

Advice Guide

Homeless or at risk of homelessness when released from prison

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Keeping your home whilst in prison

If you had safe and secure accommodation before going into custody, you should try to keep it, where possible, while you're in custody. Having a stable home to return to can be important if you are on a short sentence or on remand, as you could be released back into the community straight from the court.

You might have had financial support to pay your rent through Housing Benefits or the housing element of Universal Credit. In some circumstances these can still be paid whilst you are in prison.

Housing benefits

If you are currently in receipt of Housing Benefits you might be able to continue with your claim under some circumstances. You can only get Housing Benefit to pay your rent if you intend to return home when you are released from prison. How long you can get Housing Benefit for depends on your circumstances:

- On bail: you can get Housing Benefit on your normal home for up to 52 weeks if your bail conditions mean that you have to live away from home, in a bail or probation hostel or anywhere else.
- On remand: you can get Housing Benefit for up to 52 weeks while you are in prison on remand waiting for your trial or sentence.
- Sentenced: if you are sentenced and are in prison you can get Housing Benefit for up to 13 weeks. However, you must expect to return home within 13 weeks of the date you first went into custody, including time you were on remand. You will not be entitled to Housing Benefit for any of the time you are serving a prison sentence if the length of your sentence means you will not be returning home within 13 weeks of the date you went into custody.
- Temporary release: the time you spend at home on temporary release is treated as time in prison.

Universal credit

If you were getting Universal Credit to help pay your rent or a mortgage before you went into prison, you can continue to get Universal Credit housing costs payments for up to 6 months. This applies if you are on remand, on bail or sentenced. However, if you receive a custodial sentence, you won't get Universal Credit if you expect to be in prison (including time on remand) for more than 6 months. You should try to set up a direct debit to pay your Universal Credit directly to your landlord. You cannot make a new claim for Universal Credit if you are in prison. However, if you were entitled to Universal Credit immediately before you went into prison but were not getting it, you might qualify for backdated

payments. You could then get Universal Credit for up to 6 months in prison.

Can someone else pay my rent?

If your partner (married or not) lives with you and you are serving a prison sentence, your partner can claim Housing Benefit or Universal Credit to pay the rent on your home. Another relative or friend who normally lives with you might also be able to receive Housing Benefit or Universal Credit. They can apply even if the tenancy is in your name only. You should tell your landlord that they will pay the rent on your behalf.

If no one else lives in your home that can pay the rent in your absence you can consider the possibility of asking someone to live in your home as a "nominated person" while you're in prison. A nominated person is someone appointed by you to live in your home and pay the rent in your absence. You will need your landlord's consent to this arrangement. A nominated person would have no tenancy rights, all tenancy rights and responsibilities would remain with you as the legal tenant.

If you don't get permission from your landlord to have a 'nominated person' in your property to pay your rent your landlord could evict you. If you are a council or housing association tenant, it is a criminal offence to sublet your entire property without written permission.

There should be DWP workers in prison who may be able to offer support to deal with current benefit claims and alternative claims to help you keep your accommodation whilst in prison. If you need support with ending your tenancy so you don't get into arrears speak to the Pre-release Team who can seek a referral to a dedicated accommodation support worker to help with this.

Can I be evicted when in prison?

Private rented

If you rent privately, you must tell your landlord about your absence and let your landlord know that you intend to return to your home after release. You should telephone or write a letter to your landlord. If you do not tell your landlord what is happening, he or she could think you have abandoned the property and take legal action to end your tenancy.

Your landlord doesn't have to agree to continue the tenancy, but the landlord will have to follow due process in order to end it. This means you'll have to be given proper legal notice to leave the property and, if you don't leave the

property and return the keys by the end of this notice period, the landlord will have to go to court to get an order to end your tenancy.

If you think that your landlord will end your tenancy whilst you are in prison please contact us, details on how to do this are found at the end of this letter.

Housing Association or Council Tenant:

You will not automatically lose your housing association or council tenancy because you've been placed in custody. The housing association/ council will consider the length of your sentence and nature of your offence. You may be in breach of your tenancy conditions if you have committed certain offences and the housing association/ council may consider asking you to leave your home and they will have to follow the correct legal procedure to end your tenancy.

