

Research Paper

2017/01



Exploring the impact of the Housing (Wales) Act 2014 on women involved in the criminal justice system

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Executive Summary

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Background

In 2014, legislation was introduced in Wales that placed new obligations on local authorities to prevent homelessness. If effective, the Housing (Wales) Act 2014 (hereafter referred to as the Act) should provide greater assistance and support to households not considered 'in priority need'. However, the Act also removed priority need status for prison leavers, meaning local authorities no longer have an automatic duty to secure accommodation for people released from prison homeless.

In the initial years after the introduction of the Act, and at a time when homelessness is on the rise, this report provides an insight into whether this housing policy is 'fit for purpose' for women leaving – and often returning to – prison and provides recommendations for how policy and practice can be improved to better support them.

Key objectives

The aim of this research is to explore how the Act has impacted on women involved in the criminal justice system (CJS) who are homeless or at risk of becoming homeless. In meeting this aim the research seeks to:

- understand how the Act is being implemented and what factors act as barriers and facilitators to effective implementation
- explore the impact of the removal of priority need for prison leavers on women in the CJS
- explore whether the Act is meeting the needs of women who have faced, and continue to face, multiple disadvantage.

Methodology

This research seeks to understand women's experiences of the Act, as perceived by women who are homeless or at risk of homelessness and practitioners. It is an exploratory study and, as such, a qualitative methodology (interviews) has been employed so that subjective views and experiences can be revealed.

In total, 32 interviews were conducted with: Welsh women in prison who engaged with the housing and criminal justice system on a number of occasions, some pre and post the Act (7); staff from housing departments across seven local authorities in Wales (10); probation staff (4); staff from charities working to support women involved in the CJS (11).

Thematic analysis – key findings

Analysis revealed the following key themes:

- widespread questioning across sectors of whether the Act is meeting the needs of women involved in the CJS
- a number of specific barriers to implementing the Act, in relation to women involved in the CJS: resources and capacity; understanding women’s needs and capabilities; attitudes and judgments; managing expectations; and problems with multi-agency working
- implementation issues concerning the removal of priority need status for prison leavers: the referral process; identifying and responding to priority need; and working with women pre-release
- the impact of the removal of priority need for prison leavers on women in the CJS: a number of considerations have become even more pertinent to conversations about women leaving prison since the introduction of the Act, including: street homelessness; sex working; reoffending and substance use; and poor living conditions.

Summary conclusion

There are a number of factors preventing the Act working as well for women involved in the CJS as it could, or as well as it might for other groups.

In particular, restrictions on resources and capacity have affected the implementation of the Act and women in the CJS seem to be among those bearing the brunt. The biggest cause of division between those who broadly supported the Act and those who did not rested on the removal of priority need status for prison leavers. One camp tended to believe that while there was still a way to go to make sure the Act is working well everywhere, for everyone, it is probably better than it was before. The other camp – primarily frontline charity workers and women themselves – argued that without the security of accommodation Welsh women released from prison are being “*set up to fail*”. Indeed,

women are being released from prison homeless – despite the preventative measures under this Act – and the results can be devastating. The research uncovered evidence that current implementation of the Act along with the removal of priority need status may be increasing women's risk of street homelessness, sex working, reoffending, and poor living conditions.

It appears that the removal of priority need status for prison leavers is coupled with a number of process issues, again, in large part due to resource constraints, all of which have detrimental implications for women in the CJS and raise serious questions about this policy change. It seems that the Act and, importantly, the wider apparatus within which it works, is not adequately meeting the needs of women involved in the CJS. That is not to say that the previous system adequately met needs – it did not – but, based on the evidence presented here, the system, designed to rectify previous failings, is not effectively doing so.

Recommendations

Welsh and UK Government:

- **Funding:** adequate resources across all sectors must be in place to support this legislation, if it is to be effective. At present this does not appear to be the case and must be rectified.

Welsh Government:

- **Priority need status for prison leavers:** it is recommended that the removal of priority need for prison leavers be reversed.

Local authorities:

- **Training for staff within local authority housing departments:** comprehensive face-to-face training (not e-learning) about the experiences, vulnerabilities and coping mechanisms, as well as the needs and capabilities, of women involved in the CJS. This training should be delivered by specialist services that support women and should include, if possible, women themselves.
- **Local authorities should publish a clear summary of how vulnerabilities could be evidenced for priority need assessments,** this should be tailored to women involved in the CJS, taking into consideration the likelihood of multiple disadvantage, and it should be made accessible to all offender managers.
- **When possible, priority need assessments for women in prison should be carried out face-to-face. Where this is not possible, video conference calls should be made.**

- **Routine training for private rental sector (PRS) landlords around issues such as domestic abuse, mental health issues and substance use.** Importantly, local authorities should combine this with practical measures around how PRS landlords can be supported if they accept tenants involved in the CJS.
- **Targeted support and advice for women involved in the CJS around how they can access the PRS.**
- **Meetings with women involved in the CJS should take place in private rooms,** not open plan offices.

Multi-agency:

- **A working group, made up of *frontline staff* working in the field, should be established** to discuss how the referral and assessment process could be improved for women on short sentences.
- **Regular multi-agency meetings or conference calls between housing and probation** to discuss referrals, assessments and pre-release planning for women who are homeless or at risk of homelessness. This should be followed up with routine meetings or video conferences with women in prison to discuss next steps and options (for women assessed as priority need and women who are non-priority need yet at risk of homelessness).

Prison estates:

- **Prisons should not release Welsh women on Friday afternoons,** considering the distance they may need to travel to return to their hometown/place and subsequent risk of housing being closed when they arrive.

ENDS