

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

15 March 2015

REPORT OF THE CHIEF EXECUTIVE

**NATIONAL PATHWAY FOR HOMELESSNESS SERVICES TO CHILDREN,
YOUNG PEOPLE AND ADULTS IN THE SECURE ESTATE**

1. Purpose of Report

1.1 The purpose of this report is to update Cabinet on the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate developed by Welsh Government and to seek delegated authority for the Chief Executive to sign up to the spirit of the National Pathway.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 The Pathway will help to deliver the current Corporate Improvement Priorities of:

- Working together to help vulnerable people to stay independent; and
- Working together to make the best use of resources.

3. Background

3.1 The new Housing (Wales) Act 2014 reinforces the duty to prevent homelessness. It introduced a new corporate duty for Local Authorities to take reasonable steps to help people prevent homelessness, extended the definition of 'threatened with homelessness' from 28 to 56 days and introduced a power rather than a duty to apply the intentionality test.

The intention is to provide more help for more people either at risk of becoming homeless, or homelessness, while also retaining the safety net for those vulnerable people who need the additional support.

3.2 The new Act enables the improvement of the private rented sector, better standards in social housing, help to meet people's housing needs and prevent homelessness, enhance our communities and help prevent the difficulties and lack of opportunities often encountered by vulnerable people.

3.3 The duty to prevent homelessness under the new Act is irrespective of whether the applicant has a local connection to Bridgend or, whether the applicant is intentionally homeless.

- 3.4 In the event that homelessness prevention is not successful, there is a duty to relieve the applicant's homelessness and again, there is a duty to take all 'reasonable steps' to do so.
- 3.5 Prior to the Housing (Wales) Act, it was quite often the case that a prisoner would be released from custody and arrive at the Local Authority's office homeless the same day. The Authority would rarely have any notice of this release. Where notice was provided, this merely consisted of the name of the prisoner and the date of release. This was not consistent; some Prisons did not send notification. The Authority would not be furnished with any other information and would often have to make contact with numerous agencies to request or, to formulate a risk assessment plan.
- 3.6 The lack of notice of released prisoners often impacted on resources as it would entail a last minute homeless presentation plan, pressure of time in undertaking the emergency appointment resulting in a number of advisors becoming involved to undertake the interview and contact different agencies to gather information.
- 3.7 Prior to the Housing (Wales) Act, the Housing Act 1996 deemed a released prisoner with local connection to be a priority need category for accommodation. The Authority was faced with individuals assuming they would be accommodated and often, the individuals would not take steps to help their own situation. Not all prisoners were vulnerable and could otherwise manage to secure accommodation independently, albeit with some support, and did not require the Authority to secure accommodation for them.
- 3.8 The Housing (Wales) Act removed the criteria of prisoners being deemed automatic priority need for accommodation and replaced the priority need status with:
- 'A person who has a local connection with the area of the local housing authority and who is vulnerable as a result of one of the following reasons:*
- *having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) act 2000;*
 - *having been remanded in or committed to custody by an order of a court, or:*
 - *having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012'.*
- 3.9 To manage the impact of the change to prisoner's priority need status, the previous Minister established a Prisoner and Resettlement Working Group which BCBC is a member of. The aim of this group was to develop effective arrangements to support the prevention of homelessness for released prisoners. The joint efforts of all agencies that formed this group led to the development of the 'National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate'.

4. Current situation / proposal

- 4.1 Preventing homelessness can help to break the cycle of offending, as well as avoiding all the negative impacts which can result from being without a home. The Pathway offers significant opportunity to help individuals avoid homelessness on release from custody.
- 4.2 From 1st May 2015, every adult prisoner has had access to 'Through the Gate' resettlement services which starts whilst they are still in custody and continues in the community. The aim is to reduce reoffending by providing a package of support. The package might include help finding accommodation.
- 4.3 The Pathway ensures that action is taken to address the needs of those held in custody and that those in custody have the same access to the advice and assistance services resulting from the duties detailed below.
- 4.4 The Housing (Wales) Act places a duty on the Council to assist those who are threatened with homelessness within 56 days. In addition, the new Act places a duty on the Council to take 'reasonable steps, to prevent homelessness.
- 4.5 The duty to prevent homelessness under the new Act is irrespective of whether the applicant has a local connection to Bridgend or, whether the applicant is intentionally homeless.
- 4.6 In the event that homelessness prevention is not successful, there is a duty to relieve the applicant's homelessness and again, there is a duty to take all 'reasonable steps' to do so.
- 4.7 The prisoner pathway ensures consistent services are provided to all prisoners, which recognise the type and timing of the assistance prisoners need. It contains standard forms for use, which will help to ensure consistent services are provided to those who need them. It also ensures the Authority is furnished with information on the prisoner and, is provided with a risk assessment.

