

# A guide to housing options for offenders

Positive steps and good practice in preventing homelessness and improving access to housing amongst offenders and their families

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# Introduction

This guide will help you help offenders, and their families, to avoid homelessness. The following pages will show you what legal obligations you have to offenders, along with the housing rights they have before, during and after their sentence.

NHAS have first-hand experience of helping people struggling with housing, and provide expert advice to local authorities, local citizens advice, voluntary agencies and public authorities such as prison and probation, the Department for Work and Pensions (DWP) and the NHS.

NHAS can advise you on people who:

- have been given custodial or community sentences
- are on remand
- are on probation
- have been released on licence
- have been affected by Multi Agency Public Protection Arrangements (MAPPA)

Alongside the guide, you can access a series of factsheets that give useful advice, support and information for offenders and the people who support them. You can find them on our website here: [nhas.org.uk/publications](https://nhas.org.uk/publications).

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## Talk to us, train with us

If you have any questions, you can always call the NHAS Consultancy Line on **0300 330 0517** – or speak to us via webchat at: [nhas.org.uk](https://nhas.org.uk).

We also provide free training to give you the tools and knowledge you need to resolve housing issues more easily. To learn more, please visit: [nhas.org.uk/training](https://nhas.org.uk/training).



# Before sentencing

## Remand

When a court decides that someone should be remanded in custody, it means they'll be held there until their hearing or trial. A court will only remand someone in particular circumstances, such as when:

- the defendant has had previous convictions for similar offences
- there is a reasonable chance they'll get a custodial sentence if convicted
- there is reason to believe the defendant could commit more offences while on bail
- there is reason to believe that they could interfere with witnesses or won't attend their trial

People who have been remanded have different entitlements to those who have already been convicted. These entitlements include continued access to housing benefits.

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## Bail

Another possibility is that the person could be granted bail until their hearing or trial. In deciding whether to grant the person bail, the court will consider several factors, including:

- the type of crime and how serious it is
- the defendant's personality and character
- any previous criminal record
- any connections the defendant has in the community
- how strong the evidence is against the defendant
- the defendant's previous commitment to bail conditions

Bail may require the person to comply with certain demands, including having to live at a specific place. Other demands include:

- not contacting certain people
- giving their passport to police, preventing travel outside the UK
- reporting to a police station at agreed times (e.g. once a week)

After the arrest, the person could be bailed by the police or have bail granted to them by the court. When bail is given, the court is likely to require that the offender provides an address of where they will be staying. This address can belong to family or friends, so long as the offender shows they have permission to stay there.

In cases where the person can't find appropriate housing, there are other options available, such as the **Bail Accommodation and Support Service** (BASS). BASS provides accommodation and support to people who would normally be living in the community on bail or home detention curfew, but who don't have a suitable home address.

It offers housing for people who need it for the duration of their bail or Home Detention Curfew (HDC) licence. People who can use the BASS service must have been bailed by the courts either before the trial or after the conviction (but still before being sentenced).



# How does sentencing work?

In the UK, there are four main types of sentence a court can impose on someone who's been convicted:

- conditional discharge
- fine
- community sentence
- prison sentence

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## Discharges and fines

Usually, discharges and fines are given for less serious crimes. The only condition they might place on the person is a fine. Conditional discharge means that no more legal action will be taken unless the person offends again within a time period set by the court.

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## Community sentences

A community sentence means that, although the offender won't have to go to prison, they will have to do certain things in their local area to compensate for their original crime. Probation services or an electronic monitoring company will supervise them throughout their community service.

The sentence can last up to three years, and the court can choose from a number of specific demands to impose on the offender. For example, they can require the offender stays at a specific address or receives treatment for their mental or physical health.

They can also impose a curfew to control what time the person must be at home. The offender might also need to meet a probation officer regularly or go to an attendance centre if they're between 18-24 years old.

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## Prison sentences

There are several types of prison sentence. Offenders serving sentences that last a fixed amount of time will normally be released halfway through their sentence. They will then be supervised in their community for the second part of their sentence.

Since the Offender Rehabilitation Act of 2014, all offenders released on licence from custodial sentences that last more than a day will be supervised in the community for at least 12 months.

They can be released before the halfway point of their sentence if they're eligible for Home Detention Curfew (HDC) or for Release on Temporary Licence (ROTL). If an offender does not meet the demands of their licence, they may be sent back to prison. For more information, please refer to the ['what happens when a prisoner is released'](#) section of this guide.

