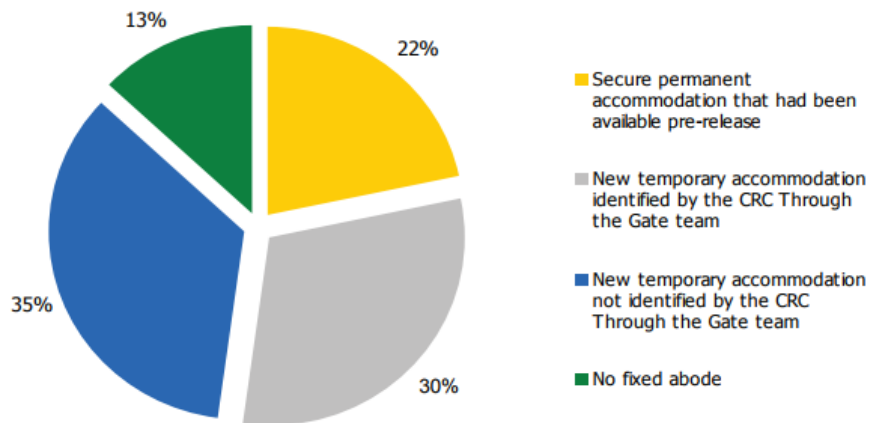
Figure 3: Accommodation status for male prisoners upon release



³⁰ [Transforming Rehabilitation: Early Implementation 5](#), HM Inspectorate of Probation, May 2016

³¹ [An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, October 2016

Figure 4: Accommodation status for female prisoners upon release



Source: [An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, October 2016.

In June 2017, HM Inspectorate of Probation and HM Inspectorate of Prisons published a similar joint report, this time for prison leavers who have served longer than 12 months in prison. The report considered 98 prisoners from 9 prisons. Although critical of all services (both CRCs and the National Probation Service released 10% of prisoners with no suitable accommodation available), they reserve the sternest criticism for CRCs:

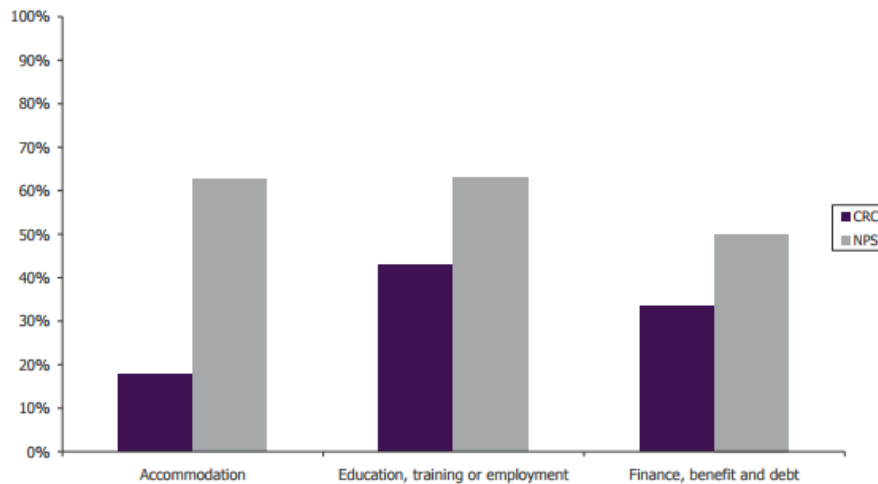
While CRCs are not expected to provide accommodation themselves, we hoped they would have in place a range of advice and assistance to make sure that prisoners have somewhere to live when released. We found only two cases where Through the Gate services had identified and secured accommodation for prisoners. [...]

We saw little effective work by CRCs to improve access to accommodation. In many cases the assistance given was no more than filling forms in to make homelessness applications to local authorities after release. Fifteen prisoners walked out of the prison gates not knowing where they were going to sleep that night, and only five of those found suitable accommodation on the day of release. Most of the prisoners needing assistance were helped by their responsible officers in the community, or by family and friends. We found that prisoners managed in the community by the NPS were more likely to receive help than those managed by CRCs, and that most of that help came from their responsible officers. Family and friends also played a part in helping both groups of prisoners.³²

The graph below is taken from the same report and demonstrates differing levels of assistance provided to find accommodation between Community Rehabilitation Companies and the NPS:

³² [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, June 2017

Figure 2: Was enough work done prior to release to address needs?



