

Advice to prisoners who hold a Greenwich Council tenancy

Protecting your housing rights

It is very important that you let the council know as soon as you are remanded in custody. You can apply to see the housing worker in the prison and they can help you to contact the council. You can also phone the council on 020 8854 8888 and ask to speak to the Neighbourhood Officer for your home address.

As a tenant you are still responsible for the rent on your home, even when you are not living there. It is important that you act quickly to avoid building up a debt that you will have to pay back when you leave prison. Any debt may also make it more difficult for you to get housing again in future.

If you tell the council that you are in prison, you will be able to either end your tenancy or keep it without building up a lot of debt and other problems.

Claiming Housing Benefit

Depending on whether you are remanded or are serving a sentence, you may be able to claim Housing Benefit (HB) for a certain period to help with the rent.

- If you are on remand or have to live in a bail hostel, and are entitled to HB, then you can claim it for up to 52 weeks.
- If you are serving a custodial sentence for up to 13 weeks, you can claim HB.
- If your Income Support (IS) or income-based Jobseeker's Allowance (JSA) has stopped because you are in custody, then you will need to make a new claim for HB. The housing worker can help you with this.

- If you are no longer entitled to HB, your partner or another person occupying the home may be able to claim benefit to help pay the rent.

Important: You must tell Greenwich Advice and Benefits Service if you go into custody (on 020 8921 4900). Then, you must tell them again if you are sentenced.

Leaving friends and family in your home

Depending on your circumstances and length of your sentence you may be able to have someone “caretake” your tenancy while you are in prison.

If you have a joint tenancy and the other tenant is still living in the property, the tenancy will continue so long as they are there. If you are a sole tenant and your wife, husband or civil partner is living in the property, they also have a legal right to live there as if they were you. Any other person left in your home only has the right to live there if you agree to it, and only while this is your main home and you intend to return there.

Remember that you remain responsible for the tenancy. This means making sure rent is paid and all other tenancy conditions are met, which includes making sure the people living there are not being a nuisance to neighbours.

If the council has to take legal action for any reason, it will be taken against **you**, and the court may decide that you should lose any right to your home. If there are rent arrears, the council will pursue **you** for the debt. You must think carefully before agreeing to allow someone else to look after your home, as it could cause you more problems on your release.

Ending the tenancy

You may choose to end your tenancy now. The housing worker or your Neighbourhood Officer can help you to do this, and to put your name on the council’s housing register so that you can be considered for housing again in the future. If you need help with housing on release, the council can discuss the options with you. Ex-prisoners do **not** get automatic priority on the housing register or under homeless law.

Your furniture and belongings

If you have furniture and other belongings in the property, you will have to get them taken away. The council will **not** arrange storage for you. If you leave anything in the property after the tenancy has ended the council will throw it away. Ask your housing worker for advice on storing your belongings.

What about other benefits?

Tax credits and other benefits

Your tax credits and other benefits will be affected if you are in custody. These include:

- **Income Support/Jobseeker's Allowance** – you cannot continue to claim IS or JSA in your name and cannot be included in your partner's claim. But your partner may now be able to claim in their own name – get advice.
- **Working Tax Credit (WTC)** – as you are no longer working you must tell HM Revenue and Customs (HMRC) within a month. Entitlement to WTC will stop. If you have a partner, their WTC will also be affected. They will need to be in full-time work to qualify.
- **Child Tax Credit (CTC)** – if you stop being responsible for a child, you must tell HMRC. If your partner or another person is now responsible for the child, they should claim CTC (and Child Benefit).
- **Non-means-tested benefits** (such as Incapacity Benefit and Disability Living Allowance) – These benefits will stop when you go into prison on remand. If you are later released without getting a prison sentence, then you can claim full arrears of these benefits for the time you were on remand.

Important: If you are in custody, you must tell HMRC (on 0845 300 3900) and the offices that pay your benefits, to avoid being overpaid tax credits and benefits. For help with any benefit problems, see a Job Centre Plus specialist adviser.

Leaving prison

You may be able to apply for a Community Care Grant to help with resettlement costs after a stay in prison. You can do this if you are due to leave prison within 6 weeks and are likely to get Income Support, income-based Jobseeker's Allowance or Pension Credit on release.