People who have been convicted of an indeterminate sentence (for example, a life-sentence) will be considered for release by the Parole Board. They will only be released if the Parole Board think it's safe to do so, and they will then spend the rest of their life on licence.



# What happens when someone goes to prison?

When a court imposes a custodial sentence, the prisoner won't be allowed to speak to their family or friends while they're waiting to be sent to prison. Some prisoners may be able to speak to their solicitor before being sent in, and the solicitor will pass on messages to family and friends, but this privilege isn't always certain.

Many offenders won't receive a custodial sentence at court, so when the sentence is given, it means that offenders and their families can often be unprepared. Wherever possible, agencies should try to manage expectations when someone is at risk of a custodial sentence – and take steps to protect their home as soon as possible. The support a prisoner gets depends on the sentence they have received.

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## People with short sentences

Usually, prisoners with shorter sentences will be supported by the prison's Community Rehabilitation Company (CRC). Alternatively, they may be supervised by the National Probation Service. In either case, the CRC or probation officer can help with the prisoner's housing situation (for example, by talking to the council on the prisoner's behalf).

You should work closely with CRC and probation officers as early as possible to reduce the risk of prisoners being released without having anywhere to live.

People who have very short sentences may not have time to get an appointment with a CRC or probation officer before they've been released. A list of current CRC suppliers can be found here: [links.org/directory](https://www.links.org/directory).

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## People with longer sentences

Prisoners with sentences that last 12 months or more will be given an offender manager, appointed by Her Majesty's Prisons and Probation Service. The offender manager is responsible for the prisoner for their whole sentence, including any community sentence after they have been released. Their work also applies to any sentences served in the community (known as 'release on licence'). The offender manager's role is to help the offender settle back into the community, which may include helping them find suitable housing so that they are less likely to offend again.



# Keeping a home whilst in prison

## Rent

Wherever possible, priority should be given to keeping up rent payments during custody. This can be done by arranging for a spouse or partner to continue paying the rent (and, if appropriate, to claim housing benefit in their own right). The prisoner's spouse or partner has a right to pay the rent, regardless of whether they're named on the tenancy agreement or not.

Anyone else who remains in the property doesn't have an automatic right to pay. However, they could try to come to an arrangement with the landlord, so long as the prisoner intends to go back to the property after they are released. The prisoner may need to contact the landlord and nominate a person to do this for them.

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## Tenancies

If the prisoner holds a tenancy, the tenancy will continue provided that the prisoner intends to return to their home. Previous case law\* has confirmed that even when a prisoner is given a long sentence, so long as their rent is maintained, the property is looked after and there's an intention to return, their tenancy will continue as normal.

In all cases, the tenancy continues in the prisoner's name throughout their imprisonment, unless it's brought to an end by the prisoner or their landlord. Guidance on ending tenancies can be found on the Shelter website: [shelter.org.uk](https://www.shelter.org.uk).

For private renters, the tenant's prison sentence does not give the landlord a legal reason to end the tenancy. However, for some offences the landlord may have grounds to possess the property,\*\* and they may be able to give notice under Section 21 of the Housing Act 1988. The same applies to tenants who have a social landlord.\*\*\*



\* see *Amoah v Barking and Dagenham LBC* [2001] 82 P&CR DG6

\*\* see *Housing Act 1988, Schedule 2, Grounds 7A, 14 and 14ZA.*

\*\*\* see *Housing Act 1985, s.84A and Schedule 2, Grounds 2 and 2ZA*

## Subletting

In most cases, subletting without permission will go against the terms of a tenancy and could lead to eviction.

That being said, there is a difference between subletting and having someone stay in the property as a licensee or lodger who pays the rent on your behalf.

If in custody, your tenancy can continue to run so long as you intend to move home once released. If someone else stays there while the tenant is away, the landlord should be informed – especially if it's for a significant period of time.

**The tenant should make it clear that the occupier is just looking after the property on a temporary basis and will be paying rent in their name.**

The arrangement between the tenant and the caretaker is likely to be a licence, because the caretaker won't have exclusive possession of the property. This isn't a subletting, because a subletting involves creating a sub-tenancy with exclusive possession.

