



# The key areas of injustice at the intersection of the criminal justice system and housing and homelessness

*A brief review of evidence*

November 2024

Report commissioned by Commonwealth Housing





## Foreword

Since Commonweal Housing's inception in 2006, the criminal justice system has been a longstanding focus of our efforts to trial and test housing solutions to social injustice.

We recognise that the criminal justice system in its current state is both a symptom and, more disproportionately, a driver of inequality and injustice.

For many access to the right housing, at the right time with the right support is a crucial part of the solution for those caught up in the criminal justice system to move on in their lives. And, therefore, why it remains a priority area Commonweal continues to focus its resources on.

As such, to further our understanding we commissioned criminal justice expert charity Nacro to undertake horizon scanning research to help inform our intervention in this sector.

By exploring the relationship between homelessness and the criminal justice system and its impact on reoffending, the report identifies current gaps in housing provision and specific overlooked groups that face additional challenges accessing support.

While this report primarily serves as an internal resource to guide Commonweal's future activities, we are pleased to share these findings with colleagues in the sector and beyond to promote effective housing solutions. We are grateful to our colleagues at Nacro for their thoughts, insight and support. We look forward to working with them and other experts in the field to explore what we can do to address some of the issues covered by this report.

**Ashley Horsey, Chief Executive at Commonweal Housing**

## Introduction

Nacro was commissioned by Commonwealth Housing to provide a summary on the intersection of homelessness and the criminal justice system (CJS). The aim of the research was to explore the following issues:

- Impact of homelessness on offending and recidivism
- Impact of custodial sentences on homelessness
- Impact of poor-quality housing on offending behaviour
- Use of non-custodial sentences
- Areas of particular concern
- Specific cohorts
- Conclusion and potential areas of focus.

At the outset of this report, it is important to set out the context of the wider housing and homelessness crisis in England, especially within the context of affordable homes. In late 2023, the National Housing Federation assessed that for every new social home built in England in 2022-23, six households were assessed as homeless by local authorities<sup>1</sup>.

Beyond the lack of social housing, households in England are increasingly facing problems of overcrowding (4% of all homes in England and Wales are overcrowded) as well as failing to meet Decent Homes Standard (14% of all households in England)<sup>2</sup>. Between April 2022 and March 2023, 298,430 households in England were homeless or at risk of becoming homeless, with a record number of households living in temporary accommodation<sup>3</sup>. Increased unaffordability of the private rented sector (PRS) has exacerbated this issue (StepChange, 2023). It is within this wider context which we look specifically at the intersection with the criminal justice system and the role homelessness and housing plays in offending and recidivism.

This report aims to present the most recent and relevant evidence around homelessness and criminal justice, as well as drawing on the expertise of people who work in organisations providing services to people in need of housing support who have had contact with the justice system, and the views and experiences of people who have direct experience of the criminal justice system. The research for this report was completed before the 2024 general election, therefore the evidence presented in this report relates largely to developments up until summer 2024. However, it is worth noting the following developments since the election of the new Labour government, and their potential impact on homelessness and accommodation need and provision in the context of the criminal justice system:

1. SDS40: In July 2024, in response to the prison capacity pressures, the Lord Chancellor announced a new temporary measure to reduce the time served in prison for certain people on standard determinate sentences from 50% of their sentence to 40% (SDS40). The scheme excludes individuals who are in prison for serious violent or sexual offences. The initial release of eligible individuals took place over two tranches in September and October 2024. Whilst it

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<sup>1</sup> <https://www.housing.org.uk/news-and-blogs/news/new-homeless-households-outnumber-new-social-homes-by-six-to-one/>

<sup>2</sup> <https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-housing-quality-and-condition/english-housing-survey-2021-to-2022-housing-quality-and-condition>

<sup>3</sup> <https://www.gov.uk/government/collections/homelessness-statistics>

is too soon to know the full impact of this policy, criminal justice organisations highlighted the importance of effective resettlement planning in ensuring people are released into accommodation<sup>4</sup>. This scheme replaced the previous Conservative Government's End of Custody Supervised Licence scheme, which was in place from October 2023 and was used to release certain people early from prison to manage population pressures. This initially allowed for release up to 18 days early and rose to up to 70 days early.

2. Women's Justice Board: The Ministry of Justice announced in September 2024 that a Women's Justice Board will be established to bring together senior leaders in the criminal justice system, charities and government departments and publish a new women's strategy in spring 2025<sup>5</sup>. One of the stated aims is to focus on enhancing alternatives to prison, such as community sentences and residential women's centres.
3. Sentencing review: In October 2024, MoJ also announced an independent sentencing review headed by Former Lord Chancellor and Justice Secretary Rt Hon David Gauke<sup>6</sup>. The findings of the review are expected to be submitted to the Lord Chancellor by spring 2025. Included in the remit is "examining the use and composition of non-custodial sentences, including robust community alternatives to prison", as well as "looking at the use and impact of short custodial sentences".

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<sup>4</sup> <https://www.clinks.org/community/blog-posts/sds40-policy-and-next-steps>

<sup>5</sup> <https://www.gov.uk/government/news/extra-support-for-women-through-the-criminal-justice-system-announced>

<sup>6</sup> <https://www.gov.uk/guidance/independent-sentencing-review-2024-to-2025>

## Summary

The shocking numbers of people leaving prison homeless has led to the issue of homelessness and people in contact with the criminal justice system rising up the political agenda in recent years and there have been a number of initiatives introduced as a result. In the year ending March 2024, 45.4% of prison leavers were released into settled accommodation; 11.9% were released to rough sleeping; 24.7% into probation accommodation, 13.7% into other housing, such as temporary or B&B; with the rest either homeless but not rough sleeping or not known.

Homelessness and involvement with the criminal justice system are interlinked. According to the Ministry of Justice, people leaving prison without settled accommodation are around 50% more likely to commit further crimes than those with stable accommodation<sup>7</sup>. Yet too many are still released homeless or into insecure housing or can find themselves homeless after short-term accommodation. A significant number of people enter prison directly from homelessness. Furthermore, a prison sentence itself can create conditions which increase the likelihood of becoming homeless, which in turn can increase the likelihood of reoffending.

