

| the **Howard League** for **Penal Reform** |



## No Fixed Abode

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The implications for homeless people in the criminal justice system



# No Fixed Abode:

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A report for the Howard League for Penal Reform by  
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# Executive summary

## Background

No fixed abode (NFA) is the formal term used to identify homeless prisoners. In 2012 the Ministry of Justice found that 15 per cent of people in prison were homeless prior to custody, which represents nearly 13,000 people. This is possibly an underestimate as in 2002, a report by the Social Exclusion Unit found that 32 per cent of all prisoners were 'not living in permanent accommodation prior to imprisonment' (p. 21). A third of people leaving prison say they have nowhere to go (Centre for Social Justice, 2010). Including those on remand, this could represent up to 50,000 people annually (Ministry of Justice, 2013a, 2013b). The large portion of people in prison with no permanent accommodation prior to and post imprisonment, begs the question: where do homeless people in the criminal justice system go when they are not detained in custody?

Temporary hostel accommodation plays a significant part in meeting the housing and rehabilitation needs of people in the criminal justice system who have no fixed abode. Hostels frequently accommodate people who are either awaiting trial or have been recently released from prison. Such accommodation is used to 'contain', 'rehabilitate', 'resettle' and 'rehouse' people in the criminal justice system experiencing homelessness (Barton and Cooper, 2012), and includes homeless hostels, probation hostels, female refuges and drug rehabilitation hostels. Throughout the text, 'hostels' will be used to refer to all of the above types of accommodation, unless otherwise specified.

If implemented, the Offender Rehabilitation Bill will result in significant changes to how people are managed and supported following release from prison. Under current plans probation hostels and approved premises will continue to be the responsibility of the public sector probation service, although the vast majority of those leaving prison or serving community sentences will be supervised by private or voluntary organisations. It is hoped that this fragmentation will not reduce the quality of support homeless people in the criminal justice system receive.

Hostels can be regarded as part of the semi-penal network of punishment because they frequently accommodate marginalised and socially excluded people who repeatedly come into contact with the criminal justice system (Barton and Cooper, 2012). 'Semi-penal institutions' describes hostel environments that often subject homeless people to regulatory activities that monitor their behavioural conduct, not too dissimilar to the penal environment (Ibid; Barton, 2005).



In England and Wales, there are 258 direct access hostels for homeless people and 1,104 second stage accommodation projects, which focus more on resettlement and rehabilitative skills (Homeless Link, 2012a). An estimated 40,500 people reside in these hostels at any one time and around 100,000 individuals move in and out of hostels per annum (National Health Service, 2010). There are currently 100 approved premises (comprising bail hostels and probation hostels) that accommodate and rehabilitate people serving a community order and people who are released on licence. There are 94 approved premises for men and 6 approved premises for women. There are no mixed sex hostels. Altogether these hostels provide over 2000 bed spaces, managed by the Probation Service or by voluntary organisations (National Approved Premises Association, 2013).

The majority of people experiencing homelessness who are awaiting sentence or have previously been imprisoned are likely to be accommodated in such places, and will be governed according to residential rules and regulations not too dissimilar to the prison environment.

There are concerns about the quality, suitability and location of accommodation for homeless people who have committed offences and how this impacts upon recall to prison. Between 2002–03 and 2007–08 the recall rate more than doubled from 13 per cent to 27 per cent, with the recall population increasing by 5,300 between 1993 and 2012 (Ministry of Justice, 2013c). The recall population has stabilised since the Criminal Justice and Immigration Act 2008 introduced Fixed Term Recall (Ibid.), but recalls are estimated to rise by 13,000 per annum if the Offender Rehabilitation Bill is implemented (Ministry of Justice, 2013d). Exploring how the quality and suitability of semi-penal accommodation relates to the high recall rate is a key focus of this study.

Since this research was undertaken the Coalition Government introduced the under occupancy charge, commonly known as the 'bedroom tax'. Research into the first 100 days of the under occupancy charge by both the National Housing Association (2013) and Aragon Housing Association (2013) demonstrates that there are not enough smaller properties available for people to move into. The majority of homeless people who have been in contact with the criminal justice system are single and need to be housed in smaller properties. The increased demand for these properties caused by the under occupancy charge will make it more difficult to find suitable housing for these people. Other welfare reforms impacting upon homeless people in the Criminal Justice System include Single Accommodation Rates (SAR). Prior to the welfare reforms 2012, housing benefit claimants under 25 years old received tenancy payments matching single room rates. Since welfare reform 2012, SAR is applied to people under 35, claiming housing benefits.

### **Key statistics**

- Fifteen per cent of prisoners sampled in a Surveying Prisoner Crime Reduction survey had no accommodation prior to imprisonment (Ministry of Justice, 2012a)
- A third of people leaving prison say they have nowhere to go (Centre for Social Justice, 2010). Including those on remand, this could represent up to 50,000 people annually (Ministry of Justice, 2013a, 2013b).



- Over 75 per cent of homelessness services in England support clients who are prison leavers (Homeless Link, 2011b)
- Forty-eight per cent of homeless projects claim that 'more than half of their clients have links with probation' (Homeless Link, 2011a: 7)
- Prisoners who reported being homeless before custody were more likely to be reconvicted upon release than prisoners who did not report being homeless (79 per cent compared with 47 per cent in the first year) (Ministry of Justice, 2012)
- Reoffending costs the economy £13.5bn annually (National Audit Office, 2010) but stable accommodation reduces the risk of reoffending by 20 per cent (Centre for Social Justice, 2010).

## Research aims

The research aims of this study are to:

- understand how housing and criminal justice legislative frameworks co-create and periodically accelerate the cyclical paths between homelessness and imprisonment
- unpack experiences of homeless people in the criminal justice system and critically explore the extent to which homelessness impacts upon the processes of punishment
- consider homeless people's experiences of semi-penal accommodation and how this impacts on their propensity to reoffend and be recalled to custody.

The first part of this study highlights the scale of the problem of homelessness and imprisonment by presenting a statistical overview, as well as highlighting the issues related to measuring numbers of homeless people within the penal system. It further explores the role of accommodation in reducing reoffending, including the move towards housing support and resettlement policies within the criminal justice system, and the inclusion of ex-prisoners in homelessness legislation. The second part of the study presents the main research findings and provides further information about the experiences of men, women and practitioners who have experience of semi-penal institutions.

## Research methodology

This research was undertaken in North West England. It is a qualitative study, involving a total of 34 interviews. Thirty-one interviews were carried out with people who were homeless and had been or were currently imprisoned, and three interviews were carried out with practitioners – one homelessness policy officer, one resettlement agency manager and one resettlement staff member.

## Key findings

- Almost all male participants in the research sample who received a sentence of 12 months or more were recalled to custody. Men often chose not to stay in hostels, and this, along with strict licensing terms and conditions, meant that they often breached their bail and/or licence conditions
- Male participants claimed they would rather spend their sentence period in prison because of unattainable and restrictive terms and conditions in hostels
- Most men interviewed in the sample found hostels unduly restrictive and disempowering because of various stringent terms and conditions, particularly those excluding them from employment

- Female participants claimed they felt safe and supported in their homeless and probation hostel accommodation. Frequent group work and esteem building sessions helped to facilitate a supportive and comfortable environment
- Due to the uneven geographical spread of hostels for women in England and Wales, this study found that women were frequently moved to different counties and, in most instances, were permanently rehoused (or looking to be) in the community where they were relocated
- Common problems for practitioners include breakdown in communication between local authority policy officers, community resettlement providers and prison staff. Difficulties in community support providers gaining access to information about prisoners' housing needs from inside prison affected and delayed the availability of support for prisoners.