Source: [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, June 2017

The report also highlights that:

For technical and legal reasons it is impossible for CRCs to track any difference Through the Gate has made for the prisoners they have worked with, such as finding accommodation or work.³³

The following month, the Government acknowledged some of the problems identified but mainly ascribed these to the short time since implementation and issues with the Payment by Results system:

[...] it is clear that the current delivery of some aspects of probation services must improve. It is inevitable that such fundamental reforms to a complex public service will take some time to bed down. In addition, since the contracts were negotiated the number of offenders sentenced to community orders has fallen, and there has been an increase in the proportion of offenders assessed as posing a higher risk of harm. The result is fewer offenders are being referred to CRCs, leading to falls in CRC income to significantly below the levels expected at the time of the competition. This has made it extremely challenging for CRCs to deliver the services outlined in their contracts. In turn the NPS has seen a growth in their caseload and increased demands on its staff. That is why we have been reviewing the probation system, and why we are now taking steps to improve services.³⁴

2.2 Future prison reform

In November 2016, the Government published its White Paper on [Prison Safety and Reform](#). Along with wider reforms aiming to give prison governors more powers, the Government planned ‘tighter’ performance monitoring. One of the criteria by which prisons will be judged is support for life after release from prison, including housing support:

³³ [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, June 2017

³⁴ [HCWS81](#), 19 July 2017

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We will look at the rate of prisoners in suitable accommodation on release, compared to before they entered custody, so we can use that information to increase the number of offenders that have somewhere to live when they are released and track progress.³⁵

The White Paper goes further:

Access to stable accommodation has long been understood to be important in reducing reoffending. Community Rehabilitation Companies (CRCs) already have a role in providing pre-release support to help offenders access accommodation services and we expect prisons and probation services to work closely with local housing authorities to ensure that existing tenancies are sustained where possible. However we want to see greater emphasis on getting offenders into suitable stable accommodation as a way to tackle reoffending.

We will do this by improving the quality of accommodation support services in prison and in the community. One of the standards we are setting for governors is to increase the proportion of offenders that have suitable and settled accommodation on release, working with others. The action we described above to put in place shared outcomes for prisons and probation services, includes a shared outcome for accommodation to incentivise joint working.

We will consider how to use ROTL [release on temporary licence] better to support offenders looking for accommodation and whether there are ways we can use our existing estate to provide transitional accommodation as they do in the USA, Canada and New Zealand. Lord Farmer's review of family services will also help us to understand how families can better support offenders.

The government recently announced that we will defer the application of the Local Housing Allowance rates policy to supported housing, including supported housing for offenders, until April 2019. From that point we will bring in a new funding model that will ensure that the sector continues to be funded at current levels, taking account of government policy on social sector rents. We will continue to work closely with DCLG and DWP to develop the detail that underpins the new funding model to deliver a long term sustainable funding regime that will provide a secure quality service for those who need it.³⁶

The Government has said that the reforms in the white paper will go ahead without the need for primary legislation.³⁷

³⁵ [Prison Safety and Reform](#), Ministry of Justice, November 2016

³⁶ [Prison Safety and Reform](#), Ministry of Justice, November 2016

³⁷ [PQ 1191](#) [Offenders: Rehabilitation], 29 June 2017

3. Local authorities' duties

As indicated in previous sections of this paper, although there has been an increasing focus on rehabilitation services, if a prison leaver cannot source their own accommodation, the only body that may be able to provide statutory assistance is the local authority (LA).

Local authorities must both have a strategy for tackling homelessness and have certain duties when someone is homeless or threatening with homelessness. The following section outline the responsibilities of local authorities in England and Wales. For more information, see Library papers: [Statutory Homelessness in England](#) and [Comparison of homelessness duties in England, Wales, Scotland and Northern Ireland](#).

