



Frontline agencies in partnership

**Policy Briefing:**

# **Criminal Justice**

**April 2009**



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## Introduction

Homeless Link is the national membership organisation for frontline homelessness agencies in England. Our mission is to be a catalyst that will help to bring an end to homelessness. Our two goals are to:

- Raise standards in the services that support homeless people and tackle homelessness
- Influence the development of policy, strategy and investment at all levels of government

The policy briefings have been developed to:

- Establish our policy lines on key issues affecting homeless people so that we can continue to discuss these with our members
- Provide members with information on a range of relevant subjects to help them influence decision making in their local areas.

Homeless Link policy work is guided by the frontline experience of our member agencies. This information is collected in a number of ways including through the National Advisory Council (NAC), a quarterly forum comprised of two member representatives from each of the nine English regions. Member agencies are encouraged to contact NAC representatives or Homeless Link staff to feed in their thoughts on current policy issues. For full details of the NAC please see:

<http://www.homeless.org.uk/aboutus/advisorycouncil>

Increasingly, policy decisions are being taken at a local level. These policy briefings therefore also aim to support members in developing their positions on a range of issues so that they can effectively lobby for changes that will help end homelessness in their local areas.

Each policy briefing has 4 sections. These provide information on:

- Background, facts and figures
- An overview of responsible bodies
- Latest government policy developments
- A selection of key issues and policy lines

This briefing is on criminal justice. Also in the series are briefings on drugs and alcohol; mental health; social housing, and; engagement, education, training and employment.

We look forward to receiving your feedback on these documents so that we can continue to develop our evidence base and policy lines in consultation with member organisations. If you have any comments on this briefing please contact [helen.mathie@homelesslink.org.uk](mailto:helen.mathie@homelesslink.org.uk)

## 1. Background, facts and figures

People experiencing or at risk of homelessness come into contact with the criminal justice system both as victims and perpetrators. This briefing focuses on homelessness among prison leavers, with some discussion of how prevention in the earlier stages of the criminal justice system can reduce homelessness.

Offending behaviour among people experiencing homelessness is often interlinked with other support needs. Research has stressed that, to avoid repeat offending and continued housing issues, the accommodation needs of ex-prisoners must be addressed in conjunction with wider resettlement needs, including substance misuse, mental health, finance, benefit and debts, education, training and employment.<sup>1</sup> Many of these issues are further discussed in other policy briefings.

A number of studies have looked at the relationship between homelessness and criminal justice. The statements and statistics below summarise some of their findings.

### Having been in prison increases the risk of homelessness

- 30% of people released from prison will have nowhere to live.<sup>2</sup>
- Women are most likely not to have accommodation arranged upon release.<sup>3</sup>
- 18% of clients in an average homelessness project are prison leavers.<sup>4</sup>
- 90% of the total number of prisoners released in the year ending March 2006 reported having accommodation arranged.<sup>5</sup> Nevertheless, 12,000 prisoners were released with nowhere to go.<sup>6</sup>

### Homelessness increases the risk of re-offending

- Ex-prisoners who are homeless upon release are twice as likely to re-offend as those with stable accommodation.<sup>7</sup>
- Stable accommodation can reduce re-offending by 20%.<sup>8</sup>
- 35% of Young Offenders aged 16 to 25 felt a lack of accommodation was the factor most likely to make them re-offend.<sup>9</sup>

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<sup>1</sup> McGuire, M. Hutson, S. and Nolan, J. (2007) Accommodation for ex-prisoners in the South West region; Pontypridd: University of Glamorgan

<sup>2</sup> Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office

<sup>3</sup> Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office

<sup>4</sup> Homeless Link (2009) Survey of Needs and Provision, London: Homeless Link

<sup>5</sup> Hansard, House of Commons written answers, 9 January 2007

<sup>6</sup> Freedom of Information request quoted in Shapps, G. (2008) Breaking the prison to homelessness cycle

<sup>7</sup> ODPM and Home Office (2005) *Guide to Housing and Housing Related Support Options for Offenders and People at Risk of Offending*. London: ODPM/Home Office.

