

February 2017



# Are the accommodation needs being met for people in contact with the Criminal Justice System?

A joint briefing by Clinks and Homeless Link

## Introduction

People in contact with the Criminal Justice System (CJS) are disproportionately likely to experience homelessness – data from 2014/15 shows that 32% of rough sleepers contacted in London had been in prison at some point.<sup>1</sup> Further to this, 15% of the prison population were homeless before custody.<sup>2</sup> Securing stable and appropriate accommodation is essential for enabling people to progress on their journey to desistance. In a joint criminal justice inspection published by HM Inspectorate of Prisons it says “offenders themselves consistently tell us during inspections how important having somewhere secure and stable to live and something constructive to do, is to staying out of trouble when they are released.”<sup>3</sup>

The Transforming Rehabilitation (TR) reforms have changed the way probation services in England and Wales are commissioned and delivered, and as highlighted in a joint inspectorate report “however effective the new arrangements are, they will be undermined if offenders cannot access stable accommodation when they leave prison.”<sup>4</sup> To understand how the accommodation needs of people in contact with the CJS are being met since the implementation of TR, Clinks and Homeless Link commissioned a short scoping exercise.<sup>5</sup> This included desk-based research, as well as interviews with key stakeholders, including voluntary sector providers, local authorities and prisons. The scoping exercise explored outcomes for people being supervised by Community Rehabilitation Companies (CRC) and the National Probation Service (NPS).

This joint briefing paper gives the findings from this work, and includes a short policy update to keep Clinks and Homeless Link members up to date with recent developments.



## Policy update

As the scoping exercise uncovered, there have been many direct and indirect policy changes that are having an impact on accommodation outcomes for people in contact with the CJS. The following update aims to give brief details of these.

### Transforming Rehabilitation

Transforming Rehabilitation is the name given to the government’s programme for how people in contact with the CJS are managed in England and Wales from February 2015. The programme has involved the outsourcing of a large portion of the probation service in England and Wales.



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The reforms have replaced the previous 35 individual Probation Trusts with a single National Probation Service, responsible for the management of high-risk offenders; and 21 Community Rehabilitation Companies (CRCs) responsible for the management of low to medium risk offenders in 21 areas across England and Wales. The CRCs will also have a new responsibility for supervising short-sentence prisoners (those sentenced to less than 12 months in prison) after release.

Due to the Transforming Rehabilitation reforms, Community Rehabilitation Companies (CRCs) are now responsible for providing resettlement services to prisoners in the last three months of their sentence. According to the Target Operating Model published by the Ministry of Justice (MoJ), resettlement services "must include providing direct support in custody in helping offenders find accommodation, providing assistance with retaining employment held pre-custody and gaining employment or training opportunities post-release."<sup>6</sup> CRCs can also choose to deliver additional resettlement services in pursuance of payment by results. However, the extent to which they are choosing to do this is currently unclear. It is also unclear as to whether these additional services include any education, training or employment support.

### Prison reform

Since the scoping exercise took place, the MoJ and National Offender Management Service (NOMS) have published a white paper entitled, *Prison Safety and Reform*,<sup>7</sup> which summarises the proposals of the Secretary of State for Justice, Liz Truss, to deliver the prison reform commitments set out in the Queen's Speech in May 2016.<sup>8</sup>

As well as highlighting that safety is a key issue for all who work in or visit prisons and promising to recruit 2,500 new prison officers, the white paper also focuses on the need for reform – recognising that a reformed system delivers better education, health care, employment and resettlement support. One of the main aspects of the white paper is decentralisation, empowerment for prison governors and increased partnership working between prison governors and other local services, allowing them to work towards a whole systems approach to supporting people in contact with the CJS.

The white paper specifically mentions the importance of accessing stable accommodation for reducing reoffending, and highlights that the MoJ and NOMS "want to see greater emphasis on getting offenders into suitable stable accommodation as a way to tackle reoffending."<sup>9</sup> The intention, as set out in the white paper, is for this to be done by improving the quality of accommodation support services in prison and in the community.

Performance measures or standards will be introduced for prison governors, who will be empowered to have greater autonomy over how they commission services to meet the specific needs of their population. These performance measures include measurements, such as those relating to work, education and housing. In terms of housing, the white paper says that "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."<sup>10</sup> To encourage partnership working, a joint outcome measure will be introduced for both prisons and probation.