3.1 Homelessness prevention strategies

The *Homelessness Act 2002* placed a duty on local authorities in both England and Wales to produce homelessness strategies. [The Homelessness Code of Guidance for Local Authorities](#) (2006)³⁸ sets out the purpose and form of these strategies:

The strategy must set out the local authority's plans for the prevention of homelessness and for securing that sufficient accommodation and support are or will be available for people who become homeless or who are at risk of becoming so. Housing authorities will therefore need to ensure that all organisations, within all sectors, whose work can help to prevent homelessness and/or meet the needs of homeless people in their district are involved in the strategy. This will need to include not just housing providers (such as housing associations and private landlords) but also other statutory bodies such as social services, the probation service, the health service and the wide range of organisations in the private and voluntary sectors whose work helps prevent homelessness or meet the needs of people who have experienced homelessness.³⁹

In fulfilling this duty, they should include in their strategies action and objectives for securing the provision of support for people who may be at risk of homelessness, or have been homeless, and who need support to prevent them becoming homeless again. This includes action to prevent homelessness amongst ex-offenders.

[The Homelessness Code of Guidance for Local Authorities](#)

acknowledges that ex-offenders are particularly at risk of becoming homeless; the guidance advises local authorities to take account of this in devising their homelessness strategies:

Early identification of people at risk will be crucial to preventing homelessness. Housing authorities should consider agreeing protocols for joint action with local agencies in order to assist with early identification and prevention measures.⁴⁰

³⁸ This Code has been superseded in Wales.

³⁹ [The Homelessness Code of Guidance for Local Authorities](#), DCLG, July 2006, p.8

⁴⁰ [The Homelessness Code of Guidance for Local Authorities](#), DCLG, July 2006, para 4.9

The Code contains detailed advice on actions authorities might take to tackle homelessness at an early stage. Note that the Code has not been updated since 2006 and some of the references are out of date and overtaken by the Transforming Rehabilitation Programme:

Around a third of prisoners lose their housing on imprisonment, so it is important that prisoners receive effective advice and assistance about housing options, either prior to or when being remanded or sentenced to custody. Assessing an offender's housing needs at this point will help to identify those prisoners who may require assistance to bring to an end, sustain or transfer an existing tenancy, make a claim for Housing Benefit to meet rent costs while in prison, or to help a prisoner transfer or close down an existing tenancy appropriately. Local authorities are advised to assist the Prison Service in providing advice to prisoners and taking action to ensure they can sustain their accommodation while in custody.

It is recommended that housing advice be made available to offenders throughout the period of custody or detention to ensure that any housing needs are addressed. It is important that early planning takes place between prison staff and housing providers to identify housing options on release, to prevent homelessness and enable them to make a smooth transition from prison, or remand, to independent living.

All prisoners in local prisons and Category C prisons have access to housing advice. And, from April 2005 all local prisons have been required to carry out a housing needs assessment for every new prisoner, including those serving short sentences. Local authorities are advised to assist the Prison Service in delivering these services.

All Youth Offending Teams (YOTs) now have named accommodation officers. YOTs can offer both practical support to children, young people and their families and can increasingly play a key strategic role in ensuring that young offenders are effectively resettled through accessing mainstream provision and services.

Joint working between the National Offender Management Service/Youth Offending Teams and their local housing authorities is essential to help prevent homelessness amongst offenders, ex-offenders and others who have experience of the criminal justice system. Options might include:

- having a single contact point within the housing authority to provide housing advice and assistance for those who have experience of the criminal justice system;
- Probation staff offering information on securing or terminating tenancies prior to custody;
- running housing advice sessions in local prisons to further enable prisoners to access advice on housing options prior to their release;
- prisons granting prisoners Release On Temporary Licence to attend housing interviews with landlords;
- developing tenancy support services for those who have experienced the criminal justice system.⁴¹

⁴¹ Ibid., Annex 7 paras 24-28

In Wales, although the *Homelessness Act 2002* has been superseded by the *Housing (Wales) Act 2014*, the 2014 Act has retained the duty to publish homelessness prevention strategies. The Welsh [Code of guidance to local authorities on the allocation of accommodation and homelessness 2016](#) explains how LAs should approach these strategies.

3.2 Homeless ex-offenders: local authorities' duties in England

Authorities' duties towards homeless people in England are contained in Part 7 of the *Housing Act 1996* (as amended).

