

CRIMINAL JUSTICE Accommodation Services

A review and consultation paper

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ACCOMMODATION SERVICES**

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and CONSULTATION
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**Scottish Executive Justice Department
July 2001**

FOREWORD



The Scottish Executive is committed to promoting and developing a range of measures to deal effectively with offenders in a community setting. Offenders in common with all members of society have a need of access to housing. For the majority of offenders the mainstream social housing market in its various forms provides the answers. However there remains a small group for whom a different approach is needed. This review and consultation paper is concerned with how, within the context of overall community safety, the needs of this latter group can best be served.

The new strategy aims to reconcile the needs for public protection with the longer term aims of moving individuals on to independent living and eventually reintegration into the community. It is based on proposals for individually tailored packages of support, surveillance and supervision, assessed according to the needs of each individual offender. This would be combined with national provision of a more flexible range of community-based accommodation options rather than the present focus on a limited number of hostel places. The paper in addition to setting out a new strategy for offender accommodation also addresses issues in respect of specific groups of offenders and the handling of more difficult cases. These are complex issues encompassing a number of areas of the Scottish Executive. This is why we are consulting as widely as possible to ensure that the interests of public safety and of the individual are fully served. Naturally we will take very careful note of all responses received in finalising the strategy towards the end of the year.

A handwritten signature in black ink that reads "Jim Wallace". The signature is written in a cursive style and is underlined with a single horizontal line.

Jim Wallace QC MSP
Deputy First Minister and Minister for Justice

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1. INTRODUCTION

1.1 Most offenders serving community sentences live in ordinary housing which is rented from the social or private sectors, or privately owned – with no need for intervention from criminal justice accommodation services. In addition, most prisoners released from prison, and the majority of those remanded on bail, have a variety of housing needs which are also addressed within the framework of the ordinary housing market. The Scottish Executive's housing policies address the needs of these individuals, who are able to live independently in the community.

1.2 However, a small number of the offenders serving community sentences, ex-prisoners released on licence, or defenders remanded on bail (bailees) , require a greater level of supervision in order to live successfully in the community. Where this is the case, adequate levels of support and supervision must be provided so that tenancies can be sustained, and the conditions of a licence or court order can be met. In these cases, criminal justice social work services will intervene to arrange a package, consisting of accommodation, supervision and support within the community setting. This package is known as 'supported accommodation', or 'criminal justice accommodation services'. By managing the risks posed by this client group, supported accommodation contributes to community safety.

1.3 This paper deals with the provision of accommodation services for this specific group.

1.4 The Scottish Executive in "Working Together for Scotland", published in January 2001, recognises the importance of policies designed to rehabilitate offenders and to re-integrate them back into society as responsible, law-abiding citizens. If this policy objective is to be achieved, the practical needs of offenders must be addressed as part of the effort to change the life circumstances which led to their offending behaviour in the first place. Policies which promote access to education and training, and which set out to tackle poverty and unemployment, all have a role to play in addressing the underlying causes of crime. Similarly, evidence suggests that access to suitable accommodation may help stabilise an offender's life, thereby helping to reduce re-offending.

1.5 However, access to housing for offenders and ex-prisoners can be problematic and is often one of the most pressing issues they face. It is also a problem for communities. It is easy to understand the concerns which exist in communities about housing some offenders in their midst, but it is also a fact that offenders without settled accommodation can be unstable and pose a greater risk to community safety. The provision of settled accommodation for this group of people is therefore of real importance to the community safety agenda. Local authorities are increasingly recognising this fact, and it is to their credit that they are beginning to address the difficult issues involved. These developments have led the Scottish Executive to review its present policy on the provision of supported accommodation in the community for offenders, and to identify the need for an overall strategy to ensure that these accommodation needs are met appropriately. Specifically, this paper

referred to as offenders in the rest of this paper

envisages a coherent framework for the future development and evaluation of supported accommodation services in Scotland.

1.6 Current provision of criminal justice accommodation services is limited, narrowly focussed, and inefficient in its use of resources. The model proposed for the future would aim to bring the supply closer to demand, provide a fuller range of services tailored to the risk posed by each individual, and specify a new, more focussed role for hostels.

1.7 It would respond to the needs of each individual, as identified by a risk and needs assessment. At one end of the spectrum, there would be little or no support for those able to live independently. At the other end, the service would provide the intensive support required for high risk offenders released on licence. The present concentration on hostel accommodation would be re-focussed to provide a much fuller range of options, ranging from cluster accommodation for small groups of people, through to supported flats, bail supported accommodation, and supported landlady schemes.

1.8 This model builds on present practice where the great majority of offenders are able to live independently in the community, and only a minority requires the supervision and support of criminal justice accommodation services. But it would replace the current ad hoc allocation of services, with a coherent strategy, providing a continuum of flexible services, where the objective is eventually to move clients on to independent accommodation at an appropriate time.

Structure of this paper

1.9 The rest of this paper sets out the background to this review and explains the proposals, including the evidence from research. It then considers whether the new strategy would meet the needs of specific groups of offenders. The paper also proposes a more equitable allocation of funds to each authority based on need and demand.

2. RELATED POLICY ISSUES/INITIATIVES

Housing Bill

2.1 The paper cannot be considered in isolation. Any review of accommodation for this group of offenders must be placed in the context of the Executive's wider housing policy, as set out in the recent Housing Bill. This plans to deliver a range of good quality, secure housing options. It includes the establishment of a single regulator, a new single tenancy, and an enhanced strategic role for local authorities, as well as action to tackle homelessness and to support vulnerable people. It introduces an improved tenants' rights package with increased rights and responsibilities for tenants and landlords alike. It aims both to enhance security for vulnerable groups and encourage greater inter agency working to achieve successful tenancies.

Homelessness Task Force

2.2 In addition, the Homelessness Task Force is considering the causes and nature of homelessness in Scotland. It will make recommendations for its prevention, and where it does occur, for its alleviation. The early recommendations from the Task Force, which are being taken forward in the Housing Bill, will place a duty on local authorities to draw up effective strategies to prevent homelessness and will improve the rights of all people assessed as homeless by requiring local authorities to provide temporary accommodation and advice and assistance to find permanent accommodation.