<sup>8</sup> Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit

### Many people go through cycles of homelessness and being in prison

- More than half (51%) of prisoners had housing problems prior to imprisonment.<sup>10</sup>
- 5% of prisoners were sleeping rough before they were sent to prison.<sup>11</sup>
- 14% of men, 20% of women and 10 % of young offenders were not in permanent accommodation before entering custody.<sup>12</sup>

### Prison leavers with complex needs are often more likely to be homeless

- The Revolving Doors Agency found that 49% of prisoners with mental health problems had no fixed address on leaving prison.<sup>13</sup>
- 75% of 'Prolific and other Priority Offenders' were found to have a housing need compared to 30% for the general offender population.<sup>14</sup>

### The accommodation support available to (ex-)prisoners is often limited

- 130 of 138 prisons have access to housing advice services<sup>15</sup>, but in a 2006 survey only 56% reported that their accommodation advice service could meet demand.
- Only 0.6% of priority needs homelessness acceptances (410) made by local authorities in 2006/07 were deemed to be vulnerable due to time spent in prison. In the same period 710 households who were accepted as being homeless had lost their home due to imprisonment.<sup>16</sup>

## **2. Responsible bodies**

The criminal justice system has a range of bodies that engage with people who are suspected or convicted of crimes, ranging from initial police contacts, the courts, prison, probation and other work in the community.

The key responsible body is the National Offender Manager Service (NOMS) which delivers prison and probation services, across the nine English regional areas. There are accommodation pathways groups at both the

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<sup>9</sup> The Prince's Trust (2008) Making the Case: One to one support for young offenders, London: The Prince's Trust

<sup>10</sup> Home Office (2003) The resettlement of short term prisoners: an evaluation of seven pathfinder programmes, Findings 200, London: Home Office

<sup>11</sup> Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office

<sup>12</sup> Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office

<sup>13</sup> Revolving Doors Agency (2002) Where do they go: Housing Mental Health and leaving prison. London: Revolving Doors.

<sup>14</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

<sup>15</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

<sup>16</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

national and regional level. NOMS sits under the Ministry of Justice. Policing and crime reduction, however, sits under the Home Office. Regional Offender Managers (ROMs) commission interventions for offenders regionally.

Ex-offenders are also one of the client categories under Supporting People, which funds housing related support and is administered locally.

A number of other bodies also provide services to offenders at a local level. Criminal Justice Intervention Teams (CJIT) provide a holistic service to substance-misusing clients who are involved with the Criminal Justice System. Clients are offered a full assessment and care plan and referred into treatment.

Since April 2008, all Crime and Disorder Reduction Partnerships (CDRPs) - comprising the police, local authorities, police authorities, fire and rescue authorities, primary care trusts in England, and civil society organisations - are required by law to have a strategy in place to tackle crime in their area, in addition to disorder and substance misuse. This should include specific actions to address the issues surrounding homeless people engaged in these activities. In December 2008 the Police and Crime Bill was introduced which contained proposals for probation to become part of a CDRP and for reducing re-offending to be added to their existing duties. At the date of publication, the Home Office were in the process of producing guidance to support implementation of the measures.

The two diagrams in Appendix 1 and 2 map the responsible bodies within the criminal justice system and how they relate to homelessness services.

### **3. Government Policy**

This section examines recent government policy relating to criminal justice and homelessness.

#### Prison targets

Since April 2005, prisons have been required to complete a Housing Needs Initial Assessment (HNIA) for 90 per cent of new receptions within four days of the prisoner's arrival. This enables any immediate offender accommodation issues, such as the need to sustain or close tenancies, to be identified and acted upon immediately.

