Community Justice (Scotland) Bill – Shelter Scotland Stage I Evidence

Introduction

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. We're here so no one has to fight bad housing or homelessness on their own.

We welcome the opportunity to give evidence on this important Bill to reform the structure of community justice in Scotland. Shelter Scotland has worked in prisons and with prison leavers since 1999 to prevent homelessness amongst this group. In that time we have helped hundreds of (ex-) offenders to maintain or secure housing, and therefore to reduce their likelihood of reoffending.

The strong, complicated and reciprocal links between offending and homelessness are well known and evidenced. Spending time in prison increases the risk of homelessness: many people lose their tenancy whilst they are in prison, or find themselves unwelcome to return to their previous household on release[1]. At the most extreme end, some people leave prison and have no choice but to sleep rough[2]. A lack of stable accommodation increases the likelihood of re-offending[3]. This can lead to a self-perpetuating negative cycle of moving between homelessness and prison[4].

Without a home to go to, the likelihood of improvement in other areas of life including offending, is significantly undermined, and so therefore is the intention of the Bill to *"deliver better outcomes for offenders"* (Policy Memorandum, s. 10). If a function of Community Justice Scotland is to promote and support "*improvement in meeting of the needs of offenders"* (3(1)(c)(i)), then the Bill should ensure that offenders' basic need for a home is at the centre of the new community justice model.

Summary of key points

- A new section should be written into the Bill that lists areas of outcomes that the national strategy is required to contain, including addressing housing need and other foundational factors that underpin successful rehabilitation
- The definition of "support" and "general services" need to be broader to reflect the full breadth of services that are necessary to support desistance
- If the new model is to be truly collaborative there needs to be a 'duty to engage' with voluntary sector partners and housing associations by Criminal Justice Partners to ensure successful partnership working at all stages

Evidence response

Please note that throughout this document Shelter Scotland has responded only to those areas of the Bill directly relevant to our area of operation, interest and expertise.

Question 9) Could the proposals in the Bill be improved and, if so, how?

In order that the policy intentions and purpose of the Bill are fulfilled, Shelter Scotland **suggest that a new section is added to the Bill that lists areas of work to be included in the national strategy for community justice.** Specifically, we would like to see housing put onto the face of the Bill to ensure good local and national outcomes and to ensure effective partnership working.

Addressing broader issues to improve outcomes for ex-prisoners

The policy intention for the new community justice model includes addressing the broader issues in a person's life. Examples given that have been proven to have an impact on offending are housing, employability and mental ill-health (Policy Memorandum, sections 2, 64, 65, 119). Physical health outcomes and support for families are also crucial. The points below demonstrate how improved outcomes in these areas are at risk of being lost in the implementation of the new governance structures.

The purpose of the Bill includes "*introducing requirements in relation to the achievement of particular nationally and locally determined outcomes"* (introduction to the Bill). As it is proposed, Shelter Scotland is concerned that the Bill does not currently fulfil this and therefore jeopardises the intended outcomes. As drafted, the crucial areas listed above are only implicitly represented in the new model through the assumed interests of the Community Justice Partners (CJPs). Housing and other vital foundational factors for successful community reintegration are not specifically named at any point in the Bill.

The Bill currently relies on the presence of local authorities as a CJP to represent housing[5]. Shelter Scotland has two primary concerns in this regard:

- local authorities' ability to represent the priority of preventing homelessness for prison leavers
- the potential for housing to not be prioritised by CJPs, despite the foundational role that it plays in underpinning engagement with all other desistance activities.

Role of local authorities.

Local authorities are crucial to community justice in providing effective homelessness services and as a major housing provider. However, there are three issues that lead us to believe local authorities would not be best placed to fully represent the needs of prisoners/ prison leavers around housing and homelessness:

- Housing associations and voluntary sector organisations also have a significant role to play in preventing homelessness and providing stable accommodation for prison leavers: local

authorities do not represent the whole housing sector[6]. Amongst other crucial services, housing associations and voluntary sector organisations provide supported accommodation, independent housing support services and housing advice in many areas across Scotland. Partnership working is key and as the Bill is currently drafted, the provision for wider housing partners to play a meaningful role in the design and delivery is very limited (see answer to 6c below).

- Independent advice and holistic support is crucial to ensuring prisoners are fully supported to access suitable accommodation and can sustain a tenancy on release. Local authorities have a dual role in both providing housing and preventing homelessness. There are potential conflicts of interest between the main drivers of efficient housing management – including reducing voids, rent collection, effective eviction proceedings - and the prevention of homelessness. Shelter Scotland services have regularly worked with prisoners who have lost their council tenancies unnecessarily due to local authority action or inaction, resulting in homelessness and an increased risk of reoffending.
- In addition to their split housing/ homelessness role, local authorities also have a wider range of interests in relation to community justice, including anti-social behaviour and social work provision. This may detract from their role in best representing the role of housing in this regard. This is in contrast to the other listed CJPs, who have sole focus roles to bring to the partnership, which may allow them to be more effective advocates for the priority of their area of work in a context of limited resources.

Shelter Scotland believes that in its current draft the Bill's reliance on the presence of local authorities as a CJP is not sufficient to ensure that the prevention of homelessness and the need of prisoners to secure appropriate housing will be prioritised as an outcome in the new model.

Priority of housing.

