

# THE YOUTH JUSTICE ACCOMMODATION PATHWAY

Preventing Homelessness and  
Supporting Better Outcomes for  
Young People involved in the  
Criminal Justice System  
in England

# YOUTH JUSTICE ACCOMMODATION PATHWAY

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Partnership working on every level will improve the outcomes for young people involved in the criminal justice system. The agencies/partnerships below and the individuals within them, have all played their parts in contributing to the Youth Justice Accommodation Pathway.

1625 Independent People

Barrow Cadbury Trust

Birmingham City Council

Central and North West London NHS Trust

Centrepont

Department for Communities and Local Government

Depaul UK

GISDA

The Howard League

London Borough of Croydon

London Borough of Enfield

MyBnk

NACRO

Nottinghamshire County Council

Out4Good

Roundabout

Royal Borough of Greenwich

Safer London

South London Resettlement Consortia

South and West Yorkshire Resettlement Consortia

T2A

The Youth Justice Board

# 1. INTRODUCTION

The Youth Justice Accommodation Pathway (YJAP) is a practical tool that local authorities, criminal justice agencies and other partners can use to plan accommodation and support services for young people aged 16 – 25 who have been involved with the criminal justice system. It has been developed in collaboration with agencies working with and for young people with an offending history, and is informed by the voices of young people who have experienced homelessness.

## Who is it for?

This Pathway tool is for the use of:

- Local Authorities: Housing Options and Homelessness Prevention Services, Children’s Social Care, Young People’s Services, Adults Social Care, Youth Offending Services and Commissioners of Housing Related Support
- Offender Management Services: Youth Offending Services, Youth Justice Secure Estate, Prisons, National Probation Service, Community Rehabilitation Companies
- Providers of Housing, Support and Health Care Services to Young People
- Other agencies involved in resettlement of young people with an offending history

The YJAP offers a framework for housing and support services which can be used for young people from the age of 16-25, whatever the statutory duty owed to them. Local authorities and other public bodies have a range of differing duties towards homeless young people, based on their individual circumstances. Some elements within this framework need to be applied according to legal duties, whilst other elements can be applied more universally.

It is recognised that local and national services are delivered in the context of limited resources and competing priorities. Whatever the local context, the framework can be used to inform service delivery arrangements to prevent homelessness, improve planning and reduce crisis management.

## Why develop this Pathway tool?

This Pathway has been developed in recognition of the difficulty that many young people involved in the criminal justice system have in accessing accommodation and their high risk of homelessness. This in turn increases the likelihood of them re-offending. This group of young people are perhaps the hardest group to assist in finding accommodation and in some areas this can be compounded by a confusion between agencies and services about legal duties, powers, roles and responsibilities.

This Pathway aims to assist organisations to work together locally, it promotes joint working, early planning and is ultimately about improving positive outcomes for this group of young people.

## How does the YJAP link to the ‘Positive Pathway’ and the ‘Care Leaver Accommodation and Support Framework’?

The YJAP follows the principles and rationale set out in the St Basils’ ‘Developing Positive Pathways to Adulthood’ which is now used by the majority of local authorities in England, as an approach to preventing youth homelessness and improving outcomes for young people at risk of homelessness<sup>1</sup>.

The ‘Positive Pathway’ is a generic model that can be used to help redesign and improve services so that all young people in a local area are less likely to become homeless and have more successful transitions to adulthood and independence.

Barnados and St Basils have also developed a ‘sister’ document, the ‘**Care Leaver Accommodation and Support Framework**’ with a particular focus on the needs of, and responsibilities toward, young people leaving care.

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<sup>1</sup> Both the Positive Pathway and the Barnados and St Basils Care Leaver Accommodation and Support Framework are available to download here: <http://www.stbasils.org.uk/how-we-help/positive-pathway/>

In the YJAP the same approach is applied to the challenge of improving the accommodation and support provided to young people who have been involved in offending behaviour. Some of these young people are also looked after children or care leavers so there is inevitably some overlap between the YJAP and both the Positive Pathway and Care Leaver Framework documents. However, we believe there is a need for a specific toolkit for this group of young people because they face the most difficult challenges in accessing suitable accommodation if they cannot live with family or have no home to return to when they leave custody.

The YJAP has been developed applying the principles of the Positive Pathway approach which include:

- Designing services around young people's journeys and what they say makes a difference
- Improving partnership, collaboration and service integration to better meet varied and complex needs
- Planning to prevent crises rather than respond to them
- Learning from what works well on the ground

### **The triple whammy: being young, being involved in the criminal justice system and having no home**

It is widely accepted and understood that having suitable accommodation is fundamental to the successful rehabilitation of offenders of all ages.

People with an offending history are significantly over represented amongst those seeking homelessness assistance from local authorities and amongst those who are 'roofless' and sleeping rough.<sup>2</sup>

Former prisoners who are homeless or living in temporary accommodation on release are more likely to reoffend than those who return to live with family<sup>3</sup>; and young people who are homeless or insecurely housed are over-represented amongst those entering custody<sup>4</sup>

Young people are at higher risk of reoffending than any other age group. More than two thirds of under -18s released from custody are reconvicted within a year. Reoffending data across all offences and disposal types (including custodial and non-custodial sentences) indicate 37.5% of 15-17 year olds, 29% of 18-20s and 26% of 21-24s go on to reoffend.<sup>5</sup>

There has been extensive research into reoffending and desistance, which has established that many factors contribute to a young person's journey out of offending behaviour, including becoming older and gaining maturity. Children and young people with criminal convictions are more likely to reoffend, but also have the best prospects for 'growing out of' offending behaviour, particularly if they have positive help and support from their family and from society generally.

The relationship between homelessness and offending behaviour is a complex one, but we do know that any child, young person or adult who leaves custody without access to accommodation will be at higher risk of reoffending. The same is true of children, young people and adults serving community sentences. The very best efforts of agencies that support rehabilitation and of people wanting to change the direction of their lives and avoid reoffending, may flounder without the stability provided by housing and an address from which other services can be provided.

In their thematic review of Through The Gates Services Her Majesty's Inspectorate of Prisons (HMIP) inspectors suggested that the minimum requirements for resettlement are:

- a safe place to sleep, from the day of release
- access to enough money to meet basic needs including food, clothing, and transport
- a sense of hope for the future
- active links into services that can assist them with other needs, for example substance misuse and mental health services.

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<sup>2</sup> CHAIN data for 2015-16 indicates that 32% of all people seen sleeping rough in London (whose needs were assessed) and 17% of young people (16-25) had spent time in prison. 10% of all rough sleepers, and 17% of young people had spent time in care. <https://data.london.gov.uk/dataset/chain-reports>

<sup>3</sup> The factors associated with proven re-offending following release from prison, MoJ 2013 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/491119/re-offending-release-waves-1-3-spcr-findings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/491119/re-offending-release-waves-1-3-spcr-findings.pdf)

<sup>4</sup> 16% of young adults were homeless and sleeping rough or in hostel accommodation before entering custody. Needs and Characteristics of Young Adults in Custody, Results from the Surveying Prisoner Crime Reduction Survey, MoJ 2015 <https://www.gov.uk/government/publications/needs-and-characteristics-of-young-adults-in-custody>

<sup>5</sup> Proven Reoffending Statistics, MoJ 2017 <https://www.gov.uk/government/statistics/proven-reoffending-statistics-april-2014-to-march-2015>

It could be added that without the first minimum requirement, shelter - a safe place to stay, the other requirements will be difficult to achieve and certainly difficult to plan for in advance of release.

High rates of reconviction amongst young offenders not only suggest a need to improve efforts to effectively resettle and support them, but also that providing accommodation and support to a young person is unlikely to be the end of the story. The same young person might need help again and again before they break their pattern of offending: preparing for release; getting and/or maintaining a tenancy; having another attempt at successful rehabilitation. The 'stickability' of support, the options and the contingency planning needed to make things work, as well as they can, are key to both successful rehabilitation and the transition to adulthood.

# 2. IDENTIFYING THE CHALLENGES

Planned housing and support play a key role in resettlement and rehabilitation of young offenders, and are a requirement for early release arrangements or to support a community sentence being made to avoid detention or custody. Yet despite the widespread acceptance that without housing, resettlement planning and work to rehabilitate young people serving community sentences will be flawed, there continues to be gaps in accommodation and support being provided to young people who are at highest risk of reoffending.<sup>6</sup>

The reasons for this are numerous and complex including

- Challenges around the availability of and access to affordable housing generally for single people at risk of homelessness,
- The complexity of agency responsibilities for providing appropriate and planned support, as well as the challenges involved with safeguarding
- Managing risk around young people involved in the criminal justice system.

## 2.1 Challenges: Young People and Access to Affordable Housing

Young people face the most significant challenges in accessing suitable housing. Affordable housing is in short supply generally, with acute shortages particularly (although not exclusively) in London and the South East. Welfare reforms have both limited the funding available for young people who are not working or on low incomes to pay their rent, and reduced landlord confidence in letting to people reliant on welfare benefits.

With rising demand for rented accommodation come increases in rent and more scope for landlords to 'pick and choose' their tenants. It is not surprising that young people who have lower incomes and are in most cases limited to the 'shared accommodation rate' to cover housing costs, find it increasingly difficult to compete in the housing market.<sup>7</sup> The housing environment is already extremely challenging for young people, with current and future welfare reforms adding to the difficulties they face in accessing housing, particularly if they are not in employment and do not have financial resources to secure accommodation and pay their rent.

As young people on low incomes are increasingly priced out of the private rented housing market, those young people who have a history of offending find it particularly difficult to access accommodation and are unlikely to do so without support. When trying to compete with other prospective tenants these young people face multiple barriers beyond the financial, which include their health, social and emotional needs, as well as the lack of confidence that landlords may have about offering a tenancy to somebody with a criminal conviction.

These difficulties in access to rented housing are not limited to the private rented sector. The social housing sector, which includes local authority and housing association landlords (known as 'registered providers') generally provide better quality properties at more affordable rents. However, demand for social housing far exceeds supply, and most single young people do not have priority within local 'Allocations Schemes' through which access to available social housing is set out and managed. In addition, some social landlords apply exclusions to their allocations schemes, which particularly affect people with an offending history.

Younger people leaving custody, or becoming homeless within the community, are unlikely to be ready to manage an unsupported private or social housing tenancy even if accommodation were available to offer them. For the youngest group (16 -21 year olds) and for those with the most complex needs, whatever their age, some form of supported accommodation is likely to be needed. Reductions in local authority budgets have impacted on resources available for housing related support<sup>8</sup>, and generated a need for much 'smarter' commissioning to meet needs.

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<sup>6</sup> This is based on the experience of the Youth Homelessness Advisers from St Basils, who work with around 150 – 200 local authorities a year as well as issues raised with St Basils Advisers by representatives of the Youth Justice Board's Resettlement Consortia. It is also amongst the findings of HMI Inspection reports referred to in section 3.4 below

<sup>7</sup> Most young people under the age of 35 claiming housing benefit or universal credit are only entitled to a 'local housing allowance' (LHA) to cover the costs of a room in a shared house. See Section 8.3 for more detail.

<sup>8</sup> These commissioned services may be known locally as 'Supporting People' services or housing related support services. They are commissioned by local authorities and in two tier arrangements, the upper tier authority holds the budget for commissioning. There is no statutory duty to provide housing related support and across England there has been a varied degree of impact in terms of budget reductions, which have been locally determined.

Local authorities report difficulties in accommodating young people with offending behaviours across all tenures and accommodation types. The challenges are not just around supply of housing, but also the form that suitable accommodation should take. Even where there are good locally commissioned supported housing pathways in place, some young people with an offending history are very difficult to place safely and successfully, and may be excluded altogether.

In summary, the housing environment for young people involved with the criminal justice system could hardly be more challenging. Young people and service providers working within this environment need a clear understanding of this reality, along with a determination to work together to find the best possible solutions.

## 2.2 Challenges: The Complexity of Agency Responsibilities

Numerous agencies have responsibilities within the process of resettlement including with provision of housing and support.

Within Offender Management Services there are both youth justice agencies (Youth Offending Services, Youth Secure Estate) and adult services (National Probation Service, Community Rehabilitation Companies, Adult Secure Estate -Prisons). Some functions delivered by these agencies are contracted and sub-contracted to service providers, adding to the range of agencies and individuals that may become involved in a young person's resettlement plan.

Responsibilities for provision of accommodation are also complex. Young people under 18 and care leavers are owed duties by both Children's Social Care and Housing Authorities, whilst young adults 18+ generally have no automatic entitlement to housing assistance. Accommodation planning arrangements for 16-17 year olds and young people who are care leavers may fail because of organisational difficulties within local authorities, either between departments in unitary areas, or between different levels in two-tier authority areas<sup>9</sup>.

Providing a well-coordinated accommodation and support pathway for young adults is even more challenging for Housing Authorities, because offender management and resettlement planning are not delivered from within the local authority. Historically many Housing Authorities have developed pathways and referral arrangements with prisons, their local probation service and their Youth Offending Service which have helped to prevent homelessness and improve advice to people with an offending history. The national 'Transforming Rehabilitation' reorganisation of offender management services has disrupted these established relationships and working practises; but at the same time may have opened new opportunities for developing a genuine 'through the gates' approach<sup>10</sup>.

Transforming Rehabilitation aims to improve resettlement support, particularly for prisoners serving short sentences through the creation of 'Community Rehabilitation Companies' (CRCs) with responsibilities to resettle medium and low risk offenders, and to reduce reoffending. The focus on successful rehabilitation, and the requirement that CRCs support their clients to access accommodation, should improve outcomes for young people involved in the criminal justice system. However, there is still work to be done to create more effective collaboration between CRCs, Housing Authorities and other local partners to achieve pathways which prevent young people from becoming homeless.

Given the complexity around legal duties and agency responsibilities it is perhaps not surprising that young people are not always provided with appropriate accommodation as part of a well formed and executed plan. The Youth Justice Accommodation Pathway has, at its heart, effective partnership and planning across organisational boundaries, to smooth out the creases and remove the pitfalls in the process of rehabilitating young people and supporting them to achieve independence, and desistance from crime.

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<sup>9</sup> In two tier authority, a County Council ( the 'upper tier' )has responsibility for Children's and Young People's Services and Adult Social Care, whilst the District/Borough Authorities ( the 'lower tier') have responsibility for housing and statutory homelessness.

<sup>10</sup> See Transforming Rehabilitation: A Strategy for Reform [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228744/8619.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228744/8619.pdf)



## 2.3 Challenges: Safeguarding and Managing Risk

Public sector service providers are increasingly aware of their safeguarding responsibilities as well as the duty of care they owe to service users and the public. Some young people who are involved in the criminal justice system are extremely difficult to accommodate because of the risks they present to others and/or the risks presented to them within the community. Ironically, it is not unusual to find the highest risk young people accommodated in the least protected or protective accommodation, because the risk assessment process has prevented their placement in commissioned provision or any other suitable option available.

Risk management is particularly challenging for young people who need accommodation with on-site support to meet their needs. Locally commissioned supported accommodation that is suitable to meet a young person's individual needs, may not be assessed as appropriate to manage their risks. Tensions arise between managing the risks involved in accommodating a young person in the local area, and a desire to provide suitable supported accommodation close enough for the young person to receive adequate support from family and service providers. Out of area placements may be more easily organised within larger local authority areas e.g. County Councils, if there is a well-coordinated young person's housing pathway.

Young people assessed as presenting high levels of risk, with a history of violent and/or sex offending, are generally managed through Multi Agency Public Protection Arrangements (MAPPA) which involve housing representatives as well as health and criminal justice agencies. Local MAPPA should ensure effective information sharing and forward planning to manage risk.<sup>11</sup>

Resettlement planning for young adults is particularly challenging around the point of transition between youth and adult services. The National Offender Management Service (NOMS) has recognised the difficulties surrounding this transition, and the high level of breaches that occur at 18, which is the time when most young people move from being managed by a Youth Offending Service (YOS) to the National Probation Service (NPS) or a Community Rehabilitation Company (CRC). The point at which offender management responsibility is transferred is mostly determined by age and sentence, and the Joint National Protocol for Transitions in England (2015) aims to improve arrangements for transition as well as information sharing between offender management services.

As young people pass beyond their 18th birthday they may lose access to some services which are critical to their successful rehabilitation. Support arrangements around mental or emotional health, substance misuse, education, employment and training (EET) may be disrupted, especially when young people do not meet the thresholds for adult equivalent services, or do not engage with a service provider delivering these services in a different way. Local housing authorities may be reluctant to provide accommodation to a young person who is not yet linked in to the services that they need, and which will support them to sustain an accommodation placement. Multi-agency planning, including through MAPPA, is essential to ensure continuity of health and support services that young people need and to better manage risk, as well as improving prospects for successful resettlement.

## 2.4 Learning from the Inspectors

The Ministry of Justice funds independent inspectorates to investigate and report on the quality and impact of work carried out within the criminal justice system, with the aim of ultimately improving the effectiveness of services. Thematic inspections look in detail at specific areas of work across several prisons or other criminal justice agencies, examining practice on the ground as well as the strategic leadership and relevant partnerships which support the work. Recent thematic inspections have highlighted gaps in provision of accommodation and resettlement services to offenders leaving custody.

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<sup>11</sup> MAPPA Guidance is published by the MoJ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/582380/mappa-guidance-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582380/mappa-guidance-2016.pdf)

The Chief Inspectors report, **Accommodation of Homeless 16 and 17 Year Old Children Working With Youth Offending Teams (September 2016)**<sup>12</sup>, highlighted many concerns including that one in three of the young people in the inspection were living in unsuitable or unsafe accommodation. The inspection identified inconsistency in the quality of assessments, with many being resource led rather than needs led. Inspectors were not convinced that young people were always given proper advice and choice about becoming looked after and being provided with Children Act S20 accommodation, and found that professionals in Children's Social Care did not always work closely enough with the YOS case workers, resulting in missed opportunities to benefit from their knowledge and skills in assessment and planning to meet needs and manage risks.

Accommodation arrangements were very often unsuitable, and even where professionals knew they were likely to break down there was a lack of contingency planning to respond to the young person becoming homeless. As a result, young people were living in bed and breakfast and other highly unsuitable accommodation, in some cases alongside adults who might present a risk to them. Inspectors also noted that young people with complex needs might go through several unsuitable placements before being provided with a bespoke package to meet their needs. Overall there was found to be a lack of governance and oversight of the accommodation being provided to 16-17 year old's leaving custody, at both local and national level.

*"The homeless 16 and 17 year olds in this inspection were not a homogeneous group, but all had experienced disturbing life events. Their relationships were damaged, their behaviors were often problematic and their futures were uncertain. Their needs could not be met simply by the provision of a roof over their head."*

*Too often, the services offered were solutions more geared to adults, and did not properly meet these children's needs. Little account was taken of the fact that they were still children and that most of them still needed some form of parenting, rather than simply accommodation and remote support services.<sup>13</sup>*

#### **An inspection on Through the Gate Resettlement Services for Short-Term Prisoners (October 2016)**<sup>14</sup>

looked at the work of the relatively new Community Rehabilitation Companies (CRCs) which have been set up as part of government 'Transforming Rehabilitation' reforms. The thematic inspection found systemic problems with resettlement planning, and inadequate support for prisoners leaving custody with no fixed abode. For some prisoners, the only action taken was to make a referral to a local authority, but in others the referral was not made because it was decided that the person would not be assessed to be in 'priority need' according to homelessness legislation<sup>15</sup>. The inspectors found no examples of contact being made with families to try and negotiate for a prisoner to stay with them on release, or of any help being provided with rent deposits or other services to secure accommodation.

