

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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## Acknowledgements

This project would not have been possible without the participation of the stakeholders and women interviewed. I would like to thank each of them for their time and honesty. Each of the stakeholders spoke at length about their work in supporting women involved in the criminal justice system and the challenges they face. Each of the women spoke openly about their own life stories; often disclosing personal, sensitive and, at times, harrowing experiences. I hope the findings below provide a fair and accurate representation of what I have heard.

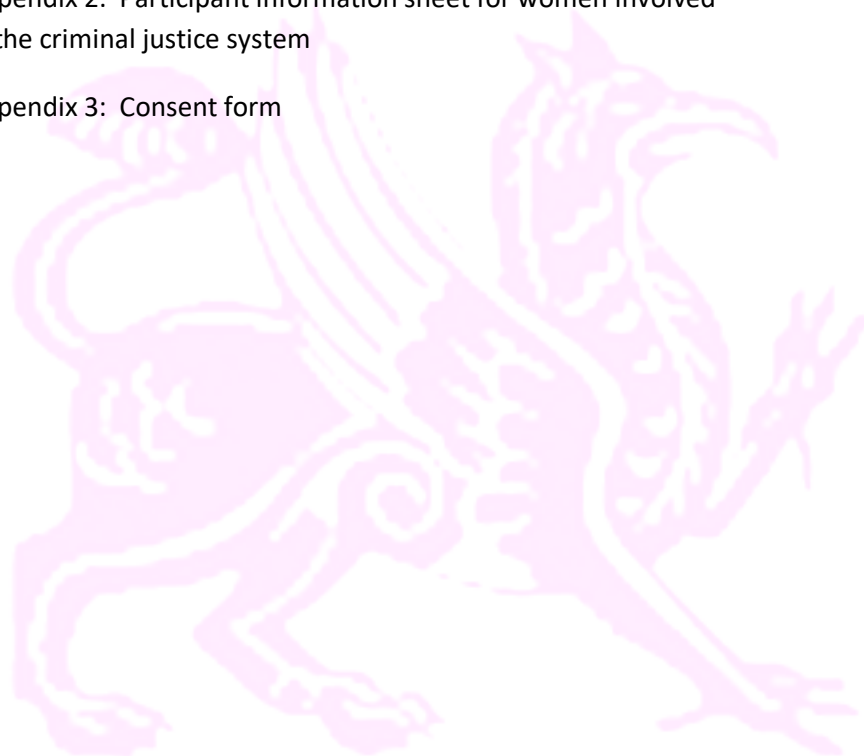
Thank you to the Griffins Society for this opportunity. Thank you to the NOMS National Research Committee, the two prison estates that approved my visits and all staff involved in coordinating the interviews inside prison.

Finally, a special thank you to Dr Kesia Reeve who has provided expert guidance, support and a critical eye throughout.

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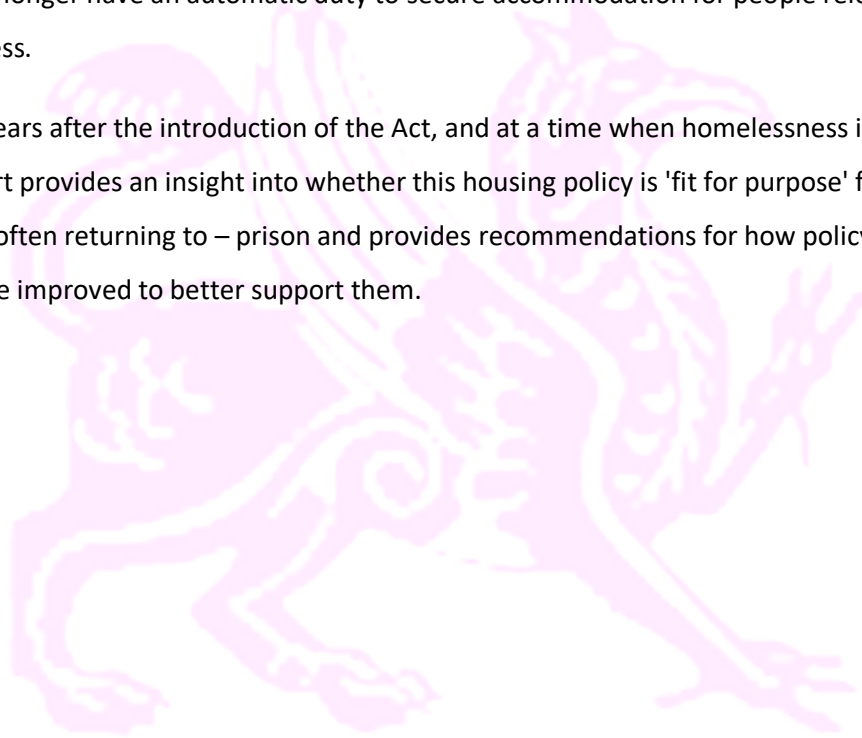
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## **Abstract**

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.



## Chapter 1: Introduction

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.

The Homelessness Monitor (Fitzpatrick, Pawson, Bramley, Wilcox, Watts and Wood, 2017) provides a picture of homelessness in Wales and its most recent study found that the Act has had positive impacts, reflected in figures that show in 2016/17, 62 per cent of households assessed as 'threatened with homelessness' had their homelessness prevented. However, the study also found that for a substantial cohort of homeless applicants – primarily households judged legally homeless but whose problems are unsuccessfully relieved and who are then deemed non-priority – local authority offers of assistance fail to resolve their housing crisis. The study also commented that while the number of homelessness acceptances accounted for by ex-offenders rose by 14 per cent between 2009/10 - 2014/15, the removal of priority need status for prison leavers was "expected to bring about a drastic reduction in the numbers in...coming years" (p. vii). While these are important findings, evidence about the impact of the Act is currently limited - while an evaluation is underway it has not yet been reported (at the time of writing).

Working for an organisation that works with women who experience violence against women is an everyday reminder about the importance of secure, safe, housing, and the difference it can make to a woman's life. This – coupled with the fact that around a third of women in prison, many of whom have experienced violence, will lose their home (Corston, 2007) and the limited 'voice' that these women have in influencing policy and practice – provided the impetus for exploring the impact of the Act on women in the criminal justice system (CJS).

The research project on which this report is based, therefore aims 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.

This report is based on qualitative interviews with 32 stakeholders, including women in prison who are homeless or at risk of homelessness and practitioners working with them, including those responsible for implementing the Act.

Ultimately, this report seeks to explore what is and is not working under the terms of the Act – and the consequences on the lives of women in the CJS who experience homelessness. 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. For local authorities in England, which are in the process of introducing similar legislation, this report sheds light on some of the implementation issues they may encounter.

#### **Policy context:**

The Act places a stronger duty on local authorities (LAs) to prevent homelessness. The key changes that impact on women in prison, and thus the changes that are relevant to this project, are:

##### *S.66 - Duty to help to prevent homelessness*

- LAs must take reasonable steps to prevent homelessness for anyone eligible and threatened with homelessness within 56 days (extended from 28 days).
- This duty now applies to anyone at risk of becoming homeless, regardless of whether they fit a 'priority need' category.

##### *S.73 - Duty to help to secure accommodation*

- When eligible and homeless LAs should take reasonable steps to relieve homelessness. This duty now applies to anyone at risk of becoming homeless, regardless of whether they fit a 'priority need' category.

### *S.75 - Duty to secure accommodation*

- When above duties have been unsuccessful LAs should help secure accommodation for applicants in priority need and who are found unintentionally homeless.
- Prison leavers are no longer automatically considered a priority need for this 'final duty' (previously they were under the 2002 Homeless Persons (Priority need) (Wales) Order). Now, the LA must be satisfied that, as a direct result of their time in prison, they are less able to fend for themselves if they were to become street homeless than an ordinary homeless person.
- Whether a LA finds someone to be intentionally homeless is now a power, not a duty.

Finally, LAs have the power to discharge their homelessness duties with an offer of private rented sector (PRS) accommodation.

This Act is one in a number of Acts introduced by the Welsh Government as part of their prevention agenda. This perhaps adds even more weight to the argument that there is a need to understand whether this Act is doing its job in preventing homelessness among people who are potentially most at risk. It is relevant to note that while housing is a devolved power, criminal justice is not.

### **Report structure**

The first section provides context for the primary research findings. It includes a literature review and information about the research methodology employed. The second section is dedicated to key research findings; opening with case studies from some of those women in prison who were interviewed before moving on to chapter five, which presents key findings thematically, and considers the key research questions set out above. Chapter five closes with a look at wider issues – such as welfare reform and a lack of women only accommodation – which, while relevant to all homeless women, impact on the implementation of the Act and on how women in the CJS experience it. The report then draws together the results from the study in a conclusion and makes recommendations for policy and practice.



## **Section one: context**

### **Chapter 2: Literature review**

There is very little literature focused specifically on the housing situations and experiences of women in the criminal justice system (CJS), or on the role of legislation and policy in their housing trajectories. Broader homelessness, and criminal justice, literatures meanwhile, only touch on the specific experiences of women.

Reviewing these literatures, however, does provide some insights of relevance to this study, and these are presented in the remainder of this section around a series of key themes. The purpose of this review, then, is to set some context for the primary research findings that follow, introducing the reader to issues pertinent to an understanding of women's experiences of homelessness and of the CJS. We are interested here in the ways in which commentators have understood these issues, as well as what evidence exists to shed light on women's situations and experiences. The literature review is intended to provide useful insight for readers, policy-makers and practitioners alike.

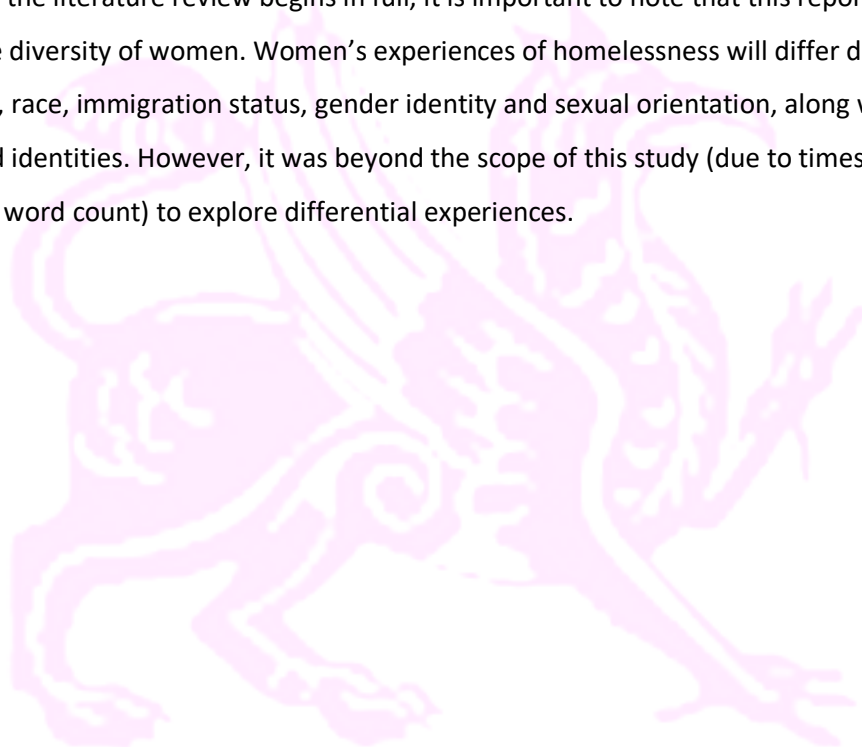
The starting point for the review was to search any literature and evidence that contained insights of relevance to homeless women in the CJS: literature that shed light on women's (homeless women and/or women in the CJS) experiences, their needs or relevant policy responses. The literature was sourced via Google Scholar, The University of Cambridge Library, advice from my tutor and bibliographies from reports and papers read. An 'iterative' strategy was then pursued whereby literature was reviewed, themes emerged, and these themes were used to determine, or to focus, further searching. In doing so, the search strategy and structure of the chapter developed. The final key themes to emerge, and form the basis of this chapter, were: causes of homelessness; consequences of homelessness; homelessness support; and housing policy. The chapter also opens with a short section about definitions; to encourage the reader to think about the different ways people experience homelessness.

When considering which literature to include, the relevance of the literature in terms of subject area was the priority and took precedence over the age of the paper (since this report is not looking at the scale of homelessness, which changes over time) or type of publication.

Nonetheless, when reviewing each source its validity was considered in terms of: authorship and independence; its robustness (such as sample size); and date of publication (if an old publication is cited it is because the insights are still relevant to the contemporary situation). If any sources were highly questionable on these grounds, they were discounted.

The final selection of literature that was reviewed was predominantly made up of qualitative research studies – since this report is about people’s experiences – and theoretical analysis. It included a mix of academic papers and books, research reports, and reports from charities working in this field.

Finally, before the literature review begins in full, it is important to note that this report recognises the diversity of women. Women’s experiences of homelessness will differ depending on age, ability, race, immigration status, gender identity and sexual orientation, along with other categories and identities. However, it was beyond the scope of this study (due to timescale, resources and word count) to explore differential experiences.