Accommodation related targets for 2008/09 were:

- At least 90% of sentenced prisoners and those on remand in local prisons have an initial housing assessment in the first four days in custody
- At least 80% of offenders move to settled accommodation on release

- At least 70% of offenders should be in settled and suitable accommodation at the end of their order or licence.<sup>17</sup>

### Reducing Re-offending

The Ministry of Justice has four key strategic objectives which drive its work, one of which is “Protecting the public and reducing reoffending.”<sup>18</sup> The success of meeting this outcome is measured by levels of reoffending as per the Public Service Agreement (PSA) 23 indicator ('Make communities safer').

The National Reducing Re-offending Action Plan,<sup>19</sup> published in July 2004, sets out the Government's plans to reduce re-offending. It has a long-term ambition of reducing re-offending by 10% by 2010. Accommodation is one of the key areas (or 'pathways') covered in the plan. There are regional Reducing Re-Offending Action Plans and Strategies, which are managed by multi-agency regional partnership boards. For example, London's Reducing Re-offending Action Plan currently runs from 2007 to 2009<sup>20</sup> and a consultation process for the 2009-2011 action plan was launched in October 2008<sup>21</sup>. The consultation identifies a number of priorities for improving housing outcomes for offenders in the capital, including developing advice services and increasing suitable housing options. You can read Homeless Link's response at

<http://www.homeless.org.uk/policyandinfo/consultations/reducingreoffendinginlondon>

In early 2006 an Inter-Ministerial Group (IMG) was established to drive the government's cross-departmental strategy to reduce re-offending. It focuses on addressing overall strategic issues and aims to promote good practice and provide solutions to issues preventing progress. The IMG is made up of ministers from 11 government departments. Preventing homelessness is one of four main challenges which the IMG has sought to address.<sup>22</sup>

NOMS produced an updated Reducing Re-offending Housing and Housing Support Resource Pack in January 2008.<sup>23</sup> This updated framework seeks to help support the development of partnerships and agreements at a national, regional and local level which will improve housing outcomes for offenders, contribute to the reduction in re-offending and enhance public protection. The delivery of the accommodation agenda is supported by the development

<sup>17</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

<sup>18</sup> <http://www.justice.gov.uk/about/strategic-objectives-indicators.htm>

<sup>19</sup> Home Office (2004) Reducing Re-offending: National Action Plan; London: Home Office

<sup>20</sup> Ministry of Justice and NOMS (2007) London Reducing Re-offending Action Plan 2007-09; London: Ministry of Justice

<sup>21</sup> Ministry of Justice and GOL (2008) Reducing Re-offending in London: Partnerships and NOMS Regional Commissioning, a Consultation Document: October 2008, London, Ministry of Justice

<sup>22</sup> [http://noms.justice.gov.uk/managing-offenders/reducing\\_re-offending/re-offending-performance/](http://noms.justice.gov.uk/managing-offenders/reducing_re-offending/re-offending-performance/)

<sup>23</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

of Reducing Re-offending Alliances in each NOMS region. The Alliances develop practical partnerships to tackle re-offending through the engagement of local authorities and local organisations in the private, voluntary and faith sectors.<sup>24</sup>

In October 2008, the Ministry of Justice and NOMS published a paper outlining how the government will work with the third sector to reduce re-offending<sup>25</sup>. It proposes a series of measures to support closer involvement and partnership with third sector organisations in order to help meet its re-offending targets, including strengthening joint commissioning, simplifying contracts and reducing barriers to diverse third sector organisations.

### PSA16 Socially Excluded Adults

Accommodation for ex-offenders is also a key government target in the Public Service Agreement 16 on socially excluded adults. The PSA contains a target to measure: 'The proportion of offenders under probation supervision in settled and suitable accommodation at the end of their order or licence.'<sup>26</sup>

### Homelessness

The 2002 Homelessness Act extended the groups of homeless people with a priority need of accommodation to include those who are vulnerable as a result of having been in prison.

Within London, Homeless Link is a member of the London Delivery Board (LDB), which was established to oversee the Mayor's strategy to end rough sleeping by 2012<sup>27</sup>. As part of the LDB, Homeless Link will be working with the Ministry of Justice to look at steps to stem the flow of ex-prisoners to the streets.