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## Mortgaged property

Contractual mortgage payments must be maintained throughout the prison sentence to reduce the risk of the lender taking possession action. If there's someone else in the property, such as the prisoner's spouse, they can keep making payments even when they're not named on the mortgage. The lender may also accept payments made by other family members or friends.

Anyone paying the mortgage whilst the prisoner is in custody will not necessarily gain any financial interest on the property. This is a complicated area of law and you should seek out specialist advice on it.

When the contractual payment can't be met, the lender should be told as soon as possible. If the sentence is likely to be short, it may be easier to negotiate a temporary solution with them (such as a period of interest-only payments or even a payment 'holiday').

In some cases, the prisoner or their partner may be able to claim support for mortgage interest – as you'll see on the next few pages.





# Housing benefits and support for mortgage interest

## Housing benefit

If someone is taken into custody, their housing benefit can continue for up to:

- 52 weeks when not yet sentenced (i.e. if on remand awaiting trial or convicted and awaiting sentencing), or when living in a bail or probation hostel and bailed to live away from home
- 13 weeks after receiving a sentence, if expected to return home within that time (i.e. the sentence is 26 weeks or less)

If a person is expected to be in prison for longer than 13 weeks, their housing benefit payments will stop at the point they're sentenced. This time limit is strict, but it does take into account any remission they're entitled to and the likelihood of release on parole.

If a current or former partner, adult, child or other non-dependant remains in the property while the person is in custody, they may claim housing benefit on the basis that they should be treated as liable for rent for housing benefit purposes (regulation 8, Housing Benefit Regulations 2006).

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## Support for mortgage interest

Someone serving a prison sentence can't get a Support for Mortgage Interest (SMI) loan, but their spouse or partner may be able to get one instead – even if they're not on the mortgage.

If a person is single and on remand, they may be able to continue getting SMI loan payments if they're eligible – [click here](#) for more information.

If they're entitled to certain benefits, they might also be able to get a loan from the Department for Work and Pensions (DWP). The loan will help with interest payments but won't reduce the capital they owe. To qualify, the person must be entitled to one of the following:

- Universal credit
- Pension credit
- Income-based jobseeker's allowance, income-related employment and support allowance, or income support

Unless entitled to pension credit, they will have to wait 39 weeks before they can receive any payments. They should tell their lender if they have applied. For more information on help they could be entitled to, visit: [turn2us.org.uk](https://turn2us.org.uk).

The loan will pay a set amount towards interest each month, you can find the current rate at: [gov.uk/support-for-mortgage-interest](https://gov.uk/support-for-mortgage-interest). As the person will have to agree to have a loan secured on their home, it's a good idea for them to get independent financial advice before committing.

There's no limit to how long they can have the loan for, but it will reduce the equity in their home over time. The loan is repaid when they sell, transfer the house to someone else or if they die. If the money from a sale doesn't cover the whole loan the person won't normally have to pay the rest if they got a fair price.



## Universal credit

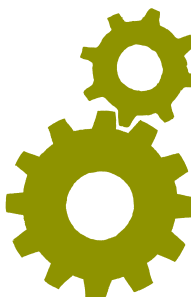
Although few prisoners are in receipt of universal credit, the rules are slightly different. Unlike housing benefit, there's no distinction in the definition of 'prisoner' whether on custody, on bail or sentenced. So, where housing benefit stops once they're sentenced, the same isn't the case for universal credit.

By DWP definition, 'prisoner' doesn't include people released on license, on a home detention scheme, on a suspended sentence, or doing community service.

- A single-claimant prisoner can continue to receive help with their housing cost element of universal credit, so long as:
  - They received universal credit including a housing cost element immediately before becoming a prisoner, and
    - If on remand: they meet the temporary absence rules, unless their absence exceeds, or is expected to exceed, six months (Universal Credit Regulations 2013 - Paragraph 9, Schedule 3)
    - If sentenced: they have not been sentenced to a term in custody that is expected to extend beyond six months (Universal Credit Regulations 2013 – Regulation 19)
- If a member of a couple becomes a prisoner, the remaining partner can continue to claim universal credit as a single person
  - There will be a new assessment of the claim and any assessable income or capital the prisoner has will still be taken into account
  - Where no universal credit claim was in place before custody, bail or imprisonment, the partner can make a new claim (where necessary) as a single person. Where the prisoner has no earnings and capital then the partner is likely to be eligible

Sometimes, even where prisoners meet the rules for receiving the housing cost element of universal credit, the claim can be stopped completely. If affected by this, you should challenge the decision not to pay the housing costs element by requesting a mandatory reconsideration of the decision on their journal within one month of the decision to stop the benefit.