## 2.1 Defining homelessness

There are various ways in which homelessness is defined, understood and conceptualised. This section seeks to explore some of the ways in which people – particularly women – may experience being homeless.

The definition within the Act states that a person is homeless “if there is no accommodation available for the person’s occupation...which the person is entitled to occupy...” or “if the person has accommodation but cannot secure entry to it or it consists of a moveable structure...” (Welsh Government, 2014). The Act also states that a person should not be treated as having accommodation unless it is accommodation that would be reasonable to occupy – although no definition of ‘reasonable’ is provided.

Legal definitions, however, have been devised to determine eligibility for assistance. In other words, they are intended to clarify which groups are owed a statutory duty; they are not intended to provide a definition that considers homelessness in all its guises and complexities. As Anderson and Christian note, although “in the UK, homelessness is defined in statute... because of the array of circumstances that may result in homelessness, no single definition can be applied. Rather, studies have employed a spectrum of definitions based on the scope, nature, and purpose of the study” (Anderson and Christian 2003, p106).

Thus, research and policy literature sometimes distinguishes, or draws attention to, different *types* of homelessness – for example those who are 'roofless' and those in temporary accommodation or 'hidden homelessness' (Fitzpatrick *et al.*, 2015; Reeve, 2011; Fitzpatrick, 2000). The term ‘hidden homelessness’ is used variably, but has been used to describe staying in squats or caravans, sofa surfing, rough sleeping or waiting for release from prison with no home to return to (Reeve, 2011).

Some academics have argued for broad definitions of homelessness that consider the wider economic sustainability of the home, and ontological security. For example, a mixed-method study involving women who had experienced domestic abuse concluded that definitions of homelessness should include consideration to problems such as “paying bills and rent late, selling belongings or eating less to pay rent, being turned away from renting or threatened with eviction” (Baker, Cook and Norris, 2003, p. 761). Drevdahl (2002), meanwhile, argues that people

can feel homeless if their homes are tense, unstable or in disharmony. Conversely, it has been argued that 'home' can be found in 'homelessness' situations if one employs a more experiential definition (McCarthy, forthcoming). The overarching question of “how far below recognised decent standards” does a property have to fall before people are considered homeless (Watson, 1984, p. 62) is a poignant one that should occupy researchers and policymakers alike.

It is important to add that in a patriarchal society the term ‘homelessness’ is gendered: “if homelessness is defined in terms of men’s experiences...then women’s homelessness becomes invisible. If it is invisible it is not counted and therefore it is underestimated” (Watson, 2000, p. 161; cf Pleace, 2016). This is an important observation and recognises that women’s homelessness can be missed. Research suggests that women are more likely to be 'hidden' and so are more difficult to enumerate (Baptista *et al.*, 2012; Pleace and Bretherton, 2013). Women sleeping on the street tend to conceal themselves and are less likely to use homelessness services (Pleace, 2016; Casey *et al.*, 2008). Because women are less visible, they are less likely to be included in quantitative and qualitative studies or in 'counts' of homelessness and so academic and policy knowledge about homelessness is inadvertently dominated by the experiences of men (Reeve, forthcoming). Moreover, if one fails to consider, in a discussion about homelessness, people who live in homes where they experience emotional, psychological and/or physical abuse, then those experiencing it – the majority of whom are women (89 percent of those who experience four or more incidents of domestic abuse are women (Walby and Allen, 2004)) – are rendered invisible.

This section has provided an overview of a suggested way in which to frame homelessness when reading this report: as something that affects different people in different ways and that can be more complex than not having accommodation. Wardhaugh’s (1999, p. 92) conclusion that “in short, each person’s experience of home and homelessness is both unique and commonplace” is a reminder that while there are broad, predictable themes, every story is different. With this in mind we will now turn to some of the explanations as to why people become homeless.

## 2.2 Cause(s) of Homelessness

There are many reasons why someone can become homeless. There are issues that affect women and men alike – although within such issues women can experience additional barriers because they are women – and there are other factors that predominantly impact on women.

A realist approach – prominent in this academic field – to the cause of homelessness considers structural factors such as economy, housing, patriarchy, alongside interpersonal and individual attributes. (Fitzpatrick, 2005). This approach weaves together micro level – the interpersonal and individual attributes – and macro level – issues such as the economy and patriarchy – considerations of causation (Kennedy and Fitzpatrick, 2001). Nonetheless, what constitutes micro and macro is not clear-cut. For example: some may frame domestic abuse as an interpersonal issue. Yet domestic abuse is a form of violence against women (United Nations, 1993) and violence against women is widely understood as a cause and consequence of gender inequality (Dobash and Dobash, 1979).

The remainder of this section will look at four causes that emerged from the literature as particularly pertinent when discussing the risk of homelessness for women leaving prison: access to housing; domestic abuse; involvement in the CJS; and inadequate assistance from local authorities. These macro issues have been chosen because, in many ways, they affect women differently to men. While macro, these issues often intersect with a range of personal, micro, issues, such as substance use or health problems. Before discussing some of these issues in more detail, it is important to remember that identifying cause and effect can be problematic and many issues can be predictors of homelessness but can also result from, or be exacerbated by, homelessness (Clapham, 2003).

### *Access to Housing*

A lack of affordable housing is identified in the literature as a contributory factor in homelessness. This section will explore some of the key challenges that homeless people face when trying to secure accommodation.

A study that comprised a survey of landlords, homeless people and local authority officers, as well as interviews with stakeholders and people who were previously homeless and now living in private rented sector (PRS) accommodation, identified problems such as finding money for

deposits and agency fees or finding properties at affordable rent or within the Local Housing Allowance Rate (Crisis, 2016). The overall shrinkage of social housing is another issue (Fitzpatrick and Pawson, 2007) as well as the privatisation of state owned housing stock amid greater job insecurity (Clapham, 2002). Cummins and colleagues (Cummins, First and Toomey, 1998) argue that access to affordable housing and jobs can be even more difficult for people in rural areas with fewer services and increased geographic space, a pertinent observation for rural Wales.

Yet homeless people can face further barriers still. Many landlords perceive homeless people, especially those with perceived complex needs, as 'problematic' and high risk (Breatherton and Pleace, 2011). Crisis (2016) have shown that PRS landlords may only consider renting to benefit claimants or homeless people if there is insufficient demand from other sources and some landlords charge more when renting to these groups.

While the above observations are pertinent to anyone accessing housing, there are a number of factors that principally affect women. Women remain further disadvantaged due to their generally lower incomes (Watson, 2000) and where a man is the sole or major wage earner the woman can be dependent on him for housing stability (Watson, 1984). Moreover, a study consisting of interviews with homeless men and women found that "women's eviction tended to follow abandonment by a partner whose name was on the tenancy agreement" (Bowpitt, Dwyer, Sundin and Weinstein, 2011, p. 540). In the 1980's and 90's a significant body of work emerged drawing attention to gender inequality in the housing market (Neale, 1997; Gilroy and Woods, 1994; Morris and Winn, 1990; Banion and Stubbs, 1984).

While research by Crisis (2016) found that landlords' reluctance to house people on benefits may intensify with the rollout of Universal Credit (UC), because they will no longer receive direct rent payments, it is also important to note that UC is problematic for survivors of domestic abuse: if a couple are living together and both parties are eligible for UC this will be paid as a single payment per couple so the perpetrator can control finances (Women's Aid Federation of England and TUC, 2015). This has worrying implications for the payment of rent or mortgages and, consequently, housing stability.

Thus, while there are a number of reasons why someone may struggle to access housing, women are at risk of encountering a number of additional barriers that present because of gender inequality and power dynamics. This leads us to the next cause of homelessness that will be discussed: domestic abuse.

### *Domestic abuse*

Domestic abuse is a key cause of homelessness among women. Indeed, figures from St Mungo's (2014) show that over a third of their female clients cite domestic abuse as a contributing factor to their homelessness, compared to eight per cent of men. While some common causes of homelessness affect both men and women, issues such as abusive relationships (Takahashi, McElroy and Rowe, 2002) sexual abuse or neglect (Reeve *et al.*, 2006), are much more common as a cause of homelessness among women.

Domestic abuse is understood by many as a consequence of patriarchal power structures (Maycock *et al.*, 2016). These power structures underpin many of the issues that survivors of abuse face when it comes to housing and homelessness. Since women are more likely to be primary carers and/or part-time or low paid workers, they are less likely to be able to afford their family home without assistance and this can 'cause' homelessness when triggered by domestic abuse (Reeve, forthcoming). Exposure to 'trigger circumstances' such as abuse can limit women's capacity to achieve economic independence, can be linked to drug and alcohol use and mental health issues, and can make women more vulnerable to repeat homelessness (Osuji and Hirst, 2015; cf Maycock *et al.*, 2016). Ultimately, women may have to find a new home – especially hard for low-income women (Baker *et al.*, 2003) – or otherwise return to an abusive partner (Pascall, Lee, Morley and Parker, 2001). This can be made harder by insufficient income to live independently, potential housing discrimination against them as survivors of abuse, history of credit or rental problems, harassment by their ex-partner or a criminal history (Baker, Billhardt, Warren, Rollins and Glass, 2010). Finally, as a qualitative study involving homeless people and practitioners found, homelessness services may simply fail to recognise survivors' circumstances and the specific support they need (Dwyer, Bowpitt, Sundin and Weinstein, 2014).

Survivors of domestic abuse, then, can contend with a multitude of barriers when it comes to finding safe, secure, housing. Ultimately, women can face a stark choice of staying, and living with abuse, or leaving with very few places to go.

### *Criminal justice system (CJS)*

Involvement in the CJS emerged from the literature review as a key 'risk factor' for homelessness and while this is true regardless of gender – partly because it is hard to maintain links with housing providers or maintain rent payments while in prison (Social Exclusion Unit, 2002) – there are issues of particular relevance to women.



Before exploring this issue further it is worth noting that St Mungo's revealed in their Client Needs Survey (which collected data from 1,595 residents) that almost half of their female clients have an offending history and over a third have been in prison (St Mungo's, 2014). Since an estimated 46 per cent of women in prison have experienced domestic abuse and at least 30 per cent will lose their home (Corston, 2007) suffice to say, the picture is complex for women in the CJS.

Women have been found to be at risk of losing their home while in prison because they are more likely than men to be single parents with tenancy agreements in their own name (Loucks, 2004). A small scale study with women involved in street sex work found that it can be difficult to sustain rented tenancies while in custody and women can be evicted for rent arrears, perhaps without realising arrears were accruing (Reeve *et al.*, 2009).

Welsh women who receive a prison sentence face an additional risk to their housing stability when compared to women in England: because there are no women's prisons in Wales women are held long distances from their home, making it especially hard to maintain links with service providers, friends or family, and thus prevent homelessness. In Eastwood Park Prison, for example, where many Welsh women are sent, 20 per cent of women are over 150 miles from home (Prison Reform Trust, 2017). Wardhaugh (1999) suggests that the notion of home can be wrapped up in a town, city or homeland, not just a physical space. For Welsh women imprisoned in England the absence of spoken Welsh – which is used daily by over half of Welsh speakers in Wales (Welsh Government, 2016) – may create an additional sense of homelessness not experienced by English women.

Homelessness upon release from prison has serious ramifications. A loss of property and possessions can make the early stages of release difficult: it can prevent women from regaining their children from care, act as a barrier against registering for benefits and make it harder to find a job (Social Exclusion Unit, 2002). A study comprising a survey and interviews with single homeless women found that the cycle of homelessness and involvement in the CJS can be continuous since homeless people may resort to illegal activity "in order to make ends meet" or even attempt to get into prison as a way of avoiding the streets (Reeve *et al.*, 2006, p. 20).

Overall, then, time spent in prison is not only a cause of homelessness but, at times, a consequence as well. We will now look at literature that examines the role of one of the main agencies involved in assessing and housing Welsh women in prison: local authorities.



*Assistance from local authorities*

The role of local authorities (LAs) – and the (inadequate) assistance they offer homeless people – is the final issue that will be discussed in this section. It is an important consideration in a report about, in part, the changing role of LAs in Wales and their response to homelessness.

A study in England (Reeve, 2011, p.2) – comprising a survey and interviews with homeless people who are or have been ‘hidden’ – has shown that hidden homelessness “can be traced to the lack of assistance single homeless people receive from local authorities” because people were not given the chance to make a homelessness application, they were misinformed about their entitlements or the assistance they received was of little or no use. Consequently, homeless people who meet priority need criteria may not even apply to LAs as homeless.

Carlen takes the concept of inadequate assistance one step further with her notion of ‘agency maintained homelessness’: “the bureaucratic or professional procedures for the governance of homelessness which: deter people from defining themselves as homeless; deny that homelessness claims are justifiable under the legislation; or discipline the officially defined homeless into rapidly withdrawing their claims to homeless status” (Carlen, 1994, p. 19). Dwyer and colleagues (Dwyer *et al.*, 2014) argue that agency maintained homelessness, alongside “what Scanlon and Adlam (2008,2011) refer to as an ‘essentially stubborn and dangerous societal refusal’ (2011:131) to face up to the complex social causes underpinning the problems of many marginalised people” (p.3), are key factors in understanding why people who face multiple disadvantage remain homeless. They note that “within the wider context of public expenditure cuts [and] welfare retrenchment...it should perhaps not be too surprising to find that those whose homelessness is judged to be due to their ‘irresponsible’ and/or anti-social behaviour routinely find their application rejected and themselves often, quite literally, out in the cold” (p.3).