To help Commonweal consider where best it can focus and add value, we identify some key current challenges including limited move-on pathways after short-term accommodation; a shortage of supported accommodation; and challenges of accessing private rented accommodation in a highly competitive market. We also highlight particular groups who face specific challenges including young adults; older people; women; and people with higher support needs. We also set out the potential change in legislation which would see more people receive suspended prison sentences to be served in the community. This report is structured to highlight potential areas of intervention and support.

## Methodology

This report has been informed by desk-based qualitative research and supplemented by semi-structured interviews conducted with Nacro staff, semi-structured interviews with staff from other organisations providing housing services in the CJS, and findings from two Service User Involvement forums conducted with Nacro service users who had been through the justice system.

The desk-based research consisted of a short literature review of publications related to the intersection of homelessness and CJS. The publications were from three main sources:

- Academic publications
- Publications by the Ministry of Justice (MoJ), National Audit Office, and Parliament
- Publications by third sector organisations with experience of the CJS

In addition to this, datasets published by the Ministry of Justice and CHAIN<sup>8</sup> were analysed to understand the complete scale of homelessness experienced by people in the CJS. Where relevant, Nacro service user data was used to understand housing experiences prior to offending, as more up-to-date MoJ statistics were not available. It is worth noting that the majority of research for this

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<sup>7</sup> [Government sets out ambitious plan to tackle drivers of crime - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/government-sets-out-ambitious-plan-to-tackle-drivers-of-crime)

<sup>8</sup> Combined Homelessness and Information Network is a multi-agency database recording information about people sleeping rough and the wider street population in London. The system, which is commissioned and funded by the Mayor of London and managed by Homeless Link, represents the UK's most detailed and comprehensive source of information about rough sleeping. <https://homeless.org.uk/what-we-do/streetlink-and-chain/chain/>

report was undertaken at the end of 2023 and start of 2024, the published report has included the most up-to-date statistics to give it up-to-date relevance.

Finally, five semi-structured interviews were conducted with three Nacro staff members and two staff members from other organisations, and one semi-structured focus group discussion took place with three members of staff from an external organisation. The role mix was that of accommodation advisers (2); remote support worker (1); wellbeing coach (1); senior services manager (2); senior policy and campaigns manager (1); and head of CJS services (1). In addition to this, the research team attended two Nacro Service User Involvement forums where service users were asked about their experiences with housing. The forums happened in HMP Nottingham and in Nacro's Community Accommodation Service Tier 2<sup>9</sup> property in South Yorkshire, and a total of five service users were asked of their experiences with housing.

## Recent relevant initiatives

The issue of homelessness and people in contact with the criminal justice system has risen up the political agenda in recent years. This is likely the result of campaigning on these issues as well as the impact of the Covid-19 pandemic which brought the issue of people being released from prison homeless more directly into the spotlight. There have been a number of initiatives and policy interventions introduced to try and address the issue. The main ones are detailed below:

### Offender Accommodation Pilot

As part of the Government's Rough Sleeping Strategy, the Offender Accommodation Pilot was introduced to test the benefits of providing accommodation and wrap-around support for up to two years for people leaving prison. The pilot took place in 2019/20 in three resettlement prisons: HMP Bristol, HMP Leeds and HMP Pentonville. A process evaluation has taken place, but outcome data is still to be published.

### 'Everyone In'

At the onset of the Covid-19 pandemic in March 2020, Dame Louise Casey was appointed to lead the 'rough sleepers review', and directed local authorities across England to urgently house all rough sleepers and to reduce the use of shared facilities (Ministry of Housing, Communities & Local Government, 2021). Labelled the 'Everyone In' initiative, 26,000 people who were at risk of rough sleeping had been housed, although many had been housed in hotels (Cromarty, 2021; Bozkina & Hardwick, 2021; Ministry of Housing, Communities & Local Government, 2021). Shelter (2021) determined more than three-quarters of those initially housed had not moved into settled accommodation by February 2021.

### Covid-19 Emergency Accommodation Scheme & Homelessness Prevention Taskforces

Despite the Everyone In scheme, at the start of the pandemic, people were still being released from prison directly into homelessness and rough sleeping. Between April to June 2020, 2,111 people were released directly into homelessness (1,634) and rough sleeping (477). In response, the Ministry of Justice secured funding from HM Treasury so that prison leavers at risk of homelessness could apply

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<sup>9</sup> Community Accommodation Service Tier 2 (CAS-2) is an accommodation service commissioned by HMPPS for people who do not have a suitable address for the term of their licence or Bail Order. It is part of HMPPS' broader Community Accommodation Service schemes.

for funding for up to 56 days accommodation. They also established “Homelessness Prevention Taskforces” across regions in England and Wales to help find accommodation for prison leavers at risk of homelessness.<sup>10</sup> According to a Written Parliamentary Question, as of 26 August 2020, a total of 420 individuals who had no pre-existing accommodation had had settled accommodation secured by Homelessness Prevention Taskforces (HPTs).<sup>11</sup>

### Community Accommodation Service (CAS)

In 2022 the Ministry of Justice introduced a new Community Accommodation Service which brought together the existing Approved Premises and Bail Accommodation and Support Service (BASS) along with a new service designed to give anyone leaving prison at risk of homelessness up to 12 weeks accommodation. The new scheme, CAS-3, was initially run in five pathfinder areas and has recently been rolled out nationwide.

Service	Who is it for	Duration of stay	Level of support
CAS-1 (Approved Premises)	People convicted of serious violent and/or sexual offences.	Variable - depends on sentence	Variable. For accommodation, residents should be assigned a key worker who help them find move-on accommodation
CAS-2 (previously known as Bail Accommodation & Support Service)	Those on Bail or Home Detention Curfew (HDC), released from a custodial sentence of less than four years and of no fixed abode, on licence and at risk of recall due to loss of accommodation or on an Intensive Community Order with a residential requirement.	In line with HDC licence period	Weekly visits by accommodation advisers with support offered to find settled accommodation, employment, substance misuse, etc.
CAS-3	Those released from prison at risk of homelessness, and people moving on from CAS-1 and CAS-2 accommodation at risk of homelessness	84 nights	Basic floating support with a support worker to assist in maintaining the accommodation and fortnightly visits

Table 1: Description of the three-tiered Community Accommodation Services (CAS).<sup>12, 13, 14</sup>

### Housing Specialists

In the Prisons Strategy White Paper, December 2021, the Ministry of Justice committed to increasing the number of Housing Specialists to 48 posts across 12 probation regions with the aim of strengthening collaborative working between Prisons, Probation and Local Authorities and improving the quality of referrals made under the Homelessness Reduction Act.