The accommodation support provided to women prisoners was judged to be more effective than that provided to men, partly because it was believed local authorities were more likely to accept they were in 'priority need' due to being vulnerable. Inspectors found gaps in all aspects of pre-release resettlement planning, including preparation to claim benefits or access employment, assistance with debts or even with basic financial arrangements such as setting up a bank account.

*"Over two-thirds of prisoners needed help with accommodation. This is a crucial issue to be addressed, to give stability and security at the vulnerable time of release."*

*While we accepted that the reality of the situation was difficult, we did not find that enough was done to address accommodation needs. Prisoners did not know who would help them, what that help would consist of, and when they would know what had been done"*

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12 HM Inspectorate Probation. 2016 [www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/Thematic-Report-Accommodation-of-Homeless-16-and-17-Year-Old-Children.pdf/](http://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/Thematic-Report-Accommodation-of-Homeless-16-and-17-Year-Old-Children.pdf/)

13 See also the Joint thematic inspection of resettlement services to children by Youth Offending Teams and partner agencies, 2015 which found lack of planning around suitable accommodation contributed to poor outcomes for children and young people leaving custody <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/youthresettlementthematic/>

14 Criminal Justice Joint Inspectorate, 2016 <http://www.justiceinspectorates.gov.uk/cjji/inspections/throughthegate2016/>

15 Homeless people are assessed by a Housing Authority as being in 'priority need' are entitled to assistance with housing. Most single (childless) people do not meet this threshold, but it is a matter for the Housing Authority to assess. For more information see Annex 2.

# 3. YOUNG PEOPLE AND HOUSING SERVICES

## 3.1 Young People In Custody

The number of children held in custody has been significantly reduced over recent years. Sentencing guidelines have been revised, and there has been greater use of diversionary schemes to try and keep children and young people out of the youth secure estate. In November 2016, there were 71% fewer under-18s in custody than ten years earlier, and numbers continue to decline year on year.<sup>16</sup>

Changes to sentencing and custody arrangements for children and young people have implications for local authorities and offender management services with responsibility for resettlement. Whilst the number requiring accommodation and support on release is declining, those young people who do receive custodial sentences have more complex needs and may have more entrenched patterns of offending. A higher proportion of young people leaving custody have convictions for violent and sexual offences and/or are repeat offenders. Multi-agency release planning is therefore increasingly important, albeit for a reduced cohort of young people leaving custody. At the same time, there is likely to be increasing demand for housing services to assist preventative and diversionary interventions within the community, and to safeguard families and support rehabilitation of young people serving community sentences.

Young people who become involved in offending behaviour are amongst the most 'damaged' and the most challenging young people that local authorities and partners provide services for, and the services available to them are not always sufficient or successful. In the introduction to his 'Review of the Youth Justice System in England and Wales', which the Ministry of Justice commissioned, Charlie Taylor says

*"Many of the children in the system come from some of the most dysfunctional and chaotic families where drug and alcohol misuse, physical and emotional abuse and offending is common. Often they are victims of crimes themselves. Though children's backgrounds should not be used as an excuse for their behaviour, it is clear that the failure of education, health, social care and other agencies to tackle these problems have contributed to their presence in the youth justice system."<sup>17</sup>*

Research for the Ministry of Justice found that amongst the adult prison population disproportionate numbers had spent time in care (24%), experienced abuse (29%) witnessed violence in the home (49%) and been permanently excluded from school (42%), and that prisoners with these childhood experiences were more likely to reoffend<sup>18</sup>. Looked After Children and Care Leavers have even greater over-representation amongst young offenders in custody. Although children in care and Care Leavers are only 1% of the population, half of children in secure training centres and 38% in Youth Offender Institutions (YOIs) have been in care at some point in their lives.<sup>19</sup> The majority of young people who the YJAP is designed for will have been known to local authority, health and other services well before they reach an age when they might need accommodation because they are homeless.<sup>20</sup>

The number of young adults involved in the criminal justice system has also declined in recent years – with a reduction of 26% in the number of 18-24 year olds in custody between 2010-15.<sup>21</sup> These young people are predominantly held within the adult secure estate, and on their release, have much reduced access to statutory services, and to housing. The Transition to Adulthood Alliance (T2A) coordinated by the Barrow Cadbury Trust has built up a wealth of research evidence around the needs and outcomes for 18-24 year olds involved in the

<sup>16</sup> Youth Custody Report November 2016 <https://www.gov.uk/government/statistics/youth-custody-data>

<sup>17</sup> Review of the Youth Justice System in England and Wales, December 2016 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/577103/youth-justice-review-final-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf)

<sup>18</sup> Prisoners Childhood and Family Backgrounds, MoJ, 2014 <https://www.gov.uk/government/publications/prisoners-childhood-and-family-backgrounds>

<sup>19</sup> Children in Custody 2014-15: An Analysis of 12-18 year olds' perceptions of their experience in secure training centres and young offender institutions, [https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2015/12/HMIP\\_CP\\_-\\_Children-in-custody-2014-15-FINAL-web-AW.pdf](https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2015/12/HMIP_CP_-_Children-in-custody-2014-15-FINAL-web-AW.pdf)

<sup>20</sup> See also the Key Characteristics of Admissions to Youth Custody 2014-2016 which identifies complex needs of children in custody. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585991/key-characteristics-of-admissions-april-2014-to-march-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585991/key-characteristics-of-admissions-april-2014-to-march-2016.pdf)

<sup>21</sup> Government Response to the Harris Review 2015 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486564/gov-response-harris-review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486564/gov-response-harris-review.pdf)

criminal justice system, which together indicate a need to provide a different response to young people in comparison with older adults, recognising their developmental status and level of maturity. In 2016 a House of Commons Select Committee Review into 'The treatment of young adults in the criminal justice system'<sup>22</sup> greatly persuaded by the T2A research evidence recommended a 'step change' in policy and practice toward young adults which is:

"founded on the clear philosophy that the system should seek to acknowledge explicitly (young adults) developmental status, focus on (their) strengths build their resilience and recognise unapologetically the degree of overlap of their status as victims and offenders".

The select committee heard evidence that young adults' brains are not fully developed until their mid-20s, with implications for their capacity for decision making, empathy, remorse and for planning. In addition, young people in custody have high presence of atypical brain development, and are significantly more likely than other young people to have neuro-developmental disorders including learning disability, communication impairment, ADHD, Autistic Spectrum Disorder and brain injury. This all has implications for the way in which the criminal justice system should respond to offending behaviour by young people in order to improve outcomes and lower re-offending levels. It also resonates with the experiences of service providers in housing and support services working with these most complex young people who it seems, will not do what is expected of them to manage and sustain their housing, make what are seen as wrong choices, experience repeat evictions and may eventually exhaust all of their housing options. Most young people involved in the criminal justice system need multiple services including housing, but they also need to be given more chances, more time and perseverance to achieve successful rehabilitation.

Young people detained in custody are disproportionately from Black, Asian and Minority Ethnic (BAME) backgrounds and are overwhelmingly male. Of children in custody, 43% are BAME.<sup>23</sup> Around a fifth of boys (under 18) in the youth secure estate say they have a disability.

Girls and young women constitute only 3% of children and of young adults in custody. Commissioners and service providers should have an awareness of the demographic profile of young people in their area and take account of diverse needs when developing services, policies and procedures. Male-only accommodation services are valuable within a commissioned housing pathway, not least because some young men cannot be safely placed within a mixed gender environment. However, in areas with very limited housing related support funding, there may be a need to place young adults outside the supported housing pathway, with sufficient floating support.

Although very few girls and young women are now serving custodial sentences<sup>24</sup>, local authorities and partners do need to be aware of their needs, and have appropriate services in place to prevent young women within the community from becoming homeless. Staff delivering services to young people should have training and maintain an awareness of the risk of child sexual exploitation, and the particular risks facing young women associated with gangs<sup>25</sup>.

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<sup>22</sup> <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/169/16905.htm>

<sup>23</sup> <https://www.gov.uk/government/statistics/youth-custody-data#history>

<sup>24</sup> Government data indicates only 23 girls were held in custody at January 2017 <https://www.gov.uk/government/statistics/youth-custody-data>

<sup>25</sup> Beyond Youth Custody provide resources to improve resettlement support for girls and for young people involved with gangs. <http://www.beyondyouthcustody.net/wp-content/uploads/Resettlement-of-girls-and-young-women-a-practitioners-guide.pdf>  
<http://www.beyondyouthcustody.net/wp-content/uploads/Gang-involved-young-people-custody-and-beyond-a-practitioners-guide-1.pdf>

### 3.2 Homeless Prevention and Local Authority Duties

The YJAP aims to improve services to young people aged 16-24 who are at risk of homelessness or who require accommodation. Typically, this will be those who:

- Are living in their local community and are at risk of becoming homeless because of offending behaviour and parental/family exclusion
- Are at risk of becoming homeless on release from custody as they cannot return to their previous accommodation
- Require a safe address for bail or to avoid remand or police detention
- Cannot return to their family home due to proximity to victims or because they are at risk. This includes young people linked to gang related activity, including 'revenge' attacks and young women at risk of sexual exploitation
- Were Looked After Children prior to entering custody or have become so through LASPO remand arrangements<sup>26</sup>

Ideally, local authorities should have arrangements in place to try and prevent young people from becoming homeless in any of these circumstances. In reality the picture varies according to local authority priorities and resources, as well as the statutory duties that are owed to the young person.

The legal framework that governs duties to provide housing, care and support to young people at risk of homelessness is complex. An outline of current and pending legislation is provided in detail as Annex 2, and an overview of the division in duties between Children's Social Care and Housing Authorities is included in Table 1.

Table 1: Legal Duties to Accommodate Young People – An Overview		
Young Persons Age	Children's Services Duties to accommodate young people	Housing Authority duties to accommodate single young people
16-17	<p>YP who were already 'looked after' on entering custody and/or were remanded under LASPO, and now have 'eligible child' or 'relevant child' status <sup>27</sup></p> <p>Homeless YP except where they decline S20 accommodation and are assessed as having capacity for making that decision</p> <p>YP who are not eligible for housing services due to their immigration status</p>	<p>YP whose homelessness cannot be prevented, and have declined accommodation and support offered to them as a Child In Need under Children Act 1989, S20, or have been found not to be a Child in Need <sup>28</sup></p> <p>Interim accommodation for YP where the first approach is to the housing authority. This would usually be set out in local joint working protocol between Housing/ Children's Services</p>

<sup>26</sup> The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) changed the thresholds for children and young people being held on remand, and provided that young people on remand have looked after children status. Local authorities also took on financial responsibility for remand, incentivising them to avoid children 10-17 being remanded into custody.

<sup>27</sup> An 'eligible child' is a 16-17 year old who is looked after, and has been for at least 13 weeks since their 14th birthday (Children Act 1989 Para 19B Sch2) and a 'relevant child' meets the same criteria but is no longer looked after (Children Act 1989 23a). Former 'relevant children' were eligible or relevant children who are now aged 18+ (Children Act 1989 23c (1))

<sup>28</sup> In R (G)V Southwark 2009 the House of Lords described the very limited circumstances in which a homeless 16-17 year old might not be a 'child in need' (CIN) according to Children Act 1989 S17 (10). For example, a YP who had lived independently for some time, with a job, and nobody caring for them who had then lost their accommodation might not be assessed as a CIN. A YP who was homeless and involved with the criminal justice system would almost certainly be a CIN.

18-20	Former Unaccompanied Asylum Seekers awaiting a decision on their application to the Home Office  'Former relevant' children (care leavers) who are unable to access appropriate accommodation through other means. <sup>29</sup>	YP who are assessed under the statutory homelessness legislation as eligible, homeless, in priority need and not intentionally homeless.  YP who have been looked after under the Children Act for any period whilst 16-17 have automatic priority need  YP may be assessed as having priority need if they are significantly more vulnerable than an 'ordinary' person because of their health, disability, history of abuse, time spent in prison or for other reasons
21-24		YP may be assessed as having priority need if they are significantly more vulnerable than an 'ordinary' person because of their health, disability, history of abuse, time spent in prison, because they have been in care, or for other reasons

### 3.3 Local Connection

Local authority duties are generally toward people who are normally resident within their area. Homelessness services apply an agreed 'local connection' criteria, through which a homeless applicant's connection to their area is assessed. If the applicant does not have sufficient connection, they may be referred to another local authority where they do have a connection, but only if they would not be at risk in that area. The Children Act 1989 also enables local authorities to transfer responsibility for a child back to their 'home' authority. However, neither Housing or Children's Services can refuse to assist a young homeless person from another area who is in immediate need, because they lack a local connection. In practical terms, local authorities may contact the home authority and agree arrangements for the person to be immediately assessed and assisted in their home area. Where such arrangements cannot be made or if the home authority will not cooperate, then a formal process must be followed and the young person provided with accommodation in the meantime. The key point is that a young vulnerable person who is eligible for assistance with accommodation under either legislation, should not be sent away or told to approach a different local authority when they ask for help.

### 3.4 Young People from Abroad

Some young people who are 'persons from abroad' will not be eligible for assistance under housing legislation. There are some exceptions to this general rule which include, but are not limited to, young people who have been granted either leave to remain or refugee status, and EU citizens who are workers or under 21 and have a parent in work.

Eligibility for housing and welfare benefits is a complex area and young people who are unsure about their entitlements should be assisted to obtain expert advice.

Young people convicted of violent and/or sexual offences, whose place of birth was not the UK, may face deportation when released from custody. MAPPA agencies will be made aware when young people are threatened with deportation, but may need to prepare contingency plans so they are ready to respond to the outcome of a Home Office decision once it is known.

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<sup>29</sup> In *R (on the application of SO) v Barking and Dagenham* 2010 it was established that care leavers who require accommodation for their welfare, and cannot access it through other means, must be found accommodation by Children's Services and if needed this must also be paid for by Children's Services

### 3.5 Preparing for New Duties to Prevent Homelessness

The Homelessness Reduction Act 2017 introduces new duties for local authorities and other public bodies to improve services to people at risk of becoming homeless. Due to be implemented in 2018 the new legislation is intended to improve the way local authorities work with partners to prevent young people from becoming homeless.

Proposed duties most relevant to the YJAP are:

- **Advice Services:** Local authorities will have a new duty to provide free advice on preventing homelessness, securing accommodation, the rights people threatened with homelessness have, and the help available to them from the local authority or other service providers. The advice service would need to be designed to meet the needs of certain named groups, which include people being released from custody and care leavers.
- **The New Prevention Duty:** This duty will apply to any person or household who is 'eligible' and is at risk of homelessness within 56 days, whether or not they are likely to be in 'priority need' or 'intentionally homeless', and irrespective of their local connection to the area. Their circumstances and needs must be properly assessed and a Personal Housing Plan agreed with them, and recorded in writing. The assessment and plan must take into consideration what sort of accommodation the person (and their household) needs, and the support required for them to keep their existing accommodation, or to access and retain suitable alternative housing.
- **The New Relief Duty:** If a person or household is actually homeless there is also a duty to 'help to secure' accommodation for them within 56 days. They need to be 'eligible' and homeless, but the duty applies whether or not they might be in 'priority need' or intentionally homeless. If the applicant 'may be' in 'priority need' they should be offered interim accommodation for up to 56 days. At this point the authority can apply the local connection criteria, and make a referral to the authority where the applicant has a local connection. Again, there is a thorough assessment of the applicants' circumstances, needs, housing options and a Personal Housing Plan produced with their agreement (as above).
- **Duty to Cooperate:** People applying for help from a local authority will have a new duty to cooperate with the efforts that are made to prevent them from becoming homeless or to 'relieve' their homelessness. If applicants do not cooperate, for example by unreasonably failing to view accommodation found for them, then the duty could end.
- Refusing suitable offers of housing would also end the duty to prevent and relieve homelessness.
- Where homelessness cannot be prevented or relieved, and the applicant has co-operated, the current legislation will apply for those who are eligible, homeless, not intentionally homeless and in 'priority need'.
- **Notification Duty for Public Bodies:** Specified public bodies who come into contact with people who may be homeless or at risk of homelessness will have a duty to refer, with the person's consent, to the local authority responsible for preventing that person from becoming homeless. This duty is likely to apply to criminal justice agencies, health services and other public sector bodies providing services to young people, although at the time of writing this, the specific agencies had not been set out in regulations by the Government.

The emphasis on earlier intervention and prevention contained in the Homelessness Reduction Act 2017 is certainly not new to local authorities. Having arrangements in place to actively prevent homelessness is already recognised best practice, which the new legislation will put on a statutory footing. New duties to provide advice, assessment and preparation of a housing plan for all customers at risk of homelessness will constitute a significant change, aimed at improving the service and the outcomes particularly for non-priority single homeless applicants, including young people involved in the criminal justice system.

When combined with the duties on public bodies to notify local authorities of a person at risk of homelessness, the proposed legislation provides an impetus to improve pathways for young people who are at risk of homeless on leaving custody.

Local authorities and partners do not need to wait for new legislation to be enacted to begin the work of reviewing and improving their referral and assessment arrangements. The YJAP can be used to support a review of existing arrangements and to help develop new more effective pathways and partnerships.

### **3.6 The Principles of the Youth Justice Accommodation Pathway**

The YJAP is underpinned by the following principles and ways of working:

- Young people and their families should be involved in planning for their future when leaving custody or serving a community sentence. Having the support of family greatly improves prospects for successful rehabilitation, whether or not a young person can stay or return to the family home. Engaging young people and families at the earliest opportunity may help to prevent homelessness by facilitating a stay or return to the immediate or extended family home. Involving young people in planning their accommodation options will also increase their 'buy in', reduce anxiety and provide a 'reality check' about housing options and opportunities.
- Multi-agency planning and effective joint working is the ONLY way: it is more efficient, reduces crises and improves outcomes for young people. No single agency or professional can deliver a successful support plan which addresses the risks of re-offending and for those leaving custody, supports resettlement as well. Without joint planning and sharing of information and responsibilities, young people are more likely to become homeless and/or placed in unsuitable and costly temporary accommodation.
- Young people need access to safe, suitable and affordable accommodation with appropriate support for their transition to becoming independent adults. They will also need to enter employment or training towards employment to pay for and sustain their housing.
- Planning accommodation and support options more effectively will reduce re-offending to the benefit of young people and the wider community. Suitable and stable housing with good support provides the foundation for successful rehabilitation, and so has value for society that goes beyond the avoidance of homelessness.

Although the YJAP focusses on meeting the accommodation needs of young people involved in the criminal justice system, there is an emphasis throughout on the interface between provision of stable accommodation and access to health, education, employment and other essential services a young person needs for successful rehabilitation. The pathway will only work if all of the key service providers 'buy in' at a national and local level.

#### **Hearing from Young People**

Young people from the National Youth Reference Group which is coordinated by St Basils have helped in the development of the pathway, and have facilitated consultation with young people who have experienced homelessness and been involved with the criminal justice system. Some of their comments are included in the next sections of this pathway document.