Rough Sleepers Initiative

2.3 The Task Force is aware of the increased risks of homelessness which face ex-offenders and will be considering what action may be taken to reduce these risks. Through the Rough Sleepers Initiative, the Scottish Executive has funded a number of projects which aim to help prisoners retain their links with accommodation while they are in prison, or help them gain access to accommodation on release.

2.4 These developments in housing and homelessness policies taken together with this review of criminal justice social work supported accommodation provide a unique opportunity to address the accommodation needs of offenders in a co-ordinated manner, both nationally and in local areas.

3. ISSUES AT THE CENTRE OF THIS REVIEW

This leads to the conclusion that there are two separate issues to be addressed, which are:

- 1. access to social housing for the majority of offenders who do not require assistance from criminal justice accommodation services but who need housing. These issues are being addressed through the Scottish Executive's related policies on housing, rough sleepers and social inclusion where offenders and ex-prisoners are recognised as priority groups; and**
- 2. access to supported accommodation for the minority of offenders who need support and supervision to reduce the risk of re-offending. This paper goes on to consider the most effective form of providing services for those offenders who are unable to, or should not be left to, live in the community without additional support, supervision or surveillance in the future. This forms the focus of the remainder of this paper.**

4. RESEARCH: LINK BETWEEN HOMELESSNESS AND CRIME

4.1 Criminal justice social work supported accommodation services should build on the “what works” approach by drawing on research evidence when working with offenders to reduce the likelihood or scale of further re-offending. In this context, Annex A describes relevant, key findings of academic research on offender accommodation. It shows that there is a body of evidence which concludes that settled accommodation can be a significant factor in reducing the risk of re-offending. It also shows that the availability of settled accommodation is required if the courts are to be able to use community sentencing options to their full extent, and if offenders are to be able to participate most effectively in such programmes. The research evidence confirms that a substantial proportion of offenders have housing needs, but that in most cases these housing needs can be fulfilled by providing places in ordinary housing. Only a relatively few offenders require the extra support, which is provided by criminal justice accommodation services.

4.2 Significantly, the research also finds that access to ordinary housing stock is limited, and that under the present system a significant number of offenders who simply require access to social housing are more likely to obtain a place in a supported accommodation project than in ordinary housing. This occurs regardless of the offender’s apparent need for support. The present system is therefore wasteful not only in the way criminal justice resources are being used at present but also in the failure to target resources on the most difficult people and in terms of achieving the policy objective of rehabilitating offenders back into society. These are key issues for this review.

5. BACKGROUND TO CRIMINAL JUSTICE ACCOMMODATION SERVICES

Nature and purpose

5.1 It is important to be clear about the nature and purpose of criminal justice accommodation services. The services are provided for people under a statutory order or licence who are judged unsuitable to live independently in the community. Individuals not subject to these conditions make their own arrangements to find accommodation. The support or supervision from criminal justice accommodation services is therefore provided generally whilst an individual is subject to the conditions of a statutory order or licence. It allows them to take part in community-based programmes, and it also seeks to reduce the likelihood and scale of re-offending by helping to promote the stability which often comes from links to family and communities. It is in this way that criminal justice accommodation services are focused on building safe communities.

Demand for supported accommodation

5.2 The number of supported accommodation places funded by the Scottish Executive is very small. It is estimated that there are approximately 200 bed-spaces in the various forms of criminal justice supported accommodation in Scotland. The needs of most offenders, quite properly, fall outwith supported accommodation

services. Others may benefit from support or supervision, but find that the services are currently unable to meet their particular needs or circumstances. Yet others, currently assisted by criminal justice accommodation services, need only a place to live, rather than the specialist support and supervision provided.

Access to supported accommodation

5.3 Individuals normally access criminal justice accommodation services as a condition of an order or licence. Alternatively, a social worker may exercise discretion in deciding that an individual in their care (under statutory supervision) would benefit from the additional support and supervision which criminal justice accommodation services offer, if this would be conducive to the overall objectives of the order, licence or other statutory package of supervision and support.

Forms of supported accommodation

5.4 Criminal justice accommodation services take a number of forms. These include 24 hour staffed hostels, supported tenancies (individual or group), supported landlady schemes, and retained bed and breakfast places (see definitions at section 7). Also, criminal justice funds may be used to ‘purchase’ places in specialist residential projects dealing with addiction or mental health problems, if directly relevant to an individual’s offending behaviour. In total, the number of places available is unlikely to be more than 200 at any one time although, because arrangements are managed locally, the exact number of places is uncertain. The numbers are thus limited in relation to the demand.

5.5 However, it is **not** the business of criminal justice accommodation services to provide accommodation in isolation from other support. The distinguishing feature of the service is the arrangement of accommodation as part of a package of support, supervision and/or surveillance according to individual needs, which is conducive to the overall objectives of the statutory order or licence. For examples of the nature of support and supervision provided, see Annex B. The provision of housing itself is thus not an intrinsic part of the criminal justice accommodation services, and, accordingly, the costs for housing are not met from criminal justice funds.

Principles

5.6 The review identified a number of specific principles which should underpin criminal justice accommodation services and these form the starting point for the development of future policy in this area. These include:

- Equality of access where supported accommodation is required;
- Targeting of resources to specific groups and areas of greatest risk/need;
- Provision of flexible services to meet individual needs and circumstances, including those of the highest-risk offenders;
- Value for money through effective and efficient delivery of services;
- The re-integration of offenders into the community; and
- Securing the confidence of the public, judiciary and Parole Board in the accommodation options available for offenders.

6. DEMAND FOR CRIMINAL JUSTICE ACCOMMODATION SERVICES IN SCOTLAND

6.1 It is hard to gauge the likely future need for and level of use of criminal justice accommodation services, once regular housing needs are satisfied through wider housing policy initiatives. Future demand could be less than the current estimate of 200 places. Alternatively, demand may rise in future, if the services are based on individual needs.

6.2 Currently, demand is regulated by the availability or otherwise of existing criminal justice accommodation services. In Scotland, much of criminal justice accommodation provision is used by people who simply have nowhere else to stay. In contrast with England and Wales, where there is an extensive network of approved probation and bail hostels, these services are used relatively little by the courts as a condition of residence for probation orders or bail.