<sup>10</sup>[https://assets.publishing.service.gov.uk/media/61406130e90e070433f6c365/HMPPS\\_Homelessness\\_Prevention\\_Taskforces\\_-\\_Collaboration\\_Case\\_Study.pdf](https://assets.publishing.service.gov.uk/media/61406130e90e070433f6c365/HMPPS_Homelessness_Prevention_Taskforces_-_Collaboration_Case_Study.pdf)

<sup>11</sup>Written Parliamentary Question <https://questions-statements.parliament.uk/written-questions/detail/2020-09-01/83726>

<sup>12</sup> Source: Lord Bellamy, March 2023, Written questions, answers, and statements: <https://questions-statements.parliament.uk/written-questions/detail/2023-03-09/HL6302>

<sup>13</sup> Source: Clinks <https://www.clinks.org/sites/default/files/2022-11/Stakeholder%20Resource%20Pack%20CAS%203%20Launch%20-%20Final.pdf>

<sup>14</sup> Source: Written evidence from Ministry of Justice <https://committees.parliament.uk/writtenevidence/40384/pdf/>

## Probation reunification

In June 2021, probation services were brought back together, following the Transforming Rehabilitation initiative which had split them into Community Rehabilitation Companies (CRCs) for people considered medium and low-risk and the National Probation Service, for higher risk offenders. Since reunification, support for people with a housing need who are leaving prison or under community supervision is delivered through the Commissioned Rehabilitative Services (CRS) contracts, delivered mostly by voluntary sector and private sector providers.

The support provided under CRS contracts predominantly consists of housing advice, support and referrals. It is not a guarantee of accommodation or direct provision of accommodation. Since reunification, those organisations have no longer been able to access the probation service's case management system, NDelius, which enabled accommodation advisors to access key information on each individual being referred to their services, which helped them provide appropriate support. In its 2022-23 annual report, HM Inspectorate of Probation reported that there was a lack of direct housing for people on probation, as most CRS can only provide advice and support (HM Inspectorate of Probation, 2023).

## Accommodation for Ex-Offenders scheme<sup>15</sup>

This scheme provided funding for a number of target local authorities, as part of the Government's "Beating Crime Plan", to help find sustainable accommodation for prison leavers. As part of plans to "tackle drivers of crime", £13m was awarded by the Department for Levelling Up, Housing and Communities (DLUHC) to between 140 councils for the purpose of supporting prison leavers into sustainable accommodation. The scheme was extended to 2025. The funding supports local authority schemes to enable people who have been in contact with the CJS to access the private rented sector. This can for example be through rental deposits, landlord incentives, and/or dedicated support staff including landlord liaison and tenancy/support sustainment officers. There is currently no available evaluation on these schemes.

## Alternatives to custody

In May 2022 the MoJ announced that a 12-bed Residential Women's Centre will be opened in 2024 for around 50 women convicted of low-level offences who would otherwise have received prison sentences of 12 months or less<sup>16</sup>. The facility is designed to address trauma within the context of the high rates of historic domestic and sexual abuse experienced by women in custody (Prison Reform Trust, 2017). The facility will also provide drug misuse support, support with employment, and maintaining contact with families.

As can be seen from these developments, we have seen an increasing focus and number of schemes to try and address the issue of homelessness of people on release from prison. Due to the recent nature of these, full evaluations of their impact are not currently available in many cases. The following sections will set out in further detail the impact of homelessness on offending and recidivism as well as set out areas which have been raised as challenges and are relevant in the context of these new initiatives.

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<sup>15</sup> <https://www.gov.uk/guidance/accommodation-for-ex-offenders-scheme-local-authority-funding-allocations-between-july-2021-and-march-2025>

<sup>16</sup> <https://www.gov.uk/government/news/location-of-first-ground-breaking-residential-women-s-centre-revealed>



## Impact of homelessness on offending and recidivism.

This section will explore the links between homelessness and recidivism, particularly looking at the number of people who are homeless before entering prison, how homelessness can lead to increased criminalisation, and the increased likelihood of reoffending for people released from prison without secure housing.

### Homelessness before prison

Ministry of Justice reported in 2012 that 15% of people in prison custody reported being homeless prior to coming to prison. While there is no published public data available at the time of writing this report, a recent Freedom of Information request confirmed that as of September 2023, 19,533 individuals had been homeless prior to entering prison, forming nearly 22% of the entire prison population<sup>17</sup>. In year ending 2020-21, roughly 11% of those with community sentences were homeless or living in temporary or HMPPS accommodation at the start of their sentences<sup>18</sup>. In the same year, accommodation circumstances were unknown for 24.2% of all cases.

Entering prison whilst homeless significantly increases the risk of experiencing long-term homelessness upon release (Crisis, 2023). In 2012 evidence showed that those who entered prison homeless had a higher reoffending rate than those who didn't - nearly 79% of prison leavers who had been homeless prior to custody reoffended within the first year of being released from prison, compared with less than half (47%) of those who did not report homelessness prior to entering custody (Williams, et al., 2012). Further research has found that homelessness and offending have a closely linked, although not causal, relationship for many people who have experienced multiple exclusion homelessness Fitzpatrick et al (2011).