# 4. PATHWAY DIAGRAM

## STRAND 1: YOUNG PEOPLE IN THE COMMUNITY: PREVENTING HOMELESSNESS AND REDUCING OFFENDING

**EARLY HELP:** Agencies work together to prevent young people involved in offending behaviour from becoming homeless, and to reduce crisis

**PREVENTION:** Housing Authorities are engaged in multi-agency information sharing and planning to reduce re-offending, and to prevent young people at risk of offending/re-offending from being homeless. Young people know how to access support when they need it

**SAFEGUARDING:** Young people and families at risk of harm are able to access housing services which minimise risk, and support them to make positive changes to their lives

## STRAND 2. YOUNG PEOPLE IN CUSTODY: PLANNING FOR SUCCESSFUL RESETTLEMENT

### START OF SENTENCE

Young People and their families are involved in resettlement planning from the outset. Action is taken to protect or surrender a tenancy or license and to minimise debt. Future barriers to accommodation are identified and included within the sentence plan

### PLANNING FOR RELEASE

Preparations made for young people to live with family where possible and identify any support required. Young People's needs, risks and wishes are assessed. Local authority duties are established and referrals made and acted upon  
Young people who are unable to return home are actively involved in planning for their accommodation and support on release

### FINALISE RELEASE PLANS

Accommodation is identified, and a contingency plan prepared. Release plans finalised and support put in place appropriate to young person's age and needs

## STRAND 3. JOINTLY COMMISSIONED ACCOMMODATION AND SUPPORT

### SUPPORTED HOUSING

The pathway includes accommodation which can be secured in advance of release, and a range of accommodation and support to meet identified needs

### SPECIALIST SERVICES

Young people with complex needs are accommodated within a commissioned pathway

### PREPARATION FOR INDEPENDENCE

Young people are well prepared to manage their own tenancy and budget before they move on

## STRAND 4. A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT

### SHARED AND SELF-CONTAINED HOUSING OPTIONS

Landlords are engaged to provide shared and self-contained housing options affordable to young people

### MIXTURE OF TENURE TYPES

Young people are able to access social or private rented housing to support their successful rehabilitation

### SUPPORT TO SET UP AND SUSTAIN A TENANCY

Young people receive move on support to set up a tenancy and know how to access support again if needed to prevent homelessness

# 5. PATHWAY STRAND 1 : YOUNG PEOPLE IN THE COMMUNITY

## 5.1. EARLY HELP

The pathway begins with Early Help services, and targeted interventions to reach young people who are involved in, or on the edges of offending behaviour, to reduce the risk of their becoming homeless. Mirroring Stage 2 of the St Basils 'Positive Pathway', the focus is on how local authorities and partners identify key risk indicators and then work together to prevent young people at high risk from becoming homeless, recognising that being homeless increases the likelihood of offending behaviour, poor health and well-being.

Research and good local data<sup>30</sup> shows that young people engaged in offending or anti-social behaviour are at comparatively high risk of becoming homeless at a young age. Parents or carers trying to change what is happening with their child may lose hope, or feel they are unable to manage behaviour within their home. The activities of one child may be putting other siblings or the family home at risk. If the young person is engaged in anti-social or criminal behaviour close to the home the family may be penalised and face eviction for breaching their tenancy conditions. If young people become involved in gang related or other violence the family may be at risk of abuse, threats or actual harm within their home. Families faced with these challenges, and feeling powerless to change what is happening, may decide that excluding a young person is the only option. The parental exclusion may well happen when the child reaches 16-17 or older, although conflicts within the home began much earlier on.

Professionals in contact with families and young people will recognise the tensions, conflicts and risks that may lead to a young person being excluded now or in the future. Early help and social care interventions employed to try and keep younger children within the family network can also be used to support families where 16-17 year olds risk being homeless or taken into care. Sometimes professionals might feel that a plan that involves removing a troubled young person from the family home should be pursued for the well-being of the rest of the family. In reaching such decisions, families, young people and professionals supporting them must be aware of the negative short and long term impacts of becoming homeless or entering care at 16-17 so that all possible alternatives are considered.

Services provided through the 'Troubled Families' funding programme are well placed to provide intensive support to families with young people who are or have become involved in the criminal justice system. Families targeted through the programme due to cross generational worklessness, children missing school, anti-social behaviour or domestic abuse will also be at higher risk of their young people becoming homeless or looked after. If staff have a good understanding of the risks of homelessness and the value of prevention, they can work effectively to support families to stay together, or to manage young people moving on from home in a planned way rather than at the point of crisis.

Health service and treatment providers also have contact with families and young people that may disclose concerns about the impact of risky behaviours, involvement in offending behaviour, and homelessness. Health professionals are able to pass on their concerns about children and families through Early Help or Safeguarding arrangements, but might also become more actively involved in multi-agency efforts to support a young person at risk.

Young people who become involved in offending are more likely than others to have learning disabilities, mental health problems and behaviour disorders, although they may not always have a diagnosis or even have accessed mental health services. Having CAMHS fully engaged in efforts to support a family where a young person's behaviour has become difficult to manage at home can be crucial, and difficulty accessing mental health support in a timely manner can be problematic where interventions are required to prevent a crisis, and a young person from being excluded.<sup>31</sup>

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<sup>30</sup> St Basils delivers the housing options and prevention service for Birmingham City Council through a multi-agency Youth Hub. Data for 2015-16 indicates that 21% of young people (16-25) presenting to the hub as homeless had criminal convictions

<sup>31</sup> Research commissioned by the T2A Alliance found young people needing CAMHS support experienced rigid criteria for receiving a service, long waiting lists and gaps in service for 16-18 year olds. See 'Same Old... the experiences of young offenders with mental health needs', Young Minds, 2013 [https://www.youngminds.org.uk/assets/0000/9472/Barrow\\_Cadbury\\_Report.pdf](https://www.youngminds.org.uk/assets/0000/9472/Barrow_Cadbury_Report.pdf)

## London Tri-borough Multi-systemic Therapy Service (MST)

Central and North West London NHS Trust

The MST service works intensively with young people aged 10-17 who have very challenging behaviour and are known to Children's Social Care or Youth Offending Services. A team of therapists support parents to take back control, develop appropriate behaviour management techniques for their children and improve communication between family members. Treatment takes between three and five months and draws upon cognitive-behavioural therapy and family therapy approaches. Support is available 24 hours a day, 7 days of the week and on every day of the year so that families can reach a team member who knows their family and has working knowledge of the most up to date intervention plans. This prevents families from having to 'retell their story' and provides a continuity in treatment outside of usual working hours, when problems are most likely to occur. The service aims to prevent young people entering care or custody and to reduce reoffending. In 2016-17 84% of young people were successfully kept within the family home, 74% had no new arrests.

<http://www.cnwl.nhs.uk/service/tri-borough-multisystemic-therapy-service/>

## 5.2. PREVENTING HOMELESSNESS

Young people may become homeless at any age because they do not have family who are able or willing to accommodate them, or because they cannot remain safely within their home. When agencies work together to identify the risks of homelessness in advance, it becomes possible to intervene to offer support for the young person to remain at home and/or to arrange planned moves into supported housing or other accommodation, rather than wait until the point of crisis.

From the perspective of Housing Authorities, it can be difficult to identify those young people within the community in advance of the point that they become homeless. Part of the solution is to ensure services are well publicised and welcoming to young people so that they feel able to seek help and advice if they are worried about their housing situation. This includes young adults living in their own accommodation who are struggling to pay the rent, or to manage their friends/visitors and relationships with neighbours. It will also include young people who have been convicted of offences which may result in a period in custody, and who need advice and support on how to retain their tenancy so that they are not homeless on release.

Multi-agency information sharing arrangements and forums which have a focus on preventing offending and re-offending may also be used to identify where young people are insecurely housed, facing exclusion or living somewhere where they are at risk, to plan interventions that will support them to avoid becoming homeless. Integrated Offender Management (IOM) arrangements can be effective in bringing together criminal justice, health, housing and voluntary sector partners to plan interventions for 'prolific offenders' which may include providing more support around housing. Having partners engaged in discussion, information sharing and joint planning is the most effective way to manage risk, prevent homelessness and reduce reoffending.

Providers of substance misuse treatment and support services can be key partners involved in interventions and planning to prevent homelessness. The relationship between substance misuse and offending behaviour, particularly acquisitive crimes, is well known. We also know that young people with significant drug misuse problems find it especially hard to access and to sustain accommodation, and are at greatest risk of becoming street homeless. Commissioners of health and treatment services for young vulnerable people should be alert to the need for service providers to work collaboratively with Housing Authorities, so that access to suitable housing becomes a challenge for them to achieve along with housing colleagues, rather than becoming a reason for unsuccessful treatment outcomes. Early and joined-up intervention between agencies is necessary to avoid young people getting into a cycle of repeat homelessness compounded by their substance misuse issues.

## EARLY HELP AND PREVENTION CHECKLIST

- Professionals who have contact with young people at risk of or involved in offending are aware of the risks associated with homelessness, and who to contact for help and advice
- Early Help assessment tools identify young people at risk of parental exclusion and are used by health and criminal justice agencies as well as children and family services
- Families with children and young people at risk of offending are supported by the Troubled Families programme, and have access to early help interventions such as Family Group Conferencing, family and youth support
- Where young people cannot stay at home or with family, professionals work with families to plan moves in advance rather than wait for the crisis of homelessness
- Multi-agency protocols and panels are in place enabling all key agencies involved with young people at risk of offending to share information, identify and manage risks and prevent crisis. Housing staff are involved in Integrated Offender Management as well as MAPPA
- Staff in the YOS, NPS and CRC's are aware of the realities of homelessness and housing options for young people, and work in partnership with housing and social care to prevent young people becoming homeless
- A YOS/ Housing protocol is in place that includes joint planning to support young people serving community sentences as well as those leaving custody
- A Housing Officer is based within or linked to the YOS to provide expertise and oversee access into supported housing

## YOUNG PEOPLE SAID

- *"This will be a good method to prevent criminal behaviour, as early support will mean that vulnerable young people won't need to resort to crime".*
- *"I never went to school, but nobody was there to support me because schools don't care. It would be good to have somebody who is there for you at that crucial stage in your life so you don't get involved with further offending behaviour".*
- *"There is no support to find the right services that you need. You just get given phone numbers and they expect you to know how to deal with it. There should be a support system to enable young people to access these services, instead of falling between the lines".*
- *"The teachers at school were only interested in getting me to go to school, not what was preventing me from coming to school. There should be more awareness of the underlying reasons why vulnerable young individuals need help. This means services working together and supporting you to access the correct one".*

In Royal Borough of Greenwich Housing services are key partners in work to reduce reoffending. The Housing Options and Support Service works closely with the Youth Offending Service through a joint protocol and procedures through which young people's housing needs can be jointly assessed, whilst they are in custody or in the community, and services collaborate to try and prevent homelessness. If a young person cannot return home safely arrangements are made for them to be placed in supported housing in advance of their release. A multi-agency 18-25 panel shares information, plans interventions and support to young adults at highest risk of offending, including through housing related support. The Community Safety team within the Council also coordinates joint planning around young people involved in gang related activity, and funds services that support young people to exit from gang involvement where they chose to do so. Close partnership working between Offender Managers, Housing, Community Safety and Police has also improved risk management of decisions about how and where young people may be accommodated.

### 5.3 Safeguarding Young People and Families

When young people become involved in offending behaviour they may find themselves and their families are put at risk. Some young people become victims of threats and violence, whether or not they are perpetrators of crimes themselves, through their friendships and associations. Local Housing Authorities and social landlords may be called upon to rehouse families or to accommodate young people because they are at risk, and this is a particular challenge in gang-affected communities.

Not every area of England is affected by gangs, but for those areas which are, finding safe and suitable accommodation for young people affected, who cannot remain in the family home, whether they are perceived as 'villains' or 'victims', can be very difficult.

There are various ways in which the word 'gang' is used, ranging from the groups of peers many of us belonged to as teenagers, through to adult groups that exist for the purposes of organised crime. But the world of 'street gangs' - groups of individuals that are organised around a territory and are typically involved in violence and other crimes - presents a whole set of challenges for individuals, families and agencies in a local area. Young people may be attracted and drawn into local gangs and criminal activity as children, whilst others have a lesser affiliation or relationship that does not include offending or violent behaviour, but will make them a target for rival gangs. Whatever the level of involvement, young people linked to gangs are at higher risk of becoming victims and/or perpetrators of violence, and may seek help with housing because they have been a victim of serious violence, or believe they are likely to be in future. Requests for assistance may come from families or from young people alone, and local housing authorities need to work with criminal justice and other partner agencies to respond and manage risk.

Finding accommodation for young people involved with gangs is particularly challenging. A young person may be at risk within the local authority area, or within certain neighbourhoods, but placing him or her further away will limit the support that can be provided. Public Health England have highlighted the high burden of mental illness faced by young people involved with gangs<sup>32</sup>, with poor mental wellbeing drawing young people in, and gang involvement having a negative impact on a young person's mental health. Girls are particularly vulnerable to mental health problems resulting from sexual and intimate partner violence. Young people removed from the gang are likely to need additional support with their mental and emotional health, as well as safe housing.

Local authorities sometimes place a child or young person in 'safe' rural areas at some distance from the gang for their own protection. Evidence is emerging that these young people are at risk of being drawn into 'county lines' exploitation whereby they are used to distribute drugs for the gang as part of an expansion of their market<sup>33</sup>.

Young people who have their own accommodation are at heightened risk of what is known as 'cuckooing'; the practice whereby dealers take over their property as a base for their operations. Typically, the gang uses threats of violence and/or the supply of drugs to ensure compliance from the tenant. Where police and landlords become aware of 'cuckooing' activity there must be close collaboration to tackle the perpetrators and protect the victim. Rehousing a young person may be essential to protect safety, but without action to tackle the perpetrators there is a risk of the same problems reoccurring at a new address.

Removing young people at risk from their family homes is fraught with difficulties, and is not usually considered in their best interests. Alternative solutions include providing protective security measures to the family home, (sometimes referred to as target hardening) or enabling the family to move away together. Schemes that involve relocating families or young adults away from areas of risk, including through reciprocal housing arrangements, can be effective. The family must be supported to understand what relocation involves, and have practical help and resources to achieve it. The young person, whether moving with the family or alone, must be committed to exiting the gang and have help and ongoing support to achieve a radical change in their life. Arrangements sometimes break down because a young person retains or returns to gang involvement, or because parents feel unable to contend with the disruption to their lives, employment, children's schooling and friendship networks that moving home involves.

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<sup>32</sup> The mental health needs of gang affiliated young people, Public Health England  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398674/The\\_mental\\_health\\_needs\\_of\\_gang-affiliated\\_young\\_people\\_v3\\_23\\_01\\_1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398674/The_mental_health_needs_of_gang-affiliated_young_people_v3_23_01_1.pdf)

<sup>33</sup> NCA Intelligence Assessment County Lines, Gangs, and Safeguarding Date published: 12/08/2015

Although gangs predominantly recruit boys and young men, girls may also be recruited and are at higher risk of sexual violence and exploitation<sup>34</sup>. Service providers working in areas where gangs operate must be aware and sensitive to these risks when girls and young women come to the attention of services, or ask for help with their housing.

Involvement of police and offender management services is essential to manage the risks associated with relocation plans, as well as a specialist service to provide support to the young person to exit gang activity. An independent review of the governments 'Ending Gang and Youth Violence Programme 2012-15'<sup>35</sup> found that housing services had become more involved in multi-agency cooperation and information sharing, with positive results for tackling gang related offending.<sup>36</sup>

### **Safer London and the London Gang Exit Programme**

Safer London head up a consortium with Redthread and Only-Connect to deliver the London Gang Exit programme across the capital. This provides support to young people aged 16-24 to exit gang involvement and also assist those at risk due to gangs. The work is commissioned by the Mayor's Office for Policing and Crime (MOPAC) and MCTnovo.

Young people are provided with intensive support through trained caseworkers, who build a relationship with them over an extended period, advocate on their behalf and provide holistic support according to circumstances and needs. If young people are at risk of homelessness, support will include working with the local authority and other partners to plan for housing solutions that will keep them safe, and support their exit from gang involvement. This may include moving to a new location, either alone (for young adults 18+) or with their family. The programme has access to Registered Provider properties as temporary lets, and works with local authorities to facilitate reciprocal allocation arrangements between boroughs, or to find private rented sector properties for the family or young person to relocate. Safer London also manages the Pan London Housing Reciprocal that clients can access which is an alternative housing pathway. Safer London works closely with the Metropolitan Police, other statutory agencies and partners to ensure risks are properly assessed and managed. Specialist support, mentoring, mental health provision, family intervention services are also provided to young people at risk of harm. There is also a specialist pathway to support young women who may be at risk.

### **5.4 Providing Accommodation and Support**

Young people who are directly or indirectly linked with offending within the community sometimes require emergency accommodation and support for reasons connected to their activity or associations. Housing service providers may not be receptive to the need, particularly if the young person is not in 'priority need' or may be considered 'intentionally homeless'. There may also be a view that providing accommodation to young people with an offending history rewards or even encourages offending behaviour. However, Housing Authorities and partners working together might instead take a wider perspective, which looks beyond the offending behaviour to the young person, their history and their needs; and considers the best ways to engage them in the services they need to move away from offending behaviour.

Whatever their local policy context, local authorities have statutory duties to safeguard children and to assist young adults who are homeless or at risk of homelessness and are vulnerable due to a risk of violence. Having appropriate accommodation options in place to respond to emergencies will help avoid the use of B&B or other unsuitable placements. Assisting a young person into safe accommodation on a temporary basis until they can return home, may also prevent more long-term homelessness.

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<sup>34</sup> See the Childrens Commissioner inquiry 'If Only Someone Had Listened; Inquiry into Child Sexual Exploitation in Gangs and Groups' 2013; University of Bedford films made with young people about what needs to be done <https://www.beds.ac.uk/research-ref/iasr/gasev>

<sup>35</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/570476/egyv-assessment-programme-2012-15-full-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/570476/egyv-assessment-programme-2012-15-full-report.pdf)

<sup>36</sup> See Gang Involved Young People Custody and Beyond, produced by Beyond Youth Custody April 2015 for a comprehensive review of what research indicates about the rehabilitation of gang-involved young people and how it might be improved

## YOUNG PEOPLE SAID

- "There is no safe accommodation for vulnerable young people. If you don't have a home, then you will just go and do what you have to to survive".

- "Money used on providing spaces in jail can be put towards a good rehabilitation method that would work. Vulnerable kids need a secure place and a place to call home. Without a home, you will associate gang culture as your home".

- "Young people don't just need the support of housing through local authorities, but also support programmes to encourage young people to stay positive. For example, a sports pass and creative workshops to keep the young person engaged and on a positive pathway".

- "Its not just about housing, there needs to be forms of discipline alongside housing support. Giving back to the community is important"

### SAFEGUARDING YOUNG PEOPLE AND FAMILIES: CHECKLIST

- Multi-agency information and intelligence sharing arrangements are in place that include police, community safety, housing and social care. Housing service providers have 'fast track' access to advice about risks to a young person, as well as risks they present to others, when making plans for accommodation.
- Specialist service providers and/or gang link workers are involved in engaging young people, gaining their confidence about the current risks, mentoring and supporting them to exit the gang when/if they are ready to do so.
- Relocation schemes are used to assist families to move in a planned way to avoid risk, and prevent crises that may lead to homelessness. Families and young people are well informed and understand what moving to a new area involves, have sufficient support to manage the move and establish a new home.
- Staff working in areas where the police have identified that organised gangs operate have training so that they know and understand the risks of harm, sexual violence and exploitation that children and young people may be subjected to.



## 6. PATHWAY STRAND 2: RESETTLEMENT OF YOUNG PEOPLE COMING OUT OF CUSTODY

Young people leaving custody feel anxious and sometimes frightened about what lies ahead, and not knowing where they will be living is a major source of concern. Positive resettlement outcomes are predicated on suitable accommodation. It may be stating the obvious, but without a place to stay, a place to feel like change is possible, then other plans - employment, training, health, avoiding old friends and developing new friendship groups – are much harder to realise.

Effective planning by partners to identify accommodation in advance of release will enable a resettlement plan to be put in place, including arrangements for education, training and employment (ETE), health and treatment services and benefit claims. If planning starts after the young person leaves custody, and is built around temporary short term placements with numerous change of address there may be gaps in services and a less coherent and sustainable plan for resettlement.

