

# Essex Prisoner Housing Protocol

Reducing the number of those leaving custody without suitable accommodation



# Essex Prisoner Release Housing Protocol

## Introduction

This protocol is an agreement between all Essex Local Housing Authorities, The Probation Service, Essex County Council & HMP Chelmsford.

The intention of the protocol is to reduce the number of Essex adult Persons on Probation who leave custody without suitable accommodation to move into, and especially to reduce the number of Persons on Probation obliged to sleep rough or to move into accommodation which is unsafe for themselves or others.

In order to achieve these aims, it is important that:

1. An assessment is made of every Person on Probation, who has been taken into custody, as early as possible in the criminal justice process, to establish if they are at risk of homelessness on release.
2. If such a risk is identified, a named person takes responsibility for coordinating action to prevent homelessness.
3. Wherever practical, if a Person on Probation is living in suitable accommodation prior to coming into custody, steps are taken to avoid the loss of that accommodation, and to avoid the building up of rent arrears and/or other debt relating to their accommodation.
4. If it is not practical to retain accommodation held prior to custody e.g. because of a long sentence, then such accommodation should be released in such a way as not to build up debt, and where possible to safeguard the Person in custody's possessions which may have been left in that accommodation.
5. If a Person on Probation was not living in suitable accommodation prior to coming into custody, or it is not possible to retain such accommodation to return to on release, efforts should begin no less than 56 days before their expected release date, to secure suitable accommodation to coincide with release.
6. If this is not possible e.g. for Persons on Probation with a very short sentence with no accommodation to return to, efforts to secure accommodation should begin in earnest as soon as practicably possible.
7. Efforts to prevent homelessness should be coordinated between the

relevant parties to this agreement and carried out in a spirit of partnership and cooperation, in order to maximize and make best use of the resources, which are available.

8. Detailed and accurate information necessary to support prisoners safely and effectively will be shared between the relevant organizations involved, and any additional consents required to enable this will be sought. Essex Partners will come together to develop an information sharing protocol (ISP) to support in this safe exchange of information.
9. All Persons on Probation and at risk of homelessness within 56 days should be referred to the appropriate local housing authority (LHA) as early as possible in line with the Duty to Refer legislation in the Homelessness Reduction Act (HRA).
10. Local housing authorities should respond to all such referrals in a timely fashion and if a threat of homelessness is verified, agree a Personal Housing Plan (PHP) with the Person on Probation. Where actions are developed within the PHP that relate to actions by offender management services e.g. Probation Service, these actions should also be carried out in a timely fashion.
11. If it is not possible to secure suitable accommodation in time for release, urgent steps should be taken on release to prevent rough sleeping, where this has been identified as a risk.
12. Agencies will work together to ensure that appropriate support is offered to prisoners subsequent to release.
13. Although run by probation, agencies should work closely together on CAS3 cases reducing homelessness and promoting long term accommodation solutions.

The remainder of the protocol sets out in more detail how the above aims are to be achieved.

The protocol intends to support Multi Agency Public Protection Arrangements (MAPPA), which should always take precedence over this protocol.

The protocol is not intended to apply to young Persons on Probation under 18 years old, as different arrangements will apply.

## **Partnership and Organisational Responsibilities**

The key to effectiveness of the protocol lies in clear communication, a commitment from all partner agencies to joint working and open, transparent information sharing policies

and decision-making processes.

Each partner has agreed to sign up to the protocol and takes responsibility for compliance issues within their own organization.

**Annex A** details the main contact details for each partner agency.

**Annex B** details the information sharing protocol.

**Annex C** details the dispute resolution procedure.

**Annex D** summarises the relevant roles and responsibilities of the Probation Service and HMP Chelmsford

## **Review of the Protocol**

The protocol will be reviewed bi-annually by the Essex Reducing Reoffending Board in partnership with the Essex Homelessness Officers Group (EHG).

## **Cooperation to Prevent the Loss of a Prisoner's Existing Home**

The best opportunity to prevent future homelessness is often at the beginning of custody by working to prevent the loss of a prisoner's existing home.

This may for example be by ensuring that rent continues to be paid at the property through a continued Housing Benefit or Universal Credit 'Housing Element' claim, by ensuring that rent payments continue to reach the landlord or managing agent of the property in the prisoner's absence, and/or by ensuring that relevant people and organizations are given the necessary information to maximize the chance of the accommodation being retained.

Where applicable, support may be needed to ensure mortgage payments continue to be made and/or that mortgage lenders are given all necessary information.

Once accommodation is lost, it can be much harder, and often impossible, to access new accommodation upon release, so every effort should be made to sustain existing accommodation and avoid the build-up of rent arrears or other debt during custody.

Where it is impossible to sustain existing accommodation e.g. because of a long sentence, efforts should be made to relinquish the tenancy before debt has been allowed to build up, and where possible to remove and retain the prisoner's possessions.

In some cases, prisoners will be homeowners, and action may need to be taken to ensure payments can continue to be made or to seek forbearance from the mortgage lender.

In other cases, support may be needed for family members to maintain accommodation during the prisoner's absence.