### Local Area Agreements

There is much scope for local authorities to include indicators around housing ex-offenders in their local priorities through Local Area Agreements (LAAs). However, in the LAAs published in June 2008 few chose to do so. Only two (1%) LAAs have adopted NI143 'Offenders under probation supervision living in settled and suitable accommodation' and not one authority has chosen NI 46 'young offenders access to suitable accommodation'.

However, there may still be scope to use local targets around reducing re-offending to argue for more action around accommodating homeless ex-

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<sup>24</sup> <http://noms.justice.gov.uk/about-us/working-with-partners/alliances/>

<sup>25</sup> Ministry of Justice and NOMS (2008) Working with the third sector to reduce re-offending: Securing effective Partnerships 2008-2011; London: Ministry of Justice

<sup>26</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

<sup>27</sup> <http://www.london.gov.uk/mayor/housing/delivery-board/index.jsp>

prisoners, as research has shown that stable accommodation can significantly reduce re-offending.

- 24 (16%) LAAs have included NI 18 on adult re-offending rates for those under probation supervision.
- A third of authorities have taken on NI 19 on the rate of proven re-offending by young offenders
- 83 (55%) have adopted NI 30 around reducing re-offending among prolific and other priority offenders.
- 20 (13%) have adopted the NI 38 on drug-related (Class A) offending rates.

#### 4. Issues and policy lines

This section covers a selection of key policy issues relating to criminal justice and homelessness.

##### Initial assessments

Prisons have a target to ensure that at least 90% of sentenced prisoners and those on remand in local prisons have an initial housing assessment in the first four days in custody. Ideally an individual would be assessed and action would be taken to ensure that their accommodation is either maintained or terminated as appropriate. If the tenancy is not terminated or housing benefit not notified of a change of circumstances, some prisoners may build up rent arrears while in prison, which makes it harder to secure accommodation on release.

All prisoners should get a housing assessment as they come into custody. Assessments must lead to an action plan to deal with any housing issues, and should follow each prisoner as they move through the prison system.

##### Housing advice in prison

Although housing advice is available in 130 of 138 prisons, it is often unable to meet demand. There is high pressure on prison staff, and despite accommodation support targets, the priority remains to ensure that prisons are safe and secure. Although many prisons have specialist housing support staff they are not always able to meet the level of demand, for example the two St Giles Trust Housing Workers in HMP Wandsworth have a caseload of 1000 prisoners a year.

Research published by the DWP found that ‘although most [prisoners] said they had requested (housing) support, many said they had not received it at the point of the first interview for this research (shortly before release). Some of those about to be released said the support they had been offered

was inadequate or inappropriate, often consisting of a list of local hostels, bed and breakfast hotels and private landlords.’<sup>28</sup>

More resources and training for prison staff are needed to improve accommodation related advice services in prisons. The use of voluntary sector agencies with expertise in this field should be encouraged. A greater presence in prisons of key agencies, closer to the start of a prisoners’ sentence, would help ensure better continuity.

#### Case study:

#### Prison Peer Advice Project - St Giles Trust<sup>29</sup>

The Peer Advice Project was initially set up to address the high levels of homelessness amongst the prison population by training serving prisoners to act as housing advisors. In some prisons, advisors also cover other areas such as employment and training opportunities.

By training prisoners to be peer advisors, St Giles are able to reach more prisoners who need advice than traditional housing advice services that are heavily oversubscribed. They can therefore help to reduce homelessness amongst ex-prisoners and enable some to gain a nationally recognised qualification that will help them into work. St Giles train prisoners to NVQ level 3 in Advice & Guidance (equivalent to 2 A-Levels) in over 20 prisons across the country.

#### Issues upon release

Prisoners are often moved or released at short notice making housing support work difficult to plan and deliver.

