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## Consultation – summary of responses

# National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate

Date of issue: December 2015

## Introduction

On 2 July 2015, the Minister for Communities and Tackling Poverty and the Minister for Public Services published for consultation, a draft Pathway intended to help ensure children, young people and adults leaving the secure estate have equal access to the new homelessness prevention duties.

The purpose of the consultation was to help gather views and feedback on the process proposed by the Prisoner Accommodation and Resettlement Working Group contained within the draft *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*.

## Consultation

The consultation period ran from 2 July 2015 to 24 September 2015. On-line versions of the consultation document and response forms were provided.

Five questions were asked within the document and twenty-five responses to the consultation were received. The list of respondents is shown below and includes responses from Local Authorities, Housing Associations, third sector organisations, umbrella organisations, academic institutions, criminal justice agencies and health professionals.

Respondents	
The British Psychological Society	Cadwyn Housing Association
Cardiff University	Children's Commissioner for Wales
City and County of Swansea	Community Housing Cymru
Conwy County Borough Council	Cymorth Cymru
Denbighshire County Council	Gofal Cymru
Information Commissioner's Office	Llamau
Pembrokeshire County Council	Powys County Council
Public Health Wales	Royal College of Psychiatrists
Shelter Cymru	SNAP Cymru
Swansea Prison Fellowship	Tai Pawb
United Welsh Housing Association	Vale of Glamorgan Council
Welsh Local Government Association	Youth Justice Board Cymru
Youth Offending Team Managers Cymru (YMC)	

This document summarises the responses to the consultation questions. The responses have been considered and have informed the further development of the *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*.

## Responses to consultation questions

### 1. Is the process outlined in the Pathway clear for you to establish who is responsible for each stage?

74% of respondents who answered the question felt the Pathway clearly established which organisation is responsible for each stage of the Pathway.

- Feedback was extremely positive with most responses feeling the roles and responsibilities were clearly set out.
- Many felt the flowcharts were useful, but an additional identifier for those without access to colour printers would be useful.

The remaining 26% felt the Pathway did not clearly establish who is responsible for each stage.

- Need to ensure the role of the 'Offender Manager' is clearer, particularly given their overall responsibility for adults leaving the secure estate.
- Some of the references to Local Authorities need to be clearer to distinguish housing and social services responsibilities. In particular, there does not appear to be enough clarity on the lead role following the Southwark Judgment, which determine the Children's Act was the primary duty for supporting 16 and 17 year olds.
- The British Psychological Society suggested the Pathway would benefit from a clearer role for third sector organisations, the police, psychologists and GPs/psychiatrists.
- Community Housing Cymru would welcome more clarity on the role of Housing Associations in implementing the Pathway.
- Some commented there is no clear responsibility to ensure equality of outcome for those Welsh individuals who are in custody outside of Wales. The Pathway would be strengthened by an agreement with prisons outside Wales to provide adequate support and a clear line of responsibility to ensure this support of provided.

Further comments recommended some additions to the Pathway, including:

- More information on supporting disabled prisoners would be helpful given the likelihood of delays in finding suitable accommodation immediately on release.
- More information on how the Pathway should work with people on short sentences.
- Clarity is required on the criteria for an early referral and when a Local Authority will provide more assistance prior to release, where this would be outside of the legislation.
- The document would benefit from a section on best practice. This would be particularly useful in relation to third sector involvement.

Implementation is important to respondents and comments were received concerning:

- Process is clear, but there needs to be buy-in from all organisations which are part of the process, including operational staff through to senior management.
  - Concerns as to whether the structures can cope with clients on very short sentences or on recall.
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## **2. Does the process outlined in the Pathway adequately address the requirements of the Housing (Wales) Act 2014 and Offender Rehabilitation Act 2014?**

82% of respondents, who answered the question, felt the process addresses the requirements of both the Housing (Wales) Act 2014 and the Offender Rehabilitation Act 2014.

- Pleased to see the Pathway which highlights the need to consider the whole family when undertaking an assessment. Public Health Wales felt the Pathway should be the opportunity to see the prisoner as part of a family and encourage a holistic core assessment of the family situation including vulnerability.
- Given the questions of eligibility, the Pathway would perhaps benefit from guidance on the content of the Homelessness (Suitability of Accommodation) (Wales) Order 2015.

The remaining 18% of respondents who answered the question – approximately 1 in 5 respondents - felt the process did not address the requirements of the two Acts.