6.3 A new model must be better able to match supply to the true level of need and demand.

7. CURRENT PROVISION

7.1 Criminal justice accommodation services in Scotland currently take various forms:

Hostels The purpose of supervised hostels (staffed 24-hours) is to provide an enhanced level of supervision to offenders who are assessed as presenting a risk to the public. Hostels should ensure that residents have access to a range of programmes, services, resources and activities, to address offending behaviour and help residents make constructive use of their time. The Scottish Executive meets the care costs of accommodation in a supervised hostel.

Supported tenancies Accommodation, such as an ordinary flat, is found for an offender, and supervision and practical support provided by a project worker to help the tenant develop the skills (such as budgeting and cooking) required for independent living. Support is withdrawn over time as the need reduces. A variant of this approach is for the support to be provided for people who are resident in permanent tenancies i.e. assuming that there is reasonable progress, the tenancy transfers on a permanent basis from the housing provider/voluntary agency to the tenant.

Group tenancies Two or more people may share accommodation with support provided as above.

Core and cluster A hostel provides the core of the provision, with a number of smaller units located nearby (the cluster) and hostel staff provide support, enabling hostel residents to make a gradual move towards independence. Offenders are initially assessed in the core hostel and moved on to the cluster units once they are deemed to require a lower level of support.

Supported landlady schemes and resident caretakers Bed and breakfast type facilities but where low level support might also be provided.

Specialist facilities Criminal justice funds will meet the care costs for offenders in specialist addiction or mental health treatment facilities, where there is clear evidence that these problems are linked directly to risk of further offending. In such cases, it is important that attention remains focused on an individual's offending behaviour and the need to reduce the incidence of re-offending and promote community safety.

Specialist services Criminal justice funds may also pay for intensive supervision for offenders assessed as medium or high risk of re-offending and/or at risk of harassment or media exposure. This Intensive Supervision Service can involve a sessional worker accompanying and supervising an offender 24 hours per day as well as acting in a mentoring role.

7.2 About half of the present number of bed spaces are in the hostels provided in seven local authority areas - in Aberdeen, Dundee, Edinburgh, Fife, Glasgow, Highland and Orkney. These facilities consume the major share of the national budget for criminal justice accommodation services. Access to hostels is generally confined to people from the immediate hinterland of the hostel, although there is no consistent policy on this, and in certain instances, subject to appropriate funding arrangements between authorities, offenders from outwith the immediate neighbouring authorities can be accommodated.

Issues

7.3 In 1999-2000, 81% of Scottish Executive funding for criminal justice accommodation services was granted to the seven local authorities running supervised hostels, largely to meet the costs of these hostels. Over the rest of the country, provision of non-hostel forms of accommodation services is variable, and sometimes non-existent, and they receive a disproportionately small amount of funding.

7.4 The current emphasis on funding hostels stems from a policy objective of seeking to establish a small network of 24-hour supervised hostels on a regional basis, across authorities. However, there are factors which raise questions about the continuing suitability and effectiveness of this predominantly hostel-based provision of criminal justice accommodation services. They are:

- Supervised hostels are comparatively **expensive** and **inflexible** resources;
- Hostels often have difficulty in making provision for those offenders likely to present the **highest levels of risk** in the community, e.g. sex offenders, other seriously violent offenders or arsonists. The advisability of holding sex offenders in such facilities, other than on a short term or emergency basis, is also coming under increasing question;
- Public perceptions/expectations of the **degree of security** which hostels can offer are not realistic. Hostels each have different regimes, usually including a

curfew and in a small number of instances compulsory participation in programmes to address offending behaviour, but essentially residents have freedom of movement outwith curfew periods. Therefore, although staffed 24-hours, residents' whereabouts cannot be controlled and may not always be known to staff. Residence in a hostel setting cannot be assumed to guarantee community safety;

- Hostile public attitudes and associated planning difficulties inhibit **wider provision** of hostel accommodation even if policy objectives suggested this to be appropriate and resources were available to allow this to occur;
- Hostels present a relatively abnormal or **artificial living environment** which is at odds with the objective of promoting integration of offenders into the community and enabling independent living;
- Hostels accommodate **groups of vulnerable people**, providing networking opportunities, and, for example, an easy target for drug dealers;
- Hostels are unpopular with a significant proportion of offenders and as a consequence can be **hard to fill**. In part, this arises because of stigmatising of hostel residents by others in the community, but also because of the Housing Benefit contribution offenders have to make to hostel running costs, which leaves them with little or no disposable income;
- With a relatively small client group, hostels must inevitably **mix offenders** serving community disposals, ex-prisoners and bailees, giving rise to different risks associated with different needs. In McIvor and Warner's (1996) study of bail accommodation in Scotland, hostel staff expressed concern about the possible consequences of convicted residents having contact with those on bail, with it being suggested that un-convicted offenders were placed at a greater risk of offending if placed with probationers. Similarly there are problems associated with accepting other minority client groups, for example sex offenders, mentally disordered offenders and women offenders (see section 9 and Annex A); and
- Hostels are not readily conducive to meeting **other related needs**, such as access to social work services relating to addictions, mental health, and family or other relationship problems.

7.5 In relation to this last point, it is relevant to note that accommodation services for other social work client groups have evolved over recent years by developing smaller units, often utilising ordinary accommodation, which allow a varying level of supervision and support as needs and risks dictate. This trend parallels the model now proposed for criminal justice accommodation services.

7.6 An assessment of the success of hostels depends on the objectives which are set for them. There is some evidence that hostels can be successful in containing offending for certain clients during the periods of residence, due to the structure and supervision provided, to access to programmes and services (principally outwith the hostel), which are relevant to an offender's needs, and by removing individuals from their offending environments. These features can, however, be incorporated as effectively and more economically into non-hostel provision. Criminal justice accommodation services are also intended to reduce the likelihood and scale of re-offending in the longer term for a wide variety of clients, by enabling them to live

independently and safely, within the law, in the community. Success here is questionable.

8. THE NEW STRATEGY

8.1 This paper now proposes a system of criminal justice accommodation services for offenders and ex-prisoners better able to reconcile the needs for public protection with the longer term aims of moving individuals on to independent living and eventually reintegration into the community.