### Crime and criminalisation while homeless

Reeve's (2011) research on the experiences of 437 single homeless people showed that over a quarter of respondents had committed a crime in the hope of being taken into custody. In the same study, several respondents had experienced criminalisation as a result of their homelessness. This included being arrested, imprisoned, or fined for squatting, shoplifting, or engaging in sex work (ibid.). Evidence suggests that while homelessness in and of itself does not cause offending, it can lead to increased criminalisation as well as an increased risk in reoffending (Cooper, 2016). The Vagrancy Act 1824 made sleeping rough or begging a crime. While recent moves have been made to repeal this legislation, this has not yet fully happened and in fact new offences for being homeless were proposed as part the previous Government's Criminal Justice Bill, although these fell at the end of the last Parliament.

### Homelessness after prison and reoffending

Having somewhere to live is an important factor in reducing reoffending. People leaving prison often have a range of vulnerabilities and needs, such as poor mental and physical health, increased risk of unemployment, and limited familial and community support, all of which increase the risk of reoffending (Lord Farmer, 2019; Bramley & Fitzpatrick, 2015).

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<sup>17</sup> MoJ in response to an FOI request made by Nacro

<sup>18</sup> <https://www.gov.uk/government/statistics/community-performance-annual-update-to-march-2021>

Having nowhere to live on release or insecure housing can not only have a significant impact in itself, it also makes accessing other support critical to reducing reoffending, such as substance misuse services, mental health support, and employment support, more difficult, if not impossible. Safe and secure housing is an essential building block. In 2024, the Ministry of Justice reported that more than two thirds of prison leavers who left custody without accommodation in 2022<sup>19</sup> reoffended. This is nearly twice the proven reoffending rate of prison leavers who were not released into homelessness. Despite the significantly increased likelihood of reoffending if released homeless, many people still leave prison homeless or without secure or settled accommodation, which will be explored in more detail in the following section.

## Impact of custodial sentences on homelessness

This section will detail the impact of custodial sentences on housing outcomes, the process of finding housing for people in prison and common options, and the barriers prison leavers face in accessing appropriate housing.

According to latest MoJ statistics, whilst the majority of prison leavers were housed upon release, less than half (45.4%) were housed in settled accommodation upon release as of March 2023<sup>20</sup>. Nearly two in five (38.4%) were housed in temporary or emergency accommodation (including HMPPS CAS accommodation). The rest were released rough sleeping, other homeless, or not known. In addition, over a third of prison leavers did not have settled accommodation three months after release from custody, highlighting that there are significant barriers for prison leavers to secure and maintain accommodation on release from prison.

The rough sleeping data also highlights the prevalence of people who have been in the justice system who are subsequently rough sleeping. In the CHAIN database, nearly 30% of all rough sleepers have been to prison, which is consistent with rough sleeping statistics over the last five years (CHAIN Annual Report, 2023; Bozkina & Hardwick, 2021). In addition to this, a little over half (53%) of all rough sleepers have been reported as having had contact with the CJS at some point in time<sup>21</sup> (Ministry of Housing, Communities & Local Government, 2020). It has been observed that when faced with homelessness upon release from prison, especially for those who had previously slept rough, reoffending and returning to prison seems like an attractive option (Bowpitt & Irving, 2015; Bozkina & Hardwick, 2021).

All people we interviewed for this report stressed the need for more investment in affordable housing for prison leavers and people in the criminal justice system to give them a chance to rebuild their lives. To break the cycle of offending, it was widely accepted by the interviewees that a housing approach needs to address a range of needs, including but not limited to:

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<sup>19</sup> Oct – Dec 2022

<sup>20</sup> MoJ defines 'settled accommodation as': (i) Any accommodation that provides a permanent independent housing solution including: As a house holder/owner; Rental Accommodation (Tenant) – private or social rental; Living with Friends and Family (Settled) - the person can reside in that home and is able to return to that home; or living with a friend with a bedroom available for the person's use and access to domestic facilities; a caravan or boat that is viewed by the Person as their permanent home. (ii) Supported Housing - regardless of the duration of residency. (iii) Long Term Residential Healthcare. <https://www.gov.uk/government/statistics/community-performance-annual-update-to-march-2023>

<sup>21</sup> Nacro for Inside Time, 2021: <https://www.nacro.org.uk/news/nacro-for-inside-time-we-cant-stand-idly-by-as-prison-leavers-are-left-homeless/>

- Maintaining tenancies
- Finding employment
- Establishing and maintaining relationships with family members
- Financial management
- Managing mental health issues.

## The process of support with housing needs for people in prison



Figure 1: Current process of supporting prison leavers through HMPPS

- When someone begins a custodial sentence, they will be asked about their housing status and whether they have access to accommodation on release. This initial screening will identify people in need of support to maintain housing as well as finding accommodation on release. This process does not always identify all those requiring support, given that many people in prison will not be aware of their accommodation situation post-release.
- 12 weeks prior to release, probation staff will identify an individual’s specific needs and, where appropriate, refer them to support from the relevant Commissioned Rehabilitative Service (CRS)<sup>22</sup> provider. This could include support with housing; education, training, and employment; and/or personal wellbeing.

<sup>22</sup> From Russell Webster (2021): Commissioned Rehabilitative Service providers are organisations which provide specialist housing, employment, personal wellbeing and training support to reduce reoffending. These organisations work with the probation service to support prison leavers on licence, those requiring post-sentence supervision and those serving community or suspended sentences. The current providers are a mixture of charities and private sector providers. <https://www.russellwebster.com/new-providers-of-rehabilitative-services-announced/>

- If highlighted as having nowhere to live on release (no fixed abode), the probation practitioner is obligated to make a referral to the relevant local authority under the Homelessness Reduction Act, 2017. This referral is due 56 days before the person is released, under the duty to refer obligation. The local authority now has a duty to prevent homelessness, which means it must then take 'reasonable steps' to ensure that the person leaving prison can secure accommodation.
- After referral, the Accommodation CRS provider will explore further options with each individual both whilst the person is in custody and on release. The plan they develop can include:
  - Conducting an initial assessment and developing a support plan.
  - Providing advice and guidance tailored to the individual and informed by their previous accommodation status/history.
  - Contacting the council regarding the duty to refer and providing any supporting information.
  - Making referrals to independent housing providers in the release area
  - Identifying private landlords if the individual may be ready to live independently.
  - Referring to floating support or mentoring services to provide sustainment support for those for whom a bed is secured prior to release.
- Probation practitioners can make referrals into CAS-3 for people at risk of homelessness where no other option has been secured. (NB - referrals to CAS-1 and CAS-2 are made by probation or prison staff for individuals who would qualify)

With the reunification of probation in 2021, some of the responsibilities for the process above changed. However, evidence from before reunification including HM Inspectorate of Prisons 2020 noted that they were unable to determine if this work was done effectively and regularly. Madoc-Jones et al (2018) also noted that where staff made these referrals, the quality of information was assessed as poor.