## **Recommendations**

- There are no authoritative national statistics on the number of people who are homeless and end up in prison. There should be a formal record of homeless people entering and leaving prison. Both prisons and local authorities should be required to record the number of prisoners making homeless applications to their local authority. This information would stimulate appropriate provision for homeless people.
- A 'homelessness forum' should be developed between prisons and their usual receiving local authorities. Its purpose would be to develop a process for supporting prisoners into housing pre and post release and monitor this process in order to maximise housing support to prisoners. A procedure should be developed to work with prisoners not resettling in the local area.
- Too many people end up in the prison system on remand or recall to prison because of inappropriate accommodation. Once a baseline level of demand for approved premises and homeless hostel accommodation has been achieved, the range of services currently provided needs to be assessed to ensure that demand in terms of gender, geography, remand, resettlement etc. can be met. There needs to be an appropriate mix of accommodation services in each region.
- Given the poor geographical spread of accommodation for women the above exercise should be prioritised and resources put into providing appropriate accommodation for homeless women who are in contact with the criminal justice system.
- There should be equality of provision so that hostels are able to provide both men and women with the support they need to lead crime-free lives.
- There should be a review of the rules and regulations governing behaviour in semi-penal institutions to assess whether they are too restrictive and increase the likelihood of breach, in order to help get people out of the release–recall web of punishment.
- A routine inspection of approved premises should be implemented based on the model developed for inspecting prisons. The inspection should consider capacity, overcrowding, communal facilities, privacy and bedrooms as well as the regime operating in the hostel.
- Homeless people who are released from custody should be considered a housing priority, and they should be exempt from the bedroom tax.

### **Shirelle, 36, approved premises probation hostel**

Shirelle originally came from Macclesfield. She had been homeless, on and off, for ten years. She had been in prison eight times over the last seven years. Prior to going into custody for the first time, Shirelle was housed in a social housing property for two and a half years. Once in custody, Shirelle lost her accommodation within two weeks, because of rent arrears. After release from prison, Shirelle made a homeless application to her local authority to be rehoused but was regarded as 'intentionally homeless' as a result of rent arrears. Shirelle claimed that:

*I was deemed not a vulnerable priority because I apparently intentionally made myself homeless which means I don't have to be rehoused and that's the one that they have thrown at me for years: 'You've intentionally made yourself homeless'.*

Shirelle's prison sentences were all short-term. She also spent four months on remand and was later acquitted. Shirelle did not receive any housing support during her time in prison. On one occasion, she was released from prison into a tent. Shirelle explained that: 'I've been in and out of jail because if you only do short sentences you don't get help with housing so I just get released straight back onto the street.'

When interviewed, Shirelle was staying at an approved premises probation hostel. Shirelle had been living on the streets prior to arriving at the hostel and was referred through the hostel's outreach bed scheme. She was not on licence or serving a community order at the time, however, as part of the premises terms and conditions, Shirelle had to register on a drink detox programme and said that was, 'because I was a bad alcoholic and I was taking crack and smack all the time, but I'm off all that now.'

Shirelle spoke positively about the support she received at the hostel premises; 'since I've been here it's sorted my head right out. I just lost my partner, six months this Sunday I found my partner dead.' Shirelle decided to relocate to the same locality as the hostel premises. She said that, 'I have decided to relocate up to here, because I have lost my partner and there is nothing to go home for, everyone I know is on the drugs and all that so I will just end up back at square one.'

While staying at the hostel, Shirelle registered on a choice-based letting scheme to be rehoused in the locality. This scheme advertises council and housing association properties available in the locality so that applicants can 'bid' to view and rent the property of their choice. Staff in the probation hostel helped Shirelle to register for this scheme. Shirelle said that, 'I've been on everything, but nowhere has helped me with housing until I have been here'. Shirelle was due to view a flat on the same day as the interview for this study and said that 'I'm going to view a property today actually. They are saying I've got it, but it is all subject to a credit check, but I could be signing for a property tomorrow.'

# Introduction

*The majority of criminal prisoners worldwide have, prior to their imprisonment, usually been so economically and/or socially disadvantaged that they have nothing to which they can advantageously be rehabilitated*  
(Carlen, 2013: 32)

No fixed abode (NFA) is the formal term used to identify homeless prisoners. In 2012 the Ministry of Justice found that 15 per cent of people in prison were homeless prior to custody, which represents nearly 13,000 people. This is possibly an underestimate as in 2002, a report by the Social Exclusion Unit found that 32 per cent of all prisoners were 'not living in permanent accommodation prior to imprisonment' (p. 21). The large portion of people in prison with no permanent accommodation prior to and post imprisonment, begs the question: where do homeless people in the criminal justice system go when they are not detained in custody?

Temporary hostel accommodation plays a significant part in meeting the housing and rehabilitation needs of people in the criminal justice system who have no fixed abode. Hostels frequently accommodate people who are either awaiting trial or have been recently released from prison. Such accommodation is used to 'contain', 'rehabilitate', 'resettle' and 'rehouse' people in the criminal justice system experiencing homelessness (Barton and Cooper, 2012), and includes homeless hostels, probation hostels, female refuges and drug rehabilitation hostels. Throughout the text, 'hostels' will be used to refer to all of the above types of accommodation, unless otherwise specified.

Hostels can be regarded as part of the semi-penal network of punishment because they frequently accommodate marginalised and socially excluded people who repeatedly come into contact with the criminal justice system (Barton and Cooper, 2012). 'Semi-penal institutions' describes hostel environments that often subject homeless people to regulatory activities that monitor their behavioural conduct, not too dissimilar to the penal environment (Ibid; Barton, 2005).

If implemented, the Offender Rehabilitation Bill will result in significant changes to how people are managed and supported following release from prison. Under current plans probation hostels and approved premises will continue to be the responsibility of the public sector probation service, although the vast majority of those leaving prison or serving community sentences will be supervised by private or voluntary organisations. It is hoped that this fragmentation will not reduce the quality of support homeless people in the criminal justice system receive.

Since the research was undertaken the Coalition Government introduced the under occupancy charge, commonly known as the 'bedroom tax'. Research into the first 100 days of the under occupancy charge by both the National Housing Association (2013) and Aragon Housing Association (2013) demonstrates that there are not enough smaller properties available for people. The majority of homeless people who have been in contact with the criminal justice system are single and need to be housed in smaller properties. The increased demand for these properties caused by the under occupancy charge will make it more difficult to find suitable housing for these people. Other welfare reforms impacting upon homeless people in the Criminal Justice System include Single Accommodation Rates (SAR). Prior to the

welfare reforms 2012, housing benefit claimants under 25 years old received tenancy payments matching single room rates. Since welfare reform 2012, SAR is applied to people under 35, claiming housing benefits.

In England and Wales, there are 258 direct access hostels for homeless people and 1,104 second stage accommodation projects, which focus more on resettlement and rehabilitative skills (Homeless Link, 2012a). An estimated 40,500 people reside in these hostels at any one time and around 100,000 individuals move in and out of hostels per annum (NHS, 2010). There are currently 100 approved premises (comprising bail hostels and probation hostels) that accommodate and rehabilitate people who offend and/or are released on licence. There are 94 approved premises for men and 6 approved premises for women. There are no mixed sex hostels. These hostels provide over 2000 bed spaces, managed by the Probation Service or by voluntary organisations (National Approved Premises Association, 2013).

The majority of people experiencing homelessness who are awaiting sentence or have previously been imprisoned are likely to be accommodated in such places, and will be governed according to residential rules and regulations not too dissimilar to the prison environment.

There are concerns about the quality, suitability and location of accommodation for homeless people who have committed offences and how this impacts upon recall to prison. Between 2002–03 and 2007–08 the recall rate more than doubled from 13 per cent to 27 per cent, with the recall population increasing by 5,300 between 1993 and 2012 (Ministry of Justice, 2013c). The recall population has stabilised since the Criminal Justice and Immigration Act 2008 introduced Fixed Term Recall (Ibid.), but recalls are estimated to rise by 13,000 per annum if the Offender Rehabilitation Bill is implemented (Ministry of Justice, 2013c). Exploring how the quality and suitability of semi-penal accommodation relate to this high recall rate is a key focus of this study.