LAs judge homelessness claims on the basis of whether they evidence vulnerability and whether this vulnerability justifies ‘priority need’ under legislation. Research (Bowpitt *et al.*, 2011, p. 543) drawing on qualitative data generated in a study of multiple exclusion homelessness found that although there are reasons why “local authorities might ascribe ‘priority need’ status to women more often than men” because, for example, they may be fleeing abuse, “this was seldom born out in the experience of [this] sample”.

It seems, then, that ‘agency maintained homelessness’ is a notion worth exploring and it is one that echoes findings in the second section of this report, which reveal the view expressed by some practitioners that women in Wales who should be ascribed priority need status, are not.

We will now turn to the next chapter, which looks at literature that discusses the consequences of homelessness.



### 2.3 Consequence(s) of homelessness

The consequences of homelessness will inevitably vary from woman to woman, depending, for example, on age, ethnicity, ability, socio-economic circumstances and many other situations and identities. The scope of this report does not allow an exploration of the differential impacts on different women, but the evidence clearly and consistently points to the fact that homelessness has a detrimental impact on many areas of women's (and men's) lives. This section will open with a brief overview of some of the commonly reported repercussions of homelessness on women's lives, before exploring literature that reveals less tangible consequences: stigmatisation and the impact of homelessness on identity.

The limited literature about the experiences of homeless women points to a range of detrimental impacts of homelessness. For example, homelessness can prompt women to engage in sex work, shoplift, or spend the night with unwanted sexual partners in exchange for accommodation (Reeve, 2011). It brings about a loss of privacy and a sense of loneliness (Reeve *et al.*, 2006). It can make it hard or impossible to enter education or register for benefits. It is found to have wide-ranging ramifications on physical and mental health (Wolf *et al.*, 2017). Research has also found that women sometimes turn to drugs, alcohol or suicide attempts as coping mechanisms (Reeve *et al.*, 2006).

In addition, literature reveals less tangible consequences of homelessness on women's lives, including stigmatisation, and the impact of homelessness on identity. When discussing homelessness and stigma it is useful to refer to Takahashi *et al.* (2002) who describe stigmatisation as partitioning society into socially rejected groups that embody devalued traits such as laziness, disgrace or criminality, which serve to “socially and spatially constrain” people to “places, activities and life paths”. Women can experience an additional layer of stigmatisation since the ‘good’ woman is seen as one who consents to maintain the home while the ‘bad’ woman is one who lives not within the domestic sphere but on the streets or in institutions (Wardhaugh, 1999; Casey, Goudie and Reeve, 2008). Interestingly, the Welsh Government states that women in prison should be treated as individuals rather than offenders (Welsh Government, 2015), signalling an attempt to avoid stigma. Whether women experience this is a different question.

Takahashi *et al* also argue that the stereotyped view of homeless people as lazy or irresponsible – compounded by the spatial stigma associated with the places (such as hostels) where homeless people reside – can make it hard for homeless people to find rented accommodation or employment (Takahashi *et al.*, 2002). A qualitative study concluded, similarly, that stigmatisation not only impacts on a person's psychological well-being but may also contribute to the perpetuation of homelessness (Phelan, Link, Moore and Stueve, 1997). Recent research based on a survey of around 2,000 private landlords found that the vast majority were unwilling to let to homeless people, partly because of concerns about anti-social behaviour and high management costs (Crisis, 2016).

We will now turn to the impact of homelessness on identity. It is argued that housing plays a significant role in the construction of categorical identity (the labels ascribed to people by them and society) and ontological identity (how people mould these labels into self-identity) (Taylor 1998). Clapham (2003, p. 122) explains categorical identity using the example of a homeowner or a homeless person: these categories “bring with them a set of discourses which ascribe their relation to the wider society...in addition to categories of social class, gender, ethnicity, sexuality, disability, age and so on.” King (1996, p. 22) argues that housing “is a means of fulfilment that allows other human activities to take place”, which is a reminder that as well as not having a safe, secure place to live, homeless people may not have anywhere to socialise, cook, play music or any other activity that many people wed to their identity. In a discussion about women it is important to add that since a woman's identity (or the identity ascribed to them) is so closely linked to the image of the domestic home, then homelessness, it is argued, can have a very particular impact on a woman's identity (Reeve, forthcoming).

Identity, and how people self-identify, is complex, and scholars point to ways in which women resist a 'homeless identify' (Casey *et al.*, 2008). Wardhaugh (1999) describes this as role distancing and role embracing. Her qualitative study with young homeless people highlighted a woman who did not identify as homeless because she was in a hostel compared to another woman who felt homeless at home. Both, Wardhaugh explains, are “resisting...official definitions and public perceptions of what it means to be homeless” (p.105). This discussion has been picked up more recently by McCarthy (forthcoming) who, like Wardhaugh, problematises traditional notions of 'home and homelessness', demonstrating how women can feel homeless in the domestic home, and at home in the spaces of homelessness. In doing so they remind us that narrow definitions of homelessness often fail to capture the reality of people's experiences.

This section has touched upon a number of issues that women may encounter as a result of homelessness; from what it means day-to-day to the impact it can have on someone's sense of self. The following section will explore where homeless people get support, and what support they say they need.



## 2.4 Homelessness support

This section will explore the support needs and preferences as identified by homeless people. Considering the remit of this report, it will then look at support available from local authorities (LAs).

There is much discussion on how the needs of homeless people should be met, and various studies have highlighted homeless women's support preferences. A qualitative study (Kennedy *et al.*, 2001) about street homelessness, for example, recommended preventative interventions – particularly at crisis points that can lead to street homelessness – to ensure people have access to appropriate accommodation and financial, practical and emotional support. A small scale study with women at a homeless service, meanwhile, found that feeling included and having supportive relationships was important, alongside access to affordable housing (Parker and Fopp, 2004). For women who have experienced domestic abuse, having money or a job, a home and access to community resources have all been identified as important (Baker *et al.*, 2003).

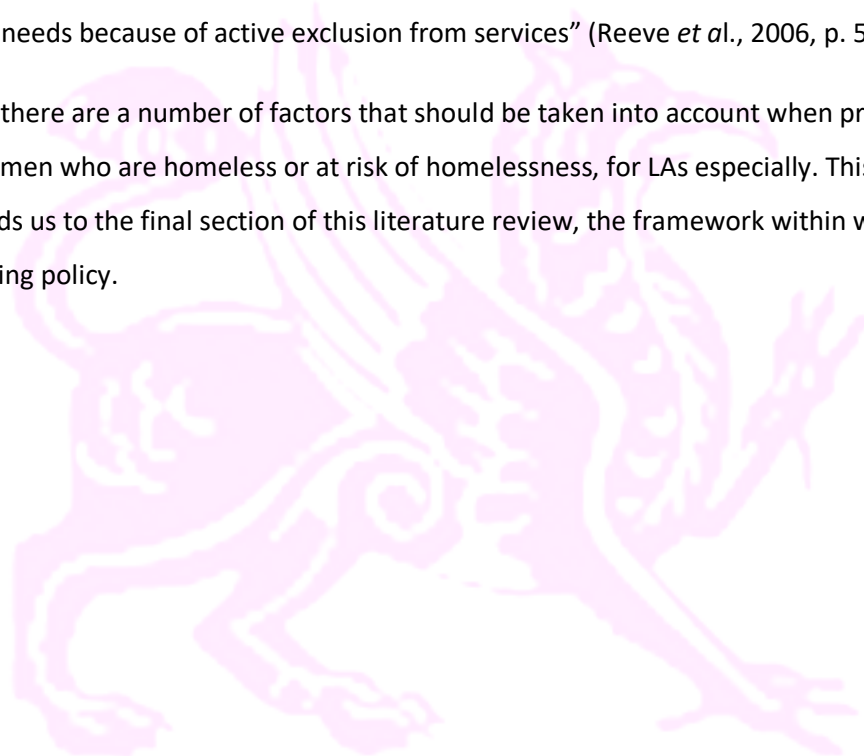
Indeed, the way in which services are delivered is important and women are likely to engage with services that are informal, feel safe (with women-only spaces) and where staff are non-judgmental (Reeve *et al.*, 2006). Hutson (1999) argues that support for homeless people is often “based on professional definition of need which conform with the interests of the professionals...rather than with the needs as defined by the homeless people themselves” (Clapham, 2003, pg. 124). This perhaps explains, in part, why research has shown more women approach non-housing agencies for assistance than LAs (Reeve *et al.*, 2009).

Some studies have highlighted the way in which gatekeeper judgements and practices impact on people's experiences of support services. Clapham, Franklin and Saugeres (2000) examined the interaction between housing officers and tenants and found that housing officers may be driven by notions of predetermined categories of people – and preconceived ideas about ‘good’ and ‘bad’ behaviour – based on organisational policies. ‘Good’ behaviour was rewarded while inappropriate behaviour was punished and it could be difficult for people to challenge these judgments (Clapham, 2002, pg. 66). While this is based on a study between tenants and housing officers, this behaviour could arguably extend to interaction between homeless people and

housing officers. This is something that will be explored in the research findings, to look at whether these are issues in Wales today.

It is worth highlighting a study from Reeve *et al.* (2006) (interviews and a survey with young homeless women) that showed a majority of homeless women interviewed “reported very negative experiences of approaching local authorities as homeless, with some being ‘turned away at the door’” (p. 5). It outlined a number of barriers that prevent women from accessing services, including services being fragmented, bureaucratic, ill-equipped to deal with multiple needs or male dominated; women being excluded from services; or women lacking knowledge about services that exist. Worryingly, extremely vulnerable women are “most likely to face difficulties meeting their needs because of active exclusion from services” (Reeve *et al.*, 2006, p. 5).

Overall, then, there are a number of factors that should be taken into account when providing support to women who are homeless or at risk of homelessness, for LAs especially. This discussion leads us to the final section of this literature review, the framework within which LAs operate: housing policy.



## 2.5 Housing policy

This report is about the impact of a piece of housing legislation – primarily its challenges and recommendations for change. Thus, this section will explore literature that discusses the role of policy, including a critique of policy and how policy can be improved.

Public policy influences behaviour, i.e. the way households act, and influences discourse, i.e. assumptions about the cause of the problem the policy is tackling (King, 1996). This is certainly important but one should add “governments are less important players in housing than they were and so concentration on their policies alone does not give a full picture of the housing field” (Clapham, 2002, pg. 58). Globalisation and privatisation are important considerations: some people find it hard to compete in deregulated labour markets and governments have restructured housing policies in order to save money (Clapham, 2002). Thus, when exploring the role of the Act one must remember the wider context within which it sits (this is a devolved piece of legislation that sits alongside non-devolved UK policies and global policies).

That said, it is imperative that housing policy works in practice if it is to go some way in helping to relieve homelessness and ensure adequate housing. People’s meanings of home and homelessness are “too vast and too complicated” but homelessness “is employed statutorily in the narrowest possible way to exclude many households who do not have adequate housing in their own terms” (Watson, 1984, p. 70). Watson argues that housing policy should account for “material conditions...the need for space, privacy and control, safety, self-expression and physical and emotional well-being” (1984, p. 70), yet recognises that “complex and subjective definitions of homelessness do not easily lend themselves to policy” (2000, p. 160).

### *Critique of policy*

There has been much critique of homelessness policy in England where, according to Carlen (1994, p. 23), “homeless people are damned (and deterred) by the law and local authorities if they haven’t got other problems - and equally damned (and denied) if they have.” It is argued that a system based on interpretations of concepts such as ‘vulnerable’ and ‘intentionality’, and where certain groups are prioritised, means people are treated unequally and fails to meet the needs of single homeless people who regularly fail eligibility tests (Lidstone, 1994; Dwyer *et al.*, 2014). A small-scale study comprising of interviews with ‘visibly homeless’ women – a group often



ignored in literature – concluded that “British housing and homelessness policy has developed around a drive to protect the sanctity of the *family* rather than women” and without dependents or priority need status, single women largely depend on not-for-profit organisations for accommodation and support (May, Cloke and Johnsen, 2007, pg. 123; van den Dries *et al.*, 2016).

Amid a 40 per cent funding reduction since 2010, local authorities today continue to be overstretched and under resourced and in Wales this has resulted in long-term sick leave and high levels of stress among staff (BBC, 10.10.17). This has serious implications for the capacity of local authority departments to fulfil their responsibilities and implement policy. Yet a deeper problem persists: according to Kennedy *et al.*, “the social problems underlying homelessness...including a lack of social support networks for vulnerable groups, male abuse of women, and parental abuse and neglect of children - have yet to be effectively tackled” (Kennedy *et al.*, 2001). Ultimately, a refusal to deal with the “complex social causes underpinning the problems of many marginalised people” perpetuates the very issues policymakers are meant to be tackling (Dwyer *et al.*, 2014, p. 3).