The lead responsibility for the attempt to retain existing accommodation lies with Prison

and Probation services, but the Department of Work & Pensions (DWP) and Local Housing Authorities (LHAs) can and should help, where they can. This might be for example by assisting with a Housing Benefit/Universal Credit Housing Element claim, or by supplying the contact details of a landlord, where consistent with GDPR regulations.

If the potential risk of homelessness is beyond 56 days, such support will be provided outside of the formal Duty to Refer arrangements and without the requirement for the LHA to complete a formal Personal Housing Plan.

Prison and Probation services can request help from LHAs using the relevant Duty to Refer e-mail address shown in **Annex A**.

**It is agreed that.**

- 1. Prison and Probation services will always check at the earliest opportunity whether any new prisoner has an existing tenancy/license or mortgage agreement. If so, they will take the necessary steps to save that accommodation wherever possible, and as a minimum to avoid the build-up of rent arrears or other debt due to the prisoner being in custody.**
- 2. When Prison and Probation services request help from an LHA to assist with saving accommodation in that LHA's area, the LHA will respond within 3 working days and will support Prison and Probation Services in their attempt to maintain the accommodation.**
- 3. Prison and Probation services and LHA's will work closely together to provide training and joint training for each other's staff, upskilling, creating better understanding of work, workloads and promoting closer working.**

## **Application of the Homelessness Reduction Act Duty to Refer**

Prisons and Probation providers in England must refer those who they have identified as being at risk of homelessness within 56 days to a Local Housing Authority (LHA) including those that may go into CAS3 accommodation.

The individual must give their consent (either in writing or orally) to the referral being made and they can identify any LHA of their choice. Without consent, a referral cannot be made.

Although an individual is able to choose which LHA to be referred to, the reality is that unless they are referred to an LHA where they have a local connection, they are unlikely to be given priority for access to any accommodation which may be available.

Therefore, there is good reason for the Person on Probation to be referred to the LHA where they most clearly meet at least one of the local connection criteria. A summary

of the local connection criteria from the homelessness legislation is shown at **Annex E**.

**It is agreed that:**

- 4. Parties to this protocol making a referral to an LHA will seek to identify where the Prisoner most clearly meets at least one of the local connections criteria, and will strongly advise the Prisoner to be referred to that LHA only, unless they are legally excluded from services in that LHA, or returning to that LHA presents a clear risk to themselves or others.**
- 5. If there are such reasons to refer to an LHA where there is no clear local connection, these will be explained clearly in the Duty to Refer referral.**
- 6. LHAs party to this protocol will look sympathetically at such reasons and will not unfairly exclude a Person on Probation from support where it is clear that a referral to the LHA with the clearest local connection was not practicable or was not safe.**
- 7. There are a number of possible formats which can be used to make a referral to an LHA under the Duty to Refer and the Prison and Probation Services have agreed to follow the local procedures providing as much information as possible including: contact details mental health and physical health details along with any risks etc.**

Each of the Essex LHAs has set up a designated e-mail address for Duty to Refer referrals. These are listed in **Annex A**

**It is agreed that:**

- 8. These referrals will provide a named contact person who will lead on the case for Prison and Probation services, and both e-mail and telephone contact details.**
- 9. LHAs receiving referrals from agencies party to this protocol, will send an acknowledgement of receipt within three working days.**
- 10. LHAs receiving homeless applications under the protocol will provide a substantive response indicating next steps and designating a named contact person to lead on the case for the LHA within five working days of receiving a Homeless Application. This response may either be by e-mail or by telephone or both.**
- 11. If either the named lead LHA contact person or lead Prison and Probation service contact person changes, notification of this will be made without delay. This also includes the notifying of LHAs once a community officer**

has been assigned.

## Identification of a Risk of Homelessness

There are a number of different stages when a risk of homelessness may be identified.

The first opportunity to identify a risk of homelessness by officers in the Prison and Probation service is likely to be at the point when the alleged offender is taken to court either for trial or to determine pre-trial conditions e.g. bail, or where a person is remanded in custody.

Where the court-based Probation Practitioner is invited to assess an individual's circumstances to assess their suitability for sentencing options, this should also include an assessment of whether they are homeless or at risk of homelessness within 56 days.

If this risk is identified, the court-based Probation Practitioner should either complete the duty to refer form or arrange for someone else to complete it and submit to the relevant LHA within 24 hours.

Otherwise, all Offender Service staff beginning to work with a prisoner should assess whether the prisoner is at risk of homelessness and, if so, whether this is likely to be within 56 days. If such a risk is identified, then the relevant officer from Probation or the Prison should make a referral if this has not already been done.

This could be the case if a referral has not been made by the court-based Probation Practitioner or if information indicating a risk of homelessness comes to light later, or if the individual is sentenced to longer than 56 days and a referral is made prior to release rather than at the point of sentence.

From the perspective of individuals supported by Prison or Probation services, those at risk of being homeless and who must be referred include, but are not limited to, those who are:

- Temporarily residing with family or friends ('sofa surfing')
- Rough sleeping
- Residing in a squat
- Of no fixed abode
- Living in transient short-term accommodation
- Where the person is likely to be living in the above-listed situations, or in any event likely to become homeless, within 56 days e.g. because there are moves to evict them from their current accommodation.
- Accommodation available to them is unsuitable due to risk of violence or poor conditions

- Family or friends have asked individual to leave.
- A prisoner to be released within 56 days and likely to be homeless.