Guidance on housing costs under universal credit for tenants and homeowners can be [found here](#).



# What can local authorities do to prevent homelessness?

Local authorities and statutory services need to work together to prevent homelessness for people who are, or have been, in prison.

Authorities should liaise with statutory and voluntary services and engage with a prisoner's housing needs as soon as possible, whether a housing duty will ultimately be owed by the authority or not.

You can help prisoners avoid homelessness by:

- Supporting and maintaining their tenancy during their time in prison
- Helping them avoid a build-up of rent or mortgage arrears
- Negotiating with landlords and lenders on their behalf
- Helping resolve any welfare benefit problems
- Bringing tenancies to an end when they are unsustainable

Evidence shows that without stable housing there is an increased risk of re-offending. When people are released from prison with no home, this puts increased pressure on local authorities to source emergency accommodation.

All local authorities have a statutory duty to seek to prevent homelessness when they become aware of someone who is threatened with homelessness (see the [prevention duty](#) section of this guide).



# Prisoners from outside the UK

Prisons will usually liaise with immigration services before they release a prisoner to establish their immigration status and right to remain in the UK.

Where a non-UK national is in need of housing following a prison sentence, you will need to assess if the applicant is eligible for statutory homelessness assistance. Eligibility rules for foreign nationals who have been in prison are the same as any foreign national in the UK.

Prisoners who do not have a right to remain in the UK will be seen by immigration services prior to their earliest release date, when they may be removed to an immigration removal centre or assisted to return home through the Early Removal Scheme.



# Housing legislation and prisoners

## Allocation of social housing

The rules for allocating social housing are found in Part 6 of the Housing Act 1996. There are no special rules regarding the allocation of housing to ex-offenders. Those who qualify for the authority's allocation scheme will be placed on the authority's housing register, or 'waiting list'.

A person with an offending history who approaches a local housing authority for help will be treated in the same way as anyone else who applies. Authorities should consider whether an applicant falls into a category of person who is entitled to reasonable preference for housing. These are:

- Homeless people
- People living in unsanitary, overcrowded or otherwise unsatisfactory housing conditions
- People with a need to move on medical or welfare grounds, or
- People who need to move to a particular area to avoid hardship

However, the Localism Act 2011 gave local authorities greater powers to devise their own allocation schemes and decide which categories of person they'll allocate accommodation to.

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Local authorities may disqualify people from the waiting list on the basis of past conduct, such as anti-social behaviour. If the applicant has been convicted of an offence relating to anti-social behaviour, the authority must be careful to comply with the Rehabilitation of Offenders Act 1974. Under this Act, a 'spent' conviction is treated as though the offence was not committed, so refusing to accept an application on the basis of the conduct which gave rise to the conviction would be unlawful.\*

*\*see YA v Hammersmith and Fulham LBC [2016] EWHC 1850 (Admin).*

In the exercise of their functions local authorities must have regard to guidance issued by the Secretary of State. The current Code of Guidance on the Allocation of Accommodation dates from 2012, with supplementary guidance on 'Providing social housing for local people' in December 2013.



## Local authority homelessness assistance

The legislation relating to prisoners who are homeless or at risk of homelessness is contained in Part 7 of the Housing Act 1996.

The 1996 Act requires local authorities to provide assistance, often in the form of accommodation, to applicants who are homeless, eligible, in priority need, not intentionally homeless and who have a local connection with the area in which they apply. 'Eligibility' refers to a person's immigration status: to be eligible for assistance, the applicant must have a right to reside in the UK which entitles them to have access to 'public funds'.

Local authorities must have regard to the [Homelessness Code of Guidance 2018](#) when carrying out their duties under the Act. Chapter 23 of the Code deals specifically with ex-offenders.

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## Advice and information on housing and homelessness

Housing authorities have a duty to provide advisory services free of charge to people in their district. This service must provide advice and information about homelessness and the prevention of homelessness and the rights of homeless people or those at risk of homelessness, as well as the help that is available from the housing authority or others and how to access that help.

