

Lincolnshire Housing Authorities Guidance on Local Connection for Prison Leavers

These procedures and guidelines concern the situation where, under Part 7 of the Housing Act 1996 (as amended by Homelessness Reduction Act) a local housing authority receives a referral (Duty to Refer or s198) or direct application from a person who is being released from prison or whom has recently been released.

All Lincolnshire Housing Authorities (Local Authority) agree to adhere to:

- Homelessness Code of Guidance – [Local connection and referrals to another housing authority](#)
- [Procedures for referrals of homeless applicants to another local authority](#)

These provide detailed guidelines on when and how a local connection to one or more local authority is established, however there are still situations where local authorities disagree on who should accept a homelessness application or referral for a prison leaver. This provides inconsistency and confusion for prison leavers and non-housing professionals.

This document therefore sets out how the Lincolnshire Local Housing Authorities will manage homelessness applications and referrals for prison leavers in respect of local connection and how any disputes will be managed.

Which Local Authority is responsible?

A person leaving prison can make a homeless application to any local housing authority before or after leaving prison and their application cannot be refused.

If they do not have a local connection to the authority that they have approached or been referred to, the authority must still accept an application, but it may be able to refer the person to another area where they do have a local connection once they have become homeless.

If there is reason to believe the prison leaver is homeless and in priority need, they should be provided with temporary accommodation.

When is a local connection considered?

This is considered after the prison leaver becomes homeless which is usually upon release from prison.

Up to 56 days prior to becoming homeless the local authority would have to provide advice and assistance to prevent homelessness. They must do this with or without a local connection.

A personalised housing plan should also be issued and kept under review.

If the prison leaver does not have a local connection, including under the special circumstances category, the local authority will usually refer them to a local authority where they do have an established connection.

The conditions for referral of the case to another authority are met if—

- a) neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,

- b) the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and
- c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic abuse in that other district.

How is a local connection established?

In brief, a local connection is established where:

- i. they are, or were in the past, normally resident there, and that residence was of their own choice (usually 6 out of the last 12 months or 3 out of the last 5 years).
Detention in prison (whether convicted or not) does not establish residency of choice in the district the prison is in, so will not count as residency for local connection purposes.
- ii. they are employed there (full or part-time work) or,
- iii. they have family associations living there (close family usually parents, children, brother, or sisters who have been resident for 5 years) or,
- iv. any special circumstances.

The overriding consideration should always be whether the applicant has a connection 'in real terms' with an area and the local housing authority must consider the applicant's individual circumstances, particularly any exceptional circumstances, before reaching a decision.

There are specific provisions for care leavers, ex-services personnel and former asylum seekers not covered in this guidance.

What if a connection to more than one local authority is established?

The prison leaver should decide which local authority they would like to manage their application. They should be provided with information about the likely outcome within each local authority to help them come to a decision.

What are the benefits of having an established local connection?

Apart from the homelessness application, social housing and supported accommodation is often prioritised for people with a local connection.

The prospects of achieving an offer of accommodation are greater with an established local connection.

What if there is no established local connection with any local authority?

The Code of Guidance states "*If neither an applicant, nor any person who might reasonably be expected to live with them, has a local connection with any district in Great Britain, the duty to secure accommodation or help to secure accommodation will rest with the housing authority that has received the application.*"

The Local Authority Agreement "*states there are special circumstances which the authority considers establish a local connection with the district. This may be particularly relevant*

where the applicant has been in prison and his or her circumstances do not conform to the criteria in (i) – (iii) above.

Where, for example, an **applicant seeks to return to a district** where he or she was brought up or lived for a considerable length of time in the past, there may be grounds for considering that the applicant has a local connection with that district because of special circumstances. An authority must exercise its discretion when considering whether special circumstances apply”.

A prison leaver could have lost the residency connection because of the length of time they have been in custody. Where this has happened the local authority that they have applied to has to accept them as having a connection to their district. This might be the local authority where they previously resided or somewhere else where they would like to live.

If **they wish to return** to the district where they previously had an established local connection prior to being sent to Prison, they should apply direct or be referred to that local authority and their application should be accepted if it is safe for them to be in that area.

However, if they do not wish to return to that district, they should not be referred. If the prison leaver is still referred, the receiving local authority is likely to decline the referral.

Family Associations do not automatically create a local connection. Relationships must be meaningful to establish a local connection. If the family have not had regular contact or are not going to be doing so following the release, this would not be sufficient to establish a local connection. A referral should not be made on grounds of family associations if the applicant objects to those grounds.

What if the prison leaver doesn't want to approach a specific local authority?

If the prison leaver has a local connection and it is safe for them to be referred to that local authority, the referral will still be made unless the referring local authority chooses otherwise.

When making such a decision, the reasons why the homeless person doesn't wish to be referred should be considered as well as any relevant supporting information.

What if there is a risk of abuse or violence?

A local authority must consider whether the prison leaver would be at risk of abuse or violence which is likely to be carried out if they were accommodated in its area.

A local authority cannot refer an applicant to another local authority if they or anyone who might reasonably be expected to reside with them would be at risk of domestic abuse or other violence.

When making such a decision, a local authority must consider whether there are areas of its district where the person concerned would be safe to live and able to access services. If there are no safe areas, the local authority will usually refer the person concerned to another local authority or assist them to obtain accommodation in another local authority area.

Licence Conditions and Exclusion Zones

A prison leaver could have an established local connection to a local authority area where there are restrictions such as licence conditions stating where they cannot enter or live. This would usually cover specific streets or towns rather than the whole district.

These conditions could make it difficult for the local authority to prevent or relieve homelessness, however this is not an acceptable or legal reason for refusing homelessness

assistance, including a referral from another local authority. The local authority might need to look outside of its district for a suitable housing solution.

If the prison leaver does not have a local connection or it has expired because of the time in prison, it is unlikely that a homelessness application or referral would be accepted if there are limited areas where they can reside or enter.

What if the prison leaver is already residing in an area where they do not have an established local connection?

They would usually be referred to the local authority where they do have an established local connection. However, if they do not wish to return, their reasoning behind their decision should be considered in case this meets the special circumstance category.

If they refuse to be return to the area where they have an established local connection and are at risk of sleeping rough or sleeping on the streets, the relevant Rough Sleeper service must be informed.

If there is a risk of the person concerned sleeping rough until they have established a local connection, the local authority should consider using its discretion and decide whether to assist the person concerned with accommodation sooner.

Right to Request a Review

The homeless applicant has the right to request a review of various decisions relating to local connection and referrals. Details will be provided within the homelessness decision letters.

Disputes and Escalation

Professionals should try and resolve any dispute amicably, but where agreement cannot be reached, the case should be referred to the relevant local authority manager. The manager from each local authority should discuss the case and try and come to an agreement.

Where agreement can still not be reached between the notifying authority and the notified authority, the question shall be decided by a person appointed by those authorities as per the Local Government Association guidelines for invoking the disputes procedure.

Review

To be reviewed as and when there is a change to legislation and guidance, or a request is made by a local authority.

Confirmation of Agreement by the Participant Organisations

This is agreed by the following organisations:

Signed on behalf of **Boston Borough Council**

Name

Position

Date

Signed on behalf of **East Lindsey District Council**

Name

Position

Date

Signed on behalf of **City of Lincoln Council**

Name

Position

Date

Signed on behalf of **North Kesteven District Council**

Name

Position

Date

Signed on behalf of **South Holland District Council**

Name

Position

Date

Signed on behalf of **South Kesteven District Council**

Name

Position

Date

Signed on behalf of **West Lindsey District Council**

Name

Position

Date