

Response to Justice Committee request for information

April 2018

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

The Scottish Parliament Justice Committee has been taking evidence on the use of remand in Scotland. Over the course of its work, several issues have been raised which relate to housing and the impact a period of remand in custody can have on an individual's housing arrangements, including those living in social housing, the private rented sector and supported accommodation and the committee has requested the following information from Shelter Scotland:

What support, if any, does Shelter offer specifically to those in custody on remand?

Shelter Scotland recognises that having secure accommodation is core to a person's successful reintegration into the community after prison and for nearly 20 years has engaged extensively with the prison service and other public bodies to improve the support offered to remand and convicted prisoners both during their sentence and in preparation for release. Through the work described below, we have also contributed strongly to the evidence base on understanding the housing issues facing prisoners and specifically those serving short sentences or on remand.

Between January 2013 and December 2016, in collaboration with SACRO and Inverness Citizens Advice Bureau, Shelter Scotland operated the "Supporting Prisoners; Advice Network" (or "SPAN"), which was designed to prevent homelessness for prisoners and their families at all stages of the person's imprisonment. This in turn was aimed at preventing re-offending through ensuring that the person had secure accommodation upon release. Shelter Scotland provided advice and advocacy for prisoners in HMP Grampian and HMP Perth, and Inverness CAB provided similar support to HMP Inverness. Within the three years, SPAN helped over 1,600 individuals in prison and their families with advice, advocacy and assistance to help them sustain or secure a new home while they or their relative was in prison.

The 2015 report on the SPAN project¹ showed the positive impact it had on outcomes for prisoners and their families, through their proactive and collaborative work. The vast majority of prisoners were helped to keep their homes, or end the tenancy in a planned way and were given appropriate advice to apply to the local authority as homeless. This work complemented the 2015 report by Reid Howie² which explored the link between housing issues and desistance from further offending, especially in relation to those serving short term sentences. The two reports made several of the same recommendations around preventing re-offending, including a consistent national standard of provision of housing advice (among other services) for prisoners,

¹ Shelter Scotland (2015); [Preventing Homelessness and Reducing Reoffending – Insights from service users of the Supporting Prisoners; Advice Network Scotland](#)

² Reid Howie Associates (2015); [Housing and Reoffending: Supporting People Who Serve Short-term Sentences to Secure and Sustain Stable Accommodation on Liberation](#)

and training for prison officers on housing issues. The SPAN report also highlighted practical considerations which would make a considerable impact on desistance, such as reducing the use of hostel accommodation on release, and providing assistance with housing issues as early as possible to end the loss of existing tenancies unnecessarily.

Shelter Scotland's extensive experience working with prisons and particularly the learning from the SPAN project meant that we were able to contribute significantly to the development of the SHORE standards³ (an acronym for "Secure Housing On Release for Everyone"), which was published in 2016. This work was in collaboration with the Scottish Prison Service, the Scottish Federation of Housing Associations (SFHA), the Association of Local Authority Chief Housing Officers (ALACHO) and the Chartered Institute of Housing (CIH) Scotland. The SHORE standards were created to ensure that housing issues were dealt with an early stage of individuals' time in prison with consistency of approach across Scotland. These standards have provided a framework for support for prisoners regarding their housing even where a Shelter Scotland adviser is not present. Many of the recommendations from the SPAN and Reid Howie reports are embedded in the SHORE standards. We are keen to see these standards implemented and monitored for consistency across Scotland, as there is currently no provision to enforce these standards.

Current outreach work

Shelter Scotland currently runs an outreach advice service in HMP Low Moss and Cornton Vale, and between 2015 and 2017 we offered the same service in HMP Polmont. A Shelter Scotland housing adviser visits HMP Low Moss for one morning a month and provides a range of housing advice to a maximum of ten prisoners per session and this is open to both convicted and remand prisoners. The most common issues that prisoners ask for, include advice on how to make a homeless application or how to negotiate with their landlord keep their current home while they are in prison.

Similarly, a Shelter Scotland adviser visits Cornton Vale twice a week and provides housing advice and advocacy for anyone who has stated that they have housing issues during their core screening upon arrival into prison. In the ten months that Shelter Scotland has been providing this outreach service in Cornton Vale, we have engaged with 75 prisoners and had significant success in helping clients with previous tenancies to keep their tenancy and return to them on liberation, secure a new tenancy or apply as homeless in a planned way.

Are housing issues as a result of a period on remand a common problem in Shelter's work?

Based on the experiences of outreach in Low Moss and Cornton Vale, the knowledge gained from SPAN and the development of a research report for Iriss⁴, we know that housing is a particular concern for prisoners on remand and have identified the following specific issues.

Uncertainty of timing

Our experience at Low Moss is that it is rare that remand prisoners request an appointment, mainly because more often than not, they are unaware of how long they are likely to be kept on

³ [Scottish Quality Standards: Housing Advice, Information and Support for People in and Leaving Prison \(SHORE standards\)](#)

⁴ Dore, E. (2015); [Iriss insights: Prison leavers and homelessness](#)

remand, do not know whether they will face conviction or sentencing and therefore cannot plan for their accommodation upon release. This ambiguity over timing has a knock-on effect on other aspects important to a person's release, such as their ability to apply for benefits.

Prioritisation of those close to liberation

Ahead of each session at HMP Low Moss, prison officers compile a list of people who have asked to be referred for housing advice and share this with the adviser. Prison officers give priority to those who are closest to their liberation date, however this means that it is mostly convicted prisoners who engage with Shelter Scotland.