Notifying the housing association/ council of your absence and that you intend to return home after your release should be your first step if you want to keep your home. If you need assistance with this you can ask a Resettlement Officer based at the prison to assist you. If you do not let your landlord know that you are not currently living in the property they may think that you have abandoned the property and could terminate your tenancy.

Can I return to my supported housing after my release?

If you were living in supported accommodation at the time of your imprisonment, whether this remains your home may initially depend on whether you had an Assured Shorthold Tenancy (AST) or a licence agreement. Most supported accommodation offer licences which will mean they may end your placement quickly and will not need to go to court. It is very important you contact them to let them know where you are and when you expect to return. They will advise you if your placement will still be open to you on release. Please notify your Pre-release Team that you need to make contact with your housing provider quickly and they will support you in making contact, or ask your Probation Practitioner to do so.

What if I own my home?

If you own your home, you may be able to get a 'support for mortgage interest' (SMI) loan from the government to pay the interest on your mortgage. If you were getting an SMI loan before you went into prison, you can get it for

up to 52 weeks while you're on remand or on bail. SMI loan payments will end if you are sentenced. If your partner lives in the home, they may be able to claim SMI but there will usually be a waiting period. If you cannot get an SMI loan, you may be able to negotiate with your lender for a period of reduced payments if your prison sentence is short.

You might have to think about letting the property to someone and using the rent to pay your mortgage, but you'll need your lender's permission to do this.

It's not always be practical to keep your home, especially if you are serving a long sentence and keeping your home might lead to a large debt and eviction whilst you are in prison. Contact your Pre-release Team if you want further advice on these options. They may be able to arrange a referral to an accommodation support worker who can help you access advice from us.

Preparing for release from prison

Before someone leaves prison

All prisoners should get help preparing for life when they leave prison. In the last 12 weeks of their sentence they should be given advice and support on:

- finding somewhere to live
- getting a job
- looking after money, including what benefits they can access
- details for their [local council](#). Your Probation Practitioner may have already sent a 'duty to refer' to the local council or the council requested by the prisoner.

Prisoners should get additional support if they:

- have misused substances (such as drugs or alcohol)
- are sex workers/have sold sex for money
- are the victim of domestic abuse

There are organisations that can provide support for people leaving prison, including:

- [Nacro \(previously National Association for the Care and Resettlement of Offenders\)](#)
 - Through its Resettlement Advice Service, Nacro offers support and advice regarding access to employment, housing and education to

people with criminal records and professionals working with them. They also provide training to employers and organisations about assessing and managing risk in relation to criminal records via the [The Hardman Directory](#)

- [Prison Reform Trust](#)
- [Shelter](#)
 - A website that offers practical advice and support for all housing related matters
- [Unlock](#)
 - Unlock is an independent national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record.

Financial Support

You may be concerned about how you will manage financially once you leave prison. The prison service aims to ensure that all prisoners who need one have the possibility of registering for a bank account ahead of their release. The six largest commercial banks in the UK work with the prison service to provide a special scheme for prisons, so that people coming to the end of their sentence can apply for accounts while in prison. If your application is accepted, you will receive the usual documentation, card, and PIN, which are held with your valuable property until release. With this, you are able to deposit money into the account.

If you aged 18 or over and in custody for more than 14 days you may be eligible for a 'Discharge' grant. This is money to help pay for necessary living expenses in the period immediately after release and if you are unemployed, before the first benefit payment.

Checklist when leaving prison

- ✓ Check with your probation practitioner to see if there are any restrictions about where you can live. Make sure any address you propose has been agreed by probation.
- ✓ Do you have somewhere you can stay on the day you are released?
- ✓ Contact friends and family to see if anyone could offer you a bed for your release date or longer, so that you have some time to plan for other housing options and to claim benefits or return to work.
- ✓ Advise the Pre-Release Team or a member of the Offender Management Unit at your prison as soon as you know you do not have anywhere to stay.
- ✓ Discuss options with your Probation Practitioner or, if you have one, Interventions Alliance accommodation support worker for referrals to

supported accommodation providers on release. They may be able to offer you a telephone or in person assessment whilst you are in prison.

✓ Contact your local Housing Options Team and ask for some help. They can arrange a telephone assessment of your housing and support needs and try to help you secure accommodation on release from prison.