## **Research aims**

The research aims of this study are to:

1. understand how housing and criminal justice legislative frameworks co-create and periodically accelerate the cyclical paths between homelessness and imprisonment
2. unpack experiences of homeless people in the criminal justice system and critically explore the extent to which homelessness impacts upon the processes of punishment
3. consider homeless peoples' experiences of semi-penal accommodation and how this impacts on their propensity for reoffending and perhaps being recalled to custody.

The first part of this study highlights the scale of the problem of homelessness and imprisonment by presenting a statistical overview, as well as highlighting the issues related to measuring numbers of homeless people within the penal system. It further explores the role of accommodation for reducing reoffending, including the turn towards housing support and resettlement policies within the criminal justice system, as well as the inclusion of ex-prisoners in homelessness legislation. The second part of this study presents the main

research findings, and provides further information about the experiences of men and women who have stayed in, and practitioners who have worked within semi-penal institutions.

### **Research methodology**

This research was undertaken in North West England. It is a qualitative study, relying upon semi-structured interviews and a set of questions specific to the circumstances and the position of each participant. Thirty-one interviews were carried out with people who were homeless and had been or were currently imprisoned. A further three interviews were carried out with practitioners – one homelessness policy officer, one resettlement agency manager and one resettlement staff member. Interviews with participants who had experienced homelessness and imprisonment lasted between 20 minutes and 45 minutes, depending on the participant. Interviews with practitioners lasted between one hour and one hour and thirty minutes.

Twelve females and 19 males were interviewed. All participants were homeless, or about to be rehoused, at the point of the interviews. The age of participants ranged from 18 to 55 years old. Thirty people described themselves as 'white British' and one male participant originally came from Lithuania.

### **Female Participants**

- Nine women were interviewed in a female probation hostel. Of this group: five women were released on licence (two were managed by Multiple Agency Public Protection Arrangements (MAPPA), category 2<sup>1</sup>, one was released on home detention curfew (electronic tag), three women were serving a community order, of which one woman was managed by MAPPA, category 2; one woman was not serving any penalty order
- Two women were interviewed in a female homeless hostel, one was released on licence, one was not serving any court order (but had a history of imprisonment)
- One woman was interviewed in a female refuge. She was not on licence or serving a community sentence (but had a history of imprisonment).

### **Male Participants**

- Ten men were interviewed in a rough sleeper centre, of which two were released on licence, six were released from a short-term prison sentence and two had never spent time in custody
- Nine men were interviewed in prison, of which three were serving a short-term sentence, three were serving long-term prison sentences, two were on recall and one was on remand.

### **Limitations of this study: Research in a period of austerity**

This study was carried out during a period of austerity, at a time when public and third sector organisations were beginning to experience extensive cutbacks, reduction in staff resources and organisational restructuring. This study was conducted in a regional area that ranks as one of the poorest in the country. According to a Joseph Rowntree Foundation study (2012: 15), poorer areas are disproportionately affected by cutbacks – 'the worst-off local authority



loses 11.3 per cent of its cash spending power' and 'the best-off authority loses only 0.6 per cent'. A study by the Association of Chief Executives of Voluntary Organisations (2011) claimed that cutbacks have disproportionately hit charities and third sector agencies that deliver to marginal groups in the most deprived areas – 66.4 per cent (£142.4 million) of cuts are made to third sector organisations in the most deprived areas, compared to 7.5 per cent (£3.6 million) in the least deprived areas (Association of Chief Executives of Voluntary Organisations, 2011).

The economic reality for regional areas affected by austerity had an impact upon this research, as requests for access to certain institutions were denied on the basis that they were undergoing restructuring due to cutbacks.

### **Ethical approval subhead**

This study was carried out with the full ethical approval of Liverpool John Moore's research ethics committee and Her Majesty's Prison Service (HMPS) research ethics committee. All participants and organisations in this study were anonymised and given pseudonyms.



# 1 Homelessness and the criminal justice system: An overview

It is difficult to know the true number of homeless people involved in the criminal justice system due to a lack of reliable data. A key reason for this is the failure of prisons to record the number of people entering and leaving custody who are homeless. This lack of data is further compounded by the fact that people experiencing homelessness often fail to declare their homeless status in order to increase their chances of being released on bail or granted parole (Murie, 1998; Baldry et al., 2003; Seymour, 2004).

Where official government reports estimate the population of homeless people in prison, these reports fail to differentiate between the portion of people in prison who are statutorily homeless, non-statutorily homeless and/or hidden homeless, thus downplaying the size and scale of the problem. People who are 'statutorily homeless' are owed a duty of care and offered permanent housing provision and support by the state. Non-statutorily homeless people are not owed a duty of care or permanent housing provision. While non-statutorily homeless people do fall under legal definitions of homelessness, they often do not qualify for full duty of care as a result of failing various tests, most of which are initiated during preliminary local authority assessments. According to Fitzpatrick et al.:

*single homeless people, rough sleepers, people with substance misuse problems, ex-offenders and those with mental health problems or learning difficulties are all much more likely to be categorised as non-statutorily homeless rather than statutorily homeless.*  
(Fitzpatrick et al., 2010: 27)

Hidden homelessness includes those people who are non-statutorily homeless and fail to approach their local authority, 'are deterred from applying' (Reeve and Batty, 2011: 4) and 'whose accommodation is not supplied by a housing/homelessness provider' (ibid: 11).

The following indicators, from a range of surveys using a range of different methods, show a significant relationship between homelessness and the prison population, but these indicators are not without methodological issues. In 2002, research by the Social Exclusion Unit (p. 21) estimated that 32 per cent of the prison population were 'not living in permanent accommodation prior to imprisonment' (p. 21). A more recent study carried out by the Ministry of Justice (2012) found that 15 per cent of a sample of the prison population 'reported being homeless before custody' (p. 1). However, it remains unclear what portion of homeless people in prison are statutory, non-statutory or hidden homeless.

The following national statistics are intended to illustrate the number of homeless people involved in the criminal justice system, but based on the above discussion, they do not portray the whole picture.

### **National statistical overview**

- Fifteen per cent of prisoners sampled in a Surveying Prisoner Crime Reduction survey had no accommodation prior to imprisonment (Ministry of Justice, 2012)
- Twelve thousand people were released from prison in 2005–06 with nowhere to go (Shapps, 2006)
- A third of people leaving prison say they have nowhere to go (Centre for Social Justice, 2010) Including those on remand, this could represent up to 50,000 people annually (Ministry of Justice, 2013a, 2013b)
- Over 75 per cent of homelessness services in England support clients who are prison leavers (Homeless Link, 2011b)
- Forty-eight per cent of homeless projects claim that ‘more than half of their clients have links with probation’ (Homeless Link, 2011a: 7)
- Prisoners who reported being homeless before custody were more likely to be reconvicted upon release than prisoners who did not report being homeless (79 per cent compared with 47 per cent in the first year) (Ministry of Justice, 2012)
- Reoffending costs the economy £13.5bn annually (National Audit Office, 2010) but stable accommodation reduces the risk of reoffending by 20 per cent (Centre for Social Justice, 2010).

### **Local statistical overview**

Under section 1(3) of the Homelessness Act 2002 ‘housing authorities must have in place a homelessness strategy based on a review of all forms of homelessness in their district’ (CLG, 2006: 8). Local authorities are obliged to carry out a review of the scale and causes of homelessness in their district areas every five years. According to the homelessness code of guidance for local authorities:

*housing authorities must consider all the current activities in their area which contribute to the provision of support for households who are, or may become, homeless, as well as people in the district who have been homeless and need support to prevent them becoming homeless again.*  
(CLG, 2006: 23–4)

Despite the statutory obligation to review the causes of homelessness in their regional areas, some local authorities fail to identify the precise numbers of people who are homeless as a result of leaving prison. Many local authorities collapse the category of people who are homeless as a result of leaving prison, into the more general category of people who are homeless as a result of leaving an institution. This is problematic because the definition of an institution includes hospitals, residential homes, care homes, military services

and prisons. By collapsing prison into the category of institutions, local authorities fail to recognise the scale and size of the problem of homelessness upon leaving prison.