A duty to secure accommodation

Authorities do not have a duty to secure permanent accommodation for all homeless people. Currently, there is a duty to secure accommodation only for those who are unintentionally homeless who fall into a priority need category.

A key change that the Labour Government made in terms of local authorities' duties towards ex-offenders was to amend the categories of people that they have a duty to house under the homelessness legislation to include certain vulnerable ex-offenders. *The Homelessness (Priority Need for Accommodation) (England) Order 2002* (SI 2002/2051), which came into force on 31 July 2002, extended section 189 of the *Housing Act 1996* to include a new eligibility category 'E' for statutory help:

- a. e. person who is vulnerable as a result of:
 - having served a custodial sentence,
 - having been committed for contempt of court or any other kindred offence, or
 - having been remanded in custody

Sally Keeble, then Minister for Housing, responded to questions on the extension of the priority need categories to include vulnerable ex-offenders during the passage of the *Homelessness Bill* through Parliament. Concern had been expressed that the extension would give vulnerable ex-offenders priority for housing over more 'worthy' households in housing need:

To an extent, I understand the intention behind the new clause, and sympathise with the constituency interests that it seeks to protect. I think that they apply to one I sense that, behind the new clause, there is concern that the draft order that the Government propose to make under section 189 of the Housing Act 1996, to extend the categories of applicant who have a priority need for accommodation, may lead to a significant increase in the number of ex-prisoners who will be entitled to temporary accommodation under the homelessness legislation.

Let me make clear that there is no reason to expect that the order would have the result predicted. First, the order would provide that there was priority need only where the housing authority was satisfied that the individual was vulnerable. Secondly, authorities should already accept that applicants who are vulnerable for that reason—or any other—have a priority need by virtue of the

current provisions in section 189 of the 1996 Act. These provide that a person has a priority need if he is vulnerable not only as a result of factors such as old age and mental illness, but as a result of another special reason.

There has been a lot of nonsense—some of it shameful—talked about the provisions in the draft order which bear on those who are vulnerable as a result of having served a custodial sentence. It has been suggested that the order would allow ex-prisoners to jump the housing queue ahead of families. This is nonsense, and it confuses priority need for short-term assistance under the homelessness legislation with priority for an allocation of long-term housing through the housing register. The order bears on applications for assistance under the homelessness legislation. It puts ex-prisoners who are homeless and genuinely vulnerable on the same footing as other vulnerable homeless people who need short-term assistance with accommodation until a settled housing solution can be found.⁴²

And:

The order, which has been discussed, extends protection to several new groups: 16 and 17-year-olds; 18 to 21-year-olds who were formerly in care; other vulnerable care leavers; those who are vulnerable as a result of institutionalisation, serving in the armed forces or being in custody; and those who are vulnerable as a result of fleeing harassment or domestic violence. That is a long list; it is not simply a question of ex-offenders.

The common strand of vulnerability—not whether someone has been in prison—is what local housing authorities need to consider when assessing whether someone is a priority need for accommodation. Not all ex-offenders will be vulnerable. The order will emphasise the importance of authorities assessing whether ex-offenders are vulnerable as a result of a period in prison.⁴³

The [Homelessness Code of Guidance for Local Authorities](#) (2006) to which authorities in England must have regard when making decisions on homeless applications, provides advice on how local authorities should assess the vulnerability of ex-offenders:

A person who is vulnerable as a result of having served a custodial sentence, been committed for contempt of court or remanded in custody has a priority need for accommodation. This category applies to applicants who have:

- a) served a custodial sentence within the meaning of the Powers of Criminal Courts (Sentences) Act 2000, s.76. (This includes sentences of imprisonment for those aged 21 or over and detention for those aged under 21, including children.);
- b) been committed for contempt of court or any other kindred offence (kindred offence refers to statutory provisions for contempt as opposed to the inherent jurisdiction of the court, e.g. under the Contempt of Court Act 1981, s.12 (magistrates. court) and County Court Act 1984, s.118 (county court)). (Committal may arise e.g. where an applicant has breached a civil injunction.);

⁴² HC Deb 22 October 2001 cc46-7

⁴³ HC Deb 22 October 2001 c64

- c) been remanded in custody within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000, s.88(1)(b), (c) or (d), i.e. remanded in or committed to custody by an order of a court; remanded or committed to housing authority accommodation under the Children and Young Persons Act 1969 and placed and kept in secure accommodation; or, remanded, admitted or removed to hospital under the Mental Health Act 1983, ss 35, 36, 38 or 48.