Research published by Beyond Youth Custody<sup>37</sup> found that young people (under 18) find reorientation following release difficult to manage, and may manifest physical symptoms of stress and anxiety. Transition from the ordered regime of the youth secure estate into the community can leave young people overwhelmed and confused, with the outside world feeling chaotic and difficult to navigate. Involving young people in planning for release and providing information and structure to their exit from custody will reduce their feelings of disorientation and improve their engagement with support work.

Looked after young people are particularly affected by uncertainty around settled accommodation which impact on early release decisions, and on their likelihood of reoffending<sup>38</sup>. Unlike other young people who fear being homeless when they leave custody, looked after children should have the reassurance that their corporate parents will provide suitable accommodation for them on their release, but in reality, this has not been the case. The Youth Justice Board (YJB) has sought to improve support for looked after children in custody by funding a social worker role within every Youth Offending Institution, to provide a bridge between custody and community services. Within the community local authorities need effective arrangements which involve young people in planning their resettlement support, as well as suitable local accommodation options available within commissioned provision.

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<sup>37</sup> Custody To Community How Young People Cope With Release; Beyond Youth Custody, 2015 <http://www.beyondyouthcustody.net/wp-content/uploads/BYC-Custody-to-community-How-young-people-cope-with-release.pdf>

<sup>38</sup> Youth Justice Board Response to the Laming Review 'Keeping Children in Care Out of Custody' [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543582/YJB\\_response\\_Laming\\_Review\\_keeping\\_children\\_in\\_care\\_out\\_of\\_custody.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543582/YJB_response_Laming_Review_keeping_children_in_care_out_of_custody.pdf)

Young adults (18-25) in prison identify having a job, having a place to live and having enough money to support themselves as the top three most important factors to prevent them from reoffending in the future<sup>39</sup>. Without stable accommodation, young people are unable to find and hold down work, and will be more likely to look for support from former associates who have an offending history themselves. Providing accommodation for a young person will not guarantee they will avoid the 'certain people' that increase their risk of reoffending, but if a young person is homeless they will be more likely to gravitate towards former friends and associates for help and somewhere to stay. The imposition of license or bail conditions can limit contact with negative peers, but having positive alternatives to re-establishing those former contacts is more likely to be successful in bringing about change in the longer term.

## 6.1 STAGE 1: AT START OF SENTENCE:

Regulations and guidance are in place to cover sentence and resettlement planning in both the youth and adult secure estates and planning to meet accommodation needs is included within these.<sup>40</sup> The timescales for release planning will vary according to the length of sentence. Actions aimed at preventing homelessness, and preparing for a young person's successful transition into accommodation should be included within the sentence planning and involve the relevant housing and social care services at an early stage.

**Youth Secure Estate:** An initial sentence planning meeting is held within 10 working days of the sentence start and should involve the young person, family, YOS case manager, YOI caseworker and may also involve an accommodation service provider where appropriate.

**Adult Secure Estate:** Initial screening is carried out by prison staff who are responsible for identifying needs and risks including the young person's housing status. A Basic Custody Screening Tool (BCS) is passed to the CRC service within the prison who carry out resettlement planning with the prisoner within 5 days and follow up on actions to facilitate successful resettlement.

### START OF SENTENCE: Action Points

**Involve the young person and their family from the outset.** Every effort should be made to engage the young person's family in planning for their release, even when it appears unlikely they will be able to return home. Family members can be an essential source of support even for young people not living at home, and so it is important that professionals do not have an 'all or nothing' approach towards parents who say from the outset they will not allow the young person to live at their home on release. Work to engage and involve family members to support rather than reject a young person should be ongoing throughout the period in custody, and might include providing practical help to encourage the family to make regular visits to the young person and continue to be involved in planning for their future.<sup>41</sup>

**Have procedures in place to protect tenancies and minimise rent arrears:** If the young person held a tenancy before going into custody on remand, or to serve a short sentence, CRC and housing staff should work together to ensure housing benefit/universal credit is in place to cover the rent. Housing benefit costs can be covered for up to 13 weeks for a short sentence, or if the young person is on remand, for up to 52 weeks. For young people claiming Universal Credit that includes a housing costs element, payment for housing costs will continue if the sentence or period on remand is likely to extend for six months or less. If the young person is unable to claim benefits they may have a partner or family member who could live in and 'caretake' the property, paying the rent and other service charges whilst they are absent. Partners and parents who normally live with a young person who is on remand or serving a short sentence may be able to claim help with housing costs whilst they are in custody.

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<sup>39</sup> Needs and Characteristics of Young adults in custody: Results from the Surveying Prisoner Crime Reduction (SPCR) Survey <https://www.gov.uk/government/publications/needs-and-characteristics-of-young-adults-in-custody>

<sup>40</sup> National Standards for Youth Justice Services, 2013 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296274/national-standards-youth-justice-services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296274/national-standards-youth-justice-services.pdf)  
National Offender Management: Sentence Planning, 2014 <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2014/psi-19-2014-ai-14-2014-pi-13-2014-sentence-planning.pdf>

<sup>41</sup> See also The Role of Family Support In Resettlement A Practitioners Guide, Beyond Youth Custody 2016 <http://www.beyondyouthcustody.net/wp-content/uploads/The-role-of-family-support-in-resettlement-a-practitioners-guide.pdf>

**Have arrangements for surrender of a tenancy or license where appropriate;** Having a clear process in place to enable the swift surrender of a tenancy or license when a young person goes into custody for a longer period will minimise debt, and make better use of accommodation. Sometimes young people are wrongly advised that giving up accommodation that they are not occupying and cannot pay for, will result in them being considered 'intentionally homeless'. In the absence of surrender a supported housing landlord's legal procedure will usually provide for a period of notice to expire if a resident has moved out, and possibly court action to recover possession during which time the young person continues to be liable for rent. Arrangements for a swift surrender of tenancy or license will maximise housing resources as well as reducing debt. Housing benefit/universal credit claims must be cancelled swiftly to avoid an overpayment being made as this would be recovered from the young person's benefit when they next make a claim.

**Establish any barriers to housing and include plans to overcome these in sentence planning:** Whilst in custody young people participate in training and development and may accept health treatments, that have been identified as important for their successful rehabilitation and desistance from crime. In addition to these, young people in custody could be engaged in activities to improve their resettlement prospects in terms of securing and maintaining housing on release. All young people who have not lived and successfully managed their own tenancy benefit from training in financial confidence and learning to manage on a limited budget, and more than any other group of young people, those in custody need this type of training to encourage landlords to consider them as potential tenants.

## YOUNG PEOPLE SAID

- *"It is important to begin planning, as young offenders will have something to look forward to and focus on into a safe environment".*

- *"This approach is effective to ensure that young individuals housing needs are recognised at the start of a custodial sentence. It is key because they will have plans to move on".*

### 6.2 STAGE 2: PLAN AHEAD FOR RELEASE

Timescales for the next stage of forward planning will depend on the length of sentence that a young person is serving, but should begin at least 3 months in advance of their release date. As part of release planning young people, family and agencies involved should review the position with accommodation and agree what actions are needed to ensure that safe and secure accommodation is identified in advance of a release date.

#### ACTION POINTS

Prepare for the young person to live with family: Whether or not family members have agreed to a young person's return home on release at an earlier point, it is worthwhile making contact again to be sure there has been no change of mind or circumstances, and to offer support to the family to facilitate a return. Sometimes parents or wider family members will agree to a young person returning home to help facilitate their release, but subsequently arrangements break down and the young person is excluded and becomes homeless. Difficulties in relationships within the family may be reduced through mediation, family group conferencing or other interventions such as the offer of practical or financial support. Contingency planning will be as important for young people planning to return home, as it is for those who are to be provided with accommodation.

## Assess needs and identify statutory duties:

**16-17 year olds who are not already 'looked after' children**, and who are likely to be homeless on release from custody, should have their Child In Need assessment completed (or updated) in advance of release to identify what duties the local authority has, and who will be responsible for providing accommodation and support.

A homeless 16-17-year old leaving custody would be a 'Child in Need' of accommodation (Children Act 1989 S17 and S20) and their needs must be assessed and a Child in Need Plan developed on the basis that they are homeless. As part of the assessment the young person should be fully informed of the options available, the support that would be available to them as a looked after child now and in the future if they become a care leaver, as well as the differences between being accommodated under Children Act S20, or being assisted under homelessness legislation. (see Annex Two for an outline of relevant legislation).

The advice given to young people as part of the assessment must be based on knowledge of local accommodation options and arrangements, but they should be given a clear picture and an opportunity to obtain independent advice before reaching a decision.

Young people aged 16/17 who need accommodation away from their home area and/or who have needs that cannot be met within the supported housing options available to young people in the local area must have their accommodation and support needs procured through Children's Services. This could mean a young person living in a foster placement, a residential placement or a placement in "other arrangements".<sup>42</sup>

Where 16/17 year olds are judged to have the capacity to make decisions but do not want to be looked after despite having information about their options and the offer of independent advocacy, then Children's Services would need to make a referral to Housing Services. At this point the homelessness legislation takes over in relation to the accommodation the young person needs.

The local authority's Housing Options/Homelessness Prevention service may make arrangements to prevent a young person becoming homeless, and take a homelessness application to assess whether they are eligible, homeless, in priority need and not 'intentionally homeless'. It is important to be aware that if the young person chooses to be assisted by Housing rather than Children's Social Services, they should continue to receive support from Children's Services through a Child In Need Plan.

**16-17 Year Olds who are already looked after or are 'relevant' children**, which includes those that have been remanded into local authority care under LASPO arrangements<sup>43</sup>, must be provided with accommodation and support through Children's Social Care Services on their release. Effective joint planning and information sharing between YOS caseworkers and children's social care is required to ensure the young person's needs are fully understood so that suitable accommodation and support can be arranged.

**Qualifying' children and care leavers age 16-21** must be identified and the duties owed to them understood. These are young people who have been accommodated under the Children Act 1989 S.20 for a short period before going in to custody, or because they were on remand, but have not acquired 'relevant child' status because they have not been looked after for a total of 13 weeks since their fourteenth birthday. Children's Services still have duties to visit and be involved in needs assessments and release planning for these young people, although they may not continue to be looked after on release.<sup>44</sup> If the young person is 16-17 years old on release Children's Services must reassess their needs as with other young people who are not already looked after.

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<sup>42</sup> Care planning regulations enable looked after young people to be placed in unregulated placements, such as supported lodgings or supported housing, where this is most suitable for their needs. See Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441643/Children\\_Act\\_Guidance\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf)

<sup>43</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

<sup>44</sup> Children Act Guidance and Regulations: Local authority responsibilities towards former looked after children in custody, 2010 <https://www.gov.uk/government/publications/children-act-1989-former-looking-after-children-in-custody>

Some of this group may be 'qualifying care leavers'<sup>45</sup>. There are duties to this group who may well be as vulnerable as other care leavers. In many respects this group of young people get the same sort of welfare benefit entitlements as 'former relevant' care leavers and will be 'priority need' if homeless, but it is important to understand the different entitlements and duties.

**18-21 Year Olds Former Relevant Children (Care Leavers)** will continue to be entitled to support from Children's Services whilst in custody and on their release, and will be in 'priority need' and entitled to housing assistance if homeless. Accommodation and support for these young people is best provided through having jointly agreed procedures between Housing and Children's Services, which include identifying needs in advance so that accommodation and support can be provided to prevent care leavers from being homeless on release from custody.

**18+ Young Adults who are NOT care leavers** will not be automatically entitled to housing if homeless. Their needs and circumstances will need to be assessed to determine if they may be in 'priority need' according to the Housing Act 1996. (see Annex Two). If the young person was 'looked after' for any period of time when aged 16-17 years old they will be in priority need, and so it is very important that assessments by CRC staff investigate a young person's care history as well as identifying their social, health and welfare needs. Young adults aged 18 upwards should have their circumstances and needs fully assessed so that a plan can be made to prevent them from becoming homeless on release. The Homelessness Reduction Act will introduce a new duty on public bodies who provide services to people who may be at risk of homelessness. The duty is to make a referral, with consent, to the local authority responsible for any person they believe is at risk so that efforts can be made to prevent or relieve their homelessness. In preparation for the new statutory duty, and because it is already good practise, offender management services and local authorities should be cooperating to ensure notifications are made and acted upon.

Young People Age and Looked After Status	Agencies Involved	Action required
16-17 year olds who are not already looked after, or a former relevant child	YOS, Children's Social Care Youth Secure Estate	Child In Need Assessment Children Act 1989 Section 17 to identify needs and if Section 20 would be applicable if they cannot return home  Referral to Housing Services if YP declines Section 20 accommodation and care
16-17 year olds who are looked after	YOS Children's Social Care Youth Secure Estate	Assess accommodation and support needs, identify and agree suitable safe placements
18-21 Year Olds Former Relevant Children (Care Leavers)	Offender Managers - CRC, NPS or YOS Children's Social Care Housing Services	CRC/NPS/YOS and Children's Social Care assess and provide needs and risk management information to Housing Services in advance of release *
18+ Young Adults who are NOT care leavers	Offender Managers - CRC, NPS or YOS Housing Services	CRC/NPS/YOS assess and provide needs and risk management to Housing Services in advance of release *

\*Under current legislation Local Housing Authorities take a homelessness application within 28 days of a person becoming homeless. In practise, many will accept referrals earlier than this, and the Homelessness Reduction Act will require referrals to be made 56 days in advance of homelessness

<sup>45</sup> See Page 15 of the Vol 3 of the Children Act guidance: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397649/CA1989\\_Transitions\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf)

## **Use Release on Temporary License (ROTL) to better prepare a young person's accommodation and support plan.**

The ROTL provision enables prisoners to be released for a day or overnight stays for particular purposes, which include activities that will contribute toward their resettlement plan. ROTL provides an opportunity to build on efforts to reunite a young person with their family, through a home visit, overnight stay or to attend mediation or other interventions aimed at facilitating a return home. Young people who are unable to return home, including those who are looked after or care leavers, could use temporary release to visit supported housing projects, attend interviews or assessments for housing, or participate in Team Around the Young Person meetings to plan for their accommodation and other needs.

**Involve young people in planning for their accommodation and support on release.** Whether or not a young person can access the ROTL scheme, they can be involved and engaged in planning for release by professionals making contact whilst in custody through visits, video link or Skype. Young people who have not lived outside the home before need advice about the options available to them and the realities of living and managing away from parents and family. All young people need honest and accurate advice about their housing options on release. Having good information, including pictures or video clips, of supported housing options that are being considered will help inform young people's choices, and can reduce fear and anxiety about where they will live on release.

**Agree actions amongst professionals delivering the resettlement plan.** Some young people have several agencies involved in providing services to manage and support their release, and there will be a need to coordinate activity to ensure everybody is clear about their responsibilities. From a young person's perspective having one consistent support worker that they get on with and trust is very important. Alongside offender management there may also be non-statutory services working to provide more intensive support and/or mentoring to the young person before and after they leave custody. Through this model young people have more intensive one to one support and advocacy.<sup>46</sup>

Whatever the division of responsibilities around practical tasks (e.g. obtaining birth certificate, passport or other ID, setting up a bank account) or other areas of support (liaison with family, arranging assessments, identifying health care), or identifying and managing risks, an agreed plan and good information sharing will be crucial.

*"In general, there is surprisingly little robust evidence from the UK about which interventions are most effective, but what is undoubtedly important is the quality of the worker who is involved with the child, and the relationship that they strike up. The evidence suggests that having one person directly involved, holding the child in mind, keeping going when things go wrong and caring about what happens to him or her, is vital in helping a child to change." Charlie Taylor, Review of the Youth Justice System<sup>47</sup>*

## **YOUNG PEOPLE SAID**

- "You could be in prison and things on the outside change. But this will help to continuously plan ahead so when they come out they are well connected".

- "Young people lack connections on the inside, so this will make sure that when you come out of prison, you know where you stand and what is going on"

- "When you have visiting time, you can't form a good relationship or plan ahead for when you get out. There is just not enough time. It is important to have time to visit family and housing support so you can form a relationship prior to coming out of prison".

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<sup>46</sup> Beyond Youth Custody has produced research and a practitioners guide on engagement of young people leaving custody, as well as learning from voluntary sector organisations delivering dedicated services to support young people:  
<http://www.beyondyouthcustody.net/wp-content/uploads/Lessons-from-Youth-in-Focus.pdf>  
<http://www.beyondyouthcustody.net/wp-content/uploads/Engaging-young-people-in-resettlement-a-practitioners-guide.pdf>

<sup>47</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/577103/youth-justice-review-final-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf)

In the London Borough of Enfield young people 16-17 at risk of homelessness are assessed and supported through the Family and Adolescent Support Hub (FASH), a multi-disciplinary rapid reaction service based within Children's Services. FASH aims to keep young people out of care where it is in their best interests to do so, and to prevent negative outcome such as homelessness and reoffending. Youth Offending Unit workers are co-located with the FASH and work cooperatively with social work and housing staff. Staff are trained in mediation skills, and can provide families with additional support and access to parenting programmes. A High Risk Panel chaired by the Director of Children's Services and an elected Member oversees complex cases where there is a high risk of harm, and ensures that any blockages within or between services are removed.

#### **Future 4 Me, Bristol and South West**

The Future 4 Me project is run by the charity 1625 Independent People in the South West. The project supports young people aged 16 to 21, who are at risk of leaving custody without settled accommodation, or are likely to have difficulty sustaining accommodation on release. Staff provide intensive one-to-one support and mentoring to help young people access housing, health and well-being services, learning and work, and to engage with positive activities.

The Future 4 Me approach is to build a one to one relationship with a young person, up to 3 months in advance of their release, working with partners on the resettlement plan, and meeting the young person on release to guide and support them through their next steps. The young person has one consistent worker who can advocate when they become frustrated, angry or upset about the challenges they face, support them to learn from their experience, and challenge them in ways that other workers are not so easily able to do. Future 4 Me has a team of specialist workers who back up and support the one to one relationship with the key worker. Key to the success of the project are the strength of the relationship with the young person, the trust that is built, and also the project's joint-working with key partners responsible for successful resettlement and rehabilitation. Future 4 Me is funded by the Big Lottery Fund. Between 2017 and 2020 the project will be working with 12 partner organisations, locally and nationally, to develop a new toolkit that aims to support staff and volunteers to use relationships as the primary tool for change.

**Case Study:** Yasim had been in care and then served a custodial sentence following a serious offence, he left custody at high risk of re-offending and was experiencing problematic drug use. Yasim had a poor history of engagement with services, even with services that could clearly have benefited him. Future 4 Me worked creatively to develop a positive relationship with Yasim and offered him flexible support, Yasim was motivated to make positive changes in his life but didn't know where to start.

Future 4 Me worked intensively with Yasim and supported him to secure and then maintain accommodation, helping him avoid eviction and homelessness at particular stages. The project worker supported Yasim to access healthcare, housing and benefits agencies, and he was supported to secure paid employment within 7 months of his involvement with the project.

An evaluation of the F4Me work with Yasim calculated the cost benefits of providing services which helped secure his housing, employment, and engagement with health services, all of which helped him to avoid reoffending. The analysis demonstrated that the service costs were considerably less than the costs to the public purse had Yasim become homeless, unemployed and went on to reoffend



### 6.3 STAGE 3: FINALISE RELEASE PLAN FOR YOUNG PEOPLE COMING OUT OF CUSTODY

**Under 18s:** Youth Justice Board national standards require a release preparation meeting be held one month in advance of release. The YOS case manager is expected to attend the meeting and advise on all aspects of the resettlement plan, including accommodation.

**18s and over:** Resettlement planning for young people in the adult estate also requires a pre-release plan to be made at least 1 month in advance of release. As part of pre-release planning, professionals, family and young people should be involved in finalising the resettlement plan and accommodation arrangements.