The following statistics focus on this study's regional area and are based on local authority homelessness review strategies, carried out every five years:

- In Liverpool during 2010–11, four people were accepted as statutory homeless as a result of leaving prison (Liverpool City Council, 2012)
- In Lancaster during 2008, two people were homeless as a result of leaving an institution (the institutions may not have been prisons) (Lancaster City Council, 2008)
- In Preston during 2006–07, twelve people were homeless as a result of leaving an institution (again, there is no information to say whether the institutions were prisons) (Preston City Council, 2008)
- In Manchester during 2002, 342 single men and 48 women presented as homeless due to leaving an institution (Manchester City Council, 2003)
- In May 2012, 30 per cent of people leaving a prison in the North West were officially recorded as having 'no fixed abode' (Cooper and Sim, 2013).

The range of information provided above gives an indication of the limitations of the available statistics on homelessness as a result of leaving prison.

### **Homelessness policy in the criminal justice system**

The 1997–2010 Labour government encouraged criminal justice and housing agencies to coordinate their practices to a) prevent homelessness upon release from prison b) provide good quality accommodation to encourage permanent resettlement and c) reduce reoffending rates. In 2006, the Home Office included 'meeting the housing needs of offenders' as part of its five-year strategy to reduce reoffending. It emphasised the significance of assessing prisoners' housing needs at the beginning and end of their custodial sentence, as well as encouraging housing support organisations and resettlement agencies to 'work with partners at the local and regional level to help prisoners keep their accommodation while they are in prison' (Home Office, 2006: 29). This was further supported by the National Offender Management Service (NOMS), as they set a target for 90 per cent of all prisoners to have their housing needs assessed within four days of being sent to prison (including people in prison who are awaiting trial). In 2010, the Coalition government's green paper, *Breaking the Cycle*, made suggestions to work with Crisis, the homelessness charity, to help former prisoners gain access to the private rented sector housing market.

The above policy initiatives were timely as they also coincided with other homelessness and housing policy initiatives, such as the 'Supporting People' programme introduced in 2003. This programme was identified as the primary funding source for the majority of accommodation-based services (Homeless Link, 2012b) and helped to highlight the significance of resettlement and housing support, not simply for preventing homelessness, but also for reducing reoffending (Allen and Barkley, 2002; Social Exclusion Unit, 2002; Crookes, 2010). It should be noted, however, that from April 2011 the

Supporting People allocation was subsumed into the Formula Grant paid to local authorities, so the allocation is no longer separately identified (House of Commons, 2012)

Currently probation services and independent criminal justice agencies such as the National Association for the Care and Resettlement of Offenders (NACRO) rely upon local authority allocated funding to provide accommodation related support to those who have offended within the community. The allocation of funds for housing and resettlement within the criminal justice system with the aim of reducing crime was foreseen by Allen and Barkley in 2002:

*The government envisages the Probation Service playing a significant role in these new arrangements, to ensure that both Supporting People and Crime and Disorder plans recognise how the provision of mainstream housing with support can contribute to the objective of crime reduction and public protection.*  
(Allen and Barkley 2002: 267)

In essence, the criminal justice system and housing authorities have attempted to reduce reoffending among homeless groups through the provision of 'accommodation pathways' and 'resettlement support' within penal and semi-penal environments. This has resulted in a greater involvement of third sector agencies within the criminal justice system – this was explicitly encouraged by the Ministry of Justice and National Offender Management Service (see also Gojkovic et al., 2012).

### **Resettlement support and preventive intervention**

Resettlement support can be seen as part of the turn towards 'preventive intervention' within housing and homelessness social policy. It addresses risks of becoming homeless, as opposed to managing actual circumstances of homelessness, such as sleeping rough, living in bed and breakfast accommodation and so forth. Preventive intervention measures, in their various and diverse forms, are closely linked to target populations, where the risk of homelessness may be increased as an outcome of key life circumstances, such as hospitalisation or imprisonment (CLG, 2006: 35). On that basis, preventive intervention can arguably minimise, and at best, alleviate the risk of homelessness (Ibid.).

However, Pawson and Davidson (2006) suggest that prevention strategies are being used in place of the more rigorous priority need homelessness assessments (see also Crookes, 2010). Notwithstanding guidance and support from the Department for Communities and Local Government (CLG), where it is recommended that prevention strategies 'should operate alongside homelessness assessment rather than in place of it' (CLG, 2007: 36), Pawson and Davidson (2006) claim that local authorities are using prevention strategies instead of making the formal homeless application for rehousing. This has the effect of masking the 'official' numbers of homelessness in local authority regional areas.

A study carried out by Cooper (2012) showed that homeless ex-prisoners who were supported by resettlement agencies were diverted away from making homeless applications to be rehoused through their local authority. The

resettlement agencies steered their clients towards the private rented sector to be rehoused because of difficulties in achieving a positive homeless application outcome from local authorities. This diversion meant that individuals' homeless status, statutory or non-statutory, was not identified or recorded by the local authority and the state.

### **The Homelessness Act 2002**

The Homelessness Act 2002 extended the categories of 'priority need' (that is those for whom local authorities must find accommodation) to include people who are vulnerable as a result of having served a custodial sentence, or having been remanded to custody (CLG, 2006). However, there are two key complications with this legislation, which may explain why some homeless applicants, and support provider agencies, are reluctant to seek rehousing through their local authority.

The first complication concerns 'the vulnerability test'. Section 10.13 of the Homelessness Act 2002 states that 'it is a matter of judgement whether the applicant's circumstances make him or her vulnerable' (CLG, 2006: 85). The applicant must display signs that he or she is unable to fend for themselves, compared to 'an ordinary homeless person' (Ibid.). To put it differently, people who are homeless as a result of serving a prison sentence must demonstrate some vulnerability beyond the normal circumstances of homelessness, in order to be declared priority need for rehousing. As one former housing minister put it:

*Not all ex-offenders will be vulnerable. The order will emphasise the importance of authorities assessing whether ex-offenders are vulnerable as a result of a period in prison.*  
(House of Commons, 2012: 5)

The second complication concerns the 'intentionality' test. Section 191 of the 2002 Homelessness Act states that priority need depends upon intentionality. According to the CLG (2006:10) '[A] person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person'. The intentionality principle is particularly problematic for those who offend and ex-prisoners, because their previous criminal conduct can be deemed by local authorities as a deliberate action leading to intentional homelessness, since a period in custody and subsequent homelessness could be 'a likely consequence of committing the offence' (CLG, 2006: 98). The House of Commons (2012) highlighted that people who have offended when making homeless applications are often 'ruled intentionally homeless for committing crime in the first place' (p. 7) and, moreover, there is a lack of consistency when deeming them as either intentional or unintentionally homeless.

These complications within homelessness legislation can deter individual applicants and supporting provider organisations from making homelessness applications through local authorities to be rehoused.

## 2 Research findings

### **Pre-trial and remand: Homelessness and the ‘flight risk’**

According to the Bail Act 1976, decisions determining pre-trial imprisonment hinge upon a series of risks, including the risk of ‘failing to surrender to custody’ (Player, 2007). Accommodation, or lack of, is also a determining factor when passing key sentencing decisions. Cooper and Sim (2013) argue that people experiencing homelessness are more likely to be remanded to custody, not as a result of their violent and recidivist nature, but as a result of the risks associated with having no fixed abode:

*Those who deviate from discourses around the home are socially constructed as the ‘other’ within the criminal justice system whereby homeless people are managed and governed according to pre-ordained institutional values that identify risk with behaviour that is not so much dangerous, as different.*

Having no fixed abode renders homeless groups within the criminal justice system chaotic and difficult to track down. The transient nature of being homeless – of frequently moving around from one form of accommodation to another – compromises the ability of criminal justice agencies to place such groups under surveillance. Player suggests that ‘the fewer ties an individual has to conventional society the easier it is to slip from social surveillance’ (Player, 2007: 422). This lack of control is arguably the underlying motive for remanding homeless people to custody.