## **Partnership Working**

It is important that the Offender Services and the LHAs work together in the most effective way possible, rather than either the Local Housing Authority or the Prison/Probation service being left to solve the problem on their own, or nobody taking responsibility.

**It is agreed that:**

**12. Whoever makes the referral, a person will be identified who will co-ordinate the case for Prison and Probation services and that person's name and contact details will be provided on the form for use by the LHA.**

**13. The Prison and Probation leads, and the LHA lead will discuss at the first opportunity what steps are to be taken to try to prevent or relieve homelessness.**

Depending on the circumstances, this could include (but is not limited to):

- a meeting or a teleconference with the Prisoner to create a Personal Housing Plan. This might take place at the LHA office or in prison or elsewhere depending on the prisoner's circumstances.
- Information sharing in order to determine the Person on Probation's likely eligibility for homelessness assistance and their priority need status under the homelessness legislation
- Action to resolve any Housing Benefit or Universal Credit issues.
- Provision of, or referral to, supported housing
- Liaison with the Prisoner's landlord to help retain a tenancy
- Liaison with the Prisoner's friends and family
- Provision of temporary accommodation
- Debt Advice
- Referral to appropriate health and/or social care services
- Provision of floating support
- Access to private rented accommodation
- Access to services for rough sleepers.

**It is agreed that:**

**14. Unless release is imminent, a personal housing plan interview will be set up within the prison at the earliest opportunity if an individual serving a custodial sentence or remanded in custody is identified to be at risk of**



**homelessness within 56 days.**

**15. This will be attended by the LHA lead either in person or by telephone/video, and by the Offender lead in person, wherever possible.**

Actions in the personal housing plan will typically include actions for all stakeholders:

- The Prisoner
- The LHA
- The Prison and Probation agency/ies

and also:

- Voluntary Sector agencies, where applicable
- DWP where applicable e.g. in ensuring welfare benefits are in payment on release

**It is agreed that:**

**16. Upon request from the LHA, and consistent with GDPR requirements, the Prison and Probation leads will work with the prisoner to provide any information requested by the LHA, including ID verification and other evidence, in order to establish their duty under the homelessness legislation.**

There may be occasions where the prisoner refuses to cooperate with the process of agreeing a personal housing plan(PHP). In this case the Personal Housing Plan will still stand and the reasons for this non-cooperation should be noted. Prison and Probation leads, and the LHA lead should nevertheless work together to attempt to prevent homelessness where possible.

It is important that communications with the Prisoner about their housing options are realistic, and that expectations are managed. Most Persons on Probation will not be in priority need under the homelessness legislation and are not likely to be offered long term social housing. Even those who are in priority need (those whom the LHA assess to be vulnerable under the terms of the homelessness legislation) may have to wait in temporary accommodation for a significant period before they are housed in settled accommodation in either the private rented sector or social rented sector. This could and is likely to be Supported Accommodation or Houses of Multiple Occupants (HMOs). IT should also be noted that those in priority needs may be found intentionally homeless.

Where individuals are not in priority need, there is no duty under the Homelessness Reduction Act for LHAs to provide any accommodation at all, but merely to take “reasonable steps” to prevent or relieve homelessness. Reasonable steps may well not succeed where

there is a shortage of available accommodation and limited financial resources.

It is therefore unhelpful to support any belief among Prisoners that they are likely to be offered a “council flat”, or quite possibly any accommodation, upon release, and extremely important to take action wherever possible to prevent the loss of suitable accommodation when an individual is taken into custody, as this is likely to be their best chance of having suitable accommodation to move into on release.

If the Prisoner is in receipt of Universal Credit or Housing Benefit, then it may be beneficial to seek a Discretionary Housing Payment to assist in meeting any rent shortfall whilst serving a sentence. However, this is only likely to be considered on a short-term basis.

Once a Personal Housing Plan has been completed both the LHA and the Prison and Probation agencies agree to fulfil their actions under the plan and to work in partnership. Regular updates should be provided by all parties on the actions for which they have taken responsibility.

Although the PHP is clearly “owned” by the LHA and the applicant, in some cases it may be the Prison and Probation agencies who have more responsibility under the plan to take the necessary actions to prevent homelessness. The balance of responsibilities should be determined by the circumstances in each case including the resources available.

In order to work effectively it will be important to build and maintain good relationships between Prison and Probation agencies and LHAs, and it may make sense where practicable for key Prison and Probation referral officers to be designated to lead on referrals to each LHA.

## **Cooperative working where there is no statutory Duty to Refer**

Although the Duty to Refer requires Prison and Probation services to refer to LHAs if a person is at risk of homelessness within 56 days, there are other circumstances where cooperation is likely to be helpful.

As discussed earlier, this may include co-operation to retain existing accommodation at the beginning of custody, but there are also other possible scenarios, including cases where a release date is known more than 56 days in advance, and the Prison and Probation arrangements to support a person on release are already in place.