- A key point raised concerned the issue of whether the referral form is able to gather information from the client on the applicant's expectations (section 62(6) of the Housing (Wales) Act 2014). In addition, the referral form provides no scope for the Authority to provide feedback to the client around their expectations. This was felt to be particularly important in relation to conveying the message around local housing stock issues and/or availability of social housing stock.
- Children affected by the parental imprisonment are overlooked in the Pathway. Perhaps there is a link to be made between the Basic Custody Screening Tools and services to support families affected by the loss of a family member to prison.
- There should be more focus on substance misuse and mental health services in the process.
- The language used in paragraph 73 around a material change of circumstances should be clarified.
- Paragraph 113 requires all young people being supported through the Pathway to have knowledge of their address 7 days prior to release. What happens if this is not possible?

- Not clear where medical professionals will sit within the Pathway, but the British Psychological Society recommend:
  - psychologists be involved in resettlement planning and the planning and provision of support;
  - resettlement officers receive the necessary training to increase their awareness of the evidence base around resettlement needs on a psychological as well as physical level;
  - funding is prioritised to provide Child and Adolescent Mental Health Services in Wales, given the clear evidence of high need among young people;
  - stronger role for advocacy services or relevant third sector organisations to examine access to prevention and intervention programmes;
  - the risk assessment does not contain a guidance note on how to complete it;
  - consideration should be given to a formal, validated, assessment of mental health need using a screening tool as part of the risk assessment; and
  - consideration some prison leavers could benefit from specialist support to enable them to re-establish adaptive parenting behaviours which are sensitive and appropriate to the age of the child.
- A risk those held in custody outside Wales will not receive the most relevant advice on homelessness services and support available to them in Wales.
- Concern the timing of the referral will result in duties ending prior to release which will result in people presenting as homeless and ending up in emergency accommodation at best.

Again, implementation of the Pathway was a matter raised by some respondents :

- A number of Authorities were concerned around the lack of risk assessment information being received from the Offender Managers which were leading to delays in commencing activity.
- Communication is a key process, with recent experience showing some resettlement staff are not aware of the identity of some Offender Managers.
- Concern issues of affordability will significantly limit the housing options for younger people.
- Concern over implementation of the Pathway, particularly given the lack of time some resettlement officers will have with clients. Additional resources appear to be necessary.
- There is a huge gap not covered in the Pathway for those who have to wait for their benefits to start, sometimes taking up to five weeks. Yet the Pathway expects Local Authorities to find accommodation from the day of release which would mean a substantial resource implication, including living costs as well as rent in advance.
- A significant minority of clients released will have their support severely hampered by their reputation (arrests, damage, anti social behaviour, domestic violence and criminal behaviour), particularly amongst some public and private

landlords. There is lack of clarity in the Pathway about what support could be offered for them.

- Many landlords will refuse to offer a property to a prison leaver without first meeting with them. Others will offer prior to release, but only following a full disclosure of the client's offences which the local authority will not be able to do. This scenario might result in the Local Authority being required to accommodate for a period of 56 days under the temporary accommodation duties, which will put a considerable strain on resources and supply.

There were two further issues raised, which are linked heavily to both pieces of legislation:

- Some were disappointed referrals are not made 12 weeks prior to release when the resettlement service commences, rather than wait until 56 days prior to release.
- Concern the resettlement planning is voluntary for those who had committed an offence prior to 1<sup>st</sup> February 2015.

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### **3. Does the Pathway adequately explain how organisations should work together to tackle homelessness for those due to leave the secure estate?**

This question identified the biggest differences in views for those who responded to the consultation. 53% of those who responded to the questions felt the Pathway explains how organisations should work together to tackle homelessness, 47% disagreed.

Communication and partnership working was a key issue raised amongst the responses:

- The Pathway would benefit from information on how communication will be undertaken between partners.
- Encourage partnerships at the strategic as well as operational level.
- Public Health Wales hope the initial assessment will allow for discussion of the additional needs of adults of risk/children in the secure estate.
- The Pathway could benefit from more clarity around the quality of risk assessments provided.
- Communication is key to the successful implementation of the Pathway and early teething problems suggest much more work is required to develop relationships between agencies.

Some respondents felt the Pathway still required more detail:

- Pathway sets the broad responsibilities and processes, but some of the precise detail is missing.
- More information on the situation for young people up until their 21<sup>st</sup> birthday.

- More information on the 7 days prior to release stage, i.e., what happens if suitable accommodation has not been secured.
- The Children's Commissioner for Wales felt in order to support Youth Offending Team officers, the Pathway should include a strong requirement to plan from the outset of the custodial sentence. This will help to ensure emergency accommodation is avoided.
- Pathway perhaps needs to be realistic about how much activity a Local Authority can undertake prior to the applicant's release from prison.
- Where Bed and Breakfast accommodation is utilised, the Pathway should reinforce the legislative requirement to liaise with the home Local Authority.
- References to domestic abuse victims should include male victims as well as female.