## **Housing supply and affordability**

Single people who are homeless are often unable to access social housing as they are not assessed as being in priority need. The private rental sector is therefore often the only option, but this can be problematic for a number of reasons. In some parts of the country, such as London and the South East, the availability of, and competition for, affordable properties to rent can be extremely limited.<sup>11</sup> This is compounded by a reluctance among some landlords to let to people in receipt of benefits. This is only likely to be exacerbated by the welfare reforms outlined above.

Once in the private rental sector, there is then the issue of maintaining tenancies, which can be problematic. 32% of all households accepted as homeless in England had lost their home because an assured shorthold tenancy had ended. In London, this figure was 40%.<sup>12</sup> This is the most common reason given for households becoming homeless and is indicative of the challenges of both keeping a tenancy and finding an affordable alternative once a tenancy ends.

## **Impact of welfare reform**

There are a number of recent and proposed reforms to the benefit system that might have an impact on people's access to accommodation. The extension of the Shared Accommodation Rate (SAR) of Housing Benefit to everyone up to 35 years old has made it increasingly difficult for people to find affordable and appropriate accommodation.

The roll out of Universal Credit is also beginning to have an impact. One of the key elements of Universal Credit is monthly payments paid to the claimant, rather than to the landlord. Many landlords are therefore concerned about taking on tenants they may perceive to be at high-risk of non-payment. This also puts people who may need support in managing their money at risk of falling into arrears and losing their home. Recent research suggests that 86% of council tenants in receipt of Universal Credit are in arrears.<sup>13</sup> From April 2017, new Universal Credit claimants aged 18-21 will no longer be automatically entitled to have their housing costs met through the benefit. While there will be exemptions to this for specific vulnerable groups, the detail of these exemptions has not yet been published.

## **Future funding of supported housing**

There is also uncertainty for the homelessness and wider supported housing sector due to proposed changes to how these services will be funded from April 2019. The Department of Communities and Local Government (DCLG) and Department for Work and Pensions (DWP) are currently consulting on the plans. It is proposed that core rent and service charges will be paid up to the Local Housing Allowance rate through Housing Benefit or Universal Credit, with local authorities receiving additional ring-fenced funding to top-up this rate where necessary, given the additional costs of supported housing. An alternative model is being developed for short-term accommodation services. Rents in the supported housing sector are also subject to an annual 1% rent reduction from April 2017.

## **Homelessness Reduction Bill**

Parliament is currently debating legislation that would put a much greater emphasis on councils to prevent homelessness. The Homelessness Reduction Bill, which has cross-party support, would introduce a new duty for local authorities to take action within 56 days to prevent the homelessness of anyone who is eligible for assistance and threatened with homelessness, without regard to their priority need status. It also introduces duties to take steps to relieve homelessness and around advice and information.

## Resettlement into stable accommodation – a worsening picture

The most recent annual report published by HM Inspectorate of Prisons highlights that support for people leaving prison without accommodation is variable across England and Wales.<sup>14</sup> In some areas, the number of people leaving prison with no fixed abode has risen – for example in HMP Rochester the level had risen in the previous six months to 6%. Another example is HMP Wormwood Scrubs where the proportion of prisoners who had accommodation on release had fallen from 95% to 60% since the new CRC had taken over resettlement services. The prison was unable to explain this fall.<sup>15</sup>

In addition, according to the most recent report from the HM Inspectorate of Prisons, the number of women leaving HMP and YOI Bronzefield with settled accommodation dropped from 95.5% in 2014 to 83.7% in 2015. One hundred and three women had left with no fixed address in the six months prior to the inspection and the prison had issued tents to two women who were released without anywhere to go to. The chaplaincy reported that they often gave out sleeping bags.<sup>16</sup>

The scoping exercise found that worsening accommodation outcomes for people in contact with the Criminal Justice System are mainly occurring due to increasing pressures on housing supply, and reductions in Local Authority budgets, which is leading to fewer housing options. Indeed, one stakeholder said:

***“When TR came out there was no new funding for housing and they were bringing into the statutory remit lots of people who were not under probation previously. It wasn’t going to result in more people being housed; it didn’t have resources to deal with low level offenders in terms of getting people into work and into accommodation – the CRC don’t give a lot of time due to the volumes of people they deal with.”***

*Local authority*

However, the scoping exercise did highlight that due to the implementation of TR, some stakeholders reported disruption and confusion about the new probation landscape and the roles and responsibilities of each organisation. To ensure appropriate accommodation outcomes are achieved for people in contact with the CJS, it is important that this issue is resolved. This could be done through the creation of an accommodation strategy, developed in partnership with the Ministry of Justice, Department of Communities and Local Government and the Department of Work and Pensions.