Applicants have a priority need for accommodation only if they are vulnerable as a result of having been in custody or detention. In determining whether applicants who fall within one of the descriptions in paragraph 10.24 are vulnerable as a result of their period in custody or detention, a housing authority may wish to take into account the following factors:

- a) the length of time the applicant served in custody or detention (although authorities should not assume that vulnerability could not occur as a result of a short period in custody or detention);
- b) whether the applicant is receiving supervision from a criminal justice agency e.g. the Probation Service, Youth Offending Team or Drug Intervention Programme. Housing authorities should have regard to any advice from criminal justice agency staff regarding their view of the applicant's general vulnerability, but the final decision on the question of vulnerability for the purposes of the homelessness legislation will rest with the housing authority;
- c) the length of time since the applicant was released from custody or detention, and the extent to which the applicant had been able to obtain and/or maintain accommodation during that time;
- d) whether the applicant has any existing support networks, for example family or friends, and how much of a positive influence these networks are likely to be in the applicant's life.

In many cases a housing needs assessment may have been completed in respect of offenders by the Probation Service, Prison Services, Youth Offending Team, Criminal Justice Intervention Team or a voluntary organisation acting on behalf of one of these agencies. Where such an assessment identifies an individual as needing help in finding accommodation and judges the individual to be particularly vulnerable and the applicant makes an application for housing assistance, this information will be made available to the relevant housing authority.⁴⁴

Some have argued that this guidance does not go far enough. For instance, in their June 2017 report, HM Inspectorate of Probation and HM Inspectorate of Prisons argued that:

⁴⁴ [The Homelessness Code of Guidance for Local Authorities](#), July 2006 (updated version), paras 10.24-10.26

“Ministry of Justice and Department for Communities and Local Government in England should [...] recognise homeless released prisoners as a priority need”⁴⁵

A local authority can fulfil its duty to provide accommodation in several ways. For more information, see [chapter 14 of the Code of Guidance for Local Authorities](#). Since 9 November 2012 local authorities have been able to discharge their duty towards unintentionally homeless households in priority need by offering a tenancy of suitable private rented accommodation.⁴⁶ The *Homelessness (Suitability of Accommodation) (England) Order 2012* (SI 2012/2610) specifies matters to be taken into account or disregarded when determining whether or not accommodation is suitable.

Ex-offenders and intentional homelessness

There is no long-term duty to secure accommodation for homeless households in priority need if the local authority deems them to have made themselves homeless, i.e. to be intentionally homeless.

Even though, from July 2002 certain vulnerable ex-offenders could be in priority need, it became clear that a number of vulnerable ex-offenders were not gaining access to council housing as a result of being deemed to be intentionally homeless. This was identified as an issue in the [2004-5 inquiry into homelessness](#) carried out by the Office of the Deputy Prime Minister (ODPM) select committee.⁴⁷

The Labour Government did not change the legislation in response to this report, but did attempt to clarify the guidance to avoid blanket refusals of homeless ex-offenders by local authorities. The [Homelessness Code of Guidance for Local Authorities](#) (2006) was amended on the question of assessing whether ex-offenders are intentionally homeless:

In addition to the question of priority need, when assessing applicants in this client group difficult issues may arise as to whether the applicant has become homeless intentionally. Housing authorities must consider each case in the light of all the facts and circumstances. **Housing authorities are reminded that they cannot adopt a blanket policy of assuming that homelessness will be intentional or unintentional in any given circumstances.**⁴⁸

Some ex-offenders may apply for accommodation or assistance in obtaining accommodation following a period in custody or detention because they have been unable to retain their previous accommodation, due to that period in custody or detention. In considering whether such an applicant is homeless intentionally, the housing authority will have to decide whether, taking into account all the circumstances, there was a likelihood that ceasing to occupy the accommodation could reasonably have been

⁴⁵ [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#), HM Inspectorate of Probation and HM Inspectorate of Prisons, June 2017

