

BRIEFING: Access to housing for women in contact with the Criminal Justice System who are also at risk from abuse, violence or exploitation

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1. Context

One of the groups we identified as experiencing significant barriers to accessing safe housing are women in contact with the Criminal Justice System (CJS). In 2007 the Corston report¹ was a landmark review of women with particular vulnerabilities in the Criminal Justice System. Since then there has been a lot of research carried out by charities such as The Prison Reform Trust and Women in Prison to evidence the prevalence of vulnerabilities for this group. These vulnerabilities often include multiple forms of disadvantage such as experiences of abuse as child or adult, mental health issues, substance dependency, housing or financial issues. The recent Strategy for Female Offenders published by the Ministry of Justice² recognises that these vulnerabilities are both a contributing factor and a consequence of female offending behaviour, keeping women trapped in a cycle of victimisation and reoffending.

1.1. Violence, abuse or exploitation

Research suggests that women affected by the CJS are more likely than women in general to have experienced domestic abuse and shows very strong links between women’s experience of

¹ [The Corston Report \(2007\)](#)

² [MOJ, 2018. Strategy for Female Offenders](#)

violence or abuse and their offending behaviour. In their report *“There’s a reason we’re in trouble”* the Prison Reform Trust identified domestic abuse as a key driver of female offending: *“There are strong links between women’s experience of domestic and sexual abuse and coercive relationships, and their offending. Women can become trapped in a vicious cycle of victimisation and criminal activity.”*³ The report highlights examples of many women sentenced to prison for committing offences that are directly linked with an abusive relationship such as shop lifting or holding stolen goods under coercion, theft to provide for a partner’s drug addiction, or actually taking the blame for a partner’s or family member’s offence.

The statistics stated in this report confirm the disproportionate experience of domestic abuse for women in contact with CJS: 58% of the women surveyed in HMP Bronzefield, the largest women’s prison in the UK since the closure of HMP Holloway, said they had experienced domestic abuse, and 34% said they were experiencing it at the time they were sent to prison⁴. Because many women fear disclosing abuse, both figures are likely to be an underestimate. The charity Women in Prison report that 79% of the women who use their services have experienced domestic violence and/or sexual abuse⁵. Nearly half of women in prison (48%) have committed offences to support someone else’s drug use, compared with 22% of male prisoners.⁶

1.2. Multiple disadvantage

The experience of abuse for women affected by CJS is often intertwined with multiple forms of disadvantage such as time in the care system as a child, mental health issues, substance misuse, homelessness and financial difficulties.

Researchers in the US, in particular Stephanie Covington, have led on gender and trauma informed responses to women in the criminal justice system, which recognise multiple disadvantage: *“An understanding of gender-based life experiences and the consequences of these experiences must inform and shape appropriate policy, operational, and programmatic responses to women offenders. Most women offenders are nonviolent, and their crimes are typically less threatening to community safety than those of male offenders. Women’s most common pathways to crime involve survival efforts that result from abuse, poverty, and substance abuse. Research suggests that all of these factors are interconnected.”*⁷

Covington highlights that not only housing is needed but *“Transitional programs as part of gender-responsive practices, with a particular focus on building long-term community support networks for women.”*⁸

More than half of women in prison in England (53%) report having experienced emotional, physical or sexual abuse as a child compared to 27% of men⁹. Nearly a third (31%) of women in prison spent time in care as children compared to 24% of men¹⁰, and girls in care are ten times more likely to receive a caution or conviction than girls in the general population¹¹.

³ Prison Reform Trust (2017) [“There’s a reason we’re in trouble”](#) p.4

⁴ HMCP, 2016 [Report on an unannounced inspection of HMP & YOI Bronzefield](#) p.59

⁵ House of Commons Justice Committee (2013), cited in Prison Reform Trust (2017) [“There’s a reason we’re in trouble”](#) p.7

⁶ Light, M. et al (2013). [Gender differences in substance misuse and mental health amongst prisoners.](#) p.16

⁷ Bloom, B., Owen, B., Covington, S and Raeder, M., 2003. [Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders](#) p.8

⁸ Covington, S., 2001. [A woman’s journey home: Challenges for female offenders and their children.](#)

⁹ MOH (2012), cited in Prison Reform Trust (2017) [“There’s a reason we’re in trouble”](#) p.7

¹⁰ Ibid. p.8

¹¹ DfE (2014), cited in Prison Reform Trust (2017) [“There’s a reason we’re in trouble”](#) p.8

The rate of self-harm in women's prisons is nearly five times as high as in men's prisons¹² and women are nearly twice as likely as men in prison to suffer from depression (65% compared to 37% for men in prison and 19% for women in the general population)¹³. When entering prison women are also much more likely than men to report needing help with a drug problem (49% compared to 29%)¹⁴.

