

Response to a Report made Pursuant to Regulation 28 of the Coroners (Investigations) Regulations 2013 in respect of Darren Clifford Docherty.

I, [REDACTED], Director of Housing, Development and Growth provide this response on behalf of Stoke -on-Trent City Council following a report made by His Majesty's Assistant Coroner Emma Serrano under Regulation 28 of the Coroners (Investigations) Regulations 2013 ("the Report") dated 14th April 2024

Mr Darren Clifford Docherty was released from HMP Stoke Heath on the 4th August 2023.

He sadly died on 10th August 2023.

We would wish at the outset to acknowledge the tragedy of Mr Docherty's death and express our deep sympathy to his family and friends.

In her Report, the Coroner raised the following matter of concern:

- 1. That when people are released from prison they do so, on many occasions, with no accommodation. Those that need GP access and community mental health services are unable to access them in these circumstances."**

The Council has considered the concern raised by the Coroner and has identified there are two parts to address:

- a. being released from prison without accommodation; and
- b. how not having accommodation creates barriers to accessing community health and mental health services.

Being Discharged from Prison Without Accommodation

The Homelessness Reduction Act 2017 ("the Act") places a number of duties on local housing authorities including:

- a duty to provide advice and information about homelessness and the prevention of homelessness and the rights of homeless people or those at risk of homelessness;
- a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness;
- a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless;
- a duty to help the applicant to secure accommodation if they are already homeless, or become homeless despite activity during the prevention stage; and
- a duty to provide interim accommodation if the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority.

The Act also introduced a duty on certain public authorities, including prisons, to refer service users who they think may be homeless or threatened with homelessness to a housing authority. The service user must give consent, and can choose which authority to be referred to.

The duty to refer helps to ensure that services work together to prevent homelessness by ensuring that applicants' housing needs are considered when they come into contact with public authorities.

Upon receiving a referral, the local authority should contact the service user using the contact details on the referral and carry out an assessment to establish what duties are owed. The local authority will, as part of its enquiries, establish if the duty to provide interim accommodation is met. This would apply to those households that are classed as having a priority need.

Despite the 'Duty to Refer,' there is no absolute duty on a local housing authority to provide accommodation for all households or individuals who present as homeless.

It should be acknowledged and noted that most local authorities, including Stoke-on-Trent, will provide accommodation for certain non-priority households at their

discretion. Local authorities cannot offer this for every request made as the cost would be prohibitive.

Access to GP and Community Mental Health Services

Whilst the local authority does not commission GP or community mental health services and is therefore not in a position to directly address these concerns, it is aware that homelessness should not be a barrier to registration with a GP.

Further information from the NHS can be found here: [how-to-register-with-a-gp-homeless.pdf \(assets.nhs.uk\)](https://assets.nhs.uk/https://www.nhs.uk/documents/primary-care/primary-care-teams/primary-care-teams-how-to-register-with-a-gp-homeless.pdf)

Stoke-on-Trent City Council Response

With regard to Mr Docherty and others who are about to be released from prison, the Council acknowledges that it has an important role to play in conjunction with other key strategic partners.

The Council has the following services and processes in place to respond to these situations:

- A portal for agencies to submit 'Duty to Refer' referrals to the Housing Solutions service;
- A Duty Team which is operational every weekday during normal office hours (9am – 5pm Monday-Thursday, 9am-4.30pm Friday) and is contactable by telephone or via Stoke-on-Trent One Stop Shop for all households that are at risk of being homeless that night;
- An Emergency Duty Team (EDT) which operates out of hours to take 'Homeless Tonight' enquiries, undertake homelessness and priority needs assessments and make offers of accommodation as appropriate;
- A Rough Sleepers Outreach Service to contact any individual sleeping rough in the City identified either through self-referral, sign posting from EDT or Streetlink referral and refer into support services;

