



### **Homeless when released from prison**

**If you were recently released from prison, find out about services that could provide practical support and help you find accommodation. You could also apply to Cumberland Council for housing assistance as a homeless person**

#### **Key advice**

Tell Cumberland Council of your accommodation, health and offending history.

#### **Help from Cumberland Council if you are single and homeless**

If you apply to Cumberland Council for housing assistance because you are homeless, Cumberland Council might not necessarily be legally obliged to provide you with accommodation. Its duty to you might be limited to them providing you with advice and assistance and not actual accommodation. For Cumberland Council to be legally obliged to provide you with accommodation it will have to be satisfied that you are eligible, homeless, in priority need and that you have not made yourself intentionally homeless.

Cumberland Council will take into account if you have spent time in prison when deciding how to treat you, even if it has been some time since you were released.

Cumberland Council will also look at whether you:

- A pregnant woman
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness, learning disability or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside.
- A person under 21 who was (but no longer is) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a “relevant student”)
- A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is “relevant student”)



- A person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces.
- A person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out.
- A person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster.
- A person who is vulnerable as a result of:
  - Having served a custodial sentence
  - Having been committed for contempt of court or any other kindred offence; or
  - Having been remanded in custody;

Cumberland Council could decide not to provide you with permanent accommodation if it considers that you made yourself intentionally homeless.

### **Priority need for prisoners and ex-offenders**

In some circumstances, Cumberland Council might decide you are in priority need because you have spent time in prison or on remand.

We will consider whether you should be regarded as being vulnerable by virtue of the fact that you are homeless. This has a particular meaning for homelessness applications and is not the same as being labelled vulnerable in prison.

When considering your homelessness application, the Association will look at:

- The length of time you spent in prison
- If any third party support is being provided to you either by the probation service, a youth offending team, or drug and alcohol team
- Evidence provided by any third party (including any housing needs assessment) about your homelessness vulnerability
- The period of time since your release from prison and how successful you have been in finding your own accommodation and in keeping that accommodation
- Any third party support networks such as family, friends or a probation officer
- Evidence of any other vulnerability such as mental health problems, drug or alcohol misuse, or a history of having been in care
- Any other factors that might have an impact on your ability to find accommodation yourself

The fact that you have been in prison does not in itself mean that Cumberland Council has to treat you as being vulnerable and in priority need for accommodation. Cumberland Council will need to assess the evidence before it and be satisfied that you will find it difficult to seek out and maintain accommodation for yourself compared to other people who are rendered homeless.



Contact Cumberland Council to find out more about how the council decides if you're in priority need.

### **Prisoners and ex-offenders treated as intentionally homeless**

Cumberland Council Housing Options Team may decide that you are intentionally homeless if you were evicted from your previous home because of criminal or antisocial behaviour or because of rent arrears resulting from your time in prison.

If Cumberland Council decide you are intentionally homeless, it will only offer you limited help with finding housing. If you are in priority need, you **may** be offered temporary accommodation for a short period of time so as to assist you to find your own accommodation in the private sector or social housing sector.

Cumberland Council may take the view that you should have known that your criminal activity could have resulted in you being sent to prison, and that this could lead to the loss of your home.

Cumberland Council is less likely to decide this if the loss of your home didn't directly follow on from you being sent to prison, for example, if you made an arrangement for another person to pay the rent while you were away but that arrangement broke down.

Cumberland Council could also decide that you are intentionally homeless if you gave up your tenancy because your entitlement to housing benefit or Universal Credit ended during a period in prison.

It is very important to seek advice from a housing adviser, particularly in cases where it could be argued you were sent to prison for a crime that was not premeditated, or was not deliberate because you were not able to understand the consequences of your own actions.

This could be the case because of:

- having limited mental capacity
- mental illness
- frailty
- an assessed substance abuse problem

### **What area can you be housed in if you are homeless?**

Under the Homeless Reduction Act 2017 a person can present to any Local Authority for an initial assessment of their needs and circumstances leading to homelessness or threat of homelessness.



When you apply to Cumberland Council as homeless, the Housing Options Service will conduct an initial assessment of needs and circumstances and from that it will be decided what if any duty is owed to you.

A local connection will only be considered should you be owed the “relief duty”

Cumberland Council reserves the right to only allocate prevention funding, or any form of financial assistance provided by the authority to those who hold a local connection to the Cumberland area, this applies to all or any housing duty owed to you by Cumberland Council.

You can establish a local connection, for example, by living, working, or having immediate family (usually a parent or brother or sister) in the area.

Time spent in prison in a specific area does not give you a local connection with the area where the prison is located. However, if you have no local connection with any area or if you are fleeing domestic violence, you can apply to any council in any area. The council you apply to has to help you.

There may be restrictions placed on where you can live. For example, if an anti-social behaviour order (ASBO) says you can't go to a particular area, you may need to seek help from a different council.

Find out more from Gov.uk web site about ASBOs.

High risk prisoners managed by a multi agency public protection arrangement (MAPPA) may be required to live in certain areas.

### **Emergency accommodation if you have no housing**

You may need to use emergency accommodation such as a hostel, night shelter or bed and breakfast accommodation if you have nowhere to go following your release. Hostels may also provide temporary accommodation. Some are direct access, which means you don't need a referral from an agency to use them.

*(please note emergency accommodation is not guaranteed to be provided by the Local Authority, it is not mandatory for Local Authorities to provide accommodation upon release from prison)*

Search the Homeless England directory to find hostels, emergency and longer term accommodation and day centres in your area. This information can be found at [www.homeless.org.uk](http://www.homeless.org.uk).

Use [Shelter's directory](#) or call Shelter's free [housing advice helpline](#) on 0808 800 4444 to find services near you. The Shelter directory can be located at [shelter.org.uk](http://shelter.org.uk).



## Help finding housing in the private rented sector

You could try to find housing in the private rented sector. Cumberland Council's Housing Options Service will be able to advise you how to find out what housing is available locally and how to apply for Universal Credit to help you with your housing costs.

You might be able to get help with a deposit through:

- a private rented sector rent deposit or bond scheme provided by Cumberland Council (local connection applies)

You may also be able to receive help with support and accommodation from DISC Cumbria Offender Services (COS) Project if you are current to probation and in the community. For a referral, please contact your Offender Manager.

## Apply for a housing association home

As a longer term alternative option, you could also consider applying for a Housing Association home. Please complete the on-line housing application at [www.cumbriachoice.org.uk](http://www.cumbriachoice.org.uk).

## Help finding housing from probation services

Offenders serving sentences of 12 months or more are released on licence and live in the community supervised by the probation service until the end of their sentence.

If you are released on licence, your probation officer can help you find accommodation, if you have spent a continuous period of at least twelve months in custody this would be referred to as an approved premises TBC

## Help with money before you are released from prison

All prisoners are given a discharge grant paid for by the prison when they leave. This is money to help with your costs until your benefits are sorted out.

If a prison housing adviser has found you accommodation for your first night, you may be given a higher discharge grant (about an extra £50), which is paid directly to the accommodation provider TBC

You may also be able to get help from Cumberland Council's Ways to Welfare. A prison adviser or other adviser may be able to help you with your application.

You may be able to prepare for your release when you are in prison by saving some of your prison wages. You could consider opening a credit union account when you are in prison. Ask at the prison for details.



## Homelessness help when on bail or Home Detention Curfew

If you are a low risk adult prisoner and eligible for release on bail or home detention curfew, but don't have suitable accommodation to go to, you may be able to get help with supported accommodation through the bail accommodation and support scheme.