In such cases it is at the discretion of the Prison and Probation leads whether to make an earlier referral to the LHA. This should depend on whether this makes a successful outcome more likely: a matter which may require discussion with the LHA.

## Partnership Working

Regular cross county prison leaver panels should take place to review the potential concerns regarding homeless prison leavers and those at risk of homelessness due to the complex nature of their cases, any progress made at different stages of an individual's resettlement journey including CAS3, BASS and AP residents.

This will enable positive discussion over potential problematic cases and avoid street homelessness for as many prison leavers as possible. Our prison leavers, often vulnerable and chaotic, don't often stick to LHA boundaries and can cause further problems and issues for themselves and the wider community when street homeless. More connected working between partners would help to develop learning and good practice moving forward.

**It is agreed that:**

**17. Partners to develop and support regular cross county prison leaver panels**

**18. Where a duty to refer type referral is made to an LHA by one of the parties to this protocol more than 56 days before release, the LHA will accept the referral and work with the Person on Probation and the Prison and Probation leads to prevent homelessness, where there are actions which can sensibly be taken to prevent homelessness at that stage.**

## CAS3

The CAS3 service is a ground-breaking new service which provides a pathway for tackling homelessness for person on probation, and those moving on from Approved Premises (AP) or the Bail Accommodation and Support Service (BASS). If all other accommodation options have been exhausted and the person on probation is not deemed by the LHA to be in priority need then, in most circumstances, they will be offered accommodation and support for a maximum period of 84 nights, together with assistance to move into settled accommodation.

Whilst in CAS3 accommodation, support will be provided by the accommodation supplier to assist the person on probation's resettlement in the community and will as a minimum make contact with them fortnightly. The person on probation will also be able to obtain more targeted support to obtain move on settled accommodation from another accommodation advocacy intervention provider. These support workers will provide regular updates to the Community Probation Practitioner (CPP).

LHA's should work closely with those providers supporting a CAS3 person on probation's

resettlement to fulfil their duties under the HRA to prevent homelessness and the provision of CAS3 accommodation should be seen as stop-gap accommodation and not in fulfilling the prevention duties of the LHA. LHA should be working with them under a prevention or relief duty during their CAS3 placement.

The following information provides a step-by-step guide on what actions are needed to complete a CAS3 referral

1. Community Probation Practitioners (CPP) should be exploring release plans for prospective prison leavers months in advance and/or as soon as they are able with those prison leavers and relevant professionals around that individual.
2. Should the CPP be concerned that the individual is likely to be homeless on release then they must complete a DTR to the LHA they believe they have local connection to and intervention providers that support with accommodation for prison leavers must be referred by the POM to in order to commence work in finding suitable accommodation for day of release.
3. CPP, if still concerned that the prison leaver will be homeless on release, can now consider a referral to a CAS3 project run by Probation. There are some eligibility criteria for the prison leavers:
  - i. Be on licence or post sentence supervision (PSS) for a minimum of the 84 nights of the placement.
  - ii. Be entitled to public funds.
  - iii. Consented to be referred into CAS3 and sign the CAS3 compact. This needs to be recorded on Probation systems.
  - iv. Not be priority need.
  - v. Must have a DTR completed and must be willing to fully engage with the LHA. This needs to be recorded on Probation systems and should include details of LHA referred to, whether there has been a response and a reference number, if available.
  - vi. A referral must be made to the accommodation support intervention provider and the prison leaver must be willing to fully engage with them. Details of the referral need to be recorded on Probation systems.
  - vii. Probation will review certain risk and vulnerability issues and behaviour factors which may result in certain prison leavers being screened out of the project.

It is the responsibility of Probation Practitioner to complete a Duty to Refer (DTR) whilst a prisoner is in prison or in the community, it is the responsibility of the Probation Practitioner with the support of the POM, to ensure the DTR is completed and must be completed before a CAS3 referral is sent to the Homeless Prevention Taskforce Team (HPT) within Probation to consider.

4. Once a CAS3 referral has been approved by HPT in principle, a suitable placement will be sought from the bed stock available at the time. HPT will aim to get the

individual placed in a location that is preferred by the prison leaver and CPP, however this will not always be possible. A prison leaver accepted on CAS3 could be placed anywhere within the East of England Probation region, but all efforts would be made to keep them local or to a preferred area, despite having a local connection or preference to reside elsewhere. A property is only identified as suitable following positive address and location checks involving local Probation offices and Police.

5. Once a property is identified as suitable by HPT and CPP and relevant other Probation or Police staff a notification of moving in will be sent to the CAS3 accommodation supplier. This will include information on the prison leaver only pertinent to their CAS3 placement and/or risk management in CAS3. Following this move in arrangements will be secured with liaison between Probation and the accommodation provider.
6. During the 84-night placement the prison leaver will be expected to fully engage with their CPP, LHA, CAS3 support workers, accommodation intervention support workers and other holistic services to establish a move on plan. Should there be evidence that they have not engaged they could potentially be removed from the property earlier than the 84 nights.
7. Part way through the 84-night placement the CPP will be invited to a review panel meeting to explore with HPT and others any move on plans, current issues and attempt to provide plans to resolve any concerns. This will include asking whether there are any barriers to move on, like lack of ID, whether there are any behaviour issues currently, whether there is a realistic and suitable move on plan and more... Should there be behaviour issues identified at any point during their placement there is a risk they could be removed earlier than the original end of the placement. Should there be concerns with how professionals are working on the case from any agency there may be further actions identified within this move on panel meeting.