The term ‘flight risk’, or ‘fear of flight’, describes the judicial decision to detain homeless defendants in prison as a means of ensuring that defendants will appear at their next court hearing.<sup>2</sup> It is difficult to separate sentence motivations; however, Player (2007) suggests there is an increased likelihood that defendants who are homeless and have other issues will be remanded to custody.

Rather than detain homeless defendants on the basis that they are unhoused and victims of poverty, magistrates tend to focus on homeless individual’s criminogenic needs, relating alcoholism, substance misuse and/or mental health issues as justifiable causes to detain homeless defendants in custody.

This view is endorsed by the research participants in this study who felt they were discriminated against by the criminal justice system because they were homeless. Participants suggested that they were unfairly remanded to custody, for offences that they would not normally be remanded for if they had accommodation:

*I did a four month remand that if I’d have had an address I wouldn’t have had to have done, because I had nowhere to live, there was nowhere to bail me too. They always say at court, ‘due to fear of flight’, because I don’t have a stable address, they say, ‘due to fear of flight, Miss [x] must be remanded into custody’ for things that I wouldn’t be remanded for. I get sentences for things that I wouldn’t get sentences for because I’m not deemed appropriate for any probation or community sentence orders because of the fact that I’m homeless.  
(Shirelle, 36, probation hostel)*

2 See Hooper and Ormerod (2012) for a discussion on ‘flight risk’ within the criminal justice system.



Shirelle suggested that her homelessness prevented any possibility of being considered for bail or, in the event of being convicted, given a community order. Remanding homeless people to custody can prolong their episodes of homelessness. Further, remanding people to custody will detrimentally affect accommodation applications that were made prior to being sent to custody. Applications made for temporary or permanent accommodation within the community involve a long process whereby homeless applicants are risk-assessed in addition to having their support needs assessed and, upon acceptance of application, must wait for a bed to become available. This process is likely to be severed, and the application terminated, once homeless defendants are sent to custody.

This is further compounded by the fact that people who are remanded to custody are more likely to experience an 'inferior regime', compared to sentenced prisoners (HM Inspectorate of Prisons, 2012: 7). Rarely will prison staff know the date of a detainee's court hearing or the predicted outcome, and this has a consequential delay on detainees receiving support for their housing needs.

Shirelle's experience, highlighted below, shows that pre-trial imprisonment limited the scope for support while she was held on remand:

*They couldn't give me any support because they didn't know how long I was going to be in jail for and I got released from jail one day into a tent, that's what I had a tent! (Shirelle, 36, probation hostel)*

In order to avoid being remanded to custody, respondents in this study claimed that they gave a false address, or gave their parent's home address, knowing that they would not reside there. Previous studies, such as those carried out by Murie (1998) and Seymour (2004), have similarly found that 'homeless individuals often provide the address of their parental or family home rather than disclose their homeless status' (Ibid.: 4). Another research participant, Kenny, described how he felt compelled to lie in court about having an address:

*Researcher: When you went to court in [name of city] did they talk about your housing situation?*

*Kenny: Yeah and I lied. I said I was living in the Salvation Army [gives address of the road]. I lied to save my own neck basically, so I could stay outside rather than be inside. I would have got six months on the spot otherwise. Then I would have missed summer out again. I would have come out at the same time in winter again in December and what am I going to find then? At least I have got a chance now to find somewhere, haven't we? and try and put things right. It's been going on for years and years this now and it's wearing me down.*

*(Kenny, 45, Centre for rough sleepers)*

Kenny regarded lying in court as a survival mechanism to stay out of prison. Far from being passive subjects of the state, people experiencing homelessness are active social agents who frequently adopt strategies of survival (Carlen, 1996; Wardhaugh, 2000) and exploit flaws within the criminal justice system. However, lying in court engenders a 'Catch-22' predicament for homeless people in the criminal justice system. By law, defendants must



stick to bail terms and conditions which, according to the Bail Act (1976), can include 'living at a specific/alternative address' (this might include a bail hostel) (Hannibal and Mountford, 2007: 196) and 'failure to abide by the conditions of bail can lead to a defendants arrest or reappearance before the court in custody' (Ibid.: 198). In other words, lying in court merely serves a short-term purpose because defendants will automatically be in breach of their bail conditions if they do not reside at the address they give to criminal justice agencies. On that basis, lying in court increases the possibility of being arrested and returned to court.

### **Release into hostels and recalls**

Prisoners convicted to 12 months or more serve a proportion of their sentence in the community, subject to good behaviour in prison. On release, they are supervised by the Probation Service and must adhere to the terms and conditions of their licence agreement. If these are breached, their licence will be revoked, resulting in them being recalled to custody.

Also referred to as 'back-door sentencing' there has been some debate surrounding the level of recalls made in the last ten years (Padfield and Maruna, 2006; Padfield, 2012). Indeed, between 2002–03 and 2007–08 the recall rate more than doubled from 13 per cent to 27 per cent, with the recall population increasing by 5,300 between 1993 and 2012 (Ministry of Justice, 2013c). However, the recall population has stabilised since the Criminal Justice and Immigration Act 2008 introduced Fixed Term Recall (Ibid.). According to the Ministry of Justice (2009) the 'higher recall rate was caused by changes to the law making it easier to recall prisoners' (Ibid.: 2). The introduction of the Criminal Justice Act 2003 brought about a greater dispersal of powers to the Probation Service, which allowed authorised staff to revoke people's licence agreements if they breached their terms and conditions. This has, in turn, accelerated the speed at which recalls are now put into effect: emergency recalls can be returned to custody within 74 hours and standard recalls returned within 144 hours (Ministry of Justice, 2010).

It can be argued that homeless people are at greater risk of being recalled. According to Mehta (2008) 'if the offender does not have identified suitable housing on release, then consideration is given to the suitability of an approved probation hostel' (Ibid.: 192). However, releasing homeless ex-prisoners into probation accommodation can be problematic because people who are under probationary supervision and are accommodated in probation hostel premises (approved premises) are subject to more rules and regulations than domiciled parolees (Padfield, 2012). They must adhere to probationary license terms and conditions in addition to an individual probation hostel's residence license (HM Inspectorate of Probation, 2007). Rules and regulations stipulated in the residence license permit include: room searches by staff, the requirement to sign-in, the denial of visitors, random drug testing, the prohibition of alcohol, the imposition of curfews, the requirement to attend treatment programmes (around domestic violence issues, mental health and substance misuse), and the requirement to have regular contact with the police as part of joint management schemes (Ministry of Justice and Staffordshire and West Midlands Probation Trust, 2012). To that end, 'probation hostels can be more restrictive than open

prison for some' (HM Inspectorate of Probation 2007: 9). This can, in turn, make it difficult for those in probation hostels not to breach the terms and conditions of their license (Padfield, 2012). Such residence license breaches may, according to the HM Inspectorate of Probation (2007: 37), 'warrant eviction' and in those circumstances people 'will be returned to court or prison'.