A major issue for prison leavers is the time it takes to process benefits as they come out of prison. The amount of discharge grant has remained fixed at £46.75 since 1997. According to Citizens Advice, ‘this amount is insufficient to last for a week, let alone the 11 to 18 days which are the target benefit claim processing times.’<sup>30</sup>

There are some incentives for prisoners to provide an address on release, such as to qualify for an Early Custody Licence (ECL)<sup>31</sup> which can facilitate an early release. However even if prisoners declare they have an address to go to, this does not guarantee stable accommodation.

<sup>28</sup> Yvette Hartfree, Chris Dearden and Elspeth Pound (2008) *High hopes: Supporting ex-prisoners in their lives after prison*, Research Report No 509: Department for Work and Pensions, p.40

<sup>29</sup> [www.stgilestrust.org.uk](http://www.stgilestrust.org.uk)

<sup>30</sup> Citizens Advice, Locked Out: CAB evidence on prisoners and ex-offenders, March 2007

<sup>31</sup> <http://www.probation.homeoffice.gov.uk/files/pdf/PC22%202007.pdf>

Prisoners and staff should be given sufficient notice of release to be able to find adequate accommodation solutions and support to access benefits if required. The discharge grant should be reviewed to reflect the current cost of living and accommodation.

### Access to housing registers

Offenders may have a poor tenancy history may be treated less favourably as a group by many housing providers, despite Homes and Community Agency (HCA) regulation and changes brought about in the Homelessness Act 2002, which prohibit 'blanket' exclusions of particular groups.<sup>32</sup>

Access to housing registers can also be restricted as some offenders can be found to be intentionally homeless if they lose their tenancy in prison.<sup>33</sup>

Although blanket bans should be challenged, an applicant can be excluded from a local authority allocations scheme altogether if they have been found guilty of 'unsuitable behaviour'. This means behaviour which, if they were the LA's tenant, would entitle the LA to get an outright possession order.

Any local authorities or housing associations operating blanket bans on ex-offenders should be required to end this practice.

### Lack of suitable housing options

A general lack of accommodation affects the housing opportunities available to prisoners. In addition to the restrictions mentioned above, ex-offenders face barriers to other types of tenures- for example the Private Rented Sector (PRS) which usually requires large deposits. The requirement of a local connection to a particular area can also restrict the ability of some prison based services to make suitable referrals.<sup>34</sup>

Some ex-prisoners without an address to go to may access temporary accommodation, such as hostels on release. However this may not always be appropriate to their needs. For example, individuals who have completed detox while in prison may have to live in general needs hostels with those who are still using drugs. This can quickly reverse progress made.<sup>35</sup> NOMS have also identified a lack of temporary accommodation for those with low support needs.<sup>36</sup>

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<sup>32</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

<sup>33</sup> Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners; London: Cabinet Office

<sup>34</sup> Clinks (2009) What works in Local Commissioning: A 360° Perspective; York: Clinks

<sup>35</sup> Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners; London: Cabinet Office

<sup>36</sup> NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack; London: NOMS

The accommodation needs of ex-prisoners should be included in local and regional housing strategies and planning for new housing developments.

Local areas should ensure a range of temporary accommodation solutions for people leaving prison that are appropriate for their needs. In smaller areas this may require cross borough arrangements and commissioning. Areas should also facilitate access to more permanent housing for example by providing rent deposit schemes (RDS).

### Lack of linkage between homelessness and criminal justice sectors

There is a strong link between homelessness and people passing through the criminal justice system and the work that homelessness agencies contribute to supporting prison leavers and reducing re-offending. However, there is very limited support from the criminal justice sector to homelessness agencies. Despite the high number of prison leavers who use homelessness services, only 4% of projects in Homeless Link's 2009 SNAP survey<sup>37</sup> reported that they received criminal justice related funding.

Many of the individuals in homelessness services have multiple support needs and will come into contact with a range of services (see appendix 1). However, research by Revolving Doors Agency, has revealed a poor link up between prison services and other agencies.<sup>38</sup> Research published by Clinks highlighted the need for good joined up working between the criminal justice, local authorities and other sectors and continuity in the support received by an individual while in the criminal justice and housing systems<sup>39</sup>.

