

PREVENTION REVIEW GROUP – 17 February 2020

Minute of meeting

Present:

Members: Professor Suzanne Fitzpatrick (Heriot Watt University, Chair), Cllr Elena Whitham (East Ayrshire Council / COSLA), John Mills (Fife Council / ALACHO), Maggie Brunjes (Homeless Network Scotland), Ruth Whatling (Scottish Government), Stephen O'Connor (Scottish Government), Gordon MacRae (Shelter Scotland), Matt Downie (Crisis), Kathy Cameron (COSLA), Professor Tom Mullen (University of Glasgow), Sally Thomas (SFHA).

In attendance: Jess Husband (Shelter Scotland), Beth Reid (Crisis), Judith Chisholm (Crisis)

Apologies: Susanne Millar (Glasgow City HSCP), Callum Chomczuk (CIH).

1. Welcome and introductions

Professor Suzanne Fitzpatrick welcomed everyone to the meeting.

2. Update on the Prevention Commission

Maggie Brunjes referred to the report from the second meeting of the Prevention Commission which had been circulated in advance. This has also been published on both Prevention Review Group website and Homeless Network Scotland.

The Prevention Commission had its second meeting on 13 February at which they started to explore the idea of housing security and housing choice. Building from this the members of the Prevention Commission began a conversation about striking the right balance between ensuring housing security for people at risk of homelessness, while also integrating more housing choice. Discussions around this theme will continue in future meetings of the Prevention Commission.

It was noted that the Chair plans to attend the next meeting of the Prevention Commission to informally chat through the potential framework for prevention process.

The first joint meeting of the Group and the Commission has been scheduled for Monday 27 April in Glasgow. **ACTION: members of each of the groups to consider what areas and questions for discussion could be most helpful for the groups to jointly consider.**

The Chair thanked Maggie for the update and noted that the Prevention Review Group looks forward to further input from the Commission and meeting them in due course.

3. Criminal justice duties – review and discussion

Beth Reid referred to the report on the stakeholder meetings on criminal justice and presented on the key outcomes from that report to the Prevention Review Group:

- There were 14 stakeholders present, including representatives from Scottish Prison Service (SPS), Community Justice Scotland, Police Scotland, Social Work Scotland, Scottish Government Community Justice Division, local authorities and relevant third sector organisations. On behalf of the Review Group, John Mills, Fife Council / ALACHO and Ruth Whatling from Scottish Government were in attendance. Crisis also consulted separately with the Scottish Courts and Tribunal Service.
- The format of the meeting was to work through the parts of the community and criminal justice process to identify potential areas for early intervention and prevention duties.

- **Police** – it was recognised that there were several opportunities for prevention activities in relation to police services. First, community policing where stakeholders talked about opportunities to identify that someone was at risk of homelessness and then refer on to the local authority. Second, at the time a person is arrested and is first taken into custody there are opportunities to identify someone’s housing situation in terms of risk assessments and the information that is gathered at that point. Once the information is gathered then a duty could be for that information to be shared with the court and potentially considered within the sentencing process or also shared with the LA if that is appropriate.,
- **Courts** – there was discussion with Scottish Courts and Tribunals Services and community justice and other partners about the court process and opportunities to prevent homelessness there. At the moment none of the stakeholders were aware if Housing Options advice is currently provided in courts. It was highlighted that there is an issue around lack of accommodation for advice services in the court. Those that are there tend to be commissioned by the local council so might be opportunities for duties around that although the practical issues were noted. Difficulty as judicial independence is a very strong principle and guidelines on sentencing are at a very preliminary stages in Scotland. There may be opportunities to influence there but not to introduce duties.
- **Court reports** - the police and criminal justice social workers (CJSW) both prepare reports for the judiciary to consider. Depending on the individual judge it varies considerably as to the extent those reports are considered in the court process. There are a few examples of good practice with Sheriffs directly telephoning housing departments and asking about housing options for people in situations where prison was not considered appropriate by the Sheriff.
- **Criminal Justice Social Work (CJSW)** sits within the LA and there may be opportunities for information to be shared more between CJSW and the LA more widely in relation to housing. Lot of recognition from the stakeholders of the benefits of CJSW with its culture and good practice of taking a person centred, “sticky”, rights based approach, with joint goal setting. Noted though that there is the statutory framework where both sides have to deliver and there are severe consequences in terms of referral back to the courts if individuals don’t comply.
- **Community sentences** - in relation to community sentences it was thought that there are lots of opportunities to identify risk of homelessness.
- **Bail support services and bail supervision** – this area has suffered from funding cuts but it was noted that checking bail addresses could be an opportunity to gain more information on housing situation.
- **Prison and SHORE standards**– there was a lot of discussion at the stakeholder meetings around the SHORE standards, which focus on remand and short-term sentencing. Those were widely acknowledged by stakeholders to be a very effective framework, although implementation is still ongoing. They set out a very clear framework and process. At the stakeholder meeting it was made very clear that there is a real opportunity when people enter prison (and thereafter) to have a conversation about housing to identify situation and next steps to reduce risk of homelessness.
- **Prison and LAs** – there are now 16 data sharing agreements between SPS and LAs to share information on admissions and liberations. Initial evaluation suggests that the data-sharing agreements are helping with the process of LAs being able to provide support to individuals at the most appropriate time. But at same time there was a sense that at some points when prisons are referring to LAs those referrals are not always getting picked up by the LA even when they have been put on notice by the prison.