**Identify what accommodation will be provided for the young person on release.** Local authorities face numerous practical and resource challenges when asked to provide an address for a young person in advance of their release. Many forms of short stay accommodation are expensive, and are not subject to advance bookings. However, discharge arrangements frequently require an address to be provided, and knowing where a young person is going to live makes a very positive contribution to resettlement planning, as well as providing reassurance to the young person and their family.

Some local authorities have implemented arrangements to ensure that an address can be identified and reserved for young people, using dedicated budgets to cover any loss of rent for periods in which a placement is 'held' and kept empty. This approach works best when the authority plan to place a young person within a commissioned supported housing pathway, and less well if the intention is to spot purchase a costlier placement with a semi-independent provider or through a landlord providing temporary accommodation.

Resettlement services based within the secure estates report that some local authorities do not respond to requests for an address to be provided, and as a result disputes, correspondence and costly legal challenges follow. Providing a commitment to accommodate, an indication of where the accommodation might be, and having a resource available to hold placements for at least 2 weeks in advance of release, may prove more cost-effective to local authorities, as well as beneficial to the resettlement plan. Having an identified accommodation and support provider also facilitates contact being made between the new support worker and young person priority to their release, which can provide them with reassurance as well as practical information and advice.

Note: in some local authorities it is reported that young people are told to present as homeless on the day of their release. There are numerous reasons why this is not a positive option for the young person and the agencies involved. In future, given the likely changes under the Homelessness Reduction Act, it will be necessary to plan ahead more on prevention of homelessness and joint working.

**Make a contingency plan in case arrangements break down.** Young people and professionals working with them usually have a good idea of the likelihood of an accommodation placement, or a planned return home to family, being successful. Yet the HMI Inspectors (see section 2.4) found that contingency planning was lacking even where placement breakdowns were anticipated, and as a result young people who had lost accommodation were living in B&Bs, all-age direct access hostels, night shelters or other unsuitable arrangements. Contingency planning saves time later down the line. The very act of having such a plan can also be a helpful way of encouraging/reminding the young person and family members to seek help and support before things get to a crisis point.

A significant minority of care leavers choose to return home to live with family at some point as young adults, including when they leave prison. Professionals who know a young person and their family will be able to assess the likelihood of the return home being successful or otherwise, and could perhaps offer 'Family Group Conferencing' or other support for a return to the family home, as well as having alternative housing plans in place. Contingency planning is part of statutory guidance for pathway planning for care leavers, but if the same principles could be applied to all young people leaving custody this will reduce crisis, and the use of unsuitable housing.

**Finalise arrangements for release.** Final planning could include arranging to meet a young person at 'the gates', setting up appointments with the Job Centre, health care providers and other key services, and arrangements for moving into accommodation. As outlined above, in some circumstances a young person may need support with a return to the family home. For those moving into supported housing or their own accommodation it is very helpful to provide a 'welcome pack' of basic goods including toiletries and food, that they will need on the first few days of release. This can help reduce young people's anxiety about how they will manage and give them a head start on some of the numerous practical things that need to be sorted out. Offender Managers will ensure all relevant professionals are aware of any license conditions that apply to the young person, and that arrangements are in place if they are subject to home detention curfew.

## YOUNG PEOPLE SAID

*- You need the continuous support if something goes wrong. Sometimes you won't like a place and you need a support network to catch you".*

**Nottinghamshire County Council** coordinates a supported housing pathway for young people across the county, including Looked After Children and Care Leavers. Young people leaving custody are put forward for accommodation by their YOS worker well in advance of their release so that they can be prioritised and suitable accommodation identified for them. This enables the young person to know which service they will be going to on their release, and the provider to meet with them and start to build a relationship and discuss expectations of living in a supported accommodation setting. Family connections, preferences and the needs of the young person are considered when identifying where they should be placed. Bed spaces may be held for several weeks, with rental costs covered by a resettlement grant or by the Leaving Care Service. Total expenditure on reserved spaces is considerably less than costs of an emergency placement outside the pathway.

### **Birmingham City Council and St Basils**

St Basils are commissioned to deliver homelessness prevention and support services on behalf of Birmingham City Council through a Youth Hub, which also provides the gateway into supported housing. A St Basils worker seconded into the YOS provides housing advice and support and identifies options for young people who are at risk of homelessness. Clients of the YOS have access to a dedicated unit within a St Basils supported housing scheme, where they can be accommodated for up to 28 days on release from custody, or if they become homeless within the community. YOS cover any lost rental income for the minimal periods when the unit is not in use. St Basils also manage a specialist supported housing scheme for young offenders within the young people's pathway.

# 7. PATHWAY STRAND 3: JOINTLY COMMISSIONED ACCOMMODATION AND SUPPORT

## 7.1 Commissioning to Meet Need

Young people involved with the criminal justice system may need to be offered accommodation because they are at risk at their current home or have been excluded, or because they have no home they can return to on leaving custody.

The type of accommodation and support required will vary according to their individual needs, the risks presented by and to them, and the circumstances and length of placement. Some young people will have a short stay placement, followed by longer term supported accommodation option(s) and then 'step down' into a lower level of support when they are more able to manage independently.

Local authorities procure and commission accommodation and support services for young people using various methods and funding streams. Some of the most successful supported accommodation pathways have been developed by joint commissioning, identifying shared priorities and outcomes, and pooling or aligning budgets in order to establish a provision that is fit for purpose. A jointly prepared needs assessment - often done as part of a larger needs assessment for young people's services - can inform the commissioning plan, and should include within it an estimation of how many young people per annum will be at risk of homelessness because of offending behaviour and/or need supported accommodation on release from custody.

It is important to understand that Housing Authorities have limited access to budgets for housing related support, and in two-tier areas the budget is held by the upper-tier. Housing Authorities have statutory duties to provide accommodation services, but not 'support'. Even where Housing Authorities are involved in commissioning supported accommodation, the budgets (and possibly the expertise) available are not generally sufficient to commission services to meet the most complex physical, emotional and mental health needs. A range of public sector partners, including Health, Criminal Justice and Social Care therefore need to be involved in assessing needs and contributing towards the costs of provision. This will enable more holistic services to be designed and commissioned to accommodate young people with complex needs. The desired outcomes for such services go beyond the prevention of homelessness, and the statutory duties of Housing Authorities; to include improving employment and education outcomes, health outcomes and reducing reoffending. Funding through Social Impact Bonds using 'payment by results' might also be considered as an option to expand or redirect funding to address needs and improve outcomes for young people and save costs to the public purse in the longer term.

Ideally, commissioned provision would include various types of accommodation to meet different needs, and have flexibility for young people to move between services as their needs change. When resources are not available to commission the 'ideal' accommodation pathway, floating support services can be used to bolster support to a young person wherever they are living, on an individual basis.

In some areas non-commissioned 'supported housing' services have been set up by charitable organisations using donations, client contribution and 'enhanced housing benefit' arrangements to cover the costs of management and support. The quality of accommodation and support provided outside contractual arrangements will be variable, but these schemes have developed in response to unmet need, including from homeless people with an offending history. Changes to the funding for supported housing, due to be implemented in 2019, may change the way in which non commissioned services are funded, as it is likely that the housing costs for supported housing will come under the control of local authorities and their partners.<sup>48</sup> This may well improve the quality of provision but there could be a risk that overall accommodation options in some local areas reduce for this group of young people.

Having a single point of entry or 'gateway' into supported housing greatly improves risk management, safeguarding and the quality of placements, helping to ensure young people are matched into suitable provision.

Whatever the referral and placement arrangements, professionals responsible for various elements of a young offenders' resettlement programme will need to maintain information sharing after a young person moves into

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<sup>48</sup> Funding arrangements for the rent element of supported housing costs will be changed in April 2019. Although the government's review of supported housing has still to be completed, it is anticipated that local authorities will gain new responsibilities for managing funding towards the additional housing management costs incurred in supported housing.

accommodation, keeping track on how well they are managing and any risks that emerge. In most supported housing schemes each young person has a named 'key worker' or support worker. This person needs to be included in any review and planning meetings.

By working together, sharing information and involving the young person in plans to meet their housing needs, agencies will together improve the prospects for safe and sustainable housing placements.

## 7.2 Providing Suitable Accommodation

### What is suitable?

Regulations and guidance on what constitutes 'suitable accommodation' has been issued in respect of looked after children and care leavers<sup>49</sup>, and homeless applicants<sup>50</sup>. Drawing from both sources a basic checklist for young people would include:

- **Location** and proximity to transport, services the young person needs, family and sources of support
- A **'Fit and Proper' landlord** manages the accommodation
- **Facilities and services** are adequate, including heating and hot water
- **Property is well maintained**, and in a good state of repair, information is available on reporting repair problems, including in an emergency
- **Health and safety** has been confirmed, gas and electrical certificates obtained, and property is compliant with House in Multiple Occupation (HMO) regulations where applicable (see below).
- The property has adequate security
- **Risk** has been assessed, the young person is not located in an area where they would be at risk, or in shared accommodation with anybody who might present a risk to them, or who might be at risk from them
- **Affordability** has been assessed taking into account the young person's income and outgoings now and for the foreseeable future (for longer term accommodation)

### Avoiding the use of unsuitable accommodation

Bed and Breakfast (B&B) is defined in the Homelessness Suitability Order 2003 as privately owned accommodation in which residents share facilities such as kitchens, bathrooms and/or toilets, and is usually paid for on a nightly basis. Joint DCLG and DfE guidance<sup>51</sup> states that B&B type accommodation is never suitable for 16-17 year olds, and DfE guidance on accommodation for care leavers indicates B&B should only be used in an emergency and for a maximum of 2 days<sup>52</sup>.

**B&B is not suitable accommodation for any young people who are vulnerable and avoiding its use should be a key objective for commissioners and managers.** The problems involved in using B&B accommodation include:

- Lack of control over who else occupies rooms and shared facilities
- Difficulty in managing risks presented by the young person to other residents, and the risks posed by other residents to them
- No on-site professional support
- No quality assurance framework – although Houses in Multiple Occupation are subject to regulation (see below) B&Bs have not always been identified by local authority Environmental Health Services, and may not be subject to regular inspections.

Local authorities do not plan to use unsuitable accommodation, and most have explicit intentions **not** to place homeless people in B&B type; although these intentions are not always linked to a clear strategy which is effective in avoiding its use. It is possible to end the use of Bed and Breakfast for young people, including young people involved in the criminal justice system. This ambition can be most readily realised through a partnership approach to working, learning from other authorities and ensuring that there are clear reporting arrangements to senior managers on the use of B&B.

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<sup>49</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/441643/Children\\_Act\\_Guidance\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf)

<sup>50</sup> On suitability of accommodation see: <http://www.legislation.gov.uk/uksi/2012/2601/article/2/made>

<sup>51</sup> See: <https://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation>

<sup>52</sup> See Section 7.12 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397649/CA1989\\_Transitions\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf)

**Houses in Multiple Occupation (HMOs)** Although B&B accommodation is specifically identified as unsuitable for vulnerable young people, other 'Houses in Multiple Occupation' (HMOs) may share the same attributes and also be unsuitable, depending on the management and support arrangements. An HMO is any property which is occupied by 3 or more people from more than one household, who share kitchen, bathroom or toilet facilities. If the property is on three storeys or more, and has 5 tenants from more than one household and is privately owned, it must be licensed by the local authority. Some local authorities have developed local licensing schemes through which a wider category of HMOs require inspection and a license to operate in the area. HMO landlords must ensure that the properties they let meet certain standards for health and safety, and are properly managed, and local authorities have powers to enforce standards, including through criminal prosecutions.

Some HMOs are owned or managed by local authorities, with better opportunities to control placements and identify risks that residents might present to one another. Although these types of temporary accommodation arrangement are preferable for risk management purposes, they will also require on-site management and support to be safe and suitable for vulnerable young people.

### 7.3 Types of Accommodation

Forward planning around young people's accommodation needs will reduce the need for local authorities to have access to accommodation which can be accessed quickly for short periods of time.

A young person may need an emergency placement, or might move directly in to a medium to long term supported housing environment. The types of accommodation that local authorities might use are listed below. This is not an exhaustive list, and much of what is available depends on the local housing market and the supply of different types of supported housing. There will also be variation in the way the accommodation services are delivered, agreements on lengths of stays etc.

**Temporary Accommodation (TA)** may be provided by the Council. Local housing authorities have a statutory duty to provide short term 'interim accommodation' to people who they have reason to believe **may** be eligible for assistance, homeless and in 'Priority Need'<sup>53</sup> ( see Annex Two for more on this) . The Temporary Accommodation (TA) is provided on an interim basis until the homelessness assessment (sometimes called the homelessness investigation) is complete. If a local authority is unable to prevent a young person from becoming homeless or to provide them with supported accommodation, and if they believe the young person may be in a Priority Need group, they are required to offer temporary accommodation which is suitable to their needs.

The Temporary Accommodation might be owned by the local authority, a Registered Provider (a social landlord such as a housing association) or private landlords, and in most cases, it will not have on-site staffing to provide support. Wherever possible professionals should cooperate to avoid the need to place vulnerable young people in Temporary Accommodation, especially if it is unsupported – which most is. Where placements are necessary floating support should be provided to help the young person to manage and sustain their accommodation.

**Emergency bed spaces or 'crash pads'** may be included within a commissioned supported accommodation pathway and can be achieved by ring-fencing rooms, some of which may not be suitable for a longer term let, but will be suitable for a short stay. Emergency places might be used as an interim supported housing placement whilst efforts are made to help a young person return home, or until alternative arrangements can be put in place. In larger accommodation pathways or where local authorities have a lot of young people in custody it may be feasible to have a dedicated room/unit within the pathway that is held for the use of YOS clients.

When costing for emergency bed spaces commissioners should allow for a higher proportion of time as 'void'. An emergency bed needs to be empty to be available, and services that include emergency beds are often flawed by commissioning and management arrangements which do not ensure swift move on and allow for the unit to be left vacant, with the effect that young people get 'stuck' for weeks or even months in an 'emergency'

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<sup>53</sup> Young people aged 16/17 are automatically Priority Need, as well as young people 18-20 who have been looked after at any point when they were 16-17. Other young people aged 18 – 24 may be assessed as being in Priority Need because they are vulnerable for other reasons (see Annex 2 for more detail )

unit. Covering the lost rent when the bed space is not in use is likely to be cost effective if the alternative is to use temporary accommodation or to spot purchase with a private provider.

**Assessment centres** tend to be commissioned as part of a broader young people's accommodation pathway, usually in large urban areas. They provide a first stage point to the supported accommodation pathway, where young people can stay for a short period whilst they are assessed and their next accommodation decided. If the local authority and providers work effectively together to manage moves in and out of the assessment centre, it should be possible to ensure a unit is made available for a specific date to accommodate a young person being released from custody.

**Nightstop** is an accredited scheme run by Depaul UK<sup>54</sup>. It provides safe accommodation for young people for a few nights in the homes of approved local host families. Young people who experience a sudden housing crisis are given a room for the night and a meal, in a family setting. It can be a particularly good option in more rural areas, where suitable emergency provision in a young people's accommodation project could be a long way away. Before placing a young person with a Nightstop host a risk assessment must be carried out, and some young people with an offending history may not be considered suitable for placement.

**Supported lodgings** provide accommodation within a family home in the community. The host provides a room and cooking and washing facilities, as well as offering support and advice to the young person. Supported lodgings can help young people to improve their life skills, such as managing money, cooking, shopping, cleaning, etc., and give them a family-based setting. Some supported lodgings are specifically for young people with high support needs, such as young parents, those coming out of custody, or those at risk of sexual exploitation. Supported lodgings schemes usually provide a medium to long term stay for a young person preparing to live independently, but some schemes offer short term or emergency placements. Schemes which identify hosts outside the local authority boundary can provide a very supportive option for young people who cannot remain safely in their own area.

**Supported accommodation** schemes can vary considerably in size, and can contain single rooms (with shared kitchens and bathrooms); bedsits or small self-contained flats. This provision is often referred to as a 'hostel' but this term tends to be associated with negative images and meanings for young people - nor does it accurately reflect the range of provision or the quality. Support may be available 24/7 on-site, in the daytime only or on-call support at night. Schemes can also include 'dispersed' housing for those who don't need or benefit from a larger shared living environment or may have 'step-down' units attached to a larger building to help young people prepare for a less intensively supported environment. Support workers (sometimes called 'key workers') work individually with young people on their own support plan towards agreed goals, such as around education, training, employment, life skills, independent living skills, improving emotional well-being, confidence and physical health.

Some supported housing pathways include a mix of high, medium and then low or 'step down' support accommodation and have flexibility for a young person to move between different units according to their needs. A young person may be placed initially in a high support unit with 24 hour on site staffing, and when ready 'step down' to a property where they have more independence, and support is provided during the daytime only or through visits from support workers. A flexible pathway also allows for a young person who is not managing well to step up into a higher support placement and/or to have additional floating support hours provided.

**Accommodation with intensive support** may be provided on a spot-purchase basis through a private or charitable provider, or commissioned as part of a pathway. Where accommodation and support is spot purchased the commissioners are usually from Children's Services and the young people are looked after 16/17 year olds or are care leavers.

In this model a small number of young people usually live in shared smaller properties and have on-site support either 24/7 or for a specified number of hours per week. This can be an expensive form of accommodation and support if it is 'stand-alone' and local authorities will generally only use it to accommodate young people with particular needs and where there is a legal duty owing.

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<sup>54</sup> See here for more information: <https://uk.depaulcharity.org/NightstopUK>

Foyers are supported accommodation projects for young people that focus on education, training and employment, and many are accredited by the Foyer Federation. The growing challenge of affordability of housing for young people means that preparing for economic activity is an important part of any stay in supported accommodation. Many local supported accommodation schemes do not call themselves foyers, but are commissioned to provide a similar sort of service, with a proactive focus on education, training and employment.

#### **7.4 Accommodating Young People with Complex Needs**

Most homeless young people can be accommodated within a supported housing pathway, especially where there is some flexibility about placements and a variety of different types of service to suit needs. However, there is a significant minority who have needs that cannot be met in more traditional supported housing schemes, who do not manage well or present too much risk within a shared environment and/or who need more a more bespoke or specialist service.

#### **Therapeutic and Psychologically Informed Approaches**

Young people who are involved in offending behaviour and are homeless, are more likely than other young people to have had traumatic and damaging life experiences, which have affected their emotional and mental health, behaviour, and ability to manage relationships. Traditional supported housing models may not meet their needs; resulting in young people not being accepted for placements or being evicted and excluded due to their behaviour.

Some supported housing providers are now developing accommodation and support models which are “psychologically informed” and/or use a therapeutic framework to respond to young people who have experienced complex trauma in their early lives. The approach goes beyond provision of housing with a support plan, with greater ambition to transform young lives. Psychologically informed services ensure staff are well trained to understand the emotional, psychological and behavioural impact of negative childhood experiences and their contribution to homelessness. This understanding underlies how staff relate to service users, the way key work sessions are delivered and additional support is provided, and arrangements are in place for psychological input and reflective practises.<sup>55</sup>

#### **GISDA Working with Young People with Complex and Multiple Needs**

GISDA is a charity working with vulnerable and homeless young people aged 14 – 25 in Gwynedd, North Wales. In recognition of the complex needs of many young people living in supported accommodation GISDA developed a model similar to PIE (Psychological Informed Environment) and TIC (Trauma Informed Care). Within their model is an element which focusses on the importance of receiving intense support when moving towards employment. Since adopting a therapeutic model, GISDA report that it has been take referrals for young people evicted from other provision, and has significantly reduced evictions despite taken young people with complex and multiple needs. A focus on restorative practice and mediation helps avoids formal warnings, and young people can move between services for ‘cooling off’ periods if needed. GISDA has also reduced evictions due to arrears by making access to wi-fi contingent on payment of service charges. A service framework and training toolkit for staff is being developed and will ensure that all young people have their own progression pathway that is ambitious and will assist them alongside GISDA’s therapeutic support service towards independent living. The progression plan will take into consideration external factors which can influence the ability to move forward towards independent living such as the transition from relying on benefit to employment.