#### *Improving policy*

Clapham (2003) views homelessness as “an episode or episodes in a person’s housing pathway” (p.123) and stresses “the importance of taking a long perspective on outcomes” (p.126). Consequently, he argues policies should not only deal with immediate outcomes, such as moving people off the streets, but longer-term outcomes such as ensuring people in accommodation have the skills to live independently. Using this approach, one could judge, for example, whether the Act has sufficient provisions in place to ensure people re-housed in the PRS are able to sustain PRS tenancies because “the most appropriate way to judge public policies is on the basis of their impact on housing pathways over time” (Clapham, 2002, p. 67).

Researchers within this field have made a number of recommendations to address the perceived problems with current homelessness/social policy. Kennedy *et al.* (2001), for example, suggest tackling the problems underlying homelessness, ensuring policy is coordinated at a national and local level so that it is delivered seamlessly, and encouraging ‘user participation’. Indeed, “even the most progressive policy is potentially skewed if the voices of the homeless are excluded” (Parker *et al.*, 2004, p. 146) and homeless people must be “incorporated into policy discourses in order to have their needs met” (Watson, 2000, p. 160). This is a powerful reminder of why it is

important to hear how the Act has impacted on women involved in the CJS, as told by women themselves.

This review has sought to provide literature that supports the primary research below and helps to interpret the findings. Qualitative studies have provided an insight into people's experiences of homelessness while reports and statistics have been used to evidence what is known about the topic. Where theory and commentary have been used this is because the report is also interested in interpretations and understandings of what homelessness means. We will now turn to an overview of the methodology used for this piece of research, before examining some of the key findings that presented.



## Chapter 3: Research methodology

### 3.1 Research design

The aim of this research is: *'to explore how the Housing (Wales) Act 2014 has impacted on women involved in the CJS who are homeless or at risk of becoming homeless'*. In meeting this aim the research seeks to explore and understand:

- how the Act is being implemented
- the impact of the removal of priority need for prison leavers (focusing on women involved in the CJS)
- whether the Act is meeting the needs of women involved in the CJS.

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.

The interview schedules were designed so that questions were aligned with the project aims and objectives, while also allowing for additional commentary through broader, open ended questions and the conversational technique employed.

### 3.2 Participants

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).

The sampling strategy was systematic in the sense of ensuring coverage across Wales in order to account for geographical differentials in the application of the Act: interviews covered north and south Wales, rural and urban areas. It was initially intended that an equal number of interviews would be held with each group of interviewees but access to staff from probation proved more challenging for a number of reasons. Primarily, it was more difficult to source contact details and

the response rate from this group of practitioners was lower. Nonetheless, the interviews conducted with staff members from this group were extensive and insightful. A number of women in prison with whom interviews had been arranged did not turn up on the day.

### **3.3 Analysis**

All interviews were transcribed and were analysed thematically to report the experiences, meanings and reality for participants (Robson, 2011). I employed an iterative approach to analysis: I analysed key themes about policy changes, which were pre-determined because of my interview/key research questions, but look for additional themes that emerged from participants. I used a coding system to help with this process and then looked for similarities and contrasts in my data; I compared statement with statement, story with story, incident with incident (Charmaz, 2008), keeping in mind the similarities and differences that presented within and between different groups of interviewees and different geographical areas.

I critically examined my role and biases during analysis and selection of data for presentation, continuously referring back to the original transcripts to ensure any personal preconceptions did not influence.

### **3.4 Ethical considerations**

Participation was entirely voluntary and interviews were conducted in a manner that ensured valid and informed consent from participants, who signed a consent form. It was emphasised to participants that they could terminate the interview at any point or not answer any questions if they so wished.

I used flexible discursive interview techniques that allowed the respondent to have some control over the content of the interview and not to cover issues they preferred not to talk about. I was aware that the topic of conversation could lead women to discuss experiences that cause distress or trauma. The interview techniques employed (qualitative, informal) minimised the chance of this happening and their support workers were on hand to speak with them, if they so wished, after the interviews.

All data has remained anonymous and any identifiable details, such as names and local authority areas, have been removed in this published report. This was made clear to all respondents in the information sheets and consent forms.

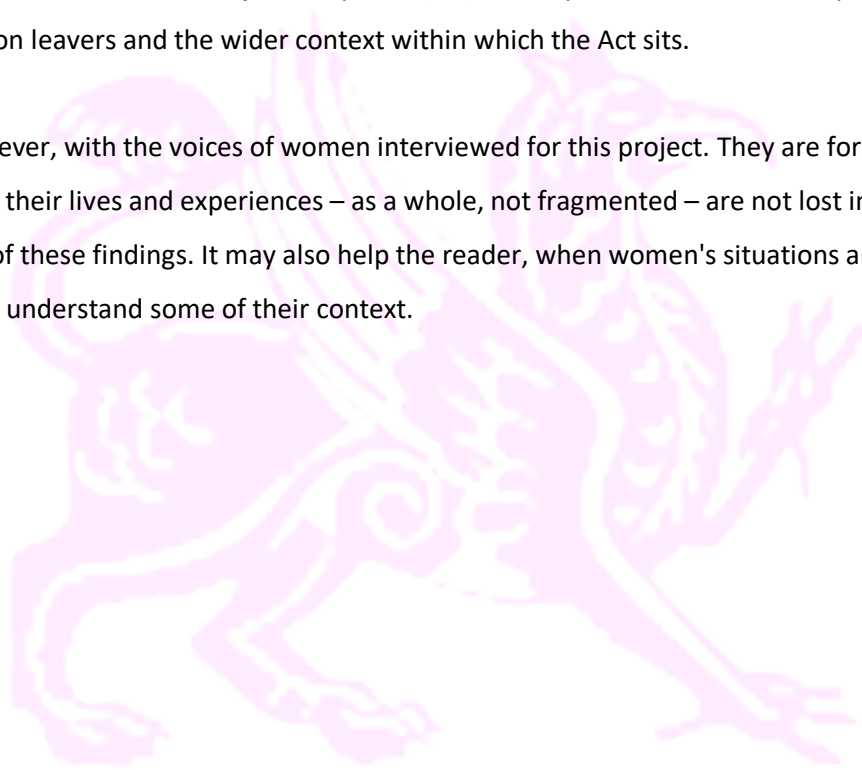
## Section two: Research findings

*“I just think there needs to be more support for Welsh girls because a lot of us are going out to nothing and coming back for a roof over our head and it’s sad.”*

- Bethan\*

This section presents the research findings: it explores the implementation of the Act in relation to women involved in the criminal justice system (CJS), the impact of the removal of priority need status for prison leavers and the wider context within which the Act sits.

It begins, however, with the voices of women interviewed for this project. They are foregrounded to ensure that their lives and experiences – as a whole, not fragmented – are not lost in the presentation of these findings. It may also help the reader, when women's situations are later referred to, to understand some of their context.



## Chapter 4: Housing and homelessness – stories from Welsh women inside English prisons

### *Bethan\**

Bethan, 25, has been in and out of prison over the last few years. Growing up she was supported by a scheme for young homeless people but since turning 25 this support has ended. She described the workers at this project as family.

At the time of speaking she had been in prison for five months, following a previous sentence the year before in which she had voluntarily given up her flat. As a result she was released from prison homeless and slept rough for around three weeks, which led to her being attacked, engaging in sex work “*just to find money*” and using heroin. She was eventually housed in a B&B and then found a flat, but Bethan was acutely critical of her local authority’s response during this time:

*“They don’t support you at all. I got out, went there and they said they can’t B&B me and gave me a sleeping bag...the only reason they gave me a B&B was because I had to keep going to soup runs where they feed you...because the support workers there were so worried about me.”*

Once back in prison, Bethan was extremely reluctant to give up her new flat because she feared becoming homeless all over again. Yet debts and arrears were accruing on her property and she had been advised that if this continued she would likely be taken to court upon release – something that would make finding another property challenging.

Bethan thought there was “*not much out there for Welsh girls*” and was adamant that more support was needed both within prison and upon release. She described a time when she was released from prison “*so upset because I didn’t know where to go and the education support worker gave me a lift to the station because I didn’t know what to do.*” Without support – and without professionals coming to speak to women about their circumstances – Bethan believed women are “*getting chucked back to square one...being set up to fail*”.

**Rhiannon\***

Rhiannon, 37, had been in prison for nine weeks at the time of our interview. Similar to Bethan, she had been in and out of prison over the last few years and each time, Rhiannon explained, she felt she needed more support. She also felt more support was needed for her sister who too had been in prison regularly – and homeless when not living with Rhiannon – but who died last year:

*“I know it was really worrying my sister and I think if she had somewhere to live I think she would have been alright. I can’t say for definite, but she would have been less chaotic. If I had been out there she would have normally lived with me.”*

Because of Rhiannon’s short sentence Housing Benefit covered her rent while she was in prison but a frontline officer from a local charity was concerned that even though Rhiannon would have a flat upon release, she may not be able to manage her money to continue to pay back the arrears that she owed on her property – amounting to £2000. Rhiannon admitted that she was in need of support around money management, something that she was even more concerned about in light of Universal Credit:

*“Now with benefits moving to monthly and we’ve got to pay our own rent, fucking hell it will, people find it hard to pay. I never had rent paid to me, went straight to the landlord because I’m shit with money and I know I am. People are going to be homeless everywhere now.”*

Rhiannon would be released back to her PRS flat in a block with heroin users and dealers; a flat that Rhiannon abandoned for two weeks last year because she felt too unsafe living there.

**Katie\***

Katie lived in a council house in an area that she described as *“dead dead rough, where there are constantly people at the door”*.

She had been in prison for five weeks and was extremely anxious about her housing situation because she was falling behind on ‘bedroom tax’ payments (her two children lived with her ex-husband and, consequently, she lived on her own in a three-bedroom property where her children stayed with her regularly):

*“I’m just not staying on top of it and I don’t want to get homeless over it either and that’s what’s going to happen if this carries on, so I need a smaller place as soon as possible really.”*

Her fears were made worse by concerns about PRS rents, which she had previously struggled with, and a lack of faith in support from her local housing department. She was hoping to get a tenancy support worker upon release but held out little hope following her experience the last time she was released from prison: she was told that she would get a letter from her local authority and a tenancy support worker, neither of which materialised.

*“I didn’t have a chance to sort it because I had the girls three days a week and then I’ve got to sort out regular appointments for JSA so I didn’t really have the time to be chasing it up...I continued to fall behind with the bedroom tax and I just felt like the support wasn’t in place for when I got out, I think that’s why I’m back in ...It all sounds great when they say ‘you can have this and have that and we’ll help you with this’ but it’s about actually getting that help when you get released.”*

#### **Amy\***

Amy, who was serving a nine-month sentence, said her life began to spiral after she left the care system with very little knowledge about how to manage money. She had been in and out of prison since.

She had no stable accommodation but had given a friend’s address for parole, although she did not intend to stay there for long. In her early twenties, she was aware that she was only eligible for the shared accommodation rate and was extremely anxious at the prospect of sharing with other people because of her “*bad mental health issues*” that included “*anxiety, depression, ADHD and a personality disorder*”, alongside difficulties she had with mobility, making stairs a struggle. She was unable to get her own flat, however, because she did not have money for a deposit and could not access a loan because she had no credit history.

Interestingly, Amy perceived support for Welsh women as poorer than support for English women, commenting:

*“I think the support you’d get in England is totally different. I’ve met women from England who have been in four weeks and they’ve got out to a flat, housing have sorted a flat. In Wales you don’t get that, they put you in a B&B or hotel or whatever.”*



**Ann\***

Finally, while Ann was unavailable for an interview – she was released from prison the morning of my visit – her story is a powerful one. In her mid-fifties, Ann had been in and out of prison for most of her adult life. She was routinely released as street homeless but her obsessive-compulsive disorder for cleanliness meant she could not tolerate being on the street. As such, she actively reoffended in order to have roof, a shower and clean clothes. The morning of my visit, when Ann had been released, she had left her belongings with a friend with the confidence that she would return the following week.



## Chapter 5: Thematic research findings:

This chapter discusses the thematic findings to emerge from the research but the women's stories and experiences, outlined in the previous chapter, are returned to throughout. Before we begin it is important to explain the approach taken when citing examples, highlighted throughout, where interventions or services appear to respond to the needs of women involved in the CJS. These examples appear to place women's individual needs at the centre and/or offer a tailored, rather than generalised, response to an issue; they appear to be in line with the preferences and needs of women involved in the CJS, as indicated by these research findings<sup>1</sup>.

### 5.1. The Housing (Wales) Act 2014: intention versus reality

*"The Act is looking great, really good across the board allowing us to work with people for longer to try to prevent homelessness. In relation to offenders...it's had a few teething problems."*

Frontline officer, local authority

*"[Women] say it's all fucking bullshit. They say 'you're basically setting me up to fail, sending me out homeless, I'm just going to reoffend, I'll be back in here in two weeks or I'm going to end up dead if this carries on. You're getting me to speak to all these people and nothing comes of it. I'm telling my life to all these people, having to explain myself and getting judged and nothing comes of it.'"*

- Frontline officer, third sector

The Act was introduced to "reform...homelessness law, including placing a stronger duty on local authorities to prevent homelessness" (Welsh Government, 2014) and conversations with local authorities revealed widespread support: staff welcomed the focus on prevention and a "new way of doing things" that, in theory at least, allows them to be more creative and proactive in their response to homelessness. They argued that the Act offers a new framework that "assists irrespective of vulnerability" while incentivising women to engage with local authority housing departments.