- **Prison and colocation of services** – it was noted that the quality of co-located services within prisons can vary enormously. Some throughcare services can be really effective but others create duplication of work.
 - **Remand** – it was highlighted that there are a lot of challenges in terms of providing service to people on remand as they follow a different process and people move through the system quickly. Remand is covered by the SHORE standards.
 - **MAPPA** – potential lessons from this. Fife looking at rolling out MAPPA approach and joint agency work for all offenders not just highest risk. Also noted that CJSW and MAPPA both involve mandated professionals.
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The Group then discussed those areas identified from the stakeholder meetings. Points discussed were:

- a) Initial thinking is that a key recommendation should be to introduce duties to ensure that no one is liberated from prison without a home to go to. It was felt that the best way to achieve this was to put a “duty to ask” on prisons to have conversations with prisoners around their housing situation, not just on admission but throughout sentence.
- b) It was discussed what obligation should be on the prison following it asking about the housing situation. It was felt that despite some of the limitations of a duty to refer to the LA that have been noted in the Welsh and English contexts, it seemed that this was probably the option that would be most practicable. It was hoped that if there were strengthened duties on the LA then that should help ensure that the referral is picked up by the LA.
- c) There should be a legal duty to provide mandatory advice on housing in prisons. This was a topic that had not been covered in any depth at the stakeholder meeting. SPS had mentioned that 22 LAs provide advice in prisons but the quality and nature of that varies significantly and it wasn’t clear if this was advice to the prisoners or whether it was discussion with the prison staff around referral pathways. Noted that issues around whether that would be advice provided by the prison service, LA advice, or externally commissioned advice whether by the LA or by the prison. **ACTION: Follow up and try to obtain more information on nature of housing / homelessness services LAs are currently providing in prisons.**
- d) Court can be an important time to provide Housing Options advice. The Group also needs to consider opportunities to prevent homelessness of families of offenders perhaps linked in to provision of advice on Housing Options linked to courts.
- e) It was clear that the CJSW worked really effectively but it is expensive and there is quite a high threshold before an individual is provided with one. Query if one of the recommendations of the Group could be to try to establish a pilot project for elements of the CJSW model to be applied more widely in an area.
- f) Noted that the SHORE standards provided an existing framework that is widely respected although partial implementation, which is currently being review by the Scottish Government. Group recognised need to consider if there are elements of this that could form starting point for legal duties or are consistent with recommendations set out above.

- g) Professor Tom Mullen and Professor Suzanne Fitzpatrick will work on developing draft legislation together with legal experts to develop more specific proposals for the Group to reflect on both in relation to criminal justice and more widely.

4. Next meeting: duties in relation to domestic abuse and homelessness

Beth Reid presented to the Group on the current context of homelessness and domestic abuse, referencing the briefing paper which had previously been circulated. The Group reviewed the stakeholder list and list of consultation questions and made further recommendations to inform the stakeholder meeting in early March.

5. Stakeholders for children, families and young people consultation

A draft list of stakeholders was circulated to the Group for consideration. It was noted that there is a particular need to ensure representatives from education, poverty and social work bodies.

6. Next steps, time and date of next meeting: March 27 2020, 10am-1pm, Radisson Blu, Edinburgh