At the end of the 84-nights they must leave the placement regardless of whether move on accommodation has been secured. Whatever the accommodation status is at this point must be recorded accurately on Probation systems.

### **Accommodation for Ex-Person on Probation (AFEO)**

This pot of additional money that some LHA's (currently Chelmsford and Southend on Sea) have obtained allows for LHA's to provide additional financial support to prison leavers in obtaining stable accommodation following release. This money can be accessed by prison leavers who have local connection to relevant LHA's who have this fund following direct release from Prison, move on from APs or BASS, move on from CAS 3 or following other break downs of accommodation in the community for a prison leaver. The money can be used in a variety of ways, and it has been left for the LHA to

decide how they optimise the money available to support prison leavers gain stable accommodation. Some LHAs have used it to provide supported accommodation, some have used it for rental deposits etc.

**It is agreed that:**

**19. Community Probation Practitioners (CPP) should be exploring release plans for prospective prison leavers months in advance and/or as soon as they are able with those prison leavers and relevant professionals around that individual including the submission of DTR to the most appropriate LHA.**

**20. If the CPP is still concerned that the prison leaver will be homeless on release, they should consider a referral to CAS3 project run by Probation service.**

**21. Once a CAS3 referral has been approved by HPT in principle, a suitable placement will be sought from the bed stock available at the time. HPT will aim to get the individual placed in a location that is preferred by the prison leaver and CPP, however this will not always be possible.**

**22. Once a property is identified as suitable by HPT and CPP and relevant other Probation or Police staff a notification of moving in will be sent to the CAS3 accommodation supplier**

## **Data Sharing and Outcomes Monitoring**

It is important to track the outcomes achieved through the operation of this protocol in order to understand:

- What outcomes are being achieved in total
- What outcomes are being achieved in each LHA area, and how outcomes differ between different areas
- How outcomes vary according to Person on Probation category, length of sentence, time between referral and potential homelessness, prisoner support needs, gender, ethnicity etc.
- Impact on reoffending (if possible)

It is also important for individual referring officers to get feedback on what happened to the Person on Probation s they referred. Under the terms of this protocol, in most cases the collaborative working which has been agreed should lead to Prison and Probation leads (SPO Accommodation Lead North & South plus SPO Homeless Prevention Taskforce) being in close communication with LHA leads and receiving feedback on outcomes through that

process, but more systematic reporting will also be beneficial.

All LHAs are obliged to record Homelessness Reduction Act outcomes in some detail in order to complete their H-CLIC data submissions for DLUHC

It is therefore important to extract and analyse this data in order to provide meaningful feedback to Prison and Probation agencies about overall outcomes and to be able to feedback to individual Prison and Probation referral leads what happened to each individual referred by them.

A data reporting and analysis tool which collates and reports on the outcomes of referrals made under this protocol has been created, making use of data in each LHA's H-CLIC returns. This data will be reviewed by partners as part of the Essex Prisoner Release Housing Protocol governance meeting, with data supplied by partners to ECC Housing Growth Lead on a quarterly basis.

**It is agreed that:**

**23. Partners to provide prisoner data quarterly with the Essex Housing Growth Lead to be collated and discussed in the Essex Prisoner Release Housing Protocol governance meetings.**

## Summary of Commitments

### Retaining Existing Accommodation

1. Prison and Probation services will always check at the earliest opportunity whether any new prisoner has an existing license/tenancy or mortgage agreement. If so, they will take the necessary steps to save that accommodation wherever possible, and as a minimum to avoid the build-up of rent arrears or other debt due to the prisoner being in custody.
2. When Prison and Probation services request help from an LHA to assist with saving accommodation in that LHA's area, the LHA will respond within 3 working days and will support Prison and Probation Services in their attempt to maintain the accommodation.
3. Prison and Probation services and LHA's will work closely together to provide training and joint training for each other's staff, upskilling, creating better understanding of work, workloads and promoting closer working.

### Duty to Refer

4. Parties to this protocol making a referral to an LHA will seek to identify where the Prisoner most clearly meets at least one of the local connections criteria and will strongly advise the Prisoner to be referred to that LHA only, unless they are legally excluded from services in that LHA or returning to that LHA presents a clear risk to themselves or others.
5. If there are such reasons to refer to an LHA where there is no clear local connection, these will be explained clearly in the Duty to Refer referral.
6. LHAs party to this protocol will look sympathetically at such reasons and will not unfairly exclude a Person on Probation from support where it is clear that a referral to the LHA with the clearest local connection was not practicable or was not safe.
7. There are a number of possible formats which can be used to make a referral to an LHA under the Duty to Refer and the Prison and Probation Services have agreed to follow the local procedures providing as much information as possible include: contact details mental health and physical health details along with any risks etc.
8. These referrals will provide a named contact person who will lead on the case for Prison and Probation services, and both e-mail and telephone contact details.