8.2 This new model would be systematic in its approach, based on individually tailored packages of support, supervision and surveillance, according to the assessed needs and risks of the individual. The majority of offenders in the community would continue to reside in ordinary housing. For the rest, the level of support they required from criminal justice accommodation services would be determined by an assessment of the risk they posed. Instead of the present concentration on hostel places, a more flexible range of community-based options would be available nationally. These would include individual tenancies in the ordinary housing market even if individuals required support from criminal justice accommodation services to sustain them, small-staffed units shared by groups of 2 or 3 people, supported landlady schemes, as well as places in hostels (although on a smaller scale).

8.3 This pattern of provision would be supported by forms of surveillance which might include management of curfew (by telephone or other spot checks) and, for a small number of high-risk offenders, there would be the option of using electronic monitoring, although any widening of the use of such monitoring would require primary legislation. The supervision and surveillance of offenders would vary over time as needs and risks changed. The intensity of the package would be determined by regular and systematic assessment of the needs of, and risks posed by individuals. This process would involve development and review of supervision and risk management plans and, as appropriate, encompass adherence to joint protocols with police, housing and other agencies, including joint case conferences as required. Specific components would include:

- Management of offenders through regular reporting/attendance requirements and contact with a supervising officer as informed by National Standards and required by the needs and risks assessment;
- Support by providing access to available change programmes which address offending behaviour, to treatment services which tackle drug/alcohol dependence and to support services which improve life skills;
- Surveillance through home visiting, including spot-checks; intensive supervision including curfews and 24 hour staff cover for offenders assessed as high risk; and police surveillance and the option of electronic monitoring for the highest risk offenders; and
- Multi-agency involvement in risks/needs assessment and exchange of information on changed risks (including to the Parole Board).

8.4 Individuals would move within the range of support and supervision services, as their risks and needs changed. There would be clear plans to help individuals move through the system in a graduated way, so that they could be reintegrated into society

at the appropriate time. In this way, accommodation services would form a 'bridge' leading to independent living.

8.5 In the new system, hostels would have a dual role to provide:

- A short-term facility where an intensive assessment of the individual's risks (of re-offending and of harm to others) and needs (for support in areas such as education, life-skills, and substance-misuse), could be undertaken; and
- Short-term accommodation in response to sudden crises.

8.6 In the first of these roles, it is envisaged that this type of short term facility would be necessary only for the very small numbers of clients whose risks and needs are particularly difficult to assess and meet. Strict entrance criteria would be upheld. In the second situation, the hostel would offer a brief respite period, when a risks/needs reassessment could be carried out. The short-term nature of hostel residence would be a significant departure from present practice where many offenders stay in a hostel for a year or more. As a result, some hostels might eventually be closed with the resources being re-deployed into other forms of offender accommodation and support.

8.7 It would be for each grouping of criminal justice social work providers to decide on the forms of supported accommodation required to meet the needs in its own area. Whatever form this took, the objective would be to ensure that staff expertise and financial resources were directed to the areas of greatest risk. The longer term objective of the new system would be to ensure that when statutory supervision ended, individuals would be capable of living independently in the community, thus minimising the risks to community safety.

9. CLIENT GROUPS REQUIRING PARTICULAR CONSIDERATION

9.1 The proposed model should be suitable for almost all clients, because of its inherent flexibility to meet individual needs and risks, whilst also promoting independent living. Within this general approach, the circumstances and needs of specific client groups require further careful consideration. Supporting research evidence on each of the following groups is contained in Annex A:

9.1.1 Women offenders

The small numbers of women offenders and the multiple issues they present, make accommodation provision hard to plan and supply. Female-specific accommodation projects are in short supply, undesirable for most authorities due to a woman's need to maintain family and other personal ties in her immediate local community and unpopular among women offenders. There are significant concerns about the suitability of housing women in mixed hostels, and women themselves express a strong preference for self contained accommodation. Carlen (1990) concludes that 'an increase in the range and number of small supported living units would enable more women to lead their own lives in the type of housing environment of their choice'.

A better model would enable women to live either in appropriately located small supported units or in ordinary housing, provided with the support they require.

9.1.2 Offenders from ethnic minorities

In Scotland, the proportion of offenders who are from ethnic minorities is extremely small. However, it is worth noting that elsewhere in the UK, people from ethnic minorities are proportionately over-represented at various points of the criminal justice process, but they are under-represented in criminal justice hostels (Mulvie, 1993). It is suggested that this is because 'many hostels are in reality 'white' hostels, in that the food, the pictures and the staff are predominantly European' (Vaughan and Badger, 1995). In addition, account should be taken of the different forms of family networks, which can exist in ethnic minority communities. Accommodation provision should therefore be able to respond to a range of cultural issues in order to cater effectively for individual needs and avoid conveying a message that they are there only for certain sections of the population.

9.1.3 Sex offenders

There is no single sex offender 'type'. Sex offenders can be single people, parents, relatives, children, neighbours or people in positions of trust. The vast majority of sex offences are committed by men and the vast majority of victims are women and children. But not all sex offenders present the same level of risk to the community although there is a common perception that all sex offenders are high risk. There is evidence however that a targeted approach to the provision of suitable supported accommodation, as proposed in the new model, can assist authorities to control those who do pose such a risk. (Chartered Institute of Housing in Scotland, 1999).

Managing sex offenders is about minimising risk and maximising community safety. At all times, supervision must be guided by the assessment and management of the risks, which is based on the likelihood and potential seriousness of re-offending. Again this is consistent with the approach proposed in this paper. In the case of sex offenders, the responsibility for assessing and managing risk is however shared between a number of agencies. Risk assessments are already carried out by the police and social work staff to indicate whether a known sex offender poses a threat through further offending. Housing services also have a key role to play in providing housing advice, meeting statutory responsibilities, and advising social work services and the police of any changes in a known sex offender's housing circumstances, or any other information received. It is thus important that housing services are an integral part of future arrangements for managing sex offenders in the community.