Custody and imprisonment also disproportionately impact women family situations as women are more often primary carer for their children. Separation from children and the risk of losing care responsibility can have life-long ramifications and impact on women self-esteem and mental health. This will also impact on their housing rights when coming out of prison.

1.3. Homelessness

Women's offending behaviour and experience of abuse overlaps with their experience of homelessness. The Prison Reform Trust and Women in Prison highlights that 60% of women prisoners may not have homes to go to on release, many of them losing their homes while in prison¹⁵. St Mungo's found that almost half (42%) of the homeless women they worked with had an offending history¹⁶.

Homelessness is a leading cause of reoffending with accommodation identified as "the [pathway] most in need of speedy, fundamental, gender-specific reform" in the Corston report (2007)¹⁷. A review of the Corston report 10 years after by Women in Prison found that the housing situation of women leaving prison has not improved with still a significant lack of supported accommodation and housing supply as well as women deemed intentionally homeless for going to prison, therefore not eligible to apply as homeless¹⁸. The risk of abuse for homeless women rough sleeping or in mixed hostels, or the risk of further domestic abuse mean that prison can feel like a safer option to women coming out with nowhere safe to go.

A report by the HM Inspectorate of Prisons following an unannounced inspection of the HMP & YOI Bronzefield in 2015 found the following: "*The prison had issued tents to two women who were released without anywhere to go to and the chaplaincy often gave out sleeping bags. The prison said the lack of social housing stock in the southeast and local authority housing departments' frequent downgrading of ex-offenders to 'low priority' were contributory factors.*"¹⁹

The lack of accommodation keeps women trapped into a vicious circle of abuse, offending and homelessness. Any attempt at addressing women's needs in these circumstances therefore requires a holistic approach that addresses these three areas as well as other support needs women might present, for instance mental health or substance misuse support.

2. Legislation and Strategies Impacting Women affected by the Criminal Justice System

¹² MOJ (2018), cited in MOJ (2018) [Strategy for Female Offenders](#) p.5

¹³ Light, M. et al (2013). [Gender differences in substance misuse and mental health amongst prisoners](#). p.19

¹⁴ Ibid. p.15

¹⁵ Prison Reform Trust and Women in Prison (2018) [Home truths](#)

¹⁶ St Mungo's (2014) [Rebuilding Shattered Lives](#)

¹⁷ Corston Report (2007), cited in Women in Prison (2017) [The Corston Report 10 Years On](#) p.13

¹⁸ Women in Prison, 2017. [The Corston Report 10 Years On](#) p.13

¹⁹ HMCP, 2016 [Report on an unannounced inspection of HMP & YOI Bronzefield](#) p.60

2.1. Female Offender Strategy

The Female Offenders Strategy published in 2018 recognises the prevalence of domestic abuse and multiple disadvantage for women prisoners, as well as the direct impact of custody on women homelessness. One of the main elements of the strategy is a shift from custody to community for short sentences. The Strategy commits funding to develop and test models to support women in the community including women centres as well as intensive residential support options²⁰.

2.2. Housing rights of prisoners

The housing rights of prisoners are limited and many people sentenced to prison who had a social tenancy end up losing it while in prison. People who are in prison on remand can claim housing benefit while waiting for their trial for up to 52 weeks, however sentenced prisoners are allowed to claim housing benefit only if their sentence is no longer than 13 weeks (approx. 3 months).

Under the Universal Credit rule, prisoners who are serving a sentence of 12 months or less (including anytime spent on remand) are able to retain the housing element of their Universal Credit claim for up to 6 months (if their total absence does not exceed 6 months).