9. LHAs receiving referrals from agencies party to this protocol, will send an acknowledgement of receipt within three working days.
10. LHAs receiving homeless applications under the protocol will provide a substantive response indicating next steps and designating a named contact person to lead on the case for the LHA within five working days of receiving a Homeless Application. This response may either be by e-mail or by telephone or both.
11. If either the named lead LHA contact person or lead Prison and Probation service contact person changes, notification of this will be made without delay. This also includes the notifying of LHAs once a community officer has been assigned.

### Partnership Working

12. Whoever makes the referral, a person will be identified who will coordinate the case for Prison and Probation services and that person's name and contact details will be provided on the form for use by the LHA.
13. The Prison and Probation leads, and the LHA lead will discuss at the first opportunity what steps are to be taken to try to prevent or relieve homelessness.
14. Unless release is imminent, a personal housing plan interview will be set up within the prison at the earliest opportunity if an individual serving a custodial sentence or remanded in custody is identified to be at risk of homelessness within 56 days.
15. This will be attended by the LHA lead either in person or by telephone/video, and by the Offender lead in person, wherever possible.
16. Upon request from the LHA, and consistent with GDPR requirements, the Prison and Probation leads will work with the prisoner to provide any information requested by the LHA, including ID verification and other evidence, in order to establish their duty under the homelessness legislation.
17. Partners to develop and support regular cross county prison leaver panels
18. Where a duty to refer type referral is made to an LHA by one of the

parties to this protocol more than 56 days before release, the LHA will accept the referral and work with the Person on Probation and the Prison and Probation leads to prevent homelessness, where there are actions which can sensibly be taken to prevent homelessness at that stage.

### CAS3

19. Community Probation Practitioners (CPP) should be exploring release plans for prospective prison leavers months in advance and/or as soon as they are able with those prison leavers and relevant professionals around that individual including the submission of DTR to the most appropriate LHA.
20. If the CPP is still concerned that the prison leaver will be homeless on release, they should consider a referral to CAS3 project run by Probation service.
21. Once a CAS3 referral has been approved by HPT in principle, a suitable placement will be sought from the bed stock available at the time. HPT will aim to get the individual placed in a location that is preferred by the prison leaver and CPP, however this will not always be possible.
22. Once a property is identified as suitable by HPT and CPP and relevant other Probation or Police staff a notification of moving in will be sent to the CAS3 accommodation supplier.

### Data Sharing and Outcomes Monitoring

23. Partners to provide prisoner data quarterly with the Essex Housing Growth Lead to be collated and discussed in the Essex Prisoner Release Housing Protocol governance meetings.

## Confirmation of Agreement by the Participant Organisations

This Protocol is agreed by the following organisations:

### **Basildon Borough Council:**

Name:

Position:

Date:

### **Braintree District Council:**

Name:

Position:

Date:

### **Brentwood Brough Council:**

Name:

Position:

Date:

### **Castlepoint Borough Council:**

Name:

Position:

Date:

### **Chelmsford City Council:**

Name:

Position:

Date:

### **Colchester Borough Council:**

Name:

Position:

Date:

### **Epping Forest District Council:**

Name:

Position:

Date:

**Harlow Council:**

Name:

Position:

Date:

**Maldon District Council:**

Name:

Position:

Date:

**Rochford District Council:**

Name:

Position:

Date:

**Southend On Sea Borough Council:**

Name:

Position:

Date:

**Tendring District Council:**

Name:

Position:

Date:

**Thurrock Council:**

Name:

Position:

Date:

**Uttlesford District Council:**

Name:

Position:

Date:

**National Probation Service**

Name:

Position:

Date:

Name:

Position:

Date:

**Chelmsford Prison:**

Name:

Position:

Date:

**Essex Police, Fire and Crime Commissioner**

Name:

Position:

Date:

**Essex County Council**

Name:

Position:

Date:

## Annex A - Contact Details

This includes the duty to refer e-mails for referrals, as below, but should also include the e-mail and direct line telephone, job title and postal address of an operational lead for each participant organization, who can be contacted to discuss any issues, ask questions etc.