The following section begins by exploring accommodation support provided to people in prison and through the gate, before looking at housing options for people resettling into their community.

## Accommodation support in prison

The scoping exercise found that the level of housing expertise provided by CRCs was variable and dependent on the CRC staff themselves, as well as the supply chain in operation. In some cases people reported poor or limited housing advice given by CRC staff. Indeed, one stakeholder said:

***“[the] general level of service, in terms of resettlement, is better ... Housing is very specific and they [the CRC] haven’t given it enough weight, and it’s possibly the area where it has got worse.”***

*Prison*

This is supported by a report published by User Voice for the National Audit Office in 2016. The report shows that although service users reported that services had generally stayed the same or improved since the implementation of TR, 42% of respondents said that obtaining help with housing had got worse.<sup>17</sup>

Stakeholders highlighted that whilst in some areas CRCs do provide robust accommodation advice and are able to signpost service users on to other services, “often there is not the supply chain to actually place those who need it into accommodation.”

### The basic custody screening tool

Due to the implementation of TR, a systematic screening tool called the Basic Custody Screening Tool part 2 (BCST 2), is conducted by the CRC within five days of the initial screening tool being completed by prison staff. For all sentenced prisoners, the resettlement plan is reviewed 12 weeks before release. During the last 12 weeks of someone’s sentence, CRCs are required to take action on the resettlement plan developed on the basis of the BCST 2. Our scoping exercise heard of one CRC that was more flexible, sometimes undertaking this work before the 12-week period specified, which was generally felt to support better pre-release planning and support.

The systematic application of BSCT 2 by the CRCs was seen by many stakeholders as a good opportunity for early intervention such as tenancy rescue and managed tenancy ends, which can prevent arrears, and issues such as properties being taken over. Indeed, one stakeholder said:

***“If anything in some areas where there was no housing advice in prisons, TR has brought that in ... before TR there was no global assessment. There were loads of people who didn’t get an assessment...”***

*Voluntary sector*

The BCST 2 also represents an opportunity for early planning, including managing the expectations of people leaving prison in terms of their housing options, which are often very limited. However, stakeholders did express some concerns with the BCST 2 as it relies on self-disclosure. Some people, especially those on short-term sentences, may be reluctant to fully disclose their housing situation due to a fear that their Employment and Support Allowance (ESA) will be stopped. Further to this, people may have accommodation in place for their release but their situation may change before they are released, which the BCST 2 may not record.

For prisons that did not have a well-established local housing advice service pre-TR, the BCST 2 was thought to be an improvement. However, in some prisons that previously had a well-resourced housing advice service, feedback suggests that the offer in this area has deteriorated under TR. One stakeholder said:

***“The [CRC] contracts have meant a reduction (in the housing advice service) ... I don’t think accommodation support has anywhere near the profile across the prison as it used to... However, that lack of available housing probably means that this reduction in resources doesn’t have a huge impact on what they end up achieving.”***

*Prison*

### Providing training opportunities

During the scoping exercise respondents were keen to express that providing training opportunities, to improve and demonstrate tenancy and independent living skills for people leaving prison, would assist them to access housing and demonstrate that they could be a “good tenant”. One stakeholder told us:

***“Something we have spoken about a lot is having a tenancy course within the prisons – the LAs think it’s a good idea – it’s not happening now but we need to work out how and who can do this.”***

*Voluntary sector*

## Connections through the gate

The handover from the CRC in prison to the Responsible Officer (RO) in the community (who is also a CRC member of staff) was highlighted as being weak in some areas. One stakeholder said:

***“Linking up the RO and the CRC – they could do more, [they are] not linked up at all, well certainly up to a month ago no RO’s were coming into prisons at all let alone getting in touch with prisoners before release.”***

*Voluntary sector*

Stakeholders suggested that one of the main reasons for this was the high case load held by individual CRC staff, or ROs. They were often considered too high to make it feasible for a transitional period to take place, where both staff (working in prison and in the community) can be involved in the case concurrently to ensure there is appropriate handover.

