

Women leaving prison and ‘Duty to Refer’: analysis of borough responses to information-gathering

In March 2021, London boroughs were invited by the Housing Committee to set out their approaches to providing safe and secure accommodation for vulnerable women released from prison, particularly relating to the ‘duty to refer’ obligation under the Homelessness Reduction Act 2017. Nineteen London borough councils responded to the request for feedback.

This was requested in response to six key points, and a summary of feedback by each point is set out below.

Note: within some of the responses, reference was made to the ‘duty’ upon public authorities to notify local housing authorities about persons they consider will be homeless or threatened with homelessness within 56 days. The duty to refer is set out under the Homelessness (Review Procedure etc.) Regulations 2018 made under the Homelessness Reduction Act 2017, both of which entered into force in April 2018.¹ Feedback from the boroughs, as summarised below, implies that within the 56-day window, during which a referral may be made under the regulations, there is a variable amount of notice provided to local authority housing services about the housing needs of women prison leavers.

1. The processes applied by your authority from the day on which a prison officer, or responsible agency, contacts you in respect of a female prison leaver who claims or seeks secure accommodation on release.

- Normally contact with the local authority housing service is made via a dedicated duty-to-refer email address or completion of an online form (external referral form); or referrals may come via another housing service-related email address (e.g. a generic housing service email).
- Councils respond to the referrer within a variable time frame in advance of a client’s release from prison. Examples provided generally ranged from within 24 to 48 hours. One borough said they aim to review referrals within 72 hours, and another that they respond within five days of receiving a duty-to-refer form.
- In some boroughs cases are handled by a housing officer, and in others an officer specialising in supporting ex-offenders. One borough is currently piloting a ‘Prison Release Navigator’ post.
- Some boroughs indicated there is sometimes minimal, if any, information shared before release; some boroughs may conduct a ‘provisional’ or initial needs assessment via the referrer in advance of release.
- Advance information is not always sufficient to enable a full needs assessment of the client, and it appears that there is not normally direct engagement with the client until they are released from prison. However, one borough described holding three-way telephone meetings, including the client, while they are still in custody; and another was exploring piloting video contact.
- In one example, earlier awareness of release has been received, although this knowledge was facilitated by the borough’s participation in professional networks or local homelessness projects. Another borough is piloting early intervention approaches with the Probation Service.

¹ [Policy Fact Sheet: Duty to refer specified public authorities](#), the Ministry of Housing, Communities and Local Government (now the Department for Levelling Up, Housing and Communities), 2018

- An interview and/or fuller assessment is normally made directly with the client on the day of release from prison. At this point, the client may be required to fill in a homelessness application form.

In summary, a reasonably standard approach in responding to requests for support from housing services is in place across London. Most boroughs clearly highlighted that the process is initiated upon their receipt of a duty-to-refer notification – such as an email or online form. There are variable response times in place, however, and full assessment of client need is not normally possible until the day of release. This is when the client would attend an assessment interview with the council, which could be in person or by phone. A small number of boroughs have highlighted they already have, or are piloting, methods to support clients in advance of release through closer partnership-working with projects and agencies.

2. Precisely when your authority commences enquiries into the expected accommodation status of female prison leavers, before they are released from prison, and what processes are used.

- Boroughs mostly highlighted that they commence enquiries immediately on receipt of a duty-to-refer form, or within one to three days. However, the form may be received very close to the release date, or on the day of release itself.
- One council said it commences enquiries ‘within a few days’ of receipt and another within five days. Two highlighted that a response can commence once consent forms are received.
- One borough highlighted that it normally gets duty-to-refer forms 56 days before release; and another said it does not insist on 56 days’ notice, as it understands that a definitive timeline is not always available.
- Another borough highlighted that some enquiries can be made by the council via the Prison Service in advance of the client leaving custody. However, contact with the client may be restricted, or prison facilities may not be available for clients to use while still in custody. Another emphasised the importance of partnership-working with other agencies, such as the Probation Service, to facilitate information-gathering and support.
- Similar to point 1, above, boroughs emphasised that fuller information-gathering and needs assessments are mainly done on the day of release.
- Several boroughs stressed a focus on finding temporary accommodation for those in priority need. However, one said interim accommodation could not be guaranteed, but did not specify what happens in those circumstances. Another said it prefers to secure permanent accommodation upon on release.
- One borough said that where it doesn’t have conclusive evidence of vulnerability, the decision to prioritise for accommodation on the day of release will be taken based on information gathered from officer enquiries on a case – noting that Community Safety Partnerships have a statutory duty, under the Crime and Disorder Act 1998, to work together to: reduce reoffending; tackle crime and disorder; tackle anti-social behaviour; tackle alcohol and substance misuse; and tackle any behaviour that has a negative impact on the local environment.

In summary, there is evidence of a variable but short time frame from referral receipt to response by the council, which appears to extend from one day to a week. The predominant emphasis from services seems to be upon identifying an interim housing solution, particularly for those assessed as at-priority risk – although one borough emphasised focusing on securing permanent accommodation from the start.

3. Whether your housing processes give any priority to vulnerable prison leavers, and other women with complex needs, such as victims of domestic abuse.