We could also list separately the more senior contacts for dispute resolution

### Duty to Refer e-mails for each LHA

District:	Duty to Refer Email:
Basildon	<a href="mailto:housing.solutions@basildon.gov.uk">housing.solutions@basildon.gov.uk</a>
Braintree	<a href="mailto:housingoptions@braintree.gov.uk">housingoptions@braintree.gov.uk</a>
Brentwood	<a href="mailto:housingneeds@brentwood.gov.uk">housingneeds@brentwood.gov.uk</a>
Castle Point	<a href="mailto:Housingoptions@castlepoint.gov.uk">Housingoptions@castlepoint.gov.uk</a>
Chelmsford	<a href="mailto:housing.adviceemail@chelmsford.gov.uk">housing.adviceemail@chelmsford.gov.uk</a>
Colchester	<a href="mailto:dutytorefer@colchester.gov.uk">dutytorefer@colchester.gov.uk</a>
Epping Forest	<a href="mailto:homelessness@eppingforestdc.gov.uk">homelessness@eppingforestdc.gov.uk</a>
Harlow	<a href="mailto:housing.options@harlow.gov.uk">housing.options@harlow.gov.uk</a>
Maldon	<a href="mailto:housingoptions@maldon.gov.uk">housingoptions@maldon.gov.uk</a>
Rochford	<a href="mailto:housingoptions@rochford.gov.uk">housingoptions@rochford.gov.uk</a>
Southend	<a href="mailto:housingsolutionsteam@southend.gov.uk">housingsolutionsteam@southend.gov.uk</a>
Tendring	<a href="mailto:housingoptions@tendringdc.gov.uk">housingoptions@tendringdc.gov.uk</a>
Thurrock	<a href="mailto:HousingOptions@thurrock.gov.uk">HousingOptions@thurrock.gov.uk</a>
Uttlesford	<a href="mailto:Housingoptions@uttlesford.gov.uk">Housingoptions@uttlesford.gov.uk</a>

### Operational lead contact details for each participant organization

District:	Operational Lead:	Contact:
Basildon	Phil Warren	<a href="mailto:phil.warren@basildon.gov.uk">phil.warren@basildon.gov.uk</a>
Braintree	Donna Goodchild	<a href="mailto:donna.goodchild@braintree.gov.uk">donna.goodchild@braintree.gov.uk</a>
Brentwood	Marie Gentgall	<a href="mailto:marie.gentgall@brentwood.gov.uk">marie.gentgall@brentwood.gov.uk</a>
Castle Point	Veronica Jackson	<a href="mailto:vjackson@castlepoint.gov.uk">vjackson@castlepoint.gov.uk</a>
Chelmsford	Alison Hawkins	<a href="mailto:Alison.Hawkins@chelmsford.gov.co.uk">Alison.Hawkins@chelmsford.gov.co.uk</a>
Colchester	Tracey Brushett	<a href="mailto:Tracey.Brushett@cbhomes.org">Tracey.Brushett@cbhomes.org</a>
Epping Forest	Danielle Blake	<a href="mailto:dblake@eppingforestdc.gov.uk">dblake@eppingforestdc.gov.uk</a>
Harlow	Lisa Whiting	<a href="mailto:lisa.whiting@harlow.gov.uk">lisa.whiting@harlow.gov.uk</a>
Maldon	Helen Greengrass	<a href="mailto:helen.greengrass@maldon.gov.uk">helen.greengrass@maldon.gov.uk</a>
Rochford	Jeanette Hurrell	<a href="mailto:jeanette.hurrell@rochford.gov.uk">jeanette.hurrell@rochford.gov.uk</a>
Southend	Olivia Brown	<a href="mailto:oliviabrown@southend.gov.uk">oliviabrown@southend.gov.uk</a>
Tendring	Cathy Low	<a href="mailto:clow@tendringdc.gov.uk">clow@tendringdc.gov.uk</a>
Thurrock	Ben Tovey	<a href="mailto:BTovey@thurrock.gov.uk">BTovey@thurrock.gov.uk</a>
Uttlesford	Judith Snares	<a href="mailto:jsnares@uttlesford.gov.uk">jsnares@uttlesford.gov.uk</a>

**Dispute resolution contact details** (only to be used where agreement cannot be reached between operational leads)

<b>District</b>	<b>Contact</b>	<b>Dispute Resolution Contact</b>
Basildon	Mo Slade	<a href="mailto:Mo.Slade@basildon.gov.uk">Mo.Slade@basildon.gov.uk</a>
Braintree	Caroline Elias-Stephenson	<a href="mailto:caroline.elias-stephenson@braintree.gov.uk">caroline.elias-stephenson@braintree.gov.uk</a>
Brentwood	Angela Abbott	<a href="mailto:angela.abbott@brentwood.gov.uk">angela.abbott@brentwood.gov.uk</a>
Castle Point	Veronica Jackson	<a href="mailto:vjackson@castlepoint.gov.uk">vjackson@castlepoint.gov.uk</a>
Chelmsford	Paul Gayler	<a href="mailto:Paul.GAYLER@chelmsford.gov.uk">Paul.GAYLER@chelmsford.gov.uk</a>
Colchester	Tracey Brushett	<a href="mailto:Tracey.Brushett@cbhomes.org.uk">Tracey.Brushett@cbhomes.org.uk</a>
Epping Forest	Jennifer Gould	<a href="mailto:jgould@eppingforestdc.gov.uk">jgould@eppingforestdc.gov.uk</a>
Harlow	Lisa Whiting	<a href="mailto:lisa.whiting@harlow.gov.uk">lisa.whiting@harlow.gov.uk</a>
Maldon	John Swords	<a href="mailto:John.swords@maldon.gov.uk">John.swords@maldon.gov.uk</a>
Rochford	Julian Higson	<a href="mailto:julian.higson@brentwood.gov.uk">julian.higson@brentwood.gov.uk</a>
Southend	Olivia Brown	<a href="mailto:oliviabrown@southend.gov.uk">oliviabrown@southend.gov.uk</a>
Tendring	Cathy Low	<a href="mailto:clow@tendringdc.gov.uk">clow@tendringdc.gov.uk</a>
Thurrock	Ben Tovey	<a href="mailto:BTovey@thurrock.gov.uk">BTovey@thurrock.gov.uk</a>
Uttlesford	Judith Snares	<a href="mailto:jsnares@uttlesford.gov.uk">jsnares@uttlesford.gov.uk</a>

## **Annex B Information Sharing Protocol**

This protocol relates to the sharing of information between the Essex partners and their staff who are involved in the implementation of the protocol.