### **Men's experience of semi-penal accommodation**

This study found that male respondents who were homeless when released from prison and accommodated in hostels were likely to breach their licence terms and conditions and be recalled to prison:

*Martin: I was in [name of probation hostel in North West England]. It was terrible. It's a hostel run by probation, the prolific offending team, the police probation and [name of housing association]. They tell you what to do – you've got to – if you breach it they put you back in here. To be quite honest with you, you are better off in here [prison]. That housing [association], don't ask me how they get paid for that accommodation. Then I had to go into a different probation one [names a different probation hostel].*

*Researcher: And what was that one like?*

*Martin: That was horrible. They put you in a shared room you have to go into a shared room first. It sounds petty. That's a probation-run hostel, all they are doing in those places [is] giving you enough rope to hang yourself.  
(Martin, 40, prisoner)*

Martin indicated that he lived in poor quality accommodation which was overcrowded. The constant threat of being recalled to custody undermined his agency and power, to the extent that Martin felt unable to challenge the rules and regulations within the hostel premises without the risk of being sent back to prison. Hostel restrictions – exacerbated by the threat of recall – resulted in men feeling disempowered, with limited power to manage their daily lives and make decisions about their future.

Another respondent, Callum, regarded his experience of hostels as being unduly restrictive and disempowering:

*I started going into hostels and then I got recalled in last January ... and I was in for five months then. I got out went back to a hostel and again and this is basically non-residing that I'm coming in for because I don't want to stay in a probation hostel...*

*They are not helping me it's when people say to me 'sum it up what it's like there' I say it's like a strict d-cat prison, it's like a strict open prison. I don't think I should be in a hostel like that where I'm supervised where I've got curfews because, I have done my punishment. I wanted to work and I wasn't allowed to, you know? And the consequence of it out of my six and a half year sentence is that I've done just over five years of my sentence in jail.  
(Callum, 32, prisoner)*

Callum's experience indicated that he felt disempowered by various stringent terms and conditions which, in turn, excluded him from employment. Indeed, many male participants in this study indicated that criminal justice agencies failed to take into account their need for privacy, responsibility, power and agency. From the perspective of many male respondents, recall 'felt almost like a relief' (Padfield, 2012: 41). As one male respondent suggested, it is more feasible to serve the entire sentence period in prison than to get trapped in the release-recall web of punishment:

*The first time that I went away [to prison], they sorted out my Salvation Army accommodation [on release]. Then I was on warrant for breaching my licence and I went back on a twenty-three day recall. I'm out now. It's just like probation, that's why I said the first time that I would rather go to jail and do my time rather than get another order.*

*(Jason, 18, Rough Sleepers Centre)*

In this study, homeless men who were released from prison to be supervised and accommodated in the community, failed to relate positive experiences of these community solutions. Indeed, male participants regarded community sentences as a different form of punishment. Arguably, unfeasible expectations regarding behaviour, coupled with an increase in powers to allow recall with less bureaucracy, resulted in male participants being recalled to prison and becoming 'stuck' in the release-recall web of punishment. Support and scope must be given to enhance the professional capacities of probation staff working with this group, enabling a reduction in the pressure to breach.

### **Women's experience of semi-penal accommodation**

This study found that female participants had mostly positive views about their experiences of living in probation hostels, homeless hostels and female refuge accommodation. All female participants were involved in some form of group-work activity that focused on women-centred offending-related needs. Discussions held around domestic violence, self-esteem, being separated from children and experiences of the criminal justice system generated empathy and support within groups and essentially cultivated an 'institutional intimacy' and collective empowerment:

*Researcher: What sort of support did you receive when you came here?*

*Natalie: Oh loads of support like drug councillor and a key worker and when you sign up to come to here you do groups every day and it's like stress awareness, anger management, drug awareness and we are actually doing one today and it's about women empowerment, you know about domestic violence and stuff. Yeah, it's really, really good.*

*(Natalie, 38, probation hostel)*

Natalie's experience indicated that she was supported through group work activity which helped with stress awareness, anger management and empowerment. In her 2007 report, Baroness Jean Corston suggested that there needs to be 'a radical new approach, treating women [in the criminal justice system] both holistically and individually – a woman-centred approach' (Corston, 2007: 2). According to Corston, underlying issues that may impact upon women's offending-related behaviour – problems such as mental illness, low self-esteem, eating disorders, substance misuse and poverty – can all be addressed through skills training that help 'women develop resilience, life skills and emotional literacy' (Ibid.).

Another respondent, Belinda, suggested that when she arrived at a female homeless hostel, her needs around housing, substance misuse and welfare benefits were all addressed:

*Oh they have been brilliant. They have helped me get a doctor because I am a drug user, I've only been clean now two days so they helped me get a script with the doctors and they are going to help me go on the house search next week to get a flat. Yeah, they've been great with me, fair do's. They've helped me sort all my benefits out but I know I'm safe and no one can touch me here, it's just nice to feel safe and have somewhere to live for a change.*

*(Belinda, 45, homeless hostel)*

Belinda said that she felt stable and safe and, through the provision of support within the homeless hostel, had settled well into her new environment.

Clearly, addressing women's underlying issues while they are in hostels can have a profound impact upon their sense of self-esteem and future direction. Other women spoke of how they were at a turning point in their lives:

*Researcher: Between 1993 to now, when in that period do you think you were at your most stable, in terms of housing?*

*Vivienne: Here [Probation hostel]. Yeah, since I've been here. I've never felt, how can I put it...I've never felt so stable in the whole of the drug life that I've had, than I've had being in here. I could honestly say that it has got its good points about it in the end.*

*(Vivienne, 39, probation hostel)*

*Shirelle: I was street homeless in a basement basically because I was going in and out of there every day. I rang up here and they explained that they had some outreach beds so I came for an interview with [name of staff workers] and I said I'll give it a go. But I had to do a drink detox because I was a bad alcoholic and I was taking crack and smack all the time but I'm off all that now. Since I've been here it's sorted my head right out.*

*(Shirelle, 36, probation hostel)*

*I have been off the drugs now since I have been out of prison, I've not bothered. I think that is mainly due to being here and having the support and whatnot*