Clarity also continued to be a key theme of responses:

- Clarity is needed around what should occur where a Youth Offending Team practitioner is not happy with the suitability of accommodation sourced for young people on release from prison (paragraph 117).
- The ability to source accommodation to use on release is reliant on the level of support offered while in custody so the earlier referral the better. In this context, why not refer at 12 weeks?
- Many references to 'Local Authority' rather than what department within the Local Authority.
- The Pathway would be strengthened if the role of occupational therapists was included in the assessment process.
- The Pathway would be strengthened by clearly stating organisations which specialise with mental health and/or substance misuse as well as adult social care should be actively involved at the earliest stages within the Pathway.
- The Pathway should directly reference the Re-integration and Resettlement Partnerships which are being set across Wales. Perhaps a requirement young people are referred to their local Partnership on entry into custody.
- There is no mention of how the Supporting People programme will be involved in supporting ex offenders and Supporting People is of key importance if reoffending rates are to be tackled.
- Responsibility for the Local Authority core assessments lies with the Local Authority corporately, but it is felt it should be with children services for the youth Pathway.

Implementation:

- Many respondents were positive around the theory of the Pathway, but early experience has suggested the practice was different with referrals and risk assessments not being received within specified timescales and also the completeness and accuracy of the information provided was also an issue.
- Some felt the accuracy and timeliness of the completed referral form was of critical importance to the spirit of the Pathway.

- There appears to be an over reliance on Local Authorities to source accommodation for prison leavers, yet the “payment by results” bonus will be collected by the Community Rehabilitation Company, which in many cases will have taken little or no active role in the process.

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#### **4. Do you feel the Pathway could be strengthened or made easier to use?**

Despite the positive feedback, 65% of respondents felt the Pathway could benefit from further refinement to strengthen it.

- Some felt the inter-authority relationships might impact on the Pathway process, but it was an opportunity for the Pathway to create those early links.
- More information on who should ensure key contact details are kept up to date.

The majority of comments proposed amending the Pathway to ensure greater clarity and protection for some groups of clients:

- The Children and Young People Pathway needs to be clearer about the involvement of the Youth Offending Team through the journey.
- The Pathway would benefit from explanations of why the 66 and 7 day triggers are important.
- Concern over cuts to the Supporting People Programme undermining the role of Local Authorities to source accommodation.
- Concerns over inconsistency of implementation of the Pathway given the role of the Community Rehabilitation Company with adults and the role of Youth Offending Teams with children and young people.
- The wording around avoiding the use of Bed and Breakfast accommodation contained within the adult Pathway (paragraph 69) is missing from the children and young people Pathway. The Children’s Commissioner for Wales feels it is an opportunity for a clear statement of policy intent Bed and Breakfast accommodation is not suitable for young people.
- As ‘looked after’ children will be entitled to an active offer of advocacy, it would strengthen the Pathway to include this in the support offered during the sentence and upon release.
- The children and young person Pathway places too much emphasis on Priority Need. The Pathway should reinforce it is only to be used as a safety net and prevention work should be undertaken prior to release regardless.
- The Pathway would benefit from additional support for prisoners prior to release on such things as learning to establish and maintain a tenancy, maintain social networks and social support to help in accessing education, training and employment.
- The Pathway would benefit from more information around supporting both prolific offenders and those on a short sentence (i.e. 14 days).
- The Pathway must stress Care Coordinators responsible for service users under Part 2 of the Mental Health (Wales) Measure must attend resettlement



critical reviews to aid in the continuity of their patients' care. It is a statutory requirement.

- The Pathway does not currently address the over representation of people from black or minority ethnic groups within the prison system. The Pathway would be enhanced if commitments are included to provide advice and information to prisoners in accessible formats.
- For ease of reference, the definition of suitable accommodation as per the Homelessness (Suitability of Accommodation) (Wales) Order 2015 should be set out in the Pathway.
- Given the likely mental health needs of the majority of the client group, there needs to be automatic referrals to appropriate services for young people.
- The referral form should ask for a full history of an individual's housing.

Implementation was again a key topic:

- Communication was deemed crucial to the process. Resettlement Officers need to be aware of the Local Authority requirements and the need to have as much time as possible.
- In addition, the accuracy and completeness of the information being shared again was a key priority for many respondents.

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## **5. Are there any other comments you would like to make about the Pathway?**

73% of respondents took the opportunity to provide additional comments in response to question five on the Pathway and given the general nature of the question, the range of comments were broad.