⁴⁶ *Localism Act 2011 (Commencement No.2 and Transitional Provisions) (England) Order 2012* (SI 2012/2599)

⁴⁷ [Homelessness](#), HC 61-I, Third Report of Session 2004-05, ODPM: Housing, Planning, Local Government and the Regions Committee

⁴⁸ *Ibid.*, para 10.27

regarded at the time as a likely consequence of committing the offence.⁴⁹

As the guide [Homelessness prevention and meeting housing need for \(ex\)offenders](#) (2009, now archived) highlighted, case law has firmly established that an ex-offender can be regarded as intentionally homeless due to their previous criminal activity, despite the clarification provided in the Code of Guidance.⁵⁰

Even if an ex-offender is deemed intentionally homeless, the local authority will still have a duty to provide advice and assistance, as explained in the Code:

Where a housing authority finds an applicant to be homeless, or threatened with homelessness, intentionally they have a duty to provide the applicant (or secure that the applicant is provided) with advice and assistance in any attempts he or she may make to secure that accommodation becomes available (or does not cease to be available) for his or her occupation. Before this advice and assistance is given, the authority must assess the applicant's housing needs. The advice and assistance must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation). Authorities should consider what best advice and assistance the authority could provide, for example, providing information about applying for social housing, local lettings in the private rented sector, rent deposit schemes or housing benefit eligibility – to help the applicant avoid homelessness or secure accommodation. Where such an applicant also has a priority need for accommodation the authority will also have a duty to secure accommodation for such period as will give the applicant a reasonable opportunity of securing accommodation for his or her occupation.⁵¹

The Homelessness Reduction Act 2017

The *Homeless Reduction Act 2017*, which is likely to come into force in April 2018, is aimed at refocusing English local authorities on efforts to prevent homeless. The Act has amended Part 7 of the *Housing Act 1996*. Its measures include:

- An extension of the period during which an authority should treat someone as threatened with homelessness from 28 to 56 days.
- Clarification of the action an authority should take when someone applies for assistance having been served with a section 21 notice of intention to seek possession from an assured shorthold tenancy.
- A new duty to prevent homelessness for all eligible applicants threatened with homelessness.
- A new duty to relieve homelessness for all eligible homeless applicants.

⁴⁹ Ibid., para 11.14

⁵⁰ [Homelessness prevention and meeting housing need for \(ex\)offenders: a guide to practice](#), DCLG, November 2009 (archived)

⁵¹ [The Homelessness Code of Guidance for Local Authorities](#), July 2006 (updated version), para 11.4

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- A new duty on public services to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.

The measures are very similar to those introduced in Wales in 2015 (see below for more details). The Act will place a duty on authorities to agree an action plan with those experiencing or at risk of homelessness.

The new duty to notify a local authority if a public authority comes into contact with someone they think may be homeless or at risk of homelessness may affect prison leavers as they come into contact with prison services, the National Probation Service and other bodies.

Existing local authority duties to those assessed as unintentionally homeless and in priority need remain in place.

For more information on the *Homeless Reduction Act 2017* see:

- [Homelessness Reduction Bill 2016-17](#)
- [Homelessness Reduction Bill 2016-17: Progress in the Commons and Lords](#)
- [Statutory Homelessness in England](#)

3.3 Homeless ex-offenders: Local authorities' duties in Wales

Welsh homelessness legislation was also governed by the *Housing Act 1996* (as amended) until superseded by Part 2 of the [Housing \(Wales\) Act 2014](#), which obtained Royal Assent in September 2014. The homelessness provisions came into force on 27 April 2015 (with the exception of provisions on intentionality, which came into force on 1 July 2015).

The 2014 Act introduced a duty on local authorities to provide housing advice and assistance to everyone within their local area, regardless of whether or not they are homeless or threatened with homelessness. These provisions are focused on getting local authorities, in partnership with other relevant bodies, to prevent and relieve homelessness wherever possible.

The 2014 Act treats differently those assessed as homeless and those threatened with homelessness (likely to become homeless within 56 days). For applicants threatened with homelessness, the local authority has a duty to prevent them from becoming homeless under section 66.