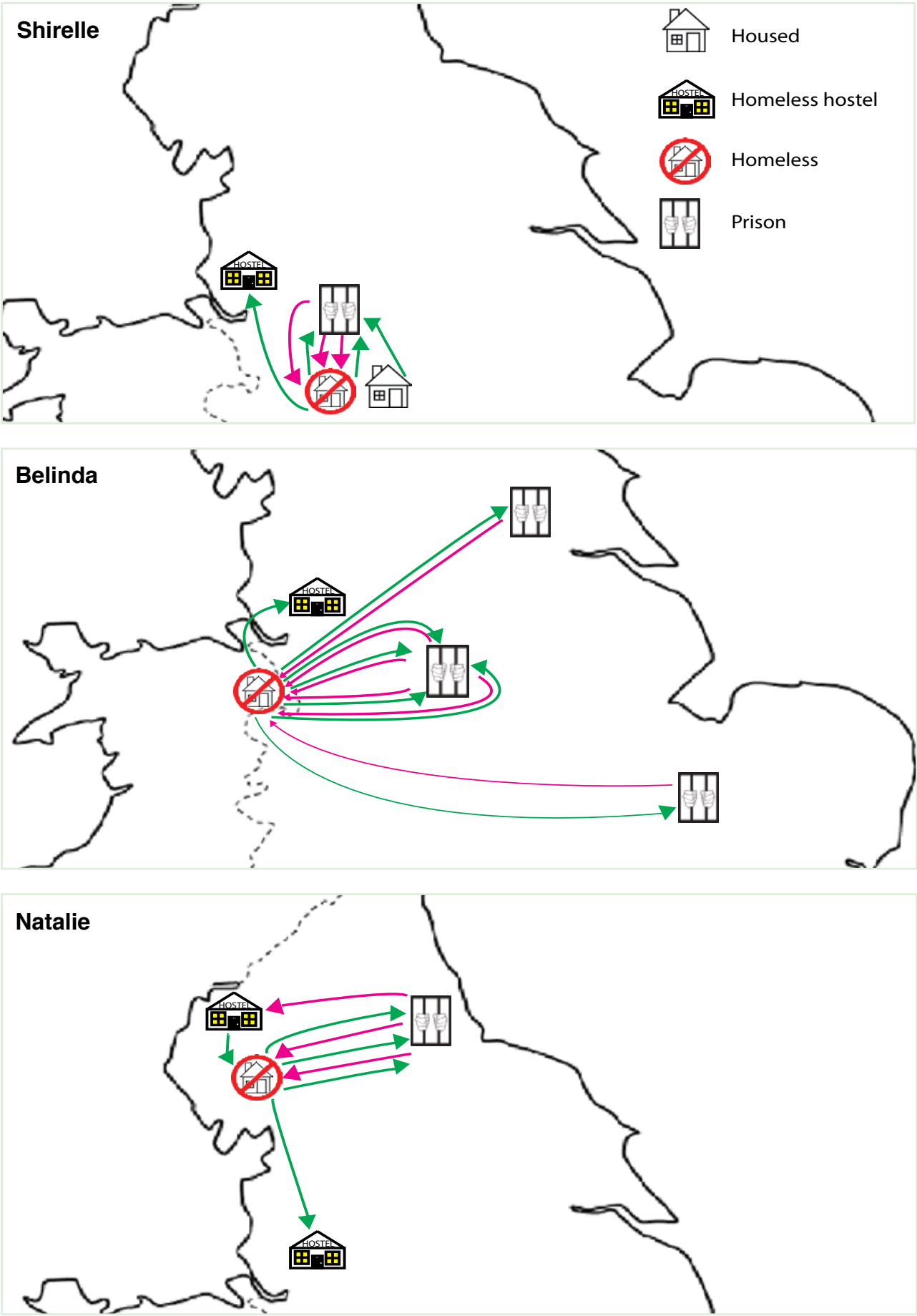
*(Kate, 29, probation hostel)*

Vivienne, Shirelle and Kate indicated that the provision of support in their accommodation improved their sense of wellbeing and helped them to feel stable. It also helped them address their offending-related needs by supporting them to overcome their drug and alcohol addictions. To this end, it could be argued that women-centered models of punishment and rehabilitation generated positive outcomes where change occurred on a fundamental level.

However, this study also found that women were moved miles away from their home areas to be accommodated in hostel premises. In this study, 66 per cent of the female respondents did not originate from the regional area where they were living when interviewed, compared with 28.5 per cent of men. Therefore, empowerment and women-centered models of punishment, rehabilitation and resettlement must be understood and contextualised alongside the geographical dispersal of these women.

The following diagrams indicate the dispersal of some of this study's female respondents who were moved to and from their home community, custodial institutions and institutions in the community:

Figure 1



The data in figure 1 highlights the extent to which women were dispersed across England and Wales, in order to be accommodated in approved premises hostel accommodation. This dispersal was due to the scarce availability of probation accommodation for women. There are currently six probation hostels for women, and 94 for men. There are no mixed-sex hostels and no probation hostels for women in Wales or in London. Furthermore, in order to remove them from the circumstances that led them to offend in the first place, some women are restricted from or have limited contact with members of their home community as part of the terms and conditions of their licence or community order. Therefore, it is not uncommon for women to be dispersed and relocated to a new community and, in addition, be forced to sever their ties with family and friends in order to minimise the risk of reoffending.

The number of hostels for women is representative of the numbers of women in contact with the criminal justice system, and the problems detailed above could now be replicated with regard to women's prison places under new government proposals. Given that numbers of women in custody remain small in comparison to the numbers of men, and there are therefore far fewer women's institutions, and with further closures of women's prisons planned, there are serious questions as to how women can be catered for under the government's proposals to have resettlement prisons which release all adult prisoners into their local area (NOMS, 2013). With just 13 female prisons in England and none in Wales, it is difficult to envisage how women will fit into the new prison structure of resettlement prisons.

The respondents below discuss moving away from their home communities:

*I've had to cut all ties, social services and everything. But I don't want to go back to jail (Belinda, 45, originally from Wrexham, homeless hostel)*

*You get loads of support here and I've got no family. And the friends I've got, they are all in this house. I didn't know anybody when I came, at all. (Natalie, 38, originally from Cumbria, probation hostel)*

Belinda had to sever her ties with her original support network in order to minimise the risk of going back to prison. Natalie suggested that she felt isolated when she moved away from her home community, but this encouraged her to forge strong relationships within the hostel environment.

Moving women to new communities can increase feelings of social exclusion, isolation, trigger emotional distress and deprive them of feelings of membership and belonging (Barton and Cooper, 2012). According to Rokach (2004), the stress surrounding a sense of failure, coupled with relocation and separation from family and home can 'precipitate depression, anxiety and loneliness' (p. 45). This can ultimately intensify problems associated with offending (Ministry of Justice, 2008; Barton and Cooper, 2012). For example, one respondent, Sarah, connected her drinking behaviour with the transitional difficulties of settling into a new environment:

*The reason that I went back on the drinking at the beginning, I don't know. I started feeling agitated and frightened again being on me own. It was a lot, trying to get myself back into a community again... (Sarah, 51, originally from Warrington, probation hostel)*



Sarah's alcohol related problems seemed to be triggered by her difficulties making the physical and psychological adjustment to her new community. The negative and psychological impact of social exclusion triggered feelings of isolation, fear and anxiety and this, in turn, exacerbated her offending related issues.

However, 62 per cent of female participants in the study who were not originally from Merseyside were looking to be rehoused and relocated there permanently:

*Shirelle: I came here because there is no housing for anybody that is homeless in Cheshire. I'm from Macclesfield and I've been trying for six years to get somewhere to live. I've been in and out of jail because if you only do short sentences you don't get help with housing so I just get released straight back onto the street.*

*Researcher... and where are you going to see the house?*

*Shirelle: In Merseyside. I have decided to relocate up to here.  
(Shirelle, 36, originally from Macclesfield, probation hostel)*

Shirelle struggled with homelessness, housing and imprisonment but the holistic supportive experience at the probation hostel helped her to decide to relocate to the area permanently. The respondents below also indicated that they want to relocate permanently to the area:

*Hopefully, I'm trying to get off the drugs first and then I'm going to go onto housing next week. I'm going to stay up this end.  
(Belinda, 45, originally from Wrexham)*

*Researcher: So, how do you feel then about the prospect of being rehoused?*

*Kate: I would rather be rehoused at Wrexham because that is where I am from. Unless I could get the money to go private... and I don't think that is going to happen. But if I went back to Wrexham, I would just be taking a big step backwards I think because of the housing situation, because they say present yourself as homeless, you go and present yourself as homeless and then they just put you in a B&B which is full of other drug addicts. You do all that hard work to get put back in the middle of it all.  
(Kate, 29, originally from Wrexham, probation hostel)*

There appears to be a paradox regarding women's punishment in the community – it can be seen to be both empowering and disempowering (Barton and Cooper, 2012). On one level, women do form emotional attachments with one another, enhanced by women-centred models of punishment and rehabilitation. This can generate a community spirit and sense of belonging. On another level, 66 per cent of women in this study arrived at their accommodation as strangers to the institution, community and city. They were forced to sever ties with their family and networks of social support as a result of being dispersed. As noted above, however, some women in this study decided to relocate permanently to new areas, a decision that was made partly because of the lack of opportunities in their original home communities.