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<sup>55</sup> See also <http://www.beyondyouthcustody.net/wp-content/uploads/Developing-trauma-informed-resettlement-for-young-custody-leavers-a-practitioner's-guide.pdf>

## St Basils 'Transformational Services'

St Basils recognise that meeting the needs of homeless young people goes beyond providing a place to live. Many young people who become homeless have experienced trauma, mental health problems, substance misuse, learning difficulties, and often lack relationship and life skills. Since 2011 St Basils has been a 'Psychologically Informed Environment (PIE)', using a bespoke framework to recruit, train, and support staff who work with young people to be psychologically informed. This involves having greater awareness of why some young people behave in a way they may find challenging, and appear to respond negatively when services are offered to them.

Working in partnership with the School of Sport, Exercise and Rehabilitation at the University of Birmingham St Basils have also developed a 10-week Mental Skills Training (MST) programme which helps young people to recognise and use their strengths through individual and team challenges. An academic evaluation of the programme has found improved mental well-being and self-esteem amongst the positive outcomes for the young people who take part. As a result, they are better able to move on independently from St Basils and are more motivated to engage in learning, work, and educational opportunities.

St Basils has used PIE, and MST in its work with young people engaged in the Fair Chance funded 'Rewriting Futures' programme in the West Midlands. 62% of 18-24 year olds receiving accommodation and support through this service have an offending history.

**Housing First** schemes are generally aimed at people with multiple and complex needs, including 'entrenched' rough sleepers. The model is gaining significant interest and support from policy makers because it provides a potential solution for people for whom every other housing option has failed, and the goal of their own home is never reached because the person cannot sustain living with others in supported housing. Housing First schemes provide an independent tenancy, either in the social or private housing sector, as well as very intensive, bespoke wrap-around support. Whilst it tends to be a model that is used for older, long-term homeless people, it is an option to consider for young people who do not manage well in other supported accommodation, or whose needs are not well met in a shared housing environment. Having your own front door can be a positive option for some young people who have higher needs, if there is commissioning of skilled support through a dedicated, specialist floating support services, with some 24-hour call-out if needed.

Some of the '**Fair Chance Fund**'<sup>56</sup> schemes are demonstrating how elements of a Housing First approach can work successfully for young people aged 18-24 who are homeless and have additional needs, including young people with an offending history (see below). The model has the potential to fill a gap in more traditional supported housing pathways, meeting the needs of young people who cannot be placed safely or successfully alongside others. Services that have been funded through the Fair Chance programme will be subject to a full evaluation, so there will be an opportunity to learn how successful the approach has been.

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<sup>56</sup> The Fair Chance Funding is no longer available, but details of the specification can be found at : <https://www.gov.uk/government/publications/fair-chance-fund-full-bid-specification-and-application>



## **Fair Chance Fund Services**

Fair Chance is a DCLG led funding programme targeted at young homeless people who are not owed a statutory duty by local authorities, but have additional needs which indicate they are at risk of long term or repeat homelessness. Fair Chance funded services involve social investors and social impact bonds, with providers paid only for specific outcomes around housing and education, employment and training (EET). Delivered by 7 providers across 39 local authority areas, the services are being measured and evaluated, and should provide useful insights into approaches that work well for young people whose needs are not always well met in traditional service models.

### **Your Chance: DePaul UK**

DePaul UK deliver a 'Your Chance' service in Manchester, Oldham, Rochdale and Greenwich. Most young people engaged with the service have complex needs (mental health, substance misuse, history in care, disability or poor health) and 61% have an offending history. The service delivers intensive key work support to access and sustain housing, primarily in the private rented sector, and for young people to engage with EET. The Your Chance approach is achieving successful outcomes for some young people who were at high risk of long term and repeat homelessness, at an annual cost of around £3,000 per client. When this is matched against, for example, the cost of homelessness, or a short custodial sentence, the business case is easier to make that these models are clear 'invest to save' options for commissioners.

(Fair Chance Service models are also delivered by Ambition, Aspire, Fusion, Home Group, Local Solutions and St Basils).

## Case Study K

K is a 20 year old care leaver whose offending behaviour began when he was 12 years old, and who has had several stays in custody. He was referred to Your Chance when he was homeless after completing a 2-year sentence. K had problems with anger-management and was thought to have undiagnosed mental health problems, but due to his drug misuse mental health services had withdrawn support. K had been evicted from numerous supported accommodation placements, and his high rent debts and history of anti-social behaviour presented massive barriers to him moving on to his own flat.

K struggles to form positive relationships with professionals. He says he has known too many staff come and go and so is often unwilling to work with new services which means he is not addressing the issues that have followed him and is also unwilling to look towards the future as he feels no one can help him. He also struggles to take responsibility for any of his own actions and assumes because he is a care leaver things will be done for him, not that he has to take responsibility and try and make positive changes in his life. K had some gang involvement as a teenager and wanted to avoid former associates, which limited the areas where he could live.

Depaul started working with K through the Your Chance programme while he was still in custody and then picked him up from prison when he was released. Support staff were able to overcome his initial reluctance to engage through reassurance that the programme is for three years, and they would not be 'leaving' him anytime soon. Prior to release family mediation work took place with K and his grandparents, which enabled him to live with them temporarily on release. From there he was linked into mental health services, and Your Chance paid for Cognitive Behavioural Therapy (CBT) sessions so that K could decide when sessions happened, which greatly improved his attendance. K reported this helped with his anger issues and gave him some understanding of his situation. K was also linked in with holistic activities such as a running group and mindfulness sessions. Staff note that K has become much calmer and more positive, and has kept to his grandparents' house rules, which has enabled him to stay with them for longer, contributing to him feeling more settled.

Now that K is more settled, Your Chance is helping him to focus on his future EET. K has low level literacy and numeracy, and has previously lacked confidence to attend school or college to address this, but has now started a basic skills course, as well as taking on voluntary work.

**7.5 Out of area placements** are sometimes required for young people who are involved in the criminal justice system, and may be particularly challenging for a unitary local authority to arrange. Commissioned supported housing is almost always located within the local authority area and so out of area placements are generally made through private providers at extra cost. Whilst a local authority can use its Children's Social Care placement budget to fund an out of area placement for a looked after young person or care leaver, the same opportunity is not available for other young adults who are homeless and need some form of supported accommodation outside of their own area.

By working collaboratively together local authorities can develop cross-authority services, or agree reciprocal arrangements to help one another to facilitate out of area moves for young people at risk. For example, London boroughs use a 'Pan-London Reciprocal Agreement' to facilitate social housing moves between boroughs for tenants who are at risk due to domestic abuse, gang related violence or for other reasons. Although the agreement is intended to support social housing tenants and prevent them from becoming homeless, it can also be used to arrange moves for households who would otherwise be statutorily homeless and owed a housing duty by their local authority. This way of working is likely to increase as combined authority structures develop.

### **South London Resettlement Consortium Accommodation Pathway**

The South London Resettlement Consortia has agreed standards to support effective resettlement of young people across 6 London boroughs. The standards include an agreement that placements will be identified and reserved 14-28 days in advance of a young person being released, and to broker cross-borough reciprocal arrangements to facilitate safe supported accommodation placements for young people who cannot return to their home borough. The consortia have a longer-term aspiration to commission a pool of preferred providers of resettlement accommodation who would visit and engage young people in custody, and maintain contact with them before and after their release.

### **7.6 Preparing Young People for Independent Living**

Young people involved with the criminal justice system may need to spend longer in supported housing than other young people if they are to be sufficiently well prepared to manage independently in their own accommodation. For some it may be more appropriate to have a 'Housing First' option, which is settled and long term housing, but with dedicated and often specialist floating support which continues for as long as it is needed.

For those in supported housing their prospects and timescale for 'move on' will be adversely affected by any reoffending, especially if they return to custody and must surrender their supported housing placement to avoid incurring rent arrears and debt. Despite the many challenges, young people can make a positive transition from supported housing and, with the help of those providing them with support, become ready to move on and manage their own accommodation.

Helping to prepare a young person to move on will be the shared responsibility of professionals involved, including their supported accommodation provider. Local authorities and partners should have arrangements in place to build the independent living skills of young people preparing to live independently, particularly for their looked after children and care leavers. Young people involved in the criminal justice system are likely to need additional help with financial confidence and budgeting skills, and providing dedicated training around financial management will contribute toward preparing them for the very difficult task of managing household costs on a limited income.

## MyBnk and Money Works: Raising Financial Literacy

MyBnk are a financial and enterprise education charity, who deliver high-impact training programmes to help raise the financial confidence and capability of young people. MyBnk has recognised that young people in custody have a significant need to build financial literacy and budgeting skills - a high number of young adults report a financial motivation for crime, and many will have accumulated debts to manage when they return to the community. Young people involved in the criminal justice system are also less likely to have had guidance from family or school that would prepare them for managing money well. MyBnk delivers their 'Money Works' financial education training to young people preparing for release in Feltham YOI, through ten hours of workshops that use interactive activities, debates, games, and real life examples. Young people gain an understanding of the costs they will have to manage when living independently, how to budget and develop solutions to money problems, welfare entitlements and how to interact with the benefits system, and how to engage with the financial system to improve their situation. Each participant that completes the workshops receive a Level 1 ABC accreditation in Personal Money Management. One young man who completed the course in 2016 said 'I have learnt how to manage my money properly and carefully. When I get a job it will help me be able to budget my money. I found the course very empowering and loved it!

MyBnk were a key partner in the highly successful Greenwich Money House project and have now taken over its delivery, which includes providing training for young men preparing for release from HMP Isis.

## YOUNG PEOPLE SAID

*- "I left home and I didn't know what to do. I didn't know how to cook or to pay the bills. So I can't imagine coming out of prison after a long time and being expected to know how to manage my own home and provide for myself".*

*- "Teaching young people essential life skills will ensure that they can maintain their own place. This would have helped me to not rely on others for support".*

## Jointly Commissioned Accommodation and Support: Checklist

- Commissioners of housing related support have conducted an accommodation needs analysis, know how many young people who are at risk of offending require accommodation and support, and are commissioning services that contribute to rehabilitation and reduced offending.
- Health, Criminal Justice and Social Care partners are involved in identifying needs and contributing towards therapeutic housing services to meet complex needs and improve health outcomes as well as reducing reoffending.
- There is a single access point or 'gateway' into all supported housing options for young people.
- Supported housing or accommodation with floating support can be provided to meet different needs, with provision for young people who cannot be placed safely within a shared supported housing environment.
- Emergency short stay supported housing is available as an alternative to using temporary accommodation in a crisis.
- Arrangements are in place to reserve or to hold supported housing units for young people coming out of custody so that an address can be provided in advance of a release date.
- Robust risk assessment and management arrangements are in place, involving all key professionals sharing information to minimise the risks associated with placing a young person in any form of accommodation.
- Cross-local authority collaboration helps to facilitate out of area moves for young people who are at risk and/or would present a risk to others within their home area.
- Young people are well prepared and financially aware before they move on into their own accommodation.
- Supported housing services are transformational, helping a young person to make changes in their life whilst gaining the life skills that they will need to manage independently.

## 8 PATHWAY STRAND 4: A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT

Although this strand of the pathway refers to 'resettlement' support, the options and interventions referred to will apply equally to young people serving community sentences and/or those who need help with accommodation to avoid re-offending as part of longer term rehabilitation.

### 8.1 Rehabilitation of Offenders Act

Landlords in both the private and social housing sectors exercise some choice about who they will offer a tenancy to. Private landlords generally require references, guarantors and evidence that a prospective tenant is somebody who will pay their rent and look after their property well. Social landlords have policies for allocation of their properties, many of which include clauses to exclude people who it is believed may not make 'good tenants'.

People with a history of offending may also be excluded from accessing housing because of their convictions, and need to be properly advised on the protection provided by the Rehabilitation of Offenders Act 1974. If a young person's conviction is now 'spent' according to the Act they do not have to disclose it to a landlord when looking for accommodation, nor can they be disqualified from a local authority housing register on the basis of spent convictions (see 8.4 below). Information on the timescales for convictions becoming spent is available from the government website<sup>57</sup>. For some serious and public protection offences, a conviction will never be considered spent, but for most offences young people convicted before they reached the age of 18 will see their convictions spent sooner.

Young people who have unspent convictions should be advised against misleading a landlord who asks about their offending history. Tenancies obtained by providing false information could be ended by the landlord if they become aware of convictions later. There may also be insurance implications if the property is let to somebody with unspent convictions that have not been disclosed, and if the landlord loses out as a result they may look to their tenant to make up any losses.

There are landlords in both the private and social housing sector who are willing to let properties to people with an offending history, especially if the arrangements are made by a local authority offering support to both landlord and tenant to make the letting work.

### 8.2 Getting Landlords on Board

Although landlords vary considerably, they mostly want tenants who will pay the rent, look after their property, and abide by the tenancy agreement. Schemes that offer incentives to landlords, financial or otherwise, will improve the chances of getting and keeping a landlord engaged in offering accommodation to young people with an offending history. Holding landlord forums and consultation events can help shape the 'offer' to local landlords (both social and private), based around their priorities and concerns. The offer might include guarantees that young people will:

- Have a bank account, ID and all the documents they need to access benefits
- Be confirmed as in employment and eligible to claim benefits if needed
- Meet the requirements of the 'Right to Rent' legislation<sup>58</sup>
- Have completed pre-tenancy and financial management training
- Be provided with floating support/intensive support (depending on need) which will continue for at least 3 months and will be available subsequently if the young person gets into arrears or other difficulties
- Receive further support in the future if they are at risk of homelessness

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<sup>57</sup> The 1974 Act was amended by the Legal Aid Sentencing and Punishing of Offenders Act 2012, and new guidance issued by the MoJ in 2014 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299916/rehabilitation-of-offenders-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf)

<sup>58</sup> Private landlords now have a legal duty to ensure they do not let their property to people who do not have a right to be in the UK. Documentary checks are required for all new tenants, and a landlord can be fined up to £3000 for a breach. <https://www.gov.uk/check-tenant-right-to-rent-documents/how-to-check>

## Landlords will:

- Be advised of any unspent convictions the young person has
- Be provided with a contact point within the local authority, and access to advice and support to assist if there are problems with housing benefit, universal credit or the young person's behaviour
- Receive adequate financial compensation if their property is damaged, beyond normal fair wear and tear
- Meet with and have ongoing contact with the young person's Offender Manager

Offers to landlords will be subject to resources, but schemes that provide on-going support and reassurance to both landlord and tenant will have greater prospect of long term success.

### 8.3 Affordability and Welfare Reform

The amount of affordable housing available to people on benefits or low incomes varies across the country, but wherever they live young people are finding it increasingly difficult to find and access affordable accommodation. This is partly because the housing shortage pushes up prices to rent and to buy, but also because welfare reforms have limited the amount of money available for housing costs, particularly for young people. Those with an offending history face additional barriers, and will need more support to secure their own independent accommodation.

Government reforms to the welfare benefits system have had and will continue to have an impact on the availability of affordable accommodation to claimants on a low income, particularly young people. It is essential that those advising young people do so with a clear understanding of the changes nationally and how they are impacting locally.

The combined effect of a range of welfare reforms will mean it is increasingly difficult for young people to live independently outside the family home, unless they have their own income which is sufficient to cover rent and household costs.

From April 2017 automatic entitlement to benefit towards housing costs is no longer available to 18-21 year olds claiming Universal Credit within a digital area. The DWP has issued guidance which includes a wide range of exemptions from the change, and should mean that no young person at risk of homelessness is denied access to housing costs<sup>59</sup>. In order to persuade landlords to continue to accommodate 18-21 year olds local authorities and other agencies will need to work closely with their local DWP partners on ensure arrangements are in place to manage exemptions with speed and consistency.

Most young people under the age of 35 are only entitled to a 'local housing allowance' (LHA) to cover the costs of a room in a shared house. This is the '**shared accommodation rate**', also known as the 'SAR'.<sup>60</sup>

As the LHA is set at the 30th percentile for market rents, and falls well below market rents for lettings within houses of multiple occupation, finding affordable accommodation is increasingly challenging for young people who need to claim housing costs to pay their rent. Some young people 18-24 have an exemption from the SAR, or are not reliant on benefits to pay their rent. For these young people, self-contained 1 bedroom or studio style units may be found subject to local market conditions. The SAR exempted groups are:

- Couples or single people with children in their care
- Care leavers up to the age of 22 (with some Government indications that the age limit may be raised to 25)
- People entitled to the Disability Living Allowance (DLA) care component at middle or high rate, or Personal Independence Payment (PIP) daily living component
- People subject to MAPPA Level 2 or 3 risk management arrangements claiming Universal Credit.

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<sup>59</sup> For more detail refer to the regulations [http://www.legislation.gov.uk/uksi/2017/252/pdfs/ukxi\\_20170252\\_en.pdf](http://www.legislation.gov.uk/uksi/2017/252/pdfs/ukxi_20170252_en.pdf) and guidance for DWP decision makers [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604884/adm6-17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604884/adm6-17.pdf)

<sup>60</sup> Local Housing Allowance rates for every area can be found on the Direct Gov website <https://lha-direct.voa.gov.uk/search.aspx>

Note that the Universal Credit Regulations 2013 list the young renters that are exempt from SAR, but unlike Housing Benefit Regulations, the Universal Credit Regulations do not distinguish between MAPPA offenders who are over or under the age of 25, so that the exemption applies to any 18-34 year old subject to active MAPPA management. Professionals involved with MAPPA management of young people leaving custody should have better prospects of finding suitable self-contained accommodation to minimise risk.

From April 2019, the SAR will be applied to claims towards housing costs in the social housing sector. This means that one –bedroom social housing is likely to be unaffordable to many single people under 35 if they are dependent on benefit to pay their rent. This will further reduce the supply of accommodation that is affordable to young people.

#### **8.4 Applying for social housing**

‘Social’ housing is provided by Councils and by housing associations both of which are ‘Registered Providers’ regulated through the Homes and Communities Agency (HCA).

Local authorities are required by law to devise and publish an ‘Allocations Scheme’ which sets out how they manage access to social housing in the area. Properties are let to people who have applied and been accepted on to the local ‘housing register’, and who have the highest priority for an offer of housing according to the Council’s Allocations Scheme. Many local authorities use a ‘Choice Based Lettings’ or “CBL” scheme in which applicants bid for properties advertised for their area, as well as making some ‘direct offers’ to people who are unable to bid or who have needs which are not well met through the bidding process. Whatever the policies and processes that local authorities use to let social housing, there is significantly greater demand for accommodation than properties available and so many housing applicants must look for alternative sources of housing, including in the private rented sector.

Since the Localism Act 2011, local authorities have had more freedom to determine their policies for allocating social housing, so long as they meet statutory responsibilities and provide ‘reasonable preference’ to certain designated groups. Each local housing authority area will have its own set of policies for allocation of housing, but there are some general trends in policy direction that have implications for young people with a history of offending.

The most common reason for excluding an applicant from housing, or suspending their application on the local authority housing register, is that they have rent arrears or a rent debt from a previous tenancy. Young people who have lost a tenancy when they went into custody may find that arrears have built up in their absence. They not only remain liable for the debt, but it may also prevent them from gaining access to accommodation from the same local authority in the future.