<sup>1</sup> The outcomes of these interventions or services have not been evaluated.

The results from this study, however, suggest that there remains a gap between theory and practice in relation to women in the CJS, in large part due to resources and capacity<sup>2</sup>. There was widespread questioning across sectors of whether the Act is meeting the needs of these women.

*“I think in part it is and in part it isn’t. Part of the problem is where we’ve got all the intention to assist and guide and be that gateway portal into accommodation, we probably haven’t got that right blend of accommodation for those individuals.”*

- Manager, local authority

Practitioners within probation and housing tended to agree that the Act works better than it did before, so long as processes are followed. Although there were pockets of criticism: one probation officer for example, was highly critical of the Act, concluding that it has made women more vulnerable. There was far more scepticism among charity workers.

As for the women themselves, they were mostly preoccupied with concerns about where they would live or whether their current housing situation was secure; the legislation meant very little despite the profound implications it has on their day-to-day life. One charity worker commented that:

*“[The Act] is more about enabling them to do things themselves and that frightens some women...but once they accept this, I do think it builds confidence and self-esteem.”*

Broadly, however, many of the women interviewed for this project felt let down by ‘the system’ and while this ‘system’ certainly extends far beyond the Act, conversations with staff across all sectors indicated that it is something that requires monumental change if the Act is to truly work in preventing homelessness among this group of women.

In the next section we consider some of the barriers to implementation that help explain this gap between intention and reality.

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<sup>2</sup> Some findings are likely to be generalised to the wider homelessness population but since this research focuses on women involved in the CJS, wider conclusions cannot be drawn with any certainty.

## 5.2. Barriers to implementation of the Act

*“In terms of local authorities, some are much better than others in recognising that this group of women, they may be offenders but they are also really vulnerable. Sometimes it’s quite easy to just think ‘oh they’re in prison so we’ll just shelve that’ and I think this Act is really positive because it means they can’t...they should be trying to prevent homelessness...some local authorities have taken that on and want to do something about it, some are a little more reluctant because of resourcing.”*

- Manager, probation

*“There is good practice in certain areas and workers in certain areas who go out of their way to support vulnerable people...but apart from that if we call the local authority and say we’re coming down with a woman they’re always very polite, and it makes a difference if they place in temporary hotels while they investigate women’s needs, but in the long-term I don’t think anything changes.”*

- Frontline officer, third sector

The research revealed a number of specific barriers to implementing the Act. These are:

- resources and capacity
- understanding women’s needs and capabilities
- attitudes and judgments
- the right approach and managing expectations
- problems with multi-agency working

We now discuss each of these in turn.

### 5.2.1. Resources and capacity

There was widespread recognition that a lack of resources (across all sectors) hinders proper implementation of the Act generally and specifically in relation to women involved in the CJS. This was the main concern raised across all local authority respondents and underpins many of the issues raised throughout.

Staff said their workloads tripled with the introduction of the Act, which saw increased bureaucracy and paperwork, alongside a lack of resources and limited staff capacity. This had a knock on effect on tenancy advice/support and overall preventative work. Women involved in the CJS are especially vulnerable because they often have an array of complex needs, as a result of severe and multiple disadvantage, and thus need more support.

*“I only get feedback from woman about their experience of advice and support but they feel they are not getting it, just being sent away to look at places and told to come back in a few weeks times to review it. But they’re not given that time...I don’t blame local authorities, it’s to do with the amount of people they’re seeing, they don’t have the time to give because of their workload...the women are so unhappy with the answers they’re given and the local authority probably want to get them out of there because some clients can get aggressive.”*

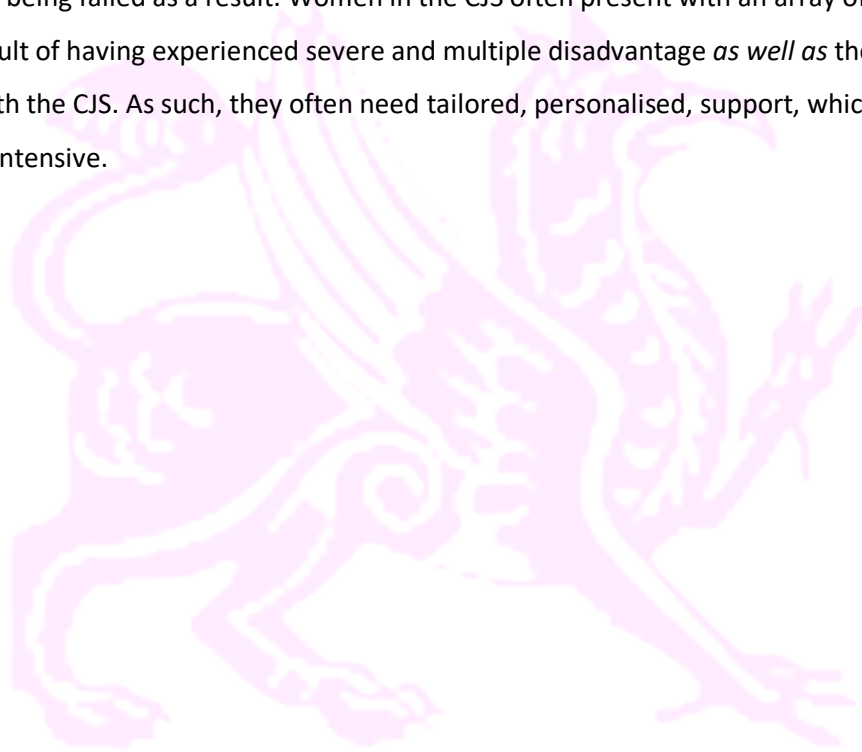
- Frontline officer, probation

Additional impact(s) of limited resources (not discussed below) included:

- **limited capacity to carry out follow-up work**, such as re-assessing personal housing plans (especially important for women with additional support needs). Where additional support was mentioned it was funded by Supporting People, which raises questions around sustainability
- **work being crisis led**
- **the perception that women involved in the CJS are “getting a bit lost in the system”** (frontline officer, third sector)
- **reduced morale and increased sickness** among housing staff, with some staff “*feeling like robots, rather than doing things in a meaningful fashion*” (frontline officer, local authority)

A lack of resources across local authorities is coupled with a lack of resources across charities and prison/probation, which means agencies are struggling to support each other. It was noted that this is a particular problem when dealing with complex cases. Staff across the third sector do not feel equipped to deal with the housing work required, or do not have sufficient hours to travel and meet with the women they support.

While a lack of resources and capacity has knock on implications for support offered to anyone who is homeless or at risk of homelessness, women involved in the CJS are arguably among those most at risk of being failed as a result. Women in the CJS often present with an array of complex needs as a result of having experienced severe and multiple disadvantage *as well as* their interaction with the CJS. As such, they often need tailored, personalised, support, which is time and resource intensive.



### 5.2.2. Understanding women's needs and capabilities

*"A lot of housing will have basic domestic abuse training but it's about more women specific training. What are women's needs? What might she have been through? Is she a victim of child abuse? What is the impact on her emotional health? What coping mechanisms does she use to deal with this? I don't know how much they are looking at this or whether they are just looking at priority and whether she fits or not."*

- Frontline officer, probation

It is important that local authorities understand women's vulnerabilities, needs and capabilities in order to make sound assessments and work with them effectively to help resolve housing issues. This is especially important for women involved in the CJS (many of who have experienced some form – or many forms – of abuse, substance use or mental health issues) because they may have additional vulnerabilities, when compared to other homeless women, as a result of their time in prison. Interviews with women prisoners and staff across probation and charities revealed a perception that local authority assessments around priority need – and understanding of multiple needs – vary from person-to-person and area-to-area. Stakeholders reported that women involved in the CJS often felt they have to jump through hoops to demonstrate their needs, but to no avail.

Analysis of interviews indicated that some housing officers take a "person centred" approach to understanding the needs of women involved in the CJS and others do not. Many of the women interviewed for this project said it is important that professionals take the time to listen and learn about their individual situations. Amy, for example, made the following comment:

*"I think they need to talk to people more about what they want, why they want a home, what they will do when they have a home, because people have different needs. For me it's that I need somewhere on a ground floor because of my feet...But how many people go to housing and say 'I want this and I want that', going in with their sad story...I get where they're coming from because people do lie, so I understand [housing] need to be careful and they can't just read my mind."*

It appears to depend on the individual staff in hand – some of whom were described as brilliant – and how well a woman involved in the CJS presents to housing professionals/the Housing

Department. Some practitioners commented that decisions could depend on whether a woman had a support worker there to help argue her case. This raised concerns, primarily across the third sector, about a lack of consistent understanding among local authorities about the behaviour of women – especially women who had experienced multiple disadvantage. As one frontline officer explained:

*“Someone might be seen as aggressive because they’re stressed about the situation - there are lots of reasons why women might not be listened to, might not be heard.”*

One difficulty encountered by some housing staff when the Act was introduced was the notion of judging capability and reasonability. What is reasonable for one person may not be reasonable for another and some local authority staff were – and perhaps still are – conscious that they did not want to discharge a duty to someone on grounds that they are not engaging, when in reality they are not capable of doing so.

This is an important acknowledgement when discussing women who have experienced multiple disadvantage, such as those in the CJS, and who might not engage with any service or support until the third, fourth, fifth time, if at all. Yet it stands in contrast, somewhat, to the belief held by some within the voluntary sector that housing officers tend to give little or no thought as to what a woman involved in the CJS is able to do according to her needs.

It was suggested by others that women involved in the CJS need more advice and support around finding a home, navigating the private rented sector or applying for benefits, council tax or other mechanisms of support – especially with no assurance of priority need. This goes some way to demonstrate the huge variations and disagreements between sectors and individuals when it comes to whether authorities are – or are perceived to be – taking proper account of the capabilities of women in the CJS.

The real-life implications are highlighted in an example, reported by a practitioner interviewed for the research, of a woman released from prison earlier this year. The council found a duty to help find accommodation and provided her with a bond with the request that she should search for her own property. The woman was simply not capable of doing so: she had no probation officer, no guarantor and instead ended up sofa surfing.

The research also, however, uncovered examples of practice that appeared to respond to the needs of women involved in the CJS. One housing practitioner, for example, discussed her



response to a female prolific offender who, upon release from prison, was failing to reach housing because acquaintances were waiting to supply her with drugs en route. In an attempt to prevent the woman from meeting these associates the officer arranged her housing appointment with another local authority. While the woman still failed to make the appointment this demonstrates promising practice.



### 5.2.3. Attitudes and judgments

*“It’s all well and good saying they need to help themselves but when they’ve go nowhere to go other than a crack house then it’s difficult for her to get herself out of that situation.”*

- Frontline officer, third sector

The perception of housing teams seemed to vary from area-to-area, usually dependent on individual housing officers – some were described as very good, others were not. While major concerns were raised – one frontline officer from the voluntary sector, for example, explained that she and her colleagues believed local authorities *“try their best”* not to assess women in the CJS as priority need because it would be *“less hassle for them”* – it is worth noting a comment from one housing practitioner who praised another authority for holding a *“political belief”* that no one should be street homeless (although supply and demand pressures were perceived to be low in this area).

Nonetheless, some stakeholders suggested that a lack of proper understanding about women’s needs and capabilities and the issues they face results, at times, in women in the CJS being judged, and this chimed with women’s experiences. Bethan, for example, commented that:

*“[Housing staff] don’t care at all...they don’t even listen to you. I’m there saying I have a son and I need to get a house ready for my son and they don’t take no notice of you...they need to realise that we’re all humans.”*

Indeed, this group of women may face an additional layer of stigmatisation not experienced by other homeless women, because of their involvement in the CJS.

It is important to note, however, that housing staff were not all tarred with the same brush. Some were described as *“willing to take on board issues and not put personal opinions before professional”* (frontline officer, third sector), others as subjective or having a *“stinking attitude...towards women”* (frontline officer, third sector). In such cases it was often believed these attitudes reflected a need to better understand mental health issues, addictions and domestic abuse.

In discussion about women in the CJS a number of practitioners commented that if women felt authorities were less judgemental they would be more likely to engage – an area in need of improvement since at least one authority said many of the homeless women they receive applications for do not make it to the housing department.

Staff from local authorities, however, were keen to point out that they often try to help people but there is only so much they can do. While some expressed a slightly hard-line approach – if women will not help themselves, how could they – others articulated a sense of despair and concern when talking about cases where they simply did not know what else they could do. One housing manager spoke at length about a young care leaver who had experienced child sexual exploitation and was currently sex working while dealing with significant drug and alcohol addictions. She had been placed in supported housing, temporary accommodation with floating support, temporary accommodation with 24 hour one-to-one support and intensive support in a hostel, all of which “*broke down*”. The manager concluded that:

*“For some individuals it’s almost impossible and we’re at a loss in that case about what to do next.”*

This example highlights a key problem discussed across all sectors: a severe lack of resources to support women who face multiple disadvantage; a group that many of the women in prison who were interviewed for this project would fall into. Substantial concerns were raised about these women.