In Nacro's experience of the new working practices, this process does not always run smoothly. Probation staff are currently under significant capacity constraints due to understaffing and, as a CRS provider, Nacro accommodation advisers often receive inappropriate referrals, incomplete information, and late referrals, which can impact on the speed and quality of service they are able to provide. In addition, probation staff have responsibility for making a referral to the local authority. However, again due to the pressures they are under, these are not always done appropriately and in some cases a lack of knowledge of housing options in a local area can lead to other referrals to inappropriate services, as evidenced by an Accommodation Adviser interviewed for this report:

*"When I tried to get him into <Area 1>, they refused him straight away and said no because he's got an application at <Area 2> which he doesn't want... [be]cause that's a bad area for him, but his Probation [officer], unbeknownst to him, had put a claim in for a referral in <Area 3>, which he has no connection with."* (Accommodation Advisor)

## Main housing options

Below we set out some of the main housing options for people released from prison who don't have their own home to return to:

- **Living with family or friends:** This will always be explored as an option, given the wider challenges of securing appropriate accommodation. Whilst it is a solution for some, it is not a realistic option for many.
- **Local Authority/Social housing:** For people at risk of homelessness on release, a referral should be made to a local authority for a housing assessment. Local authorities do not have a statutory obligation to house people referred to them, they do however have a duty to relieve or prevent homelessness. Prison leavers do not automatically qualify as 'priority need', although the Housing Act 1996 recognised that people leaving prison should be classified as having 'priority need' if the individual is deemed vulnerable as a result of having served a custodial sentence. They therefore need to prove they meet other criteria to be deemed as having priority need and whilst some people leaving prison will be able to receive homelessness support and alleviation from their local authorities due to meeting the priority need thresholds, many others won't (HMIP, 2020).
- **Supported accommodation:** Supported accommodation is housing provided alongside support, supervision or care which can be available to people with specific needs such as mental health problems or substance misuse issues. It is widely acknowledged by stakeholders that there is insufficient supply of supported housing to meet the levels of need. As a result, eligibility thresholds for supported housing can be high, leaving some not reaching those thresholds, despite having significant needs. Additionally, Nacro has anecdotal evidence of cases where people are not accepted into supported accommodation due to their needs being too high for that service.
- **Privately rented accommodation:** Given the lack of availability of other options, the private rented sector (PRS) is a common route for people leaving prison. Whilst it can work for some, there are many challenges for others such as access, particularly with such a competitive rental market, as well as appropriateness for the level of need. These challenges are described in greater detail in the following sections.
- **HMPPS Community Accommodation Service (CAS):** People leaving prison at risk of homelessness on release from prison should be eligible to access a CAS-3 property for up to 12 weeks. People released on Home Detention Curfew with no address may be eligible to access CAS-2 accommodation. See page 5 for details on criteria and duration of stay in HMPPS CAS properties.

## Challenges in securing housing after prison

Prison sentences can create conditions which increase the likelihood of becoming homeless, which in turn can increase the likelihood of reoffending. Evidence has shown that serving a prison sentence significantly increased a person's likelihood of becoming homeless on or after being released from prison (Williams, et al., 2012). Whilst this doesn't take account of all the recent initiatives, there are a number of factors which can influence an increased risk of homelessness for prison leavers, including: people losing their existing accommodation whilst in prison; challenges in maintaining tenancies during sentences; accessing the PRS; being found "intentionally homeless" by local authorities; conditions attached to completing the remainder of a prison sentence in the community (also known as "on licence"); and breakdown of family relationships.

### Maintaining tenancies and benefits during a prison sentence

Prison sentences make maintaining tenancies challenging as residents can risk losing their homes while in custody (Social Exclusion Unit, 2002; Bozkina & Hardwick, 2021). For people in prison with

secure accommodation before entering prison, research from 2012 found that local authority accommodation was the most common. In an analysis of the Surveying Prisoner Crime Reduction (SCPR) survey data, Williams et. al. (2012) noted that 13% of the people in prison surveyed were homeowners. This contrasts to home ownership rates of the general population which in 2011 were reported as being 67% by the ONS, and more recently the 2021 census indicated that 62.5% of households in England and Wales owned the accommodation they lived in.

For people in prison, Housing Benefit can be paid for 52 weeks while on remand, and for 13 weeks for those sentenced in prison. Universal Credit housing costs can be paid for up to six months for those on remand as well as those sentenced in prison<sup>23, 24</sup>. For those serving short sentences, therefore, staff in prison can help individuals try to retain their accommodation by trying to ensure rent is paid through Universal Credit for a limited period if they were claiming this support before prison. However, for people on sentences longer than this time period, Housing Benefit or Universal Credit cannot be claimed and this can lead to people losing their accommodation.

### **Private rented sector (PRS)**

Securing accommodation through local authorities for prison leavers is extremely challenging, and accommodation advisers often look toward the private rented sector to find accommodation for people leaving prison. However, landlords in the private rented sector are often hesitant to rent to prison leavers, therefore the stock of available private sector rented accommodation is also limited (Kerr, et al., 2023; Bozkina & Hardwick, 2021; HMIP, 2020). Kerr et. al (2023) noted that during the MoJ's Offender Accommodation Pilot, private landlords expressed hesitance in renting to prison leavers, and did not want to leave the property vacant while waiting for individuals to be released from prison. Additionally, many people may rely on benefits to pay their rent, which can contribute to the reluctance of some private landlords to rent to prison leavers. This is emblematic of the persistent stigma people on benefits face when looking for accommodation in the PRS – stigma which is reported to likely be more severe for those from minority communities (HMIP, 2020).