Housing applicants with a history of anti-social behaviour and/or criminal convictions may be excluded or given less priority within a local authority allocation schemes if their history of behaviour makes them ‘unsuitable’ to be tenants. Allocations policies and practices that take into account a person’s offending history must be compliant with the Rehabilitation of Offenders Act,<sup>61</sup> and any decision taken by a local authority to suspend or exclude somebody from the register should be individual, take into consideration a person’s circumstances and needs, and advise the applicant of their right to request a review.

Local authorities are increasingly applying residence requirements to their housing registers, which require the applicant to have lived in the area for a specified number of years before they are eligible to join the register. Prisoners and former prisoners may be excluded from the housing register because they have not lived in the area unless the local authority’s policy considers the different circumstances and looks at the ‘usual place of residence’ when applying the residence criteria.

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<sup>61</sup> In a 2016 High Court case LB Hammersmith and Fulham were found to be in breach of the Rehabilitation of Offenders Act by disqualifying a care leaver from joining the housing register due to his (now spent) convictions. Although the Council argued that the exclusion was due to the young person’s behaviour, it was found that they had relied entirely on the historical convictions to judge his behaviour, whilst they also conceded he was now a ‘model care leaver’ <http://www.bailii.org/ew/cases/EWHC/Admin/2016/1850.html>



Young people who appear to be affected by Allocations Scheme exclusion policies should not be deterred from making an application to join the housing register and, if the exclusion seems unfair, or discriminatory, appealing against it based upon their own needs and circumstances. When advising young people professionals also need to be clear that applying to join the housing register and making an application for assistance as a homeless person are separate processes with different legal and procedural requirements. If a young person is homeless and eligible for assistance they will be entitled to help as a homeless applicant, whether or not they are excluded from the local authority's housing register through the Allocation Scheme.

## 8.5 Living in Social Housing

Young people who are accepted onto their local authority housing register with some prospect of being offered social housing need to understand what this will mean for them.

**Choice of Accommodation:** Most local authority allocations policies provide for only one 'reasonable offer' of a property to people who have a priority for housing, which may include young people leaving care, moving on from supported housing or who have been accepted as statutorily homeless. If the young person cannot live safely in particular areas, or could not manage in certain types of property, the local authority should be given as much information and evidence of their needs as soon as possible so that they are not offered properties which are unsuitable for them. Young people also need to be made aware of the sorts of properties the local authority might offer so they are well prepared and realistic about what is available. They must be encouraged to think very carefully, and seek independent advice, before turning down an offer that has been made. If the offer is turned down, then the young person will not be offered another property unless they are successful with an appeal on the basis that the offer was not reasonable.

**Tenancy Length:** Tenancy types vary according to local policies, but there is no longer a guarantee of a 'tenancy for life'. Most social housing tenants have a one year 'introductory' or 'starter' tenancy which acts as a trial period when they first become tenants. If the tenant breaches the tenancy conditions, by failing to pay the rent, causing a nuisance, engaging in anti-social behaviour etc, they can be more easily evicted during or at the end of their first year.

The Localism Act 2011 introduced 'flexible tenancies' which enabled local authorities and housing associations the power to introduce fixed length tenancies for new tenants. These new tenancy arrangements are flexible because a social landlord can decide whether to adopt a fixed term, and if they do, what length of tenancy to offer. The minimum fixed term tenancy for a social housing tenant is 2 years, but the expectation is that they will be created for a minimum of 5 years, after which time the tenancy is reviewed and may be renewed.

**Paying the rent and charges:** Social housing rents now vary considerably, with local authority housing generally cheaper than accommodation offered by housing associations. Since 2011 registered providers have been able to charge 'affordable' rents, which is defined as up to 80% of a local market rent, so that they can raise money for investment in housing. Currently tenants in social housing who are reliant on housing benefit or universal credit are generally eligible to get their rent covered in full, except where the household is affected by the Total Benefit Cap<sup>62</sup>. However, from 2019 the government proposes to apply the 'Local Housing Allowance' limits to universal credit claims from social housing tenants, and many young people whose entitlement is limited to the 'Shared Accommodation Rate' will have a shortfall between their housing costs entitlement and their rent. This will be particularly difficult for tenants in 'affordable' housing where the shortfalls are likely to be considerable. National Housing Federation research into the impact of applying the LHA to housing association tenants found that 93% of those subject to the SAR will face a shortfall between the amount they receive towards housing costs, and the rent they are liable to pay. The average shortfall SAR applicable claimants face is estimated to be £22.09 per week.<sup>63</sup>

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<sup>63</sup> The Impact of Applying Local Housing Allowance Rates to General Needs Housing Association Tenants <http://www.housing.org.uk/resource-library/browse/impact-of-applying-local-housing-allowance-rates-to-general-needs-social-te/>

<sup>62</sup> The Total Benefit Cap limits the amount a claimant can receive in benefits, including towards housing costs. Some exemptions apply where people are unable to work. <https://www.gov.uk/benefit-cap/overview>

Young people moving in to social housing also need to be made aware of any service charge costs and how these are paid. On older style estates and housing schemes with centralised boiler systems the weekly costs for heating and hot water can be high, and young people moving on from supported housing or from care will need help to understand the full costs of living in different types of property - and how they might budget for and pay these costs, when making choices about social housing.

## 8.6 Living in the Private Rented Sector

As demand for social housing significantly exceeds supply, homeless households and agencies supporting them have looked to the private rented market to help fill the gap. However, the private market is becoming a less financially viable option for people reliant on benefits to contribute towards their rent, particularly young people. Local authorities and their partners will need to work well together and be increasingly innovative to develop private sector housing options for young people moving on from custody, supported housing or care.

Local authorities have tried various ways to incentivise private landlords to let to people at risk of homelessness, and many have been successful in engaging and sustaining the involvement of landlords through their innovative schemes and activities to keep landlords 'on board' and willing to work with them. When looking to find private rented sector accommodation for young people involved in the criminal justice system, there will be additional challenges involved in persuading landlords to offer a tenancy which might require better financial incentives and additional support to both landlord and tenant to respond to any problems that might arise. Some of the Fair Chance Fund services have been successful in finding and retaining private tenancies for young people with a history of homelessness. Landlords are assured that the young person will continue to receive a support service throughout the tenancy, and that the service provider has a financial imperative to maintain the accommodation within a 'payment by results' framework.

## 8.7 Shared vs Self-Contained Accommodation

Young people entitled to the 'shared accommodation rate' (SAR) toward their rent will need accommodation in a House of Multiple Occupation (HMO) or shared house, or in lodgings with a resident landlord. General experience is that the SAR falls below the costs of an HMO room in most areas of England (although not all) so choices will be limited in many areas unless additional funding or other support can be levered in to make a housing scheme viable.

Whether or not a young person is exempt from SAR there are good reasons for considering shared housing options, not only to keep down their housing costs but also to reduce their loneliness and isolation. Most young people leaving home do benefit from having other young people around them to share the new experience and each other's company. Whilst many young people say they want their own place, the reality can be very different. Care leavers consistently say they felt alone and isolated when they moved into their own tenancy, and it is hardly surprising that some get into difficulties with their tenancy because they have brought in friends to live or socialise with them.

Shared housing models can be difficult to set up, and the management arrangements are more challenging, but they can also have positive attributes; and in the context of the current housing market and welfare benefit entitlements for most young people sharing will be the only option.

The national homeless charity, Crisis, have been involved in funding private rented access schemes across the country which have increased the supply of lettings, and tried out different models to see what works. They have numerous examples of successful models, and have produced guidance and practical toolkits for local authorities and housing providers to use so set up shared housing schemes in both the private and social housing sectors<sup>64</sup>.

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<sup>64</sup> Sharing Solutions Schemes <http://www.crisis.org.uk/pages/sharing-solutions-schemes.html>

Commonweal Housing is testing a 'Peer Landlord' model for shared housing in London, in partnership with Thames Reach and Catch 22. The aim is to provide 'supportive' rather than 'supported' housing in which tenants have more independence, and affordable rents so that they are able to work and avoid the 'benefit trap'. Company and support is provided by other residents rather than paid support workers. The 'peer landlord' is one of the tenants who is there to see the house runs smoothly, and has been trained in basic housing management and maintenance, as well as financial awareness and other relevant skills. Catch 22 have used the scheme to accommodate young people, including care leavers and young people with an offending history. Thames Reach see the model as an opportunity to "recast shared housing as a positive experience for tenants". They had noted that some of their service users who had been homeless and were now living in their own self-contained flats "were lonely, worried about managing visitors, couldn't afford to heat the flat and had limited aspirations for their future".<sup>65</sup>

### **Out4Good Frontier Youth Trust, Accommodation and Support, Colchester, Essex**

Out4Good (O4G) is a small charitable project helping young homeless people reduce their offending behaviour through providing housing, support and opportunities. Many of the young people referred to the service have been evicted by other supported housing providers, or have been referred because they have convictions for serious offences which mean other providers are not willing to house them. O4G accommodates young people in small shared properties with on-site support and an 'open door' policy which means staff are always available when a resident needs them. They see the crucial pillars to successful community rehabilitation as being somewhere to live, a job and a mentor, but young people are also fully engaged in leisure activities whilst being supported to find work. O4G rarely evict young people, and report an 86% success rate in reducing reoffending <http://www.fyt.org.uk/projects/out4good/>

## **8.8 Resettlement support and tenancy sustainment**

Young people moving on from supported housing and from care find managing their own tenancy on a limited budget challenging. As well as the financial and practical challenges, some report feeling isolated and alone without ongoing contact and support. As budgets for commissioned services are reduced move-on support packages may be squeezed, which risks leaving young people with insufficient floating support to resettle successfully within the community. However, there is a strong invest-to-save argument for preparing young people well for independence, so that they are less likely to develop rent arrears or becoming involved in anti-social or offending behaviour when first trying out independent living.

Many social landlords have in house services to provide tenancy support which can be used, and there may also be opportunities to develop peer mentor services to add to the options available to support a young person through the transition.

Resettlement and move on services arrangements should provide the opportunity for a young person to receive further support if they get into difficulties with their tenancy. If local authorities and other landlords are to minimise the financial and social impact of failing tenancies, they need arrangements in place to identify young tenants who are struggling and offer them help and support before the problem worsens and becomes difficult to reverse.

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<sup>65</sup> Peer Landlords: testing the concept: A summary report of the key points and learning from Phase one of the model development <https://www.commonwealhousing.org.uk/wordpress/wp-content/uploads/2014/02/FINAL-PEER-LANDLORD-SUMMARY-REPORT-OF-KEY-POINTS-AND-LEARNING-JUNE-2016-8-6-16.pdf>

Some local authorities and social landlords offer support when a tenant reaches a certain level of rent arrears. For young people at high risk of tenancy failure and homelessness, the threshold for referral may need to be lower, and the service intervention more assertive. Having support services in place that are young people focussed, responsive and quick to re-engage will be most effective in supporting successful resettlement within the community.

*- "It is so important to be independent. If you don't have this, then you will become dependent on others and never move forward".*

#### **A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT CHECKLIST**

- Local authorities, CRC and NPS as well as other partners cooperate to incentivise and support landlords in all tenures to offer tenancies to young people with an offending history.
- Young people with eligibility for social housing are provided with advice and support through the application and letting process, and are properly advised on their options.
- Local authority allocations schemes do not unlawfully exclude young people with 'spent' convictions, and provide opportunities to support successful rehabilitation
- Young people are provided with support to move on, and know they can access support services again if they get into difficulties managing their tenancy in the future
- Young people with an offending history are recognised as a group that may need additional help to access the Private Rented Sector where it is a viable local option, including access to the local rent deposit scheme
- Young people who re-offend have support to sustain their tenancy where appropriate, or to surrender it to avoid rent arrears and debt
- There are sharing options in the private rented sector and in social housing

# ANNEX 1: YOUTH JUSTICE ACCOMMODATION PATHWAY CHECKLIST

1. EARLY HELP, HOMELESSNESS PREVENTION AND SAFEGUARDING	
Checklist	✓
Accessible and up to date information on the services available to support families and young people to prevent homelessness is widely available and known to agencies working with them	
Early Help assessment tools identify young people at risk of parental exclusion and are used by health and criminal justice agencies as well as children and family services	
Families with children and young people at risk of offending are supported by the Troubled Families programme, and have access to early help interventions such as Family Group Conferencing, family and youth support	
Where young people cannot stay at home or with family, professionals work with families to plan moves in advance rather than wait for the crisis of homelessness	
Multi-agency arrangements are in place for agencies working with young people at risk of offending to share information, identify and manage risks and prevent crisis.  Housing staff are involved in Integrated Offender Management as well as MAPPA  Housing service providers have 'fast track' access to advice about risks to a young person, as well as risks they present to others, when making plans for accommodation.	
A joint YOS/HS/CS protocol is in place that includes providing housing and support to young people in the community, as well as those in custody. YOS/HS/CS collaboration is supported through an integrated service hub/co-located services, cross-placement of staff and/or regular meetings	
Procedures are in place to identify young people who have been provided with accommodation and are struggling to maintain a tenancy so that early support can be provided to prevent homelessness	
In gang-affected areas: specialist service providers and/or gang link workers are involved in engaging young people, gaining their confidence about the current risks, mentoring and supporting them to exit the gang when/if they are ready to do so.	
Relocation schemes are used to assist families to move in a planned way to avoid risk, and prevent crisis that may lead to homelessness. Families and young people are well informed and understand what moving to a new area involves, and have sufficient support to manage the move and establish a new home.	
Staff working in areas where the police have identified that organised gangs operate have training so that they know and understand the risks of harm, sexual violence and exploitation that children and young people may be subjected to.	

<b>2. RESETTLEMENT PLANNING FOR YOUNG PEOPLE IN CUSTODY</b>	
<b>Checklist</b>	✓
Young People and their Families are involved in planning for release and providing support from the outset whether or not there is an expectation of a return home.	
Local arrangements are in place to either protect or surrender a tenancy or license as appropriate and to minimise arrears and debt. Procedures include: <ul style="list-style-type: none"> <li>• Arranging housing benefit/universal credit claims to cover short sentences or remand</li> <li>• Process for a surrender of a tenancy or supported housing license where appropriate to reduce arrears</li> <li>• Cancellation of benefit claims to reduce overpayments</li> </ul>	
Sentence planning includes activities to reduce barriers to obtaining and sustaining accommodation on release. For example, providing financial confidence and budgeting training for young people who have rent debts and for those who have not lived independently before	
<b>(MINIMUM) THREE MONTHS AHEAD OF RELEASE</b>	
Relationships and arrangements with family are reviewed and support put in place to facilitate a return home where appropriate. Contingency planning will be as important for young people planning to return home, as it is for those who are to be provided with accommodation.	
Assessments of needs and statutory duties are completed taking account of a young person's age, needs and looked after status so that the lead agency can be identified and appropriate referrals made. Referral details are captured on young people who are to be referred to their Local Housing Authority 56 days from release.	
Release on Temporary License (ROTL) is arranged to better prepare a young person's accommodation and support plan. ROTL may be used for home visits, overnight stays or to attend mediation or other family support work. For those unable to return home temporary release could be used for visits to supported housing, assessment meetings or to participate in Team Around the Young Person meetings to plan accommodation and support	
Young people are involved in planning for their accommodation and support on release utilising video links, Skype, and visits to custody where feasible. Young people are provided with accurate advice about their options, and have accessible information (photos, video clips) about supported housing or other accommodation that might be offered to them.	
Actions are agreed amongst professionals delivering the resettlement plan, and young people know the lead professional providing continuity of contact and support. Arrangements include identifying responsible for practical arrangements where needed e.g. obtaining ID, setting up a bank account	
Accommodation is identified and secured in advance of release to provide opportunity to get essential services into place and reassurance to young people.	
Contingency plans are put in place to prepare for accommodation placement breakdown, including for young people returning home, which do not involve use of B&B or other unsuitable emergency housing. If accommodation placements are planned through a management panel, then contingency is approved as part of the initial plan, to avoid having to wait for another panel meeting	
Release plans are finalised including arrangements to meet a young person at 'the gates', setting up appointments with the Job Centre, health care providers and other key services, and arrangements for moving into accommodation. Providing a 'welcome pack' of basic goods for young people moving into accommodation provides help with the initial transition. Offender managers ensure all relevant professionals are aware of any license conditions that apply to the young person, and that arrangements are in place if they are subject to home detention curfew.	

### 3. JOINTLY COMMISSIONED ACCOMMODATION AND SUPPORT

Checklist		✓
Commissioners of housing related support have conducted an accommodation needs analysis, know how many young people who are at risk of offending require accommodation and support, and are commissioning services that contribute to rehabilitation and reduced offending		
Health, Criminal Justice and Social Care partners are involved in identifying needs and contributing towards therapeutic housing services to meet complex needs and improve health outcomes as well as reducing reoffending.		
There is a single access point or 'gateway' into all supported housing options for young people		
Supported housing or accommodation with floating support can be provided to meet different needs, with provision for young people who cannot be placed safely within a shared supported housing environment		
Emergency short stay supported housing is available as an alternative to using temporary accommodation in a crisis		
Arrangements are in place to reserve or to hold supported housing units for young people coming out of custody so that an address can be provided in advance of a release date		
Robust risk assessment and management arrangements are in place, involving all key professionals sharing information to minimise the risks associated with placing a young person in any form of accommodation		
Cross-local authority collaboration helps to facilitate out of area moves for young people who are at risk and/ or would present a risk to others within their home area		
Young people are well prepared and financially aware before they move on into their own accommodation.		
Supported housing services are transformational, helping a young person to make changes in their life whilst gaining the life skills that they will need to manage independently.		

### 4. A RANGE OF HOUSING OPTIONS WITH RESETTLEMENT SUPPORT

Checklist		✓
Local authorities, CRC and NPS as well as other partners cooperate to incentivise and support landlords in all tenures to offer tenancies to young people with an offending history.		
Young people with eligibility for social housing are provided with advice and support through the application and letting process, and are properly advised on their options.		
Local authority allocations schemes do not unlawfully exclude young people with 'spent' convictions, and provide opportunities to support successful rehabilitation		
Young people are provided with support to move on, and know they can access support services again if they get into difficulties managing their tenancy in the future		
Young people with an offending history are recognised as a group that may need additional help to access the Private Rented Sector where it is a viable local option, including access to the local rent deposit scheme		
Young people who re-offend have support to sustain their tenancy where appropriate, or to surrender it to avoid rent arrears and debt		
There are sharing options in the private rented sector and in social housing		

# ANNEX TWO: THE LEGAL FRAMEWORK

Young people at risk of homelessness have a range of different entitlements provided through Children's and Housing legislation. This section outlines the key legislation with some reference to how it has been interpreted through case law.

## **Children Act 1989**

One of the many different parts of the Children Act sets out local authority duties towards 'children in need' within their area, which includes duties and powers to provide accommodation and support. These duties are relevant for the management of services to young people who are homeless at the age of 16-17, including those who are unable to return home when they leave custody.

## **Children in Need: CA 1989 S17**

S17 (10) provides that a child is in need if:

- a) he is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by the authority under this Part;
- b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) he is disabled

## **Children Owed a Duty to Accommodate: CA S20**

Children and young people who are 'accommodated' under CAS20 have 'looked after' status. The circumstances in which the duty to accommodate under S20 might apply to a homeless 16-17 year olds are:

- **S20 (1)** *Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of— (a)there being no person who has parental responsibility for him; (b)his being lost or having been abandoned; or (c)the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.*
- **S20(3)** *Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.*
- **S20(4)** *A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.*



Case law has provided clarification on the interplay between Children's and Housing legislation in respect of young people aged 16-17 who are homeless. In the case of R (G)v Southwark In May 2009, the House of Lords confirmed that:

- The primary duty to a homeless 16 or 17 year old is under the Children Act 1989 and the ongoing duty to accommodate and support that young person will fall to Children's Services. This will include the range of support available as a Looked After Child and a Care Leaver.
- Children's Services cannot avoid their duty to accommodate a homeless 16 or 17 year old under section 20 of the Children Act 1989 by claiming they were providing assistance under section 17 or by helping the young person to get accommodation through the homelessness legislation.
- A homeless 16 or 17 year old who applies to a Housing Authority should be provided with interim accommodation under the homelessness legislation. They should then be referred to Children's Services for an assessment of their needs under section 17 of the Children Act 1989.