*“There are a small group of women who have burnt bridges with agencies and we need to be working a lot closer with housing and having regular meetings to think outside the box about what can work for those women...those pockets of women who can’t present to a GP because they’re so hostile. It’s really difficult and people close the book to them and say ‘well we tried and that didn’t work’ but we need to keep trying because there is no other option. Otherwise they end up sofa surfing or back in custody.”*

- Frontline officer, probation

For these women services are often full or women may be refused because, for example, they have carried knives or their needs for one service are considered lower than needs for another. At

a time when authorities are trying to do more for less it seems that women who have already experienced disadvantage are among those bearing the brunt.



#### 5.2.4. The right approach and managing expectations

*“A couple of local authorities weren’t working as well with the process down to personalities. A change in staff in one authority has made a huge difference, went from virtually ‘everyone’s got to turn up on the day’ to ‘you tell us when they’re coming out and we’ll try to do whatever we can to help that person’...if you’ve got people who are embedded in the old way and not ‘people’s people’ they don’t want to help if people are chaotic...I even had one person say ‘I’m not going to do anything until I see the whites of their eyes’.”*

- Frontline officer, probation

The Act is packaged as a framework for doing things differently yet a recurrent theme across interviews, including with staff from local authorities, was the issue of culture change. Primarily, there was recognition that people who have worked in housing for a long period of time – pre and post the Act – can be resistant to change. The new system is intended to be person-led, rather than process-led, and *“that’s something that officers who have been working in it for too long can’t change, or won’t change”* (manager, local authority). As we saw above, a person-led approach is especially key to meeting the needs of women involved in the CJS.

Housing staff spoke about high levels of sickness and staff turnover in the early years of the Act due to stress induced by these changes, which has knock on implications for the depth and consistency of housing and/or local knowledge across the sector. Another factor that potentially affects a woman’s experience is whether a local authority has a specific prison worker who understands the context and culture.

Some local authorities seemed conscious of managing women’s expectations so they understand what is and what is not expected under the Act. This is, arguably, particularly important for women released from prison who will likely have a multitude of systems to navigate (ranging from social services to benefit and/or drug and alcohol services) after a period of time in prison when they would not have had access to the internet or unlimited phone calls in order to learn about, or familiarise themselves, with new processes and systems, if they so wished. One housing manager spoke about the need to prepare women for not being housed in temporary accommodation in order that they find somewhere to stay, describing it as a barrier when this

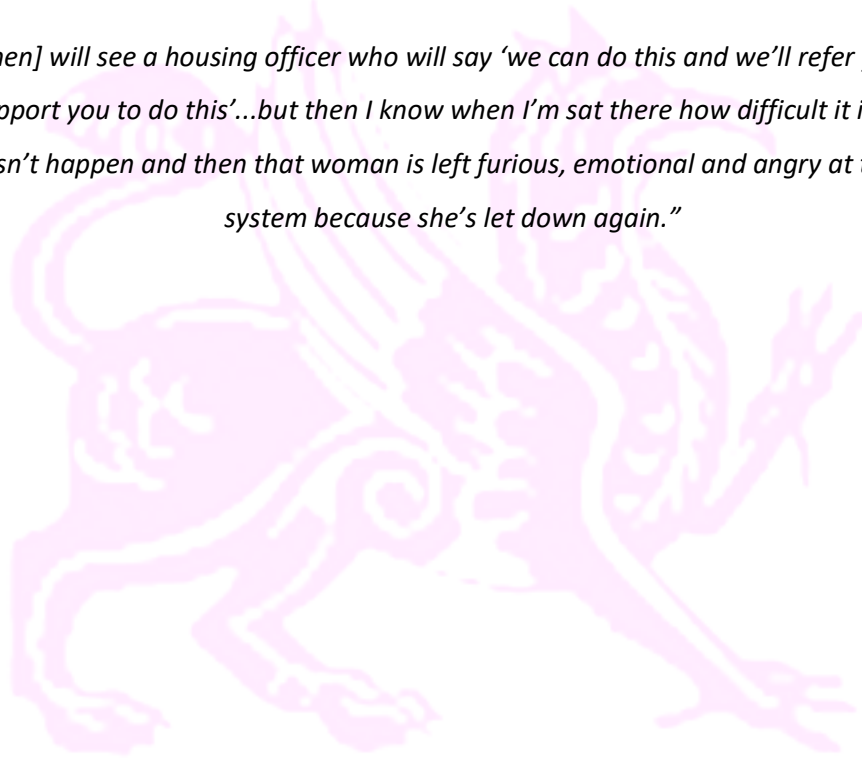
does not happen (reasons for the mismanagement of expectations included staff not being competent at roles, people not listening or understanding and agencies wanting to “*pass the buck*”).

Yet the view from within prison told a slightly different story. Rhiannon, for example, was not aware of the Act and changes to priority need status for prison leavers:

*“I think it’s all been the same - I was in prison last year and 2015 and eight years before then.”*

What is more, one, third sector officer explained that:

*“[Women] will see a housing officer who will say ‘we can do this and we’ll refer you to this and support you to do this’...but then I know when I’m sat there how difficult it is and then it doesn’t happen and then that woman is left furious, emotional and angry at the whole system because she’s let down again.”*



### 5.2.5. Problems with multi-agency working

*“Instead of saying ‘priority need, stick them in a B&B’ it’s a lot more targeted and based on multi-agency working to address their needs.”*

- Frontline officer, local authority

*“If we’re flagging that these are very damaged people, if we’re saying it then it would be nice to have a conversation with someone before they come out to explain and discuss what would help and what they need. But that doesn’t seem to happen at pre-release stage.”*

- Frontline officer, probation

For the Act to work well for women in the CJS, communication and information sharing across agencies is key. Difficulties with multi-agency working can mean a lack of pre-planning before a woman’s release – despite many practitioners speaking about the need for pre-release meetings between agencies and prisoners. There was recognition that more work needs to be done to get proper resettlement plans in place before women are released, with an understanding that if they had this, and less uncertainty about where they could end up after speaking with housing, they might be less likely to disappear on their journey between prison and housing.

Feedback on multi-agency working varied from area to area. There appears to be really good multi-agency working in some areas, although it seems that individuals play a key role in making that happen, which raises questions around sustainability. One practitioner, for example, had built up a network of good relationships but her contract was due to end and she was moving jobs. At times there also appeared to be a disparity between multi-agency working at a strategic level and the extent to which this information-sharing trickled down to people working on the ground.

While many people were keen to point out that work was being done to get everyone around the table – which seemed to be working especially well for women considered high risk – issues were also raised that could adversely affect women in the CJS. These included:

- **Breakdown of communication between local authorities and probation** which can result in local authorities not receiving risk assessment forms and, subsequently, not placing women in

temporary accommodation, or local authorities not contacting probation for information that could help prevent reoffending or homelessness. In the words of one probation officer:

*“I’ve not had a call from housing prior to a woman being released to follow up on my assessment, when I’m trying to flag certain women and prevent nightmare situations from occurring.”*

- **Lack of multi-agency working with drug and mental health services**, which can result in women presenting to a housing department without a risk assessment from mental health despite, for example *“a list of medication, clearly on anti-psychotic, clearly high risk”* (manager, local authority). In this example, housing tracked down the risk assessment form, which read: *“risk of harm could be catastrophic”* – a key piece of information that is needed to place someone in suitable accommodation.
- **Lack of joined up working between local authorities and prisons** resulting in some women being released on a Friday afternoon by which point, once they have travelled back to their hometown, the housing department is closed for the weekend.

For housing and homelessness services to work well for anyone, multi-agency working is essential. Yet multi-agency work relating to women involved in the CJS (compared to other homeless women) requires additional work from the agencies involved, because there are more agencies involved. For Welsh women – compared to men – this is often complicated further because women are held in English prisons (compared to a minority of Welsh men). It seems that multi-agency working with English prisons can vary. It was suggested by one stakeholder that it is easier for Welsh agencies to work with Eastwood Park Prison, where around 50 per cent of the population is Welsh, because staff are more accustomed to working across Welsh and English legislation, compared to other prisons with smaller Welsh populations.



### 5.3. The removal of priority need status for prison leavers

*“Not necessarily all women [should be priority need] but widening that criteria to say there will be vulnerable groups who might not meet [the local authority’s] version of vulnerable. I have a lot of clients who are vulnerable because of multiple needs but who don’t fit those stringent criteria within the Act. It seems very black and white but with women you tend to need the grey a bit more.”*

- Frontline officer, probation

The removal of priority need status for prison leavers is arguably the biggest change within the Act for women involved in the CJS (previously prison leavers were priority need under the 2002 Homeless Persons (priority need) (Wales) Order.) For that reason, this chapter will explore i) some of the implementation issues concerning the removal of priority need and ii) the impact of this policy change on this group of women.

While there tends to be agreement among interviewees that the previous system was not working for all people (including prison leavers), the removal of priority need status for prison leavers remains a source of vast disagreement between local authority staff – who broadly agreed with the decision – and staff from frontline charities and probation, where conversations revealed a more mixed and somewhat nuanced response. Some believed that the removal of priority need is offset by preventative work that allows for a more person-centred approach, some believed it could work if there was flexibility around highlighting vulnerability – which, some argued, there is not – or if processes were followed effectively. Others – especially within the third sector – voiced outright opposition and a belief, in the words of one practitioner, that it has made the situation for women “ten times worse”.

*“It would be useful to have more services based within local authorities that look at access for the PRS [private rented sector], so when women go in they can start that on day one. So if they’re not priority they have a support worker who can help them go through all the rules and what could be done. If they’re not going to be able to give them priority, then give them support.”*

- Frontline officer, probation

Not all housing staff were resoundingly positive – one questioned whether it is achieving better outcomes and another suggested that accommodation should be provided automatically if women accept support – but broadly they described the previous system as a “*revolving door*”, whereby prison leavers would automatically receive accommodation but continue to offend regardless, with no incentive to desist.

*“We’re getting better engagement and for some individuals they’re realising that whereas before where the priority need grouping was seen as a route into social housing that’s not there for offenders so they’re prepared to listen to what options are available and how to facilitate those and sometimes returning home before we address those issues...it’s much more palatable and it’s not so crisis led.”*

- Manager, local authority

It is worth noting, however, as discussed below, that not having accommodation upon release appears to be resulting in some women actively reoffending in order to have a roof over their head, thus the “*revolving door*” continues.

Regardless of whether respondents agreed or disagreed with changes to priority need status, there was consensus about implementation issues, which are affecting how the removal of priority need is playing out in practice. It is to this that we now turn.

### 5.3.1. Implementation issues with the removal of priority need status for prison leavers

*“It’s capacity. Ideally, as soon as you have a woman who is NFA [no fixed abode] you’d like to arrange a multi-agency meeting with housing providers, get around the table and discuss where you think is best for the woman to be placed and what support can be offered, ideally with the woman there. But because of capacity and unless the woman is really complex that doesn’t happen.”*

- Frontline officer, third sector

In the words of Shelter Cymru, “the new system should ensure that prison leavers have their housing needs assessed during their sentence, so that prevention can be done quickly and accommodation arranged ready for release. This should mean that local authorities have fewer prison leavers turning up at Housing Options without a roof over their heads.” (Shelter Cymru, 2015). Local authority and probation officers interviewed tended to agree that if processes were followed and resources allowed then this system could work. However, while a minority of respondents reported no concerns, most identified barriers to this happening in practice, including issues in relation to:

- the referral process
- identifying and responding to priority need
- working with women pre-release

These will now be explored in more detail.

#### ***The referral process***

*“The basic custody screening is falling down because if it wasn’t I would be told a lot sooner about people coming out. I’m receiving referrals the day before they come out. I’m meant to have ten days to make a decision and I’m not even getting ten days before release, we’re having 24 hours and sometimes people are just turning up on the day.”*

- Frontline officer, local authority

A failure to receive all referrals, or receive referrals quickly enough, was a problem outlined by local authority staff in some areas. This can mean that women present to housing on the day of

release without their housing needs having been assessed or without sufficient time to plan for or find suitable accommodation upon release. Reasons suggested by staff as to why referrals might be failing to come through on time, or at all, included:

- **extreme difficulties working with, and planning for, women on short sentences** due to exceptionally limited staff capacity (although interviews also revealed instances of people on lengthy sentences not being referred).
- **difficulties engaging with prisons and the probation service**
- **administrative errors**, such as emails being sent to the wrong address.
- **a simple lack of understanding** among some professionals about how the Act works/their obligations under the Act.