Homelessness due to rent arrears

Shelter Scotland most commonly assists prisoners who will be homeless upon release who need advice or assistance to complete a homeless application, and those who have a tenancy but are in dispute with their landlord (most commonly social landlords) over arrears that have accumulated while they have been in prison. The adviser also works in collaboration with other organisations and local authorities e.g. the adviser will contact the relevant local authority if a client has informed them that they want to make a homeless application to that local authority. HMP Low Moss are cited as a particularly good case example in terms of pre-liberation planning, with the approach that no prisoner should be liberated without a plan for accommodation and support.

Homelessness due to relationship breakdown

All of the clients who Shelter Scotland worked with in Low Moss have unfortunately been in the situation where they cannot return to a family home, commonly due to a relationship breakdown as a result of their imprisonment. As a result, there have been several single fathers who face the additional challenge of applying as homeless and requesting additional rooms to facilitate overnight visits from their children. Linked to the tendency of most local authorities to accommodate newly liberated prisoners in hostels, there is a further challenge in that hostels and B&Bs usually do not accept children as overnight visitors and this limitation can affect the ex-prisoners' relationships with their children.

Electronic monitoring tag

Where prisoners on remand do request housing advice, it is because they are likely to apply for an electronic tag and require advice on how to set up a repayment plan for arrears accrued during prison with their landlord. If the person is unlikely to be considered for an electronic tag, they are not likely to seek housing advice due to the ambiguity over their remand situation.

Housing benefit / Universal Credit Housing Costs

While prisoners on remand are able to access housing benefit for up to 52 weeks as opposed to 13 weeks for convicted prisoners and therefore may be in a better position to keep existing accommodation, the uncertainty of how long they will be on remand for makes it extremely difficult for prisoners without a support network to keep existing accommodation. This is expanded upon in the response to question 3.

Poor quality temporary accommodation on release

Both remand and convicted ex-prisoners who are homeless upon liberation are often given temporary accommodation in poor quality hostels and this accommodation frequently contributes to re-offending through contact with other ex-offenders or previous associates. Further, according

to a 2015 report by the Ministerial Group on Offender Reintegration⁵, this type of accommodation “exacerbates issues such as substance misuse, inhibits family contact and gives no permanent address”, all of which affects a person’s reintegration into the community.

Stigma of prison

We have found that remand prisoners face the same financial and attitudinal barriers to accessing the private rented sector as convicted prisoners and often find logistics difficult to arrange prior to release, such as putting down a deposit.

Are there any specific housing rights that are relevant to those on remand?

Homelessness rights

Prisoners on remand are entitled to the same housing rights as anyone else applying as homeless, in that they can apply as homeless up to two months before their liberation date. However, as described above, being remanded in custody comes with a significant amount of uncertainty and our advisers have assisted with cases where a prisoner has been given as little as three days’ notice ahead of their liberation date, and instances where notice has been given on a Friday that the person is to be liberated on the following Monday after the weekend.

This practice, though rare, gives very little time for the relevant agencies to prepare to receive the person and organise appropriate accommodation. In these cases, our advisers have only been able to give the soon-to-be-liberated person details of where to present as homeless and attempt to contact the relevant local authority to alert them. Aside from Shelter Scotland’s outreach work in Low Moss and Cornton Vale, it is unclear what advice provision are in place in other prisons and local authorities across Scotland and the consistency of this. As the Iriss and SPAN reports point out, suitable and safe accommodation is central to preventing re-offending and facilitating successful reintegration into the community.

Welfare Rights

Welfare rights, which directly impact a person’s ability to pay for their home, vary depending on whether the person is on remand or convicted and whether they are in receipt of legacy benefits or have been transitioned to Universal Credit.

Remand prisoners are entitled to up to 52 weeks of housing benefit while they await trial or sentencing, which is more than the maximum of 13 weeks for convicted prisoners while they are incarcerated. For Universal Credit claimants however, the rules are different: prisoners on remand who were receiving Universal Credit before entering prison can get help with housing costs for a period of six months and only if they were receiving a housing costs element in their award prior to custody. As Universal Credit continues to roll out and people are transitioned away from legacy benefits and onto Universal Credit, the reduction down to six months’ worth of help with housing costs will negatively affect remand prisoners’ ability to pay for their home while in prison.

On the point of welfare, it is worth noting that in theory, most prisoners are able to claim Universal Credit up to a month before they are released. However, because of the uncertainty around remand prisoners’ release date, they cannot benefit from this and are likely to eventually leave prison with very little income and a long time to wait before their first Universal Credit payment.

⁵ Scottish Government (2015); [The Report of the Ministerial Group on Offender Reintegration](#)

Our advisers state that the most common thing to happen is that prisoners have an appointment scheduled with their local jobcentre to claim benefits, but they will still face a long period of very little income and are more likely to re-offend as a result.

In your work, do you see evidence that a lack of permanent address has an impact on the likelihood of a person being remanded in custody?

Shelter Scotland advisers who have run outreach in prison have stated that people who were homeless when they arrived in prison were much more likely to be remanded in custody, rather than being put on a home detention curfew. Local authorities do not allow temporary accommodation (where the person may have been living prior to prison) to be used as a bail address. Bail hostels, which do allow for this, are in decline and the bail hostel in Dundee is known to have recently closed, thus creating problems for homeless prisoners in the area.

Are there any other issues around the impact of remand on housing that we should consider?

None.

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