The service must be designed to meet the specific needs of certain groups, which include people with a history of offending. Advice and information should reflect local circumstances and arrangements but may include:

- The support available to people going into custody which will enable; them to retain their accommodation where possible;
- Housing benefit or universal credit entitlement for people in custody;
- How to preserve a tenancy where it is possible to do so;
- Housing options for people leaving custody, including access to the social housing register, supported housing and help available to secure private rented accommodation; and
- Support services for ex-offenders that might help them to secure and/or to sustain accommodation on release.

[The Code](#) recommends that housing advice be made available to people while in custody, and that housing authorities collaborate with prisons from which offenders are released to their districts, together with probation providers, to provide accessible advice on housing options available to them. [See positive practice page](#).

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## When is a person homeless?

An applicant is considered to be homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and available to them (and their household) and which it is reasonable for them to continue to live in.

A person is "threatened with homelessness" if they are likely to become homeless within 56 days.



# The Homelessness Reduction Act 2017

The Homelessness Reduction Act made significant changes to the Housing Act 1996. The effect of the Act is to place duties on local authorities to intervene in individual cases at an earlier stage and to seek to prevent homelessness in their areas. The new duties are:

The new duties are:

- A prevention duty where a household is threatened with homelessness and eligible for assistance (in terms of their immigration status), which requires housing authorities to work with people to prevent homelessness for a period of 56 days before they are likely to become homeless; and
- A new duty on housing authorities, where a household is already homeless and eligible, to relieve their homelessness for a period of 56 days by helping them to secure accommodation.

Prison authorities and the probation service are subject to a **'duty to refer'** prisoners who are nearing their release date for homelessness assistance, where applicable.

See below for details of how these duties operate.

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## Priority need

In order to qualify for the main housing duty, a person must be in priority need. They will be treated as in priority need if they, or a member of their household are:

- Pregnant woman
- Have dependent children who reside with them
- "Vulnerable" as a result of old age, mental illness or handicap or physical disability or other special reason.

Being vulnerable has a specific legal meaning. A vulnerable person is one who is 'significantly more vulnerable' than an 'ordinary' person facing homelessness and who is at greater risk of harm or other ill effects when they are homeless than the ordinary person would be.

In addition to the general category of vulnerability (above), the Homelessness (Priority Need for Accommodation) (England) Order 2002 introduced other specific classes of vulnerability derived from a person's life experiences. One of these relates to people with an offending background. Ex-offenders may be vulnerable (and therefore in priority need) as a result of;

- Having served a custodial sentence
- Having been committed for contempt of court or a similar offence
- Having been remanded in custody

Authorities will need to assess each case on the basis of the person's individual circumstances, but must pay careful attention to whether the applicant is vulnerable as a result of being in custody.

**The Homelessness Code of Guidance** states that assessments of vulnerability should be composite, taking into account all relevant factors that might contribute to a person being significantly more vulnerable if homeless than an ordinary person would be. In determining whether an applicant is vulnerable as a result of their period in custody, the Code (para 23.19) recommends that a housing authority will need to consider, in particular:



- The length of time spent in prison or custody
- Whether the applicant is receiving supervision from a criminal justice agency, e.g. the providers of probation services (NPS and CRCs) or a youth offending team.
- The time that has elapsed since the applicant was released from custody or detention, and whether the applicant has been able to obtain and maintain accommodation during that period
- Whether the applicant has any existing support networks, such as family or friends, and whether these networks are likely to be a positive influence in the applicant's life.

Housing authorities should take into account the assessments of housing and support needs completed by offender management services.

Where an offender has spent a short period in custody, councils should take a comprehensive view of the prisoner's circumstances when determining whether or not they are vulnerable. This may include any previous periods of custody and a history of re-offending behaviour.

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## Vulnerability & priority need – advising clients

NHAS have recently updated the Vulnerability & Priority Need: Advising Clients guide for frontline advisers supporting single people making a homeless application where there may be an issue about priority need. This guidance has been developed following the 2015 Supreme Court decision in *Hotak v Southwark LBC*, *Kanu v Southwark LBC*; *Johnson v Solihull MBC* (May 2015). Download the updated guide [here](#).

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## Intentional homelessness

In considering whether to make a finding of intentional homelessness, local authorities must apply the following tests:

- The applicant must deliberately have done, or failed to do, something in consequence of which s/he has ceased to occupy accommodation which was available to her/him
- It must have been reasonable for the applicant to continue to occupy the accommodation
- The applicant must have been aware of all the relevant facts before deliberately taking or failing to take the actions.