#### ***Identifying and responding to priority need***

*“The forms are getting filled in by people themselves and there is not much information. In the form it might say they have a mental health problem but that’s all they say and it could mean anything.”*

- Frontline officer, local authority

Staff from one local authority commented that women prisoners are completing their housing forms themselves, without knowing what information they need to include to highlight vulnerability – especially problematic for people who struggle to read or write, let alone fill in complex forms that require a detailed medical history. Other practitioners described Community Rehabilitation Company (CRC) referrals as *“hit and miss”*. When talking with the National Probation Service (NPS) it was explained that because offender managers did not complete assessments when prison leavers were automatically priority need, they are not accustomed to including all the information that is required. It was also suggested that offender managers need a greater steer from local authorities around what information is necessary to make an assessment.

Additionally, there was common acknowledgment that unless a woman is in prison for some time it can be difficult to diagnose – and thus evidence – mental health issues. This, combined with the finding that women who are considered to have low level mental health problems are regularly assessed as non priority, is concerning.

Overall, then, there is a risk that women who should be identified as priority need are being missed. Professionals spoke about the importance of women being educated about which agencies to approach if they want to challenge decisions, but there were also concerns around capacity and resources. What is more, the women interviewed for this project – including Bethan who ended up street homeless – did not talk about challenging decisions as an option when discussing their own circumstances.

There was also stark disagreement about what constitutes vulnerability. Since the Act, charities and the probation service have challenged priority need assessments yet they continue to believe that wrong decisions are being made. Local authority staff, however, were less likely to take issue with priority need assessments. One practitioner commented:

*“I think we’re a bit soft [with regards to priority need] so if anyone is borderline we’ll probably take them as priority. In the first year we continued to provide temporary accommodation as a reasonable step – we’ve now reduced that but we’re quite lenient. But there are still some women who would no way be priority under the legislation.”*

- Manager, local authority

Another local authority practitioner made the point that:

*“Over the last year we’ve not had loads of women who have had clear cut priority need...a lot of these women are women I dealt with prior to the law change but never even then got to the point of housing them because they’re so chaotic.”*

- Frontline officer, local authority

As discussed above, the issue of evidencing vulnerability, and thus priority need, for women involved in the CJS can be difficult. They may present with a multitude of vulnerabilities (which they may not want to disclose), compounded by their involvement in the CJS.

For women in prison who are assessed as priority need, however, the system does not always work:

*“It’s really difficult to get things done within two weeks...I think there have only been three cases [in seven months] where women have been given accommodation before they’ve come out. Even if they’ve been assessed as priority need they’re still presenting on the*

*day...it's the timescale and it's too large a role [for the number of staff]...it's just not going to happen."*

- Frontline officer, third sector

This practitioner continued to explain that women assessed as priority need are being placed in B&B's "quite a lot", at times with their children. Other women are placed in hostels where, in certain areas, the average wait time for a priority need case is 18 months, or in accommodation that is "unsafe and not fit for purpose", as one probation officer explained. Unsuitable accommodation raises serious questions around the long-term prevention of homelessness.

Local authorities were keen to point out that more targeted work is being carried out to prevent this from happening and, when they do occur, B&B placements are only a short-term fix – amid a severe shortage of housing – while more appropriate accommodation is found. It seems, however, that even short-term placements can be long enough for women to return to old habits and fall through the gaps.

We will now turn to the final issue of working with women pre-release.

### **Working with women pre-release**

*"[The Act] was sold as 'we'll be able to work with people in prison and they will come out and then we can work with them', but we don't get enough information through, we can't interview people and we don't know what they need. There are too many barriers that prevent that from happening."*

- Frontline officer, local authority

*"I have one female, 22, first time in custody, released two weeks ago. I flagged her up because she is preyed on by men, she has substance misuse problems and is vulnerable... I did a video link with her and she was asking what would happen and I explained that she'll go to housing and she'll have to see what they say. It would be more helpful, with these complex women, to be able to say more than that and for a housing officer to join the conversation to say 'these are the places we have and we'll see what is available next week' to reduce that waiting time, because to wait in housing for six hours is a lot and then to be told you'll be on floor space."*

- Frontline officer, probation

The National Offender Pathway states that the local authorities should be working with women 12 weeks prior to release or earlier if they are on a short sentence. Stakeholders reported that some local authorities are better at this than others, although some stakeholders highlighted that resettlement teams will try to arrange face-to-face or telephone interviews. Although some local authorities have specific housing prison workers who visit prisons, the fact that women's prisons are in England means that visits are not always feasible. This can mean that local authorities rely on resettlement teams to obtain the information they need.

While some interviewees implied that there are no issues and, broadly, *"it is very positive, local authorities are working with women pre-release"*, others suggested that such work is more sporadic and one professional (manager, probation) commented that a local authority's decision to dedicate time and resources to going into prisons is dependent on whether they have a culture of wanting to work with prison leavers. Women in prison routinely spoke about their need to see and speak with housing – and for housing to learn about and understand their particular circumstance. Bethan summed up the mood of many of the women when saying:

*"I've noticed a few more housing people coming around...but I haven't experienced it myself."*

Probation staff praised resettlement teams for their work in facilitating phone calls or video-conferences leaving local authorities, in their mind, with very little excuse for not communicating with women in prison, even if they cannot organise face-to-face meetings. Worryingly, one third sector practitioner was sceptical about the value of local authority prison visits, citing her concerns (uncorroborated) that these visits were used as opportunities to try and persuade women not to present as homeless. Others, however, highlighted the importance of face-to-face assessments around priority need status.

*"We do telephone conferences and some assessments over the phone but the value of face-to-face."*

- Frontline officer, third sector

One local authority interviewee suggested that they do not have time to visit women's prisons in England due to geographical distances coupled with limited resources and they instead look to probation as a source of information about women and their housing needs (although, as noted, there can be difficulties in communication between agencies). Other authorities are totally



stretched when it comes to the work they are able to offer in prisons. Some authorities have less than one full-time worker carrying out assessments in (male and female) prisons, with each trip taking at least half a day.

Concerns were also raised that not enough checks are made to confirm whether when a woman says she has somewhere to live upon release this is genuine. Otherwise women risk “*standing at the gate with nowhere to go*”. As we saw in Chapter 4, Amy had provided an address that she did not intend to stay at, with very little idea about where she would go instead. A lack of checks also gives rise to the possibility that women could be returning to inappropriate accommodation – perhaps because of an abusive partner or poor living conditions – which puts them at risk of homelessness.

As we saw in Chapter 4, in the case of Rhiannon and Katie, there also appears to be questions surrounding the work being done with women in prison who, on paper, are not homeless but who are at definite risk of homelessness. This includes a lack of support around money management and how to deal with and prevent debt and arrears – key triggers of homelessness. It is worth mentioning, however, a money management course run by an English charity in prison, although the women interviewed for this project had not been referred, which raises questions around resources, capacity and consistency.



### 5.3.2. The removal of priority need: the impact on women in the criminal justice system

*“There was one woman with a travel warrant who was coming here from approved premises to look for properties. She presented herself really well and I wish all clients had been that proactive...she was very open about wanting to be by an AA [group], which she was using, and she was looking at every property. She must have viewed 20 and was getting knocked back every time because she was on welfare. It was heart breaking watching her doing so well and trying so hard and watching her get more and more disheartened. Then, over Christmas, she relapsed.”*

- Frontline officer, local authority

*“So the removal of priority need has seen some women street homeless, sofa surfing, return to pimps or domestic abuse, so putting themselves at risk through no choice of their own...even if they’re being offered other options these things take time so they end up in places that are not safe.”*

- Frontline officer, probation

Ultimately, the removal of priority need means women prisoners face a process that previously they did not and, as discussed above, there does not appear to be enough resources, across all sectors, to deal with this. Women feel the impact of this keenly, as Katie explained:

*“They’ve been helpful but it’s just trying to get an appointment in here. There’s a big waiting list and I didn’t get seen until my third week here and I’ve just been panicking you know, not knowing what was going to happen or how to get in touch with me housing officer.”*

One probation officer estimated that:

*“Around 10 to 20 per cent of women [are ending up homeless], the numbers would be very low if they had priority need.”*

One housing practitioner explained that while previously the majority of prison leavers would be placed in temporary accommodation where they could be managed, people can now “come in

*once and then don't come back.*" She continued to explain, however, that prior to the Act she often felt she was just *"managing problems in B&B's and not getting to longer-term solutions"*.

Before discussing some of the repercussions of the removal of priority need in more detail it is important to note that this legislative change is not necessarily the direct – or only – cause of the issues discussed below. There are a number of intertwining factors that lead to homelessness, as we saw in the literature review, and a study of this (limited) size would be unable to draw extensive conclusions about the cause and effect of the Act, especially when, as highlighted in the literature review, identifying cause and effect of homelessness is problematic.

What is more, the issues below can also be pertinent to women who have accommodation (in part raising questions about the appropriateness of accommodation). Housing does not simply 'solve all' and some women who receive accommodation can lose it, perhaps because of addiction and chaotic life styles. Nonetheless, housing can play a fundamental role in stabilising someone's life and can mitigate some of the issues outlined below. Analysis of the research findings suggests that the removal of priority need can, in some instances at least, exacerbate a number of the issues that women prison leavers may face, including:

- street homelessness
- sex working
- reoffending and substance misuse
- poor living conditions

These will now be discussed in more detail. It is important to note that while the observations below are true for any woman, regardless of whether they have been involved in the CJS, these considerations have arguably become even more pertinent to conversations about women leaving prison since the introduction of the Act.

### ***Street homelessness***

While a minority of practitioners said they had seen no increase in street homelessness, or stressed that *"it's not because B&Bs have been taken away that they've all ended up on the street, it's definitely a minority"* (manager, local authority), many had noticed an increase – although it is important to note that street homelessness has increased across the UK over the last six years.

The experiences of women interviewed for this project showed how changes from the Act could make women prison leavers more vulnerable to homelessness. In Bethan's case, she was street homeless for a number of weeks after release from prison earlier this year and relied on soup kitchens to sustain her. That is not to say that under the previous system Bethan would have definitely been housed – she may, for example, have been offered accommodation that she did not accept – yet the risk of street homelessness would have been lessened. The fact that she was unwilling to give up her current flat, despite building debts and arrears, for fear of becoming street homeless again, suggests that changes under the Act put Bethan at risk of further homelessness.

When discussing her time on the street, Bethan spoke about being attacked and needing to “*work just to find money or to get somewhere to stay*”. She ended up back on drugs and lost contact with her family and son. Sadly, however, her experience of the B&B that the local authority finally placed her in (which she could have potentially been placed in under the previous system) was not much better:

*“I didn’t want to go there because of everything that happened when I was younger...there was sex offenders in there and stuff and yea they kept approaching me.”*

Among other things, living on the streets restricts a woman's access to key services such as health and creates social isolation. Broadly, practitioners across all sectors expressed understanding and concern for the particular dangers that women face on the street; one interviewee (frontline officer, third sector) even spoke about staff using their own money to pay for B&B's in an attempt to prevent women sleeping rough. Yet for some housing staff these concerns were coupled with an acknowledgment that resources and capacity simply restrict what they are able to do. Housing staff reported being unable to place women in homeless hostels if there was no issue other than substance misuse, admitting:

*“It’s difficult because we do understand that women are more vulnerable than men on the streets.”*

- Manager, local authority

### **Sex working**

As Bethan implied, women who find themselves homeless may turn to sex work for money or a roof. Another example reported by a stakeholder from probation was a woman who returned to

live with a client, her only other choice being the street. The removal of priority need as a primary cause of sex working is complicated, although one frontline practitioner from a charity that supports vulnerable women said they have seen a rise in trafficking between Wales and southwest England and, they commented, insecure housing has a substantial part to play: it means women are more vulnerable a target.

Local authorities were mindful of the risk of exploitation that women face, were “*conscious that people have exchanged sex for the night*” and were working where they could to prevent this from happening. As always, however, resources restrict their work and, when discussed, local authority sex work officers were described in terms of monitoring rather than finding solutions.

### ***Reoffending and substance misuse***

One (frontline officer, third sector) practitioner commented that:

*“It seems over the last year that more and more women are choosing to go back into custody rather than be street homeless.”*

This reflects what we heard about Ann, in Chapter 4, who was repeatedly released street homeless and, as a consequence, actively reoffended. A prison guard remarked that Ann had returned to prison increasingly over the last few years, which he attributed to the Act and increased chance of street homelessness.

Other stakeholders reported that women believed they just needed to commit more serious crimes, with lengthier sentences, for their housing issues to be resolved. One practitioner described a woman who had recovered from substance misuse while in prison but, after being found non-priority upon release, turned back to drugs believing this was her route into priority need. Other women slip back into addictions because they are sofa-surfing with other people experiencing drug addictions or people who deal drugs.