Local authorities in Wales have a duty under section 73 to help to secure accommodation for all applicants assessed as homeless for a period of 56 days (or fewer if they feel reasonable steps to help to secure accommodation have been taken). Note that a local authority helping to secure accommodation does not necessarily have to provide or source the accommodation itself. The section 73 duty is also known as the duty to provide relief from homelessness.

After this 56 day period, the local authority has a continuing duty under section 75 to secure accommodation (rather than to help to secure

accommodation) for those in priority need who have not become homeless intentionally (where an authority chooses to apply a test of intentionality; see below).

There is also an interim duty to secure accommodation if an authority has reason to believe that an applicant is eligible, homeless and in priority need pending a full assessment of their circumstances.

Under section 78 of the *Housing (Wales) Act 2014*, individual local authorities have been given the power to decide whether or not to have regard to intentionality. An authority must inform the Welsh Government and publish a notice on whether it decides to apply an intentionality test to applicants.⁵²

The categories for priority need are listed in section 70 of the Act. They include:

- a person who has a local connection with the area of the local housing authority and who is vulnerable as a result of one of the following reasons—
 - (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 a court, or
 - (iii) having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
 - or a person with whom such a person resides or might reasonably be expected to reside.

Where an applicant does not have a local connection with an area, the local authority has a right to refer their application for housing assistance to another local authority (with some exceptions).

⁵² [*Homelessness \(Intentionality\) \(Specified Categories\) \(Wales\) Regulations 2015*](#)

4. Applying on the housing register

If unable to get accommodation under the homelessness provisions, and struggling to gain access to the private rented sector, an ex-offender may apply for council housing. If eligible, they will join a housing register. For more detailed information, see the Library briefing: [Allocating social housing \(England\)](#).

Social housing allocations in England and Wales are governed by Part 6 of the *Housing Act 1996* (as amended).

The *Homelessness Act 2002* amended the 1996 Act to prevent local authorities from imposing 'blanket bans' against certain applicants, including ex-offenders, from being able to apply for social housing via local authority housing registers. Authorities could still prevent applicants from registering where they had exhibited past behaviour which, in the authority's view, was serious enough to make him or her unsuitable as a tenant.⁵³ Each case had to be judged on its merits.⁵⁴

The *Localism Act 2011* restored the power that local authorities in enjoyed between 1997 and 2003 to exclude, by class, certain applicants that they designate as "non-qualifying persons."⁵⁵ The changes introduced by the 2011 Act only apply in England. The provisions in the 1996 Act, as amended by the *Homelessness Act 2002*, still apply in Wales. The Welsh [Code of guidance for local authorities on the allocation of accommodation and homelessness 2016](#) states:

Authorities must keep an open mind and should avoid blanket policies which assume that particular groups of applicants will, or will not, be vulnerable for a special reason.⁵⁶

In England, the only statutory limit on the exercise of these powers to exclude certain applicants is that they cannot be used to treat applicants who are ineligible by virtue of their immigration status, as qualifying persons. There is also a need for authorities to take account of their equality duties under the *Equality Act 2010*. They should seek to avoid provisions that may be directly or indirectly discriminatory.

In December 2016 the High Court, in a case concerning Hammersmith and Fulham council, held that a local authority should not declare applicants to be ineligible to apply for housing on the basis of spent convictions.⁵⁷

English local authorities can devise allocation schemes that exclude all or some ex-offenders from eligibility for social housing (subject to the need to fulfil their *Equality Act* duties).

⁵³ Section 160A(7) of the *1996 Housing Act 1996*

⁵⁴ See Chapter 4 of the [Code of Guidance for Local Authorities on the Allocation of Accommodation](#) (section on unacceptable behaviour), 2002

⁵⁵ Sections 145-147 of the *Localism Act 2011* were brought into force on 18 June 2012 by the *Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012* S.I. 2012/1463

⁵⁶ The Welsh [Code of guidance for local authorities on the allocation of accommodation and homelessness 2016](#), para 16.15

⁵⁷ [Court makes it clear – spent convictions shouldn't be taken into account for housing applications](#), InfoHub by Unlock, December 2016

5. Housing Benefit entitlement

The *Housing Benefit Regulations 2006* apply in England and Wales.

Receiving Housing Benefit while in custody

For those in custody awaiting trial or sentencing, or who have to stay away from home (for example, in a bail or probation hostel) as a condition of bail. In this case, the individual may get Housing Benefit for up to 52 weeks.