The scoping exercise did uncover some good practice. A ‘departure lounge’ has been developed at HMP Durham, within the prison visitor centre, for people released from HMP Durham within the Durham Tees Valley area. This provides an opportunity for the CRC to meet with their client immediately after release. The departure lounge has been developed in partnership with local agencies such as Durham Food and Clothes Bank, Drug and Alcohol Action Teams and Nepacs. The Through the Gate team provide an appointment card listing all of the client’s appointments and issue an all-day bus pass. The departure lounge also provides a place for the families of those being released to meet them.<sup>18</sup>

## Engaging with Housing Options Teams

When someone is leaving prison with ‘No Fixed Abode’ they generally need to attend a meeting with the Housing Options team, based in the local authority, to get advice or to be assessed under homelessness legislation. In areas covered by the research (except Wales) there are not yet strong strategic or operational links between the local authority Housing Options Teams and the CRCs – they were considered to be embryonic. This could have developed since we conducted our scoping exercise.

One notable exception to this is in Wales due to the implementation of ‘the pathway’, which is designed to support local authorities, Youth Offending Teams and the Wales Community Rehabilitation Company to carry out their new responsibilities, providing services to people due to leave the secure estate. The pathway aims to bridge the gap between the Housing (Wales) Act 2014 and the Offender Rehabilitation Act 2015, supporting prisoners to access appropriate accommodation on release.<sup>19</sup>

Each local authority area has a practice and different pathway in place, which can be challenging for CRCs, as demonstrated by one stakeholder:

***“We do work intensively with supported housing providers, it depends by LA what the system is how they (the prisoner) then get housing. Ideal scenario is that assessment is made pre-release and accommodation is arranged but we find that providers are struggling to provide anything so prisoners are advised to present at Housing Options on the day of release. Often into emergency temporary accommodation.”***

*Voluntary sector*

During the scoping exercise, some stakeholders report that accessing Housing Options teams has become increasingly challenging. Stakeholders said that some local authorities require people to make an online application for homeless services which serves as a huge barrier for people leaving prison, as access to the internet in prisons can be challenging or even completely unavailable.

***“Process of just applying to a LA now, it’s just got ridiculous now, you have authorities saying you can only apply online.”***

*Voluntary sector*

Some stakeholders said that advocacy and even legal advice is required for service users to get an adequate service when meeting with some Housing Options teams.

Further to this, stakeholders said that in many cases it is not possible to undertake link work with Housing Options until someone leaves prison. Not knowing if and where accommodation will be provided can be a source of stress and anxiety for prisoners and also impact on planning for other services.

However, the scoping exercise did highlight some areas of good practice. For example, in Stockton on Tees the local authority works flexibly to undertake work before someone leaves prison. They also do not assess intentionality<sup>20</sup> before providing temporary accommodation. Some Housing Options teams have specialist workers working with people in contact with the CJS. For example, Tower Hamlets has a specialist worker based in probation services who sees people under supervision.

### Assessing intentionality

In England, for a local authority to have a duty to house someone they must be vulnerable, in priority need and be assessed as unintentionally homeless. In Wales the local authority is not required to test for intentionality. Some local authorities reportedly find people to be intentionally homeless by virtue of them committing a crime or breaching a court order in the knowledge that this could result in spending time in custody, which could result in the loss of the home. Indeed, one stakeholder said:

***“We are seeing more and more boroughs seeing ex-offenders [as not a] priority need as you are intentionally – you committed the crime knowingly.”***

*Voluntary sector*

This is more likely to be the case when offending is linked to accommodation, for example through Anti-Social Behaviour at a property. This was cited as an issue in the North West and London.

### Reductions in funding

Concern was raised that local authorities are removing funding for specialist services for people who have offended, partly due to a misconception that equivalent services will be offered by CRCs. However, stakeholders also highlighted that this reflects pressure on local authority budgets and a lack of available housing in some areas.