For sentences longer than 13 weeks (housing benefit) or 12 months (Universal Credit), prisoners are not allowed to claim benefits and are therefore often compelled to relinquish their tenancy in order to prevent rent arrears to build up.

In regards to ex-prisoners applying as homeless, the Homelessness Code of Guidance acknowledges that this is a difficult issue and states that authorities must not adopt blanket policies of assuming applicants to be intentionally homeless. Each case must be considered in the light of all the facts and circumstances²¹.

3. Making the Pan-London Housing Reciprocal more accessible

The Pan-London Housing Reciprocal is an option for anyone with a social tenancy in London who is at risk of harm where they live.

In terms of women in custody, it may work best for women who have a short sentence as they are more likely to be able to sustain their tenancy while in prison but it could also be used for longer sentences. It would be key to assess as early as possible if a woman entering prison had a social tenancy so that if she's at risk of going back to that property or area, she could be referred to the scheme while in prison and potentially be made a property offer when coming out. If there is no property available at the time of release, women might have to access temporary accommodation until a suitable property offer is made.

With the release date on the referral form, housing partners would be able to put forward properties that are undergoing voids works or repair for instance. Women who have a tenancy when going to prison could be supported to work with their landlord to ensure the tenancy is sustained over the sentence. If the sentence is too long to enable the tenant to claim benefits

²⁰ MOJ, 2018. [Strategy for Female Offenders](#) p.8

²¹ Shelter website:

http://england.shelter.org.uk/legal/homelessness_applications/priority_need/vulnerable_people/people_who_have_been_in_custody

(over 3 months), the landlord could agree to relinquish the tenancy and commit to offer an alternative property upon release – either through their own stock or via a reciprocal move. One housing association signed up to the scheme already has this policy in place for any of their tenants going to prison.

A key element that came out from an initial discussion between the reciprocal housing partners regarding referrals for women in prison was that while they agree in principle to support this cohort, it would be very difficult for them to actually find out about their tenants' sentence unless arrears built up (see Appendix A). This would need to be addressed with a better communication and early identification. Prison staff carrying out the initial assessment when women enter prison would need to identify women who have a social tenancy and might be at risk of going back to their property, and liaise with the landlord who could do a reciprocal referral.

Since October 2018, Prison and Probation providers have to comply with the duty to refer under the Homelessness Reduction Act so we hope that they will increase their capacity to identify and sign post prisoners at risk of homelessness.

Referrals should be completed as early as possible when a woman comes to contact with the Criminal Justice System, ideally from the pre-sentence screening and assessments if the risk of losing a social tenancy is flagged (see Appendix B).

4. Mapping of specialist support services in London

Advance

Advance provides support to women who have committed crime in their women-only centre Minerva. Each woman has a keyworker who will help them through a variety of issues, working closely with probation, housing, health, children's services and other specialists. Advance's goal is to divert women from the Criminal Justice System at the earliest opportunity, reduce re-offending amongst women, reduce the number of custodial sentences imposed on women by the Courts and prevent families breaking down as a result of offending. In 2018 Advance received funding from the Mayor of London to increase their support to female offenders in 15 London boroughs²², providing services including keyworker support, group-work, mentoring, and other specialist support to tackle women's offending and help prevent re-offending²³.

<http://advancecharity.org.uk/our-work/#minerva>

Women in Prison

Women in Prison is a national charity that provides support and advice in prison, through-the-gate on the day of release, and continued support in the community. In London they operate the Beth Centre, a safe confidential space providing expert support for women at risk of, or affected by the criminal justice system living in Lambeth. They aim to reduce re-offending rates; increase positive familial relationships and increase the use of community sentences, rather than custody, for women. Since 2018 they have been commissioned to increase their support to female offenders and create other women hubs in South London.

²² Barking & Dagenham, Brent, Camden, Ealing, Hammersmith & Fulham, Hounslow, Haringey, Harrow, Havering, Hillingdon, Islington, Kensington & Chelsea, Newham, Waltham Forest and Westminster

²³ Mayor of London Press Release, available from: <https://www.london.gov.uk/press-releases/mayoral/mayors-10m-for-new-projects-to-prevent-crime>

<https://www.womeninprison.org.uk/services.php>

Reconnect, Housing 4 Women

ReConnect is a project run by the housing association Housing 4 Women that offers supported accommodation, holistic support and engagement in group programmes in the community for women with complex needs on release from prison. They liaise with Probation Officers and Local authorities as well as accompanying women to their appointments to help improve confidence and independent living skills, reduce substance misuse, address mental health issues and improve emotional well-being.