An act or omission, in good faith, on the part of a person unaware of a relevant fact should not be treated as deliberate.

An act or omission in good faith on the part of a person unaware of a relevant fact should not be treated as deliberate.

All of these factors must be satisfied for intentional homelessness to apply.





Where an offender loses their home as a result of going into prison, local authorities will need to determine if the act that led to a custodial sentence is relevant in determining if the applicant is homeless intentionally. Case law\* indicates that offenders may be found to be homeless intentionally where the home is lost as a direct or indirect result of going into prison. In considering whether an applicant is homeless intentionally, the housing authority will have to decide whether:

- At the time they committed the offence the applicant would reasonably have regarded the loss of their accommodation as a likely consequence of committing the offence; and
- The accommodation would have otherwise continued to be available to the person.

This does not mean that all those who lose their home as a result of going into prison will be homeless intentionally. As the Code of Guidance states, housing authorities must consider each application on a case by case basis in the light of all the facts and circumstances, including the age and maturity of the applicant, and should discuss the matter with the provider of probation services. Authorities should not adopt a blanket policy which assumes that people who have lost accommodation while in custody will or will not be intentionally homeless.

It must be remembered that a person cannot be considered intentionally homeless unless the accommodation that was lost as a result of the custodial sentence was of a settled nature. Authorities must also enquire as to whether any accommodation that was lost as a result of going into prison was available for their occupation and was reasonable for the applicant to continue to occupy.

*\* See Minchin v Sheffield City Council (2000) Times, 26 April, CA; and R v Hounslow LBC ex parte R (1997) 29 HLR 939*

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## Local connection

In some instances, an offender may present to a different local authority from the area of their previous home upon release. A period spent in prison does not give an offender a local connection with the area under the normal residency rules (i.e. having spent 6 out of the last 12 months or 3 out of the last 5 years in the area). However, a local connection may still be established through family connections or work. Where there is no local connection, the authority may refer the applicant to another authority with which they do have a local connection, provided that they are not at risk of violence in that area.

Local authorities will need to be particularly mindful of whether a connection with their area is established by any other special reason. For example, although an offender may not have a usual connection with the area, they may be required to meet with their probation officer or required to go to an attendance centre in the area. In these circumstances, authorities will need to consider the practical implications of the offender being unable to meet these commitments if they are referred elsewhere.



# Making a homeless application

## Duty to refer

The Homelessness Reduction Act 2017 introduced a duty on certain public authorities to refer people who they think may be homeless or threatened with homelessness to a housing authority. The person concerned must give consent, and can choose which authority to be referred to.

Criminal justice services (including prisons, young offender institutions, secure training centres, secure colleges, youth offending teams and probation providers) are subject to the duty to refer. Prisoners nearing their release date and facing homelessness within 56 days must therefore be referred to a local housing authority, with the individual's consent.

The Code states that housing authorities will need to work in collaboration with HM Prisons, providers of probation services (National Probation Service (NPS), Community Rehabilitation Companies (CRCs)) and Youth Offending Services, as well as other relevant partners to prevent people leaving custody, or living in the community, from becoming homeless. The duty to refer provides an impetus to develop effective referral arrangements and accommodation pathways that involve all relevant agencies in order to provide appropriate jointly planned help and support to prevent homelessness. The housing authority should incorporate the duty to refer into their homelessness strategy.

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## Assessments and personalised housing plans

In all cases where an eligible applicant is homeless or threatened with homelessness, the housing authority has a duty to carry out an assessment of their case. The purpose of the assessment is to discover what has caused the person's homelessness or threat of homelessness, and to identify the housing needs of the applicant and any support they need in order to be able to secure and retain accommodation.

Following this assessment, the authority must work with the applicant to develop a personalised housing plan (PHP). The PHP will include actions (or 'reasonable steps') to be taken by the authority and the applicant together to try to prevent or relieve homelessness.



## Prevention duty

Where an eligible person is threatened with homelessness, housing authorities have a duty to take reasonable steps to help prevent them from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become actually homeless. In relation to offenders whose period of custody or detention is coming to an end, the prevention duty will clearly be directed towards finding them somewhere to live. The duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for the person, or by their becoming homeless.