## Accommodation options – accessing supported and emergency accommodation

Many people in contact with the CJS are likely to experience additional needs, including substance misuse and mental health problems, which means that accommodation with support is often more appropriate than an independent tenancy. Local authorities often take a gateway approach to supported and temporary accommodation, meaning that they act as a single point of referral. They also work increasingly closely with emergency accommodation providers and often rely on private hostel or temporary accommodation providers to spot purchase bed spaces for those who need support to access the private rented sector or supported accommodation.

There are particular challenges with this type of accommodation for people in contact with the CJS. Often there is a time-lag in getting floated support implemented, meaning that someone could be left with no support directly on release from prison – the time that they are most likely to require it. Further to this, the scoping exercise found that in some cases people are placed in temporary accommodation outside of their local area, which makes it challenging for them to access the other services they need. This is particularly concerning for people who need to link with and access services, such as mental health or drug services quickly.

As highlighted by the Prison Reform Trust, hostel accommodation can present particular challenges for people in contact with the CJS and place them at risk of future offending behaviour.<sup>21</sup> This is particularly true for people who experience substance misuse issues and have begun to detox in prison, as other hostel clients may be actively using substances. Few hostels are specifically for people who are abstinent from drugs and alcohol. Women also experience unique challenges, and as hostels are often unable to provide gender-specific support, women can feel unsafe and at risk. In some cases this can lead to them to sleep rough or reoffend.

The scoping exercise did highlight some good practice. In Sunderland, for example, there is a local authority officer who coordinates private sector temporary accommodation to ensure that it meets basic standards and to ensure staff are aware of the issues facing the client groups they accommodate. In Stockton on Tees, local authority officers have supported a local private hostel to become a registered social landlord and improve the service on offer.

## Accessing the private rented sector

Given the scarcity of social housing and the prevalence of people in contact with the CJS being defined as non-priority by many local authorities, it is common for the private rented sector to be the best chance for people seeking independent accommodation. However, this option is often particularly challenging, and access is increasingly difficult, especially in London and the Southeast. One of the major national supply chain providers of accommodation advice within prisons explained:

***“A few years ago it looked like the private rented sector was the option – we had good access. Now, especially in London, this is too expensive and clients are not a good option compared to other renters in the market.”***

*Voluntary sector*

Some of the barriers to accessing private rented sector accommodation include, but are not limited to:

- Some landlords not taking housing benefit tenants and a reluctance to accept people with an offending history.

- Local Housing Allowance levels not meeting good quality accommodation prices locally.
- The requirement for references, as many who have had contact with the CJS often do not have a track record of independent tenancies and/or have had negative tenancy ends.
- The time it may take to secure accommodation and the practical problems of arranging accommodation from inside prison. Many people in contact with the CJS are unlikely to have the resources to pay deposits and rent in advance.
- Problems accessing shared accommodation for under 35s whose Local Housing Allowance only covers a room in shared accommodation and the reluctance of some of the older people within this age group to share with people they don't know.

The scoping exercise did not find evidence of new innovation in private rented sector access for the CRC or NPS client group. In some areas local authorities provide a rent deposit scheme or a bond scheme, with one supply chain provider saying this would be an area the CRC would be exploring.

## Bail Accommodation and Support Services

The Bail Accommodation and Support Service (BASS) is commissioned by the Ministry of Justice to provide 550 bed spaces for either defendants or short-term prisoners who would otherwise be in custody due to not having a suitable address for bail or release on home detention curfew. Service users are assisted in their search for move-on accommodation and bailees are offered further support via interventions or signposting in relation to employment and education, alcohol and drug use and other areas of need.

The TR reforms were developed in isolation from this service, meaning that at the time the scoping review took place, only magistrates and prisons were able to refer into BASS. This has now changed and referrals can now be made by either NPS court duty staff, or from prison-based bail information, home detention curfew or CRC through the gate teams.

## Accommodation for high to medium risk offenders

Stakeholders felt accommodation provision for those under supervision of the NPS was often easier to secure, as those without stable accommodation to return to are generally placed in to 'approved premises' to serve the remainder of their sentence. These are residential units where staff provide support to manage people's risk.

During the scoping exercise, a concern was raised by one interviewee that when approved premises are full, high to medium risk people are sometimes placed in temporary accommodation which is unsuitable for their level of risk. Further to this, as people are placed in approved premises based on their level of risk rather than their accommodation needs, placements may not always be appropriate.