### ***Poor living conditions***

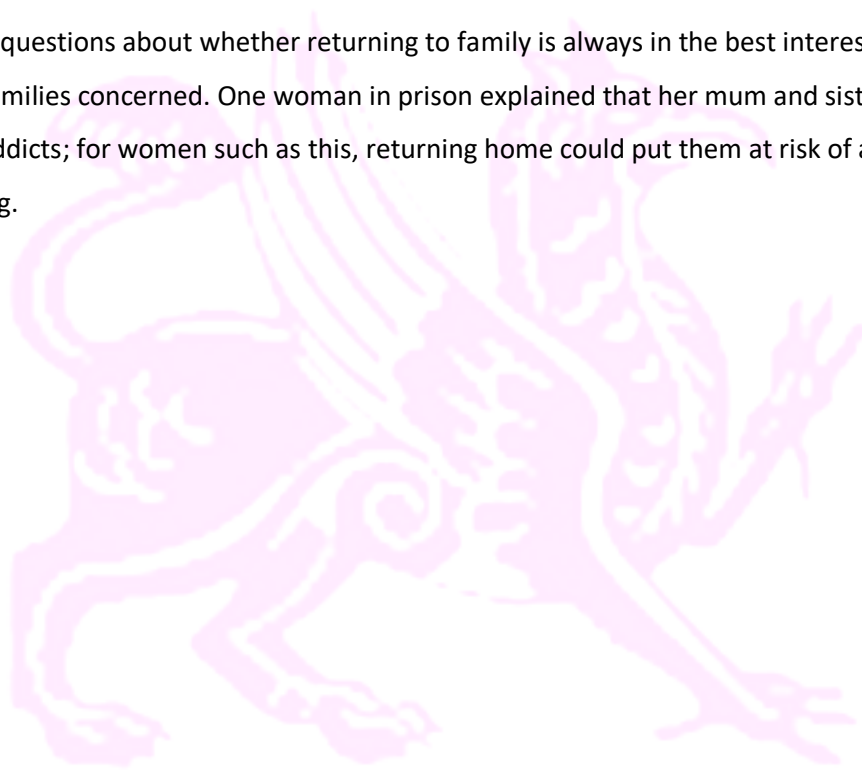
The removal of priority need puts women at risk of turning to poor, even dangerous, living conditions. While women lived in such conditions pre-Act, the introduction of the Act means that those women who are not assessed as priority need can be left with no option but to rent privately in sub-standard, unregulated, accommodation, possibly at a time when they are trying to have their children returned from care, perhaps with no proper locks – a particular concern for

women with abusive ex-partners – or environmental health concerns. One practitioner described a woman who was hoping to be released homeless because her private rented property, which she had reported to environmental health and her local authority, was damp, decaying, and without heating. This goes some way to highlight the conditions women can find themselves living in.

Other women were returning to live with their families, as one housing practitioner explained:

*“Families are definitely taking more women in than they used to because they knew before that a B&B was there.”*

Yet this raises questions about whether returning to family is always in the best interest of the women and families concerned. One woman in prison explained that her mum and sister were both heroin addicts; for women such as this, returning home could put them at risk of addiction or re-offending.



#### 5.4. Wider barriers to implementation of the Act: understanding the broader context

The Act sits within a wider context, which has an impact on its implementation and on how women in the CJS experience it. Each issue could be the focus of its own paper, but for now a brief summary will be provided.

##### ***The Private Rented Sector (PRS)***

*“I think [women prison leavers] are the most difficult to house [in the PRS], especially if they’re street workers.”*

- Manager, local authority

With a limited supply of social housing and long waiting lists the PRS plays a crucial role in housing vulnerable people; even more so with the introduction of the Act. Yet landlords are increasingly disgruntled and some are leaving the sector due to concerns around welfare reform, Rent Smart Wales and tax.

There are a number of issues to consider when discussing the PRS and women involved in the CJS:

- **Landlords (and mortgage companies) are increasingly reluctant to take people on benefits**, especially since the introduction of Universal Credit. In areas of high demand and limited supply it can be particularly difficult for women in the CJS; landlords rent to professionals or students rather than those stigmatised as ‘prison leavers’.
- **People need a reference** and deposit to secure a property.
- **PRS rents can be high**, especially in affluent areas – problematic for low-income women/women on benefits.
- **PRS landlords may not have specialist knowledge** about issues such as domestic abuse.
- **In rural areas, word spreads**. If a landlord is unhappy with a tenant then that tenant may struggle to find another property.

Some local authorities are working to incentivise landlords to accept tenants they may otherwise refuse to house, others do not believe they have a pool of landlords that would house women

prison leavers. One authority said that they needed to keep landlords “on side” so they do not set up tenancies that could potentially fail.

Practice that responds to the needs of homeless people:

- One interviewee mentioned an authority that works with landlords to train them on issues around drug use and addiction.

### ***Welfare reform***

The issues that women face in the PRS are compounded by a number of changes to welfare:

- **People under the age of 35** who are single and childless are restricted by the shared accommodation rate – sharing a house with unknown people is often highly unsuitable for women involved in the CJS.
- **Welfare payments can be delayed**, putting women at risk of financial hardship and, consequently, reoffending or homelessness. One practitioner spoke about a disabled woman in her 70s who, upon release from prison, waited 12 weeks before she was assessed for disability payments. In the meantime she was forced to stay in unsuitable temporary accommodation – unable to register with a GP because she had no permanent address – and borrow money from her family.
- **Universal Credit** – people are required to pay their rent directly to landlords and are liable for hefty sanctions, both of which put women at risk of homelessness.
- **The benefit cap** – incredibly challenging, especially for women with children.

### ***Women only accommodation***

A lack of women only accommodation – from hostels to supported accommodation – was a major concern raised by almost every interviewee. Some of the issues raised included:

- **difficultly getting women into supported accommodation** on their day of release, making it challenging to keep women engaged while they wait for a bed

- **a lack of supported housing for women who face multiple disadvantage.** One area, for example, had a 12 bed mixed hostel and one three-bed shared house for (any) 16-25 year old.
- **a lack of specialist provision for older women or pregnant women.**
- **a lack of supported accommodation for people who have committed offences such as sex offences or arson.**
- **women being placed in schemes with challenging men** who pose a risk, resulting in women leaving and *“ending up in that grotty bedsit with a bad landlords...getting pulled into one hundred and one other things.”*
- **women in need of intensive support being held in temporary accommodation** because supported accommodation is full.
- **a lack of move-on support** between supported accommodation and a tenancy, which can result in women being unprepared for independent living, losing their tenancy and being assessed as intentionally homeless.

#### **Logistical barriers to accessing housing support**

There were a number of logistical barriers raised that, while appearing minor, have a significant impact on how, or even whether, women engage with housing:

- **Queuing:** women may have to wait at housing departments for six hours or more, surrounded by other people. For women who are anxious, have short attention spans or have drug or alcohol addictions, this is a tall order.
- **Open plan environments in housing departments:** these are not appropriate spaces for women to talk about abusive relationships, substance misuse issues, sex working or any other reasons for vulnerability or homelessness.

While not logistical, another barrier to women accessing housing support is not being aware that they need to. One practitioner explained that a local authority had advised a woman that even if she received a lengthy sentence (which was likely) her Housing Benefit would be paid for the first 13 weeks.



Practice that responds to the needs of homeless people:

- An outreach team in one local authority works directly with people on the street, so they do not have to queue for an appointment at housing options. They have also created a 'virtual floor space' so people who do not want to stay in hostels can be added to the housing waiting list without doing so.

### Through-the-gate support

*"If you don't have accommodation, for some reason, physically getting someone from a prison in England to here to go through that assessment, it's really key to keeping them from going back into prison."*

- Manager, probation

Another issue raised across the board was the value of through-the-gate support and concerns about capacity. Through-the-gate was often cited as the reason women attended their housing meetings upon release from prison. If women are not picked up they are vulnerable to being preyed on by drug dealers or relapsing. It was also noted that women who perhaps need pick-up the most – high-risk offenders under the NPS – are sometimes those who miss out because of restrictions on public funds.

## Chapter 6: Conclusion and recommendations

The research findings presented in this report indicate that there are a number of factors preventing the Housing (Wales) Act 2014 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*” (Bethan). 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.

While this is only a small-scale piece of research, many of the themes and concerns raised were raised consistently. Arguably, then, these research findings may translate to all women across Wales – and, to some extent, men – involved in the CJS.

**It is against this backdrop that the following recommendations are proposed:**

**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 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.

This report will close with a brief reminder about the wider funding climate within which services are operating. The impact of limited resources across the agencies discussed above cannot be underestimated – and accounts for many of the difficulties that women face.

Yet funding cuts across mental health services, drug and alcohol services, legal aid and communities generally make much of this work even harder. For women in rural areas, reduced services can make it even harder to access support, some journeys taking the best part of a day. Other women face long waiting lists for the services they need. All this amid rising adversities associated with rising inequality, anecdotally at least.

Indeed, as highlighted in the literature review, a concentration on policy alone would fail to provide a full picture of the impact of this Act on women who find themselves, often as a result of poverty and abuse, marginalised, stigmatised and disadvantaged.

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## Appendices:

### Appendix 1: participant information sheet for stakeholders

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

##### *Invitation to participate in research project*

#### **What is the research about?**

The Housing (Wales) Act 2014 has made a number of important changes. This research is looking at the impact of this Act on women involved in the criminal justice system who have been, or currently are, homeless or at risk of homelessness.

The project aims to explore how women involved in the CJS perceive the Act to be impacting on them, or not, and how practitioners perceive the Act to be working. In doing so, this project will give women a voice to explain their own experiences and views.

A final research report will be published based on interviews with women, support services, probation and housing officers from local authorities in Wales. This report will be used to inform policy makers and local authorities about how to improve the support they offer.

#### **What would be involved?**

I hope that you will allow me to visit your organisation to interview staff and any service users wishing to participate. The interviews will be conducted informally, like a conversation, in the support service that you use. They will last around 45 - 60 minutes.

Participation is entirely voluntary, service users are required to give their informed consent to take part, they can withdraw at any time and all information related to them and the organisations that are working with them is confidential. Individuals and organisations will not be named in published research reports and details will not be passed on to anybody else. The research has received university ethical approval and I will ensure that it meets your own ethical and procedural standards.

**The research is funded by Lankelly Chase and is being conducted by Alice Moore, as part of the Griffins Society Fellowship programme at The University of Cambridge.**

*Need more information or want to know more about this study?*

*Please contact Alice Moore on [aliceomooore@gmail.com](mailto:aliceomooore@gmail.com) / 07425135167*

## Appendix 2: participant information sheet for women involved in the criminal justice system

### Have you been homeless or at risk of homelessness in the last two years?

#### What is the research about?

A new piece of legislation was introduced in Wales in 2014, the Housing (Wales) Act, which changed the support that people receive if they are homeless or at risk of becoming homeless.

This research is looking at whether this has made a difference to the lives of women involved in the criminal justice system who have been, or currently are, homeless or at risk of homelessness.

A final research report will be published based on interviews with women, support services, probation and housing officers from local authorities in Wales. This report will be used to inform policy makers and local authorities about how to improve the support they offer.

#### What would be involved?

I would like to interview you about your experience of being homeless or at risk of homelessness, and the support you received, if you received support. The interview will be conducted informally, like a conversation, in prison. It will last around 45 - 60 minutes.

You don't have to talk about anything that you don't want to discuss and you can stop the interview at any time. Everything you say will be confidential and anonymous - your name will not be used in the report and I won't pass your details to anyone else.

**If you're interested in taking part, please inform your housing support worker.**

**The research is funded by Lankelly Chase and is being conducted by Alice Moore, as part of the Griffins Society Fellowship programme at The University of Cambridge.**

*Need more information or want to know more about this study?*

*Please contact your support worker.*

**Appendix 3: consent form****Consent Form**

*Please answer the following questions by ticking the response that applies*

	YES	NO
1. I have read the Information Sheet for this study and / or had details of the study explained to me.	<input type="checkbox"/>	<input type="checkbox"/>
2. My questions about the study have been answered and I understand that I may ask further questions at any point.	<input type="checkbox"/>	<input type="checkbox"/>
3. I understand that I am free to withdraw from the study without giving a reason. If I change my mind 14 days after the interview date then I can contact Alice Moore, the researcher (via my support worker if relevant).	<input type="checkbox"/>	<input type="checkbox"/>
4. I understand that I can stop the interview at any point or choose not to answer any particular questions and this will not have any impact on me, the support I am receiving or to my future treatment by the researcher. I understand that there is neither advantage nor disadvantage as a result of my decision to participate or not in this research.	<input type="checkbox"/>	<input type="checkbox"/>
5. I understand that the information collected will remain confidential, unless I say anything that makes the researcher concerned that there is a risk of harm to me or someone else, or if I disclose something illegal or against probation rules. In these circumstances I understand that the researcher must report this information to the relevant agency that can provide assistance.	<input type="checkbox"/>	<input type="checkbox"/>

6. I understand that my personal details such as my name will not be shared outside this project.

7. I agree that the data in anonymised form can be used for research purposes and will be held for up to two months after the research report is published.

8. I agree to take part in the interview for the study as laid out in the Information Sheet.

9. I agree for the interview to be audio recorded, transcribed and to quotes being used. I understand that my name and any identifiable details will not be published in the report.

10. I understand that I can direct questions, complaints or queries, to Alice Moore, the researcher, via my support service/staff.

11. I understand that the researcher may need to follow-up with me to clarify information. In this instance, the researcher can contact me via email or via my support service if relevant.

12. I understand that if this interview causes distress or anxiety I can speak with staff at this support centre.

Name of participant

Signature

Date

Name of researcher

Signature

Date