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## Relief duty

Where the applicant is already homeless, or becomes homeless after or during the prevention stage, the housing authority owes a different duty to the applicant, namely to 'relieve' their homelessness. The actions or steps in the PHP will be revised and will now be focused on helping the applicant to secure suitable accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe an applicant may be homeless, eligible for assistance and in priority need, it must also provide them with interim accommodation.

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## The full housing duty

If the authority assesses the applicant as being eligible for assistance and in priority need, and is satisfied that they have not become "intentionally homeless", it is likely to owe the applicant a full housing duty. The duty will usually be met by providing temporary accommodation for an initial period, and may be discharged either by an offer of social housing through the allocation scheme (depending on the applicant's priority) or by a 'private rented sector offer'.



# What happens when a prisoner is released?

When a person is released from prison, they'll normally be placed under the supervision of the probation services.

## Home Detention Curfew (HDC)

HDC applies to eligible people with a sentence of between three months and four years. These prisoners will be released between four weeks and 135 days before their automatic release date (normally halfway through their sentence).

Prisoners on Home Detention Curfew are required to wear an electronic tag and usually adhere to a curfew time of 7pm to 7am. The terms of the curfew mean the person must remain at their address during the curfew hours.

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## Release on Temporary Licence (ROTL)

ROTL allows prisoners who qualify for the scheme to prepare for their return to the community by arranging for employment and housing. Release on Temporary Licence may be applied for at any point in the person's sentence.

The prisoner will be subject to strict risk assessment before their release is granted. There is no guarantee that the person will be successful in their application.

Prisoners may be recalled from temporary licence at any time and returned to prison, but only usually where licence conditions have been breached or there is a threat to the offender's safety in the community.

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## Transforming Rehabilitation – Through the Gate services

Through the Gate services are provided by CRCs within prisons. They're designed to prepare people, serving sentences of twelve months or less, for a return to normal life.

Under the scheme, CRCs prepare a resettlement plan for each prisoner. This can include help with finding housing, tackling debt and money problems and seeking employment or training. It might also include help for other problems like medical issues.

This scheme is designed to aid the person, both up to and after their release, with a view to reducing re-offending in the long term.



## MAPPA

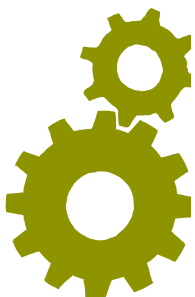
Your local housing authority has a duty to cooperate with the responsible authority in cases where an offender is subject to a Multi-Agency Public Protection Arrangement (MAPPA). This is set out in the Criminal Justice Act 2003.

The responsible authority is made up of the police, the National Probation Service and the Prison Service acting jointly in each area. Agencies are required to cooperate as much as possible, consistent with the exercise of their other statutory functions.

Although there are no additional housing duties required for those subject to a MAPPA arrangement, your local authority should be aware of the potential difficulties in securing housing for those with a history of violent or sexual offences.

You should work with the responsible authority in securing a suitable home for those subject to MAPPA arrangements. Local housing authorities may have advice about accommodation and the way it should be allocated, along with information on the suitability of particular housing stock.

Further guidance can be found on the [Ministry of Justice MAPPA site](#).



# Useful organisations

## Clinks

The Clinks team supports voluntary organisations that work with offenders and their families.

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

## I-Hop

I-Hop is a service for professionals that offers support for people working with offenders' children and their families.

[i-hop.org.uk](http://i-hop.org.uk)

## NACRO

NACRO offers resettlement advice to offenders for housing, employment, education, training and health.

[nacro.org.uk](http://nacro.org.uk)

Helpline: 0300 123 1999

## Offender's Families Helpline

OFH gives advice and support for all aspects of arrest, going to court and prison.

[offendersfamilieshelpline.org](http://offendersfamilieshelpline.org)

## PACT

The Prison Advice and Care Trust supports people affected by imprisonment. It gives practical and emotional support to the children and families of prisoners, and to prisoners themselves.

[prisonadvice.org.uk](http://prisonadvice.org.uk)

Helpline: 0808 808 3444

## RECOOP (for age 50+)

Recoop helps with resettlement and care for older offenders and prisoners. It offers a range of resources for professionals.

Age UK also has a [guide for professionals](#) who are supporting older people in prison.