<https://hfw.org.uk/our-services/supported-specialist/reconnect/>

ReUnite, Housing 4 Women

ReUnite works with mothers leaving prison who would otherwise be homeless, offering them supported accommodation to enable them to get their children back. They also provide floating support and support for the service users' children.

<https://hfw.org.uk/our-services/supported-specialist/reunite/>

St Mungo's

The national homelessness charity St Mungo's run services commissioned under the "transforming rehabilitation" initiative by the Community Rehabilitation Companies (CRC), offering housing advice and support in 14 London prisons and one in Hertfordshire. The service consists of advice and guidance on all housing matters including tenancy rescue, support to find and access accommodation for people who would otherwise be homeless on release from prison, and help accessing benefits.

<https://www.mungos.org/our-services/offender-services/>

Hibiscus

Hibiscus Initiatives is a leading organisation supporting foreign nationals and black, minority ethnic and refugee (BMER) individuals involved in the criminal justice system in the UK. Their services aim at reducing isolation and hardship, facilitating successful rehabilitation, and minimising the damaging effects of depression and mental illness caused by incarceration. Their primary focus on women.

<http://hibiscusinitiatives.org.uk/>

One Small Thing

One Small Thing is a second-tier organisation that aims to achieve a cultural change in the criminal justice system, to shift the question away from 'what's wrong with them?', towards 'what happened to them?' instead. They provide training to front line staff and those who are caught up in the Justice System to understand trauma and its impact on both a systemic and an individual level. They also support staff to ensure the systems within which they work run concurrently and complement the process of self-discovery.

<https://onesmallthing.org.uk/about/>

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Briefing written by the Domestic Abuse, Housing and Policy Team at Safer London as part of the project 'Preventing homelessness for women and girls in social housing facing VAWG and multiple disadvantage'

Updated September 2019

Appendix A: Reciprocal Named Leads Workshop Report

Improving Access to the Pan-London Housing Reciprocal: Feedback from the Reciprocal Named Leads workshop, October 24th 2018

In October 2018 Safer London ran two workshops for the Reciprocal Named Lead contacts, attended by approximately 40 people in total. Part of the sessions aimed to discuss the development of the Pan-London Housing Reciprocal scheme, with a specific focus to improve access to the scheme for groups of people who are more likely to experience violence or abuse and also experience specific barriers to accessing safe housing. The two groups discussed at this workshop were care leavers and women in prison. To be referred to the Pan-London Housing Reciprocal, applicants from these groups would still need to fit the usual criteria which is to be at risk of harm where they live, and have a social tenancy with one of the Reciprocal partners. It was noted that care leavers might not have a social tenancy yet but would be allocated one if they were safe in their borough.

This document summaries the discussions had and includes direct quotes from Named Leads who attended.

"I welcome these groups being included in the Pan London Scheme"

Care Leavers

Care leavers are particularly vulnerable to homelessness: one third of care leavers become homeless in the first two years immediately after they leave care and 25% of homeless people have been in care at some point in their lives.²⁴ Care leavers are also more likely than other young people to be at risk of violence or abuse, such as Child Sexual Exploitation and/ or exploitation through gangs. This may be due to the reasons why they were placed in care, or may be related to experiences of violence and abuse that occurred after they were placed in care. If this risk takes place in the borough that holds care duty over them, this can prevent the local authority to being able to offer them social housing within their housing stock. The Pan-London Housing Reciprocal is an opportunity for local authorities to house young people to whom they owe a duty and who are at risk of harm in their borough.

Workshop Feedback

The workshop focussed on current practice across different local authorities, potential barriers and challenges to housing care leavers at risk of violence or abuse, and how the current Pan-London Housing Reciprocal processes could be adapted to make the pathway accessible for this group.

²⁴ https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017_pdf.pdf

Current Practice

Some local authorities identified that they have previously moved care leavers across borough boundaries through reciprocal agreements, however these were through informal agreements and were not monitored.