Looked at objectively, supervised hostel placements do not provide the safest environments for managing most sex offenders because it can lead to a concentration of this type of offender with risks of networking. Community safety can be better achieved by ensuring that the assessment of the

accommodation needs of homeless convicted sex offenders who pose a risk to the community are undertaken jointly by police, social work services and housing departments and, where appropriate, health authorities. An agreed programme for supervision and monitoring should then be set out in an Action Plan. Whilst an applicant should not be excluded from housing because he or she is a convicted sex offender, special considerations may well apply to the type and location of housing to be provided. Any decision not to house or indeed to evict a sex offender is likely to increase the risk and potential harm to other communities. Such considerations are necessarily complex and difficult but they must be addressed in the Action Plan, in order to keep the risk to communities to a minimum. (Chartered Institute of Housing in Scotland, 1999).

Public and media campaigns against individual sex offenders aimed at moving sex offenders out of a community can present significant difficulties. Whilst it is possible to transfer the individual to a more suitably located property, vary the terms of the tenancy or ultimately evict the offender, it should be recognised that eviction may endanger public safety even more by reducing the ability to supervise the offender. It is therefore likely that authorities will require some provision for dealing with emergencies. Whilst the new model of hostels may provide some respite and the opportunity to re-assess the risks posed, this is not a longer term solution. The establishment of a centrally administered scheme may well assist local authorities themselves to manage the most difficult cases more effectively. This would provide the means to make referrals to other authorities on a reciprocal basis, but only when local solutions have been fully exhausted.

It must be stressed that good examples of inter-agency management of sex offenders already exist, and they could be replicated more widely. For example the Fife Community Protection Team is a joint initiative between the social work department and police which assesses and manages the risk presented by individual sex offenders. Thus, local authorities might be encouraged to develop multi-agency panels to identify the accommodation needs of sex offenders, and to make housing decisions based on risk assessments and predicated upon minimising the risk to the public. Such matters must not be left to chance. Clear protocols would be needed, identifying the types of information to be provided to different agencies and under what circumstances. This is all very much in line with the new approach proposed in this paper.

9.1.4 Mentally disordered offenders

Some offenders in the mental health system may need to access criminal justice social work services, including accommodation services. For example, life sentence prisoners released on life licence through the mental health system are supervised by criminal justice, and some may require accommodation. In addition, a significant proportion of prisoners have mental health problems, and struggle to find accommodation on release. Housing providers may be reluctant to take people with mental health problems. Criminal justice hostels are not necessarily the right solution to these sorts of

problems, although some adaptations have the potential to be effective. The best model might allow mentally disordered offenders to access community-based mental health services, with supervision and monitoring where required for public safety, consistent with the generic model proposed in this paper. There is however a need for greater clarity about agency responsibility at the local level for ensuring that the housing needs of mentally disordered offenders are addressed (Southern 1999), and authorities might also consider establishing multi-agency fora to plan these services.

9.1.5 Offenders with substance misuse problems

Specialist residential treatment programmes are the best option for some drug misusers but such programmes are not suitable for all offenders with substance misuse problems. Neither are hostels necessarily the best place to house drug misusers. Again, the evidence suggests that the emphasis should be on community-based provision. The model proposed in this paper may be most suitable, allowing criminal justice accommodation services to tailor the support package to an individual's needs and risks. Accommodating drug misusers in the community in this way may understandably cause concern to the community, particularly when dealing is suspected. Any such plan must therefore have the effective supervision and management of drug misusers at its core and this would require to involve the police, as well as housing and criminal justice social work services.

9.1.6 Young offenders

The transition from residential care for many young people can be traumatic and can lead to early criminal behaviour. The need for access to accommodation with appropriate levels of support is one of the major issues facing this group, especially for those young offenders who have been in care. They also need access to opportunities in the employment and education fields. The needs of young offenders are no different from those of other young people and require to be addressed in similar fashion.

9.1.7 Bailees

The concept of bail hostels for accused who do not require to be remanded to custody but are without suitable accommodation has certain attractions. Experience to date, however, suggests that where such provision has been made available, the level of use has been mixed with many instances where the beds provided have been underused. Where the level of take-up has been higher, there is a suspicion that the role of the hostel is confined to little more than providing a bed and address for court communications with little opportunity for any support work with the bailee. But this is an expensive way to ensure that the accused can be contacted about future court appearances. The problems with bailees would be better addressed, not by relying on bail hostels, but by establishing contact points where bailees could collect court communications and by providing a system of bail supervision and information schemes across Scotland.

9.2 The proposed strategy, based on individually tailored packages of supervision, surveillance and support, should be better able to accommodate these specific groups than the existing system precisely because it takes account of individual risk and need.

10. ALLOCATION OF FUNDS

10.1 Approximately £2.7 million is provided annually by the Scottish Executive for criminal justice accommodation services. 81% of this is granted to just 7 of the 32 local authorities, largely to support the running of supervised hostels. Given the spectrum of provision which is being proposed in the new strategy, a more equitable distribution of funds across the country would be required.

Proposal

10.2 Grants for other areas of criminal justice social work services are allocated to each authority according to a formula, which reflects need and established demand. A grant formula for criminal justice accommodation services, incorporating appropriate factors would overcome the current anomalies and inconsistencies of funding allocation. Other factors could be added to reflect the circumstances of supported accommodation.

Transition Period

10.3 A change to methods of calculating the funding allocations is likely to result in a redistribution of funding and a re-focusing of accommodation services for offenders and ex-prisoners. A transitional process, probably over 2 or 3 years or so, would be necessary to facilitate these changes.

10.4 If the proposed model was adopted, it would be for the groupings of criminal justice social work services to determine the balance between hostel and other types of supported accommodation provision in their own local areas, within the overall strategic approach. This redistribution of funding would enable non-hostel accommodation services to be expanded, underpinned by access to ordinary housing. Some hostels would most likely be closed and be replaced by other, more flexible types of supported accommodation. The financial allocation system could be used to encourage this move to a more flexible type of provision. But for a period, both models (current provision and the new model) would co-exist, as the changes were implemented and refined.

11. THE WAY FORWARD

11.1 Over the following 3 months, we are consulting on the development of this policy, with a view to making an announcement on a future strategy and funding intentions later in the year. If agreed, we envisage then introducing the formula allocation of resources over a period of years, buffering any significant changes in funding to authorities during that time. In the long term, after the transition period, funds would be allocated on the basis of a formula with any agreed additional criteria. The effectiveness and 'best value' of provision will be evaluated independently on a continuing basis to inform future policy and service development.

