



Sian Berry AM Chair of the Housing Committee

Prisons Strategy White Paper Team

Ministry of Justice
Future Prison Policy
Floor 7 102 Petty France
London
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2 February 2022

Dear Prisons Strategy White Paper Team,

I am writing to you in my capacity as Chair of the London Assembly Housing Committee to submit evidence for your consideration. The Housing Committee examines and reports on matters relating to housing in London and leads on the scrutiny of the Mayor's housing responsibilities.

Over the past year, the Committee has conducted research relevant to section four of your consultation – '*A New Approach to Women's Prisons*', and our response will focus solely on this area. Prior to the London Assembly elections in 2021, the Housing Committee initiated an investigation into London boroughs' experiences of the 'Duty to Refer' process under the Homelessness Act 2017. The Housing Committee, now appointed with new membership, is continuing this work. The Act places a duty upon the Prison Service to refer prison leavers to the relevant local authority where they are at risk of homelessness. This enables the local authority to fulfil their own housing duties. Our findings may be particularly useful in providing evidence for the question '*What more could we do to support women in custody, with particular reference to meeting the needs of women prisoners with protected characteristics?*'

Our work into this area was prompted by the 'Safe Homes for Women Leaving Prison' report, from St Martin in the Fields, London Prisons Mission and the Prison Reform Trust, published in October 2020. That report highlighted a range of challenges and inconsistencies in supporting women leaving prison into safe accommodation; and indicated that a proportion of women are continuing to leave prison with no fixed abode.

In February 2021, on behalf of the Committee, my predecessor as Housing Committee Chair wrote to all London boroughs to invite them to set out their approach to providing safe and secure accommodation for vulnerable women released from prison, particularly following a referral under the 2017 Act. We received 19 responses from local authorities. Below we have set out a summary of what we heard.

Housing processes

Many boroughs commented that the duty-to-refer system was useful; some told us that it had facilitated constructive multi-agency partnership working and, importantly, enabled the identification of clients that may otherwise slip through the net. However, for most, the benefits were tempered by some specific shortcomings in the duty-to-refer process, many of which chimed closely with the findings of the 2020 'Safe Homes' report.

We asked boroughs about their processes for responding to referrals under the duty from the Prison Service. We found that a reasonably standard approach is in place across boroughs, although there is a variation in the time councils take to respond to referrals, from one day, up to a week. For most councils, a full needs assessment of the prison leaver is not normally possible until the day of their release from prison. The predominant emphasis by most local authority housing services is upon identifying an interim housing solution - particularly for those assessed as at-priority risk, although one borough emphasised its focus on securing long-term accommodation from the start.

Effectiveness of the duty-to-refer system

We asked boroughs about their opinion of the effectiveness of the 'duty to refer' process. The lack of ability to engage with clients in prison, together with the short notice about a forthcoming release, and limited advance information prior to release were common criticisms made by many boroughs. It was also noted by more than one council that the Prison Service takes an inconsistent approach to the duty to refer, and one borough stated it would prefer a stronger duty to 'prevent' homelessness to be in place – including access to information about whether the woman concerned had a tenancy prior to incarceration, so that the local authority can look at options for maintaining this. This chimes with some of the issues highlighted by the 2020 'Safe Homes' report.

We also heard about issues that were administrative in nature. One council stated that referrals were being provided without contact details for the client, and another cited a lack of access to computers for people in prison, meaning they cannot fill in the appropriate forms before release.

Clearly the lack of timeliness for councils to be able to assess and respond to the needs of women leaving prison creates a potential pressure point for councils in responding effectively. This potentially increases the risk that some women may obtain accommodation that does not

meet their needs, which may then increase the further risk of their subsequent homelessness and potential for reoffending.

As a result of our findings, we support the calls for a review of the duty to refer, as outlined in the 2020 'Safe Homes' report.

In the short term, we also support a review of administrative processes to ensure that referrals to local authorities are timely, accurate and informative, and to provide women with the facilities (including computers and phone calls) they need to engage with local authorities prior to release. We have recommended that the Mayor takes leadership on this in London.

Vulnerable women leaving prison

We asked boroughs to tell us if they give priority to vulnerable prison leavers, such as those with complex needs or at risk of domestic abuse. Many boroughs emphasised the importance of partnership-working with other services in supporting vulnerable clients; some referred to having access to independent domestic violence advisers. There did not 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 they had developed or engage with a range of local initiatives supporting female survivors of domestic abuse.

Women leaving prison may have a mix of vulnerabilities that puts them at heightened risk of abusive relationships and/or homelessness; and access to safe and secure homes is a key aspect of rehabilitation following release from prison.

Barriers to housing for women leaving prison

As commented above, many boroughs indicated to us that the time frame in which they were notified of a prison release was a barrier to being able to effectively respond to housing needs; they also noted an insufficiency of timely information about needs. We heard that the time pressures are particularly acute for women leaving prison, as they typically receive short sentences.

In line with this, the 'Safe Homes for Women Leaving Prison' report made a recommendation that the Ministry of Justice should review the purpose and use of short prison sentences for female offenders, as these sentences do not provide opportunities for rehabilitation and often result in loss of tenancies, interruptions to the care of dependent children and a high risk of reoffending. Additionally, in 2018, the London Assembly's Police and Crime Committee released a report on improving London's response to women in the criminal justice system. A key finding was that short prison sentences are unhelpful in preventing reoffending, as the system cannot deliver an effective package of provision in that time and it can worsen complex issues.

In addition, the challenge of responding to complex client needs, which may put clients at risk of homelessness or situations that risk reoffending or a return to abusive relationships, was also seen as a challenging dimension for councils. The costs of providing housing support, particularly in relation to the private housing market, was also seen by some boroughs as a barrier.

We would like to see Government undertake a review of sentencing for women, with particular emphasis on implementing alternatives to short-term sentences.

In the absence of changes to short sentences, we would support the Prison Service to introduce a process to refer women at risk of homelessness on short sentences to local authorities at the commencement of their sentence, or as soon as possible after they enter prison. This would better enable the local authority to conduct a needs assessment and identify suitable accommodation for the day of release. This should be built into the Short Sentence Function outlined in your consultation.

Good practice

Finally, we asked boroughs to tell us about any good practice they had experienced. The main examples of good practice referred to by many boroughs were partnership-working and data-sharing agreements with other agencies and services, including third-sector support agencies, mental health services and probation services. This collaboration is particularly beneficial if undertaken as early as possible. In addition, the development of 'wrap around' or 'holistic' support services that take account of the range of situational, social and health needs of the client was referred to by several boroughs as beneficial. Pre-release engagement with the prison leaver directly, or indirectly via the Prison Service, was mentioned by several boroughs as something they would like in place.

Thank you for your consideration of our evidence.

Yours,

A handwritten signature in black ink, appearing to read 'Sian Berry', with a stylized flourish at the end.

Sian Berry AM
Chair of the Housing Committee