The judgment also describes circumstances in which a homeless 16-17 year old may not be a child in need:

"he may have been living independently for some time, with a job and somewhere to live, and without anyone caring for him at all; he may then lose his accommodation and become homeless"

There is also an important circumstance in which a young person who is a child in need, might not be accommodated under Children Act S20, which is when he or she **chooses** not to be. The assessment must include a consideration of the weight to be given to the young person's wishes and feelings, and their capacity to reach a decision which is in their best interests. In the Southwark case it was noted that G had access to good legal advice, and in the subsequent **joint Secretary of State guidance issued by DfE and DCLG**<sup>1</sup>, local authorities are advised they must ensure young people are provided with 'realistic and full information' about the services that would be available to them as a Looked After Child and as a Care Leaver. Advice also needs to be given about the assistance available through the Housing Act 1996 Part 7, and the possible risk of being found 'intentionally homeless' now or in the future.

The Children Act also creates the terms for describing Looked After Children which are used when referring to different duties that are owed, in various legislation and guidance

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<sup>1</sup> Provision of Accommodation for 16 and 17 year old young people who maybe homeless and/or require accommodation: Joint guidance DfE and DCLG 2010 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8260/Provision\\_20of\\_20accommodation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8260/Provision_20of_20accommodation.pdf)

- Eligible Child: A 16-17 year old who is looked after and has been for at least 13 weeks since their 14th birthday (CA 1989 Schedule 2 Para 19B)
- Relevant Child: A 16-17 year old who was an eligible child but is no longer Looked After (CA 1989 S23A)
- Former Relevant Child: An 18+ young person who was either an eligible or relevant child (CA 1989 23c). The local authority has duties in relation to the former relevant child until they reach 21, or 25 if they are pursuing education or training.
- Qualifying Child or Care Leaver : A young person 16+ who has been Looked After since their 14th birthday, and was Looked After on or after their 16th birthday, but the total time Looked After amounts to less than 13 weeks.

NOTE: Qualifying care leavers have some entitlements in welfare and housing legislation which they, and service providers are not always aware of because they are not in receipt of the same level of leaving care services as 'former relevant' care leavers – see below.

### **The Children (Leaving Care) Act 2000**

The Act sets out various duties that local authorities have towards young people in and leaving care, including those relating to accommodation. The duties differ depending on care leaver status (i.e. eligible, qualifying, relevant or former relevant child) but the general requirements are that local authorities should:

- plan with young people and involve them in decisions
- avoid moving young people who are settled
- assess young people's needs and prepare them for any move
- ensure that the accommodation meets any needs relating to impairment
- consider education, training and employment needs
- where practicable, offer a choice of accommodation
- set up a package of support to go with the accommodation
- have a clear financial plan for the accommodation and a contingency plan.

The regulations and guidance<sup>2</sup> also detail how the local authority strategy for care leavers should take into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice in accommodation
- existing and planned provision of safe affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements.

The guidance to local authorities advocates commissioning a range of accommodation types to meet different needs, including some provision for crisis. In January 2015, the

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397649/CA1989\\_Transitions\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf)

Department for Education revised guidance to clarify that Bed and Breakfast is unsuitable accommodation for care leavers, and should be used for no more than two working days in an emergency (paragraph 7.12).

A 2010 judgement from the Court of Appeal clarified the duty on Children's Services authorities to provide accommodation for care leavers aged over 18 in certain circumstances. R (on the application of SO) v Barking and Dagenham 2010 concluded that if the former relevant child is unable to access appropriate accommodation through some other means (such as through a combination of a council tenancy and housing benefit), and the provision of accommodation is necessary for that young person's welfare, then Children's Services will be under a duty to provide or arrange suitable accommodation.

### **Homelessness legislation**

The Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and from 2018 by the Homelessness Reduction Act 2017) sets out requirements on local authorities to assist people who are homeless or at risk of becoming homeless. Part 6 of the Act sets out local authority powers and duties to allocate social housing to eligible people in need, whilst Part 7 covers statutory duties towards people who are homeless or at risk of homelessness.

The key provisions of Part 7 are the requirements that local authorities secure suitable temporary accommodation for applicants who meet four statutory tests. These are:

- is eligible for assistance (this concerns immigration status and access to public funds)
- is homeless or threatened with homelessness within 28 days
- has a 'priority need' for accommodation and
- is not intentionally homeless.

In addition, local authorities will usually exercise a power provided to them under Part 7 to determine whether the applicant has a '**local connection**' to their area. A homeless person has the right to make an application to any local authority they chose. However, if the local authority approached accepts that the applicant meets the four statutory tests (eligible, homeless, priority need, not intentionally homeless) but are satisfied that the applicant does not have a local connection with the local authority but does have such a connection with another local authority in England and Wales they may make a referral to that other local authority, so long as the applicant would not be at risk of violence in that area.

### **Assessing Priority Need**

Whether or not a homeless applicant is considered to be in '**Priority need**' might be a straightforward matter if s/he falls into one of the specified groups of people, which includes people who are pregnant or have dependent children in their care, and households who have become homeless due to an emergency such as fire or flood. Young people involved in the criminal justice system may be in priority need if homeless if they fit into one of the specified groups, or if they have been individually assessed as being 'vulnerable' if homeless.

## Young people in priority need

A young person will be automatically in priority need if homeless if they are

- 16-17 years old and not a 'relevant child' or owed a duty under Children Act S20 (this would include young people aged 16-17 who declined to be accommodated under S20)
- 18-20 years old who were looked after for any period of time when they were aged 16-17 (i.e. care leavers)

A young person who is pregnant or has a child in their care will also be in priority need.

## Institutional background and priority need

A young person **may** be found to be in priority need if they are '**vulnerable due to an institutional background**'. For this category to apply the applicant must both fit into one or more of the groups who have spent time in an institution, AND be assessed as being vulnerable as a result: The groups are:

- Care leavers over the age of 21
- Former members of the armed forces
- People who have spent time in detention or prison custody

The Department for Communities and Local Government (DCLG) issued a Code of Guidance for local authorities<sup>3</sup> to use when meeting their duties under homelessness legislation. At the time of writing, the Code published in 2006 is under review, but the current version includes advice for local authorities about how they might assess whether somebody is vulnerable as a result of time spent in prison. The Code suggests local authorities might wish to take into account:

- The length of time spent in custody or detention (without assuming that vulnerability could not occur after a short time in custody)
- Whether the applicant is receiving supervision from a criminal justice agency, and the advice from that agency about the person's vulnerability (although the final decision rests with the housing authority)
- The length of time since the applicant was released from custody or detention, and the extent to which the applicant had been able to obtain and/or maintain accommodation during that time;
- The applicants existing support networks, for example family or friends, and how much of a positive influence these networks are likely to be in their life.

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<sup>3</sup> Code of Guidance 2006 Sections 10.24-10.27 <https://www.gov.uk/government/publications/homelessness-code-of-guidance-for-councils-july-2006>

The Code notes that an offender manager or voluntary organisation may have already carried out an assessment of needs and vulnerability, and that the information will be provided for the housing authority to consider in their assessment.

### **Fleeing Violence or Threats of Violence**

A single person may be in priority need if they have left accommodation because of violence or threats of violence, and are vulnerable as a result. The violence might be perpetrated by a partner, but not necessarily so, and could include threats, intimidation and other forms of abuse as well as physical violence. To assess whether somebody is vulnerable as a result of violence, the Code of Guidance<sup>4</sup> suggests local authorities take into account the nature of the threats or violence, the impact on the person's well-being and the extent to which they are able to receive support from family and friends

### **Assessing 'vulnerability'**

Local authorities are required to carry out a comprehensive assessment of a person's needs to determine whether or not they are 'vulnerable' for the purposes of the legislation. It might be thought that any person who is homeless is vulnerable within the usual understanding of the word, and assessments of vulnerability have been the subject of a great deal of case law. In 2015 the Supreme Court considered three appeals (*Hotak v London Borough of Southwark*, *Kanu v London Borough of Southwark* and *Johnson v Solihull Metropolitan Borough*) and determined that an applicant is in priority need if they are '**significantly more vulnerable**' than an ordinary person would be if homeless, or they would be '**more at risk of harm without accommodation than an ordinary person would be**'. The decision in *Hotak*, *Kanu* and *Johnson* represents a relatively recent change in the previously established understanding of how vulnerability should be assessed, and it is likely that further case law will provide clarification on how a person's health or social needs might indicate they are 'significantly more vulnerable' and so qualify for full assistance if homeless.

### **'Intentional' Homelessness**

An applicant who is eligible, homeless and in priority need might still not qualify for full homelessness assistance if they are assessed as having become homeless intentionally. A young person might be found 'intentionally homeless' if they gave up accommodation that they could have continued to occupy, or if they lost accommodation that it would be reasonable for them to continue to occupy through something they deliberately did or failed to do. Failure to pay rent or breaches of a tenancy agreement are common reasons for a finding that somebody is intentionally homeless, but a young person who lost their tenancy when they went in to prison may be considered 'intentionally homeless' if it is found that the criminal act was deliberate and was the cause of them becoming homeless. It is important to be aware that a person can only be considered intentionally homeless if they had and lost accommodation, and not because they failed to take it up. Giving up accommodation might lead to a finding that a person is 'intentionally homeless', but only if it would have been possible and reasonable for them to have continued to retain the tenancy or licence.

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<sup>4</sup> Code of Guidance 10.28-10.29 <https://www.gov.uk/government/publications/homelessness-code-of-guidance-for-councils-july-2006>

## **Interim Accommodation.**

Local authorities must provide 'interim' temporary accommodation to any applicant who, from the information available at initial assessment, they believe may be eligible, may be homeless and may be in priority need. The threshold for the duty to provide interim accommodation is low, and so any homeless young person who may be in priority need because they are vulnerable should be provided with interim accommodation whilst a full assessment is completed.

### **The 'main' homelessness duty**

An applicant who meets all of the statutory tests will be owed a duty to be provided with 'suitable accommodation' until such time as the duty ends. This does not mean that they must be offered social housing, the duty is to provide suitable temporary accommodation; but an offer of a council or housing association tenancy is the most common way for the duty to be brought to an end often after a period in temporary accommodation. Since the Localism Act 2011 local authorities have also had the power to bring the duty to an end through a suitable offer of a private rented property let on a fixed term assured shorthold tenancy of at least 12 months duration. The homelessness duty might also come to an end if an applicant refuses suitable temporary accommodation, abandons or loses the temporary accommodation through an intentional act, refuses a suitable offer of settled accommodation, or if they cease to be 'eligible'- under the eligibility rules relating to persons from abroad.

### **Homelessness Reduction Act 2017**

Due to be implemented in 2018, the new Act amends the Housing Act 1996, with the primary intention of putting duties to prevent homelessness onto a statutory footing. Amendments to the 1996 Act include the following:

- Local authorities have a stronger duty to provide information and advice on a range of areas including: prevention of homelessness, access to accommodation, individual rights and local authority duties, and the help and support available. The advice service must be particularly designed to meet the needs of certain groups, including people released from prison or youth detention and care leavers.
- Homelessness applications are triggered where there is a threat of homelessness within 56 days (instead of 28 days). Private tenants with an assured shorthold tenancy who have been served with a valid S21 notice to end their tenancy which expires within 56 days, are also to be considered at risk of homelessness
- Public bodies have a duty to refer with their consent, any person who they believe to be homeless or at risk of homelessness to the local housing authority of their choice. Which public bodies are subject to this duty will be set out in separate regulations, but it is anticipated that prisons, probation, CRCS, schools, hospitals and GPs will be included.

- All applicants who are 'eligible' and are homeless or at risk of homelessness, must have their **circumstances and needs properly assessed**, and confirmed to them in writing. The local authority must agree with them (if possible) a Personalised Housing Plan that sets out the 'reasonable steps' that both applicant and local authority will take to prevent or to relieve their homelessness.
- The new duty to help **prevent homelessness**, which means helping to retain existing accommodation or to find an alternative before the applicant becomes homeless, applies to all eligible homeless applicants irrespective of priority need, local connection or intentional homelessness.
- A new duty to **relieve homelessness**, which means finding accommodation for somebody who is actually homeless, also applies to all eligible homeless applicants, regardless of whether they may be a 'priority need' applicant or possibly found to be intentional homelessness, but if the person does not have a local connection to the area where s/he has applied for help, the local authority may refer them to another local authority where they do have a connection.
- Applicants have a '**duty to cooperate**' with the local authority in their efforts to prevent or relieve homelessness, and if they do not do so the duty can be ended. For people who are not in 'priority need' no further duty will then be owed to them. Applicants in priority need who do not cooperate must be provided with temporary accommodation until a suitable offer of a tenancy of at least 6-month duration is made to them.
- Any applicant who **refuses a suitable offer of a tenancy of at least 6-month duration** is owed no further duty, even if they are in priority need.
- **Care leavers have more choice about 'local connection'**. Looked after young people who have lived outside the area of the local authority responsible for their care have greater choice about which local authority to approach if homeless. They will have a local connection with the local authority responsible for their care, and with any other local housing authority if they have been looked after within a two-tier area ( i.e. a County Council with District Councils). Care leavers who were placed as a looked after child in another area of England for more than 2 years, which includes some time before their 16th birthday, will have a local connection with that area as well as with the local authority that placed them. These special arrangements only apply until the young person reaches the age of 21. These changes apply to homelessness legislation rather than the allocation of social housing. However, a person accepted as statutorily homeless by a local authority should have 'reasonable preference' within the allocation scheme as explained below.

### **Allocation of Social Housing**

The Housing Act 1996 Part 6 covers the statutory duties concerning the allocation of social housing, and sets out groups of applicants who must be given 'reasonable preference' for allocation of available social housing. Local authorities (or their contracted providers) may allocate properties that are Council owned and/or nominate to properties owned by housing associations in their area. Local authorities must adopt an allocation scheme which sets out how properties are to be allocated, and is compliant with the statutory requirements to give reasonable preference to the groups identified in the Act.

The Localism Act 2011 gave local authorities more freedom to determine which applicants qualify to apply for and to be allocated social housing. As a result, there are now significant variations in the way that allocations schemes are managed across the country, and even between adjacent local authorities. Schemes may exclude certain groups of applicants from even registering for social housing if they do not meet certain criteria, or if they have no genuine prospect of being allocated housing because do not fall into a 'reasonable preference' or locally determined priority group. Since the implementation of the Localism Act case law has established that whilst local authorities are encouraged to establish their own criteria for allocations, which might include requirements that an applicant has lived in the area for a period of time before they qualify, they cannot entirely exclude categories of applicants who are entitled to 'reasonable preference' under legislation.

Young people with a history of offending behaviour may or may not be entitled to apply for, and to have preference within the allocation scheme, depending on the scheme that has been adopted by the local authority in the area where they live. The statutory groups which must be given 'reasonable preference' in every local authority scheme are people who are:

- Statutorily homeless, and those owed certain duties under homelessness legislation
- Living in insanitary or overcrowded housing or other unsatisfactory housing
- Needing to move on medical or welfare or disability grounds
- Needing to move to a particular area to avoid hardship to themselves or others

These general categories will usually have a local interpretation on how they are to be applied contained within the allocation scheme.

Some of the locally determined criteria that might prevent a young person from applying for social housing, or that might result in their having less prospect of being allocated housing include:

- Residency criteria requiring a specified time the applicant must have lived in the area before an application can be made
- Previous history of rent arrears and/or debts owed to the local authority
- History of anti-social and/or offending behaviour
- Not being engaged in work or making a community contribution

The local authority Allocation Scheme must be made available to potential applicants and is usually published on a Council's website. All important decisions that the local authority takes regarding a person's application for allocation of housing are subject to review.

Allocations schemes overall may be subject to judicial review, and there have been numerous challenges to schemes in recent years. If an applicant does not dispute that the scheme is lawful but feels their own application has been dealt with wrongly or unfairly, they may submit a complaint to the local authority and ultimately to the Local Government Ombudsman.





# ANNEX THREE – ACRONYMS

BAME	Black and Minority Ethnic
B&B	Bed and Breakfast accommodation: defined in the 2003 B&B Order as any privately run establishment with shared amenities (i.e. toilet, washing or cooking). This includes all hotels as well as more 'traditional' B&Bs.
BCS	Basic Custody Screening Tool: completed with prisoners at the start of a sentence, by prison and CRC staff
CAMHS	Child and Adolescent Mental Health Services: the range of services in any local area to support emotional and behavioural well-being of children and young people up to 18. In some areas CAMHS provision has extended beyond 18.
CRC(s)	Community Rehabilitation Company(ies): Provide resettlement service for offenders leaving custody, and offender management for all low to medium risk offenders
DCLG	Department for Communities and Local Government: Government department responsible for housing and homelessness
DfE	Department for Education: Government department responsible for education and Children's Social Services
EET	Education, Employment and Training
HMIP	Her Majesty's Inspectorate of Prisons
HMO	A House in Multiple Occupation: a large HMO is defined as over 3 storeys or more, contains 5 tenants or more who make up more than 1 household and share facilities ( bathroom, kitchen, toilet). These must be licenced by local authorities. Smaller HMOs are 3 or more tenants who share amenities and, depending on the area may still need a licence from the local authority.
IOM	Integrated Offender Management: local arrangements which deliver cross-agency responses to the crime and reoffending threats faced by local communities
LASPO	Legal Aid Sentencing and Punishment of Offenders Act 2012: an element of this Act was to introduce that all under 18 year olds remanded to youth detention accommodation are looked after by the local authority for the length of that remand period.
LHA	Local Housing Allowance: the 'cap' applied to the amount payable towards rent in the private rented sector for people claiming housing benefit or Universal Credit. The LHA does not apply to social housing at the moment, but will do after April 2019.
MAPPA	Multi Agency Public Protection Arrangements: the process through which the Police, Probation and Prison Services work together with other agencies to manage the risks posed by violent and sexual offenders living in the community in order to protect the public
MoJ	Ministry of Justice: responsible for public protection and reducing reoffending
NOMS	National Offender Management Service: responsible for the running of prison and probation services; the rehabilitation services for prisoners leaving prison; making sure support is available to stop people offending again; contract managing private sector prisons and services such as the Prisoner Escort Service and electronic tagging
NPS	National Probation Service: the statutory criminal justice service that supervises high-risk offenders released into the community
ROTL	Release on Temporary License: being able to leave prison for a short time in specific circumstances e.g. prior to release to help with resettlement or if a parent or partner is seriously ill
SAR	Shared Accommodation Rate: the maximum amount available through either housing benefit or Universal Credit towards rent for most single young people (18 - 35 year olds)
TA	Temporary Accommodation: provided by Housing Authorities in certain circumstances to some people who are or may be homeless and are or may be 'Priority Need'
T2A	Transition to Adulthood Alliance - focusses on policy and practice improvements for 18 – 25s involved in the criminal justice system. A charity supported by 16 leading youth, health and criminal justice agencies.
YJAP	Youth Justice Accommodation Pathway
YJB	Youth Justice Board oversees prevent of offending and re-offending in England and Wales for children and young people up to 18
YOI	Youth Offender Institution
YOS/YOT	Youth Offending Service/Youth Offending Team – local authority service providing offender management for children and young people
YP	Young People/Young Person – we use this term to cover all 16 – 25 year olds