“Care leavers [reciprocal] would be beneficial. As a local authority we often receive referrals from other boroughs but this is captured manually”

“We accept reciprocals but these are often direct swaps within our existing quota. It would be good to have this process managed through Safer London with maybe a percentage of the quota put towards the scheme, keeping it transparent.”

Many local authority housing departments implement a quota system for social housing allocated to care leavers. This would usually be a set number or percentage of properties to be allocated each year to young people leaving care. Social services (usually Leaving Care Teams) nominate those who are ready for independent living. Often Housing teams hold a panel to review the supporting evidence brought forward by social services for the young people they nominated. Safer London reviewed local authority allocation policies and found that 24 out of 33 make reference to quota arrangements with Social Services and the Leaving Care team.

Barriers

➤ Lack of readiness for independent living and/or support

Named Leads reported that often young people were nominated for social housing when they were not ready, or did not have the support required, to start holding a tenancy independently. Alongside not being prepared for the financial responsibility and management of a tenancy, named leads highlighted the lack of continuity of support after foster placements or other supported living arrangements. Young people often face isolation and a lack of emotional support once they reach 18 and leave supported placements. A number of attendees reported stories of how this absence of support and preparation led to ASB reports, high rent arrears and eventual eviction and risk of homelessness.

➤ Lack of identification/information sharing

Registered providers raised that they are often unaware whether their tenants nominated by the local authority had been in contact with the care system previously. Consequently they often do not identify potential risks or support needs until other issues arise. Local authorities reported facing similar problems when someone accesses housing support through the homelessness route. Often whether a young person has been in care is not identified, particularly if their primary priority need is recorded due to a different vulnerability (e.g. if the young person is pregnant or has a child).

Adapting the Reciprocal Pathway

Despite the concerns above, Named Leads had many examples of good practice to mitigate against these risks and effectively support young people leaving care to access and sustain social housing tenancies.

Partnership working

Named leads highlighted the value of working in partnership with social services and voluntary sector agencies to provide both resettlement and on-going support to young people moving in to independent living.

Case study

One local authority provides tenancy sustainment group training sessions for young people leaving care who are allocated social housing within their borough.

They also stressed the need for tenancy maintenance training for both young people and the professionals supporting them. Some local authorities described having agreements in place for young people leaving care such as a specific furniture allowance, or a fast-tracked system for Discretionary Housing Payments.

Support

Support needs to be put in place around young people moving into independent living. Landlords are in a position to offer some of this support when someone has signed a tenancy. For example tenancy sustainment teams or equivalent can support around budgeting, explaining the tenancy contract (for example providing an explanation on what may be counted as anti-social behaviour e.g. having parties) and signposting tenants to internal contacts who can provide help should they have an issues.

The need for emotional support or equivalent for those moving through the scheme was also emphasised. Named leads asked for resettlement and ongoing support to be captured on any referral, including who would be providing this support and how. Care Leavers Pathway Plans could provide this information and would need to be updated if a care leaver moves through the Pan-London Housing Reciprocal scheme.

Case Study

A young person who had left care and was at risk from gang-related violence has successfully moved through the scheme. Social services paid arrears as DHP request was unsuccessful. The new landlord worked with the young person to set up direct rent payments as well as provided him information on who to contact should he be worried about finances.

Women in Prison

An enormous body of research has evidenced the extent the female prison population have experiences of violence and abuse in their lives. More than half of women in prison in England (53%) report having experienced emotional, physical or sexual abuse as a child and 57% report having been victims of domestic violence as adults. Experiences of domestic abuse are likely to be underreported, Women in Prison report that 79% of their clients have experienced domestic and/or sexual abuse²⁵. Women are often experiencing abuse when they enter prison. 34% of the population at HMP Bronzefield, the UK's largest female prison, reported experiencing abuse at the time they were sent to prison. The abuse and coercion women experience is often linked to their offending behaviour; for example 48% of women report having committed offences to support

²⁵ http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf

someone else's drug use.²⁶ The risk of homelessness when leaving prison then increases reoffending.

Intervening when a woman with a social housing tenancy enters remand or custody and utilising the Pan-London Housing Reciprocal could lead to more women leaving prison with stable housing in an area where they are safe, offering a chance to start rebuilding their lives.