12. CONCLUSION

12.1 Research concludes that settled accommodation is a critical factor in reducing the risk of re-offending. It also shows that, in most cases, ordinary housing in the community, with added support and supervision where required, is the most effective way of meeting the housing needs of offenders, ex-prisoners and bailees, and of managing the risks they present to the community. Building on this evidence, the new accommodation strategy proposed in this paper envisages that a small core of criminal justice hostel accommodation would be retained, supplemented by a wider range of alternatives to meet the varied needs and circumstances of offenders and ex-offenders, whilst the majority of offenders still lived in mainstream housing. In this way, the new model seeks to offer a more effective framework for ensuring the provision of appropriate and suitably located accommodation services. The emphasis would move from a small amount of expensive accommodation to more systematic supervision and support of a larger number of accommodation places in the community, more evenly spread across Scotland.

12.2 If adopted, this approach would have implications for the way housing authorities, voluntary organisations, criminal justice social work services and, where required, the police and health authorities collaborate in their work with this client group. It would require all agencies to work together to co-ordinate the provision of support, supervision and surveillance to a level informed by the assessments of individual needs and of the risks posed. In managing the risks in this way, the new strategy would aim to maximise community safety. A multi-agency approach is the key to its success and it could work best in practice if embedded into the existing community safety planning process. But the ultimate success of the new approach would lie in its ability to provide for a better integration of services, combining the professional expertise which already exists within individual agencies, as well as involving the public in a way which both informs them and develops their confidence in the system.

13. CONSULTATION POINTS

We are seeking views on the following points:

- (1) Drawing on your own experience of the present system for criminal justice accommodation services, we would welcome your views on:
 - The need for the more systematic approach which is proposed in the new strategy;
 - The provision of individually tailored packages of support, supervision and surveillance, according to the assessed needs and risks of the individual;
 - The continuing use of ordinary housing for the majority of “offenders” who are assessed as suitable for such accommodation;
 - The need for a flexible range of community-based options, available across the country, to supplement ordinary housing for those assessed as requiring additional assistance;
 - A reduced but more focussed role for hostels;
 - An increased emphasis on systematic supervision and support of individual offenders in accommodation in the community;
 - The adoption of a multi-agency approach where the roles and responsibilities of criminal justice social work services, housing authorities, the voluntary sector, the police and health authorities are clear and protocols are in place to regulate the flow of information;
 - The establishment of a clearing house for local authorities with individuals in exceptional cases; and
 - The incorporation of criminal justice accommodation services into the existing community safety planning system. (Section 8)
- (2) Do you consider that the proposed model would be effective for the specific group of offenders discussed in Section 9.
- (3) You are invited to :
 - Suggest any additional criteria to be added to the formula for financial allocations to local authorities to cover supported accommodation services; and
 - Suggest how the transition to the new system financial allocations best be managed? (Section 10)

Research evidence

There is a body of research evidence to support the proposals contained in this paper. Where possible, evidence has been drawn from research relating to Scotland, however it has also been necessary to refer to research from England and Wales. A summary of key findings is given below.

1 Link between homelessness and crime

(Where references to 'homeless' appear, please also read 'rough sleepers'.)

- Whilst it certainly is not the case that crime can be shown to be the inevitable consequence of homelessness, clear links have been established between homelessness or housing insecurity and crime (Ramsay, 1986). A high proportion of homeless people have had contact with the criminal justice system, and there is evidence that offending is more likely among people who are without stable accommodation, or in poor quality accommodation. NACRO (1993a) have argued that some homeless people are particularly vulnerable to arrest (for offences such as begging for instance) and that people who have nowhere to stay and little money are more likely to become involved in petty crime to obtain food and other items. If someone who is arrested is homeless, this can affect the willingness of the police to grant bail (NACRO, 1993a).
- There is also evidence that reconviction rates after imprisonment are higher among homeless offenders than among those who have homes to go to on release (Ramsay, 1986), leading NACRO (1993a) to conclude that 'having settled accommodation after custody reduces the risk of re-offending'. A recent study by May (1999) found that reconviction rates for offenders subject to community sentences were consistently higher among those who were identified as having accommodation problems than among those who did not, leading him to conclude that 'it appears that accommodation is related to reconviction...'

2 Link between non-custodial sentencing and settled accommodation

- NACRO (1993a) argue that it can be more difficult to comply with non-custodial sentencing options such as probation and community service if the offender is homeless or is in unsettled, poor accommodation. In addition, evidence suggests that offenders who are homeless or in insecure accommodation may be dealt with more severely at different stages of the criminal justice process as a result of their lack of a settled address. For example there is evidence that homeless offenders are more likely to be remanded in custody than those who have a place to stay (Kennedy et al., 1997).
- In recent Scottish studies, accommodation problems were found to feature prominently both among probationers and among ex-prisoners in receipt of community-based throughcare (McIvor and Barry, 1998a,b).

3 *Needs for housing among ex-prisoners*

- Prisoners and ex-prisoners face specific accommodation problems. Serving prisoners may lose their accommodation for a variety of reasons, but there is evidence to suggest that increasing numbers of prisoners are losing tenancies as a result of housing benefit restrictions and a lack of timely information about steps to retain their tenancies and sub-letting arrangements. A social exclusion unit report cites one research study which indicated that 40 per cent of prisoners were homeless on release. Carlisle (1996) found that more than half of the prisoners in her sample were unable to return to their previous accommodation on release.
- A lack of accommodation may also have a negative influence on prisoners' access to parole. Without settled accommodation, research indicates that prisoners are less likely to be considered for parole (McAra, 1998). As NACRO (1993a) note, many prisoners 'face the situation of trying to find accommodation to get out of prison on parole but having great difficulty finding accommodation precisely because they are in prison'.
- However, it appears that their main needs are largely for ordinary housing. Relatively few actually require the support or supervision of criminal justice accommodation services. Studies by Walmsley (1972) and Carlisle (1997) confirm that most prisoners have a preference for independent accommodation on release. McIvor and Taylor (1994) found in their analysis of accommodation needs in the former Grampian region that most offenders in need of accommodation were considered by their social workers to require access to unsupported provision, such as a house, bedsit or flat. Just over one quarter were said to require a place in a supported accommodation unit or hostel, while 7 per cent were deemed to require specialist hostel provision. Research however points to a different pattern in relation to the age of the people concerned. Offenders who were under 30 years of age were more often identified as requiring some form of supported accommodation. However, the research concluded that offenders with accommodation needs were more likely to obtain a place in a supported accommodation project (hostel or flat) than in mainstream housing, regardless of their apparent need for support.