Prison and probation services and housing and homelessness providers should work together to develop more links. Local Area Agreements provide much opportunity for greater joint working and strategic planning to ensure that the needs of homeless ex-prisoners are met. NOMS commissioning should recognise the important role of homelessness services in supporting ex-offenders and reducing re-offending.

### Minimal support for those not on probation

Prison leavers who serve less than a 12-month sentence do not get any support from probation services. They are also often omitted from the planning work that ensures the effective use of their time in prison and the preparation for their return to the community. This is despite the fact that they have higher re-offending rates than those handed longer sentences.<sup>40</sup> This group is present in homelessness agencies. SNAP showed that of the 211 agencies which reported they work with clients who are prison leavers, only

<sup>37</sup> Homeless Link (2009) Survey of Needs and Provision, London: Homeless Link

<sup>38</sup> Ahmed, Z. & Page, A. (2007) HMP Lewes Needs Assessment, London: Revolving Doors Agency

<sup>39</sup> Clinks (2009) What works in Local Commissioning: A 360° Perspective; York: Clinks

<sup>40</sup> Shelter (2007) Time to change: Housing and related support for short-sentence prisoners, London: Shelter

43% of these projects were able to say that a large majority of these clients (>75%) had links to probation.<sup>41</sup>

Custody Plus, which was introduced into the Criminal Justice Act 2003, proposed a new form of sentence, which would include a short period in prison and a licence period on release under probation supervision. This may have addressed the lack of supervision and support for shorter sentences. As the short sentence would also be between 2 and 13 weeks, it would have allowed prisoners on housing benefits to retain their accommodation (as housing benefit can continue to be paid for sentenced prisoners for 13 weeks). However, Custody Plus, which was due to be implemented in 2006, was deferred and no further action has been taken to implement it.<sup>42</sup>

More support should be available to the short sentence client group to help them plan for release and during their resettlement into the community. Greater resources need to be allocated to probation or the voluntary sector to work with those leaving prison after short sentences. With the right commissioning processes in place the homelessness sector could play a key role in providing this support.

#### Lack of priority for offenders in the local agenda

Housing offenders is a very low priority within LAAs with very few areas choosing these indicators. However, there may be some more opportunities to link housing to reducing re-offending indicators more generally.

A study of accommodation provision for ex-prisoners in the South West also found that due to the low likelihood of being accepted, very few prisoners make applications to local authorities for social housing. This, the study stressed, can lead to local authorities not appreciating the high level of hidden need that exists and overlooking it in strategic planning.<sup>43</sup>

Local decision makers should recognise the importance of support for ex-offenders, including accommodation, in developing strategies for safer communities and to reduce re-offending. Areas that have included reducing re-offending indicators in their LAAs should look at accommodation provision for ex-offenders to support this aim.