Women experience unique challenges. Stakeholders in both the Midlands and the North East said it is harder for probation to find approved premises for women who are sometimes placed far from their local area, which makes it harder for them to access the services they are familiar with and have contact with friends and family.

## Support for those in the community

Where the CRCs identify housing issues for those in the community they may refer directly to the local authority Housing Options teams or to a supply chain provider of accommodation advice and support.

It is unclear how far housing needs are being identified for those who are serving community sentences or are under supervision in the community who have not been to prison. One stakeholder commented that they see few people in this group even in community-based provisions.

## The challenge of capturing outcomes

Obtaining data that accurately reflects the accommodation outcomes for people on release from prison remains challenging. In 2014 a joint inspectorate report found that the settled accommodation figures are “misleading” as “they do not take into account the suitability or sustainability of the accommodation.” The report went on to highlight that “a better understanding of current accommodation and education training and employment outcomes (would be beneficial). At present they (prisons) rely heavily on self-reported information from offenders at the point of release with no follow-up on longer-term accommodation and education training and employment outcomes, which as our findings demonstrate, is an ineffective way of judging the effectiveness of resettlement services.”<sup>22</sup>

This measure of accommodation outcomes was migrated to CRCs, who have a target of 90% of people leaving prison going to settled accommodation. The scoping exercise found some confusion about how the target figure should be viewed under the new arrangements, with some CRCs reportedly seeing the 90% target as aspirational while others say it’s a clear target.

One stakeholder who took part in the scoping exercise reflected on the fact that the proportion of people who have settled accommodation is somewhat out of the control of CRCs:

***“The disconnect between expectation and what’s available ... Do nine out of ten people who approach LA who have eligibility get settled accommodation get that – no! Who came up with the numbers and figures? There is not a deep analysis of the actual need and there is not a reflection of the provision in terms of the target – in some areas there is no supported accommodation for single people who are not priority need.”***

*Anonymous*

According to performance management information published by the Ministry of Justice in October 2016, the coverage of recording accommodation outcomes across England and Wales is highly variable.<sup>23</sup> The report highlights that “Due to the issues with data coverage, it is not possible to report actual performance”. However, the report has included the accommodation rate where data is known for reasons of transparency. Between April and June 2016, CRCs recorded the accommodation outcomes in 85% of cases. Of these, 77% of cases were reported as having a settled accommodation outcome. One CRC recorded 99% of their clients’ accommodation outcomes, and 92% were in settled accommodation. Another CRC recorded 93% of their clients’ accommodation outcomes but only 55% were in settled accommodation on release from prison.

## Conclusion

The results from this scoping exercise have found that many challenges remain in terms of ensuring people in contact with the CJS are able to secure appropriate and stable accommodation. Some of these challenges are directly related to the implementation of TR, such as a lack of accommodation advice given by some CRCs, yet many of them exist due to external factors including pressure on housing supply and reductions in local authority budgets meaning there are fewer housing options. Although this is the case, it is essential that CRCs and the NPS work to develop and maintain positive relationships between themselves and local authorities, including Housing Options Teams, to ensure that there is firstly a clear understanding about each partner's responsibilities and secondly to promote positive accommodation outcomes for their service users.

Clinks and Homeless Link will continue to work in partnership to ensure that we are able to reflect and respond to the needs of our members and their beneficiaries.

## Notes

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## Are the accommodation needs being met for people in contact with the Criminal Justice System?

A joint briefing by Clinks and Homeless Link

February 2017

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# CLINKS

**Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.**

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Tavis House  
1-6 Tavistock Square  
London WC1H 9NA  
020 7383 0966

[info@clinks.org](mailto:info@clinks.org)

[@CLinks\\_Tweets](https://twitter.com/CLinks_Tweets)

[www.clinks.org/policy](http://www.clinks.org/policy)



**Homeless Link is the national membership charity for organisations working directly with people who become homeless in England. We work to make services better and campaign for policy change that will help end homelessness.**

Homeless Link

Gateway House, Milverton Street

London SE11 4AP

020 7840 4430

[www.homeless.org.uk](http://www.homeless.org.uk)

[@Homelesslink](https://twitter.com/Homelesslink)

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