Again, there were positive comments on the Pathway from the full range of respondents:

*Remain confident that the Pathway process will eventually work effectively.*

*We fully support the principles of the proposal and the onus on the persons housing needs...We would hope that the spirit and ethos of partnership working is given equal consideration to ensure the success of the pathway.*

*Felt the Pathway was a useful guide to the different roles with the tables and flowcharts particularly helpful.*

*Very pleased to see consideration given to additional support for female prison leavers.*

While other responses included more specific amendments or improvements which could be made to the Pathway, some duplicated responses received in earlier questions, both within their own response and other responses. The following is a list of those comments which have not already been included in earlier feedback:

### Data sharing:

The Information Commissioner's Office supported the view public authorities perceive greater problems with data sharing than in reality exist. They suggest referencing to the Wales Accord for the Sharing of Personal Information (WASPI) and 'considerable strengthening' of the wording around suggesting secure emails are arranged amongst other suggestions.

### Additional Training:

A number of responses focused on the issue of training both for those organisations supporting the resettlement of prison leavers and also the prison leavers themselves.

- The Swansea Prison Fellowship would welcome additional support and training for people due to be released to help them find and retain accommodation on release.
- The Youth Justice Board suggest additional training and awareness-raising sessions, particularly on the children and young people Pathway, would be beneficial in helping get Youth Offending Team practitioners up to speed on the Pathway and the new homelessness legislation.
- Some respondents also felt the time spent in custody was an opportunity to deliver additional training to the prisoner, in order to not only improve their education and training but also to help them prepare for a tenancy. This was mentioned with particular reference to support for young people who often struggle with tenancies due to a lack of experience of the basics of maintaining a tenancy. It will also help to improve their chances of obtaining a tenancy on release whether it is a private rented sector or Housing Association property.
- Some also felt this training could include a peer development element, with the aim of creating a post-release peer network which prison leavers can tap into to help aid their resettlement.
- On training and awareness-raising, some felt the Pathway needs to be communicated to prisoners and their families, including easy-read versions.

### Confirmation of addresses:

A response was received in relation to Local Authorities work to validate addresses, where a prison leaver has indicated, when discharged, they have somewhere to stay following release. The Pathway provides little information on how this is to be done and no information on how it will be resourced.

### Remand:

While only raised once, a significant point was raised in relation to the level of service expected for service users on remand with uncertain release dates.

### United Nations Rights of the Child:

The Children's Commissioner for Wales had identified the Pathway had failed to make reference to the United Nations Rights of the Child in the document. Given it provides the cornerstone of the Rights of Children and Young Persons (Wales) Measure 2011, which placed a duty on all Welsh Ministers to have due regard to children's rights when they exercise any of their functions, it is an important omission.

### Delays in benefit claim payments:

A respondent felt the Pathway needed to reference and factor in the back paying of benefit claims as a result of Universal Credit. This is a particular issue, in relation to those with substance misuse issues, given the potential for someone to receive payment of 5 weeks in arrears. The chances of relapse and also then rent arrears are particularly pronounced.

### Sharing of data and support for victims and perpetrators of domestic abuse:

The Pathway doesn't explain how those with a history of domestic abuse, but have not been held in custody as a result of domestic abuse, will be risk assessed and the risk information passed to Local Authorities. Could a training programme for perpetrators be something which could be delivered prior to release?

Some respondents felt the sections which deal with female offending and domestic abuse would benefit from more development. This might help to ensure Resettlement Officers and Local Authorities are consistent in their decision making and the support made available across Wales.

### Use of approved premises:

The Pathway doesn't refer to Approved Premises and a clear direction on their use for Local Authorities would be welcomed.

### Pre-Offender Rehabilitation Act 2014:

Given the Offender Rehabilitation Act 2014 only puts in place a system for providing resettlement support and post-release supervision for those who committed a crime after 1<sup>st</sup> February 2015, the Pathway is unclear as to how those who committed an offence before 1<sup>st</sup> February 2015 (who will be subject to the resettlement service on a voluntary basis) will be supported.

### Voids:

The practicalities of supporting someone into a tenancy on their day of release will likely require a void being maintained on the tenancy until the applicant is ready to take residence. The Pathway would benefit from additional guidance in relation to accepted or suggested void levels.

### Neuro-disability screening:

The British Psychological Society suggests there appears to be a lack of understanding of neuro-disabilities and their potential impact on young people who offend. Existing screening systems need to be deployed to ensure appropriate support.

### Social Services and Well-being (Wales) Act 2014:

Given the obvious links, it was suggested this Pathway could be amalgamated with the Social Services and Wellbeing (Wales) Act 2014 Pathway currently being developed.

### Primary carers:

Reference should be given to the possible heightened risks where ex offenders are also primary carers and who are re-establishing connections.

### **Concluding remarks**

There is support for both the process outlined and also the spirit of partnership encouraged within the Pathway, which is reflected by the commitment of all the organisations which have been involved in its development. . The consultation has identified a number of additional areas for further development, which will be considered in refining the Pathway.

We would like to thank everyone who has taken the time to respond to the consultation. Your views have been important in informing the continued development of the Pathway and we are very grateful for contributions.