[recoop.org.uk](http://recoop.org.uk)

## St Mungo's

St Mungo's provides Offender Services Teams to prisons in London and the East, as well as a range of advice and support services in Herts, Bristol, Bath and South Gloucestershire, and outreach services (MAPPA related) in Westminster.

[mungos.org](http://mungos.org)

## Women in Prison

Women in Prison offers dedicated housing support to women affected by the Criminal Justice System, both in prison and in the community.

[womeninprison.org.uk](http://womeninprison.org.uk)

Helpline: 0800 953 0125

## St Giles Trust

St Giles Trust is a charity helping offenders and disadvantaged people to move their lives forward.

[stgilestrust.org.uk](http://stgilestrust.org.uk)



# Positive practice examples

## Newcastle City Council – helping offenders prior to release and post release

Newcastle upon Tyne City Council have a dedicated Housing Advice Service enabling probation to refer directly into local authority supported housing schemes through a Gateway application. For more information contact Deb Shiel via email [debra.shiel@newcastle.gov.uk](mailto:debra.shiel@newcastle.gov.uk).

The local supported housing providers are now willing to interview while in custody, facilitated by the Through the Gate team at HMP Northumberland. This trial is still in its infancy but it is having a positive effect with longer term service users having accommodation of some kind upon release. For more information contact Paula Makepeace via email [paula.makepeace@tynegroup.org.uk](mailto:paula.makepeace@tynegroup.org.uk) or the Tyne Housing Association on **0191 265 8621**. Further information can be given by any lettings team member by emailing [lettings@tynegroup.org.uk](mailto:lettings@tynegroup.org.uk).

For those serving a shorter sentence The National Probation Service at Newcastle St James Boulevard have a good working relationship with the main providers of emergency housing and work closely with the local SIB Team to attempt to avoid rough sleeping among those at risk of homelessness.

Probation services continue to liaise, and play an active role, with local initiative [Street Zero](#), a voluntarily funded organisation with the aim of ending rough sleeping in the Newcastle area. The initiative is attempting to get all voluntary and statutory services communicating effectively and efficiently.

Training events have been organised using the NHAS [training offer](#) to improve probation officers' knowledge of homelessness legislation and the duty to refer in order to give officers the confidence and knowledge to ask informed questions when met with barriers by some housing offices.

Newcastle probation services have an excellent working partnership with [Crisis Skylight](#) who offer a Renting Ready Scheme which can lead to deposits to private landlords. Service users can also benefit from specialist support and advice once their tenancy begins. For more information on these services contact Mark Reynolds on **0191 222 0622**.

For overall information on any of the initiatives mentioned please contact Paul Greaves via email [paul.greaves@justice.gov.uk](mailto:paul.greaves@justice.gov.uk).



# Glossary of terms

- **Bail** – Temporary release from custody whilst awaiting trial.
- **Community Rehabilitation Company** – Under the transforming rehabilitation programme, a company engaged by the government to manage low-to-medium risk offenders.
- **Community sentence** – Any sentence where the offender is ordered to carry out work in the community or to attend a treatment programme to address their offending behaviour (e.g. a drug treatment programme).
- **Custodial sentence** – Any sentence where the court directs that the prisoner is to be detained, usually in prison.
- **Her Majesty's Prisons and Probation Service** – A statutory agency with overall responsibility for the running of prison and probation services.
- **Offender Manager** – Where allocated, an offender manager is responsible for the prisoner for the whole of their sentence and has a broad role in assisting offenders to reintegrate into the community and to fulfil any obligations of their remaining sentence.
- **Probation** – A period of supervision for an offender when not in custody, subject to conditions to ensure continued good behaviour.
- **National Probation Service** – A statutory criminal justice service that supervises high-risk offenders released into the community.
- **Remand** – A period where the prisoner is detained pending trial or sentencing, following a not guilty plea.

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## Abbreviations

- **ASB** – Anti-social Behaviour
- **BASS** – Bail Accommodation Support Service
- **CRC** – Community Rehabilitation Company
- **HDC** – Home Detention Curfew
- **HMPPS** – Her Majesty's Prisons and Probation Service
- **MAPPA** – Multi-Agency Public Protection Arrangement
- **NPS** – National Probation Service
- **ROA** – Rehabilitation of Offenders Act
- **ROTL** – Release on Temporary License
- **SMI** – Support for Mortgage Interest