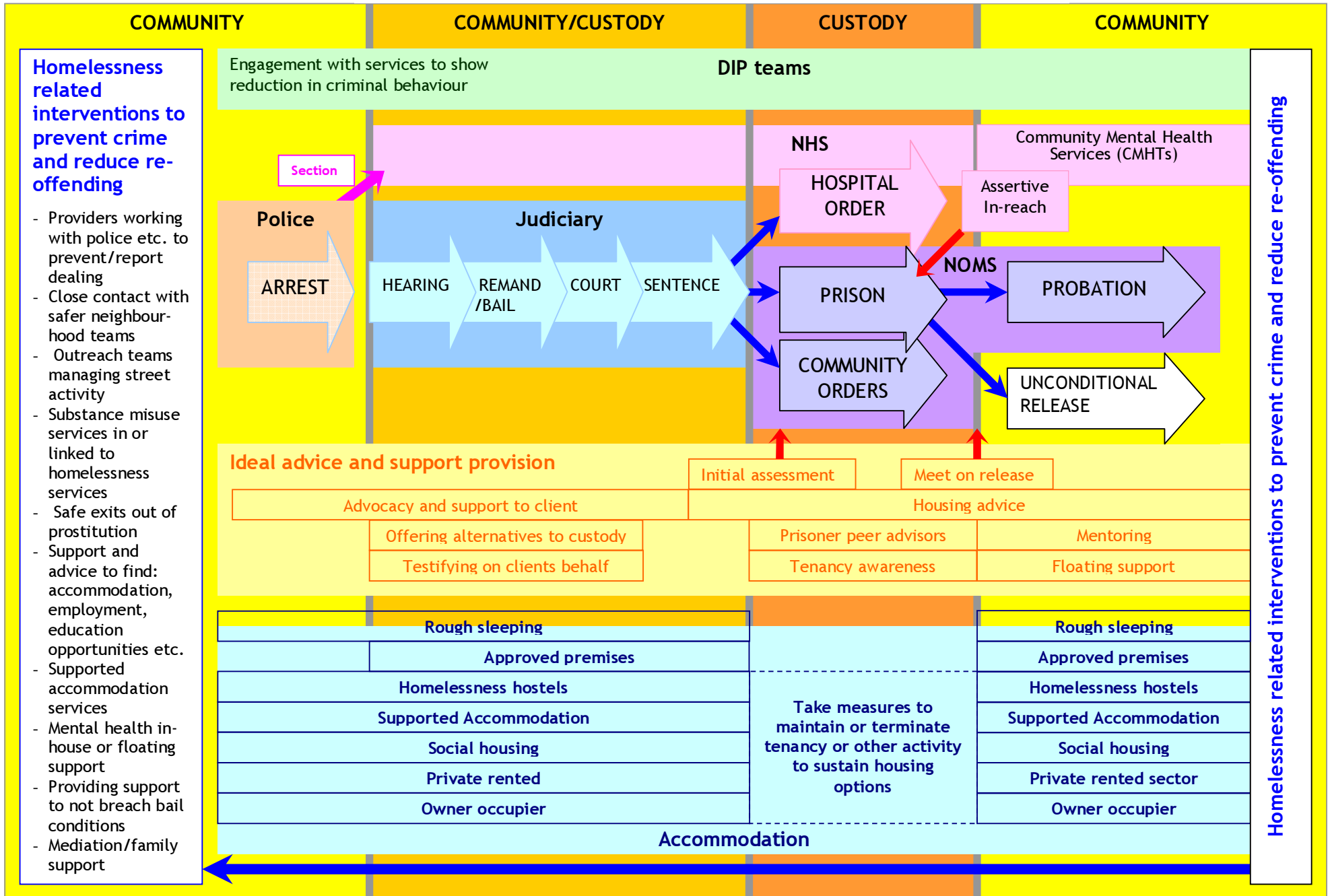
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<sup>41</sup> Homeless Link (2009) Survey of Needs and Provision, London: Homeless Link

<sup>42</sup> Shelter (2007) Time to change: Housing and related support for short-sentence prisoners, London: Shelter

<sup>43</sup> McGuire, M. Hutson, S. and Nolan, J. (2007) Accommodation for ex-prisoners in the South West region; Pontypridd: University of Glamorgan