4 *Research findings on women offenders*

- Only **small numbers** of female offenders are recognised to be in need of supported accommodation. This however is believed to hide the willingness of some women to tolerate abusive relationships in order to prevent themselves from becoming homeless. Eaton (1993) points out that women may return to an abusive relationship to secure an address on leaving prison. Those who wish to move to another area to escape abusive partners, or other adverse circumstances and influences may find it difficult to obtain mainstream social housing on account of their inability to establish that they have local connections.
- Female offenders often have **multiple problems**. Several studies have shown that female offenders in hostel accommodation often have low self-esteem and multiple social and personal problems, including substance misuse, homelessness, unemployment, poverty, mental health problems and emotional, physical and

sexual abuse (Wincup, 1997; Rungay, 1999). Often they have the sole responsibility for care of their children and have developed coping strategies which are ultimately counter-productive (such as substance abuse, eating disorders, self-harm and offending) (Wincup, 1996).

- In Carlisle's (1996) study, the majority of female prisoners expressed a **strong preference for self-contained accommodation** and women leaving prison were particularly reluctant to go to a hostel. Carlisle also indicates that women in prison made greater efforts to maintain their existing housing in order that they might have a home to return to at the end of their prison sentence.
- Because the overwhelming majority of offenders are men, **little specific provision** has been developed for female bailees, offenders and ex-prisoners. Provision for women with dependent children is particularly limited. Women may also be excluded from non-criminal justice projects on the basis of their offending, mental health problems, substance misuse or other problems, due to the risks they may present to other residents (Carlen, 1990).
- Despite its limited availability, where it exists, **female-specific hostel provision may struggle** to maintain high occupancy rates, since it is often located at a considerable distance from a woman's normal place of residence, making it difficult for women to maintain family and other personal ties.
- **Mixed hostels** which accept sex offenders or men who engage in domestic abuse are inappropriate for the majority of female offenders. Also, since hostel residents are predominantly male and white, female offenders (and other minorities) may suffer both through lack of attention to their needs and through the attitudes of the majority of residents. Whilst mixed hostels may provide a more 'balanced' atmosphere which is less removed from life outside, where women are a minority, their needs may be overlooked. Hostels with a higher number of beds designated for women may be better able to ensure that the hostel does not operate on the basis of a male culture, and be better able to meet women's needs.
- The **effectiveness** of residential provision for women might be best assessed in terms of its success in equipping women with coping mechanisms which enable them to deal more successfully with the realities and problems of day-to-day life. This is most likely to be achieved through women's rapid engagement in rehabilitative planning; the constructive use of support networks, especially those offering specialised services focused upon problems such as substance misuse; the provision of appropriate support for practical, educational and health issues; a reduction in lifestyles supportive of offending; and the persistence of staff in providing support and engaging with sensitive emotional issues.

5 *Research findings on sex offenders*

- It is now widely recognised that, in general terms, the provision of **settled accommodation can assist in reducing the risk of re-offending**. This is particularly important in respect of sex offenders. In these cases, research shows that their supervision and ability to benefit from community-based treatment programmes can be seriously undermined if they do not have a settled address.

Thus the risk of re-offending may be increased. As a recent NACRO report (1999) notes: 'if [sex offenders] are to be effectively supervised and involved in treatment programmes, it is important that they are placed in stable accommodation. If offenders are continually moving around from place to place, their supervision and treatment will be disrupted and difficult to maintain'.

- Some sex offenders will **require accommodation** simply because the nature of their offences has deprived them of homes of their own. In some cases, homelessness has been the result of local or media publicity and ensuing campaigns to remove them from their homes (Scottish Office 1997; Cowan et al., 1999), or because child protection agencies require that they do not return to a previous address. Others will require to be supervised as a requirement of the court to reduce the risk they present to the public.
- Sex offenders may face particular **difficulties in finding accommodation suited to their needs**. Hostels may be reluctant to accept sex offenders if they are perceived to present a risk to staff, other residents or the local community. Voluntary sector providers can be reluctant to house sex offenders, often only admitting offenders not assessed as presenting a high risk, and setting a maximum number of sex offenders to be accommodated in the same facility at any one time. Some are concerned at being left with responsibility for sex offenders when supervision has ended and social work involvement ceased.
- **Hostels** mixing sex offenders and other offenders may be **inappropriate** settings for offence related group-work where appropriate, since sex offenders may be reluctant to reveal the nature of their offences for fear of recrimination (Faill, 1998). However there are also concerns about sex-offender-specific facilities; hostels appear to be reluctant to accept more than a certain number of sex offenders at any one time, for fear of facilitating networking and increasing risks to the public (Moore, 1999).
- **Hostels** are often thought to be **appropriate** for higher risk offenders released on licence. This is because, in certain instances, they can offer sex offenders an opportunity to address their offending behaviour and also theoretically protect the public from risk through security features such as curfews and liaison between hostel staff and police and social services. However, there are real **concerns** about the amount of security which hostels are actually able to provide, compared with general public perceptions (see Section 7.1). There are serious implications of accommodating large groups of sex offenders together and, conversely, of exposing them to abuse from other residents, if they are in a minority.
- Social housing, by offering greater security of tenure, also provides greater stability for this group of offenders than private sector or bed and breakfast accommodation. **Local authorities have a statutory duty to house unintentionally homeless sex offenders** if they are deemed vulnerable under Part II of the Housing (Scotland) Act 1987. The Scottish Office's 1997 Code of Guidance on Homelessness states that anyone recently discharged from institutions, including prisons, 'may be vulnerable if they are in need of support and assistance and they have no-one to provide this' (Chartered Institute of Housing in Scotland, 1999).