The aim of the partners in co-operating under the terms of this protocol is to ensure that information supplied regarding clients will be used solely by staff for the purpose of planning and delivering appropriate services to such clients and to fulfil the associated monitoring requirements.

Information will be shared between partners where consent has been obtained from the client and where the information will be used in a positive manner to enable the effective implementation of the protocol. In accordance with relevant allocation policies etc., partners should seek to consider each case on its own merit.

This protocol also applies to the disclosure of risk information and information relating to MAPPA cases.

### **Confidentiality**

Partners shall ensure that any information supplied to them relating to clients and any disclosures made by clients, remain confidential except where there are overriding issues of public interest.

Any exchanges of information under this protocol shall require all partners to act in accordance with the Data Protection Act 2018 and General Data Protection Regulations 2018, or any superseding or amending statutory requirements and no partners shall act in any other manner or way which is deemed to be unlawful. In addition, due care will be given to any requirement of the Human Rights Act 1998.

Breaches of confidentiality should be investigated and where necessary, dealt with as a disciplinary issue by the employer of the staff member involved. Breaches may result in exclusion from the protocol.



## **Annex C – Disputes Resolution**

All Essex Prisoner Release Housing Protocol partners and their staff should use their best endeavours to agree on the most appropriate course of action to meet a Person on Probation's housing needs through joint discussions with the individual officers involved. The protocols encourages joint working and partnership. A sign of this is the group learning that the partners intend to take and for each partner to have an officer to act as the single point of contact, who will champion good practice in ex-Person on Probation housing matters.

The single point of contact within partner agencies should be the first port of call if a difference of opinion arises and where possible an agreement should be resolved at this informal level. In addition the Pan Essex Complex Case Panels can aid with disputes.

However, if a solution cannot be agreed and a partner believes that another partner is failing to follow the underlying principles of the protocol, they can refer the matter to the relevant senior officer of the organisation concerned to review the case and determine a solution.

Those partners working within Prison and Probation can refer the matter the appropriate Head of Housing Options for the local housing authority concerned (see contact details in Annex A) and the local housing authority can contact the Director of Essex Probation (South & North), who will represent the partners within Prison and Probation.

## **Annex D – Summary of Roles and Responsibilities of Probation Service**

### **The Probation Service**

The Probation Service is the probation provider that:

- Provides advice to Courts and the Parole Board
- Undertakes supervision of Person on Probation s who are assessed as low, medium, high risk of serious harm, who may be registered sex Person on Probation s, MAPPA eligible, or lifers.
- Manages the Approved Premises
- Delivers the accredited sex Person on Probation treatment programme
- Delivers services to the victims of those sentenced to sex or violent offences where the sentence is more than 12-months custody
- Works with their service users to reduce the risk of harm posed, and address the needs linked to their offending (e.g. homelessness).

## Annex E – Summary of the Local Connection rules in the Homelessness Legislation

### Assessing local connection

When a housing authority makes inquiries to determine whether an applicant is eligible for assistance and owed a duty under the Housing Act 1996, Part 7, it may also make inquiries under section 184(2) to establish an applicant's local connection. Section 199(1) provides the local connection criteria summarised here; it is further clarified by Chapter 10 of the Homelessness Code of Guidance 2018 and the Local Authorities Agreement.

- They are, or have been **normally resident in the area** through choice for at least 6 of the last 12 months or 3 out of the last 5 years or
- They are **employed in the area** (actually working in the district as opposed to having the head office located there) or
- They have **family associations** living in the applicants chosen area (provided there are sufficiently close links in the form of frequent contact, commitment, or dependency) who have been resident for at least 5 years or
- Any **special circumstances** which might include the need to be near special medical or support services which are available only in a particular district.

If an applicant is of **no fixed abode** the local authority will need to satisfy itself that they do in fact reside in the district by making further enquiries.

Ex-prisoners and detainees under the Mental Health Act 1983 cannot be considered to have established their residency through choice.

Ex-service personnel establish a local connection in an area through residing there by choice, or being employed there, in the same way as a civilian.

Housing authorities may also need to make further enquiries to establish a connection for the following groups of people:

- **Former asylum seekers** provided with accommodation there under section 95 of the Immigration and Asylum Act 1999
- **Care leavers** owed care duties under section 23C of the Children Act 1989 (who will have a connection to every housing authority district falling within the area of the children services authority).

If local connection has been lost or compromised by time spent in prison during the past 12 months or the past 5 years, Essex LHAs will consider where local connection

had been established prior to going into custody.

This protocol is supported by:



MALDON DISTRICT COUNCIL



# Annex G – Flow Chart