There are additional reasons for concern regarding the fundamental need for housing being given insufficient priority by CJPs. Historically housing has not always been given appropriate prominence in Community Planning Partnerships (CPPs). For example, Audit Scotland found that housing was not an explicit feature of the future priorities for the CPPs that they audited in 2013[7].

Without a statutory grounding in the Bill, there is a risk that the needs of offenders regarding housing may be overshadowed by more politically appealing aspects of community justice such as the provision of desistance activities or crowded out by more established agendas in this area such as social work.

When resources are limited there will naturally be competition for finance and priority around the CJP table and with their split priorities local authorities alone would not be able to ensure that the prevention of homelessness receives the resources that are needed in this regard.

In light of these concerns, **Shelter Scotland believes that a new section should be written into the Bill that lists areas of outcomes that the national strategy is required to contain**.

Housing should be listed alongside other core desistance factors such as substance misuse and employability. The Bill would set parameters for the strategy, with guidance setting out the detail of how this would work in practice. This would then cascade into the national outcomes framework and the local outcomes improvement plans. This is in line with the overarching purpose of the Bill, which includes "*introducing requirements in relation to the achievement of particular nationally and locally determined outcomes*".

Evidence for additional questions

1) Will the proposals in the Bill transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?

As outlined above, we do not believe that the Bill as it is proposed will transform the criminal justice system in a way that tackles reoffending, because it does not suitably provide for housing needs to be considered. In its current form, this is out of line with many of the findings and recommendations from the Commission on Women Offenders, which repeatedly states the importance of housing in promoting desistance[8]. For example, the Commission heard that the key issues for women on release from prison are housing and benefits, and commented that under the existing community justice system these were not being fully addressed. The Commission goes on to recommend increased supported accommodation for offenders, early housing and support assessments, and interagency protocols on homelessness. Their call upon the Scottish Government to engage in discussions with housing partners is inadequately met by the inclusion of local authorities as CJPs.

2) Are you content that the definition of 'community justice' in the Bill is appropriate?

To a large extent, the definition in the Bill at 1 (1) (a – d) covers the work that Shelter Scotland would understand as appropriate in the delivery of community justice services. In addition, it is important to highlight that strong connections, communications and continuity between each of these individual areas of work is important for the individuals using these services.

However, the definitions of "support" and "general services" provided at 1(2) and 1(3) do not allow for the range and intensity of interventions that are necessary to effectively support (ex-) offenders in the community to obtain/maintain suitable accommodation. Housing does not neatly fit into the definition "*services and support provided to people generally*" (1 (3) (c)). **Shelter Scotland believes that the definition of "support" and "general services" should be amended in the Bill to reflect the full range of community justice interventions.**

6c) Will the proposed reforms support improvement in terms of partnership and collaboration? We share the views of the Criminal Justice Voluntary Sector Forum (CJVSF) that the Bill as it stands will not support improved collaboration with the third sector. In light of the close relationship that is likely to exist in many areas between the CJPs and the pre-existing CPPs, we are concerned that Audit Scotland found cause to be highly critical of the relative

absence of tangible evidence of joint working arrangements in its reviews of the workings of CPPs [9]. The voluntary sector is a vital component in the delivery of effective community justice services[10] and it is crucial that the Bill recognises this alongside the role of statutory bodies. Housing associations are also a vital missing partner as they are a major contributor in the provision of appropriate housing. **Therefore, Shelter Scotland agrees with CJVSF that a 'duty to engage' is necessary to ensure successful partnership and collaboration**.

Contact For further information in relation to any aspect of this submission, please contact: emma_dore@shelter.org.uk

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[1] 49% of prisoners surveyed said that they had lost their tenancy/ accommodation when they went into prison. Scottish Prison Service (2013) Prisoner Survey 2013, Edinburgh: SPS

[2] In Glasgow in 1999, 44% of people living in hostels or sleeping rough had been in prison at least once. Homelessness Task Force (2002) Homelessness: An Action Plan for the Prevention and Effective Response. Report from the Homelessness Task Force to Scottish Ministers, Edinburgh: Scottish Executive

[3] The Social Exclusion Unit found a reduction in recidivism of 20% for those who had stable accommodation compared to those who didn't. Social Exclusion Unit (2002) Reducing Reoffending by Ex-Prisoners

[4] The 'Surveying Prisoner Crime Reduction' survey found that 11% respondents who had served a previous sentence were sleeping rough prior to custody, compared to 3% who had not been in prison before. Williams K, Poyser J, and Hopkins K (2012) Accommodation, homelessness and reoffending of prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey, Ministry of Justice

[5] The argument here is specifically around housing but could be applied to other issues that have been addressed as key to reducing re-offending, such as substance misuse and mental health

[6] This was amongst the findings of a short survey of 680 prisoners. Gojkovic D, Mills A and Meek R (2012) Accommodation for Ex-Offenders: Third Sector Housing Advice and Provision, Southampton: Third Sector Research Centre.

[7] Audit Scotland (2013) Housing in Scotland, Edinburgh: Audit Scotland

[8] Commission on Women Offenders (2012) Final report, Edinburgh: Scottish Government

[9] Audit Scotland (2013) Improving Community Planning. Edinburgh: Audit Scotland. Audit Scotland (2011) The Role of Community Planning Partnerships in Economic Planning. Edinburgh: Audit Scotland

[10] For example, McLaughlin (2012) Why Involve the Third Sector in Reducing Reoffending? Glasgow: Robertson Trust.