Prison leavers who lived in rented accommodation and then were given a custodial sentence can struggle to maintain their tenancies whilst in prison, potentially leading to rent arrears and eviction. This can affect their references and background checks when looking for housing in the private rented sector. In the current highly competitive rental market, people leaving prison can lose out due to a number of reasons:

- They often cannot view the property whilst in prison and cannot respond with the speed needed.
- The need for a deposit and guarantor are additional challenges for people leaving prison. Those prison leavers with limited savings will not automatically have the funds for a deposit. Some rent deposit schemes are available, however, sometimes in the time it takes to secure a deposit, landlords find other tenants (Kerr, et al., 2023).

For those people with support needs, it was felt that PRS was not the right answer, due to support needs being too high to be able to live independently in PRS accommodation. As the staff member of one organisation said:

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<sup>23</sup> <https://www.gov.uk/benefits-and-prison/housing-benefit>

<sup>24</sup> <https://www.gov.uk/government/publications/universal-credit-and-prison-leavers/supporting-prison-leavers-a-guide-to-universal-credit#:~:text=Benefits%20usually%20end%20when%20someone,for%20up%20to%206%20months.>

*“It [investment into accommodation to reduce reoffending] seems to focus quite primarily on private rented accommodation, and that’s it’s, it’s very rarely the solution for a lot of our service users and where it could be a solution, it’s an unaffordable solution.” (Staff member, Third Sector)*

## **Intentionally Homeless**

Local authorities can assess prison leavers as intentionally homeless due to their offending<sup>25</sup>, and therefore do not have the duty to offer permanent housing. Most local authorities will consider someone to have made themselves intentionally homeless if they have been evicted from previous housing due to criminal activity or antisocial behaviour or have accrued rent arrears due to their time in prison. Being found intentionally homeless may lead to a reduction or denial of housing support, thereby causing many prison leavers to look elsewhere for housing. Due to reducing social housing stock, councils have to “ration” social homes, which has resulted in 74% of allocation policies in local authorities in England imposing restrictions relating to offending history (St Mungo's, 2020).

## **Licence conditions/family relationships**

For some prison leavers, licence conditions may prevent them from returning to their families or a certain area. Additionally, some families may also not want relatives to return to live with them immediately after release – such breakdown in relationships usually occur whilst individuals are in prison, thereby making it difficult for prison leavers to maintain family ties or be able to rely on their families to secure housing upon release (The Centre for Social Justice, 2022).

## **Impact of poor-quality housing on offending behaviour**

There is limited conclusive data available on how quality of housing impacts offending behaviour. However, in our interviews three particular themes emerged: physical (bricks and mortar) quality, potential for exploitation, and location of temporary housing.

### **Physical quality of accommodation and offending**

People we spoke to who had been in prison spoke of simply wanting a roof over their heads and did not foresee poor quality housing incentivising them to reoffend. However, practitioners indicated that much of the accommodation available for people who have been in the CJS is extremely poor. We were told as part of this research that in some cases the local authority may deem individuals intentionally homeless if they refused accommodation, leaving people in a position where they may be forced to move into accommodation which may not be suitable to their rehabilitation.

### **Risk of being drawn back into negative behaviours and potential for exploitation**

Due to the limited accommodation options available, people leaving prison can risk being housed in areas where there is a concentration of substance misuse and criminal activity. This can leave newly released prison leavers vulnerable to this or to exploitation from others. Even in cases where people are motivated towards making a fresh start, they can be drawn into networks and behaviour which could lead to further offending. Kerr et. al. (2023) noted in their review of the Offender

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<sup>25</sup>[https://england.shelter.org.uk/professional\\_resources/legal/homelessness\\_applications/priority\\_need\\_in\\_homelessness\\_applications/priority\\_need\\_of\\_people\\_who\\_have\\_been\\_in\\_prison](https://england.shelter.org.uk/professional_resources/legal/homelessness_applications/priority_need_in_homelessness_applications/priority_need_of_people_who_have_been_in_prison)

Accommodation Pilot (OAP) that some support workers who were unfamiliar with the local areas placed prison leavers into areas with high levels of substance misuse. Indeed some participants of the OAP chose to be homeless due to negative experiences with the property in which they were initially housed and were ultimately rehoused in a different property.

## Location of housing

People who had been through the prison system spoke to us about the importance of the location of housing. In particular, reference was made to situations where temporary accommodation was far from their families and the appointments they needed to go to (e.g. probation) and how they felt this increased the risk of them being recalled to prison. We were told that this issue also adversely impacts the rehabilitation outcomes for mothers, who may struggle to visit their children. There are fewer HMPPS accommodation options for women, thereby causing women to be housed in locations which may be a significant distance from their families, making it more challenging for women to gain/retain custody of their children and rebuild ties with their families.

## Use of non-custodial sentences

As the prison population in England and Wales is expected to reach record highs, there has been renewed attention on the effectiveness of custodial sentences in reducing reoffending (Sturge, 2023; Eaton & Mews, 2019).

In 2023 the previous Government announced its intention to introduce a presumption to suspend prison sentences of 12 months or less, so that they are instead served in the community<sup>26</sup>. This did not subsequently pass into law however, there is continued interest in this. In addition to evidence which shows that people serving short prison sentences have higher reoffending rates than those who are on community alternatives, analysis of MoJ data also indicated that people on sentences of less than 12 months fare worse than people on longer sentences in securing settled accommodation three months after release from prison.

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<sup>26</sup> <https://www.gov.uk/government/publications/sentencing-bill-2023/sentencing-bill-factsheet-short-sentences#:~:text=We%20are%20making%20full%20use,of%2012%20months%20or%20less.>





Figure 1, source: Ministry of Justice, 2024

Williams et. al. (2012) established in 2012 that people sentenced to 12 months or less were more likely to have been homeless before coming into custody.

Currently, for people serving community sentences, accommodation advice and support is available through the CRS providers who also support people leaving prison. This, as before, could be help and advice on securing accommodation or support and training to maintain a tenancy. However, it is not a guaranteed provision of accommodation.