## Practitioners' views of accommodation

Practitioners expressed mixed views about the quality of accommodation for men. While there was no formal reference for validating standards, practitioners agreed that existing quality was quite poor, but that housing stock had vastly improved as a result of receiving 'gap funding'. Gap funding grants are government grants allocated to city councils where council stock has been transferred to social registered landlords or housing associations, with the specific motive of modernising housing stock that was previously in decline. One homelessness policy officer claimed that over £3 million was invested to improve the quality of local hostel stock:

*The council has recently invested in some hostel accommodation, and we've put a lot of effort into the quality. About £3.7 million into hostels alone. So it's better than it was, but there is some not very good accommodation out there.*  
(Homelessness policy officer)

Practitioners and policy officers agreed that the quality of accommodation among public and third sector premises was better than private sector accommodation. One resettlement manager related their experience of working within both public and private sector probation estates:

*It's the privates – they should be named and shamed really. What we've found recently is that the private ones are going for higher rents, because they want the support workers and claiming the money back with the support that they are offering, but it's not support. Again, we're trying to back off from anything like that 'cos there are enough landlords out there offering good safe accommodation.*  
(Resettlement manager)

Where accommodation was seen to be an issue, the underlying reason given was high-risk homeless people being released from prison without any accommodation or supervision in place. When high-risk people are released on parole, they are supervised under probation and in accordance with Multi Agency Public Protection Arrangements (MAPPA), where housing support, among other things, is provided. However, if a person's licence is revoked and the duration of their sentence is spent back in custody, then they will be released at the end of their sentence, without any statutory probation supervision:

*We've got a lot of people who've been recalled on licence and they've got probation and then the moment they leave, they've got nothing. They breach their licence, they're on probation in prison, they're supervised in prison, but the minute they come out, there's nothing, nothing in place.*  
(Resettlement manager)

Releasing high-risk people without statutory support is further compounded by a lack of communication between prison authorities and community agencies responsible for supporting and rehousing people in the community:

*We have one who's got three officers who escort him around the prison, 'cos he's so high risk, but we don't know what his needs are or who he is a risk to (we don't want to put him [in] accommodation if he's a risk to women). In the end his probation officer said when he left, he leaves not on MAPPA, no probation support, nothing. So that's then left on us, to put him into something suitable, and we're getting an awful lot of them*  
(Resettlement manager)

The question of quality hostel accommodation, particularly its impact upon the punishment process, is an important one. The study found, however, that the policy officer and practitioners were mostly ambivalent about the quality of premises, though they agreed that private probation accommodation was generally of lower quality. One key concern raised in this study, in relation to 'suitability' of accommodation, was that there was a lack of communication between the Prison Service and community resettlement agencies.

## 3 Conclusion and recommendations

This study has demonstrated that homeless people within the criminal justice system are regarded as risky by virtue of having no fixed abode. This increases the likelihood that they will be remanded in custody, which can generate upheaval and undermine attempts to be resettled and rehoused prior to being sent to custody. Some homeless people lie and claim that they have an address, as a survival strategy to stay out of prison, but this may jeopardise their bail and release terms and conditions.

In terms of adequately administering prisoners' housing applications and assessing their wider resettlement needs, a breakdown in communication between the prison system and community agents can undermine the processes in place for supporting prisoners experiencing homelessness.

Experiences of semi-penal accommodation were found to be highly gendered. Men expressed a degree of disempowerment and social exclusion and described difficulties in achieving unattainable expectations; female participants claimed that they felt safe and secure in their hostel accommodation. Frequent involvement in group work sessions, such as empowerment training, anger management, substance misuse and domestic violence awareness, helped create a comfortable and safe environment for women. However, the uneven geographical spread of hostel accommodation for women meant that in order to be accommodated women were removed from their original home communities. This raises important questions surrounding social exclusion and, moreover, whether the act of moving women away from their original home community can reduce or intensify their offending related problems.

While imprisonment is clearly detrimental and can prolong experiences of homelessness, the role of semi-penal institutions is often overlooked and therefore warrants further critical inquiry in relation to quality, suitability, location and the ways in which successfully run institutions can help to reduce the risk of reoffending. Such analyses could help to bring the role of hostels to the fore when the wider rehabilitative process for those who offend prior to and post imprisonment is considered.

### **Recommendations**

Given that up to 50,000 people a year leave prison with nowhere to go, the following recommendations are a matter of high importance.

- There are no authoritative national statistics on the number of people who are homeless and end up in prison. There should be a formal record of homeless people entering and leaving prison. Both prisons and local authorities should be required to record the number of prisoners making homeless applications to their local authority. This information would stimulate appropriate provision for homeless people.
- A 'homelessness forum' should be developed between prisons and their usual receiving local authorities. Its purpose would be to develop a process for supporting prisoners into housing pre and post release and monitor this process

in order to maximise housing support to prisoners. A procedure should be developed to work with prisoners not resettling in the local area.

- Too many people end up in the prison system on remand or return to prison, because of inappropriate accommodation. Once a baseline level of demand for approved premises and hostel accommodation has been achieved, the range of services currently provided needs to be assessed to ensure that demand in terms of gender, geography, remand, resettlement etc. can be accommodated. There needs to be an appropriate mix of accommodation services in each region.
- Given the poor geographical spread of accommodation for women the above exercise should be prioritised and resources put into providing appropriate accommodation for homeless women who are in contact with the criminal justice system.
- There should be equality of provision so that hostels are able to provide both men and women with the support they need to lead crime-free lives.
- There should be a review of the rules and regulations governing behaviour in semi-penal institutions to assess whether they are too restrictive and increase the likelihood of breach, in order to help get people out of the release–recall web of punishment.
- A routine inspection of approved premises should be implemented based on the model developed for inspecting prisons. The inspection should consider capacity, overcrowding, communal facilities, privacy and bedrooms as well as the regime operating in the hostel.
- Homeless people who are released from custody should be considered a housing priority, and they should be exempt from the bedroom tax.

# Glossary

**Approved premises (bail hostel or probation hostel)** – previously known as probation and bail hostels. ‘Approved premises’ are accommodation in the community for convicted prisoners upon release under licence, or those released on bail, for whom alternative accommodation would be unsuitable. These premises provide an enhanced level of supervision to reduce the risk of harm to the public and rehabilitate people released from custody into the community. They are ‘approved’ under Section 13 of the Offender Management Act 2007. (National Approved Premises Association, 2013).

**Hostel** – mainly temporary accommodation, with organisations or funders setting a time limit on the residents’ stay. Projects may cater for a general client group or cater for a specialist group with specific needs, for example men, women, ex-prisoners and drug or alcohol users. Since 2003, most hostels have been funded through Supporting People.

**MAPPA** – Multi Agency Public Protection Arrangements (MAPPA) were introduced under the Criminal Justice and Court Services Act 2001 and consolidated in the Criminal Justice Act 2003. They were set up to supervise and monitor those considered high-risk within the community. Police and probation are mainly responsible for delivering multi-agency protection, but there is also a duty placed on wider agencies to ensure people are supported within the community, in accordance with their offending-related needs and risks. Agencies can include domestic violence units, drug and alcohol action teams, health authorities, mental health trusts and social landlords (Wood and Kemshall, 2007).

**No fixed abode (NFA)** – This is the formal term used to differentiate between homeless and domiciled prisoners.

**Semi-penal institutions** – This term refers to a range of community hostels that temporarily accommodate homeless people prior to and post imprisonment. Semi-penal institutions subject residents to surveillance and supervision as part of the residence license. In this study, semi-penal hostels consist of probation hostels, homeless hostels and refuges for women. For an in-depth discussion on hostels and the semi-penal network of punishment, please see Barton (2005) and Barton and Cooper (2012).

**Supporting People** – The ‘Supporting People’ programme was introduced in 2003. The Supporting People programme catered to a diverse range of socially excluded groups within the community, including groups with learning difficulties, people with mental health issues and physical health related issues. The Supporting People programme injected one third of its funds into homelessness and housing organisations that cater to people experiencing homelessness and at risk of homelessness. The programme became the primary funding source for the majority of accommodation-based services including resettlement and housing support agencies. From April 2011 the Supporting People allocation was subsumed into the Formula Grant paid to local authorities, so the allocation is no longer separately identified.

**Women’s refuge** – Refuges are shared accommodation for women who have experienced violence, threats or abuse from someone who lives with them or used to live with them. Other residents who have been through similar situations can provide friendship and emotional support.

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