Workshop Feedback

As with the discussion around young people leaving care, conversation focussed on current practice, barriers to support and how the current PLHR pathway could be changed to improve access to this group of women.

Current Practice

Currently women can access Housing Benefit or equivalent for up to 52 weeks while they are on remand, and up to 13 weeks if they have been sentenced. Named Leads reported that if they are made aware that their tenant is going to prison, they could work with them to relinquish the tenancy in order to avoid arrears, and offer an alternative property upon release. They could also work with different support agencies to ensure that the tenancy is sustained.

Case Study

One registered provider has a policy in place ensuring tenants that if they enter prison and relinquish their tenancy, they will be offered another property once released.

Some local authorities reported that previous tenants who went to prison have often come back to their attention through a homelessness application after their release. With the Housing Reduction Act, prisons and probation services now have a duty to refer anyone at risk of homelessness. There is therefore likely to be an increase of referrals for this group. Housing Options services can include the Pan-London Housing Reciprocal in the Personal Housing Plans where relevant, as part of their prevention duty.

"We hope this will be improved via HRA! Groups that require pathways [such as women involved in the criminal justice system] should be identified and supported through the duty to refer."

Barriers

➤ Lack of identification/information sharing

The key barrier identified was the lack of information sharing between agencies, resulting in housing providers not knowing if their tenants were in prison. Named Leads reported that they are often unaware someone has been sentenced until substantial arrears build up, prompting the tenancy sustainment teams to get involved. Eviction processes might already be instigated before providers are aware that their tenant is in prison.

Adapting the Reciprocal Pathway

➤ Early Identification

²⁶ http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf p.8

To address the barrier of information sharing and identification, work needs to be done with non-housing agencies. This work needs to include awareness raising around the Pan-London Housing Reciprocal, housing options and pathways available to women. If someone has a tenancy when entering prison, there needs to be support in place as early as possible to sustain this tenancy, well before the release date. This could be done through prison tenancy rescue services (for example Crisis, Shelter) to identify those who have a social housing tenancy and are at risk.

Support

Named leads suggested that further information would be needed for referrals to the Pan-London Housing for women leaving prison. This included information on medical needs, risk assessments, support networks, and family members moving with the household. They advised that case information may also be required around their conviction and restrictions in order to find an appropriate property. Finally referrals should also include information on any support in place upon the applicant's release, agencies involved in providing this support, applicant's financial situation and expectations.

Partnership working and pathways

Safer London have been in conversations with the St Mungo's resettlement service and HMP Bronzefield and HMP Downview. Staff discussed women being granted Release on Temporary Licence (ROTL) to view properties offered through the scheme while there were in prison.

Recommendations

While recommendations and actions around both groups were not identical, key themes arose around both. Recommendations included:

- 1) Current support and risk captured for all referrals to the Pan-London Housing Reciprocal
This should include risk factors, links/support networks in boroughs of choice, resettlement and ongoing support. While these are in general already captured on the Pan-London Housing Reciprocal form, this information should be explicitly captured for care-leavers in the same way that risk information is captured for gang-related referrals.
- 2) Resettlement support and on-going support
It is important that support packages are in place for young people leaving care and support provided to women leaving prison. Information relating to this should be included in all referrals including information on who will be leading on what support – for instance who is accountable for the young person's Pathway Plan or who will signpost a woman leaving prison to access local services, such as the new Women's Support Centres.
- 3) Production of resources to help those referring to the Pan-London Housing Reciprocal
Resources should include the key information that needs to be provided to refer someone who has been in care or is leaving prison. Safer London to support mapping of services available in London who provide support to these cohorts, e.g. Women's Support Centres.
- 4) Awareness Raising and Training
With the introduction of the Housing Reduction Act and duty to refer this is a key time to improve partnership working across different agencies. Feedback included suggestions to work with social services leaving care teams and prison resettlement teams. Training and awareness raising about the Pan-London Housing Reciprocal would be delivered by Safe London.
- 5) Innovative practice sharing
Local authorities and registered providers to share practice and policies that they have found to be effective with Safer London who can disseminate with wider Housing Partner leads. Housing pathways and support to be shared with agencies who may be supporting people leaving care or prison to enable them to make effective referrals.

Appendix B: Flowchart PLHR Access for Women in Contact with the Criminal Justice System