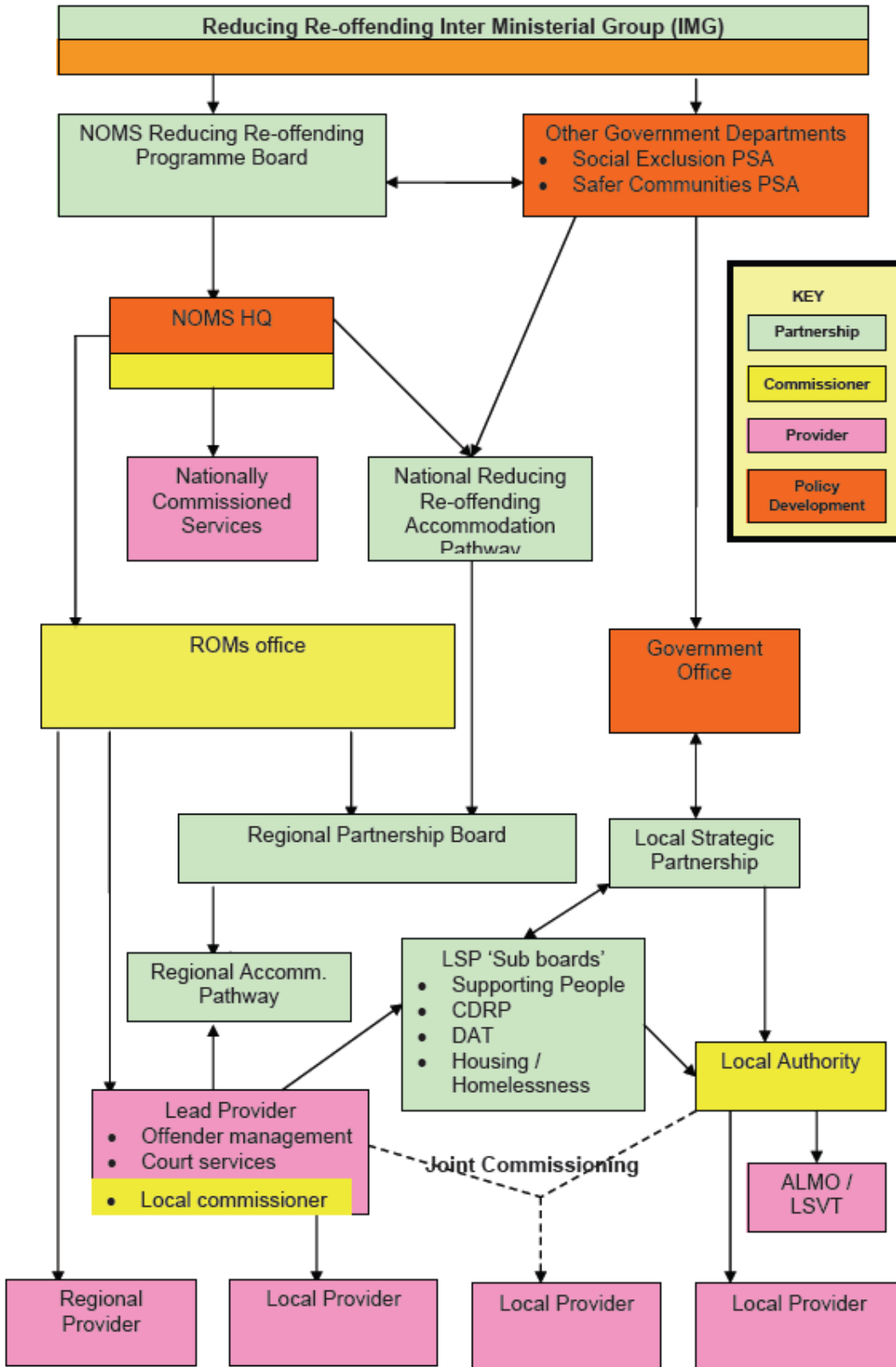
# APPENDIX 1: HOMELESSNESS AND THE CRIMINAL JUSTICE SYSTEM



# APPENDIX 2: NOMS MAP OF THE RESPONSIBLE BODIES IN THE CRIMINAL JUSTICE SYSTEM

## Annex Two

### Reducing Re-offending Housing and Housing Support Resource Pack



Source: NOMS Partnerships unit (2008) Reducing Re-offending Housing and Housing Support Resource Pack, NOMS

**Homeless Link is the national membership organisation for frontline homelessness agencies in England. Our mission is to be a catalyst that will help to bring an end to homelessness.**

**Our two goals are to:**

- **Raise standards in the services that support homeless people and tackle homelessness**
- **Influence the development of policy, strategy and investment at all levels of government.**

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