Once sentenced, a prisoner can keep claiming Housing Benefit if they are not likely to spend more than 13 weeks in jail. The home detention curfew scheme (tagging) can mean that it is possible for a prisoner serving a sentence of several months to be released within 13 weeks and hence to continue receiving Housing Benefit.

Following a recommendation by the Social Exclusion Unit in 2002 that more prisoners should be able “to retain their housing or pay unavoidable arrears”⁵⁸, the Labour Government amended the Housing Benefit Regulations. The changes allowed prisoners to receive Housing Benefit for the period of notice on their former home for up to 4 weeks if the total absence was likely to exceed 13 weeks (i.e. those sentenced to over 26 weeks). The aim of this change was to prevent prisoners from building up rent arrears whilst in prison which may then impede their ability to obtain accommodation on release.

Beyond these 4 weeks, prisoners serving a custodial sentence of longer than 13 weeks may not receive Housing Benefit unless a family member can take over the claim. This can result in the loss of accommodation.

Further advice can be found on the Government website, [Benefits and prison](#) or Shelter’s pages on [Housing benefit for prisoners](#).

Entitlement to the housing element of Universal Credit is explained below.

Universal Credit

When Universal Credit (UC) is rolled out (expected to be complete by 2022) claimants will continue to receive the housing element of the UC for six months when they are in prison and are not expected to be absent from their home for longer than that period. For those serving a sentence, this is higher than the 13 weeks allowed under the Housing Benefit Regulations. However for those on remand, this is less generous than under the current system. The National Housing Federation has pointed out: “delays in the court process mean that people who may be subsequently found not guilty are sometimes held in custody for much longer than six months.”⁵⁹

The Social Security Advisory Committee commented on this issue:

Temporary Absence of a Benefit Unit Member (Schedule 4, para 13): this provision will have an adverse impact upon remand

⁵⁸ [Reducing Re-offending by Ex-prisoners](#), Social Exclusion Unit, July 2002

⁵⁹ NHF Briefing: Universal Credit Regulations, December 2012

prisoners subsequently found not guilty or who are given an outcome by the court which is other than a custodial sentence.⁶⁰

The Government responded:

This provision provides protection for claimants where members of the extended benefit unit are absent temporarily. In the case of remand prisoners, six months protection for the claimant is a reasonable period.⁶¹

Financial help on release

It is not possible to apply for benefits in advance of release from prison, but depending on the circumstances, it may be possible to receive financial support for securing accommodation:

Advice and support is available to prisoners on financial matters during custody to assist in their resettlement after release. Prisons work in partnership with Jobcentre Plus who are able to help prisoners with benefit claims such as Housing Benefit, and will advise on claiming benefits when released. At discharge, prisoners may be eligible for money in addition to a discharge grant to help secure accommodation on release.⁶²

It is also possible to get advances on benefits if finance is urgently needed, although not Housing Benefit.

Under Universal Credit, prisoners will also not be allowed to apply in advance of their release but may be able to receive an advance of UC:

Universal Credit is primarily an online service. Due to restrictions on accessing and using computers in prisons, prison leavers cannot currently make a claim in advance of their release.

Prison based Work Coaches can provide information to prison leavers on the services provided the Department for Work and Pensions, including how to make a claim and any additional support available where required. An appointment can be made for the first day of release.

This additional support includes access to Universal Credit Advances of up to 50% of the household's monthly entitlement, if the claimant needs financial support before they receive their first monthly payment.

These measures should ensure that prisoners are not disadvantaged by the inability to make advance claims prior to release.⁶³

For more information, see the Library paper on [Short Term Benefit Advances and Budgeting Advances](#) or the [Government website](#). A local authority may also run a local welfare assistance scheme. The Child Poverty Action Group's website gives [local welfare assistance schemes in England](#).

⁶⁰ DWP, [Universal Credit and related regulations: Response to SSAC technical comments and policy points](#)

⁶¹ *ibid*

⁶² [Resettlement of released prisoners](#), MOJ website, accessed 15/08/2017

⁶³ [PQ 70420](#) [Universal Credit: Prisoners], 25 April 2017

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