Prison and short prison sentences are widely accepted as being particularly detrimental for women. In May 2022 the MoJ announced that a 12-bed Residential Women’s Centre will be opened in 2024 for around 50 women convicted of low-level offences and who have received community orders and would otherwise have received a custodial sentence of 12 months or less<sup>27</sup>. The facility is designed to address trauma within the context of the high rates of historic domestic and sexual abuse experienced by women in custody (Prison Reform Trust, 2017). The facility will also provide drug misuse support, support with employment, and maintaining contact with families.

## Current challenges

In addition to the findings above, a number of particular challenges were identified by people we interviewed:

### Move-on pathways

At present, a significant number of people will leave prison to a short-term housing solution – be that through a local authority or through the HMPPS Community Accommodation Service, or even a supported housing tenancy. The new CAS-3 service was seen as a welcome addition by people we spoke to in order to address the immediate risk of homelessness on release. However, respondents also expressed concern that people could still face homelessness after 12 weeks as they are not always able to secure alternative accommodation, and we heard examples during this research of

<sup>27</sup> <https://www.gov.uk/government/news/location-of-first-ground-breaking-residential-women-s-centre-revealed>

people in CAS-3 accommodation who had not found move-on or settled accommodation options facing eviction proceedings.

For people who are successfully referred into supported housing, move-on options can also be limited, and a sudden withdrawal of support can be particularly difficult to manage. In some cases, this can lead to people staying in supported accommodation longer than they need to and others being unable to access it. There is therefore a critical need to develop longer-term housing pathways which consider the specific needs and vulnerabilities of people who have been in prison.

### Addressing support and independent living needs

Many people in prison, or those in contact with the CJS more widely, have multiple needs which have often not been addressed, and indeed may have been exacerbated in prison. There are currently insufficient supported housing options for this group, with many unable to meet the thresholds to qualify for supported housing, yet struggling to live independently, which can lead to more severe problems as well as further offending. As well as support with mental and physical health needs, there is also a need for help with tenancy and finance skills to help people move towards independence and be able to maintain their own tenancy.

#### Too high need

We heard that some people leaving prison who have particularly high or complex needs can find the level of their needs disqualifies them from some supported housing, as the housing option may not be equipped to address their level of need. For example, an accommodation adviser told us that people with a history of misusing specific drugs may be disqualified from most supported housing options in their local area. Helping such people find suitable accommodation is a considerable challenge.

#### Landlord incentive schemes

In the current housing landscape, there is significant competition for rental properties. To incentivise landlords to rent their properties to specific groups, some schemes are able to provide financial incentives to a landlord in addition to the rent they receive. We heard that this was in some cases making it particularly difficult for individual organisations such as CRS providers to find accommodation for the prison leavers they were supporting as they were unable to match these incentives.

#### Impact of exempt accommodation legislation

Following campaigns which highlighted that 'rogue landlords' were taking advantage of the rules around non-commissioned supported housing and claiming a higher rate of Housing Benefit for tenants without providing appropriate support, legislation was passed in Parliament to increase regulation and standards. This focus on removing these landlords from the market is welcome as it is often the most vulnerable people, including those in contact with the justice system, who would experience and be disadvantaged by this poor provision. However, it will be important to ensure that with the new regulations and standards, and increased involvement of local authorities, this does not mean that provision of supported housing, and indeed housing more generally for people in contact with the justice system decreases. As evidenced in this report, there is insufficient appropriate accommodation for people with complex needs and prison leavers more generally, and we hope that these changes will lead to improved provision and not less provision.

#### Benefits trap

In situations where people in supported accommodation get into work, they may not qualify for benefits if they cross a certain income threshold. They would then need to meet the cost of the

supported accommodation, which can be too high, or find alternative accommodation. However, due to the increased cost of living and the challenges in saving enough money to secure a rental deposit, they may not be able to rent in the private rented sector. We were told this hinders individuals' chance at success, because if they do not qualify for housing benefit they could either get evicted from their accommodation or go into arrears, even if they are in full-time work. This is a barrier to people moving into employment – one of the Ministry of Justice's priorities for people leaving prison.

## Substance misuse and shared accommodation

Moore (2015) noted that changes in drug misuse were strongly associated with recidivism (non-violent and non-sexual reoffending). More broadly, we have heard from those interviewed that many of those in the CJS facing homelessness face substance misuse issues, which is in line with existing research (Bramley & Fitzpatrick, 2015). We heard that people leaving prison can often struggle to address their substance misuse issues in shared accommodation with other people with similar issues, as they may be influenced or could influence others into relapsing. One practitioner highlighted the need for increased funding to, and availability of, substance misuse recovery services to ensure people in the justice system can develop the skills to maintain their tenancies:

*"If you can't get funding to go to detox or rehab, where are you meant to go? How are you meant to sort yourself out if you're homeless?" (practitioner)*

In addition, we were also told prison leavers with substance misuse issues and a history of reoffending may be considered to have "burnt bridges" with some support organisations in their local areas if they had previously been unable to maintain their tenancies or engaged in antisocial behaviour.

*"... the Council have brought out, like numerous schemes, to help people get housed and agencies just jump on it and put every client on their books in a property, even though they know that they [the client/clients] can't maintain a property... And then properties get smashed up and then they close them down because the landlords can't afford to keep taking the hit on their properties... they just keep throwing the same individuals into properties, they get kicked out and that then they get to the end of the road and there's nowhere that will accept him." (Practitioner)*

## Stability and longer-term housing

While short-term housing options provide immediate relief and solutions to address homelessness, we were told, and it is widely accepted, that longer-term more stable accommodation is more effective at helping people to turn their lives around and reduce reoffending. In the Offender Accommodation Pilot, this was highlighted for people with complex needs, stating that one of the key challenges was that it could not adequately address the significant trauma some individuals had experienced, with at least one staff member in the pilot highlighting that such complex trauma may need more than two years' worth of intervention to address Kerr et. al (2023), (p. 17). Separately, one respondent from a women's organisation spoke of the benefit of long-term tenancies without time limits for people with complex needs:

*"So, I think that the timed aspect of supported living is a real issue... I don't think tenancies should be timed at all." (Staff, Third Sector Organisation)*

## Specific cohorts

The housing and homelessness challenges affect many different groups of people in contact with the justice system. Many face similar challenges but there are also specific challenges for particular groups. Commonweal may want to focus on a specific cohort:

### Young adults

Young adults face specific benefit restrictions which can make it more difficult to get housing. Young people under the age of 25 have a lower rate of Universal Credit allowance, and those under the age of 35 are entitled to a lower shared accommodation rate, which also reduces the accommodation options young people can access (Nacro, Centrepoint, 2018). As of September 2023, an estimated 13% of the entire prison population is aged between 18 and 25<sup>28</sup>. As of October 2023, 168 people in youth custody are aged 18 or over, accounting for nearly a third of the youth custody population<sup>29</sup>. It is estimated that about 15-20% of those in youth custody will go into the adult estate every year, representing a small proportion of people who have been in custody throughout their formative years and would need intensive support for when they are released into the community.

### Older people

Older people are a growing group in prison – the over-60 prison population rose by 243% from June 2002 to March 2020 (House of Commons Justice Committee, 2020). There are therefore a significant group of people released from prison with social care needs and specific requirements for places to live. We heard of referrals leading older disabled prison leavers to move into accommodation with limited access options.

### Women

Women make up a small proportion of the prison population yet have significant vulnerabilities and needs. More women are recorded as rough sleeping three months post-release than men (11% v. 7.6%), and fewer women find settled accommodation<sup>30</sup>. For women who have received custodial sentences, homelessness can have a significant impact on maintaining familial relationships – there are fewer housing services for female prison leavers facing homelessness, thereby making it challenging for women to stay in contact with their families (Lord Farmer, 2019; The Centre for Social Justice, 2022).

It is estimated that only five percent of children remain in their own home once their mother has been sentenced (Epstein, 2014). This implies that upon release, mothers may not be eligible (or given priority need) for housing until their children are living with them, but they would be unable to live with their children without securing appropriate housing (Prison Reform Trust, 2020; Lord Farmer, 2019), which can be difficult. With regards to HMPPS accommodation, participants informed Nacro that CAS properties are not always suitable to the needs of women leaving prison, as these properties can be far away from their families or may not allow mothers to bring their children. We also heard examples of women who were housed in CAS-3 becoming homeless after 12 weeks due to lack of other options.

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<sup>28</sup> Source: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2023>

<sup>29</sup> Source: <https://www.gov.uk/government/publications/youth-custody-data>

<sup>30</sup> Offender Accommodation Outcomes, update to March 2024, Ministry of Justice. Source: <https://www.gov.uk/government/statistics/offender-accommodation-outcomes-update-to-march-2024>

## People from Black and minority ethnic communities

Data from 2020 through to the end of 2023 showed that Black or Black British prison leavers fared worse compared to their White counterparts in terms of securing settled accommodation at three months after release from prison.<sup>31</sup> In the year ending March 2023, 63.1% of Black prison leavers were in settled accommodation three months post release from custody compared to 67.9% of White prison leavers and 67.8% of all prison leavers. However, these accommodation outcomes have improved over the past year, with 68% of Black prison leavers in settled accommodation compared to 68.1% of all prison leavers and 67.5% of White prison leavers (Ministry of Justice, 2024). It will be important to see if these improvements will be sustained.

## People who are more advanced in their desistance journey

This group, who will likely not meet any threshold for additional support, are often ready to make immediate changes to their lives. However, they may find securing somewhere to live particularly hard, as they are unlikely to be priority need and may end up being placed in inappropriate shared accommodation with others who are at a different stage and whose behaviour may negatively influence their own. Various accommodation advisers stressed that people who are close to this point and more advanced in their desistance journey should be housed with people at a similar stage so that they can reinforce each other's positive journey.

## People with higher support needs

We heard repeatedly that there was a shortage of supported housing and wider support for people with higher support needs. This leads to too many people not being able to access appropriate accommodation and support and being either placed in inappropriate accommodation with little to no support or becoming homeless.

## Community sentences or suspended sentences

Before the General Election was called in May 2024, legislation was being debated in Parliament which proposed a presumption that prison sentences of 12 months or less would be suspended to be served in the community. This change is widely supported as evidence shows that short prison sentences are less effective at reducing reoffending than community sentences or suspended sentences. Should this become law on the future, this will be a significant change in approach and an opportunity to provide support and address wider needs, of which homelessness and insecure housing is one. There is therefore an opportunity to look specifically at what housing-based solutions might work with this cohort.

## Conclusion

While multiple factors in combination with homelessness can lead to contact with the CJS, homelessness plays a significant role in creating a revolving door cycle of offending. This report has highlighted how homelessness interacts with criminal justice and its impact on offending and reoffending. It has also set out how a prison sentence can create additional challenges in securing somewhere to live. The report sets out some of the particular challenges for people in contact with the justice system and areas which require further focus.

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<sup>31</sup> Offender Accommodation Outcomes, update to March 2024, Ministry of Justice. Source: [Accommodation at 3 Months Post Release from Custody.xlsx](#)

Figures taken from Table 6, Column J – this figure excludes Approved Premises

These include: how to ensure there are move-on options and pathways from short-term accommodation options and the need more generally for longer-term housing options; the need to address support and independent living needs alongside providing housing; the impact of being deemed 'intentionally homeless' as a result of offending history; and the potential impact of being housed in areas with high rates of substance misuse and criminality.

The report also identified specific cohorts of people leaving prison who may face additional challenges and who would benefit from additional focus. These include young adults; older people; women; people from Black and minority ethnic communities; and people more advanced in their desistance journey. Additionally, if steps are taken to increase the use of community alternatives to prison, , looking at appropriate housing solutions for this cohort would be an area to explore further.

Good quality, safe and stable housing is a critical building block in reducing the risk of reoffending and can help people access appropriate support and/or opportunities to help them move forward from their past. Appropriate housing interventions can therefore mitigate or help address some of the challenges identified in this report.

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