- Most councils emphasised the focus on providing temporary accommodation initially based on priority need – including domestic abuse – which, for some clients with complex needs, may give more time to complete a fuller needs assessment.
- A small number of boroughs referred to the availability of women-only bed services and women’s hostels, although these are not specifically for prison leavers.
- Several boroughs highlighted that their housing teams have developed or engage with wider projects or council services to support women at risk of, or victims of, domestic abuse.
- One council indicated that it does not have separate processes for clients who are leaving prison – rather, they follow the same process for all vulnerable clients. One borough has a Violence Against Women and Girls team.
- Some councils referred to their access to specialist officers, such as independent domestic violence advisers/advocates (IDVAs), and one referenced having a vulnerable adult pathway. Another highlighted having an ex-offenders referrals and complex needs coordinator.
- Several boroughs described working in partnership with other agencies to support vulnerable people, such as with the Probation Service, social care or mental health services. One borough has signed a service-level agreement with a cross-London single homelessness initiative.

In summary, many boroughs showed the importance of partnership-working with other services and some referred to having access to an IDVA. There didn’t appear to be dedicated services for prison leavers at risk of domestic violence, but services were available for all women at risk of abuse. A small number of boroughs highlighted that they had developed or engage with a range of local initiatives supporting survivors of domestic abuse.

4. The effectiveness of the duty-to-refer system for prison leavers at risk of homelessness within your authority.

- Numerous boroughs highlighted that the duty-to-refer system was useful, and some specified how it had facilitated constructive partnership-working and, importantly, enabled identification of clients that may otherwise slip through the net. However, for most, the benefits were tempered by some specific shortcomings.
- Significantly, many councils highlighted the lack of timeliness of referrals – exacerbated by the often-shorter sentences given to women, and typicality of Friday prison releases. This was added to, for some, by insufficiency of advance information prior to release. These factors reduce the available time for councils to respond to referrals and put pressure on their resources. One borough commented that in some instances, the short notice has meant it is too late to arrange accommodation in advance, or the person may already have been released to homelessness.
- A small number of boroughs specifically referred to the inability to contact clients in prison before release, and one said the duty-to-refer system does not support early intervention.
- Some boroughs also cited inconsistent use of the duty-to-refer process by the Prison Service, with one saying there needs to be more awareness-raising of it within the Prison Service.
- One council said they would prefer a ‘duty to prevent homelessness’ to be in place, rather than a duty to refer.

Predominantly, responses indicated shortcomings with the process, particularly relating to lack of timely information, although overall the duty-to-refer process was found to be useful. The lack of ability to engage with clients in prison, together with the short notice of release, clearly creates a potential pressure point for some councils in responding effectively to a client's housing needs.

5. Any barriers to preventing vulnerable female prison leavers being released to homelessness within your authority.

- The main barrier to rehoming for councils was the challenge of responding to complex client needs, where behaviours or circumstances can lead them into homelessness despite accommodation having been provided, or into situations that risk reoffending or a return to abusive relationships. Some boroughs highlighted that clients may not always accept certain types accommodation offered, such as supported housing.
- Other dominant barriers were the lack of time between referrals and release, and the lack of information provided in advance of release, to give councils time to arrange appropriate accommodation for the release day.
- Two councils also stated they would like more opportunities to prevent homelessness by potentially maintaining accommodation where women had tenancies prior to incarceration. The cited barriers to this were: not being informed about this existing accommodation; and limited resources available to preserve the tenancy.
- Administrative barriers were also raised, including: a referral being provided without contact details for the client; and a lack of access to IT for prison leavers, so they cannot fill in the appropriate forms. Two councils commented on delays in the process caused by the lack of client identification documents.
- Several boroughs also referred to the costs of accommodation for clients within the private rental market. One particularly commented on a lack of available single-sex accommodation.
- Three boroughs out of the 19 that responded explicitly said they had experienced no barriers.

Overall, a mix of factors such as a lack of timely information – particularly in advance of release – and complex client needs may increase the risk of homelessness. Both of these factors may relate to a mismatch between the client needs and the accommodation offered, either because a full needs assessment may not have been undertaken at the point of providing housing, or because the available accommodation doesn't meet the client's sometimes very complex health, behavioural or social needs. Where boroughs said they had experienced no problems, this may be in areas where the duty-to-refer process is not used as frequently.

6. Any good practice you would recommend for replication throughout Greater London to provide appropriate accommodation for vulnerable women leaving prison and support their full rehabilitation.

- The main example of good practice referred to by many boroughs was partnership-working with other agencies and services – particularly at the earliest stages possible. Many boroughs value the multi-agency-working that is already in place.
- The development of wraparound or holistic support services that take account of the range of situational, social, health, etc, needs of the client was referred to by several boroughs as examples of existing good practice.

- Pre-release engagement with the client directly, or indirectly via the Prison Service, was mentioned by several boroughs as an example of good practice. However, in reality, for many this was something to be aspired to rather something that is already in place.
- Other examples provided relate to local innovations such as involvement of specialist workers; a defined support pathway; and, in one case, a bespoke risk assessment for women leaving prison.

In summary, the main themes drawn from responses were the importance of multi-agency partnership-working to facilitate information-gathering and service delivery; optimising the use of funding opportunities; and taking an holistic approach to supporting client needs. Furthermore, a mix of examples of good practice were highlighted, where some boroughs had developed processes based on local learning and demand levels.