The pathway operates as follows:

- 4.8 Housing support commences on reception into custody. A prisoner will receive support to sustain or end tenancy. To assist the Authority and the Community Rehabilitation Company, this support can be provided by Prison Link Cymru which is a Welsh Government-funded support service.
- 4.9 During the 12 week resettlement window prior to release, the prisoner undergoes a review with the Community Rehabilitation Company. Consideration is then given as to whether the prisoner needs to apply to the Authority to secure accommodation.
- 4.10 If an application to the Authority is required, a standard Referral form is completed and sent to the relevant Local Authority approximately 66 days prior to release. This timescale takes into consideration the requisite 56 days

for a Homeless Relief duty to be triggered and, the period of 10 days within which the Housing Assessment must be completed.

- 4.11 At the time the referral is sent to the Authority, a Housing Risk Assessment is requested by the Community Rehabilitation Company from the Offender Manager in the Community which is then completed and sent to the Authority within 5 working days.
- 4.12 Together, the referral form and the Housing Risk Assessment become the referral to the Authority which is sent to a single point of contact within the Local Authority. This referral triggers the Housing Assessment.
- 4.13 Within 10 days the Local Authority will notify the prisoner of the outcome of the Housing Assessment and also detail the reasonable steps both the authority and prisoner will take to relieve the prisoner's homelessness.
- 4.14 The Authority retains the power to make a local connection referral to another Local Authority if the referral is received from a prisoner who does not have a local connection to the Bridgend County Borough area. The local connection referral is made back to the Local Authority area where the prisoner has a local connection.
- 4.15 On release, the support continues either via continuation of existing case and if the prisoner is deemed to be Priority Need, interim accommodation will be secured. If the existing case has closed, being release from prison is considered a change in circumstances in the Code of guidance to local authorities on the allocation of accommodation and homelessness 2015 therefore, it will result in a new homelessness assessment and again the Authority can consider whether to provide interim accommodation if the prisoner is deemed a priority need.
- 4.16 An applicant has the right to review the outcome of the assessment and the ending of any of the duties owed including the reasonable steps taken.
- 4.18 The Pathway has reduced the number of unexpected homelessness presentations and has benefited the Authority by having risk assessments.
- 4.19 It was initially anticipated that being a host Authority to a prison, the Authority would receive a higher number of referrals due to prisoners not wanting to return to their own area or, to request assistance in preventing homelessness due to this not having the criteria that there has to be a local connection for this type of assistance. This has not been the case and referrals have primarily been for those who have a local connection to this Local Authority Area.
- 4.20 Welsh Government has now requested that all Local Authorities sign up to the spirit of this Pathway to support prisoners on release from custody. Welsh Government must report back to both the Minister for Communities and Tackling Poverty and the Minister for Public Services with regards to the Local Authority's decision.

5. Effect upon Policy Framework& Procedure Rules

5.1 None.

6. Equality Impact Assessment

6.1 The National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate' was developed by Welsh Government. The responsibility of the Equality Impact Assessment would rest with them.

6.2 An Equality Impact Assessment was undertaken by the Authority on the main Housing (Wales) Act as part of the preparatory work to the Act, but no additional assessment has taken place in relation to the Pathway itself. However, the Pathway will provide a mechanism to follow the Act.

6.3 The main objective of the Pathway is to ensure more equality in terms of helping a particular disadvantaged group gain access to the new legislation.

7. Financial Implications

7.1 There are no financial implications arising from this report. The Pathway has reduced the number of unexpected homelessness presentations to the Authority.

8. Recommendation

8.1 Cabinet is recommended to note the contents of the report and delegate authority to the Chief Executive to sign up to the spirit of the National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate on behalf of the Authority.

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