✓ You may also wish to contact other services that you will need on release such as [Substance Misuse providers](#), your GP, your landlord if you are able to return to your home or Social Services.

Being released from prison with no housing

If you will be leaving prison with no accommodation on release it is very important that you get advice about your housing situation. Your prison should have resettlement officers who can help you, they may be able to assist you in contacting your local council Housing Options Team or other agencies that may be able to assist you whilst you are in prison. They can submit a 'duty to refer' to the Council you would like to get support from with your housing once you are released, this will usually be done 56 days before you are due to be released. The resettlement team may also be able to submit referrals into supported housing projects in the area you have a local connection with or the area you want to live in.

You should consider whether it is an option for you to stay with family and friends once you are released. If your relationships with family and friends have broken down, it is possible to rebuild bridges, perhaps with the help of prison staff. It is often difficult to get housing on release from prison so this can be a good short-term option, it is very important not to dismiss this as an option if your probation worker is in agreement with this plan.

Supported housing

Supported accommodation is specialised housing for those with additional support needs that cannot always be met within independent accommodation. The type of accommodation varies between supported accommodation providers. It could be shared accommodation or a self-contained room with your own cooking and bathing facilities. You will have an allocated key worker in most supported accommodation who will help support you in your placement and support you with moving on when you are ready.

The support provided may include:

- Support to access other services such as drug/alcohol support services
- Tenancy management
- Budgeting and support with benefit claims
- People with a history of offending

- Support to secure alternative accommodation when ready to move on

Private renting

Renting privately can be expensive. You may be able to claim benefits to help with paying rent. How much you can get depends on your income, age, and the size and location of the property. If you are under 35, benefits will usually only pay for a room in a shared house. Landlords or letting agents will want references, a deposit, rent in advance, and proof that you can pay the rent.

Making a homeless application

If you have nowhere to stay on release from prison, or your plans for where you were going to stay fall through, you need to contact your local council at the very earliest time on the day of your release. The process of making a homeless application may have been started by your Probation practitioner before you left prison.

You will be interviewed by a Housing Options Officer who will take a homeless application. This application will take the form of either a telephone interview or interview in person. You will be asked questions about your eligibility to receive assistance, your previous housing situation(s) and what physical or mental health conditions you have or have had in the past. Your Housing Officer will assess what legal duties are owed to you and if there is a legal duty to provide you temporary emergency accommodation or not.

All local authorities have a duty to provide advice and assistance on your housing options, however it is best to contact the council where you have a connection. A local connection is usually where you normally live, where you lived prior to going into prison or have immediate family members living in that area. If you approach a council where you do not have a connection, sometimes the options they can give you are limited and they will usually refer you back to the council where you do have a connection. There are exceptions to these local connection rules, for example if the Police feel you would be at risk of violence if you were to return to your own area they may support you in applying to a different area for assistance.

What housing options could be offered?

This might include:

- Referral to supported accommodation projects

- Helping you with rent in advance or deposit to secure a private tenancy
- Helping you register for Devon Home Choice
- Mediation and support to help you stay with friends or family.

You will be given a Personalised Housing Plan which will detail all the actions that we will take and the actions you will need to take. If you do not complete the actions or decline a reasonable offer of accommodation this may bring an end to the duty to house or assist you, so it is important you understand your Personalised Housing Plan and work with your Housing Officer to complete the actions needed.

Contact details for Exeter City Council's Housing Solutions Service

Online: [Contacting us for housing advice - Exeter City Council](#)

Address: Civic Centre, Paris Street, Exeter EX1 1JN

Tel: 01392 265726

**If you are homeless outside of normal office
hours (Monday-Friday 9am-5pm, excluding bank
holidays)**

**or at the weekend then please contact
Exeter City Council's Out Of Hours Number:-
01392 265147 for assistance**

Other Devon local authority contact details

The following local authority areas are supported by Devon County Council:

- [East Devon District Council](#)
- [Exeter City Council](#)
- [Mid Devon District Council](#)
- [North Devon District Council](#)
- [South Hams District Council](#)
- [Teignbridge District Council](#)
- [Torrige District Council](#)
- [West Devon Borough Council](#)

These are Devon Unitary Authorities and provide their own support

- [Plymouth City Council](#)
- [Torbay Council](#)