- Problems accommodating and supervising sex offenders on release from prison have been identified as occurring as a result of inadequate **throughcare** arrangements. These problems can arise at least in part from a lack of **communication and co-ordination** between prison-based and community based social workers. The danger is that some sex offenders may be released to an area with little or no prior warning and may be housed in unsuitable accommodation – in an area close to schools, or with a high proportion of families with children (Scottish Office, 1997).

6 *Research findings on mentally disordered offenders*

- Research suggests a **relationship between offending and mental health problems**, and that a disproportionately large number of people passing through the courts have mental health problems (Brown and Geelan 1998). Gunn et al (1991) found that in England and Wales, almost 25 per cent of prisoners serving sentences of 6 months or more were assessed as being in need of psychiatric intervention.
- Mentally disturbed people without accommodation are much less likely to be able to **maintain supportive links** with social services or other helping agencies or professionals (NACRO, 1993).
- A report on mentally disordered offenders in Scotland (SACRO, 1990) concluded that ‘problems over the **provision of support and accommodation** on release are particularly acute with regard to offenders who are mentally disturbed’. A significant proportion are homeless before they are imprisoned or lose their accommodation while in prison as a result of the 13 week housing benefit rules. It appears that it is often difficult to establish which agency is responsible for ensuring that mentally disordered offenders find accommodation on release from prison, and services for female prisoners with mental health problems are likely to be tacked on to provision designed primarily for men (NACRO, 1995).
- Landlords in the private sector may be reluctant to rent to offenders with mental health problems. Supported housing projects and hostels are, therefore, the **most likely source of housing for mentally disordered offenders** who are released from prison with nowhere to live. However, hostels can be unwilling to accept mentally disordered offenders, perhaps due to the lack of relevant staff training and experience, and insufficient support from local mental health services (NACRO, 1994).
- **Hostels** which are prepared to accept mentally disordered offenders may need to **adapt**. For example, hostel regimes and objectives which are appropriate to mentally disordered offenders may have to focus on maintaining the offenders’ present level of functioning and preventing the worsening of existing mental health problems. This focus will differ from that considered appropriate for other categories of offender. Mentally disordered residents will require psychiatric assessments in addition to risk assessments, reflecting a **dual focus** on socio-medical care and public protection, as well as effective staff support. Staff in most hostels do not consider themselves to be sufficiently equipped to cope with

the range of mental health problems experienced by offenders, even though they have access to support from general health and psychiatric services. Mentally disordered offenders were said by staff **to be often not tolerated by other residents** and to be at risk of bullying and victimisation (Her Majesty's Inspectorate of Probation, 1997). NACRO also questioned the appropriateness of specialist hostel facilities for mentally disordered bailees on the grounds that there would be insufficient demand for places, and that access to them would usually involve an **offender being placed some distance from his or her community**, with its associated relationships and supports. Instead they advocate improved access to mainstream mental health services in the community.

- Mentally disordered offenders often have needs which will be most appropriately met through specialist provision for people with mental health problems. The recent consultation paper on services for mentally disordered offenders in Scotland proposed that 'health and social work services for mentally disordered offender should be planned and developed parallel to and linked with the general **community-based mental health service**, with special attention to supervision and monitoring where this is needed for public safety reasons' (Scottish Office, 1999). Access to mainstream services for people with mental health problems also enables care and support in a non-stigmatising way (Social Services Inspectorate, 1997).
- The consultation paper recommended the establishment of **multi-agency fora** (with representatives from health boards, social work services, housing departments, relevant voluntary organisations, police, the courts and procurator fiscal services), to provide co-ordinated expertise and guidance for local developments and to identify service need and gaps in provision.

7 *Research findings on substance misusing offenders*

- **Residential treatment programmes** are not suitable for all offenders with drug or alcohol problems. If motivation to change is not high, success is even less likely because of the demands placed upon residents. Community-based provision may be most appropriate for offenders who are not committed to addressing their use of drugs.
- A high proportion of residents in criminal justice **hostels** misuse drugs. The networking opportunities which exist in hostels can in many instances lead to an exacerbation of the drug problems of drug misuser residents. Despite the prevalence of drug related problems among hostel residents, hostels have had little central guidance on how to deal with some of the complex issues raised by drug misusers. Thus, practice varies across hostels, in relation to storage of medications, and also the hostels' emphasis on harm reduction versus abstinence. Whilst hostel staff do not in general identify a need for separate hostels for drug misusing offenders, there are concerns about mixing drug misusers, with non-users.

8 *Research findings on young offenders*

- Young offenders like other client groups requiring particular consideration have no less a need for settled accommodation. Stewart et al. (1994) concluded that, compared with the general population, young offenders under supervision were 'far more likely than average to come from disrupted family backgrounds, and to be leading irregular and unstable lives, with little security in relationships or in housing'.
- A disproportionate number of young offenders enter the criminal justice system from care, and appear to receive higher tariff disposals than young offenders from family units. This suggests that there is a need for increased support for young people as they leave care and begin living independently in the community. Criminal justice hostels do not provide the appropriate solution for young people starting out in life on their own. They represent yet another form of institutional care and, by accommodating a mixed client group, they pose real risks of association and networking with older groups of offenders for youngsters still going through the maturation process.

Examples of the support and supervision provided by criminal justice accommodation services

Dependent on assessed needs, risks and circumstances, individual packages of support, supervision, change programmes and surveillance may be applied as appropriate, with individuals living in 'ordinary' accommodation. These would involve a mixture of one-to-one sessions with a social worker or project worker, and access to group-work programmes. Some of the services which may be accessed include:

Forms of supervision and surveillance:

- 24 hour staff cover
- electronic surveillance
- curfew
- spot visits by supervisory staff/volunteers
- voluntary organisation staff visits 2/3 times per week
- police surveillance
- reporting arrangements
- attendance at supervision programmes

Support services

- learning support
- medical services relevant to disability
- health-care support
- homemaker support
- home care services
- 24 hour call system for support
- counselling
- befriending
- alcohol and drug support/prevention services
- bereavement counselling
- family and relationship work

Change programmes

- Change programmes relevant to individual's offending
- anger management programmes

Life skills

- financial/benefits advice, for example managing budgets
- orientation in the community
- training/employment preparation services (through voluntary sector)

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