- An immediate off the street offer for any household verified by the Rough Sleeper's Team as rough sleeping and not having previously slept rough in the City and received an offer of accommodation;
- Hanley Connects Homelessness Hub at Hillcrest in Hanley, open 5 days a week where homeless households can access support services including accommodation providers, drug and alcohol treatment, health and mental health services as well as a hot meal, clean clothes and washing facilities;
- A mobile Homeless Healthcare Service provided by specialist nurse practitioners who will provide an outreach service to individuals sleeping rough in the City including treatment of wounds etc and support to register with a GP;
- A specialist Rough Sleeping Mental Health practitioner who provides an outreach service including initial assessment and referral into wider Mental Health services;
- A specialist Rough Sleeping Drug and Alcohol Outreach team who provide an outreach service including initial assessment and referral into wider specialist treatment and recovery services;
- A specialist Resettlement Officer working directly with prisons to develop a robust accommodation pathway and liaison on individual cases;
- A wide range of supported accommodation for rough sleepers and those at risk of sleeping rough including accommodation specifically for those who have had contact with the Criminal Justice system;
- Excellent contacts with the Probation Service to make links with their CAS3 service to provide accommodation for certain individuals leaving custody with no fixed abode.

The vast majority of these services are funded from short term Government grants such as the Rough Sleeping Initiative and Changing Lives.

In respect of Mr Docherty, the Council received a Duty to Refer referral on the 18th July 2023 which advised a release date of 4th August 2023. Although the Council was unable to speak to Mr Docherty prior to his release, an email was sent to the Probation Service on the day of release advising of how Mr Docherty could present

to the Service.

Mr Docherty presented to the City Council Duty Team on the day of his release (4th August) and an officer completed a full assessment that determined he was not in priority need in accordance with the provisions of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 and the associated Homelessness Code of Guidance for Local Authorities. The Local Authority therefore did not owe Mr Docherty a duty to provide interim accommodation and general advice about securing accommodation elsewhere was provided. The officer continued making enquiries over the next few days requesting further information and advised the Probation Service on 9th August that the non-priority decision had been confirmed but could be reassessed upon further information being submitted.

The Coroner's Report concludes by stating;

In my opinion action should be taken to prevent future deaths and I believe you have the power to take such action."

The Council has considered this matter carefully following its investigation with regard to its involvement with Mr Docherty.

The Council will therefore undertake to take the following steps to strengthen the procedures already in place:

1. We have already completed a review of the Duty to Refer process to ensure all referrals receive a response within 3 days of receipt so that prisoners due for release and their representatives in the prison service are aware they need to either approach the Housing Solutions Service within office hours or the Emergency Duty Team outside of office hours if they are released with no accommodation secured on the day of their release;
2. We will continue to work with prisons to ensure robust procedures are in place for those being released at risk of homelessness through already established mechanisms such as the pre-release panel, a joint meeting between prison based accommodation staff and the Council's dedicated Housing Needs

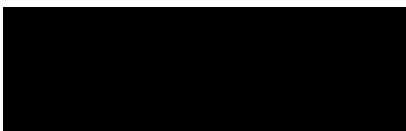
Resettlement Officer within our service;

3. We will continue to work with partners across the prison service to ensure a clear referral pathway is in place above and beyond the Duty to Refer mechanism so that everyone has a better understanding of the housing options available before a prisoner is released, however, it must be recognised that this is unlikely to result in a firm offer of accommodation for everyone especially those that have no priority need;
4. We will continue to work with colleagues in health and social care to support individuals released from prison with no accommodation to access GP and community mental health services by ensuring they are aware of and linked into the existing Homeless Healthcare Service and Rough Sleeping Mental Health nurse and the wider support available through Hanley Connects, the City Council's Homelessness Hub and the Rough Sleeper Outreach Service.

We as a Local Authority take our responsibilities to those leaving custody extremely seriously but regrettably do not have sufficient accommodation or resources available to make an offer of immediate accommodation at the point of presentation to everyone regardless of priority need. It is therefore suggested that the Coroner may wish to separately consider making a Report to Central Government in terms of the legal duties that apply to offers of interim accommodation, especially for those leaving custody and the allocation of funding to Local Authorities to provide this.

Although it is not part of the remit of this report, the Council would also like to express its concern that the End of Custody Supervised License (ECSL) scheme to ease overcrowding in jails across England and Wales, which has recently been extended to allow certain prisoners to be released up to 70 days before the end of their sentence, will place additional pressures on already overstretched Local Authorities to find accommodation for those released with no fixed abode or where insecure accommodation upon release breaks down.

I understand that this response may be shared with all interested persons and would therefore wish to take this opportunity to express my sincere condolences to Mr Docherty's family on behalf of Stoke on Trent City Council.



..... Signed
10/06/24.....Dated